

SOLAR COMMITTEE MEETING

TUESDAY, JUNE 27, 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), JENNY LOWENSTEIN (GENESEE REGIONAL PLANNING COUNCIL), KATIE MORAN

CLERK: KIM MCDOWELL

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Jim Campbell welcomed everyone to the meeting.

Jim Campbell started with where we left off from the last meeting, property operation maintenance plan (f) with clearing, grading, storm water and erosion control plan to those present. Jim stated the language was modeled after the NYS DEC storm water permitting process which basically states post-run off can't exceed pre-development run off.

Jim Campbell feels we need to add language post development if the plans do not work properly and need to be revised. If revisions need to be made, they should come back to the Planning Board for approval.

There was discussion on the experience we are currently undergoing and if this happens again in the future what actions should be taken to rectify it. It was decided to change the language that would make the developer responsible for fixing any drainage issues that occur during the life of the project.

Next item is parking and truck traffic, there is a road use agreement that is required. Jim would like to see some language added to include they provide delivery routes to the site to the Town and County for approval. We don't require a traffic study because it is a short-term time frame.

The noise study paragraph was read to all present as well as the York solar law for this item. Jim will add language to match York's solar law.

The next item is viewshed/line of site analysis and Jim read the paragraph to everyone. The applicant will do what they think satisfies the Board and the law will give the Board the authority to request what they want. Jim stated this is the analysis phase not the actual buffering and screening. These

are application requirements to submit to the Town of Avon before the review process begins.

Jim Campbell stated that he will be adding most of the York solar law that differs from Avon's into our law.

There was discussion regarding the next item regarding the possibility of a viewshed overlay district and Jim feels that doesn't need to be in the solar law at this time.

The Pre-development site condition regulations were read to those present by Jim. The purpose of this is to give us a baseline to know what they are required to make it back to and this includes soil samples, and this is where we should include language for soil testing and what we are looking for and being specific with where, how many, how long they will have to test, etc.

There was discussion on soil testing and what we should require from a third-party laboratory. Jim doesn't feel we should give any recommendations for companies that perform these tests, they are responsible for doing it themselves. Jim will add language to specify what the Town would like to receive.

The next item states that any additional information that anyone from the Town requests should be given and he is leaving that as is.

The Decommissioning Plan at the point of application is what they anticipate on how they will do things; the approval process requires a decommissioning agreement. The Bond is secured at the Town Clerk's office and will be reviewed each year for the life of the project. The landowner and developer are the ones responsible for the decommissioning of the project, not the Town.

Malachy stated what happens if at the decommissioning point the landowner requests to keep the landscaping and not change it back to pre-development phase; that can happen and only if approved by the Town.

There was much discussion on what would trigger decommissioning in both the Town and developers' point of view. The Bond is required to be at 150% of the cost of decommissioning and each year it will rise. We don't want the Town to be forced into decommissioning these projects if it gets to that point.

If the decommissioning agreement states that no panels are to be left in the Town of Avon unless we have a recycling company for them to go to.

Jim didn't have the most recent version of a decommissioning agreement, but he will have Kim send it out to everyone tomorrow.

It was determined to stop at this point since the next items are very lengthy.

Next meeting will be Wednesday, July 12, 2023 at 6:00PM in the Village Hall.

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