

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, FEBRUARY 15, 2022
7:00 PM, VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis (7:05 PM)
John Gibson
Robert C. Hayes
William Wall

Andy Anderson, Code Enforcement Officer
Gary Margiotta, Secretary

TOWN OF AVON PLANNING BOARD

Kathy Cole, Chairwoman
Thomas McGovern
Clara Mulligan
Christopher Sterner
Brian Thorn

Brian Glise, Code Enforcement Officer
Malachy Coyne, Councilman
Stephen Waldvogel, GHD Technical Director
Daniel Hamlin, GHD EIT Engineer

IV. NEW BUSINESS

A. Subdivision Application

“Wheat to Bones” Subdivision
66-68 Rochester Street, Avon, NY
Two lots involved, 39,200 square feet

Gary J. Wheat
5410 Lake Road; Avon, NY
Francis B. (Bones) Matusak, Jr.
163 North Avenue; Avon, NY

Drozdziel read the public hearing notice, indicating Wheat had filed the application, that it had been available for review at Village Hall and that the Board would hear all comments in support of or objecting to the application at this time.

Wheat was not present. Matusak explained he owned an apartment house at 52-54 Rochester Street. The property did not have a driveway. Wheat owned an apartment house next door at 66-68 Rochester Street and had agreed to sell him a 40-foot width at the rear of his property that would allow Matusak’s tenants access to his property, off Cemetery Street. He told Board members there was already a curb cut there.

Matusak’s tenants had parked on railroad property across from the apartment house, but the railroad had put up barriers to prevent that. The subdivision application had been necessitated, in part, by the railroad’s actions, Hayes remarked.

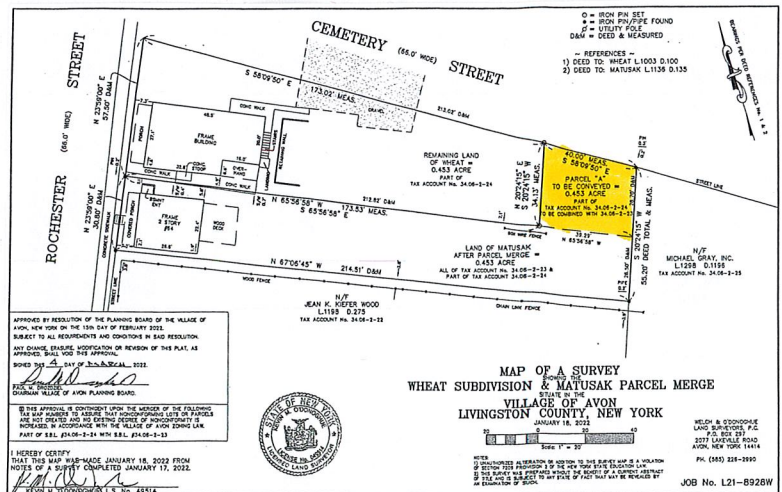
How far up Cemetery Street, from Rochester Street, would the driveway be? Gibson asked.

Two hundred twelve feet, according to the map, Drozdziel responded.

What kind of driveway would Matusak put in? Wall asked.

Stone, Matusak answered.

No other comments were offered.



MOTION: Gibson moved to close the public hearing, seconded by Hayes. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

MOTION: Hayes moved for approval of the subdivision application, seconded by Wall. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

**B. Joint Meeting with the
Town of Avon Planning Board**

Drozdziel announced the purpose of the meeting was to discuss potential development and the capacity of the Village’s Wastewater Treatment Plant (WWTP).

Kathy Cole, Chairwoman

Thomas McGovern
Clara Mulligan
Kathy Mannix
Christopher Sterner
Brian Thorn



In addition to the Town Planning Board members, Malachy Coyne and Drozdziel were both members of the Town Council and Waldvogel and Hamlin were present from GHD of 285 Delaware Avenue, Buffalo, a professional services company with engineering, architectural and construction expertise.

The Town was interested in Wastewater Treatment Plant upgrades to accommodate as many as 500 more homes in the Royal Springs subdivision off Routes 5&20 in East Avon. Drozdziel asked what kind of timeline were they looking at?

Waldvogel said he had driven through Avon many times. Regarding the timeline, that was in the Village and Town’s control. They would be pursuing a water infrastructure improvement program financially supported through the Consolidated Funding Program and the State Revolving Fund (SRF).

Cole stopped Waldvogel, saying the Town Planning Board was “in the dark” on this project.

Because of the age of the Village’s WWTP, questions had been raised about what improvements would be necessary over the next 30 years, Waldvogel responded. GHD had been asked to evaluate that. A study had been done seven-to-eight years ago, Waldvogel continued. That study contemplated flows to plant increasing 2 ½ times with \$7 million to \$8 million worth of improvements needed to accommodate that.

Do you spend that money in anticipation of growth or when the growth occurs? Waldvogel asked. The plant, he pointed out, was deteriorating because of its age.

GHD was developing three scenarios:

- Status quo with little or modest growth.
- A high growth scenario. What sort of mixed growth might be expected: purely residential, commercial and industrial, the subdivision in the Town. What might the needs be if a chip manufacturer moved in versus another Barilla?

- Or something in between, some middle ground.

The Village and Town's comprehensive plans should be reviewed, Drozdziel suggested.

With 500 new homes possible in the Royal Springs subdivision, their dilemma today was, if they build for growth and the growth doesn't occur, who's stuck with the cost, Hayes asked, the Village and village residents?

The Village has the Livingston Industrial Complex (*industrial park*) at 1 Horseshoe Boulevard, Drozdziel pointed out, but they shouldn't get too far into this. What should their realistic expectations be for potential growth? he asked.

GHD could come up with estimates for residential development, Waldvogel offered, but the key would be what commercial and industrial development might be anticipated. For example, what would the impact be if a yogurt factory moved to move to Avon, those would be the difficult needs to forecast.

GHD could examine the Village and Town's comprehensive plans and get back to local officials with some estimates.

When you talked about Kraft Heinz predecessor, General Foods, Cole recalled when General Foods was making Pudding Pops then moved on to Lunchables, their wastewater treatment demands declined markedly. The evolution continued in 2007 when Barilla opened.

Kraft Heinz is here today, Drozdziel stated.

But they almost weren't, Cole countered.

His point exactly, Drozdziel followed-up, how does it factor into the equation, if Kraft Heinz were gone?

What do you need to think about by way of change? Waldvogel asked. The desire is to bring jobs to the community. If you got a grant for the WWTP, you could build out and attract commercial or industrial users.

On the other hand, if the community attracted large commercial or industrial users, those users might be willing to underwrite part of the cost of WWTP improvements, Drozdziel said. As for residential growth, the Chairman pointed out the Village only had one active subdivision, that being Anderson Meadows off Lake Road.

There was the potential for development at Alexander Crossing off Pole Bridge Road, Hayes remarked.

Alexander Crossing had been a 59-lot subdivision that Joseph Burkart of Fairport had purchased in a tax foreclosure sale in 2014. The zoning subsequently reverted to Agricultural. Ashley, Brendan, Thomas and Elizabeth Snyder of Scottsville had acquired the land earlier this year.

So, there was the potential for 60 houses in Alexander Crossing and another 25 in Anderson Meadows, Drozdziel followed-up. Overall, 100 new homes in the Village and you'd be talking a lot, the Chairman observed.

Tec Park (*James M. Steele Commerce Park*) in East Avon had been set-up for smaller businesses, Cole said. She didn't foresee a huge Amazon distribution center locating there, adding the park was "*pretty full*" as it was. Piranha Milling & Paving Contractors, LLC, recently got a 30-acre lot there, she added.

If a grant were attached to Wastewater Treatment Plant improvements, would you “shoot high?” Coyne wondered.

You’d aim high, if 60 percent grant funding were possible, Waldvogel answered. You would come down to your preference. If you built now and spent the money, the people here now would pay for it, he added.

What would a grant pay for, Hayes asked, building the plant out or a study?

For the improvements, Waldvogel told him.

Should we be looking at this as members of the Town, the Village or as planners? Hayes followed-up.

How many residential lots are there for potential growth? Drozdziel wondered. You only have so much land. In the Town, you have Royal Springs, but what else do you have?

The Village has Barilla and the rest of the Livingston Industrial Complex to develop, Cole remarked, but they don’t have any magic numbers to know what might come along. The comprehensive plan would be a good place to start, she added.

What brought Barilla here? McGovern asked. Route 390 Exits 9 and 10, the railroad, gas, a well laid-out industrial park? The area will keep growing, he continued, but added it would be nice not to have the Wastewater Treatment Plant as a limiting factor.

Looking at the 2020 Census, the numbers were down for the Town and Village, Drozdziel countered, saying there were fewer people here.

There was a “flat tend,” Thorn agreed, suggesting the need for new houses wasn’t there.

The Town and Village seemed to have aging populations, Drozdziel added.

Expanding on that, McGovern said New York State, overall, was losing population.

According to the 2020 US Census, New York State had 20.2 million residents, 4.2 percent more than in 2010. New York City and Ontario and Erie Counties led the gainers, but the Census Bureau has also indicated New York State had lost more residents than any other state between 2020 and 2021. New York State was the fourth most populous state in the country.

Would GHD be writing a grant for WWTP improvements? Mulligan asked.

No, but GHD would do the study, Waldvogel answered.

Who was on sewer in the Town now and who could be? Gibson wondered.

Cole followed-up, Town residents who have septic systems now, would they be able to go on sewer? Would a sewer line, for instance, go down Route 15?

Would you be making people pay for something that might not come for 15 or 20 years? Glise asked.

The Village experienced decreased demand when Kraft acquired General Foods, Waldvogel remarked. The area should begin with the “*status quo*,” or modest growth scenario, walk a delicate line. Waldvogel advised, adding GHD would work closely with the committee.

The comprehensive plan, Drozdziel reiterated, would be a good starting point, examining the Town and Village zoning regulations would tell you lot sizes. For the Town, the biggest thing was Royal Springs, but even developers there wouldn’t come in and build 500 homes overnight.

Would 500 homes equal one microbrewery? Glise asked.

In central New York, there were many dairy operations, Waldvogel said. They were high-waste operations and would require a pre-treatment program.

Could GHD help the Town and Village with a deadline? Coyne asked, wondering if they needed to meet again.

GHD would work to come up with flow targets in the next two to three weeks, Waldvogel responded. He anticipated discussions with William Bacon, the Director at Livingston County Economic Development, would be interesting. Was the area looking at an Amazon-type distribution center or a cheese factory (*high growth scenario*).

Will you present your findings to the Town and Village? Cole asked.

Of course, Waldvogel responded. GHD will do what they needed to do then present their findings to the committee.

The Town and Village Planning Boards could attend, Cole suggested.

Some findings may not be ready until the end of May, Waldvogel estimated.

Cole thanked Waldvogel and Hamlin for coming.

Would the MRB Group be involved? Hayes asked, adding they knew the Village’s WWTP.

They’d be involved as needed, Coyne said.

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for approval of the minutes of the January 18, 2022, meeting, seconded by Hayes. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

III. OLD BUSINESS

A. Solar Projects

Gibson, Committee Chairman

Was there an appropriate place for ground-mounted solar anywhere in the Village? Drozdziel asked.

Alexander Crossing had been acquired by nieces and nephews in the Stokoe family, Hayes mentioned, adding the Stokoe’s were very active in ground-mounted solar. The Planning Board might wish to recommend a local law

banning ground-mounted solar projects for commercial purposes. Perhaps, a local law that specifically addressed solar projects that might be selling power back to the grid.

The Board could recommend a local law banning commercial solar projects and only allowed residential projects with on-site use, Drozdziel followed-up.

Borkhuis asked what it took for a house to have roof-mounted solar panels.

Structural limitations were a consideration, Anderson said.

As far as ground-mounted solar panels, the Board should come up with setback and height requirements, Gibson suggested.

But, do you even want to allow ground-mounted solar panels in residential zones? Drozdziel asked.

If you did, beyond setback and height requirements, the Board might also have to establish drainage requirements, Hayes said.

Drozdziel got back to the subject of solar panels for commercial purposes, reiterating the suggestion they not be allowed.

Was there a difference between "*for profit*" and personal use? Gibson inquired.

Projects that involved commercial use should be out, Borkhuis agreed, but she wondered about solar projects on farms and how much the Village might want to regulate them?

The Village Board could craft a local law banning ground-mounted solar project in commercial applications, but allowing roof-top solar projects for personal use, Drozdziel suggested.

Borkhuis agreed, noting Bronson Hill Road had ground-mounted solar project that took up large areas, did anyone want to see those sorts of projects in the Village? She didn't think so.

Hayes got back to setback and height requirement, but said he, too, was against commercial projects for the purposes of selling solar back to the grid.

What do we want? Gibson asked.

Drozdziel felt the Village should not allow ground-mounted solar projects or battery storage, but should allow roof-top projects for personal use.

Do residential solar projects have to have battery storage? Borkhuis asked.

Depends, Gibson responded, but, bottom line, the Board didn't want anyone selling power back to the grid.

No, but, if you had roof-top solar panels, you should be able to do what you wanted with the power, Drozdziel countered.

Gibson suggested Board members look at the Town of Lima laws, saying he had liked them the best.

V. ADJOURNMENT

MOTION: Wall moved for adjournment at 9:00 PM, seconded by Gibson. Voting in favor were: Drozdzial, Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

Gary Margiotta
Secretary