

**AGENDA FOR A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, APRIL 18, 2023  
7:00 PM. VILLAGE HALL**

**I. ATTENDANCE**

Paul M. Drozdziel, Chairman  
Marilyn Borkhuis  
John Gibson  
Robert C. Hayes  
Kelley Tonra

**ANTICIPATED GUESTS**

J. Douglas & Elaine McCarthy  
Stephen W. Fantuzzo, Nixon Peabody

**STAFF**

Andy Anderson, Code Enforcement Officer  
Patrick McCormick  
Sherman Gittens  
Gary Margiotta, Secretary

**II. APPROVAL OF THE MINUTES**

Of the meeting of February 21, 2023

**III. OLD BUSINESS**

**A. Special Use Permit Application**

Crooked Barn Craft Brewery  
310 East Main Street; Avon, NY 14414  
Zoned Agricultural (AG)

**J. Douglas & Elaine McCarthy**  
PO Box 204; Avon, NY 14414

**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Village of Avon Planning Board will hold a public hearing pursuant to Chapter 30, Section 65, of the CODE OF THE VILLAGE OF AVON on the application of:

J. Douglas & Elaine McCarthy for a special use permit to convert a barn on their property at 310 East Main Street, Avon, NY, into a craft brewery and coffee house.

Said hearing will be held at 7:00 PM Tuesday, April 18, 2023, at Village Hall, located at 74 Genesee Street, Avon, NY.

The Planning Board will, at the aforesaid time and place, hear all persons in support of this application or objecting thereto. Persons may appear in person or by agent or attorney.

Dated March 22, 2023.

By Order of the Planning Board of the Village of Avon  
Paul M. Drozdziel, Chairman

**B. Solar Committee**

**John Gibson & Kelley Tonra, Co-Chairs**

Members: Gibson, Planning Board  
Tonra, Planning Board  
McCormick, Village Board  
Christopher Conine, Zoning Board of Appeals  
John Marks, Community Volunteer  
Tommy Freeman, Community Volunteer

Draft proposal presentation to the Planning Board

**IV. NEW BUSINESS**

**A. Minor Subdivision Application**

**Jaguar Tubulars, Inc.**

164 acres on West Main Street  
Livingston Industrial Complex, LLC  
264 West Main Street, Avon, NY  
Light Industrial (LI) & Special Flood Hazard Overlay (FO)  
2-lot subdivision, 78.5-acre & 85 acre lots

2915 Ogletown Road #3331; Newark, DE  
represented by Nixon Peabody, Rochester, NY  
Stephen W. Fantuzzo, Associate

The applicant shall discuss the requirements of the land, street improvements, drainage, sewage, water, fire protection and similar aspects versus available resources.

The Planning Board shall study the practicability of the preliminary plat in consideration of community requirements and what might be considered the best use of the land. Particular attention shall be given to the arrangement, location and width of streets relative to the topography of the land, sewage, drainage, lot sizes and arrangement, future development of adjoining land and the requirements of the comprehensive plan.

Within 45 days of preliminary plat submission, the Board shall conditionally approve, with or without modifications, or disapprove the plat.

Within six months of approval, the applicant shall submit a final plat endorsed by the State Health Department as meeting the standards of the State Sanitary Code. The Planning Board shall notify the Livingston County Planning Board and the County Superintendent of Highways.

A public hearing (\$45.00 publication fee required of the applicant) shall be held within 30 days of submittal of the final plat. Within 45 days, the Board shall approve, modify or disapprove the plat.

**V. ADJOURNMENT**

**LIVINGSTON COUNTY  
NOTICE OF PUBLIC  
HEARING**

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Dated March 22, 2023

By Order of the Planning  
Board of the Village of  
Avon  
Paul M. Drozdziel,  
Chairman

Village of Avon

SPECIAL USE PERMIT APPLICATION

Chapter 30, Zoning
Article VI, Special Use Regulations

I. Applicant & Owner Information:

Applicant Name: Doug McCarthy
Applicant Address: PO Box 204 Avon NY
Phone Number: 585-309-2233
Email Address: doug@nootherimpressions.com
Applicant Signature: J. Douglas McLennan
Property Address: 310 E Main St, Avon NY 14414

Property Owner: Doug McCarthy
Owner's Address: 310 E Main St. Avon NY
Phone Number: 585-309-2233
Email Address: doug@nootherimpressions.com
Owner's Signature: J. Douglas McLennan
Zoning District:

II. Existing & Proposed Use & Structures Involved: (complete as an expanded word document, print and submit or print, provide attachments if needed to complete application)

Description of Existing Use:

The proposed site is in our old cow barn that is being used for storage at one end and houses our alpacas and sheep at the other end.

Description Proposed:

Convert the east end of the barn into a Brewery and Coffee House.

Proposed Improvements to Structures or New construction:

Improvements needed are to hook up to village sewer and water, new concrete floor and a new insulated roof. Transform the space into a taproom, coffee house for guests.

III. Provide Concept sketch and any proposed phasing of project

IV. Provide a Statement of operation

V. Occupancy, Parking, Operating Hours, Employees & Survey Map:

Seating Capacity: 75 stage 1
200 final stage

Off-street Parking Spaces: 50 stage 1
100 stage 2



Hours of Operation: Wed-TH 3:00 - 9:00pm; Frid-Sat noon-10:00pm; Sunday noon-9pm

Number of Employees: 4

Provide Survey Map

**VI. Traffic Projections:**

Motor Vehicles Entering/Leaving Site Daily: \_\_\_\_\_ During Peak Hours: \_\_\_\_\_

**VII. SEQR Documentation:** As required by New York State Law

**VIII. Public Hearing Required Prior to Approval/Denial**

Applicant shall serve real property owners within 200 feet of public hearing and file an affidavit of service with the Planning Board.

**OWNER'S AGREEMENT TO CONTENTS OF APPLICATION**

It is hereby understood that the contents of this entire application is hereby subscribed by the property owner, all matters understood and agreed to, and is hereby affirmed by the owner as true under the penalties for perjury. Also the applicant agrees to pay the cost of third party engineering services provided as directed by the village related to the project.

Doug McCarthy

Print Name of Property Owner

*J. Douglas McCarthy*

Signature of Property Owner

3/13/2023

Date

## **PURPOSE**

We recognize that solar energy is a clean, readily available and renewable energy source and we recommend that the Village Board accommodate the use of solar energy systems. We do, however, recognize the necessity to properly site and regulate solar energy systems within the boundaries of the Village of Avon to protect residential uses, business areas and other land uses; to preserve the natural resources, overall beauty, the historical nature and character of the Village; to promote the effective and efficient use of solar energy resources; and to protect the health, safety and general welfare of the citizens of the Village.

It shall be the policy of the Village to conserve and enhance the quality of our natural environment through community stewardship and the employment of sustainable land use and development practices. Our local farmlands, open spaces, woodlots, and banks of the Genesee River help to maintain the tranquil rural setting in which we live, work, and play. Our land-based decisions will seek to maximize the environmental, aesthetic, and recreational value of these resources for the health and enjoyment of existing and future generations. We will continue to protect viable agricultural lands from development pressures, and support the provision of local foods. And to further reduce our ecological footprint, we will work to secure locally sourced, sustainable energy that will contribute to the pursuit of energy independence and a cleaner, healthier environment for all to enjoy (Village of Avon Comprehensive Plan, 2017).

## **DEFINITIONS**

**APPLICANT** — The person or entity submitting an application and seeking an approval under this article; the owner of a solar energy system or a proposed solar energy system project; the operator of solar energy system or a proposed solar energy system project; any person acting on behalf of an applicant, solar energy system or proposed solar energy system. Whenever the term "applicant" or "owner" or "operator" is used in this article, said term shall include any person acting as an applicant, owner or operator.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** — A combination of PV (photovoltaic) building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows. Technologies include PV shingles, or tiles, PV laminates, and PV glass.

**BUILDING-MOUNTED SOLAR ENERGY SYSTEM** — Any solar energy system that is affixed to the side(s) or rear of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building.

**DECOMMISSIONING** - The removal and disposal of all Solar Panels, Solar Energy Equipment, Structures, equipment and accessories, including subsurface foundations and all other material, concrete, wiring, cabling, or debris, that were installed in connection with a Solar Energy System and the restoration of the parcel of land to the original state prior to construction on which the Solar Energy System is built to either of the following, at the landowner's (either the Initial Landowner or it's heirs, successors or assigns) sole option: (i) the condition such lands were in prior to the development, construction and operation of the Solar Energy System, including but not limited to restoration, regrading, and reseeded, or (ii) the condition designed by landowner (either the Initial Landowner or it's heirs, successors or assigns) and the Village. Details of the expected Decommissioning activities and costs are to be described in the Decommissioning Plan and Decommissioning Agreement as may be required pursuant to this Article.

**DECOMMISSIONING AGREEMENT** - A Written Agreement between Applicant, Initial Landowner and Village that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable.

**GLARE** — The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM** — Any solar energy system that is affixed to the ground either directly or by support structures or other mounting devices where such structure and mounting exists solely to support the solar energy system.

**INITIAL LANDOWNER**— The record title owner to the real property upon which a Solar Energy Systems is constructed, at the time such Solar Energy System is originally constructed.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence, or business.

**SOLAR ENERGY EQUIPMENT** — Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit that are used with solar panels to produce and distribute electricity.

**SOLAR ENERGY SYSTEM** — The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3, or Tier 4 Solar Energy System.

**SOLAR PANEL** — A photovoltaic device capable of collecting and converting solar energy into electrical energy.

**TILT** — The vertical angle, where 0° minimum tilt means the panel is lying flat, and 90° maximum tilt means that it is vertical.

### **SOLAR ENERGY SYSTEMS**

Tier 1 Solar Energy Systems have a capacity of up to 25 kW AC and generate no more than [110]% of the electricity consumed on the site over the previous [12] months. These include the following:

1. Roof-Mounted Solar Energy Systems.
2. Building-Integrated Solar Energy Systems.
3. Ground-Mounted Solar Energy Systems.

Tier 2 Solar Energy Systems have a capacity of up to 1 MW AC and include Ground-Mounted Solar Energy Systems which generate no more than [110]% of the electricity consumed **on the site** over the previous [12] months.

Tier 3 Solar Energy Systems have a capacity of up to 5 MW AC.

Tier 4 Solar Energy Systems are Solar Energy Systems which are not included under Tier 1, Tier 2, or Tier 3 Solar Energy Systems.

There will be no Tier III or Tier IV allowances within the Village of Avon

### **Tier 1 ROOF-MOUNTED and BUILDING-MOUNTED SYSTEMS**

Roof-mounted and building-mounted systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted uses and accessory structures, subject to the zoning codes of the village of Avon and the requirements set forth in this section.

#### **Recommended Requirements:**

Accessory uses and structures must exist on the permitted parcel.



The placement of a solar energy system shall only be permitted upon issuance of building permit based on special application materials supported by the Village Building and Codes Dept.

All projects are subject to proper permitted projects and codes and code review.

*Height:* Solar energy systems shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building –mounted mechanical devices or equipment

*Setback:* Solar energy systems are subject to the setback requirements of the underlying zoning district

*Aesthetics:* Solar installation shall incorporate the following design requirements:

- Solar energy equipment shall be installed inside walls and attic spaces to reduce their visual impact. If solar energy equipment is visible from a public right of way, it shall match the color scheme of the underlying structure
- Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system
- Solar panels affixed to a flat roof shall be placed below the line of sight from a public right of way
- No part of the roof-mounted or building-mounted solar energy system shall extend above, beyond or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer will require a minimum of three-foot wide access on all sides of the solar energy system.

## **BUILDING-INTEGRATED SYSTEMS**

Building integrated systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted uses and accessory structures, subject to the zoning codes of the village of Avon and the requirements set forth in this section.

## **GROUND-MOUNTED SYSTEMS**

Ground-mounted systems offer an alternative to parcels lacking ideal roof solar access. Ground-mounted solar energy systems are permitted as an accessory structure in all zoning districts subject to the zoning codes of the village of Avon and the requirements set forth in this section.

**Recommended Requirements:**

All ground-mounted solar panels in residential districts shall be installed in the side or rear yard.

*Setback:* Solar energy ground mounted systems will be subject to the setback requirements of **15 feet from the side of the lot line, and 15 feet from back of the lot line.**

*Height:* Solar energy systems shall not exceed maximum height of **12 feet**. All height measurements are to be calculated when the solar energy system is oriented at maximum tilt.

*Lot Coverage* – The surface of ground mounted solar panels shall be included in lot coverage and impervious surface calculations.

**Tier II LARGE-SCALE SOLAR SYSTEMS**

Large-scale Tier II solar systems are permitted through the issuance of a special-use permit within Light Industrial, Agriculture, or Business District.

**Tier III and Tier IV Solar Systems within the Village of Avon are not allowed**

*Height and Setback:* Large-scale solar energy systems shall adhere to the height and setback of 20 feet from the side and back of the lot lines and shall not exceed a maximum height of 15 feet. All height measurements are to be calculated when the solar energy system is oriented at maximum tilt.

Large Scale systems shall be located on lots with a minimum lot size of

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All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determining by the special-use permit process. **The fencing and the system**



may be required to be further screened by landscaping to avoid adverse aesthetic impacts.

On site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.

The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.

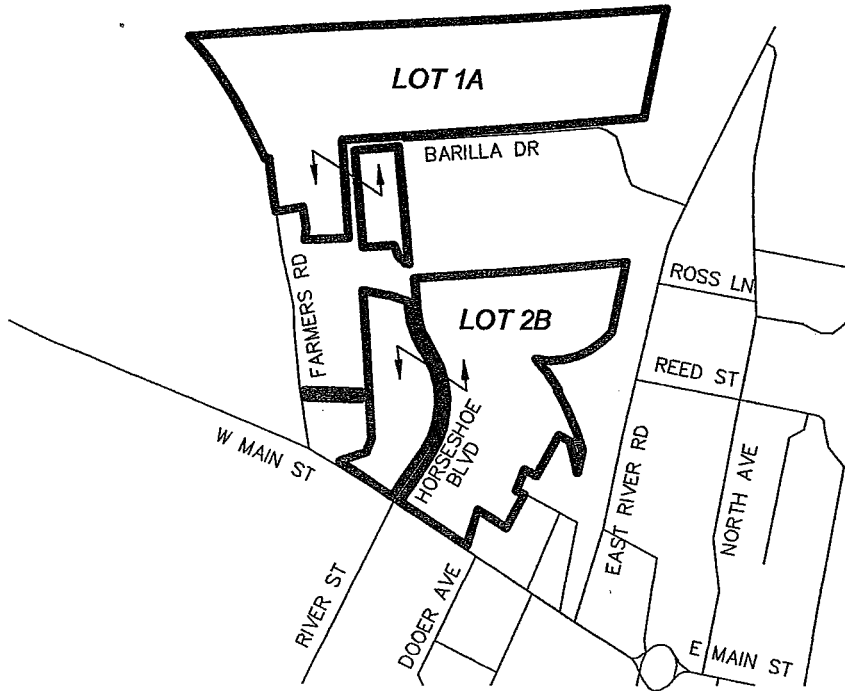
**Special Use permit requirements:**

Commercial or Industrial Districts are encouraged

**SOLAR IN HISTORIC DISTRICTS**

**ABANDONMENT AND REMOVAL /DECOMMISSIONING**

- To ensure the proper removal of large-scale systems, a decommissioning plan shall be required. The plan shall include the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer of contractor. Cost estimations shall take into account inflation.
- Financial Surety: A from of surety, through escrow, bond, financial obligation insurance or a letter of credit from a bank , shall be established prior to the commencement of constructions to cover the cost of decommissioning the site. The amount of surety required by the municipality shall not exceed 125% of the cost



VICINITY MAP  
NOT TO SCALE

OWNER  
LIVINGSTON INDUSTRIAL COMPLEX, LLC  
1001 LEHIGH STATION ROAD  
HENRIETTA, NY 14467

PRELIMINARY PLAN

**JAGUAR SUBDIVISION**

LOCATION SURVEY ON PART OF PHELPS & GORHAM PURCHASE, TOWNSHIP 10, RANGE 7, TOWN OF AVON.			
BARILLA DRIVE, FARMERS ROAD, HORSESHOE BOULEVARD AND WEST MAIN STREET (ROUTES 5 & 20), VILLAGE OF AVON, TOWN OF AVON, COUNTY OF LIVINGSTON, NY			
FIELD DATE: 11/7/2022	MAP DATE: 12/5/2022	SCALE: 1"=100'	DRAWN BY: TWW
DRAWING No. 22-1-65 *D*		SHEET 1 OF 7	

VILLAGE OF AVON  
74 GENESEE ST.  
AVON, NY 14414

APPLICATION FOR SUBDIVISION

Applicant: Jaguar Tubulars, Inc.

Owner: Livingston Industrial Complex, LLC

Address: 2915 Ogletown Road, #3331

Address: 1001 Lehigh Station Road

Newark, Delaware 19713

Henrietta, New York 14467

Phone #: 585-263-1048

Phone #: 585-424-4760

I, the undersigned applicant/owner hereby request review for the following subdivision. I understand that the Avon Village Planning Board is responsible for the review of this subdivision. I also understand that I am responsible for the legal and engineering costs incurred by the Village of Avon for the review of this Site Plan.

Anshu Bhatia

Date: April 4, 2023

Applicant's Signature

Plan prepared by the following licensed engineer, architect and/or land surveyor:

Name: Lehr Land Surveyors, D.P.C.

Address: 116 Salina Street, Suite 6, Liverpool, New York 13088

Name of Subdivision: Jaguar Subdivision

Number of lots in subdivision: 2

Location of Subdivision (Address and/or Distance and Direction to nearest road intersection):  
Horseshoe Boulevard and Barilla Drive (see application cover letter for additional information).

Tax Map Number: 24.17-2-2.111

Total Area of property to be subdivided: Approximately 164 acres.

List individual lot numbers and area per lot (Use separate sheet if necessary):

Lot #1 approximately 78.5 acres

Lot #2 approximately 85 acres

Current Zoning: Light Industrial and Special Flood Hazard Overlay

Current Condition of Site (Buildings, Brush, etc.) Vacant

Character of Surrounding Property (Residential, Commercial, Etc.):

Commercial. Agricultural.

Is the property in a Flood Zone? Yes. Zone A6 and Zone C.

Are there any deed restrictions, right-of-ways, or easements on the property? If yes, list below:

Yes. See Title Commitment and Plat for full list.

**A completed SEORA Environmental Assessment Form is required as part of the subdivision review/approval process. (Applicant completes front of the SEORA form only).** See Exhibit D.

Are there any State and/or Federal Permits required? If yes, list below: No.

Any new lots created by this subdivision must be accessible by a dedicated road. Is this (Are these) lot(s) accessible by a dedicated road? <sup>Access from gravel drive connected to two dedicated roads.</sup> Yes. If no, who will be responsible for constructing the road? Existing access is sufficient, and easement rights provide for potential future access agreements at locations to be determined.

Current use of site (agricultural, commercial, undeveloped, etc.) Undeveloped.

Are there any deed restrictions, right-of-ways, or easements on the property? If yes, list below and include on maps: See Title Commitment and Plat for full list.

is the property located in a flood plain district? Yes. Flood Hazard Overlay District.



**This application was reviewed by the Code Enforcement Officer:**

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**Signature of Code Enforcement Officer**

**Date**

**Final Approval Granted by Planning Board on:**

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**Signature of Chairman of the Planning Board**

**Date**