

SOLAR COMMITTEE MEETING

TUESDAY, MAY 23, 2023

MEMBERS PRESENT: JAMES CAMPBELL (TOWN ATTORNEY), BRIAN GLISE (CODE OFFICER, TOWN OF AVON), COUNCILMAN MALACHY COYNE, BRIAN THORN (TOWN OF AVON PLANNING BOARD), EDWARD FORSYTHE, PAT RIO, JACALYN EDDY, TED GRISWOLD (LIVINGSTON COUNTY PLANNING), BRUCE HOWLETT, KATIE MORAN, CHUCK MORGAN, JENNY LOWENSTEIN (GENESEE REGIONAL PLANNING COUNCIL), MATTHEW SOUSA (MRB GROUP, ENGINEER)

CLERK: KIM MCDOWELL

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Jim Campbell welcomed everyone to the meeting.

Jim Campbell suggested we skip to Type 2 in the solar law and then, if necessary, we can go back to where we left off in the definitions.

Jim started the discussion with Type 2 solar is only allowed in Agricultural and it is not typically in a PDD since it would have to be approved by the Town Board.

Ted asked if there are any places specifically that the Town does not want solar.

Jim Campbell stated there has been talk about the overlay districts such as Route 5 & 20 coming into the Village and Route 39 going into Geneseo that should not have any solar.

Brian Thorn asked why Route 5 & 20 would be included and Jim Campbell stated he believes it is because it is the entranceway to the Village and a scenic vista.

There was much discussion on how you can have overlay districts and are they defensible if there is opposition from landowners.

Chuck Morgan suggested looking at the Comprehensive Plan on what they outlined as overlay districts or viewshed districts.

Ted stated typically if they are disallowed it is for reasons of historic significance, wetlands, soils, and viewsheds are a consideration.

There was discussion on the areas to disallow solar and the suggestions where, Route 5 & 20 coming into Avon Village, Route 39 going to Geneseo, areas with a lot of residential housing,

near excavation operations, and give the Planning Board authority to dictate the setbacks.

There was much discussion on how to define any areas where no solar should be, using town lines, parcel lines, roads, etc.

There was discussion on having a berm surrounding solar farms so you can't really see them, but the NYS DEC doesn't really like berms due to dirt disturbance and how that could affect drainage.

Jim Campbell feels we need to include some language in the landscaping area for berms, however, it can be a benefit to some and not to others.

In the comprehensive plan there are some viewshed/overlay districts mentioned and should those be included in the solar law as an area where no solar is allowed.

There was discussion on possibly making a new zoning classification that doesn't allow solar. Jim Campbell feels it is beneficial to just put in the solar code where it is not allowed and reasons why instead of making a new zoning classification.

Jim Campbell was asked if anything in the proposed NYS budget will override what we are putting in the solar code, and Jim stated yes and no. Our code doesn't allow 94C projects, but they are being given more authority than they ever had, and it will circumvent local rules in PILOT and Community Benefit Agreements.

There was more discussion on the setbacks for the viewsheds on Route 5 & 20 and if it is beneficial for farmers if it was 600 ft or 1,000 ft. Bruce Howlett feels that if you restrict it too much you are going to see farming go away and it would just be brush. Malachy feels we need to be very careful about the viewshed of 1,000 feet which may cause anything but farming. Jim Campbell suggested we leave Route 5 & 20 alone.

Brian Thorn suggested asking Clara Mulligan to come to our next meeting to discuss the Comprehensive Plan viewshed and the objective of the viewsheds.

There was also discussion about wooded areas where solar is allowed, is the community opposed with clearing wooded land and replacing it with solar. Is there a need to put language in the

code regarding this situation such as 5 acres (20%) of the 25 acres can be taken out of wooded lands for the solar farm.

To continue with the local law, there are some enhanced requirements for the special use permit portion. The first item is the lease agreement, and we need to know the obligations between the landowner and the developer and Jim Campbell feels we should add language regarding any amendments or changes should be provided to the Town of Avon immediately.

Katie Moran asked if there is a requirement that the application be published as soon as it is submitted, which currently we don't have as part of the law. Jim Campbell stated we could require the applicator to publish in the PennySaver and Brian Glise suggested putting a sign on the land stating future site of solar farm, put it on the Town website, and LCN and PennySaver for a period of 4 consecutive weeks at time of application submission.

Next meeting will be Wednesday, June 14, 2023 at 6:00PM in the Village Hall.