

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, OCTOBER 17, 2023
7:00 PM; VILLAGE HALL**

I. ATTENDANCE

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

ABSENT

Robert C. Hayes

GUESTS

Chris Bill, White Horse Sales & Service
5574 East Avon Road, Avon, NY 14414

David L. Cox, PE, Passero Associates
For Jaguar Tubulars, Inc., Newark, DE

STAFF

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

II. APPROVAL OF THE MINUTES

Motion: Gibson moved for approval of the minutes of the meeting of September 19, 2023, seconded by Tonra. Voting in favor were: Drozdziel, Borkhuis, Gibson and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

**Kraft Heinz
Ammonia Compressor
Noise Complaints**

The ammonia compressor that had disturbed neighbors around Kraft Heinz' 140 Spring Street plant, reportedly for months, had been shut down, Anderson reported, but the compressor had been "*essential*" to their business, he added. Chapter 53, Section 2, Paragraph B of the Code of the Village of Avon did prohibit any "*unnecessary noise*" between 11:00 PM and 7:00 AM.

Kraft Heinz, Anderson told Board members, had been trying to make improvements to the plant. Maintenance had been "*hodge podge*" over the past few years and had fallen by the wayside altogether in some areas, but the company was on the road to being a better neighbor and was sympathetic to the noise neighbors had endured.

III. OLD BUSINESS

Nothing pending.



IV. NEW BUSINESS

A. New Business Venture/Concept Presentation

Auto Repairs and Service
90 West Main Street; Avon, NY 14414

Chris Bill, White Horse Sales & Service
5574 East Avon Road; Avon, New York 14414

Bill was considering purchasing 90 West Victor. The property was in a Combination Main Street had housed: Anytime Coach, and Kaiser-Frazer auto dealerships.



Main Street from JTS Rochester, LLC, of Business (CB) District. In the past, 90 West Platinum Limousine and the Beikirch Ford



The west side of Rochester Street (across from 90 West Main Street) in the Beikirch Ford days.



90 West Main Street as it looks today.

Bill stressed he hadn't purchased the property, yet, but he was running out of room for service at his East Avon location. Bill anticipated five lifts in the 90 West Main Street building. He'd install a white, vinyl, privacy fence around the vacant lot north of the building, cars, he assured Board members, wouldn't be seen from the road.

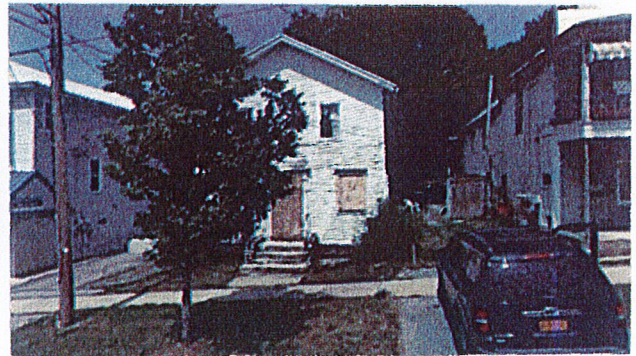
Bill proposed doing mechanical work only at the garage, no collision work or detailing. There would be no sales from the facility, he would be doing oil changes and warranty work for customers then prepping low mileage, newer model cars bought at auction for sale at his East Avon location

There was an inset on the east side of the building that would accommodate seven or eight employee parking spaces. Those spaces were accessible by a narrow easement lane along the east side of the building.

There was a 44-foot-wide X 230-foot deep, vacant lot at 70 West Main Street. The lot had been the site of a 2-story apartment building, owned by A&B Equipment. JTS had bought the property at a Livingston County foreclosure auction on July 26, 2018, then had the building demolished October 21, 2019.

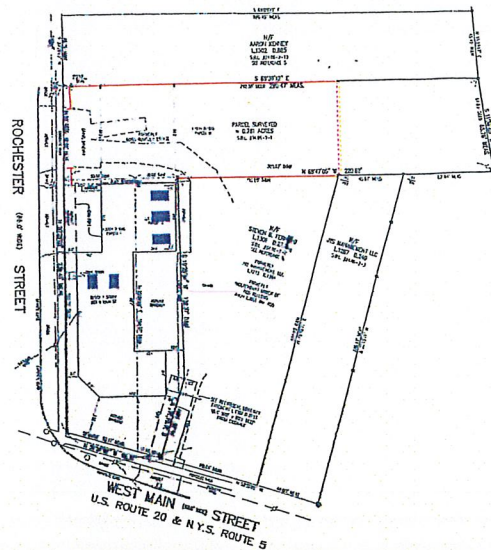
A group had rented 70 West Main Street from the Odd Fellows in 1934. The group became the Avon Prayer Band. They purchased the property in 1938 and later consulted with the Rochester Conference of the Wesleyan Methodist Church. In 1960 the congregation built a church on Pineview Heights, it was dedicated in 1967.

A&B Equipment eventually purchased 70 West Main Street and converted the building into an apartment house. The property was taken in foreclosure in 2018. JTS Rochester, LLC, of Victor purchased the property at auction July 26, 2018. A demolition permit was issued September 25, 2018, and the building was taken down October 21, 2019



On the right, People's Tabernacle. On the left, IGA Store.

Bill wanted to confirm he'd get the 70 West Main Street lot (reportedly a \$50,000 asking price) if he bought 90 West Main Street. If he did own it, he said, he would just mow it. The lot does have a curb cut and connects to the vacant lot north 90 West Main Street (that property having an L-shaped configuration).



The parking area in front of 90 West Main Street could accommodate six-to-seven cars awaiting customer pick-up, Bill told Board members.

White Horse employees would be on site from 8:00 AM until 6:00 PM, six days a week, Bill said. The shop would be open to the public from 9:00 AM until 5:00 PM. From a purchase standpoint, Bill said the 90 West Main Street building had a new heating system, a new roof and few eyesores.

As for signage, Bill said he hoped to take advantage of a signage grant, but he hadn't gotten a call back on that, yet.

They wouldn't be detailing cars there – turning wrenches only, Bill reiterated. A past tenant had washed vehicles there with sudsy water reportedly finding its way into a nearby creek. Bill did say there was one large French drain on-site.

B. Jaguar Tubulars – Preliminary Site Plan application

Passero Engineering Architecture
David L. Cox, PE, Project Manager
242 W Main St; Rochester, NY 14614
270,000 sf factory north of Barilla America
@ Livingston Industrial Complex

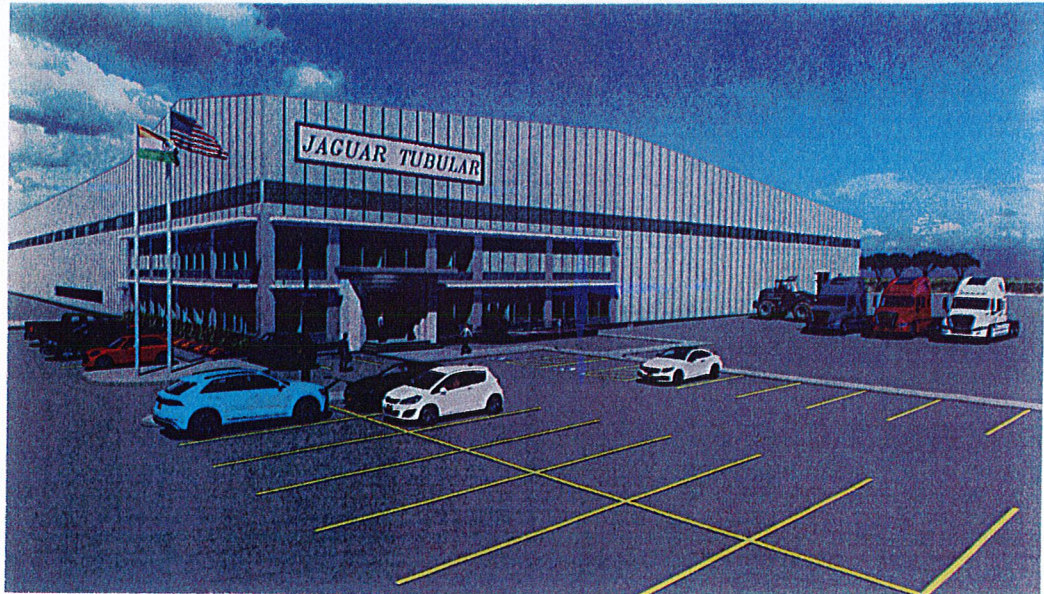
Jaguar Tubulars, Inc.

2915 Ogletown Road #3331
Newark, DE 19713

MRB's Comment Letter

Sherman Gittens, Civil Engineer with MRB

The Village's engineering consulting firm, the MRB Group of Rochester, had reviewed Jaguar's preliminary site plan application, Gittens, a Civil Engineer with the firm, reported. He began by asking Anderson, the Village's Code Enforcement Officer, to review the parking lot aisles Jaguar had proposed to ensure they met Village requirements.



Village Board Responsibilities

Next, Gittens moved on to the Village Board's responsibilities. Jaguar's preliminary site plan was a Type I action, he said, and that would require a coordinated review by the Village Board. The Village Board would be considered the "lead agency," he said.

Then, the Village Board would have to refer Jaguar's application to Livingston County's Planning Board. And, once that Board had reviewed the application and returned their comments, the Village Board would have to hold a public hearing.

Gittens said variance approvals, if any, should be noted on Jaquar's subdivision plan (*what the variance was for, whatever conditions existed and the date of its approval*).

Gittens' comment letter went on to cover Environmental Assessment Form (EAF) questions and Sections 123, *Application for preliminary site plan approval*, and 124, *Village Board of Trustees' review of preliminary site plan*, of Chapter 30 of the Code of the Village of Avon.

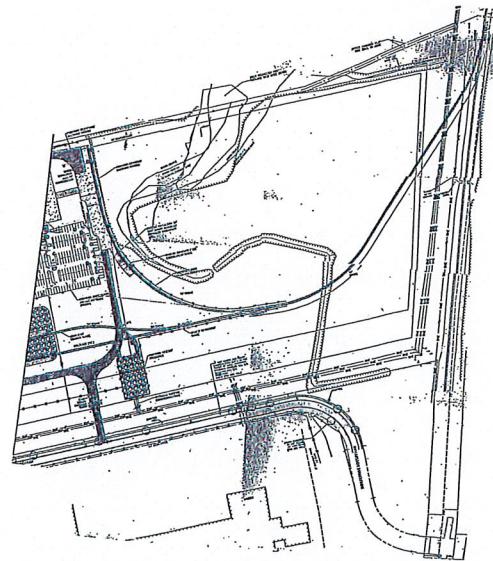
Jaguar: Pipe Piling Manufacturer

David Cox, PE, Passero Engineering & Architecture

Cox described Jaguar as a steel pipe manufacturer. The pipes they made were used as pilings on projects such as the expansion of John F. Kennedy (JFK) International Airport in New York City, anyplace the ground might be swampy or otherwise unstable.

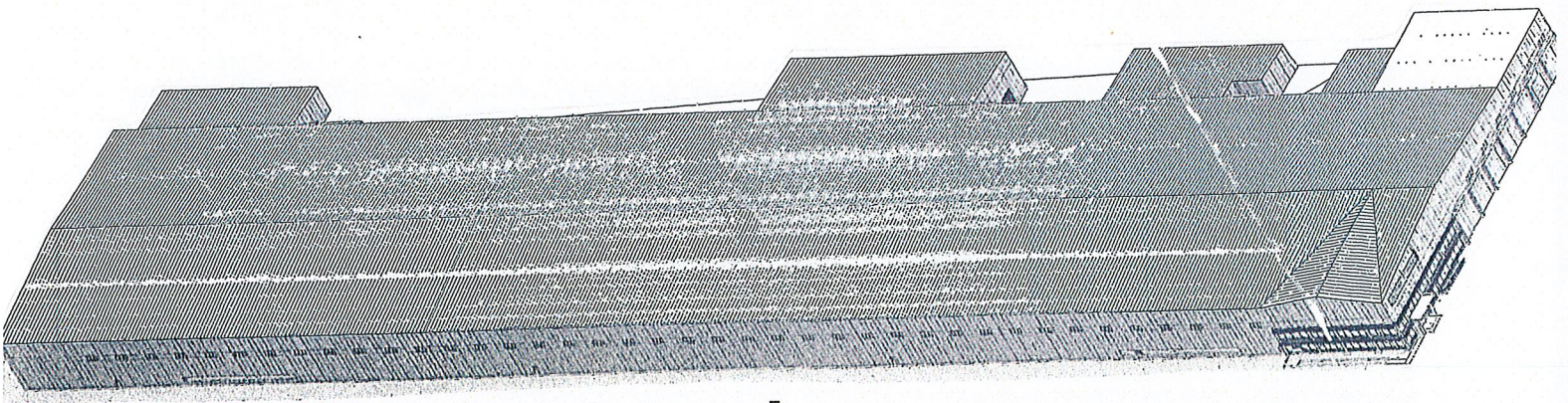
The steel would come to Jaguar via rail, Cox continued. Rail cars (*8-to-10 per day*) would deliver 40,000 pound coils of steel then Jaguar would use machines to heat and bend the steel into pilings, there was no welding involved, Cox told Board members.

Jaguar had purchased about 186 acres in the Livingston Industrial Complex, but only about 24 acres would be disturbed for its proposed development. Twin gantry cranes would be located inside the factory with a third outside. Two entry points would access Jaguar's compound off Barilla Drive, one for employees, the other for tractor trailers.



Cox called the Livingston Industrial Complex site "*ideal*." It was flat, had access to rail, power. There was a flood plain and wetlands to the east of Jaguar's building site, but they'd avoid that. There were also archeological areas, but Cox said they'd leave those alone as well.

The building would be roughly 335 feet wide, 800 feet long and 45 feet tall at the edges, rising to 55-feet in the middle. Jaguar would employ 104 people, about 60 during the day and 40 at night, Cox told Board members.



Jaguar would manufacture ¼-inch to ½-inch steel pipe pilings for projects such as the expansion of JFK International Airport in New York City. Their work would be done by order. Cox said Jaguar would fence their entire compound with chain-link fence. They'd have exterior lighting in the employee parking lot and on the exterior gantry crane.

Jaguar would have a sanitary sewer system with a pump station but would discharge domestic waste only. Cox said Jaguar would have a 12-inch water main with private hydrants.

Jaguar, Cox continued, would also have storm sewers discharging to the west. There was a well-defined ditch there, 4-to-6 feet deep, emptying into a pond, the engineer explained.

Jaguar would operate seven days per week. They would be a "major" railroad customer and rails looking to a 10-car siding on the east side of their factory. The preliminary site plan should move from the Planning Board to the Village Board to the County Planning Board then back to the Village's Planning Board.

Outdoor Storage:

How Long Constitutes

Outdoor Storage?

Gittens questioned the outdoor storage of steel pipes waiting to be loaded for delivery. If the pipes were there for any length of time, Jaguar should obtain a special use permit for outdoor storage.

Drozdziel asked for a definition of "outdoor storage:" long term/short term. Would Jaguar be manufacturing when they received an order then in short term shipping the finished product out?

Anderson said he would have to defer to New York State on the timeframe associated with outdoor storage – that kind of detail wasn't in the Village's Municipal Code.

Too bad Jaguar's storage wasn't behind the building, McCormick remarked, adding, out-of-sight.

As for rail car shipping, Cox said they needed 30 feet clearance from the top of the rail car to overhead electrical wires.

Lighting & Landscaping

Plans Required

The Code of the Village of Avon called for the location and design of outdoor lighting facilities. Cox said that was do-able. The Code also called for a general landscaping plan and planting schedule, Drozdziel noted.

Jaguar would hope to break ground next April and complete the building in 18-to-20 months, Cox told Board members. He concluded his presentation at 8:33 PM.

Solar Committee to Reconvene

Battery Storage to be Nailed Down

Gibson and Tonra chaired the Planning Board's Solar Committee. They'd submitted the committee's recommendations to the Village Board during the summer and the Board had adopted:

- Local Law 4, enacting a 1-year moratorium on non-residential battery storage systems October 5 through October 4, 2024; and
- Local Law 5 regulating the development, installation and use of solar energy systems and residential battery storage systems

The committee had included McCormick, Christopher Conine from the Zoning Board of Appeals, Thomas A. Freeman, a community volunteer and the late John Marks, another community volunteer. The committee will reconvene in January to finalize their recommendations on battery storage.

**Avon Free Library
Elevator Proposal**

The September 23 ribbon-cutting for the front entrance improvements had gone well, Drozdziel reported. The Library will be putting an elevator proposal in their schematic design, he added.

**Town Hall Renovations
On Schedule for Year's End**

The Town was on schedule for completion of their \$3 million renovation project by the end of the year, Drozdziel related. Meetings had been conducted at Village Hall for the past year, but were shifted back to Town Hall. last month with Town officials looking forward to completion of the third floor by the end of the year.

V. ADJOURNMENT

Motion: Borkhuis moved for adjournment at 8:48 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