

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
7:00 PM: VILLAGE HALL
JOINT MEETING WITH VILLAGE BOARD**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis
John Gibson
Robert C. Hayes

ABSENT

Kelley Tonra

VILLAGE BOARD

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

STAFF

Robert Alexander, Fire Marshal
Sherman Gittens, MRB Group
Gary Margiotta, Secretary
Patrick McCormick, Village Board Liaison
Heather Randall, Village Clerk

GUESTS

William Bacon, Livingston County Ec Dev Director
Kitty Bressington, 509 Collins Street
George Brown, Former Mayoral Candidate
David Cox, PE, Project Mgr, Passero Associates
James Harrington, Mayoral Candidate
Judith Hobbs, Mayoral Candidate
Gerald Mosier, Taylor the Builders Project Mgr.
Peter & Claire Prine, 66 River Street

**PUBLIC HEARING
RE-OPENED**

Project Mill

Passero Engineering Architecture
David L. Cox, PE, Project Manager
242 W. Main St, Rochester, NY 14614

Jaguar Tubulars - applicant

2915 Ogleton Road #3331, Newark, DE 19713
270,000 sf steel fabrication factory
@ Livingston Industrial Complex north of Barilla Drive

The Village and Planning Boards had met January 22, 2024, and opened a public hearing on Jaguar Tubulars preliminary site plan application. No comments were received, and the hearing was adjourned.

MOTION: Trustee Hoffmann moved to re-open the hearing, seconded by Trustee McCormick. Voting in favor were: Mayor Freeman, Trustees Batzel, Hoffmann, McCormick and Zhe. Voting against were: none.

CARRIED: 5 Ayes, 0 Nays

Bacon said Project Mill had come across his desk in mid-2020. The project would require 9-megawatts of power and needed rail service. There were three potential sites for the Project Mill plant, the Livingston County industrial Complex being a leading contender.

Jaquar Tubulars had a Canadian owner, Bacon continued. The border had been closed at the time and the BUY AMERICAN ACT, which gave preference to products made in America, was another factor.

Jaguar’s Livingston Industrial Complex site had some archeologically sensitive areas, Bacon mentioned. The company’s principal didn’t want to disturb them. Bacon said he’d met the principals and they’d talked about a \$70 million investment with (*from 60 to*) 104 employees, most materials incoming by rail, 6-8 rail cars per week, and manufactured product outgoing by truck, 10 trucks estimated per day.

Electrical power, Bacon said, was a “*hot commodity*,” Jaguar needing the 9 megawatts he’d mentioned. Bacon said the state was taking non-renewable power off-grid faster than it was being replaced. They had battled for power for Jaguar, it had been a struggle, but their needs seem to have been allocated and the site appeared “*shovel ready*.”

Jaguar, Bacon said, would be one of Livonia, Avon & Lakeville Railroad (LA&L) line’s largest customers and the customer service from LA&L looked as if it would be “*fantastic*.”

Most of the changes that had been made to date had been incorporated into Jaguar’s drawings, Drozdziel remarked.

**Noise & Solar
Project Concerns**

Harrington hoped the Village and County Planning Boards had asked Jaguar for a sound test, a decibel test.

Rail cars, Drozdziel said, would be unloaded outdoors and the steel stored outdoors. As for water consumption (*previously estimated at 4,000 gallons per day*), he said there would only be domestic use of water, lavatories, showers, Jaguar wasn’t expected to put any strain on the Village’s wastewater treatment facility.

Hobbs lived at 293 Rochester Street, east of the railroad tracks. She couldn’t sleep at night and needed to be prepared for what was to come.

Hobbs would hear rail cars during the day and forklifts would be unloading the cars – during the day, Cox stressed. There would be some noise from Jaguar’s gantry cranes as well. But, Borkhuis underscored the unloading would be happening during the day, not at night.

Hobbs said she owned three properties on Rochester Street and didn’t want to be “*blindsided*.” After all, she pointed out, they were talking about an “*open hollow*” and the sound echoed.

Harrington asked if those there knew the distance from Jaguar’s Project Mill site to Hobbs’ house. Following up on Bacon’s comments on power, Harrington asked if Jaguar had a work order with National Grid?

Brown asked if Jaguar planned on building a solar field. He mentioned a January 13 letter from Clara Mulligan to Drozdziel. In it, Mulligan had pointed out Project Mill’s 800-foot-long building would allow for a south-facing roof. Jaguar could be required to build the building with sufficient strength to support a solar panel array.

With the consistent loss of good farmland to solar development, Project Mill represented an opportunity to make use of a building that would be removing 24 acres of river bottom land to house a large array of panels, Mulligan had said.

Solar had never been discussed, Bacon said, and Drozdziel concurred, adding Jaguar had never mentioned a solar project, but pointed out the Village had adopted solar legislation and, if Jaguar did want to add a solar project at some point, they’d have to come back to Village and go through that process.

Brown asked what the tax abatement plan had been with Jaguar.

Jaguar hadn't applied for a tax abatement plan at this point, Bacon responded.

Had Jaguar's owner been here and met with the Board? Hobbs asked, adding she was "just wondering."

In development projects, such as Project Mill, it was typical to work by proxy, Hayes remarked.

Getting back to noise, Hobbs said she'd like a rating on the anticipated noise level, on the decibels.

The Village could ask for a noise study, Gittens ventured, adding any abatement required would be based on the distance from residential structures.

Avon's not having anything in its Municipal Code to dictate noise levels might be a consideration, Bacon noted.

Work Scheduling & Truck Traffic

At present, Jaguar planned two shifts, Cox said, adding that could go to three.

As for truck traffic, Cox said trucks would exit south on Horseshoe Boulevard to Routes 5&20, none would go east on Barilla Drive to Rochester Street. And there would be signage stating that, Gittens added.

The Village would want to enforce that truck traffic would go to Routes 5&20 ONLY, Hayes stated.

Jaguar would fabricate steel pipe products to order then ship them to the buyers, unlike Barilla, Cox related.

POSITIVE RECOMMENDATION

Drozdziel called for a positive recommendation from the Planning Board to the Village Board on Jaguar's site plan review application.

Taylor the Builders of 105 Despatch Drive, East Rochester, applied for a SITE PLAN REVIEW on behalf of Jaguar Tubulars, Inc., of 2915 Ogletown Road #3331, Newark, DE, October 5, 2023, for a 270,000-square-foot steel fabrication plant on an 85.94-acre site located nearest to 99 Horseshoe Boulevard.

The Planning Board began said review upon receipt of the application and finished December 19, 2023, with analyses of the building location, orientation & design, elevation drawings, the Storm Water Pollution Prevention Plan (SWPPP), utilities, including electric, sanitary and natural gas, traffic impact, signage, fencing, lighting, landscaping & buffering, noise and miscellaneous items such as curbing, racked storage and access roads.

MOTION: Based on said review, Planning Board Member John Gibson hereby moved to forward a POSITIVE RECOMMENDATION on the Jaguar site plan to the Village Board; seconded by Member Marilyn Borkhuis. Voting in favor were: Paul M. Drozdziel, Marilyn Borkhuis, John Gibson and Robert C. Hayes. Voting against were: none with Kelley Tonra absent.

CARRIED, 4 Ayes, 0 Nays
February 19, 2024

MRB should review Jaguar’s final drawings and the SWPPP before any permits were issued, Gittens remarked.

This is only site plan review, Mayor Freeman pointed out, permit issuance would be a separate process.

MOTION: Trustee McCormick moved to close the site plan review public hearing, seconded by Trustee Batzel. Voting in favor were: Mayor Freeman and Trustees Batzel, Hoffmann, McCormick and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

MOTION: Trustee McCormick moved for site plan approval, seconded by Trustee Hoffmann. Voting in favor were: Mayor Freeman and Trustees Batzel, Hoffmann, McCormick and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

With the conclusion of the site plan review public hearing (7:50 PM), the Planning Board retired to the Whitney Room to conclude their agenda.

II. APPROVAL OF THE MINUTES

MOTION: Hayes moved to approve the minutes of the meeting of January 22, 2024, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson and Hayes. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

B. Application for Subdivision

66 & 74 River Street; Avon, NY 14414 (neighboring)
2-lot minor subdivision; VR zoning classification

Peter L. & Claire Prine

66 River Street; Avon, NY 14414

The Prine’s had submitted: a subdivision application, Short Environmental Assessment Form, EAF Mapper and survey maps - updated survey maps had been requested.

Claire Prine said she had spoken with a surveyor on the 74 River Street property.

Members noted the Board’s next scheduled meeting should have been 7:00 PM Tuesday, March 19, but polling for the Village election would be at Village Hall from noon until 9:00 PM that day so they re-scheduled the Board meeting to 7:00 PM Monday, March 18, to avoid the conflict.

As such, the Board scheduled a public hearing on the Prine’s subdivision application for 7:00 PM Monday, March 18.

**C. Battery Storage
Solar Committee**

Gibson called for a Solar Committee meeting to discuss battery storage at 7:00 PM Tuesday, February 27, in the Whitney Room. Gibson anticipated two-to-three meetings to come up with a recommendation.

IV. NEW BUSINESS

Nothing pending.

Miscellaneous

The Town of Avon had scheduled an open house to celebrate completion of Opera Block (*third floor at Town Hall*) renovations from 1:00 PM until 4:00 PM Saturday, March 2, refreshments would be served and entertainment provided, according to Drozdziel.

Panloco would perform Trinidadian steel drum music at 2:30 PM. The docket would also feature: the Avon High School Senior Choir, Exit 9, SUNY Geneseo's acapella group, Avon's Dance Emporium as well as other dance companies.

Performances were made possible with funds from the Statewide Community Re grants Program, a program of the State Council on the Arts with support from the Office of the Governor and the State Legislature, administered by the Genesee Valley Council on the Arts.

V. ADJOURNMENT

MOTION: Borkhuis moved for adjournment at 8:07 PM, seconded by Hayes. Voting in favor were: Drozdziel, Borkhuis, Gibson and Hayes. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

Gary Margiotta
Secretary