

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes**  
**August 10, 2023**

**In attendance:** DON KANE, Town of Leicester; APRILE MACK, Village of Geneseo; ALEX PIERCE, Town of Nunda; DONALD WESTER, Town of Conesus; JOHN YUNKER, Alternate #1; CLARA MULLIGAN, Town of Avon; KEITH STEIN, Town of Caledonia; KAREN ROFFE, Village of Leicester; CATHIE GEHRIG, Town of Mt Morris; JACOB CALABRESE, Town of Sparta; DONALD WILCOX, Village of Nunda; DENNIS NEENAN, Town of Lima; SCOTT HULBURT, Town of York; THERESA GLEASON, Village of Lima; JOHN VAN HEUSEN, Town of Ossian; SARAH SANTORA, Village of Caledonia; KEVIN FAHEY, Village of Mount Morris; JARED RADESI, Town of Geneseo

**Staff:** HEATHER FERRERO, Deputy Planning Director; STEPHANIE JOHNSON, Administrative Secretary; TED GRISWOLD, Planner; VICTORIA FEARS, Planning Assistant

**Members Excused:** DAWN ANDERSEN, Town of Livonia; TIM BRINDUSE, Village of Dansville

**Members Absent:** ROBERT HAYES, Village of Avon; JOANNE PALMER, Village of Livonia

**Guests:** STEVEN ARMY, American Rock Salt; TODD HICKS, American Rock Salt; TIMOTHY PAUL, American Rock Salt; CHARLIE CORIO, American Rock Salt; CHRIS SNYDER, Bergmann Associates, Delaware River Solar; DAN COMPITELLO, Delaware River Solar

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Chairman Pierce brought the August 10, 2023, meeting of the Livingston County Planning Board to order at 7:00 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-l, m, & n and reviewed the rules for member participation and voting.

- Mr. Wilcox abstained from Referral # 2023-055, Village of Nunda, due to serving on the Village Planning Board.

**Approval of Minutes from the July 13, 2023, County Planning Board Meeting**

Chairman Pierce asked if there were any changes to the July 13, 2023, minutes.

***A motion to approve the minutes from the July 13, 2023, County Planning Board Meeting was made by Ms. Roffe and seconded by Ms. Mulligan.***

The motion carried.

**Zoning Referral #2023-059, Village of Dansville, Special Use Permit for a 2.6 MW Solar Energy Project on Main Street (Applicant: NY Dansville I, LLC.)**

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

- Ms. Gehrig asked what the distance from the project site to the school is and if it was within a mile. Expressed concern with the proximity of the school, and the noise from the project and how it will impact the children. Mr. Compitello responded stating the panels and trackers do not generate noise, the only noise, which is minimal, comes from the inverters and transformers which will be placed in the middle of the project, not near the fence line. A majority of the noise will come from construction, such as pile driving, which will be done during the summer while school is not in session.
- Mr. Radesi questioned why the height of the panels were 15 feet when most towns and laws have a maximum height of 12 feet. Mr. Compitello responded that the height varies depending on the type of equipment/trackers that are used and the panels are only at 15 feet for a few hours a day based on the trackers.
- Mr. Neenan commented on the fence height which is 7 feet. With a panel height of 15 feet, the fencing may not be a sufficient screening.
- Mr. Van Heusen expressed concern for the soil and prime farmland and asked if there was a better location for this project so the prime farmland can be retained. There are concerns over decommissioning and this land not being able to be farmed again in the future.
- Ms. Ferrero reminded the Board that this property is currently zoned industrial.
- Ms. Gehrig asked how many acres Delaware River has purchased from the IDA. Mr. Compitello responded that the lot was subdivided and Delaware River purchased roughly 29 acres from the IDA and the project will cover roughly 13 acres. The IDA owns the remaining acreage not being used for the project.
- Mr. Radesi asked the question of why the access road stops half way through the project and does not extend to the back of the property, as this is a concern for emergency rescue accessing the project. Mr. Compitello responded stating per NYS Fire Code, the road does not need to extend through the project and this project currently meets NYS Fire Code. Mr. Radesi made the recommendation for the Village to consider requiring the access road be extended to the back of the project to allow proper access for emergency response vehicles.
- Ms. Mulligan expressed concern as the correspondence letters from MRB had not been responded to by Delaware River Solar. Mr. Compitello mentioned the letters have been addressed but may not have been reported to the County prior to tonight's meeting.
- Ms. Gehrig questioned the amount of trees on the property and if they were going to be bulldozed, saved, or recycled. Mr. Compitello responded stating all trees on the property will remain. The parcel with the trees was subdivided and not included in the project.
- Ms. Mack asked where the energy that is provided by the panels going? Are the local residents, Town, or Village benefiting from this? Mr. Compitello stated this is a community solar project, which means they have to sell the power to NYSEG customers. Any NYSEG user in the area can use it. As a requirement of NYSERDA, any customer that signs up will receive a 5% discount each month guaranteed for 20 years. They will be entering into a pilot, host-community benefit agreement with the Town of North

Dansville and Village of Dansville. Residents closer to the project will get preference to access to the power. A project this size can power approximately 900 homes.

*A motion to recommend disapproval of Zoning Referral #2023-059 based on the protection of prime soils, with staff advisory comments, and County Planning Board comments, was made by Mr. Van Heusen and seconded by Mr. Neenan.*

The motion carried. 17-0-1. With Ms. Gehrig abstaining.

**Zoning Referral #2023-063, Town of Groveland, Site Plan Review for site improvements – Pad A Extension Project – at 5520 Geneseo Mt Morris Road (Applicant: American Rock Salt Co, LLC)**

Ms. Fears presented the staff report. There were no further comments or questions from the Board.

*A motion to recommend Approval of Zoning Referral #2023-063 with staff advisory comments was made by Mr. Radesi and seconded by Mr. Neenan.*

The motion carried. 18-0-0.

**Zoning Referral #2023-058, Town of Livonia, Zoning Text Amendment on agricultural definitions and agritourism regulations (Applicant: Town of Livonia)**

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

- Ms. Gehrig expressed concern over the “farm” definition as it states all livestock is prohibited on parcels smaller than five acres, including personal use. “Personal use” and “livestock” are not clearly defined. Does this mean residents cannot have chickens, or a horse on their land if they have less than five acres?
- Mr. Stein commented on the bi-annual review and questioned if this means the Town Planning Board could approve a project and review it in six months and decide to shut the project down, even if all rules and regulations are being followed? Concerns over the investment a resident could have into a project and then the chance of the permit being revoked after it was already approved.
- Mr. Calabrese asked if the law is referring to agribusiness i.e. profiting from chickens, or does it mean you cannot have pet chickens? The law is not clear.
- Mr. Stein made the suggestion for the Town to consult with the Department of Ag and Markets for their input before finalizing the law.

*A motion to recommend Approval of Zoning Referral #2023-058 with staff advisory comments and County Planning Board comments, was made by Ms. Gehrig and seconded by Mr. Stein.*

The motion carried. 18-0-0.

**Zoning Referral #2023-066, Town of Mount Morris, Zoning Text Amendment regarding District and Supplementary Regulations and Route 408 Eastern Gateway District regulations (Applicant: Town of Mount Morris)**

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

- Mr. Fahey asked for clarification on the statement “removal of healthy trees over 30 feet high no longer applicable to large scale projects only” does this mean only large scale

projects are allowed to remove trees over 30 feet? Mr. Griswold responded stating the law use to state that but the new law does not allow removal of these trees for any size project specifically in the land conservation overlay district.

- Mr. Neenan asked what the boundaries of the eastern overlay district are. East to West the boundaries go from the highway to the village border and from North to South they run from the stream to the railroad.
- Ms. Gleason questioned the restrictions of occupation of Travel Trailers, Campers, and Motor Homes. Discussion amongst the Board determined this is to restrict long term use of these travel trailers, campers and motor homes in a residential area.

***A motion to recommend Approval of Zoning Referral #2023-066 with staff advisory comments and County Planning Board comments, was made by Mr. Pierce and seconded by Mr. Calabrese.***

The motion carried. 14-4-0. With Mr. Van Heusen, Mr. Neenan, Mr. Fahey, and Mr. Kane opposing.

**Zoning Referral #2023-065, Town of Geneseo, Area Variances for building signs and a plaza sign on Gateway Drive (Applicant: Millstone Development)**

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

- Mr. Pierce asked if there was any response from the ZBA public meeting. Mr. Radesi advised the ZBA public hearing has not happened yet. It is scheduled for Tuesday August 22<sup>nd</sup>.
- Mr. Kane commented that the Town of Geneseo already allows a large number of signs for businesses so these seem a bit excessive compared to the already allowed number of signs and could present a potential increase in traffic accidents due to more distractions.
- The Board expressed concern over dark sky pollution. Suggestion was made for the Town to review and examine dark sky compliance.
- Mr. Pierce commented that this applicant's request for additional signage may be considered excessive and setting a precedence for future developments in Geneseo that this many variances and dark sky pollution is allowed.
- Ms. Ferrero reminded the Board that the five factor balancing test happens at the local level. The County does not currently have any guidelines in place for light pollution.
- Ms. Mack stated the Town has worked diligently on the Gateway District and setting specific regulations in place for a reason and there is concern over the amount of variances requested by these businesses to override the regulations in place.
- The Board agreed that they would be in support of serious consideration to the precedence that is being set by supporting this number of variances and changing the historical plan of the Town and what the impact could be on future development in this district.
- Mr. Neenan stated this is one developer asking for over 12 different variances and the size nearly tripled from the allowed amount.
- Mr. Calabrese suggested to possibly limit them to a maximum of two building signs rather than three and utilizing the sides of the buildings that will be seen most by traffic. It looks like the north side of the buildings will not be seen as much by traffic compared to other sides of the buildings.

*A motion to recommend Approval of Zoning Referral #2023-065 with staff advisory comments and County Planning Board comments, was made by Mr. Van Heusen and seconded by Mr. Fahey.*

The motion failed to carry. 2-16-0.

**Zoning Referral #2023-062, Town of West Sparta, Review of the Town of West Sparta Law addressing Solar Energy Systems (Applicant: Town of West Sparta)**

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

- Ms. Gehrig asked if a project is superseded by a 94C, is it possible for the municipality to impose their own requirements? Mr. Griswold responded that the Town has built in tier 3 regulations that specifically state tier 3/large scale projects are not permitted in the Town but if it happens they will be subject to specific regulations. They have the authority to identify things to be considered.

*A motion to recommend Approval of Zoning Referral #2023-062 with staff advisory comments and County Planning Board comments, was made by Mr. Kane and seconded by Mr. Wester.*

The motion carried. 18-0-0.

**Zoning Referral #2023-055, Village of Nunda, Review of a 12-month Moratorium Prohibiting Commercial Development (Applicant: Village of Nunda)**

Mr. Griswold presented the staff report. There were no questions or comments from the Board.

*A motion to recommend Approval of Zoning Referral #2023-055 with staff advisory comments was made by Mr. Van Heusen and seconded by Mr. Fahey.*

The motion carried. 17-0-1. With Mr. Wilcox abstaining.

**Local Announcements:**

- Ms. Roffe mentioned there will be a chicken barbeque on September 9<sup>th</sup> at the Sparta First Presbyterian Church in Groveland.
- Ms. Mulligan mentioned the Avon Corn Festival is this Saturday, August 12<sup>th</sup>.

**Other Business / Communication**

- Ms. Ferrero mentioned there was an email sent out with a training webinar on solar panel recycling. It is a 1.5 hour training and Board members will get training credit if they complete the webinar.
- The GFLRPC Fall workshop will be held November 9<sup>th</sup> in Newark.
- There will be another solar tour held this fall, on September 22<sup>nd</sup> and a farm tour will be held on October 27<sup>th</sup>. Early registration will be open to two members per municipality. Remaining seats will be opened up to more members after the first round of registration.
- Next County Planning Board meeting will be Thursday September 14, 2023, at 7:00 p.m.

**Adjourn**

*A motion to adjourn was made by Ms. Mulligan and seconded by Mr. Radesi.*  
The motion carried.

The meeting adjourned at 9:53 p.m.

Respectfully submitted, Clara Mulligan, Secretary

Recorded by Stephanie Johnson