

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes –**  
**July 8, 2021**

**In attendance:** DON KANE, Town of Leicester; APRILE MACK, Village of Geneseo; JOANNE PALMER, Village of Livonia; JARED RADESI, Town of Geneseo; KAREN ROFFE, Village of Leicester; C. JOAN CRUNDEN, Town of Caledonia; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mt. Morris; ALEX PIERCE, Town of Nunda, Chairman; JILL KALMAR, Town of West Sparta; WILLIAM GRAHAM, Town of Groveland; JOHN YUNKER, Alternate #1; SARAH SANTORA, Village of Caledonia; DENNIS NEENAN, Town of Lima; CLARA MULLIGAN, Town of Avon; TIMOTHY BRINDUSE, Village of Dansville

**Staff:** HEATHER FERRERO, Deputy Planning Director; SHAWN ROONEY, Planning Assistant; MARY UNDERHILL, Planner; JOCELYN BISHOP, Senior Typist

**Members Excused:** DAVID LUCE, Town of North Dansville; BARRY INGALSBE, Village of Lima; MARY ELLYN MERLE CALABRESE, Town of Sparta; ANITA MARTUCIO, Town of Conesus; JOHN VAN HEUSEN, Town of Ossian; ROBERT HAYES, Village of Avon

**Members Absent:**

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Chairman Pierce brought the July 8, 2021, meeting of the Livingston County Planning Board to order at 7:03 p.m.

Mr. Neenan 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 May 13, 2021, County Planning Board Meeting**

Chairman Pierce asked if there were any comments regarding the Minutes from the May 13, 2021, County Planning Board meeting.

*A motion to approve the meeting minutes from May 13, 2021 was made by Ms. Palmer and seconded by Ms. Crunden.* The motion carried unanimously.

**Approval of Minutes from the June 10, 2021, County Planning Board Meeting**

Chairman Pierce asked if there were any comments regarding the Minutes from the June 10, 2021, County Planning Board meeting.

*A motion to approve the meeting minutes from June 10, 2021 was made by Ms. Roffe and seconded by Ms. Kalmar.* The motion carried unanimously.

**Zoning Referral #2021-056, Village of Geneseo, Subdivision Review and Site Plan Review for 12 new building lots on Lima Road in Cedarwood Estates Subdivision Phase 3 (Applicants: Randy Bebout - TYLIN International)**

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

- Mr. Radesi expressed concerns regarding the lack of buffering for privacy for the homeowners and the lack of greenspace on the parcel. He is concerned it will be all houses and not much greenspace. This concern regarding the amount of greenspace was shared by multiple board members.
- Ms. Mack mentioned when referring to the trail connectivity to Route 39. She stated Route 39 is a New York State Road. It was recommended to require the applicant to reach out to the Department of Transportation.
- Mr. Brinduse showed concerns for fire safety and emergency vehicle accessibility.
- Mr. Radesi showed concerns regarding the sewer capacity in the Village of Geneseo. He stated that he believes the sewer is already at capacity; therefore adding 12 more places of residency will just add to the problem.
  - Mr. Rooney commented that the sewer capacity in the Village is actually currently below capacity.
- Mr. Nennan made a comment regarding a potential HOA and its relation to the existing HOA.
- Ms. Mulligan commented that lot 32 and 33 appears to be super crowded and recommends removal of the lot due to the sewer right-of-way and lack of space.

*A motion to recommend approval of Zoning Referral #2021-056 with staff advisory comments, and County Planning Board comments, with the recommendation of removing lot 32 or 33 due to the sewer right-of-way and lack of space, was made by Mr. Radesi and seconded by Mr. Brinduse. The motion carried unanimously.*

**Zoning Referral #2021-059, Town of Livonia, Zoning Amendment to create regulations for Solar Energy Systems (Applicant: Town of Livonia)**

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

- Mr. Graham asked about the decommissioning plan and how that is protected if the solar company changes hands.
  - Ms. Underhill commented regarding financial sureties established ahead of time, evaluated annually, accounting for inflation and successor applicants/landowners are legally bound.
  - Ms. Crunden made the recommendation that the Town should consider adding specific language to the decommissioning regulations/financial surety to include a date of annual review, and identifying the Town entities (i.e. CEO, Planning Board) that shall collectively receive and review the written proof regarding the operability and validity of the financial security bond.
- Mr. Neenan asked if anyone has ever seen any MSDS on the materials? With that, Mr. Pierce would like to recommend requiring MSDS as an application requirement, and that the MSDS shall be examined by the Town prior to any purchase or installation. Several board members were in agreement with this recommendation.
- Ms. Mulligan mentioned to suggest having a soil sample taken during operation and not just before and after.

- Mr. Pierce would like to strongly enforce; no hardship will be granted to increase coverage of these type of systems on prime farmland and farmland of statewide importance.
- Mr. Pierce reinforced the importance of the alignment of municipal guidance documents and proposed local laws such as this, and to work in a timely fashion to update these foundation documents to further protect the Town.

*A motion to recommend approval of Zoning Referral #2021-059 with staff advisory comments, and County Planning Board comments, was made by Ms. Crunden and seconded by Mr. Graham. Mr. Neenan opposed the motion.* The motion carried.

**Zoning Referral #2021-060, Town of Livonia, Zoning Text Amendment to create regulations for Battery Energy Storage Systems (Applicant: Town of Livonia)**

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

- Mr. Pierce asked why they weren't requiring Ag Data Statements?
  - Ms. Ferrero mentioned that it is how the Ag and Markets law is written. Specific projects will trigger an Ag Data Statement.
  - Mr. Pierce reinforced the importance of aligning the Comprehensive Plan and other Town guidance documents with energy storage siting regulations.

*A motion to recommend approval of Zoning Referral #2021-060 with staff advisory comments, and County Planning Board comments, was made by Ms. Roffe and seconded by Ms. Kalmar.* The motion carried unanimously.

**Zoning Referral #2021-055, Town of Avon, Zoning text amendment to define self-storage facilities and add them as a Permitted Use in the Light Industrial Zoning District (Applicant: Avon Town Board)**

Mr. Rooney presented the staff report. There were no questions or concerns brought up by the board.

*A motion to recommend approval of Zoning Referral #2021-055 with staff advisory comments, was made by Mr. Neenan and seconded by Mr. Kane.* The motion carried unanimously.

**Zoning Referral 2021-057, Town of Avon, Rezoning 2077 Lakeville Road from General Business (B-1) to Combined General Business/Light Industrial (B-1/LI), including Zoning Map Amendment (Applicant: Avon Town Board)**

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

- Ms. Kalmar recommended the Town of Avon to look at the whole district and adding a combined use instead of doing it parcel by parcel.

*A motion to recommend approval of Zoning Referral #2021-057 with staff advisory comments, and County Planning Board comments, was made by Mr. Brinduse and seconded by Ms. Palmer.* The motion carried unanimously.

**Local Announcements**

- Ms. Roffe stated that the Village of Leicester has resumed their Wednesday night concert series.
- Ms. Kalmar stated the Town of West Sparta has a chicken BBQ on July 31<sup>st</sup>.
- Ms. Kalmar stated the Town of West Sparta resumed their concerts in the park on Friday.
- Ms. Ferrero stated August 15<sup>th</sup> there is a car cruise/show.
- The Rotary Summer Festival in Geneseo is the weekend of July 9<sup>th</sup> and 10<sup>th</sup>. The Teddy Bear Parade is July 10<sup>th</sup>.

#### **Other Business / Communication**

- Upcoming training sessions: <https://www.livingstoncounty.us/673/Training>
- Next Executive Committee Meeting is August 12, 2021.
- Ms. Ferrero mentioned until we see what COVID does, we are putting a hold on the coffee and snacks.
- Ms. Santora stated she heard through the Senator that there is a discussion to extend the NYS Open Meetings Law. The board will be updated with any new information.

The next County Planning Board meeting will be held on August 12, 2021.

#### **Adjourn**

*A motion to adjourn was made by Mr. Radesi and seconded by Mr. Graham.*

The meeting adjourned at 9:31 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Jocelyn Bishop