

PLANNING BOARD MEETING

TUESDAY, NOVEMBER 5, 2019

MEMBERS PRESENT: KATHY MANNIX, KATHY COLE, TOM MCGOVERN,
MICHAEL MILES, RANDY KOZLOWSKI, CLARA
MULLIGAN, BRIAN THORN

MEMBER ABSENT:

VISITORS: BRIAN GLISE, LANCE BABRANT (MRB GROUP),
KEVIN MCINTEE (MRB GROUP), JUDY FALZOI,
BRUCE HOWLETT, BRIAN HARPER, JOE HAMEL, BILL
BACON, JOHN SCIARABBA, ANTHONY SPADE

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY MIKE, SECONDED BY CLARA

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

CARRIED 7-0.

MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 23, 2019
MEETING AS PRESENTED WAS MADE BY TOM, SECONDED BY KATHY MANNIX.

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

CARRIED 7-0

PIRANHA MILLING & PAVING CONTRACTORS LLC/TEC DRIVE/TAX PARCEL
#35.-1-13.524-SITE PLAN APPLICATION

Mr. Sciarabba, LandTech, and Mr. Spade, Piranha, were here to discuss the plans for the parcel on Tec Drive. The site is located on the north side of Tec Drive with roughly 37 acres. Piranha would like to move their facilities that are currently located in Webster to Avon. They would like a 200 square foot maintenance/shop building and an 1800 square foot office building. They also want to develop a flex/lease base building. Mr. Sciarabba is here to mainly discuss Phase 1 of the project which is the office and maintenance buildings. They would like to build a private road and connect to the water/sewer main across the street. First building will be set back 80 feet from the right of way, they will have the office building facing west side so trucks can go through the maintenance building. Office staff parking will be separate from truck route on the parcel. There will be some supplies, loaders, trucks, and other equipment stored on the premises. They will have approximately eight employees in the office and two full time mechanics. They want to centralize their operations in Avon, having 390 close by is an asset for Piranha. They also would like to do Flex Base Business, which will give them the ability to lease space to other businesses that only need a small area to operate.

These spaces will have a phone, electric, bathroom and possible staging area. It is in place in their Webster offices right now and it works well. They are not proposing a large use business, it will not be subdivided if there are many businesses that would like to lease.

Mr. Sciarabba had a meeting last week with the County, LCWSA, Village and Town regarding water and sewer. There is a letter stating what the intended uses are and how much water they feel will be used a day. They are proposing 750 gallons a day and feel they are well within the volume requirements that the Village can accommodate.

Mr. Sciarabba said that due to the grading on Tec Drive you will not see the building but you will see it from the expressway. He also stated the plan is Phase 2 compliant with the NYS DEC and the application will be addressed at the County level in two weeks. He also stated that MRB hasn't had a chance to review the final plans and make comments/recommendations yet.

Lance stated that we did have a meeting to iron out exactly what is being proposed, what they envision for the future, and the restrictions from the Village regarding sewer. Lance feels the Phase 1 application with some restrictions will not be an issue, through the SEQOR process the Village and all other agencies will have a chance to respond. This is in a PDD district so the Town Board has to authorize all the uses in this parcel. When they do have a Flex Base business, they will need to come in and get approval so we can track that the sewer usage is within our limits. This application has to go through a SEQOR review and process, will also need to have a special joint meeting with the Town Board for approval. This is all for Phase 1 only, any future Phases will have to follow the same process.

Randy asked about the tractor trailer storage, what would be the capacity of the traffic as far as the pattern. The trucks are usually out between 6-6:30AM and then at the end of the day they come back and park. During the day you will have minimal activity just early in the morning and evening when they return.

Clara asked how many trucks do they currently own, which they have 10 tractor trailers, 8-10 loaders, and 1 low boy. All the trucks will not be on the parcel at one time, the ones that will be out will be dependent on the season.

Kathy Mannix asked what the surface of the parking lot will be and it will be paved using a heavy binder with a good base.

Clara asked about the oil/water separator and what it is used for. Since they have public water/sewer there will be a separator between the oil and water. The oil stays in the drain and will be pumped out from time to time.

Kathy Cole asked if there will be a lot of major truck repairs done on premises. Mr. Spade stated it will be general repairs anything major will be done at the dealership. There is no tire storage on premise. They will have fencing so it will be hidden as much as possible. You will not be able to see much from Tec Drive but from the expressway you may see more. Kathy stated that she would like the area to be kept up nicely and well maintained. Lance stated because this is a PPD district that a lot of site restriction or code requirements could be recommended by the Planning Board.

The Town Board does issue the setback requirements but if you have specific information you can make a recommendation to the Town Board for the Special Use Permit.

Brian stated that they do have stuff/equipment behind Bruckel's and that is just some of the equipment they will have on premises. Mr. Spade stated that they have everything organized and they have people cutting the lawns. Clara asked if they had any landscaping plans and they do have it in the site plan submitted. There will be no light spill beyond the site.

Kathy Cole asked about a hut they have on site in Webster and asked if that would be on site at Tec Drive. Mr. Spade said it is a salt building and they will not have that on Tec Drive. That is actually one of their customers on site that has a salt business and that hut is theirs.

Tom asked what type of business's are currently leasing from Salt Road in the Flex Base buildings. They have landscapers, 2 paving companies, mechanic shops, a food company similar to Three Legged Pig, RV mechanic, wood shop and arcade. There are no retail shops on premises.

Clara asked about signage and they would have a marquee sign and they would need to get approved.

Kathy Mannix asked the operation hours and it would be 6:30AM-7:00PM with no 24 hour businesses.

Lance re-stated that every business will have to come in and get a special use permit and submit a statement of operations.

Clara asked who are the neighbors are on Tec Drive and it is across the street from Mortalis Brewing in the James Garner building. Mr. Spade asked if Mr. Garner's tenants had to come in to get permission to lease space. Lance stated that those uses were predetermined when he came to the Board initially.

Kathy Cole asked if they would be using Route 15 entrance or would they need to use Interstate Drive to go to expressway. Mr. Spade said they would use Route 15 to enter/exit the parcel.

There was much discussion on how the Planning Board would like things to look and the actual parcel layout that was submitted.

Lance stated that the statement of operations needs to be expanded with hours of operations, number of employees, what you anticipate to store in the storage area, if it will be shared storage space than that will need to be identified as well and possibly do see some select screening on the site plans.

Brian asked if there will be a fire wall between each space in the Flex building and there will be.

Lance stated the only action the Planning Board can take tonight is to declare intent to become lead agency.

TOWN OF AVON PLANNING BOARD RESOLUTION
PIRANHA MILLING & PAVING CONTRACTORS LLC
TEC DRIVE
PIRANHA HOME OFFICE, PHASE 1
PRELIMINARY SITE PLAN REVIEW
SEQR – DECLARING INTENT TO BECOME LEAD AGENCY

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction of a 9,500 sq ft light industrial building to house the operation of the contracting business including office space with the remaining portion to be used for storage and maintenance of equipment. There will also be (1) 60' x 280' building with 10 lease spaces and associated site improvements, as described in the Site Plans dated October 22, 2019 and all other relevant information submitted as of November 5, 2019 (the current application); and

WHEREAS, the Planning Board has reviewed the completed State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF), Part 1 prepared by the applicant on the above referenced light industrial building (hereinafter referred to as the Action); and

WHEREAS, the Planning Board determines that said Action is classified as an Unlisted Action under the SEQR Regulations; and

WHEREAS, the Planning Board determines that said Action is also subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board determines that it may be the most appropriate agency to insure the coordination of this Action and will provide written notifications to the involved and interested agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby declare its intent to be designated as the lead agency for the Action.

BE IT FURTHER RESOLVED, that the Town Engineer (MRB Group) is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on **Friday, December 6, 2019**.

The above resolution was offered by Kathleen Cole and seconded by Thomas McGovern at a meeting of the Planning Board held on Tuesday, November 5, 2019. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - *AYE*
Randy Kozlowski - *AYE*
Kathy Mannix - *AYE*
Thomas McGovern - *AYE*
Michael Miles - *AYE*
Clara Mulligan - *AYE*
Brian Thorn - *AYE*

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Planning Board for the November 5, 2019 meeting.

Kim McDowell, L.S.
Kim McDowell, Clerk of the Board

Lance will package up the material that has been provided and he will send it out to all agencies. We will also determine a joint meeting with the Town board and let them know when that will be.

DG NY SOLAR CS LLC C/O RICHLAND RESOURCES/AVON-EAST AVON ROAD/TAX PARCEL#34.-1-15.21 - SITE PLAN APPLICATION

Mr. Brian Harper and Mr. Joe Hamel from NextEra Energy Resources, LLC, were present to discuss this application. Mr. Harper gave a brief background of their company. They are submitting a 5 MW solar array on the parcel Mr. Howlett owns on Routes 5 & 20. The area they would like to put the solar farm is the least profitable part of the parcel. There will be no

tree removal, no construction inside the army corp wetlands that are on site.

They will have underground utility lines until point of interconnection and there will be 5 utility poles constructed and a 7 foot fence. There has not been a SWPP done yet but it will be compliant with NYS laws and asking to wait until they get a building permit to get that done. Avon residents can sign up and get a discount on electric bill.

Lance stated that there are 2 items specifically he has questions, lot coverage and battery storage. The Town of Avon currently has a battery storage moratorium and the coverage per Town code is maximum 25 acres of solar panel coverage/perimeter. Lance read the Solar Law regarding coverage, *"Type 2 Solar Energy Systems shall not exceed 25 acres of coverage on parcels that are 40 acres or more in size. On parcels that are less than 40 acres in size, Type 2 Solar Energy Systems coverage shall not exceed 60% of the total parcel size. The coverage area shall be determined by the area covered by the perimeter of the Solar Energy System at minimum tilt."*

Lance stated the definition of perimeter is not in the current local law and this will be subject to interpretation by this Board.

Mr. Harper stated that the battery storage reference is in error, if it is in the proposal, he will remove it if it has not already been removed. He reread the proposal to make sure it was not currently in the application.

Mr. Harper stated that perimeter is open to interpretation. His calculation where done by taking the panel under minimal tilt and the surface area is 10 acres which is under the 25 acres. There was lengthy discussion on how Mr. Harper determined the amount of coverage and how the Planning Board feels the perimeter is based on the site plan submitted.

Randy asked how solar companies determine where they put their farms. Mr. Harper stated that they look where utility storage is and seek out the best land to put the farms on. Mr. Howlett also researches the companies as well to make sure they are reliable and stable.

Kathy Cole asked about the flooding that has occurred in the area and how will it have an effect on the water flow. Mr. Harper stated it will have no effect and it will benefit the area. It will be addressed in SWPP when it is completed.

Kathy Cole asked about the neighbors on Pole Bridge and what will they see in regards to looking out their backyard. Mr. Harper stated they will have some sight of the panels but for the most part it will not be seen, but they can put evergreens in the area.

Lance asked how much of the area they are leasing. Mr. Harper stated they have the right to lease the whole parcel and there is an exclusion area that follows the access road. They can't build anywhere to the North they can only build toward the South.

Mike asked in the decommission plan that the benefit in terms of salvage value should state zero. Lance stated that there is a bond for the life of the solar farm. Mr. Harper states he doesn't believe that the salvage value is in the application.

Lance stated that they will need to go to the Town Board for the PILOT agreement and that will need to be in place before this Board can approval this project.

Brian thorn asked if there is any interest in making this a dual use property and have sheep or other livestock graze on the land. Mr. Howlett stated they are looking to put more vegetation in the area which should help with the drainage situation that occurs. Mr. Howlett described how the land layout causes the drainage issue and he feels that if they grow heavy vegetation on that parcel it will help. Mr. Howlett also said that animals can muddy things up and he is uncertain if that is a good idea. There was discussion as to why the sheep may not be a good fit for the area and what would be involved for the Planning Board as far as approval of the site plan if there were sheep.

Lance stated there will be some level of drainage requirements that they can submit to us. Mr. Harper would like to wait until the building permit application to do this type of study. Lance stated the Town of Avon's building permit process comes after approval from the Planning Board, which requires that information before making a decision.

Clara asked what the requirements are for underground wire at 3-4 feet and why does it need to be so deep. Mr. Harper stated that electrical conductive states that it needs to be that far down for safety purposes.

Kathy Mannix asked if the land is leased and if you lease additional acreage what will happen to that acreage. Mr. Harper stated anything north will be farmed and pinched acres that are not profitable to farm will be green. Even if the land is farmed the dust will not affect the panels.

Judy asked if the homeowners on Pole Bridge will be notified of the project and Lance stated that yes they will be notified by notices of the public hearings and agendas. She suggested the solar company send them information to introduce themselves to the area.

Lance stated that the first question on this application is if the local law was meet and what the Planning Board's interpretation of perimeter is for this project. There was more discussion on the definition of perimeter based on the Solar Law in place. Mr. Hamel asked if there was a possibility of getting a variance for the acreage since they are proposing such a small percentage of the parcel. Lance stated they could go to the ZBA to get a variance but that would be time consuming. Lance said the options are to either tweak the site plan to coincide with the law or a variance will need to be approved before the Planning Board can move forward on this application. Mr. Hamel stated that in order for this project to be profitable they need to be at 5 MW.

Tom McGovern stated that this Board needs to tighten up the definition of perimeter. There was more discussion on the definition of perimeter and how it pertains to this application.

The Planning Board will need to make a recommendation to the Town Board for a definition for the work perimeter in the Solar Law for future applications.

Lance stated based on the discussion tonight, the applicant will revise their site plan according to the Solar Law and will show the drainage areas, lot coverage, and remove battery storage wordage. Once we get that information, they will be put on the next Board meeting and begin SEQR review.

HELIOS ENERGY NEW YORK LLC C/O RICHLAND RESOURCES/RPCHESTER STREET/TAX PARCEL#24.-2-3.1 - DEADLINE EXTENSION REQUEST

Helios has sent in a request to have a six month extension on obtaining a permit. Lance stated that they are still waiting for a few items that were needed from Helios which they received the other day and hasn't fully reviewed them yet.

Mike feels that we have given them ample time to get all their paperwork in order to obtain a permit. Mike stated that it has been over a year since we have gotten this application and we are still waiting for items. Mike doesn't feel that Lance should have had to reach out to them to let them know the deadline was approaching that they should have contacted us. There was much discussion on whether to approve/disapprove the request and if approved is it possible to limit the extension time say to three months. It was decided that the Planning Board would agree to a six month extension with no option for another extension after that.

MOTION TO GRANT A ONE TIME SIX MONTH ENTENSION FOR OBTAINING A BUILDING PERMIT WAS MADE BY RANDY; SECONDED BY CLARA.

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

CARRIED 6-0.

Brian Glise had one more item to discuss. Pride & Joy on Interstate Drive had landscaping approved in their site plan but have only completed part of it and do not want to have to do anymore. They have currently put in 19 out of the 84 trees that were on the site plan. The Planning Board has asked Brian to contact Pride & Joy and have them attend the next Planning Board meeting to get an amended site plan approval. Lance suggested that they bring their old landscaping plan and a new one for the Board to approve.

MOTION TO CLOSE THE MEETING WAS MADE BY MIKE; SECONDED BY TOM.

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

CARRIED 7-0.

MEETING CLOSED.