

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes –
March 9, 2023

In attendance: KEVIN FAHEY, Village of Mount Morris; DON KANE, Town of Leicester; APRILE MACK, Village of Geneseo; ALEX PIERCE, Town of Nunda; JARED RADESI, Town of Geneseo; DONALD WESTER, Town of Conesus; JOHN YUNKER, Alternate #1; CLARA MULLIGAN, Town of Avon; JOHN VAN HEUSEN, Town of Ossian; SARAH SANTORA, Village of Caledonia; DAWN ANDERSEN, Town of Livonia; KEITH STEIN, Town of Caledonia; THERESA GLEASON, Village of Lima

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

Members Excused: KAREN ROFFE, Village of Leicester; JACOB CALABRESE, Town of Sparta; DENNIS NEENAN, Town of Lima; CATHIE GEHRIG, Town of Mt Morris; TIM BRINDUSE, Village of Dansville

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

Guests: David DiSalvo, Supervisor Town of Mt. Morris; Terry Rasmussen, Amp Solar Development

Chairman Pierce brought the March 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.

- There were no abstentions
- No quorum present

Chairman Pierce introduced and welcomed new members to the County Planning Board: Theresa Gleason, Village of Lima representative; and Keith Stein, Town of Caledonia representative.

Chairman Pierce introduced and welcomed new member of the Planning Department Staff: Ted Griswold, Planner.

Brief training on the County Planning Board iPads.

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.

Approval of Minutes from the February 9, 2023, County Planning Board Meeting

Due to lack of quorum, review of the February 9, 2023, meeting minutes will be reviewed at the April meeting.

Zoning Referral #2022-092, Town of Mount Morris, Site Plan Review and Special Use for a 5 MW Ac Community Net Metered Solar Energy Project with Battery Energy Storage at 8244 Mt Morris-Nunda Rd – Allegiance (Applicant: Amp Solar Development, Inc.)

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

- Mr. Pierce asked if the connection lines were going to be buried. Mr. Rasmussen commented that they will be buried so the access between lanes/panels will not be blocked by wires.
- Concerns about the grading and the slope in the property, and proximity/setbacks to resources.
- Board members expressed concern over the 90% forest removal Mr. Rasmussen stated a lot of this property is not necessarily woods, it is more shrubby. Mr. Pierce asked if there was a riparian buffer zone and stream protections, Mr. Rasmussen said there are stream setbacks.
- Ms. Mulligan commented regarding the clearing of the property and asked why so much of the area was being cleared, especially in the areas that would not have panels, and suggested they avoid clearing the steep slope. Ms. Mulligan also suggested to leave some of the shrubs if there are no panels. Mr. Rasmussen indicated that they would take this comment into consideration and could hold back on some of the clearing.
- Ms. Mulligan also mentioned soil testing and making sure there is a baseline test for battery chemicals and subsequent testing, especially at the battery system location.
- Mr. Fahey mentioned it is important to know the percentage of trees verses shrubs being removed for the point of decommissioning and knowing what plants and trees will need to be replanted on the site.
- Mr. Radesi asked if the battery storage cabinet has its own self-contained fire suppression system. Mr. Rasmussen replied that these are designed with no interior space. There is no space inside for gases to accumulate. The cabinets are fireproof and monitored. The batteries themselves don't burn. Mr. Radesi mentioned his concern is the gases they would put off.
- Mr. Radesi also suggested adding another couple hammerheads/ turn-around points for rescue vehicles, on each side of the creek/ravine. The compaction rate for that road should be 75,000 pounds per fire code.
- Ms. Underhill commented on the emergency response and concern that the panels come right up to the access road. There is only 15 feet between panels along the roadway. Both Mr. Radesi and Mr. Kane noted that the space for emergency response and truck access is tight. Mr. Rasmussen indicated that he would bring this recommendation back to ASD.
- Mr. Radesi inquired if the setbacks met code, noting the northern property line is close. Ms. Underhill noted that although side and rear setbacks of 20' may be considered minimal by current standards, the Town Solar Law dates back to 2019. She confirmed that the setbacks met code as written.

A motion to recommend Approval of Zoning Referral #2022-092 with staff advisory comments, and County Planning Board comments, was made by Mr. Fahey and seconded by Mr. VanHeusen.

There was unanimous agreement, but, due to lack of quorum, the motion failed to carry. 13-0-0.

Zoning Referral #2022-093, Town of Mount Morris, Site Plan Review and Special Use for a 5 MW Ac Community Net Metered Solar Energy Project with Battery Energy Storage at 8369 Mt Morris-Nunda Rd – Flag (Applicant: Amp Solar Development, Inc.)

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

- Mr. Pierce asked if there were going to be any increased line capacity from RG&E along Route 408. Mr. DiSalvo responded that RG&E just updated the lines approximately two years ago and the Town and RG&E have been in discussion if any further upgrades are necessary.
- Ms. Mulligan expressed concerns over the view shed and the spacing in the trees seems a little thin. Suggested adding more trees and a variety of trees, including a mix of evergreen and deciduous trees and salt tolerant trees.
- Ms. Andersen commented on the access road that goes through the middle and past the battery storage but there is no access road that goes to the north of the property. This would be a safety concern and suggested to expand the access road to the north. Ms. Underhill mentioned that ESRG recommended a secondary entrance. Mr. Kane noted that the access road needs to provide for fire truck access to the BESS in the event of a fire. Mr. DiSalvo responded stating the Mt. Morris Fire Department and EMS have ATV's that are fully equipped and can access the property that are available to all the solar projects in the Town.
- Ms. Mack responded and asked if the Fire Department and EMS will be responsible for the upkeep and purchase new ATV's, if necessary, to last the life of the Solar Project. Mr. DiSalvo responded stating the equipment will be maintained, and replacement will be covered by PILOT funds.
- Mr. Fahey asked if there will need to be an area variance for those two setbacks that are not met or correct the Site Plan
- Ms. Mack and Ms. Mulligan noted that the same comments from the previous Zoning Referral also apply here. Discussion followed. Ms. Underhill summarized the Board comments:
 - soil testing and making sure there is a baseline test for battery chemicals and subsequent testing, especially at the battery system location.
 - reducing areas of deforestation and clearing
 - increasing site safety and emergency access, including increasing setbacks from panels and expansion of access roads
 - ensure maintenance of Town emergency response vehicles
 - increasing density, species variety/mixture and salt tolerant landscaping
 - area variances needed

A motion to recommend Approval of Zoning Referral #2022-093 with staff advisory comments and County Planning Board comments, was made by Mr. VanHeusen and seconded by Mr. Fahey.

There was unanimous agreement, but, due to lack of quorum, the motion failed to carry. 13-0-0.

Zoning Referral #2022-094, Town of Mount Morris, Site Plan Review and Special Use for a 5 MW Ac Community Net Metered Solar Energy Project with Battery Storage on Mt Morris-Nunda Rd – Bellamy (Applicant: Amp Solar Development, Inc.)

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

- Mr. Pierce expressed concerns over the location of the Battery Energy Storage being so close to the wetlands and concerns over the amount of trees being removed for these projects.
- Mr. Radesi asked if the Battery Energy Storage needs to be centrally located on the property. Could it be moved to the empty area away from the wetlands? Ms. Underhill noted that the Town was discussing the final location of all three of the Battery Energy Storage units. Mr. Rasmussen stated that this unit may be one that could be moved but would still have to comply with setbacks. Mr. Radesi suggested reassessing the plans to see if there is a different location on this property that would work.
- Mr. Pierce expressed concern over the total acreage of tree removal. Mr. Fahey noted the value of trees as they mature over time.
- Ms. Underhill noted that the ESRG Report had recommendations on increasing setbacks of the Battery Energy Storage unit, and at the same time protecting resources including nearby residences.
- Mr. Radesi also expressed concerns over the width of the roadways. Suggested making the roadways at least 20 ft wide due to the curvatures on the road.
- Board discussion was had on the Board comments. Ms. Underhill summarized:
 - the need for soil testing and making sure there is a baseline test for battery chemicals and subsequent testing, especially at the battery system location.
 - reducing areas of deforestation and clearing
 - increasing density, species variety/mixture and salt tolerant landscaping
 - increasing site safety and emergency access, including increasing setbacks from panels and width of access roads, and setbacks from wetlands
 - ensure maintenance of Town emergency response vehicles
 - accessing the relocation of the BESS, with protections for wetlands and residences

A motion to recommend Approval of Zoning Referral #2022-094 with staff advisory comments and County Planning Board comments, was made by Mr. Fahey and seconded by Mr. Wester.

There was unanimous agreement, but, due to lack of quorum, the motion failed to carry. 13-0-0.

Local Announcements:

- Mr. Radesi mentioned the Solar Project that is currently being constructed on Lima Road is a good example for people to drive by and see the progress of the project being built.
- Ms. Underhill mentioned there will be quite a few solar referrals in the months to come.

Other Business / Communication

- Mr. Pierce mentioned the GFLRPC Spring Workshop is being held at Batavia Downs on May 18, 2023. The link will be sent out to the Board once it is available.
- Quorum continues to be an issue and attendance is very important.
- The next County Planning Board meeting will be held on April 13, 2023.

Adjourn

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

The meeting adjourned at 9:36 p.m.

Respectfully submitted, Clara Mulligan, Secretary

Recorded by Stephanie Johnson