

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes –**  
**April 8, 2021**

**In attendance** WILLIAM GRAHAM, Town of Groveland; DON KANE, Town of Leicester; APRILE MACK, Village of Geneseo; CLARA MULLIGAN, Town of Avon; JOANNE PALMER, Village of Livonia; JARED RADESI, Town of Geneseo; KAREN ROFFE, Village of Leicester; SARAH SANTORA, Village of Caledonia; JACK SPARLING, Town of Livonia; JOHN VAN HEUSEN, Town of Ossian; JOHN YUNKER, Alternate #1; C. JOAN CRUNDEN, Town of Caledonia; TIMOTHY BRINDUSE, Village of Dansville; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mt. Morris; MARY ELLYN MERLE CALABRESE, Town of Sparta

**Staff:** HEATHER FERRERO, Deputy Planning Director; SHAWN ROONEY, Planning Assistant, MARY UNDERHILL, Planner

**Members Excused:** ALEX PIERCE, Town of Nunda, Chairman; BARRY INGALSBE, Village of Lima; JILL KALMAR, Town of West Sparta

**Members Absent:** DAVID LUCE, Town of North Dansville; ROBERT HAYES, Village of Avon; DENNIS NEENAN, Town of Lima; ANITA MARTUCIO, Town of Conesus

**Guests:** ROBIN HAAK, Town of Livonia; JAMES MARSHALL, Erie Enterprises; KRISTIN LEMLEY, Village of Dansville Solar Project; DAN COMPITELLO, Delaware River Solar; CHUCK LAWSON, Project Manager for the National Park Service

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Mr. Kane brought the April 8, 2021, meeting of the Livingston County Planning Board to order at 7:05 p.m.

Mr. Kane led the group in the Pledge of Allegiance.

Ms. Ferrero provided an overview of New York State General Municipal Law, Section 239-1, m, & n and reviewed the rules for member participation and voting.

- Abstentions: Mr. Sparling and Ms. Palmer will be abstaining from Zoning Referral #2021-006 from Erie Enterprises because they are on the Livonia Joint Planning Board.

**Approval of Minutes from the March 11, 2021, County Planning Board Meeting**

Mr. Kane asked for a motion regarding the Minutes from the March 11, 2021, County Planning Board meeting.

***A motion to approve the meeting minutes from March 11, 2021, was made by Ms. Palmer and seconded by Mr. Fahey. Abstention made by Ms. Gehrig. The motion carried. 15-0-1***

**Zoning Referral #2021-006, Town of Livonia, Site Plan Review & Conditional Use Permit for a propane and diesel distribution business at 3031 Rochester Road (Applicant: Erie Enterprises, LLC)**

Mr. Rooney presented the staff report. Items discussed included:

- Ms. Crunden asked where all the gravel was coming from? Livingston County?
  - Mr. Marshall commented that he is unsure where the local gravel pits are, but stated that they like to pull from local places. He stated he will look into local gravel pits within Livingston County.
- Ms. Crunden brought up a concern regarding the signage and if it is going to have contact information for emergency scenarios?
  - Mr. Rooney stated that his understanding is that there will be emergency contact information on the sign. Mr. Marshall backed up Mr. Rooney's comment saying there will be 4 or 5 different contact numbers.
- Ms. Mulligan brought up the concern of the location and the amount of traffic on the main road making it potentially unsafe for the trucks to come in and out.
  - Mr. Marshall commented on Ms. Mulligan's concern. He stated that the intent is to primarily only make right hand turns out of the driveway. Also, they are going to make sure there is clear sight lines when pulling out so the drivers can see oncoming traffic with no difficulties.
- Mr. Radesi brought up the concern of fuel potentially getting across the road into the Conesus Lake Outlet/Conesus Creek.
  - Mr. Marshall commented in regards to Mr. Radesi's concern. He stated that in order for that to happen, multiple things would have to fail. The tanks are going to be double walled. The tanks will also be located on a concrete pad. The trucks will be on a contained concrete pad when loading.
- Ms. Mack questions if there is a time period attached to the conditional use permit for the Town of Livonia?
  - Mr. Rooney commented that he is unsure. Ms. Ferrero stated that she believes there is no time limit in Livonia, but if there was a time limit, unless something about the business has changed, there would be no grounds for the Town of Livonia to deny the renewal of the conditional use permit.

***A motion to recommend approval of Zoning Referral #2021-006 with staff advisory comments, and County Planning Board comments, was made by Ms. Roffe and seconded by Mr. Radesi. Abstentions from Ms. Palmer and Mr. Sparling. The motion carried. 14-0-2***

**Zoning Referral #2021-019, Village of Dansville, Use Variance to Allow Solar Project on Main Street (Applicant: NY Dansville I, LLC/Peter Dolgos)**

Ms. Underhill presented the staff report. Items discussed included:

- Mr. Brinduse commented that the Village of Dansville is currently working on a solar law.
- Multiple board members expressed their dislike on the fact that the proposed project is located on prime farmland.
  - Mr. Compitello spoke towards the boards concern regarding the location of the proposed project being on prime farmland. He stated that the property was annexed by the Village of Dansville to compliment the Dansville Airport, which

is across the road. The property is currently zoned industrial. He believes that the Village and the County has been looking for the ability to draw tenants to the site as part of the overall operations around the Dansville Airport. Mr. Compitello stated that he believes that most of the Dansville Airport was also prime farmland.

- Mr. Compitello stated that the applicant has a strong background in farming. He stated that they have a couple thousand sheep across the state that graze their solar farms. They employ farmers to herd the sheep. He stated that is a use they would consider for this project.
- Mr. Compitello also stated that this project is not a permanent use. They are a semi-permanent use. At the end of the useful life of the solar farm, it can be taken out just as easily as it was put in. There will be no permanent concrete used except for the equipment pad that the transformer sits on. When this project is deconditioned under the deconditioning plan provided, the soil can be brought back to its current state as prime farmland.
- Ms. Crunden commented that it appears that the applicant has a long way to go before they are in compliance with any of the regulations or stipulations needed for a use variance. Ms. Crunden asked that the applicant puts more thought into the proposed project.
- Ms. Ferrero made available to all participants the 2019 County Planning Board memo on solar projects on ag lands, and that the County Planning Board reviews cumulative, countywide impacts.
- Mr. Brinduse reiterated that if the Use Variance is approved by the County Planning Board, that there will be a very thorough review by the Village Planning Board.
- Ms. Underhill asked if the Applicant would consider working with the Village on compliance with the Village solar law as they progress with that. The Applicant replied no, they will be using existing Village law.

***A motion to recommend disapproval of Zoning Referral #2021-019 with staff advisory comments, and County Planning Board comments, because of the potential countywide impacts to Livingston County prime agricultural soils, was made by Mr. Van Heusen and seconded by Ms. Mack. Mr. Fahey opposed. Abstention made by Mr. Brinduse. The motion carried. 14-1-1***

### **National Parks Service: Finger Lakes National Heritage Area Presentation**

Mr. Lawson presented to the board.

Public comment period runs through June 1st, 2021. Additional resources:

- Story Map: <https://arcg.is/0eCKrj>
- Historic Context Document: [https://parkplanning.nps.gov/Finger\\_Lakes\\_Context](https://parkplanning.nps.gov/Finger_Lakes_Context)
- NPS Park Planning Website: <https://parkplanning.nps.gov/FingerLakes>
- Email: [Charles.Lawson@nps.gov](mailto:Charles.Lawson@nps.gov)

***A motion to send a support letter from the County Planning Board was made Ms. Palmer and seconded by Ms. Roffe. The motion carried. 16-0-0***

### **Local Announcements**

Update on Chairman Alex Pierce.

**Other Business / Communication**

- Upcoming training sessions (<https://www.livingstoncounty.us/673/Training>)
  - Planning and Zoning: An Introduction, hosted by NYS DOS, April 13, 2021 6pm-8:30pm
- Executive Committee Updates
  - Changes to the bylaws and a new zoning referral form are in the works.

The next County Planning Board meeting will be held on May 13, 2021.

**Adjourn**

*A motion to adjourn was made by Mr. Fahey and seconded by Mr. Graham.* Motion carried unanimously.

The meeting adjourned at 9:06 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Jocelyn Bishop