

**MINUTES OF A SPECIAL MEETING OF THE VILLAGE  
OF AVON VILLAGE AND PLANNING BOARDS  
MONDAY, OCTOBER 24, 2022  
6:00 PM; VILLAGE HALL**

**I. ATTENDANCE – VILLAGE BOARD**

Thomas W. Freeman, Mayor  
William Zhe, Deputy Mayor  
Timmy Batzel  
Amanda Hoffmann  
Patrick McCormick

**QUORUM**, 5 Present, 0 Absent

**STAFF:**

Heather Randall, Clerk  
Gary Margiotta, Deputy Clerk  
Brian Strozewski, Fire Chief

**GUESTS:**

Bonnie Davis  
Edward Forsythe  
Thomas A. Freeman  
Rob Richardson, Clean Energy Communities Coordinator with  
the Genesee/Finger Lakes Planning Council of Rochester

**PLANNING BOARD**

Paul M. Drozdziel, Chairman  
John Gibson  
Kelley Tonra

**ABSENT**

Marilyn Borkhuis  
Robert C. Hayes

**QUORUM**, 3 Present, 0 Absent

**II. SOLAR PROJECTS - MEETING OPENED**

Mayor Freeman opened the meeting, saying he'd thought a good way to get solar questions answered was to invite Richardson to a meeting. Richardson, he noted, advised nine counties on clean energy projects.

Richardson said he saw this meeting as the first conversation in an evolving conversation. His goal tonight had been to provide "*a lot of resources*" – not to make any decisions. He opened with three points:

1. The Village's year-long moratorium on ground-mounted solar projects and battery storage (*enacted October 3, 2022*) should remain in place until the Village had made decisions on legislation and zoning. You want to prepare for the future, Richardson advised, adding whatever they decided should reflect the community.
2. You have full power, Richardson said, you control the language.
3. Nothing Village officials decided would be set in stone, Richardson continued, they could go back and change things, that was normal, whatever legislation they adopted didn't have to be perfect.

Village Clerk Heather Randall had forwarded them good resources, Richardson said. The MODEL SOLAR ENERGY LOCAL LAW was a guide to installing, operating, maintaining and decommissioning solar energy systems. The New York State MODEL SOLAR ZONING ORDINANCE was another good tool.



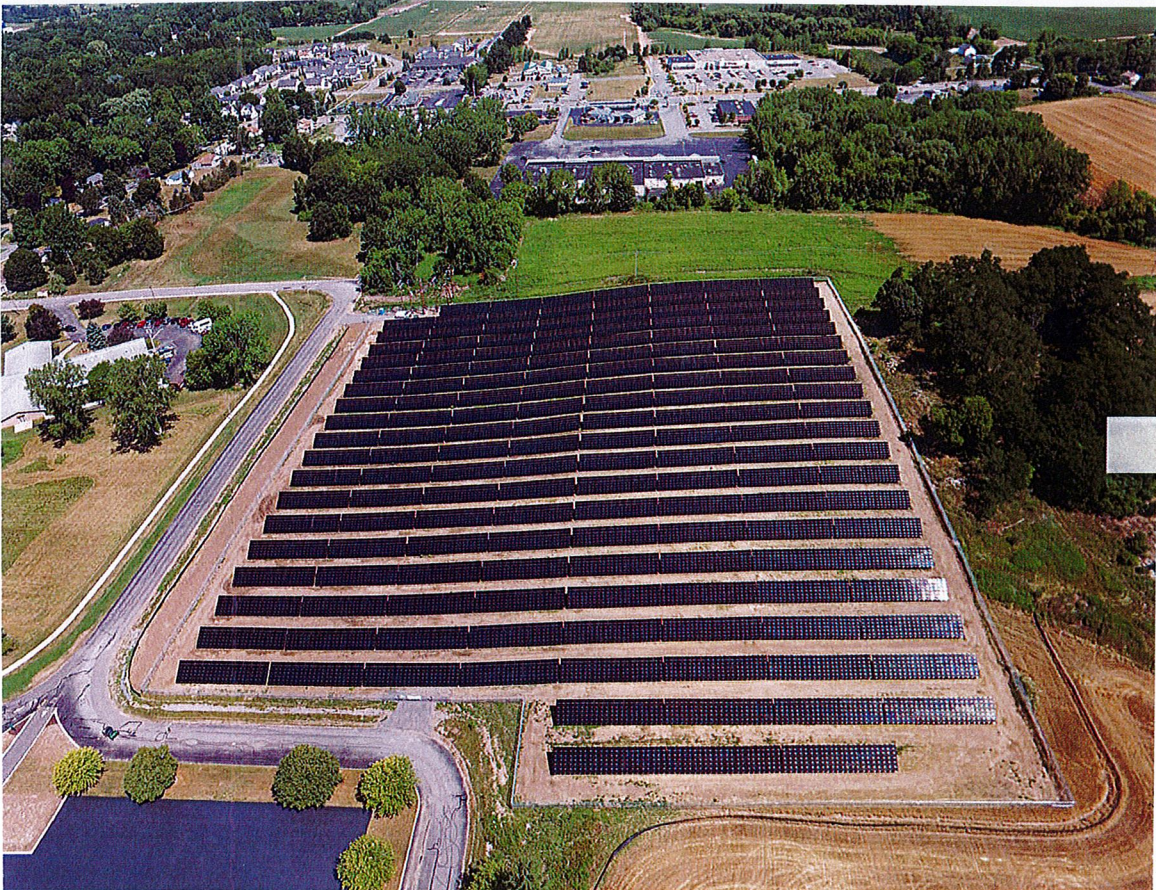
Then, there was the SOLAR ENERGY REGULATION and the UNIFIED SOLAR PERMIT – the latter covered what the Village had now, Richardson said. Solar projects legislation was theirs to decide, theirs to mold, Richardson said, adding they couldn't make a mistake.

The Village's moratorium on ground-mounted solar installations, were they going to allow them or not? Drozdziel asked. Some say, in the Village, no; perhaps they should start with that basic question.

What about Kraft Heinz putting ground-mounted solar in their parking lot? Richardson asked, adding some could see some value in that.

The Village has a limited amount of land to build on, Gibson noted. Did they want to allow three to four panels in residents' yards?

Whatever gets put out will have to be maintained, Richardson said, not like the 7-acre solar field at Avon Central School. Solar projects should be subject to code enforcement. Many things can be written into the Village's local law. On the other hand, Richardson said he wouldn't want to see Grade A agricultural soil being eaten up by solar projects – that's your ability to feed people, he asserted.



*Avon Central School Solar Field*

Amongst the systems discussed, Village officials had gone over Tier 3 Solar Energy Systems which would have up to a 5-megawatt capacity or a facility area of up to 40 acres. Trustee Hoffmann said she wouldn't consider Tier 3 systems in the Village at all.



Tier 2 systems had a capacity of up to 1-megawatt or a facility area of up to 8-acres. Hoffmann questioned those, but asked, why not roof-mounted?

Whatever system is selected, the goal would be to angle the solar panels south so you could maximize exposure to the sun and maximize solar power generation, Robinson replied.

But, we don't want three-quarters of the yards in the village being filled up by solar panels, Trustee McCormick protested.

I would be frustrated, with what I pay in taxes, if I could not put a solar project on my property, Robinson said, but he agreed, he wouldn't want to see a Tier 3 solar system in the Village of Avon either, the Village was beautiful, historic, he contended.

Brownfields were prime sites for Tier 3 solar energy systems, Robinson continued. Brownfields were, typically, abandoned industrial sites that had been contaminated with hazardous substances or harmful pollutants. Brownfields, also typically, could not be excavated.

### **Dual Purpose Solar Projects Such As Parking Lots**

What about dual purpose solar projects, Mayor Freeman asked, such as putting solar panels over the tops of parking lots such as Kraft Heinz, TOPs grocery store or the Avon Town Square Plaza?

Aside parking lots, the Avon Town Square Plaza had a great deal of roof area that could be home to solar panels.

And technology was changing, Mayor Freeman said, adding batteries were becoming less toxic; hemp batteries for instance.

Trustee McCormick said he was "leery" about the whole thing. The school's solar field had sold three or four times and much of the equipment there had become outdated.

And, the Village couldn't use code enforcement with the school. It was hard to believe there wasn't some recourse available through the New York State Department of Education.

Hoffmann asked if the average household could run on just four solar panels.

**Expert sources have estimated it would take from 16 to 20 solar panels, and perhaps as many as 34, to cover the electric bills of the average household. Cost estimates have been between \$12,000 and \$17,000.**

Thomas A. Freeman said if a ground-mounted solar energy system was his only option, he would be looking for energy independence.

Tonra said she had been on a webinar a couple of weeks ago and they had talked about planting arborvitae around a solar system. The Village could make that a requirement and additionally require the property owner replace the trees if they died.

Design law might be a good place to start, Richardson agreed.

Did installers have to be licensed? Trustee McCormick asked.

Yes, Richardson responded.

Referring back to earlier conversations, Mayor Freeman said no one wanted to see the Kime brothers sell their River Street farmland and have someone else come in with 350 acres of solar running right up to the Village's Driving Park.

Likewise, Drozdziel mentioned the parking lots on the east side of Kraft Heinz (140 Spring Street). Those parking lots hadn't been fully utilized in years and had been poorly maintained besides – they could be a prime site for a large-scale solar project as well.

### **Steinmetz Invited to Explain**

#### **September 9, 2019, Zoning Changes**

As a side note, Mayor Freeman said he had invited John Steinmetz of Bergmann Architects, Engineers & Planners of Rochester to the meeting. The Village had retained Steinmetz to amend its zoning code in 2018 and 2019.

The Mayor said he'd also asked Steinmetz to sit down with the Planning Board and explain why he'd recommended some of the zoning changes the Village had wound up adopting (*September 9, 2019*).

Attempting to get a consensus on solar, the Village Board was polled with the following response:

- Mayor Freeman said he wasn't against solar
- Deputy Mayor Zhe said he wasn't against solar
- Trustee Hoffmann said she wasn't against solar
- Trustee Batzel said he wasn't against solar
- Trustee McCormick said he was a "little concerned" about ground-mounted solar

Trustee McCormick asked how practical solar was in upstate New York?

More so than you'd think Richardson responded, despite the state's distance from the equator.

Trustee McCormick said he was thinking more about the dead of winter in New York.

It's the sun and not the temperature, Richardson pointed out.

Richardson left, emphasizing he was available to support the Village every step of the way from brainstorming to drafting to reviewing both policy and legislation.

### **III. ADJOURNMENT**

**MOTION:** Trustee Batzel moved for adjournment, seconded by Deputy Mayor Zhe. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hoffmann, McCormick and Zhe. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk