

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes – September 12, 2019

In attendance: CATHIE GEHRIG, Town of Mt. Morris; BARRY INGALSBE, Village of Lima; JILL KALMAR, Town of West Sparta; DON KANE, Town of Leicester; STEWART LEFFLER, Village of Geneseo, Chairman; APRILE MACK, Alternate #1; DENNIS NEENAN, Town of Lima; JOANNE PALMER, Village of Livonia; JARED RADESI, Town of Geneseo; KAREN ROFFE, Village of Leicester; JACK SPARLING, Town of Livonia; JOHN VAN HEUSEN, Town of Ossian; KATE WILCOX, Town of York.

Staff: HEATHER FERRERO, Deputy Planning Director; MEGAN CROWE, Senior Planner; SHAWN ROONEY, Planning Assistant.

Members Excused: C. JOAN CRUNDEN, Town of Caledonia; KEVIN FAHEY, Village of Mt. Morris; WILLIAM GRAHAM, Town of Groveland; DAVID LUCE, Town of North Dansville; ANITA MARTUCIO, Town of Conesus; CLARA MULLIGAN, Town of Avon; ALEX PIERCE, Town of Nunda.

Members Absent: TIM BRINDUSE, Village of Dansville; GRAHAM FRAZER, Town of Sparta; ROBERT HAYES, Village of Avon; KYLE MOTT, Town of Springwater.

Chairman Leffler brought the September 12, 2019, meeting of the Livingston County Planning Board to order at 7:03 p.m.

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

Chairman Leffler provided an overview of New York State General Municipal Law, section 239-1, m, & n and reviewed the rules for member participation and voting. A quorum was not present.

Approval of Minutes from the August 8, 2019, County Planning Board Meeting

Because there was no quorum, action on the minutes will be delayed until the October 10, 2019, County Planning Board meeting.

Zoning Referral #2019-69, Town of Geneseo, Site Plan Review, Special Use Permit and Subdivision Review for a commercial development on the northeast corner of Volunteer Road/Lakeville Road intersection (Applicant: Laker Development NY, LLC)

Ms. Crowe presented. Issues discussed included:

- Location of the menu board and pickup window at the drive thru restaurant could become problematic because of potential car stacking from two different directions - internal and from Route 20A.
- Mr. Clarke of Laker Development relayed that the restaurants and retail shown on the plan are preliminary in nature. The medical parcel has a potential tenant, but the other three parcels will adhere to the Town Code when there are clients. The Applicant has not

addressed stacking yet.

- Sidewalks and their location and the need for crosswalks across Volunteer Road.
- The Town has officially referred all actions for Lots 1-4. The County Planning Board review applies to all of Lots 1-4. The Town will do individual reviews as tenants are identified. The first parcel to be developed would be a medical facility on the corner of Volunteer Road and Route 20A on Parcel 1.

Mr. Leffler explained to guests in the audience the actions available to the County Planning Board when there is no quorum at the meeting.

Ms. Mack made a motion for Disapproval because of the large amount of unresolved issues, and Ms. Mack recommended to the Town to change code regarding site plan review. This motion did not have a second. The motion did not move forward.

A motion to recommend approval of Zoning Referral #2019-69 with staff comments was made by Ms. Gehrig, noting the concerns expressed in Ms. Mack’s motion. Seconded by Mr. Sparling. The votes were as follows:

In favor of motion	Not in favor of motion	Abstentions
Mr. Sparling	Ms. Mack	Mr. Radesi
Mr. Van Heusen		
Mr. Neenan		
Mr. Ingalsbe		
Mr. Kane		
Ms. Roffe		
Ms. Wilcox		
Ms. Kalmar		
Ms. Palmer		
Mr. Leffler		
Ms. Gehrig		

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-82, Town of Caledonia, Site Plan Review for a 2 MW solar voltaic system at 1418 River Road (Applicant: Valley Sand & Gravel, Inc.)

Mr. Rooney presented. Items discussed included:

- Difference between minimum acreage for the facility vs. minimum acreage of the parcel. The proposal is in conformance with the minimum lot size for solar project according to Town Law.
- The property owner is Livingston Associates. They lease acreage to Sullivan Farms. Land not in the solar site will be actively farmed. Applicant worked with Sullivan Farms to minimize impacts to the farm, and Sullivan Farms provided a letter in support of the solar project. Actual loss of active farming totals two acres.

- 16 foot pollinator buffer area will be located along the inside of the fence that surrounds the solar facility.

A motion to recommend approval of Zoning Referral #2019-82 with staff comments was made by Ms. Gehrig and seconded by Ms. Roffe. The votes were as follows:

In favor of motion	Not in favor of motion	Abstentions
Ms. Gehrig	Mr. Neenan	
Mr. Ingalsbe		
Mr. Leffler		
Ms. Kalmar		
Mr. Kane		
Ms. Mack		
Ms. Palmer		
Mr. Radesi		
Ms. Roffe		
Mr. Sparling		
Mr. Van Heusen		
Ms. Wilcox		

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-70, Town of Lima, One Year Moratorium on Large Scale Battery Energy Storage Systems (Applicant: Lima Town Board)

Mr. Rooney presented. Items discussed included:

- Is it possible to restore property to original condition if there is a chemical spill? The type of batteries used is important – there are batteries that decompose into non-harmful chemicals. The County Planning Board would like to see a focus less on restoration and more on types of batteries used to avoid contamination in the first place.
- What happens when companies are sold? The situation can become an endless chase to find who would be responsible for implementing the decommissioning plan. Establishing financial surety is important for protection of the Town in decommissioning plan.
- Can these battery storage facilities be designed to incorporate preventative measures, like dikes and impervious pans/liners, to protect soil from leakage?

A motion to recommend approval of Zoning Referral #2019-70 with staff comments and board comments was made by Mr. Radesi and seconded by Ms. Kalmar. All members were in favor of the motion.

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-71, Town of Geneseo, Zoning Text Amendment regarding Stand Alone Facilities, Greenhouses and Nurseries, Residential, Farm Wineries, Fence Standards, Height Allowances, Definitions and Setbacks (Applicant: Town of Geneseo)

Ms. Crowe presented. One comment was made: On page 3, #17, the text should read, “Produce is grown.”

A motion to recommend approval of Zoning Referral #2019-71 with staff comments was made by Mr. Van Heusen and seconded by Mr. Neenan. All members were in favor of the motion.

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-80, Town of Mount Morris, Rezoning and Zoning Map Amendment for the RCPA and LDR Zoning Districts along Route 36 (Applicant: Town of Mount Morris)

Ms. Crowe presented.

A motion to recommend approval of Zoning Referral #2019-80 with staff comments was made by Mr. Ingalsbe and seconded by Mr. Van Heusen. All members were in favor of the motion.

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-74, Town of Leicester, Zoning Text Amendment to create regulations for the siting and development of solar energy systems within the Town of Leicester (Applicant: Leicester Town Board)

Mr. Rooney presented. Items discussed included:

- What is the environmental importance of the land east of the Greenway? Other prime soils are not protected well enough in the Town.
- Discussion was held on whether a minimum lot size of 25 acres for a solar facility was arbitrary or whether it is sensible given the setbacks required in the law.

A motion was made by Mr. Neenan to recommend disapproval of Zoning Referral #2019-74 because the County Planning Board has expressed a position on not developing solar facilities on prime farmland. The motion was seconded by Mr. Van Heusen. Mr. Kane and Ms. Roffe abstained. All other members were in favor of the motion.

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-81, Town of Mount Morris, Amendments to the Town of Mount Morris Solar Law (Applicant: Town of Mount Morris)

Mr. Rooney presented. Items discussed included:

- Planning Board members did not agree with the CEO waiving provisions and felt that the Town Board should have the waiving authority.
- Financial surety is needed for Town protection.
- Is property owner held liable?
- Parts of the law are confusing on timing for post-construction remediation. Town wants to establish remediation requirements post-construction.
- Planning Board members did not agree with the Special Use Permit exemption

A motion was made by Mr. Ingalsbe to recommend disapproval of Zoning Referral #2019-81 because the Planning Board felt that, for the protection of prime soils in the Town, the Town should consider clarifying hardship in Section N(d), and reviewing the powers granted to the CEO. The motion was seconded by Ms. Kalmar. Ms. Gehrig abstained. All other members were in favor of the motion.

Because there was no quorum, the motion failed to pass.

Zoning Referral #2019-83, Village of Geneseo, Site Plan Review and Special Use Permit for a restaurant, microbrewery, and bar/tavern at 4570 Millennium Drive (Applicants: Thomas Streamer and Larry Heininger)

Mr. Leffler declared a conflict of interest and turned chairmanship of the meeting over to Ms. Palmer. Ms. Crowe presented the staff report. Issues discussed included:

- The Applicant distributed copies of a new site plan at the meeting. Because the new plan had not been reviewed by the Village, the County Planning Board based review of this referral on the version of the plan originally referred by the Village.
- The property is historic and eligible to be listed on the National Register of Historic Places.
- A lot of time and effort has gone into the review of the project at the local level.

A motion to recommend approval of Zoning Referral #2019-83 with staff comments was made by Mr. Van Heusen and was seconded by Mr. Radesi. The votes were as follows:

In favor of motion	Not in favor of motion	Abstentions
Ms. Gehrig	Ms. Kalmar	Mr. Leffler
Mr. Ingalsbe	Ms. Mack	
Mr. Kane		
Mr. Neenan		
Ms. Palmer		
Mr. Radesi		
Ms. Roffe		
Mr. Sparling		
Mr. Van Heusen		
Ms. Wilcox		

Because there was no quorum, the motion failed to pass.

Mr. Leffler thanked Ms. Palmer and resumed his duties as Chairman.

Local Announcements

- Ms. Mack was awarded the New York State Society of Municipal Finance Officers’ designation of *Credentialed Municipal Finance Officer*.

Other Business

Announcement of the Genesee/Finger Lakes Regional Planning Council Fall Local Government Workshop, November 15, 2019, in Batavia.

The next County Planning Board meeting will be held on October 10, 2019.

Adjourn

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

The meeting adjourned at 10:05 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Heather Ferrero, Deputy Planning Director