

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes – June 13, 2019

In attendance: 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; DAVID LUCE, Town of North Dansville; APRILE MACK, Alternate #1; ANITA MARTUCIO, Town of Conesus; CLARA MULLIGAN, Town of Avon; JOANNE PALMER, Village of Livonia; ALEX PIERCE, Town of Nunda; JARED RADESI, Town of Geneseo; KAREN ROFFE, Village of Leicester; JACK SPARLING, Town of Livonia; KATE WILCOX, Town of York.

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

Members Excused: TIM BRINDUSE, Village of Dansville; C. JOAN CRUNDEN, Town of Caledonia; ROBERT HAYES, Village of Avon; DENNIS NEENAN, Town of Lima.

Members Absent: GRAHAM FRAZER, Town of Sparta; KYLE MOTT, Town of Springwater; JOHN VAN HEUSEN, Town of Ossian.

Guests: Cindy Kellen, T. Avon ZBA; Judy Falzoi, T. Avon; Don Wester, T. Conesus

Chairman Leffler brought the June 13, 2019, meeting of the Livingston County Planning Board to order at 7:03 p.m.

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

Chairman Leffler welcomed Kate Wilcox, the new representative for the Town of York, to the Board. Ms. Wilcox 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 May 9, 2019, County Planning Board Meeting

Chairman Leffler asked for a motion regarding the Minutes from the May 9, 2019, County Planning Board meeting.

A motion to approve the meeting minutes from May 9, 2019, was made by Mr. Sparling and seconded by Ms. Kalmar.

The motion carried unanimously.

Zoning Referral #2019-36, Town of Avon, Review of the Town of Avon Right-to-Farm Law (Applicant: Town Board of Avon)

Ms. Ferrero presented the Staff Report on the Referral, on behalf of Senior Planner Megan Crowe.

Chairman Leffler asked for comments or questions.

There were none.

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

A motion to approve Zoning Referral #2019-36, town of Avon, Review of the Town of Avon Right-to-Farm Law (Applicant: Town Board of Avon) with staff comments was made by Mr. Radesi and seconded by Ms. Roffe.

The motion carried unanimously.

Zoning Referral #2019-37, Town of Avon, Rezoning a parcel at 4550 Red Fox Run from Planned Unit Development to Agricultural, including a Zoning Map Amendment (Applicant: Town Board of Avon)

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

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

A motion to approve Zoning Referral #2019-37, Town of Avon, Rezoning a parcel at 4550 Red Fox Run from Planned Unit Development to Agricultural, including a Zoning Map Amendment (Applicant: Town Board of Avon) with staff comments was made by Ms. Gehrig and seconded by Mr. Graham.

The motion carried unanimously.

Zoning Referral #2019-42, Town of Avon, Rezoning a parcel at 2851 and 2861 Lakeville Road from Agricultural to Planned Development District, including Subdivision Review and Zoning Map Amendment (Applicants: Town Board of Avon and Livonia, Avon & Lakeville Railroad)

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- A discussion ensued among Board members regarding various aspects of the proposal. Additional input was offered from Guests Kellen and Falzoi. Salient comments include:
 - Given that the area in question is predominantly agricultural and of prime soils, and that some of it is currently being farmed; the proposed appears to be *out of compliance/conflict with the direction of (?)* with the Town of Avon's Comprehensive Plan and the Right-to-Farm Law passed earlier in the meeting.
 - The nebulous nature of the concept plans is an obstacle to approving the proposed actions. Development planning should be done in a rational manner; there is a concern that the zoning change might be premature.
 - Ms. Ferrero: The parcel is being developed now because of the railroad connection. A PDD is done for industrial and commercial uses. Its purpose is to have flexibility between the Town and developers. It is development

friendly, but can be difficult for planning.

- Ms. Ferrero clarified the proposed subdivision, referring to the projected map: a 16-acre parcel near the railroad would be subdivided out of the middle of the larger 112-acre parcel. If the subdivision is approved, the driveway, as noted on the map, would become a town road that would be shared with any commercial interests that might develop in that section, which would trigger shared driveway and access easement comments from this Board.
- The northern part of the parcel is more suitable for development; the southern part of the parcel should remain agricultural.
- The parcel is unique, and any decision on it must involve weighing the protection of prime agricultural soils with development that would lead to jobs.
- Chairman Leffler explained the role of the County Planning Board and what would be needed for a municipal board to override its recommendation.
- Comments from guests:
 - The land has water drainage issues.
 - Further development of the parcel would make already dangerous traffic conditions even more so. There have been near-fatal accidents there already.
 - There is an uncapped gas well on the property.

Hearing no further comments, Chairman Leffler asked for a motion.

A motion to approve Zoning Referral #2019-42, Town of Avon, Subdivision Review at 2851 and 2861 Lakeville Road (Applicants: Town Board of Avon and Livonia, Avon & Lakeville Railroad, with staff and shared driveway comments, was made by Mr. Ingalsbe and seconded by Ms. Gehrig.

The motion failed to pass, 5-11-1. Ms. Mulligan abstained.

A motion to disapprove Zoning Referral #2019-42, Town of Avon, Rezoning a parcel at 2851 and 2861 Lakeville Road from Agricultural to Planned Development District, including Subdivision Review and Zoning Map Amendment (Applicants: Town Board of Avon and Livonia, Avon & Lakeville Railroad) was made by Ms. Kalmar, because of the impact on County soils.

Before the motion could be seconded, a discussion ensued regarding the protection of prime soils and the County Planning Board's stance on that issue. Mr. Radesi and Ms. Gehrig voiced difficulties when considering protection of all prime soils vs. development that would lead to economic growth and jobs in the County.

Ms. Kalmar withdrew her motion to disapprove.

Prefacing his action with the statement that the parcel is unique and in consideration of the best interests of growth in Livingston County, ***Mr. Radesi made a motion to approve Zoning Referral #2019-42, Town of Avon, Rezoning a parcel at 2851 and 2861 Lakeville Road from Agricultural to Planned Development District, including Subdivision Review and Zoning Map Amendment (Applicants: Town Board of Avon and Livonia, Avon & Lakeville Railroad).*** Ms. Wilcox seconded the motion.

The motion failed to pass, 3-13-1. Ms. Mulligan abstained.

Ms. Gehrig made a motion requesting an extension in order to receive additional information from the developer regarding future plans for the parcel; and to receive further information from the Town of Avon regarding coordination between its Comprehensive Plan and natural resource protection and land use development goals, and regarding the impacts on traffic and natural resources, such as wetlands and flooding. Mr. Pierce seconded the motion.

The motion carried, 16-0-1. Ms. Mulligan abstained.

Chairman Leffler referred to the Board's discussion regarding the idea of subdivision at the railroad line, so that the northern part of the parcel might be zoned for development, while the southern portion remains agricultural; and asked if Board members were in favor of sending that as an additional, informal comment to the Town of Avon. Board members unanimously, verbally agreed with his suggestion.

Local Announcements

Referring to the flyers that were distributed, Ms. Kalmar announced two Music-in-the-Park events at the pavilion at the Town of West Sparta Town Hall.

Chairman Leffler suggested that members email announcements to the Planning Department in advance of the meeting, so that they can be listed on the Agenda.

Other Business

The next County Planning Board meeting will be held on July 11, 2019.

Adjourn

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

The meeting adjourned at 9:00 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Linda Shanks, Senior Typist