

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes – May 9, 2019

In attendance: TIM BRINDUSE, Village of Dansville; C. JOAN CRUNDEN, Town of Caledonia; KEVIN FAHEY, Village of Mt. Morris; CATHIE GEHRIG, Town of Mt. Morris; WILLIAM GRAHAM, Town of Groveland; BARRY INGALSBE, Village of Lima; JILL KALMAR, Town of West Sparta; 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; JARED RADESI, Town of Geneseo; KAREN ROFFE, Village of Leicester.

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

Members Excused: DAVID LUCE, Town of North Dansville; JOANNE PALMER, Village of Livonia; ALEX PIERCE, Town of Nunda; JACK SPARLING, Town of Livonia; JOHN VAN HEUSEN, Town of Ossian.

Members Absent: GRAHAM FRAZER, Town of Sparta; ROBERT HAYES, Village of Avon; CLARA MULLIGAN, Town of Avon.

Guests: Marcy DioGuardi, Mt. Morris (ZR #2019-28); Cathy Gardner, Town of Lima, (ZR #2019-21); Bruce & Sandy Howlett, Avon (ZR #2019-30).

Chairman Leffler brought the May 9, 2019, meeting of the Livingston County Planning Board to order at 7:03 p.m.

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

Chairman Leffler welcomed Megan Crowe, new Senior Planner in the Planning Department. Ms. Crowe provided a brief summary of her background and experience.

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

A quorum was present.

Approval of Minutes from the April 11, 2019, County Planning Board Meeting

Chairman Leffler asked for a motion regarding the Minutes from the April 11, 2019, County Planning Board meeting.

A motion to approve the meeting minutes from April 11, 2019, was made by Mr. Fahey and seconded by Mr. Graham.

The motion carried with one abstention from Ms. Gehrig, 14-0-1.

Zoning Referral #2019-28, Village of Mount Morris, Area Variance and Site Plan Review Modification for an 18-unit motel at 20 North Main Street (Applicant: Letchworth Lodge, LLC/Marcy DioGuardi)

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments or questions.

- A discussion ensued in which Board members asked for the specific setback requirements of each side of the property and the impacts of those setbacks on adjacent businesses and neighbors.
- Mr. Brinduse: Because this is a permitted use per the Village zoning code and involves an area variance, not a use variance, this is a local issue. If a Department of Transportation permit has not already been obtained, the process should be started, because the process is long.
- Ms. Gehrig: Buffering should be provided to minimize the impact of vehicle headlights shining on nearby residences.
- In response to Ms. Kalmar's question, the Applicant stated that there will be a public hearing about this variance next week.

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

A motion stating that Zoning Referral #2019-28, Village of Mount Morris, Area Variance and Site Plan Review Modification for an 18-unit motel at 20 North Main Street (Applicant: Letchworth Lodge, LLC/Marcy DioGuardi) has no Countywide or inter-municipal impact was made by Mr. Ingalsbe and seconded by Ms. Crunden.

The motion failed to pass, 12-2-1, with dissenting votes from Ms. Mack and Ms. Kalmar and one abstention from Mr. Fahey.

A motion to approve Zoning Referral #2019-28, Village of Mount Morris, Area Variance and Site Plan Review Modification for an 18-unit motel at 20 North Main Street (Applicant: Letchworth Lodge, LLC/Marcy DioGuardi) with staff comments was made by Mr. Brinduse and seconded by Ms. Crunden.

The motion failed to pass, 12-2-1, with dissenting votes from Ms. Gehrig and Ms. Roffe and one abstention from Mr. Fahey.

Informal advisory comments will be forwarded to the Village of Mount Morris.

Zoning Referral #2019-30, Town of Avon, Rezoning and Zoning Map Amendment to change 8.3 acres on East River Road from Agricultural (A) to Light Industrial (L-I) (Applicant: Avon Town Board)

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- Regarding the possibility of subdivision of the parcel:
 - Mr. Mott: If subdivision is not part of this rezoning, green space calculations might become skewed. Additionally, the area to be rezoned should have a better, more detailed description, including area calculations, and be accompanied by a good map that shows exact boundaries.
 - The Applicant, Bruce Howlett, stated that the parcel will be subdivided: One portion will remain Agricultural; the other portion will become Light-Industrial. Both portions will have the same tax number and same owner.
 - Ms. Ferrero indicated that subdivision is not required in this case. Ms. Crowe added that a parcel need not be subdivided to change zoning.
 - Responding to the Applicant's statement that each portion of the parcel would be taxed separately – one agriculturally and one industrially – Ms. Gehrig recommended that the Applicant check with the Real Property Tax Services Office about that.
- In response to Ms. Mack's question, Mr. Rooney stated that, since the County Planning Board's approval of the proposed in March, 2019, the Town of Avon has determined that such a use is not allowed in that zoning district.
 - In answer to Ms. Kalmar's question, Mr. Rooney confirmed that the proposed Light Industrial District is the only one of its kind in the Town of Avon. Ms. Ferrero added that all other industrial uses are located in a Planned Development District elsewhere in the Town.
 - Mr. Neenan noted that much of the parcel in question is already developed with agricultural buildings and structures (grain bins). He recommended agreement with the Town's rezoning proposal.

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

A motion to approve Zoning Referral #2019-30, Town of Avon, Rezoning and Zoning Map Amendment to change 8.3 acres on East River Road from Agricultural (A) to Light Industrial (L-I) (Applicant: Avon Town Board) with staff advisory comments and the Board recommendation that the boundary of the rezoning be clearly defined by language that will allow for it to be re-created in the future, on the ground, was made by Mr. Brinduse. Further, following a suggestion from Ms. Crunden, Mr. Binduse added the following recommendation: ***In addition, the Town of Avon should consider expanding the uses allowed in the Agricultural Zoning District to include industrial processes and buildings directly related to agriculture. The motion was seconded by Ms. Kalmar.***

The motion carried unanimously.

Zoning Referral #2019-21, Town of Lima, Zoning Text Amendment to add Solar Energy Systems regulations to the Lima Town Code (Applicant: Lima Town Board)

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- Referring to Article VI, Section E, Ms. Kalmar asked for clarification on the word, *owner*:

Does it refer to the land owner or the equipment owner? Ms. Gardner, Town of Lima, indicated that it was meant to mean the equipment owner. She agreed that it needs clarification and will make note of that.

- Referring to her Town’s experience with large-scale solar projects, Ms. Crunden advised that the reclamation-of-the-land provision should include as many names as possible; such as the landowner, the lessee, and the equipment owner, at a minimum.
- Chairman Leffler advised quantification of the term, *immediate*, with reference to decommissioning and of soil restoration language. Mr. Neenan responded that Chairman Leffler’s comment will be taken under advisement.
- A short discussion ensued regarding battery storage and new technologies. Mr. Radesi advised that the Town of Lima do further research on the matter and address it in the law.
- Positive comments about the proposal:
 - Ms. Gehrig complimented the Town of Lima on its measured approach to solar planning, and its inclusion of the protection of agricultural soils and their remediation.
 - Mr. Radesi commended the presence of comments regarding maximum lot coverage and minimum lot size requirements, noting that they are very important.
- Mr. Neenan recommended moving the definitions of *Tiers 1, 2, and 3 Solar Energy Systems* to the front of Article II. Definitions.
- Mr. Neenan praised the careful, focused, process the Town of Lima has taken to get to proposed Solar Energy Systems regulations before the Board, and asked that Ms. Gardner of the Town Board of Lima speak about it.
 - Ms. Gardner described and summarized the process, beginning with the Town of Lima’s Agricultural and Farmland Protection Plan, which was developed about ten years ago and was the first in Livingston County, if not the State.
 - The work on that Plan made non-agricultural Town Board members realize the value of prime soils as a resource that must be protected. That led to zoning updates and the adoption of the Ag Plan into the Town’s Comprehensive Plan.
 - The Town of Lima’s Comprehensive Plan is shared with the Village of Lima and embraces the policies of the Smart Growth Initiative. She detailed examples of actions the Town has taken and continues to take based on those policies.
 - Allowing large-scale solar operations on agricultural soils is not consistent with Smart Growth policies. The Town of Lima is committed to sustaining agriculture in the face of such development.
 - 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.
- In response to Ms. Kalmar’s question about the criteria the Town will use for restoration of soils to their original state after decommissioning, Mr. Neenan indicated that measurement of existing yields will be used for comparison. He added that parameters may need to be further defined and thanked Ms. Kalmar for her question and for her suggestion to use actual soil

samples for comparison, noting that soil samples are specific to acres of land and could be made part of the permitting process.

A motion to approve Zoning Referral #2019-21, Town of Lima, Zoning Text Amendment to add Solar Energy Systems regulations to the Lima Town Code (Applicant: Lima Town Board), with staff and Board comments, was made by Ms. Gehrig and seconded by Ms. Roffe.

The motion carried unanimously.

Local Announcements

Mr. Brinduse announced that the Village of Dansville's Dogwood Days Festival will be held this coming weekend and encouraged all to attend.

Ms. Ferrero announced that today is Ms. Crowe's birthday.

Other Business

Ms. Ferrero reminded the Board that the G/FLRPC Local Government Workshop will be held on May 17, 2019.

The next County Planning Board meeting will be held on June 13, 2019.

Adjourn

A motion to adjourn was made by Ms. Kalmar and seconded by Ms. Crunden.

The meeting adjourned at 8:39 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Linda Shanks, Senior Typist