

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes –**  
**April 13, 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; DAWN ANDERSEN, Town of Livonia; KEITH STEIN, Town of Caledonia; THERESA GLEASON, Village of Lima; KAREN ROFFE, Village of Leicester; DENNIS NEENAN, Town of Lima; CATHIE GEHRIG, Town of Mt Morris

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

**Members Excused:** JACOB CALABRESE, Town of Sparta; TIM BRINDUSE, Village of Dansville; SARAH SANTORA, Village of Caledonia

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

**Guests:** JEROME BUTTERBRODT, Conesus Town Board; RICHARD CORRIGAN, Conesus Town Board; MIKE VOGT, Conesus Zoning Board; BRAD FRANCIS, Town of Conesus Planning Board

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Chairman Pierce brought the April 13, 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.

- Mr. Wester abstained from Referral #2023-013, Town of Conesus due to being on the Town Board.

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

Chairman Pierce asked if there were any changes to the February 9, 2023, minutes.

*A motion to approve the minutes from the February 9, 2023, County Planning Board Meeting was made by Ms. Mulligan and seconded by Mr. Fahey.*

The motion carried.

### **Approval of Minutes from the March 9, 2023, County Planning Board Meeting**

Chairman Pierce asked if there were any changes to the March 9, 2023, minutes.

*A motion to approve the minutes from the March 9, 2023, County Planning Board meeting was made by Ms. Andersen and seconded by Mr. VanHeusen.*

The motion carried.

### **Zoning Referral #2023-013, Town of Conesus, Review of the Town of Conesus Law Addressing Solar Energy Systems and Battery Energy Storage Systems (Applicant: Town of Conesus Town Board)**

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

- Mr. Radesi commented on the item of 'Roof Mounted' solar panels and height requirements. Large barn roofs are ideal for solar but most farms/barns are built to the minimum standard for snow load and will not be able to hold snow and the solar panels. Suggested to have an engineer or the Town Code Enforcement Officer inspect the building's structure before construction.
- Mr. Neenan commented off Mr. Radesi's comment and asked what the limits are for barn roofs. Mr. Radesi said most state requirements are 40 pounds per square foot but an engineer would know the exact specifications.
- Mr. Fahey questioned if Battery Energy Storage Systems are allowed in all districts. Ms. Underhill responded that Battery Energy Storage is only allowed where Solar is allowed.
- Mr. Fahey expressed concern over the Town's location to Conesus Lake and Hemlock Lake and suggested the Town should have regulations for containment and clean-up and a disaster clean-up plan.
- Mr. Neenan asked why the Town is allowing large scale solar projects in Agricultural zoning districts and concern over the Board's position on protecting prime farm land. Mr. Francis responded that when the Town reviewed their zoning maps, the only land that would work for large scale solar would be their agricultural districts and the Town felt that although there may be other areas in the Town that large scale solar could fit, it was not the best fit location for the projects. Mr. Vogt commented that the Town's intent with this current law is more so to place restrictions on residential ground mounted solar, and other than agricultural, there is not a lot of flat land in the Town. Discussion was had that some lands in the Town are not be suitable for solar development (such as steep slopes) and the proposed law would allow for some solar development on prime soils. The Board is concerned that solar development might be inadvertently encouraged to locate on farmland and soils that should be protected.
- Mr. Pierce suggested the Town consider making their law more defined regarding protection of prime soils and the County Planning Board's position on protecting prime soils within the County.
- Mr. Neenan commented the Town should consider added a statement regarding obtaining the spec sheets from the applicant upon application and confirm prior to construction.

- Mr. Radesi suggested the Town should consider adding a statement regarding the applicant having an escrow account or different type of account to pay for inspections so it does not come out of the Town's budget. Ms. Underhill mentioned the Town does have language in their law for deposits and funding but the Board can make recommendations to tighten up that language and make it more specific for the period of during application, prior to construction, and post-construction.
- Ms. Underhill summarized the Board comments which should be sent back to the Town, which included:
  - Any roof mounted Solar Energy Systems should include an engineer's review and approval
  - Battery Energy Storage Systems need increased regulations for containment and clean up restoration.
  - An escrow account should be created to pay for things such as inspections and engineer reviews and will be available to the Town prior to construction and post-construction.
  - Consider increasing regulations regarding the placement of solar uses on prime or productive soils/farmland.

*A motion to recommend Approval of Zoning Referral #2023-013 with staff advisory comments, and County Planning Board comments, was made by Ms. Gehrig and seconded by Ms. Roffe.*

The motion carried. 14-0-1. With Mr. Wester abstaining.

**Zoning Referral #2023-015, Town of York, Review of a 12-month Moratorium on Large Scale Battery Energy Storage Systems (Applicant: York Town Board)**

Mr. Griswold presented the staff report. There were no comments or questions from the Board.

*A motion to recommend Approval of Zoning Referral #2023-015 with staff advisory comments, was made by Ms. Gehrig and seconded by Mr. Neenan.*

The motion carried. 15-0-0.

**Zoning Referral #2023-014, Town of York, Zoning Text Amendment to replace Article VI with new Solar Energy Systems regulations (Applicant: York Town Board)**

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

- Mr. Neenan asked for clarification if there are any zoning laws that state how many non-commissioned panels can be stored on the sites. Suggestion was made to add a line stating if a panel is replaced, the company must remove the old panel. Ms. Underhill responded that there is some language in the law about the removal of panels, and they have to be removed from the site and the town. This statement may only pertain to decommissioning so the suggestion was made to recommend that same language be used but worded for broken panels, etc., not just decommissioning. Suggestion was also made to not allow any outdoor storage.
- Mr. Radesi expressed concern over the change in the height of the panels from 12ft to 15ft. For viewshed purposes, if the fencing is lower than the panel's largest height, the fence is no longer achieving its purpose. By increasing the panels the additional three

feet, it decreases the effectiveness of the screening, and the Town should take additional consideration for adequate screening and buffering.

- Mr. Pierce commented that there is concern amongst the Board over an increase in height that has already been reviewed and approved, would be a significant impact to the viewshed. There was also concern expressed that the higher height allowance would lead to variances beyond even the allowed fifteen feet, further defeating the purpose of the fences and other screening.

***A motion to recommend Approval of Zoning Referral #2023-014 with staff advisory comments and County Planning Board comments, was made by Mr. Pierce and seconded by Mr. VanHeusen.***

The motion carried. 15-0-0.

**Zoning Referral # 2023-023, Village of Geneseo, Site Plan Review and Area Variance for a car wash at 61-67 East South Street (Applicant: Auto Wash Car Wash)**

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

- Mr. Kane expressed concern over the heavy traffic in that area and vehicles trying to enter/exit the parking lot, specifically the issue of trying to turn left out of the lot into oncoming traffic so close to the incipient traffic light at Noyes Medical Facility. Suggestion was made to have a traffic study done.
- Mr. Radesi commented on the slope of the property and water runoff and expressed concern that a pond may not be sufficient enough to collect the amount of water and there is potential for flooding the surrounding businesses. There is concern over the size of the retention capacity.
- Mr. Radesi also commented that the height disparity between the lot and Route 20A would require significant infill material to bring to grade. He questioned where this infill material would be sourced from, and how it would further affect the floodplain.

***A motion to recommend Approval of Zoning Referral #2023-023 with staff advisory comments and County Planning Board comments, was made by Mr. Pierce and seconded by Mr. Fahey.***

The motion carried. 14-1-0. With Ms. Gehrig opposing.

**Zoning Referral # 2023-025, Town of Geneseo, Site Plan Review, Special Use Permit, Subdivision Review and Area Variances for a quick-serve restaurant with drive-thru and a three-unit multi-tenant building including a coffee shop with drive-thru and two retail users on Shale Drive and Gateway Drive (Applicant: Millstone Development)**

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

- Mr. Fahey expressed concern over the traffic flow into the lot, especially from Veterans Drive.
- Ms. Mack mentioned there seems to be a large amount of area variances for this one referral.
- Mr. Pierce mentioned concerns over emergency response access and pedestrian safety.
- Mr. Kane commented on the hydrant locations and make sure there are access points to the property.

- Mr. Kane also mentioned concern over the location of the middle dumpster and suggested considering the removal of this dumpster.

***A motion to recommend Approval of Zoning Referral #2023-025 with staff advisory comments and County Planning Board comments, was made by Mr. Fahey and seconded by Mr. VanHeusen.***

The motion carried. 14-1-0. With Ms. Mack opposing.

**Local Announcements:**

No local announcements

**Other Business / Communication**

- Ms. Ferrero reminded the Board about the email that was sent out regarding the GFLRPC Spring Workshop being held at Batavia Downs on May 18, 2023. The Livingston County Solar Team will be giving a presentation on Solar in Livingston County. Reminder the County will pay for one workshop a year, either in the spring or in the fall. Registration is online at the GFL website.
- Mr. Pierce spoke on a few flyers that were handed out. The first flyer was the Earth Day Community Clean Up that is sponsored by the Livingston County Environmental Management Council (EMC) and is encouraging local municipalities to register and participate. The second flyer is regarding invasive species. There will be an informational walk at the Indian Fort Nature Preserve in partnership with the Genesee Valley Conservancy and the EMC.
- Letchworth State Park provides a seasonal guide with information and activities. The current copy that is out now will be the last printed version, all future versions will be electronic.
- Ms. Ferrero announced that Ms. Underhill will be transitioning from County Planning Board to her other duties as Conesus Lake Watershed Manager for the Department. Ms. Underhill will still be available for comment and assistance with solar and will still be helping if we get backed up with referrals. The Board expressed their gratitude to Ms. Underhill for the knowledge and expertise she brought to County Planning Board discussions.

**Adjourn**

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

The motion carried.

The meeting adjourned at 9:41 p.m.

Respectfully submitted, Clara Mulligan, Secretary

Recorded by Stephanie Johnson