

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes**  
**September 14, 2023**

**In attendance:** APRILE MACK, Village of Geneseo; ALEX PIERCE, Town of Nunda; 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; 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; JARED RADESI, Town of Geneseo; JOANNE PALMER, Village of Livonia; DAWN ANDERSEN, Town of Livonia; ROBERT HAYES, Village of Avon; JACOB CALABRESE, Town of Sparta

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

**Members Excused:** DONALD WESTER, Town of Conesus; DON KANE, Town of Leicester;

**Members Absent:** TIM BRINDUSE, Village of Dansville; KEVIN FAHEY, Village of Mount Morris; DONALD WILCOX, Village of Nunda

**Guests:** RYAN MCKEOWN, Next Amp Solar

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Chairman Pierce brought the September 14, 2023, meeting of the Livingston County Planning Board to order at 7:02 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.

- There were no abstentions

**Approval of Minutes from the August 10, 2023, County Planning Board Meeting**

Chairman Pierce asked if there were any changes to the August 10, 2023, minutes.

***A motion to approve the minutes from the August 10, 2023, County Planning Board Meeting was made by Ms. Mulligan and seconded by Mr. Stein.***

The motion carried. 15-0-1. With Ms. Andersen abstaining.

Ms. Santora entered the meeting.

**Zoning Referral #2023-071, Town of Geneseo, Site Plan Review and Special Use Permit for a 4 MW AC solar facility on Lakeville Road (Applicant: Jaycox Creek Solar 2, Inc.)**

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

- Mr. Radesi expressed concern on the impact to prime soils on this property as well as deforestation.
- Mr. Pierce commented on the applicant's decommissioning plan and asked if there is a process to convert the land back to agriculture land and how this would work.
- Ms. Gehrig commented on the Livingston County AFPB's recommendation of approval of this project back in April 2023. Ms. Ferrero commented that the AFPB reviewed the same materials and their input was determined by the fact that land is currently forested and if the land could be farmed, it would be farmed now. They have the same concern of protection of prime soils as the County Planning Board. The AFPB did not feel this particular ground would be an issue for converting it to solar.
- Mr. Calabrese questioned if this is two separate properties and gates, will this be an issue for emergency access? Mr. Radesi commented that this has been addressed by himself, as the Town Code Enforcement Officer, and suggested that if the gate stays there a Knox box should be placed there as well as an override/shut off switch.
- Mr. Calabrese also questioned if the hand cutting of trees without stump removal was only in the wetland areas. Mr. Griswold responded certain areas are going to be cleared with stump removal and the other areas around are going to be hand cut with the stumps remaining. The area where the solar structures will be placed will be places in the area that is cleared with stump removal.
- Ms. Mulligan asked if they know the species of trees around the edge of the property that are going to be removed and if it would be possible to leave those trees to be part of the buffer. Mr. McKeown responded that a detailed survey of the trees has not been done yet but it seems to be a general mix of evergreen and maple trees. The concern for leaving trees would be shading and potential of fallen trees on the property, with the main concern being the shading of the panels.
- Mr. McKeown spoke regarding conversations that have been ongoing with the applicant and the town regarding decommissioning where the question of does decommissioning mean reforestation or does it mean decommissioning of the site to mean the Department of Ag and Markets guidelines. These conversations with the town will continue in order to clarify what the town would like done with this property.
- Mr. Pierce asked if there has been any discussion on a community benefit agreement for this project. Mr. McKeown responded stating that up to this point there has not been but the first project, Jaycox Creek Solar, has both a host benefit agreement and an IDA pilot in place and they plan to use the same terms of those agreements and apply them to this project. Once the SEQR is processed then they will begin having these conversations.

***A motion to recommend disapproval of Zoning Referral #2023-071 because of the countywide concern of the potential impact to prime soils, with staff advisory comments and County Planning Board comments was made by Mr. Pierce and seconded by Ms. Mack.***

Further discussion occurred.

- Mr. Neenan expressed concern that just because this land is not currently being farmed does not mean that it cannot be farmed in the future, especially with these prime soils on the this land.
- Ms. Mulligan expressed concern that the applicant has not responded to the MRB and Town Engineer report which makes it difficult for us to base our decision.
- Mr. McKeown commented that the Town of Geneseo has the agriculture protection district overlay which greatly limits the parcels that can be developed for solar projects. The applicant based their decision on choosing this parcel which is currently not being actively farmed verses choosing a different parcel that is currently being farmed.

The motion carried. 14-2-1. With Ms. Gehrig and Mr. Calabrese opposing and Mr. Radesi abstaining.

**Zoning Referral #2023-069, Town of North Dansville, Review of a 12-month moratorium to prohibit battery energy storage facilities in the Town of North Dansville (Applicant: Town of North Dansville)**

Mr. Griswold presented the staff report.

- Ms. Gehrig asked if the Livingston County AFPB reviews all solar projects in Livingston County. Ms. Ferrero commented that the AFPB reviews any project that receives state funding and is in an area that may impact agricultural district land. They review water line projects, sewer line projects and solar projects.

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

The motion carried. 17-0-0.

**Local Announcements:**

- Mr. Radesi mentioned the Jaycox Creek solar project on Route 20A is currently underway.

**Other Business / Communication**

- Ms. Ferrero reminded members of the Solar Tour scheduled for next Friday 9/22/23. There are still seats available to members who did not do the tour last year. If there are still seats available by the middle of next week, an email will be sent out and members who attended the tour last year will be able to attend this year.
- There will be an Ag Tour on October 27<sup>th</sup>.
- G/FLRPC fall training workshop will be held in Newark in November.
- Next County Planning Board meeting will be Thursday, October 12, 2023, at 7:00 p.m.

**Adjourn**

*A motion to adjourn was made by Ms. Palmer and seconded by Mr. Pierce.*

The motion carried.

The meeting adjourned at 8:05 p.m.

Respectfully submitted, Clara Mulligan, Secretary

Recorded by Stephanie Johnson