

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes –**  
**March 10, 2022**

**In attendance:** TIM BRINDUSE, Village of Dansville; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mount Morris; BARRY INGLALSBE, Village of Lima; JILL KALMAR, Town of West Sparta; DON KANE, Town of Leicester; APRILE MACK, Village of Geneseo; ANITA MARTUCIO, Town of Conesus; CLARA MULLIGAN, Town of AVON; JOANNE PALMER, Village of Livonia; ALEX PIERCE, Town of Nunda; JARED RADESI, Town of Geneseo; SARAH SANTORA, Village of Caledonia; JOHN VAN HEUSEN, Town of Ossian; JOHN YUNKER, Alternate #1

**Staff:** HEATHER FERRERO, Deputy Planning Director; SHAWN ROONEY, Planner

**Members Excused:** DAWN ANDERSEN, Town of Livonia; C. JOAN CRUNDEN, Town of Caledonia; MARY ELLYN MERLE CALABRESE, Town of Sparta; DENNIS NEENAN, Town of Lima; KAREN ROFFE, Village of Leicester

**Members Absent:** ROBERT HAYES, Village of Avon; DAVID LUCE, Town of N. Dansville;

**Guests:** SEAN HOPKINS, Applicant, York; TIM BOYLE, Applicant, York; DUSTIN GEIGER, York ZBA; DAVIES NAGLE, member of the public, York; STEVE FANTUZZO, Nixon Peabody, Avon

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Chairman Pierce brought the March 10, 2022, meeting of the Livingston County Planning Board to order at 7:00 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.

**Approval of Minutes from the February 10, 2022, County Planning Board Meeting**

Chairman Pierce asked if there were any comments regarding the Minutes from the February 10, 2022, County Planning Board meeting.

*A motion to approve the meeting minutes from February 10, 2022, was made by Mr. Fahey and seconded by Ms. Mack. The motion carried. 15-0-0*

**Zoning Referral #2022-011, Town of York, Site Plan Review, Special Use Permit and Area Variance for a Truck Stop, including a convenience store, drive-thru facility for eating and drinking, ATM, and fuel facility for cars and tractor trailers on the northeastern corner of the Route 36/63 intersection (Applicant: York Travel Center LLC c/o Sean Hopkins, Esq)**

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

- Discussion began with Mr. Radesi inquiring about the implementation of electric vehicle (EV) charging stations, property buffering with needle bearing trees, and trucking ingress and egress on and off NYS Routes 63 & 36. Chairman Pierce surveyed the members of the board for more questions regarding the proposal.
- Mr. Brinduse inquired about the Applicant's plan for tree removal, management of the stormwater retention pond, and number of ingress and egress points from the proposed site.
- Mr. Fahey asked about the potential implementation, referencing the Greigsville Transportation Plan, of a dedicated turn lane at the intersection of NYS Routes 63 & 36.
- Ms. Mulligan stated support for inquiring to the Applicant about EV charging stations, and inquired about the size and maintenance of the retention pond.
- Ms. Ferrero asked for clarification from the Applicant(s) on potential sidewalk implementation on the northern and southern side of the site for future interconnectivity to adjacent properties.
- Mr. Radesi and Chairman Pierce also commented about possible reconfiguration of the walking path to not connect to the truck parking area, and rather run adjacent to the parking lot to a future potential sidewalk.
- Chairman Pierce sought clarification from the Applicant(s) on the mitigation of overnight truck idling out of concern for air quality for surrounding neighborhood.
- Chairman Pierce opened the meeting to the Applicant(s) and public for comment.
- The Applicant(s) reaffirmed NYSDOT has accepted the Traffic Study prepared by the Applicant(s), and that pedestrian safety improvements are going to be implemented as part of the Traffic Study recommendations.
- The Applicant(s) affirmed that the stormwater retention pond is going to conform to the SWPPP, as required, and is sized appropriately. Tree removal will be minimal. The acreage of tree removal is noted in the SEQR.
- Dedicated trail parking was also discussed. The Applicant let the Board know that a local trail committee has been formed. Additional landscaping along NYS Route 63 is also planned.
- The Applicant(s) are actively reviewing the cost benefit, and infrastructure requirements needed to implement EV charging stations at the proposed site.
- Chairman Pierce asked the Applicant(s) on the status of any air quality study reports. The Applicant noted the improvements in truck technology that reduce idling and that trucks now transition to generators for overnight stationary use. The Applicant(s) stated that the proposed site would not adversely increase air quality past present levels.
- Chairman Pierce notes that the Applicant should add a site line of disturbance of tree removal on the site plan.

***A motion to recommend Approval of Zoning Referral #2022-011 with staff advisory comments and County Planning Board comments, was made by Chairman Pierce and seconded by Mr. Fahey. The motion carried. 15-0-0***

**Zoning Referral #2022-010, Town of Avon, Special Use Permit Modification for the existing mining operation at 1392 Oak Openings Road (Applicant: Oak Openings LLC)**

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

- Discussion began with Mr. Radesi inquiring the traffic flow of vehicles to and from the mining site. Mr. Rooney responded that the Special Use Permit by the Town of Avon only allows for trucks to travel north and not south from the site. Chairman Pierce noted concern over water quality and cross contamination regarding mining activities.
- The Applicant(s) lawyer stated that the Applicant seeks to modify the Special Use Permit previously permitted by the Town of Avon to become consistent with the approved NYS DEC permit.
- Mr. Rooney presented to the Board the tools given to local municipalities by the NYS Mined reclamation Law of 1991, and how local municipalities can regulate mining operations.

*A motion to recommend approval of Zoning Referral #2022-010 with staff advisory comments and County Planning Board comments, was made by Mr. Fahey and seconded by Mr. Radesi. Abstained was Ms. Mulligan. The motion carried. 14-0-1*

**Local Announcements**

None.

**Other Business / Communication**

- Public Housing Webinar, HUD NY Regional Office, March 29<sup>th</sup> at 2-3pm
- Jocelyn Bishop's last day is March 11, 2022
- In person meeting in April, at Government Center, Room 205 / 208
- Upcoming training sessions: <https://www.livingstoncounty.us/673/Training>

The next County Planning Board meeting will be held on April 14, 2022.

**Adjourn**

*A motion to adjourn was made by Ms. Palmer and seconded by Mr. Fahey. The motion carried.*

The meeting adjourned at 8:45 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Shawn Rooney