

A meeting of the Board of Trustees of the Village of Avon was held in the Whitney Room of Village Hall, 74 Genesee Street, Avon, New York, on August 21, 2023.

Present: Thomas Freeman, Mayor
 William Zhe, Trustee
 Tim Batzel, Trustee
 Amanda Hoffmann, Trustee
 Patrick McCormick- Trustee

Staff: Ken Farrell, DPW Supt.
 Joe Geer, Police Chief
 Andy Anderson, Code Enforcement
 Bill Davis, MRB

Visitors: Edward Forsythe, Sackett Road
 Robert Mellon, Avon Rotary Club
 Cat Jensen, Avon Rotary Club
 Steve Csapo, Avon Rotary Club
 David Kilgore, Avon Rotary Club
 Maureen Wheeler, Deputy Director of Liv.Co. Ec. Dev. & resident

Mayor Freeman called the meeting to order at 6:00pm and began with the Pledge of Allegiance.

VOUCHERS and MANUAL CHECKS:

Upon a motion made by Trustee Zhe, the vouchers and manual checks/electronic payments were approved for payment from the following funds:

#1-GENERAL FUND	\$63663.32
#4-SCHEDULE C	\$3376.57
#5-WATER	\$2603.53
#6-SEWER	\$6770.88
#HH44- STORMWATER PROJECTS	\$16260.00
#HH81-MASTER METER KRAFT	\$7182.54
#TA00-TRUST & AGENCY	\$766.98
TOTAL	\$100623.82

Electronic payments:

Fed/NYS Taxes	p/r 23-15	\$15877.49
Nationwide Retirement	p/r 23-15	\$2702.65
TOTAL:		\$18540.14

The motion was seconded by Trustee McCormick and carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes

Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

MAUREEN WHEELER- Solar Eclipse, 2024:

Maureen Wheeler attended the meeting, not in her capacity as Deputy Director of Livingston County Economic Development, but as a resident of Avon in order to discuss the exciting opportunities that she is hoping that we, as a community, can take advantage of for the solar eclipse happening in April of 2024.

The eclipse will be happening April 8, 2024, at which time Avon, and surrounding communities will be in the “path of totality”, which by definition means the area where the sun has been completely blocked by the moon, therefore creating a path of the moon’s shadow across the surface of the earth. The Village will experience darkness for 3 minutes and 22 seconds- the second longest timeframe of darkness - in the middle of the day! The last time Avon experienced a total solar eclipse was in 1925, almost 100 years ago. The next time is expected to be in the year 2144!

The goal is to hold an event where community members can view the eclipse safely. Livingston County is organizing a viewing location in Caledonia, which is the anticipated longest viewing time in the area (approximately 3 minutes and 33 seconds) and will be geared toward tourists. The county will be encouraging people to remain off the roads and walk or bike to viewing areas while using appropriate eyewear to look at the eclipse.

Ms. Wheeler has reached out to members of Rotary, Lions Club, the Avon Library, and Holiday Spectacular as well as the Village and ACS to create a community committee to organize what will be a historical day in our area. The school has already expressed interest and looks forward to the joint effort to encourage future scientists and experience a once in a lifetime opportunity. She would like support from the Village in order to apply for a grant to help fund whatever will be needed to celebrate, also stating that the grant is due September 1st and that the funding is transferable to whomever takes the lead as the organizer. The Village would contribute \$1000 for which a \$5000 award will be provided for all things related to eclipse related events, including appropriate solar glasses.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Zhe, the Board authorized Maureen Wheeler to submit an application on behalf of the Village for the LivCo. Tourism Event Fund. This special one-time grant opportunity is meant to encourage eclipse related events. The Village contribution of \$1000 will award \$5000 toward solar eclipse events, which will be transferable to whomever is the lead agency of the event. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

PUBLIC HEARING FOR LOCAL LAWS #4 & #5.

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, Clerk Randall read the following notice, and the Board opened the public hearing for local laws number 4 and 5 at 7pm.

Notice of Public Hearing

Please take notice that a public hearing will be held before the Board of Trustees of the Village of Avon on Monday August 21, 2023, at 7pm at the Village Hall, 74 Genesee Street, Avon, New York on the following matters:

- 1. A local law regulating the development, installation, and use of solar energy systems and residential battery storage systems in the Village of Avon, and*
- 2. A local law which will enact a moratorium on non-residential battery storage systems for one year, beginning October 5th, 2023 and expiring October 4th, 2024.*

The proposed local laws are available for review at the Village Hall located at 74 Genesee Street, Avon, New York, from 8:00a.m to 4:00p.m., Monday through Friday.

The Board of Trustees will, at the aforesaid time and place, hear all persons in support of this local law or objection thereto. Persons may appear in person or by agent or attorney.

Dated: July 24th, 2023

*By Order of the Board of Trustees
Of the Village of Avon
Heather Randall, Village Clerk*

The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Trustee Batzel spoke to resident George Brown, who stated he was unable to attend, but wanted to express that he had concerns with how corner lots and setbacks would be handled. Code Officer Anderson stated that you would treat the setback requirements for the solar project the same as you would for any setback requirement for any project, such as a storage building.

Resident Edward Forsythe stated that he is not in favor of any solar project and is especially concerned with maintenance and dismantling of a system.

There were no other public comments.

Upon a motion made by Trustee Hoffmann and seconded by Trustee McCormick, the Board closed the public hearing at 8:10pm. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the Board adopted local law # 4 and #5 as submitted. (attached). The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Clerk Randall will reach out to Attorney Whiting to file.

MRB UPDATE:

Bill Davis attended the meeting and provided the following report:

- Pebble Beach pump Station- Pumps are not working as expected. It may be necessary to pull each pump and be rebuilt. The problem is being dealt with by Keoster. The contract has expired so it will need to be extended along with insurance.
- WWTP Disinfection Project- bids for the Village of Avon Disinfection project at the Village Wastewater Treatment Plant were opened on August 16, 2023. The General Construction low bidder is Blue Heron Construction at \$1,190,611 (compared to our estimate from a couple years ago of \$1,100,000). With what we understand, it does not seem in the Village’s interest to award the alternate UV system. The Electrical Construction low bidder is MW Controls at \$264,485 (compared to our estimate of \$250,000). An alternate bid for the supply of the generator was included and is an additional cost of \$55,500. We do feel it is in the Village’s best interest to include this item.

MRB feels these are very good bid numbers and it appears all bidders provided the required documentation. They have updated the project budget with these numbers. Mr. Davis stated that “with a healthy contingency and including all previous budgeted items it would project a total project cost around \$1,950,000. However, after adjusting some budget line items and also considering paying some services outside of the loan amount, we show an option to proceed with a total cost below the \$1,800,000 bond authorization.”

Mr. Davis will review with Team BPD and Bond Counsel to see if the Village needs to consider a supplemental bond resolution or not. The hope is to get this buttoned down in order to award at the first meeting in September.

DPW UPDATE:

Supt. Farrell provided the following update to the Board:

DPW Activity – past weeks

1. Brush picked up.
2. Cleaned up for Corn fest.
3. Prepped for concrete on North Ave.
4. Poured concrete, North Ave
5. Installed “No Outlet “signs on Valley Lane & South end of Temple St.

WWTP

1. Ran sludge trailer.
2. Hauled sludge.
3. UV Bid openings on 8/16/2023 (MRB)

Water

1. Drained and cleaned raw water tank at water filtration plant.

Next 2 weeks

1. Caledonia is assisting us, cutting down a couple of bad trees tomorrow.
2. Continue the sidewalk on North Ave.
3. Ordered X-walk signs for North Ave, installing them & painting X-walk.
4. Repair sidewalks

Shared Service Agreement- NYSDOT- Supt. Farrell and the Board reviewed the Shared Service Agreement. This agreement will allow the Village and state to share services and equipment to provide cost savings for both parties in the maintenance of state and municipal roads and highways. This will be a 4-year agreement set to expire in August of 2027.

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board authorized Supt. Farrell to execute the agreement. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Crosswalks around the Village- Supt Farrell and the Board discussed the crosswalk at Richmond Lane and Route 5 & 20. The majority of members feel that the crosswalk at that location should be eliminated for safety issues. With a crosswalk at Temple Street and Lacy Street, which has been dedicated as the official school crosswalk by the school, they feel the crosswalk at Richmond Lane creates more of a safety issue. Trustee Hoffmann disagreed stating she feels the more crosswalks, the better in her opinion. However, she understands that encouraging the use of the Lacy Street crosswalk is important.

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick, the Board authorized Supt. Farrell to contact NYSDOT to find out how to have that crosswalk eliminated. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	No
Amanda Hoffmann, Trustee	Voting	Yes

Patrick McCormick, Trustee Voting Yes

The Board also discussed the addition of crosswalks on Genesee Street and where would be an appropriate place to add one or two. After discussion, the Board decided to a crosswalk on Genesee Street near Conine’s residence to start and will review other possibilities, possibly at Spring Street and Genesee Street.

Upon a motion made by Trustee Hoffmann and seconded by Trustee McCormick, the Board authorized Supt. Farrell to add a crosswalk on Genesee Street near Conine’s residence. The Board has asked Supt Farrell to review and decide on the best location. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

POLICE UPDATE:

Chief Geer was unable to attend but provided the following update to the Board electronically:

- National Police Night Out held on 8/8 went well. Attended by Chief Geer and Officer Travis McFadden.
- No major issues during Corn Fest.
- Purchased two new sets of spike strips and an additional taser.
- Chief Geer reported that mental hygiene calls have continued to increase. As of the meeting date (8/21), there have been 17 calls for the month. The Chief wanted to point out that when there is that type of call, the officer on duty is usually out of the area for transport.
- Chief Geer presented to the Board the County List of Eligibles for police. Matthew Tetreault, who is starting Phase II of the academy, is on the list. Chief Geer asked the Board to appoint Mr. Tetreault to our part-time position from the list.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board appointed Matthew Tetreault to the position of Part Time Civil Service Competitive police officer from the Certificate of Eligibles provided by Livingston County at the agreed upon part time rate once the academy and FTO training has been complete. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

- Speed signs continue to provide helpful information.

CODE ENFORCEMENT:

Code Officer Anderson was provided the following update:

- Inspection of Corn Fest went well.

- Fire Inspections continue.
- Bob Alexander will be starting his training in September. He has accompanied Code Officer Anderson on several inspections. Mr. Alexander will start fire inspections on his own once he has completed that portion of training in November and will be fully certified as a code officer by January of 2024. All training will be done online.
- Inspections continue.
- Deli on Genesee Street is moving forward.
- House on Wadsworth is going up quickly.
- Car on Linden Street- citation has been sent to Attorney Whiting to set up a court date for prosecution.

CLERK UPDATE:

The following items are updates from Clerk Randall:

- Property Tax Exemption for Fire Fighters- The Board continued their discussion on the partial exemption from real property taxes to qualifying volunteer firefighters and ambulance workers. Exemption is optional and must be decided by each taxing entity. There are certain eligibility requirements, and the exemptions would be handled by the assessor. These exemptions will not go into effect until 2024/25 school tax, 2025 town/county tax, and 2025 village tax. The Board feels this is an opportunity to provide a “break” to those who volunteer in our community and chose to schedule a public hearing in order to follow the county’s lead and opt in on this exemption.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Batzel, the Board scheduled the public hearing for September 18th, 2023 at 7pm. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

- Received a call from St. Agnes School to discuss the annual 9/11 ceremony. This year it will be held Monday, September 11, 2023 at 9:30am in Circle Park. Supt. Farrell and the crew will prepare the park. Chief Geer and the police department are also aware of the event. All are invited.
- Received an invitation for the Association Dinner hosted by the Village of Leicester to be held Wednesday September 20, 2023 at 6pm at the National Hotel.
- The Village will be closed for the Labor Day Holiday on Monday September 4, 2023. The Village Board meeting will be held Tuesday September 5, 2023. We will meet at 6pm at Pocket Park.

MINUTES:

Upon a motion made by Trustee Hoffmann and seconded by Trustee Batzel, the minutes from the July 24th, 2023 meeting were approved as submitted. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Abstain
William Zhe, Trustee	Voting	Abstain
Tim Batzel, Trustee	Voting	Yes

Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the minutes from the August 9th 2023 meeting were approved as submitted. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

EXECUTIVE SESSION:

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, the Board entered executive session at 8:12 pm in order to discuss contractual and legal matters. The Board exited executive session at 8:20pm. The motions were carried by the following vote:

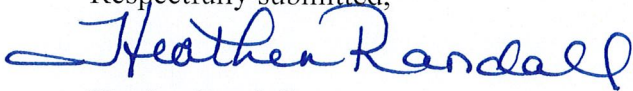
Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

There was no action taken.

ADJOURNMENT:

Upon a motion made by Trustee McCormick and seconded by Trustee Batzel, the Board adjourned at 8:20pm by a unanimous vote.

Respectfully submitted,



Heather Randall
Village Clerk

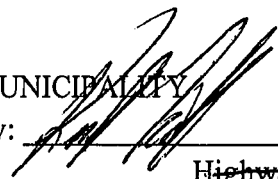
SHARED SERVICES AGREEMENT

Between
NYSDOT and Village of Avon

THIS AGREEMENT, dated August 29, 2023, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the Village of Avon, hereinafter referred to as "Municipality." Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. Shared Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and the Municipality agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standard Schedule A. The total amount of the agreement shall not exceed twenty-five thousand dollars (\$25,000.00). If applicable, indicate that the return exchange will be determined at a later date.
2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.
3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.
4. The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement. The term of this Agreement shall be for two (2) or four (4) years from August 29, 2023 to August 29, 2027. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

NYSDOT – Region 4
By: _____ Date: _____
Resident Engineer – Livingston County

MUNICIPALITY
By:  Date: 8/29/2023
Highway Superintendent of Public Works

NYSDOT – Region 4
By: _____ Date: _____
Regional Director of Operations

SCHEDULE A

NYSDOT

Description of services, materials, or equipment (Check All that apply) to be shared:

To be determined including Emergency Assistance (including snow and ice pursuant to Highway Law Section 55) as may be needed and agreed to by the Department of Transportation and the Municipality.

Estimated Cost/Value of Service Equipment Materials (Check All that apply):

Total NYSDOT Cost/Value: Not to Exceed \$25,000

MUNICIPALITY

Description of services, materials, or equipment (Check All that apply) to be shared:

To be determined including Emergency Assistance as may be needed and agreed to by the Municipality and the Department of Transportation.

Estimated Cost/Value of Service Equipment Materials (Check All that apply):

Total MUNICIPALITY Cost/Value: Not to Exceed \$25,000

VILLAGE OF AVON

LOCAL LAW 4 OF 2023

A Local Law enacting a one-year moratorium on non-residential battery storage systems.

Be it enacted by the Village Board of Trustees of the Village of Avon as follows:

The Village Board is charged with maintaining zoning and the aesthetic character of the Village.

The current moratorium on ground-mounted solar projects and battery storage is set to expire on October 4, 2023.

The Village Planning Board has recommended that there be a one-year moratorium on the use, placement, or installation of battery storage systems for any use that is non-residential.

NOW, THEREFORE, based upon the prior recommendation of the Village Planning Board, there shall be a one-year moratorium on the use, placement, or installation of any battery storage system(s) for any use that is non-residential. Said moratorium shall begin on October 5, 2023 and expire on October 4, 2024.

VILLAGE OF AVON

LOCAL LAW 5 OF 2023

A Local Law regulating the development, installation, and use of solar energy systems and residential battery storage systems.

Be it enacted by the Village Board of Trustees of the Village of Avon as follows:

The Village Board is charged with maintaining zoning and the aesthetic character of the Village.

The Village Planning Board formed a Solar Committee to issue recommendations to the Village Board of Trustees.

The Village Board of Trustees has reviewed, discussed, and accepted those recommendations.

NOW, THEREFORE, based upon the prior recommendation of the Village Planning Board, this Local Law is enacted as follows:

PURPOSE

The Village of Avon Planning Board and Village Board of Trustees recognize that solar energy is a clean, readily available and renewable energy source and recommend that the Village accommodate the use of solar energy systems for on-site consumption, subject, however, to properly cite 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.

In accordance with the Village of Avon Comprehensive Plan, adopted May 2018:

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.

DEFINITIONS

APPLICANT — The person or entity submitting an application and seeking an approval under this local law; 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. 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:

- ❑ Roof-Mounted Solar Energy Systems
- ❑ Building-Integrated Solar Energy Systems
- ❑ Ground-Mounted Solar Energy Systems
- ❑ Building-Mounted Solar Energy Systems

Tier 2 Solar Energy Systems have a capacity of up to 1 MW AC and include Ground-Mounted or Building-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 and are located on land primarily used to convert solar energy into electricity for off site energy consumption.

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

TIER 1 SOLAR ENERGY SYSTEMS

- ❑ **ROOF-MOUNTED SYSTEMS**

Roof-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.

Requirements:

- 1) Accessory uses and structures must exist on the permitted parcel.
- 2) 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.
- 3) All projects are subject to proper permitted projects and codes and code review.
- 4) *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.
- 5) *Setback:* Solar energy systems are subject to the setback requirements of the underlying zoning district
- 6) *Aesthetics:* Solar installation shall incorporate the following design requirements:
 - ✓ Panels facing the front yard must be mounted at the same angle as the roof's surface.
 - ✓ No part of the roof-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-MOUNTED SYSTEMS**

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.

Requirements:

- 1) Accessory uses and structures must exist on the permitted parcel.
- 2) 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.
- 3) All projects are subject to proper permitted projects and codes and code review.
- 4) *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

- 5) *Setback*: Solar energy systems are subject to the setback requirements of the underlying zoning district
- 6) *Aesthetics*: Solar installation shall incorporate the following design requirements:
 - ✓ Panels facing the front yard must be mounted at the same angle as the supporting surface.
 - ✓ No part of the 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.
 - ✓ 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.

□ **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.

Requirements:

- 1) Accessory uses and structures must exist on the permitted parcel.
- 2) 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.
- 3) All projects are subject to proper permitted projects and codes and code review.

□ **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.

Requirements:

- 1) All ground-mounted solar panels in residential districts shall be installed in

- the side or rear yard.
- 2) Accessory uses and structures must exist on the permitted parcel.
 - 3) 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.
 - 4) *Aesthetics*: Solar installation shall incorporate the following design requirements:
 - ✓ *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 a 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 Ground Mounted and Building Mounted Systems

- 1) Ground and Building Mounted Tier II solar systems are permitted through the issuance of a special-use permit within the following zoning districts in the Village of Avon: *Light Industrial, Agriculture, or Business District*.
- 2) *Height and Setback*: Tier II 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.
- 3) Tier II ground mounted 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 determined by the special-use permit process. The fencing and the system shall be required to be further screened by landscaping to avoid adverse aesthetic impacts. Landscaping will be maintained by the owner.
- 4) On site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.
- 5) The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.
- 6) **Property Operation and Maintenance Plan**
 - ✓ A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.

Tier III and Tier IV Solar Systems are not allowed within the Village of Avon at this time.

SOLAR CONSIDERATIONS IN HISTORIC DISTRICTS/VILLAGES

- 1) Solar panels added to historic buildings should be done in a manner that has minimal impact on historic roofing materials and preserve the character by placing them with limited or no visibility and be reversible.
- 2) Solar panels affixed to a flat roof shall be placed below the line of sight from a public right of way, or on a secondary roof slope. Roof panels should be installed horizontally - flat or parallel to the roof - to reduce visibility.
- 3) Installing a solar energy system or solar panels on the historic building should be done after all other locations have been investigated and determined not feasible.
- 4) Solar panels shall be placed on new constructions or additions, if present.

ABANDONMENT AND REMOVAL

Solar energy systems are considered abandoned after 12 months without electrical energy generation and must be removed from the property.

BATTERY STORAGE

A battery storage system consists of one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time. The need for a residential battery storage system seems to be quite low in our village. Village residents have established connections with a utility company. If residents choose to install a solar energy system, the utility company installs a two-way meter that measures electrical output from the system and electrical input into the house from the grid. Although a battery storage system is an option for a homeowner, it seems to be a less optimal decision at this time.

At this time, installation of battery storage systems for residential use only is allowed. The system will only be for power consumption on-site. Proper permits shall be required for installation of any battery system. State and village building, electrical, and fire codes shall guide the issuance of such permits.

At this time, installation of battery storage systems for any use besides residential use is not permitted.