

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes – July 9, 2020

In attendance: CATHIE GEHRIG, Town of Mt. Morris; WILLIAM GRAHAM, Town of Groveland; DON KANE, Town of Leicester; STEWART LEFFLER, Village of Geneseo, Chairman; JARED RADESI, Town of Geneseo; JACK SPARLING, Town of Livonia; JILL KALMAR, Town of West Sparta; KAREN ROFFE, Village of Leicester; SARAH SANTORA, Village of Caledonia; KEVIN FAHEY, Village of Mt. Morris; APRILE MACK, Alternate #1;; TIM BRINDUSE, Village of Dansville; ROBERT HAYES, Village of Avon

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

Members Excused: DENNIS NEENAN, Town of Lima; C. JOAN CRUNDEN, Town of Caledonia; DAVID LUCE, Town of North Dansville; KYLE MOTT, Town of Springwater; JOHN VAN HEUSEN, Town of Ossian; ALEX PIERCE, Town of Nunda; ANITA MARTUCIO, Town of Conesus; BARRY INGALSBE, Village of Lima, CLARA MULLIGAN, Town of Avon

Members Absent: KATE WILCOX, Town of York; JOANNE PALMER, Village of Livonia

Guests: TERRY RASMUSSEN, OYA Solar NY, T.J. JAHANI, OYA Solar NY, TIM HENS, Upstate Breaker

Chairman Leffler brought the July 9, 2020, meeting of the Livingston County Planning Board to order at 7:07 p.m.

Chairman Leffler introduced and welcomed guests.

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

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.

Quorum was not present at the meeting.

Approval of Minutes from the June 11, 2020, County Planning Board Meeting

Chairman Leffler asked for a motion regarding the Minutes from the June 11, 2020, County Planning Board meeting.

A motion to approve the meeting minutes from June 11, 2020, was made by Ms. Roffe and seconded by Mr. Sparling.

Since there was no quorum present, the motion to approve the June 11, 2020, meeting minutes did not carry.

Zoning Referral #2020-038, Town of York, Site Plan Review and Special Use Permit for a 5 MW AC solar installation at 2575 Main Street (Applicant: OYA Solar NY, LP)

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

- There was a question as to if the energy is going to only supply the Town of York or also surrounding areas?
 - The solar energy is going to supply the public at large. Anyone who is a national grid customer is able to subscribe.
- There was a question as to if there was going to be an option for first right to sign up for the Town of York?
 - OYA Solar stated they will do their best to accommodate that.
- There was a question as to what planting will occur underneath the panels?
 - It is intended to plant pollinator species.
- There was a question as to if chemicals were going to be used for long-term maintenance?
 - No herbicides or pesticides will be used for the maintenance of the ground.

A motion to recommend approval of Zoning Referral #2020-038 with staff and board comments was made by Mr. Radesi and seconded by Mr. Brinduse. The motion was unanimously favored; however, the motion did not carry as there was no quorum.

The referral will go back to the Town of York with board and advisory comments.

Zoning Referral #2020-041, Town of Portage, Review of Local Law Regulating Solar Energy Systems (Applicant: Town of Portage)

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

- There was a question if the law is favorable to the applicant of the site plan review referral?
 - The applicant has given feedback that the law is in their favor.
- The board was curious as to what kind of municipal representation does the Town of Portage have?
 - There is no town planning board nor is there a representative from the Town of Portage on the County Planning Board. There is only a town board.
- The board recommended that the town should not use the term “utility grade”, as there really is not a consistent definition with that term and using those words can have multiple meanings.
- The board questions what the applicant’s next actions can be if the town says they need more time?
 - The applicant can apply for a building permit through the Code Enforcement Officer.
 - The town could do a moratorium.
 - Per the attorney, the town wants to get to the comprehensive effective law without doing a moratoria and putting a pause on the solar development.

- If a moratorium can be applicable in a town that does not have land use regulations, the board would like to recommend a moratorium to be considered if the town would like to spend more time on the law.
- The board would like to add an advisory comment about the 90% lot coverage. Stating that 90% is a large chunk of land and impacts should be considered.
- The board questions if the applications come in before the law, will the law govern the applications?
- The board believes the 100 ft set back is rather small and would like the town to consider a larger setback.
- “Fails to produce energy”- There is no definition as to what they are referring to.
- Escrow for decommissioning and restoration. Is that based on future estimate or today’s dollars?
- There was a question as to if the board would like to include a standard comment regarding installation of pollinator-friendly plantings?
 - The board feels that they would like to include that as a standard comment.
- The board would like to compliment the Town of Portage for their effort and this big step they are taking.

A motion to recommend approval of Zoning Referral #2020-041 with staff and board comments was made by Ms. Gehrig and seconded by Ms. Roffe. The motion was unanimously favored; however, the motion did not carry as there was no quorum.

The referral will go back to the Town of Portage with board and advisory comments.

Zoning Referral #2020-052, Town of Leicester, Review of the Town of Leicester Moratorium (extension) prohibiting large scale battery energy storage system installations (Applicant: Town of Leicester)

Mr. Rooney presented the staff report. There were no comments made by the board or staff members regarding the above referral.

A motion to recommend approval of Zoning Referral #2020-052 with staff comments was made by Ms. Gehrig and seconded by Mr. Graham. Ms. Roffe abstained. The motion did not carry as there was no quorum.

The referral will go back to the Town of Leicester with board and advisory comments.

Zoning Referral #2020-054, Village of Caledonia, Site Plan Review for the re-use and redevelopment of the facility at 1 Technology Place (Applicant: Adam Schneider/Upstate Breaker Wholesale)

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

- The board would like to suggest consideration of some sort of vegetative buffer, such as landscaping, trees, bushes etc. in order to make the site more appealing to the nearby residential properties.

- Per the engineer, Mr. Hens believes the owner would not be opposed to including some landscaping. He did mention that the new building that will be built will be setback further than the existing building from the property line.
- There was a concern as to potential contamination during demolition.
 - Per the engineer, they are aware of past contamination and history of the site.
 - The engineers stated that there is no intention of going below ground level.

A motion to recommend approval of Zoning Referral #2020-054 with staff and board comments was made by Ms. Santora and seconded by Ms. Roffe. The motion was unanimously favored; however, the motion did not carry as there was no quorum.

The referral will go back to the Village of Caledonia with board and advisory comments.

Local Announcements

None.

Other Business

- The 2020 US Census is ongoing. Shawn gave an update on the County's Census activities.
- Livingston County has a COVID-19 website: <https://www.livingstoncounty.us/1207/COVID-19>. There is map showing the statistics for Livingston County residents.
- Livingston County, in coordination with Foodlink of Rochester, is doing drive-thru food giveaways to Livingston County families. These events are hands-free events. Foodlink of Rochester is donating boxes to Livingston County to be distributed at different locations throughout the County. Registration is not required in order to receive a food box. These events are held every Wednesday throughout the summer from 2pm-4pm at different school districts throughout the County.
- Ms. Ferrero would like to know a preference as to next month for whether they would like an in-person meeting, zoom meeting or a hybrid meeting?
 - The board decided that they would like to have a hybrid meeting for the month of August as well.

The next County Planning Board meeting will be held on August 13, 2020.

Adjourn

A motion to adjourn was made by Mr. Radesi and seconded by Mr. Brinduse. Motion favored unanimously.

The meeting adjourned at 9:24 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Jocelyn Bishop

DRAFT