

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes – April 11, 2019**

**In attendance:** KEVIN FAHEY, Village of Mt. Morris; WILLIAM GRAHAM, Town of Groveland; ROBERT HAYES, Village of Avon; BARRY INGALSBE, Village of Lima; DON KANE, Town of Leicester; STEWART LEFFLER, Village of Geneseo, Chairman; APRILE MACK, Alternate #1; ANITA MARTUCIO, Town of Conesus; KYLE MOTT, Town of Springwater; DENNIS NEENAN, Town of Lima; JOANNE PALMER, Village of Livonia; ALEX PIERCE, Town of Nunda; JARED RADESI, Town of Geneseo; JOHN VAN HEUSEN, Town of Ossian.

**Staff:** HEATHER FERRERO, Deputy Planning Director; SHAWN ROONEY, Planning Assistant; Linda Shanks, Senior Typist.

**Members Excused:** C. JOAN CRUNDEN, Town of Caledonia; CATHIE GEHRIG, Town of Mt. Morris; JILL KALMAR, Town of West Sparta; CLARA MULLIGAN, Town of Avon; KAREN ROFFE, Village of Leicester; JACK SPARLING, Town of Livonia.

**Members Absent:** TIM BRINDUSE, Village of Dansville; GRAHAM FRAZER, Town of Sparta; DAVID LUCE, Town of North Dansville.

**Guests:** Don Wester, Conesus.

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Chairman Leffler brought the April 11, 2019, meeting of the Livingston County Planning Board to order at 7:04 p.m.

Ms. Palmer led the group in the Pledge of Allegiance.

Chairman Leffler welcomed everyone and introduced the guest present. He provided an overview of New York State General Municipal Law, section 239 l, m, & n and reviewed the rules for member participation and voting.

A quorum was present.

**Approval of Minutes from the March 14, 2019, County Planning Board Meeting**

A correction was noted to the motion to adjourn: Ms. Palmer moved to adjourn; Ms. Kalmar seconded the motion.

**A motion to approve the meeting minutes from March 14, 2019, as amended, was made by Mr. Pierce and seconded by Mr. Fahey.**

The motion carried unanimously.

**Zoning Referral #2019-15, Town of Livonia, Moratorium on large-scale Solar Installations within the Town of Livonia (Applicant: Livonia Town Board)**

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments or questions.

- Regarding the sites identified in the second Advisory Comment under #4 of the Staff Report, Mr. Mott asked if any towns in the moratorium process had requested maps that prioritize such sites. Ms. Ferrero indicated that none had so far, but that there have been requests for maps showing setbacks, per the town's codes.
- Responding to Mr. Ingalsbe's question, Mr. Rooney and Ms. Ferrero clarified that this is a new moratorium. The first one expired after 12 months, and the Town needs to do more research.
- Ms. Ferrero confirmed Mr. Radesi's statement: If a town is in the process of working on a solar law that has not yet been finalized, no solar projects may come in until the law has been finalized.
- Ms. Ferrero confirmed Mr. Fahey's understanding of the language, "Resale to or by any third party", etc., noting that the practice of businesses and individuals sending some of the energy produced back to the public grid to offset their energy consumption, is considered accessory use.

Hearing no further comments or questions, Chairman Leffler asked for a motion on the Referral.

***A motion to approve Zoning Referral #2019-15, Town of Livonia, Moratorium on large-scale Solar Installations within the Town of Livonia, with staff advisory comments, was made by Mr. Radesi and seconded by Mr. Graham.***

The motion carried unanimously.

**Zoning Referral #2019-16, Town of Ossian, Moratorium on large-scale Solar Installations (Applicant: Town of Ossian)**

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- Mr. Van Heusen explained that the moratorium is tied to the Town's ongoing update of its zoning codes. Per the approval of the Town Attorney and the consultant's timeframe, the Town of Ossian expects to need a 12-month moratorium, rather than the full 18 months requested here.
- Responding to Mr. Fahey's question, Ms. Ferrero stated that New York State has set no limit on the length of a moratorium, as long as the time requested is "reasonable".
- In response to Mr. Pierce's question, Ms. Ferrero reported that the Towns of Groveland, Geneseo, Ossian, Sparta, and Mt. Morris have Agricultural and Farmland Protection Plans in place. Most of the other towns with Comprehensive Plans have agricultural stipulations in them. Responding to a further question from Mr. Pierce, Mr. Rooney noted that Ag District

lines can be displayed on the Interactive County Map that can be accessed on the County website.

Hearing no further comments or questions, Chairman Leffler asked for a motion on the Referral.

**A motion to approve Zoning Referral #2019-16, Town of Ossian, Moratorium on large-scale Solar Installations (Applicant: Town of Ossian) with staff advisory comments, was made by Mr. Neenan and seconded by Ms. Palmer.**

The motion carried unanimously.

**Zoning Referral #2019-17, Town of Geneseo, Review of the Town of Geneseo Solar Law (Applicant: Geneseo Town Board)**

Mr. Rooney presented the Staff Report on the Referral.

Ms. Ferrero drew the Board's attention to the fact that the Town of Geneseo Agricultural & Farmland Protection Plan has been officially adopted by the Town.

Maps were projected that showed agricultural priority areas, prime soil locations, and setbacks.

Chairman Leffler asked for comments/questions from the Board.

- Responding to Mr. Ingalsbe's question, Mr. Fahey stated that not all prime soils were included in the agricultural priority areas on the map. Ms. Ferrero added that prime soils located in existing areas of residential development were not included in the Town's agricultural priority areas on the map. Mr. Rooney explained that large-scale solar development would be allowed in the white areas of the projected map, and added that setback requirements would act to protect prime soils in those areas.
- Mr. Rooney confirmed for Mr. Radesi that large-scale solar installations would be a specially permitted use in the allowed zoning districts.
- Mr. Pierce noted the following:
  - The word, *draft*, should be removed from the second paragraph on page 3, since the Plan has been adopted now.
  - Under the Applicability advisory comment on page 1, per Mr. Rooney's clarification, add *commercial and agricultural accessory uses* to the residential uses already stated.
- A discussion regarding the areas shown on the map ensued, with questions arising regarding large tracts of undeveloped land that were not agriculturally important soils and yet were excluded from large-scale solar development. Ms. Ferrero stated that the creation of the Ag Plan was a collaborative effort, with input from local landowners. The land in question is part of the Genesee Valley Hunt.
- Ms. Mack asked if a letter of credit would be required for solar systems under 10 acres in size? Ms. Ferrero stated her belief that 10 acres is the industry standard for minimum acreage of solar projects.
- Mr. Mott pointed out that a setback of 100 feet is required for solar structures near residential

structures, and asked if the reciprocal were true: i.e., if a residential structure were planned near a solar project, would the 100-foot setback apply to it? Ms. Ferrero noted that this would be a good question to send back to the Town of Geneseo, with a request for clarification in the Law. Other members agreed. A brief discussion on setback requirements ensued.

- Mr. Neenan objected to the use of the term, *farm*, in conjunction with a solar project, and asked if there were an alternate term that could be used. Failing that, he advised that the term, *solar farm*, should be defined and clarified in the text. Mr. Pierce concurred.

***Mr. Ingasbe made a Motion to approve Zoning Referral #2019-17, Town of Geneseo, Review of the Town of Geneseo Solar Law (Applicant: Geneseo Town Board) with staff advisory comments and the following Board recommendations: 1) The term, “farm”, should be changed to something more appropriate, such as “complex”, “project”, etc; 2) The residential setbacks should be clarified, so that they apply to solar projects only, not to residential structures; and 3) The qualifiers, “commercial” and “agricultural” should be added to the residential accessory provisions of the Law. Mr. Fahey seconded the motion.***

The motion failed to pass, 11-3-0. Mr. Kane, Mr. Neenan, and Mr. Leffler opposed.

***A motion to disapprove Zoning Referral #2019-17, Town of Geneseo, Review of the Town of Geneseo Solar Law, because it does not provide adequate protection of all prime soils, was made by Mr. Neenan and seconded by Mr. Van Heusen.***

The motion failed to pass, 4-8-2.

Further discussion ensued, followed by a third motion.

***A motion to disapprove Zoning Referral #2019-17, Town of Geneseo, Review of the Town of Geneseo Solar Law, with staff advisory comments, on the basis that the Law should include more adequate prime soils protection in the form of maximum coverage qualifiers on prime soils, was made by Mr. Hayes and seconded by Mr. Neenan.***

The motion failed to pass, 11-3-0. Mr. Mott, Mr. Radesi, and Ms. Mack opposed.

Chairman Leffler indicated that the result is a No Action by the Board. Ms. Ferrero noted that informal staff and Board comments will be forwarded to the Town.

### **Local Announcements**

There were none.

### **Other Business**

Referring to the distributed copies of the County Planning Board Solar Memo that was sent out, Ms. Ferrero noted a text change that indicates prime soils are an important natural resource to New York State, as well as to Livingston County.

- She added that the Memo was sent to Town Supervisors, to County Planning Board members, and to local municipal Planning Board and ZBA Chairs. It will not officially be

sent to anyone else, but Board members should feel free to forward it as they desire.

Reminder about the G/FLRPC Local Government Workshop on May 17, 2019. Chairman Leffler added that a similar workshop will be held at Houghton College, sponsored by Southern Tier West.

Reminder of the next County Planning Board Meeting on May 9, 2019.

**Adjourn**

*A motion to adjourn was made by Mr. Van Heusen and seconded by Mr. Hayes.*

The meeting adjourned at 8:39 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Linda Shanks, Senior Typist