

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes –
May 13, 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; JOHN YUNKER, Alternate #1; C. JOAN CRUNDEN, Town of Caledonia; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mt. Morris; MARY ELLYN MERLE CALABRESE, Town of Sparta; ANITA MARTUCIO, Town of Conesus; ALEX PIERCE, Town of Nunda, Chairman; BARRY INGALSBE, Village of Lima; JILL KALMAR, Town of West Sparta;

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

Members Excused: DENNIS NEENAN, Town of Lima

Members Absent: DAVID LUCE, Town of North Dansville; ROBERT HAYES, Village of Avon; JOHN VAN HEUSEN, Town of Ossian; TIMOTHY BRINDUSE, Village of Dansville

Guests: LISA BENNETT; JANET WARD; BOB WINANS; GLENN THORTON; KATE MILLAR; DWIGHT KANYUK

Chairman Pierce brought the May 13, 2021, meeting of the Livingston County Planning Board to order at 7:03 p.m.

Chairman Pierce 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. Pierce will be abstaining from Zoning Referral #2021-036 from Lawrence Construction because he is the chairman for the Town of Nunda Joint Planning Board.

Approval of Minutes from the April 8, 2021, County Planning Board Meeting

Chairman Pierce asked for a motion regarding the Minutes from the April 8, 2021, County Planning Board meeting.

A motion to approve the meeting minutes from April 8, 2021, was made by Ms. Palmer and seconded by Mr. Fahey. The motion carried. 17-0-0

Zoning Referral #2020-102, Town of Conesus, Site Plan Review for additional campsites at 5609 East Lake Road (Applicant: Donald G. Bennett for Conesus Lake Campground)

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

- Ms. Gehrig asked if the legacy laws have been deemed not viable in court? She asked if the Town was still using them, and if the project is still able to go forward?

- Mrs. Martucio clarified that the Town Board chose to enhance the legacy law and it did go to Court. The Court deemed the enhancements as not viable and therefore, the legacy law went back to its original state, and that is what applies to this proposal.
- Ms. Bennett stated that the site plan was reduced due to steep slopes. Mr. Winans emphasized their work with the Town, County Department of Health and Water and Sewer Authority to meet required permitting.

A motion to recommend approval of Zoning Referral #2020-102 with staff advisory comments, and County Planning Board comments, was made by Ms. Roffe and seconded by Mr. Radesi.

The motion carried. 17-0-0

Zoning Referral #2021-036, Town of Nunda, Subdivision Review, Site Plan Review & Special Use Permit for a 10,431 square foot retail building at 9050 Route 408 (Applicant: Lawrence Construction)

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

- Ms. Mack asked if the businesses across the street have pylon signs?
 - The engineer, Mr. Thorton, stated that he was unable to answer this question at this time due to the fact that he did not have the site pictures on hand.
- Ms. Kalmar asked how many full-time jobs this project will create?
 - The engineer, Mr. Thorton was unable to answer.
 - Chairman Pierce stated that he believes it will be about 8-10 full time positions depending on shifts.
- Ms. Mulligan was curious how it differentiates from the Dollar General store right across the street.
 - Mr. Rooney commented that both businesses are similar uses and size.
 - Mr. Thorton commented that the applicant has no fear with the fact that Dollar General is very close. He stated that it is a lot less challenging to be able to build into an existing building rather than completely building from the ground up.
- Ms. Mulligan asked if there were any plans to possibly change the roof type so it wasn't a flat roof as that is an eye sore. Mr. Radesi seconded this statement. The board would like to encourage the applicant to really consider changing up the design and taking careful consideration in the outside design of the project.
 - Mr. Thorton commented that the designs are usually chose by what fits on the lot the best. He stated that they can work with the Town on the design.
- Ms. Gehrig asked if the engineer thinks that the catch basins will be sufficient?
 - Mr. Thorton commented that they have a diversion swale in the back. They are going to intercept any runoff and route it into the drainage swale along the north property line that runs from west to east.
- Ms. Kalmar made a comment regarding about the number of parking spaces. She stated that 41 parking spaces seems like a lot in a rural town.
- Mr. Radesi asked if there were tax exemptions for these stores once they are built?
 - The developer does not intent to apply for any PILOT program.
- The board would like to recommend to the Town of Nunda to be careful with looking at building facades with making regulations and to make specifications.

- Ms. Mack asked if Lawrence Construction will be the owner of the building?
 - The engineer, Mr. Thorton commented that yes, Lawrence Construction will own the building and lease it to the operator of this Family Dollar, not to the corporate headquarters.

A motion to recommend approval of Zoning Referral #2021-036 with staff advisory comments, and County Planning Board comments, was made by Ms. Gehrig and seconded by Mr. Kane. Abstentions made by Mr. Pierce and Ms. Mulligan. The motion carried. 15-0-2

Zoning Referral #2021-023, Village of Geneseo, Site Plan Review for 3,300 square foot gymnasium addition to the current building at 4 East South Street (Applicant: Tim Brinduse obo Sam Cottone, Court Street Complex, LLC)

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

- Mr. Fahey asked for clarification regarding the sidewalks. He was curious if the developer has to maintain the sidewalks on both sides of 20A?
 - Mr. Rooney commented that there is already an existing sidewalk on the opposite side of the street, but the developer will have to create and maintain the sidewalk on the same side of the street.

A motion to recommend approval of Zoning Referral #2021-023 with staff advisory comments, and County Planning Board comments, was made by Mr. Radesi and seconded by Mr. Fahey. Abstention from Ms. Mack. The motion carried. 16-0-1

Zoning Referral #2021-029, Town of Avon, Zoning Text Amendment to Amend Article XV of Chapter 130 of the Code of the Town of Avon relating to Solar Energy Systems (Applicant: Avon Town Board)

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

- Mr. Fahey made a comment regarding Ms. Underhill's explanation of the gentleman that owned both parcels of land and why he needed to do a setback, stating that he believes the answer may be that he does not own both parcels? He stated that when doing zoning it is basically based on the future, therefore it can't always be said that they will own both parcels in the future.

A motion to recommend approval of Zoning Referral #2021-029 with staff advisory comments, and County Planning Board comments, was made by Ms. Roffe and seconded by Ms. Palmer. Mr. Graham opposed the motion. The motion carried. 16-1-0

Zoning Referral #2021-035, Town of Caledonia, Review of a Local Law to Amend and Restate Chapter 106 of the Code of the Town of Caledonia to add Additional Regulations for Solar Energy Systems and Battery Energy Storage Systems (Applicant: Caledonia Town Board)

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

- Ms. Mack commented in regards to the height of the ground mount to be increased from 12ft to 20ft. She feels like this is a large increase. She also commented height increase

from 12ft to 20ft, but the fence height has been decreased from 10ft to 7ft. Ms. Mack stated that was confusing.

- Town of Caledonia attorney, Dwight Kanyuk commented in regards to the changes in height. The height from 12ft to 20ft was a recognition of where the technology was in regards to the solar panel construction and configuration. The Town's understanding of the advantages of the 20ft configuration allows a higher density of power generation for part of the land. So, it would have the net benefit of reducing the overall acreage necessary for the same electrical production.
- Mr. Kanyuk stated that the Town was mirroring what was in the electric code. The Town felt 7ft fence height was sufficient.
- Ms. Mack questioned if there was anything written in regards to annual or site specific training? Also, if someone attended training for different projects, would they need to attend it for this project as well.
 - Mr. Kanyuk stated that the training obligation is put on the applicant to provide the training. It is believed the intent for site specific training is for site specific issues with the particular facility.
 - Chairman Pierce added to Ms. Mack's comment. Stating that in the identification of operation plan procedures and trainings for emergency response would be helpful to state that it would training specific to each site plan or project.
- Mr. Kanyuk and Ms. Millar discussed stacked panel technology, full tilt and maximizing number of panels in configuration. Mr. Radesi expressed concerns regarding setbacks to residences and would like to note that the panel height seems high and would like the Town to note that it will limit the local residences' views of the horizon.
- Mr. Fahey wanted to comment in regards to Mr. Radesi's and Ms. Mack's comments regarding the panel height. Mr. Fahey wanted to bring up that with the tilting panels, the panels will only be at the maximum height of 20ft for a few hours a day.

A motion to recommend approval of Zoning Referral #2021-035 with staff advisory comments, and County Planning Board comments, was made by Ms. Mack and seconded by Ms. Martucio. The motion carried. 16-0-0

Local Announcements

- Mr. Graham mentioned that in the next couple weeks you will see the poppies being sold. The money does help a lot of local veterans in need.

Other Business / Communication

- Upcoming training sessions (<https://www.livingstoncounty.us/673/Training>)
 - Hot Topics and Land Use training on Tuesday, May 18th from 6-8pm.
- Mr. Sparling will be resigning from his position on the County Planning Board. He will be moving out of town.

The next County Planning Board meeting will be held on June 10, 2021.

Adjourn

A motion to adjourn was made by Mr. Radesi and seconded by Ms. Palmer. Motion carried unanimously.

The meeting adjourned at 10:02 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Jocelyn Bishop