

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes –
June 9, 2022

In attendance: DAWN ANDERSEN, Town of Livonia; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mount Morris; ANITA MARTUCIO, Town of Conesus; DENNIS NEENAN, Town of Lima; JARED RADESI, Town of Geneseo; APRILE MACK, Village of Geneseo; CLARA MULLIGAN, Town of Avon; ALEX PIERCE, Town of Nunda; JOHN YUNKER, Alternate #1

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

Members Excused: TIM BRINDUSE, Village of Dansville; MARY ELLYN MERLE CALABRESE, Town of Sparta; C. JOAN CRUNDEN, Town of Caledonia; BARRY INGLALSBE, Village of Lima; JILL KALMAR, Town of West Sparta; DON KANE, Town of Leicester; KAREN ROFFE, Village of Leicester; SARAH SANTORA, Village of Caledonia

Members Absent: ROBERT HAYES, Village of Avon; DAVID LUCE, Town of N. Dansville; JOANNE PALMER, Village of Livonia; JOHN VAN HEUSEN, Town of Ossian;

Guests: Emily Pierce

Chairman Pierce brought the June 9, 2022, meeting of the Livingston County Planning Board to order at 7:05 p.m.

Chairman Pierce led the group in the Pledge of Allegiance.

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.

Approval of Minutes from the April 14, 2022, and May 12, 2022, County Planning Board Meetings

As there was not a quorum, action on these items has been delayed to the July meeting.

Zoning Referral #2022-043, Town of York, Site Plan Modification and Conditional Use Permit for the York Travel Center (Applicant: York Travel Center)

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

- The new parcel area is zoned residential.
- The place to cross the street from the school to the trail should be marked on the pavement.

A motion to recommend Approval of Zoning Referral #2022-043 with staff advisory comments and County Planning Board comments, was made by Mr. Radesi and seconded by Ms.

Martucio. There was unanimous agreement, but, due to lack of quorum, the motion failed to carry.

Zoning Referral #2022-035, Town of Groveland, Review of “Town of Groveland Regulation of Solar Energy Systems Law” (Applicant: Groveland Town Board)

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

- Add comment about clarifying measurement of 500 feet from a specific component.
- No protection of prime soils is in the law. Town is taking advantage of the PDR protection as protecting farmland. Leaves a lot of prime farmland up for development. Should specify protection of prime soil.
- Towns should realize how much money it costs for testing. Towns should consider requiring an escrow account to cover these costs. Comment: All inspection, legal, testing, should be at the expense of the Applicant.
- There are two applications in the works for Groveland.
- Add animal friendly fencing.

A motion to recommend Approval of Zoning Referral #2022-035 with staff advisory comments and County Planning Board comments, was made by Mr. Fahey and seconded by Ms. Mulligan. Mr. Neenan did not vote in favor of this motion. Due to lack of quorum, the motion failed to carry.

*note additional conversation on next page

Zoning Referral #2022-044, Town of Avon, Zoning Text Amendment to add Article XVII Excavation Operations Overlay; Rezoning land to establish the location of the Excavation Operations Overlay Zone; and Zoning Map Amendment (Applicant: Town of Avon)

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

- Applies to surface mining only.
- That area of the town has a valuable resource in the mining that is happening there.
- Is the 100-foot setback enough? The Town should consider increasing the setback.
- Consider increasing the natural visual buffer requirements. Add requirements to maintain the natural buffers, potentially as a condition of Special Use Permit approval.

A motion to recommend Approval of Zoning Referral #2022-044 with staff advisory comments and County Planning Board comments, was made by Mr. Neenan and seconded by Mr. Fahey. There was unanimous agreement, but, due to lack of quorum, the motion failed to carry.

Zoning Referral #2022-034, Town of Geneseo, Zoning Text Amendment to add Chapter 105 – Battery Energy Storage Systems (Applicant: Town of Geneseo)

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

- The Town could also consider regulations for large scale BESS, in the event the proposed prohibition of large scale BESS is overridden.
- The Conesus Lake watershed needs protection.
- BESS is likely going to co-locate with solar installations.

A motion to recommend Approval of Zoning Referral #2022-034 with staff advisory comments and County Planning Board comments, was made by Mr. Fahey and seconded by Ms. Martucio. There was unanimous agreement, but, due to lack of quorum, the motion failed to carry.

*The Planning Board had additional conversation on Zoning Referral #2022-035. Mr. Neenan stated that the law says “identify” prime farmland, not “protect” prime farmland. Nothing in this county is more important than the protection of our prime soils. Especially in light of what is happening to the world today. Ms. Gehrig stressed the importance of protecting prime soils. Mr. Pierce stated that consistency is important. After further discussion, an additional comment was made at 9:18 p.m. to add a board comment that large scale solar should not be permitted on prime soil. The addition of this informal board comment had unanimous support from the members attending.

Mr. Pierce stressed the need for a quorum. Regulations like solar change so often; we learn at these meetings and bring back to our towns.

Ms. Underhill stated that there will be a significant number of solar projects coming our way.

Challenges: land values have gone up. Agricultural conversations on how farms can adjust are happening, and some farmers are choosing solar.

Local Announcements

Ms. Gehrig congratulated Mr. Radesi for his award for Camp Hard Hat.

North end of Conesus Lake in between Lakeville Groveland Road and West Lake Road has a large solar project installation underway.

Other Business / Communication

The next County Planning Board meeting will be held on July 14, 2022.

Adjourn

The motion carried.

The meeting adjourned at 9:37 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Heather Ferrero