

PLANNING & ZBA MEETING

MONDAY, FEBRUARY 5, 2019

MEMBERS PRESENT: ZBA: CINDY KELLEN, BOB WESTFALL, SAM PRICE

PLANNING: KATHY COLE, TOM MCGOVERN, KATHY MANNIX, CLARA MULLIGAN, MICHAEL MILES

ABSENT: JEFF MULLIGAN (ZBA), DIANE ATTEA (ZBA), RANDY KOZLOWSKI (PLANNING)

OTHERS: COE BRIAN GLISE, MRB ENGINEER LANCE BRABANT, TOWN ASSESSOR TAMI SNYDER

VISITORS: JANET MANKO, JUDY FALZOI, ANNE BRISTOL, KEVIN LILLIS, BRUCE HOWLETT, SANDRA HOWLETT, WES ALDRICH, JEREMIAH PAVEL

CLERK: KIM MCDOWELL

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ZBA & PLANNING BOARD MOTION TO OPEN THE MEETING WAS MADE BY TOM, SECONDED BY BOB.

KATHLEEN COLE -AYE  
TOM MCGOVERN- AYE  
RANDY KOZLOWSKI - ABSENT  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
MICHAEL MILES - AYE

JEFF MULLIGAN - ABSENT  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - AYE

CARRIED 8-0.

KATHY COLE MADE AN ANNOUNCEMENT THAT ANYONE IN ATTENDANCE FROM OAK OPENINGS, THIS MEETING IS STRICTLY A PUBLIC HEARING FOR HELIOS SOLAR PROJECT AND ANY COMPLAINTS/CONCERNS WILL NEED TO BE GIVEN TO EITHER THE CODE DEPARTMENT OR THE TOWN OF AVON.

PLANNING MOTION TO APPROVE THE MINUTES FROM THE JANUARY 8, 2019 MEETING AS PRESENTED WAS MADE BY TOM, SECONDED BY MIKE.

KATHLEEN COLE -AYE  
TOM MCGOVERN- AYE  
RANDY KOZLOWSKI - ABSENT  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - ABSTAIN  
MICHAEL MILES - AYE

CARRIED 4-0

ZBA MOTION TO APPROVE THE MINUTES FROM THE NOVEMBER 26, 2018 MEETING AS PRESENTED WAS MADE BY CINDY, SECONDED BY SAM.

JEFF MULLIGAN - ABSENT  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - AYE

CARRIED 3-0

HELIOS ENERGY NEW YORK LLC C/O RICHLAND RESOURCES LLC/500  
ROCHESTER STREET/TAX PARCEL#24.-2-3.1-SITE PLAN REVIEW FOR SOLAR  
ARRAY FARM

Lance gave a brief description of the process that has taken place so far for this project. At last month's meeting a letter was sent to all interested parties stating the Planning Board's intent to be lead agency, to date there have been no objections. On February 11, 2019 is the thirty day deadline and at that time the Planning Board can take formal action on this project. The joint meeting's purpose is to hold concurrent public hearings for the Site Plan (Planning Board) and the Special Use Permit (ZBA) applications. The ZBA Board will give comments to the Planning Board tonight and next month we will also hold a joint meeting for decisions on both applications.

MOTION TO OPEN THE PUBLIC HEARING FOR BOTH THE ZBA & PLANNING BOARDS WAS MADE BY BOB; SECONDED BY MIKE.

KATHLEEN COLE -AYE  
TOM MCGOVERN- AYE  
RANDY KOZLOWSKI - ABSENT  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
MICHAEL MILES - AYE

JEFF MULLIGAN - ABSENT  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - AYE

CARRIED 8-0.

Peter from Ingalls & Associates the Civil Engineers on the project gave a brief description for everyone present. The solar farm will be located on Rochester Street on the back hill with a seven foot chain link fence enclosure and will have privacy slats. Highest possible elevation of the panels is 9 feet, they will rotate depending on the sun's location throughout the day. There is a gravel driveway for emergency vehicles and access to the solar farm. The fire department will be trained for any/all emergency situations that could possibly take place. They are leasing the parcel, approximately 70-80 acres, the lease boundaries have not yet been established. The panels will cover approximately 20 acres and there will be about 4,500 panels. They have followed the setbacks dictated from the Town of Avon Solar Law of 200 feet from the road and 100 feet side setbacks. There has been a glare and a noise study done. The panels are designed to absorb not reflect the sun light. Any noise is from the invertors and will only be used during peak sunlight. The invertors are spring invertors and will sound the same as a refrigerator. There will be about 80 invertors, one per row. The Shipo letter indicated there is no effect and project will not impact the land negatively. Lance requested that both studies be forwarded to the Town office as well as the Shipo letter for our files.

Bob questioned the viability of the land being used. Bruce stated typically anything built in Avon goes on AG land. The main way to determine if land is viable is to determine if it is profitable to the farmer.

This parcel has not been farmed in over 10 years. Bruce stated it is hard for someone other than a farmer to determine if the land is viable and it is not up to this Board to make that determination.

Mike questioned the decommissioning portion of the project. Lance said that the Town will hold the Bond and the Bond will have a value and an inflation percentage. The Bond will have to be stamped and certified by a license professional, it will include the equipment, removal of equipment, re-grading of the site, and there is usually a lump sum. Some Towns re-evaluate the Bond in 5-10 years to make sure it is correct. Lance is going to compare this to other Town's - Mike would like to see the comparisons when done. Bruce stated that once these are removed, the land can go back to farming land. Lance also stated that the decommission plan is part of the application process and both Boards will need to approve that plan.

Kathy Cole asked what the estimate of life on the panels is. Bruce stated it is 25 years and they will change them out when there is new technology and when it is profitable to the company.

Clara asked if Avon residents will still be able to take advantage of the power they are generating. Yes, that is still part of the plan.

Tami asked exactly what lot this solar farm will encompass. Bruce stated it will be behind the house on the property. Tami said the tax map numbers on some of the forms has three different numbers. It is not going across the street per Bruce.

The maintenance of the solar farm in the enclosure is mowing once or twice a year. Bruce will be planting pollinator-friendly species in the area and an outside company will be in control of the maintenance. Lance would like a site specific maintenance plan not a general one.

Lance hasn't given a comment letter to Helios yet, was planning to do so after tonight's meeting.

Kathy Cole asked if there was any comments from any of the visitors.

Visitor, Judy Falzoi stated that there will be glare due to the fact that the stems/frame work is metal and that is reflective. She also stated the Livingston County Planning Board gave a negative response based on the farm land protection that nothing pertains to prime soils in Avon. Judy feels the Solar Law is a bad law and it also goes against the Comprehensive Plan for Avon. She feels that the Boards are not knowledgeable enough to approve this in our Town. Should also refer to AG & Markets about the decommission plan. She feels the residents of Avon should be informed of this project than they are. She also questioned if this is prime soil now will it still be prime soil when it is removed. Judy doesn't approve of the project right now.

Visitor, Janet Manko agrees with Judy. Feels panels are not made properly, they are made in China and have toxic elements in them. Board needs to do more research and become more knowledgeable on this topic before making this huge decision.

Tom asked if the panels have dark or shiny framing. Peter stated they are black and these types of panels are near airports as well so there is no glare.

Cindy asked why panels are 4 feet off the ground, is it for mowing purposes. If you have a 7 foot fence and the panels are 9 feet high than they will be visible to some neighbors.

Judy wanted to make sure emergency personnel will be trained for this type of fire/emergency situation. Helios will be training and the solar farm will be monitored 24/7 and they will be able to tell if something goes wrong immediately and will be able to address it quickly. They will also be providing all training and equipment for the fire department to fight these fires if there ever is one. Judy wanted to know who would be in charge of getting out the dead animals inside the enclosure and who will check how they died.

Kathy Mannix asked with the amount of snow we get will that sit on the panels. The panels actually move and shuck to get snow off the panels.

Tom likes this site plan because the panels are in one location. He has seen where they are putting panels on telephone poles and buildings and he is not in favor of that.

Cindy asked if they could put up some kind of stakes on the land for the Board members to check to see where it will be exactly Lance suggested doing rendering drawings of the area and different perspectives for this particular project.

Bruce feels that Avon has restriction of these projects. He feels that Avon taxes will go down with solar in the area. PILOT's are negotiable.

Janet feels that we should have a community meeting because the vast majority of residents have no idea. The Town needs to make an effort to do this before voting.

MOTION TO CLOSE THE PUBLIC HEARING FOR BOTH THE ZBA & PLANNING BOARDS WAS MADE BY BOB; SECONDED BY CLARA.

KATHLEEN COLE -AYE  
TOM MCGOVERN- AYE  
RANDY KOZLOWSKI - ABSENT  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
MICHAEL MILES - AYE

JEFF MULLIGAN - ABSENT  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - AYE

CARRIED 8-0.

Lance asked what the comments from the ZBA to the Planning are. Bob wondered if the Village is aware of the project since it is near the Village boundary. Lance stated they are not within the distance we are not required to provide information but the Village is aware of this project.

Since there were no other comments, Kathy thanked Mr. & Mrs. Howlett and Peter for coming tonight.

JEREMIAH PAVEL, C/O WESLY ALDRICH/2120 SACKETT ROAD/TAX PARCEL  
#34.17-1-1.2-CONCEPT SITE PLAN REVIEW FOR MOTOR VEHICLES SALES

Kathy Cole asked Mr. Pavel to give us an overview of what he would like to do at the property. He has decided to use the bay all the way to the left. He chose this one because it has three sides with existing fire walls on each side and there is no structure on either side. This is also the only open bay available. Any stored cars will be in the bay and he will be using the office near the front. There will be no hazardous materials in the bay.

Kathy asked if there is fire and smoke detectors in the buildings. There are 4 apartments with fire extinguishers and there is some hard wired alarms in the lobby.

The bay can store up to 6 cars and he may have two cars outside unless he is moving things around or cleaning the bay. They would not be outside permanently.

Kathy stated that in his statement of operations he has hours from 8AM - 8PM seven days a week and that seems very excessive. Mr. Pavel stated that this business will be by appointment only and he would not be working those hours but wanted to have the availability of those hours just in case.

Lance stated he needs more of a detailed site plan and statement of operations.

The Board has decided that this falls into the allowable use of professional office and does not require a special use permit. Brian's interpretation that needs a special use permit states sales and service, this is actually just sales which doesn't require a special use permit.

Lance also suggested possibly getting letters of support for neighbors.

Next step would be to get a survey map with details for next meeting and possible for approval.

Mr. Pavel needs to get the information to Kim by February 19<sup>th</sup> for the March 5<sup>th</sup> meeting.

ZBA & PLANNING BOARD MOTION TO CLOSE THE MEETING WAS MADE BY  
SAM, SECONDED BY TOM.

KATHLEEN COLE - AYE  
TOM MCGOVERN- AYE  
RANDY KOZLOWSKI - ABSENT  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
MICHAEL MILES - AYE

JEFF MULLIGAN - ABSENT  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - AYE

CARRIED 8-0.

MEETING CLOSED.