

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes –
February 9, 2023

In attendance: JACOB CALABRESE, Town of Sparta; KEVIN FAHEY, Village of Mount Morris; DON KANE, Town of Leicester; APRILE MACK, Village of Geneseo; DENNIS NEENAN, Town of Lima; ALEX PIERCE, Town of Nunda; JARED RADESI, Town of Geneseo; DONALD WESTER, Town of Conesus; JOHN YUNKER, Alternate #1; CLARA MULLIGAN, Town of Avon; CATHIE GEHRIG, Town of Mt Morris; JOHN VAN HEUSEN, Town of Ossian; JOANNE PALMER, Village of Livonia; SARAH SANTORA, Village of Caledonia

Staff: HEATHER FERRERO, Deputy Planning Director, MARY UNDERHILL, Planner, STEPHANIE JOHNSON, Administrative Secretary

Members Excused: DAWN ANDERSEN, Town of Livonia; KAREN ROFFE, Village of Leicester

Members Absent: ROBERT HAYES, Village of Avon; TIM BRINDUSE, Village of Dansville;

Guests: KEITH STEIN, Town of Caledonia Planning Board

Chairman Pierce brought the February 9, 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 December 8, 2022, County Planning Board Meeting

Chairman Pierce asked if there were any changes to the December 8, 2022, minutes.

A motion to approve the meeting minutes from December 8, 2022, was made by Ms. Palmer and seconded by Mr. Kane. The motion carried.

Approval of minutes from the January 12, 2023, County Planning Board Meeting

Chairman Pierce asked if there were any changes to the January 12, 2023, minutes.

A motion to approve the meeting minutes from January 12, 2023, was made by Mr. Fahey and seconded by Ms. Mulligan. The motion carried.

Zoning Referral #2023-003, Town of Avon, Review of a 12-month Moratorium prohibiting Type 2 Solar Energy System installations (Applicant: Town of Avon)

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

- Mr. Wester asked if this moratorium would affect any current projects or applications, if there were any. Ms. Mulligan stated there are currently no projects or referrals for the Town so no projects will be affected by this moratorium.
- Mr. Neenan commended the Town for their planning and work on protecting prime soils.

A motion to recommend Approval of Zoning Referral #2023-003 with staff advisory comments, was made by Mr. Neenan and seconded by Mr. Fahey.

The motion carried. 14-0-0.

Zoning Referral #2023-002 Village of Lima, Zoning Text Amendment to Revise Article XIII Signs and Billboards (Applicant: Village of Lima)

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

- Mr. Pierce mentioned making sure the signs follow illumination and dark sky compliance guidelines.
- Ms. Mack asked if the Village has contacted Livingston County Economic Development Department for their guidelines on signage. Ms. Ferrero replied that the Village of Lima has been working with Economic Development on their standardization of signs in Villages which is what initiated this referral.

A motion to recommend Approval of Zoning Referral #2023-002 with staff advisory comments and County Planning Board comments, was made by Mr. Pierce and seconded by Mr. VanHeusen.

The motion carried. 14-0-0.

Zoning Referral #2023-004, Town of Ossian, Zoning Text Amendment to add definition of and regulations for “cabins” (Applicant: Town of Ossian)

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

- Mr. Radesi asked if the Town was going to allow plumbing in these cabins. Ms. Ferrero responded that the Town is going to allow plumbing and will require a separate permit by the Department of Health.
- Members questioned the restriction of Leasing and Renting said cabins but oftentimes land owners will lease/rent their cabins to hunters. Mr. VanHeusen clarified that this was mainly directed towards the landowners who want to come stay at their cabin for a specific amount of time rather than placing numerous cabins and leasing them out. The Town is only allowing one cabin per lot.
- Ms. Palmer asked if the 180 day occupancy limit is consecutive or could the 180 days be broken up throughout the year. Ms. Ferrero responded that the law does not say consecutive so it can be broken up over the year.

- Ms. Mack asked how the Town is going to track these cabins to make sure they aren't being rented or leased. This will be up to the Town Code Enforcement Officer to keep track of.

A motion to recommend Approval of Zoning Referral #2023-004 with staff advisory comments was made by Mr. Radesi and seconded by Ms. Mack.

The motion carried. 14-0-0.

Zoning Referral # 2023-006, Village of Mount Morris, Review of a 12-month Moratorium on large scale solar and battery installations (Applicant: Village of Mount Morris)

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

- Ms. Gehrig supported Ms. Underhill's comment regarding adding a comment that the Village needs to be clear as to whether or not their intent is to not receive any applications, permits, or certificates and whether or not they will review Site Plan or Special Use Permits. The Village should make sure their final moratorium is clearly written.
- Mr. Wester mentioned the relief clause. The Board suggested the Village take a look at the criteria listed underneath the relief clause and make sure the relief clause and the exceptions permitted are more rigorous and less subjective. Suggestion was made for the Village to contact their Village Attorney the Department of State to ensure their relief clause is rigorous enough to protect the Village.

A motion to recommend Approval of Zoning Referral #2023-006 with staff advisory comments and County Planning Board comments was made by Mr. Pierce and seconded by Ms. Palmer.

The motion carried. 14-0-0.

Zoning Referral # 2023-007, Village of Mount Morris, Review of Local Law establishing a Joint Zoning Board of Appeals (Applicant: Village of Mount Morris)

Ms. Underhill presented the staff report.

A motion to recommend Approval of Zoning Referral #2023-007 with staff advisory comments was made by Ms. Mack and seconded by Ms. Palmer.

The motion carried. 14-0-0.

Other Business / Communication

- Ms. Ferrero mentioned there are two prospective members joining the Board in March.
- The next County Planning Board meeting will be held on March 9, 2023.

Adjourn

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

The meeting adjourned at 8:40 p.m.

Respectfully submitted, Clara Mulligan, Secretary

Recorded by Stephanie Johnson