

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, APRIL 19, 2022
7:00 PM, VILLAGE HALL**

I. ATTENDANCE

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

STAFF

Andy Anderson, Code Enforcement Officer
Patrick McCormick, Village Board Liaison
Gary Margiotta, Secretary

ABSENT

Robert C. Hayes

**New Member
Introduced**

Drozdziel introduced Kelley Tonra of 33 Spring Street to members, she had been appointed April 4, succeeding William Wall. The Chairman explained the functions of the Board, noting they maintained the Village’s Comprehensive Plan and assumed responsibility for updates as necessary. Drozdziel noted the importance of “walkability” within the community and, in conjunction, the importance of sidewalks.

Solar development was another “hot topic” in the towns, the chairman continued. There were open parcels in the Village on which solar could be an issue, he pointed out. The Village Board had imposed a moratorium on ground mounted and battery storage solar projects through November. Drozdziel said the Planning Board hoped to recommend solar legislation to the Village Board before then.

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for approval of the minutes from the Planning Board’s March 15, 2022, meeting, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none. Abstaining was: Tonra (*not a member at the time*).

III. OLD BUSINESS

A. Solar Projects

Gibson, Committee Chairman

Draft Recommendation from Drozdziel

The draft recommendation Drozdziel had submitted last month was circulated and the chairman began, asking if solar panels would be objectionable on the rooftops of commercial buildings.

Was the concern what it would look like? Tonra asked, adding she hoped that wasn’t the main concern.

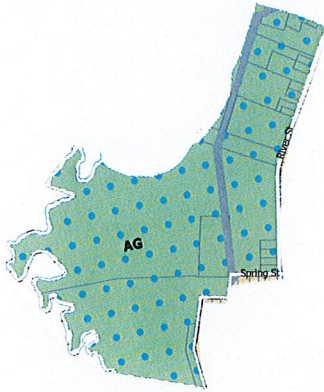
How they’d affect property values might be a larger issue, Drozdziel said.

Tonra had been in Cincinnati this past weekend and seen a solar array used as a canopy over a parking lot.

Agricultural (AG) Districts

What was their biggest concern then, Gibson asked, Agricultural Districts (AG)?

Property in Agricultural (AG) districts, such as the Kime’s on River Street, might profit the most from solar projects, Borkhuis said (***Kime’s property is zoned Agricultural (AG) but also Special Flood Overlay (FO)***).



Kime James R
Kime Edward T
323 River St
Avon, NY 14414

273 River St
120 Field crops
Avon
ACRES 112.20

Spring St
105 Vac farmland
Avon
ACRES 7.40



Agricultural (AG)



Special Flood Hazard Overlay (FO)

In the Town, they just had an application to put solar in their business park (***James M. Steele Commerce Park***), Drozdziel said, but pointed out the Village had a certain character to it. How did Board members feel about ground mounted solar in Agricultural (AG) districts?

Yes, with restrictions, Borkhuis responded.

Mine (***vote***) would be “***no***,” Drozdziel followed.

If the Kime’s wanted to generate power for their farm, Gibson said he’d be in favor, but if the Kime’s wanted to generate power to sell, Gibson said he would say, no.

If you read the draft recommendation he’d submitted on ground-mounted solar, they wouldn’t be closing the door to such projects, but would be closing the door on large scale ground-mounted solar projects.

GROUND-MOUNTED SOLAR

A Ground-Mounted solar energy system intended to produce energy for on-site consumption or credit for on-site consumption for a building, single-family residence, multifamily residence or farm. Said system shall be considered an accessory use and an accessory structure, designed and intended to generate electricity solely for use on the premises, potentially for multiple tenants, through a distribution system that is not available to the public.

They could establish set-back requirements, Borkhuis suggested.

Agricultural (AG) properties, other than Kime’s, in the Village included:

- The White Oak Trust, 117.3 acres, off East Main Street (Mulligan Family Farms, LLC)
- Ashley, Brenden, Thomas & Elizabeth Snyder, 36.7 acres, off Lake Road (formerly Alexander Crossing)
- Melissa Stanton, 27.1 acres, off North Avenue
- Richard Martin, 16.09 acres, off Pole Bridge Road
- Katherine A. Martin, 2.82 acres, off Pole Bridge Road

Gibson said he would review the Town of Lima’s solar legislation; Lima wanted to preserve agricultural land for agricultural use. Gibson said he would take a few notes and bring them in for Board review at the May 17 meeting.

Most open land in the Village was zoned Agricultural (AG). Gibson wondered if *“good farmland”* should be diverted to solar projects. But, perhaps, the Board should begin by looking at commercial properties. Should the point of least contention be the commercial sale of solar energy? he asked.

They could consider that, Drozdziel said, but when you produced excess energy, the excess was, more often than not, simply going back into the grid. When you defined *“commercial”* you should start with zoning and keep discussions relevant to zoning districts regardless of where the power was going.

Gibson agreed, conceding most residents with solar projects wouldn't be storing excess power on site, they'd be selling it back to the grid.

Tonra hoped most would use most of the power generated.

**LI – Light Industrial
Zone Classification**

They also had to consider large industrial properties, such as Kraft Heinz, Barilla and Gray Metal, Drozdziel said.

Could they allow a solar project at one and not the another? Tonra asked.

No, the zoning was the same for all three, Drozdziel pointed-out.

Barilla Drive and Horseshoe Boulevard, where Barilla was located; Spring Street and Sackett Road, where Kraft Heinz was located; and, 495 Rochester Street, where Gray Metal was located were all zoned as LI or Light Industrial.



We have to be able to use alternate forms of energy, but they could be a bit of an eyesore, Tonra said.

Setbacks and screenings might mitigate the eyesore, Drozdziel theorized, but added you could also run out of room depending on the size of the setback asked (*for example, if the Village established a 50-foot setback*).

Taking that into consideration, there would only be certain areas where solar projects would fit. Drozdziel remarked. They could limit solar projects on commercial properties to roof-mounted as opposed to ground-mounted arrays, he said.

In five years, solar arrays on the ground might be more acceptable because of advancements in technology, Gibson ventured.

Then we re-visit the legislation, McCormick countered.

Planned Residential Development

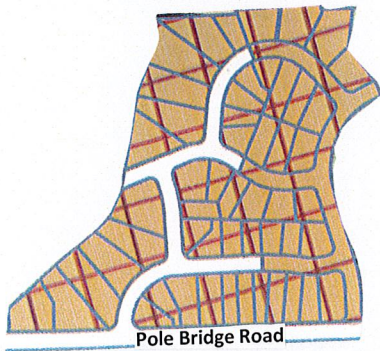
Districts (PRDD)

Drozdziel wouldn't want anything in Planned Residential Development Districts (PRDD), districts such as:

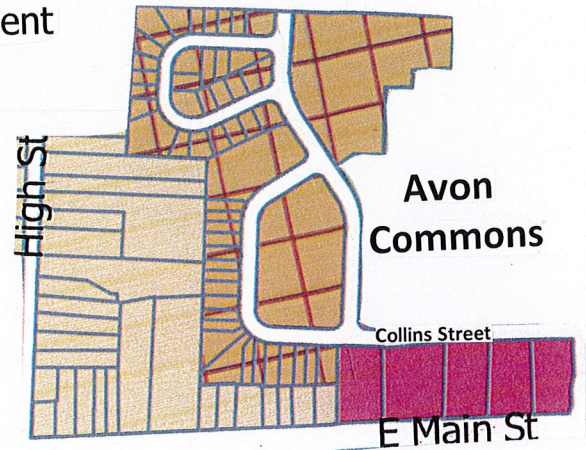
- Village View (*Five Lot Farm*)
- Avon Commons or in
- Special Flood Hazard Overlay (FO) districts.

Planned Residential Development Districts referred to comprehensively planned residential districts in which a greater flexibility has been granted in: building siting, lot size, setbacks, mixture of housing types, usable open space and preservation of significant natural features than was typically allowed in more established neighborhoods. Village View, off Pole Bridge Road, and Avon Commons, off East Main Street, were the Village's two PRDDs.

Planned Residential Development District (PRDD)

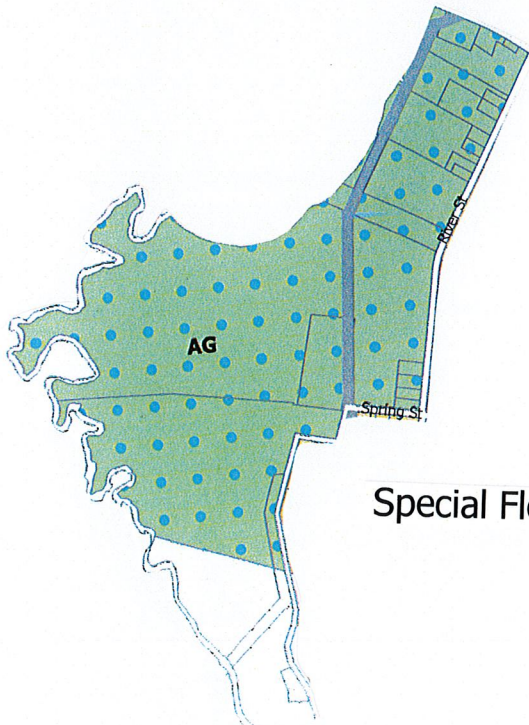


Village Gate

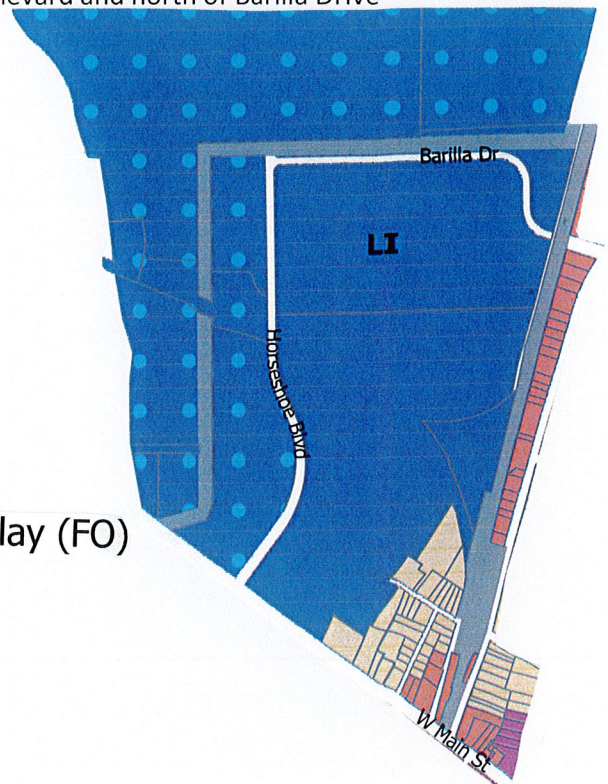


Avon Commons

Special Flood Hazard Overlay Districts had been established to allow the Genesee River to carry abnormal flows of water in times of flood. The Village's FO districts were the Agricultural (AG) lands west of River, Spring and Mill Streets and the Light Industrial (LI) lands west of Horseshoe Boulevard and north of Barilla Drive



Special Flood Hazard Overlay (FO)



With restrictions? Tonra asked.

Yes, Drozdziel agreed, you could have it, but it would fall under the ground-mounted provisions.

Combination Business Districts (CB)

Village Business Districts (VB)

Combination Business Districts were meant to provide economic development opportunities in neighborhoods where low-impact commercial, office and light industrial uses were desirable while, at the same time, protecting residential uses.

The Village had CB-zoned-districts:

- Along the west side of Rochester Street
- Along Railroad Avenue
- Along the railroad tracks behind the residential properties on Wadsworth Avenue
- Along the west side of Wadsworth Avenue, between Spring and Linden Streets; and
- The properties around the Avon Inn on East Main Street.

As for the Village Business District, VB properties were concentrated around the Circle Park and ran south on Genesee Street towards Clinton Street.

The VB was intended to preserve the historic character of the heart of the Village while promoting the vibrancy of the multi-story, mixed-use 19th century properties there. Sidewalk connectivity and an inviting streetscape were other considerations for this zoning classification.

Drozdziel suggested allowing building-mounted and roof-mounted solar energy systems in Combination Business the Village Business district.

Could they have all applications subject to site plan review? Gibson asked.

Or specify which systems weren't permitted, Drozdziel said.

The Board may wish to reach out to Louise Wadsworth, Downtown Coordinator for Livingston County Economic Development, Anderson suggested.

There might be some value to simply saying, no, in the Village Business District, Drozdziel said. He suggested taking a straw vote.

Borkhuis said no.

Gibson wondered if there would be any visual impact to a roof-mounted solar system on the Opera Block (**a 3-story tall structure**).

You'd see it, Drozdziel said.

Weren't there regulations beyond Village rules? Borkhuis asked.

Only if you were taking money for it, McCormick responded.

Gibson shifted to not allowing it.

Tonra, likewise, said, no.

General Business Districts (GB)

The Village's General Business District was intended to accommodate a mix of uses that catered to residents, travelers and tourists. The classification was meant to create a district for larger scale commercial activities that depended on visibility for larger volumes of traffic.

But, the GB was also meant to respect the Village's traditional character and walkability. Ample greenery and landscaping should provide an inviting streetscape in the General Business District and building design should create a welcoming gateway into the Village.

Physically, Avon's GB District was on both sides of East Main Street from the first commercial properties east of Hal Bar Road continuing east to the Village line as well as on both sides of Collins Street.

Drozdziel favored allowing solar systems in the General Business District.

Light Industrial Districts (LI)

Getting back to Light Industrial Districts: the Livingston Industrial Complex (*industrial park*) where Barilla was located, Kraft Heinz and Gray Metal, Drozdziel asked if Board members favored building-mounted as well as ground-mounted solar energy systems.

Tonra went along with building-mounted.

The purpose of the industrial park was to create jobs, Drozdziel noted. Ground-mounted solar would take-up space, but wouldn't be creating any jobs. He, likewise, favored allowing building-mounted solar energy systems.

Could they say it had to be on a building that already existed? Tonra asked.

It might look better on a new building rather than one that already existed, Drozdziel said.

Tonra agreed.

Village Residential Districts (VR)

The VR District was supposed to support the vision and policies in the comprehensive plan with respect to the preservation and enhancement of Avon's existing, traditional neighborhoods.

Gibson suggested allowing roof-mounted solar energy systems.

Drozdziel asked about building-mounted systems.

Tonra felt the Board should rule out ground-mounted systems.

Gibson said he had a 25-foot-long travel trailer and a shed in his backyard, he wasn't sure a ground-mounted solar energy system would look any worse.

Anderson noted he had an application for a roof-mounted project on Ross Lane.

Erik and Jessica Schneider at 200 Ross Lane, for a 14.06 kW DC roof-mounted system with 37 photovoltaic panels 71-inches X 39-inches and 44 pounds each, mounted flush to the existing roof surface. The cost had been estimated at \$13,727.

Would they have battery storage or would they be selling their excess power back to the grid? Gibson wondered.

Drozdziel said he was all for allowing solar systems on buildings in VR districts, but no ground-mounted systems. He advocated the same guidelines for Multi-Family Residential (MFR) districts (*the Village's only MFR district was on Sackett Road from Spring Street south to The Glen apartments*).

May 17 Meeting

Final Review

Drozdziel encouraged members to review what they had drafted for the May 17 meeting. William and Laurie VanAllen were expected to attend that meeting to discuss subdividing 54 Maple Street and building a house there. They hoped to start the process in the summer of 2023 and complete it in early 2024.

IV. NEW BUSINESS

Subdivision – Concept Meeting

54 Maple Street

2 parcels: 2.21 acres & 170ft X 271ft

William & Laurie VanAllen

6464 Sandhill Road

Caledonia, NY 14423

The VanAllens had reported they had come down with COVID and asked to have the concept meeting rescheduled until the Board's May 17 meeting.

V. ADJOURNMENT

MOTION: Borkhuis moved for adjournment at 8:20 PM, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

Gary Margiotta
Secretary