

LIVINGSTON COUNTY PLANNING BOARD

Meeting Minutes –

February 10, 2022

In attendance: DON KANE, Town of Leicester; KAREN ROFFE, Village of Leicester; DAWN ANDERSEN, Town of Livonia; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mt. Morris; ALEX PIERCE, Town of Nunda, Chairman; MARY ELLYN MERLE CALABRESE, Town of Sparta; SARAH SANTORA, Village of Caledonia;; APRILE MACK, Village of Geneseo; ANITA MARTUCIO, Town of Conesus; DENNIS NEENAN, Town of Lima; JILL KALMAR, Town of West Sparta; BARRY INGALSBE, Village of Lima; CLARA MULLIGAN, Town of Avon; JOANNE PALMER, Village of Livonia; C. JOAN CRUNDEN, Town of Caledonia; JOHN YUNKER, Alternate #1 (Technical difficulties, was not able to vote)

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

Members Excused: DAVID LUCE, Town of North Dansville; TIMOTHY BRINDUSE, Village of Dansville, JOHN VAN HEUSEN, Town of Ossian

Members Absent: ROBERT HAYES, Village of Avon; JARED RADESI, Town of Geneseo

Guests: JANET WARD, DG Lake Rd, LLC; GARY WHEAT, Landowner, Avon Solar Project; ANTHONY COCCA, Cocca Development, Walgreens; BRIAN GROSE, Fagen Engineers, Walgreens

Chairman Pierce brought the February 10, 2022, meeting of the Livingston County Planning Board to order at 7:06 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.

- Abstentions:
 - Ms. Mulligan will be abstaining from Zoning Referral 2021-113 by DG Lake Rd, LLC due to being on the Town of Avon Planning Board.

Approval of Minutes from the January 13, 2022, County Planning Board Meeting

Chairman Pierce asked if there were any comments regarding the Minutes from the January 13, 2022, County Planning Board meeting.

A motion to approve the meeting minutes from January 13, 2022, was made by Mr. Fahey and seconded by Ms. Martucio. Ms. Mulligan abstained. The motion carried. 14-0-1

Zoning Referral #2022-006, Village of Mount Morris, Site Plan Review for a 2,502 square foot commercial building on East State Street (Applicant: Cocca Development)

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

- Multiple board members showed concern regarding the flow of traffic with potentially causing conflict with the adjacent business, McDonalds.
 - Mr. Grose, the Engineer commented regarding the above concern. He stated that the easement is not a new easement, it is well known. Therefore, the flow of traffic should not be affected much.
- Ms. Mack showed concern regarding the vacant building where the old Walgreens was if this proposed project were to be approved.
- Ms. Kalmar would like to know if there were any future plans for the old, vacant Walgreens building?
 - Mr. Grose commented that there has been talk about the purchase of that building to be used as a small grocery store; however, nothing is official.
- Ms. Mulligan would like to know why there is a need to build a new Walgreens building?
 - Mr. Grose commented that Walgreens have been working on downsizing. Therefore, that is their reasoning for building a new building across the street.
- Ms. Kalmar asked if Walgreens will be the owner of the property?
 - Anthony Cocca commented that his family will be the owners of the property. Walgreens will be leasing from them.
- Mr. Neenan showed concerns regarding the proposed elevation in terms of being located within a flood plain.
 - Mr. Grose, the Engineer commented that all the pavement has curbing to collect all the proposed stormwater runoff will be captured in the catch basins. There has already been talk with the Village engineer regarding this.

A motion to recommend approval of Zoning Referral #2022-006 with staff advisory comments and County Planning Board comments, was made by Ms. Crunden and seconded by Ms. Palmer. The motion carried. 16-0-0

Zoning Referral #2021-113, Town of Avon, Site Plan Review and Special Use Permit for a 5 MW Solar Project at 5406 Lake Road (Applicant: DG Lake Road, LLC)

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

- Ms. Crunden asked who was the owner of the property?
 - Ms. Underhill replied that the property landowners are the Wheats. DG Lake Rd, LLC is the developer, owner and operator of the facility. They will be leasing the property from the Wheats.
 - Ms. Crunden found the wording confusing when it came to who owned what. She believes it should be clarified who the landowner and energy facility owner is in case an issue was to arise where the owner needed to be involved.
- Ms. Crunden also would like the applicant to consider other types of fencing. Discussion was had on the value of more aesthetic or functional options. Ms. Underhill said that an advisory comment could be added.
- Several board members showed concerns regarding the amount of prime soil included in the proposed project. Ms. Underhill presented the ag soils map showing the involvement of prime soils.

- Ms. Crunden was curious as to what the percentage of wetlands was?
 - Ms. Underhill stated that percent of disturbed wetlands is less than 0.2%.
 - Ms. Ward from DG Lake Rd, LLC is unsure of the exact percentage of disturbed wetlands. The parcel is 39.4 acres. The fenced in area of the solar array is 18.3 acres. Ms. Ward stated that the proposed is significantly less than the allowed 60% of the total parcel size.
- Ms. Ward provided an overview of the project and information related to emergency responders review.
- Ms. Underhill shared that the Planning Department received responses from County Emergency Management Director regarding the review, but had not received responses yet from County Emergency Medical Services or Town Fire Chief. The Town Engineer has addressed the length of the road in their review, and the Town will be addressing this. Ms. Mack reiterated the need for the full length of the road.
- Ms. Mack would like the Town to consider addressing the need for Knox box access for key personnel and clearly marked on-site parking for operations and maintenance personnel so as to avoid conflicts with providing emergency response.

A motion to recommend disapproval of Zoning Referral #2021-113 due to the impacts of the development on prime soils and incomplete safety/emergency response information, was made by Mr. Pierce and seconded by Ms. Mack. Abstained was Mr. Mulligan. The motion carried. 15-0-1

Zoning Referral #2022-004, Town of Avon, Zoning Text Amendment to add Article XVI: Battery Energy Storage System Regulation (Applicant: Avon Town Board)

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

- Ms. Mulligan feels that the setback of 200 ft is not enough for the residence property.
- Ms. Mulligan would like the Town to consider adding regulations and corresponding definitions for the use of native plant species. An advisory comment was added to promote the use of native, non-invasive, perennial plant and seed species for landscaping, screening and revegetation of restored soils.
- Mr. Neenan feels that the proposed is not preserving prime farmland, and based on the Prime Farmland map provided, there is still a significant number of prime soils where this use could be located/not prohibited. This may not meet the ag protections that the County or the Town had intended
- Mr. Neenan would like the Town to ensure adequacy of residential setbacks for Tier 2 Battery Energy Storage Systems, given the potential scale of the use.
- Several board members would like Tier 2 BESS projects to be prohibited in all prime soil area, not just on Ag District properties with prime farmland.

A motion to recommend approval of Zoning Referral #2022-004 with modification that Tier 2 BESS projects be prohibited in all prime soils area, not just on Ag District properties with prime farmland, in order to protect all prime soils and preserve farmland at the Town and County levels, and with staff advisory comments and County Planning Board comments, was made by Mr. Pierce and seconded by Mr. Fahey. The motion carried. 16-0-0

Discussion: Changes to Solar/BESS Review Format

Ms. Ferrero presented. The Livingston County Planning Department has been discussing stream lining solar staff reports with a standard list of comments for solar and battery energy storage. The comments would be at the back of the staff report. In April or May, there will be some training on the standard comments for the board members. Training credit will be available for these trainings.

Local Announcements

None.

Other Business / Communication

- Upcoming training sessions: <https://www.livingstoncounty.us/673/Training>

The next County Planning Board meeting will be held on March 10, 2022.

Adjourn

A motion to adjourn was made by Ms. Palmer and seconded by Ms. Crunden. The motion carried.

The meeting adjourned at 9:45 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Jocelyn Bishop