PLANNING BOARD MINUTES FEBRUARY 16, 2021

MINUTES OF A MEETING OF THE VILLAGE OF AVON PLANNING BOARD TUESDAY, FEBRUARY 16, 2021 7:00 PM; VILLAGE HALL

I. ATTENDANCE

Paul M. Drozdziel, Chairman Marilyn Borkhuis John Gibson

ABSENT

Robert C. Hayes William Wall

GUESTS

Keith D. Herman, 4295 Lake Rd, Williamson, NY

STAFF

Lance Brabant, Sr. Planning Associate, MRB Group Patrick McCormick, Village Board Liaison Gary Margiotta, Secretary

QUORUM, 3 Present, 2 Absent

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for approval of the minutes of the meeting of January 19, 2021, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

III. OLD BUSINESS

A. The Martin-Pole Bridge Road Subdivision, Sect. 3 Keith D. Herman, Applicant

Behind Tom Wahl's Restaurant 283 East Main Street, Avon, NY 5.836 acres, zoned Agricultural (AG) Keith D. Herman, Applicant 4285 Lake Rd, Williamson, NY Richard M. Martin, Owner 22 River Street, Avon, NY

A public hearing had been opened at the January 19, 2021, meeting. Herman had said Wahl's had no immediate plans to develop the acreage, but wished to use it for overflow parking for the restaurant's summertime Tuesday night concert series and, possibly, for car cruise-ins. Wahl's would, at some point, like to tie-in their rear parking lot to the access road which connected to Dream Valley Boulevard which went north to a signalized light on Routes 5&20.

Herman had said Wahl's had agreed to grant the Village a 60-foot wide X 518.79-foot long easement along the west side of the 5.836 acre parcel they wished to subdivide. The Board had left the hearing open and asked Herman to submit a revised subdivision map, showing the easement, and a legal description of the easement a week prior to this meeting.

A revised map had been attached to the agenda showing:

- The 5.836-acre subdivision parcel in YELLOW
- The 60 foot X 518.79-foot easement in PINK
- A 60-foot X 260 foot easement to Pole Bridge Road in GREEN
- Public roadways in BLUE

Brabant told Board members he'd prepared:

- The Short Environmental Assessment Form Part 2 Impact Assessment and Part 3 Determination of Significance
- A State Environmental Quality Review (SEQR) Determination of Significance Resolution; and

PLANNING BOARD MINUTES FEBRUARY 16, 2021

- A Subdivision Plan Approval Resolution

Gibson asked about the easement.

There were two, Brabant responded, the easement to the Village for the potential development of a road and Wahl's easement at the southeast corner of the subdivision parcel that went out to Pole Bridge Road.

On the latter, Herman explained that was part of Wahl's purchase, but Martin could also use it for an access road or utilities.

Borkhuis said she didn't have any questions.

MOTION TO CLOSE THE HEARING: Borkhuis moved to close the hearing at 7:15 PM, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

LEGISLATION

Intro R-1

Gibson offered the following action and moved its adoption: a Short Environmental Assessment Form (EAF), Part 2 – Impact Assessment; and a Short EAF, Part 3 – Determination of Significance. Seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Intro R - 2

Borkhuis offered the following resolution and moved its adoption: a SEQR Determination of Significance Resolution. Seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Intro R - 3

Gibson offered the following resolution an moved its adoption: a Subdivision Plan Approval Resolution. Seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

B. Continuing Education Requirement

Drozdziel reminded members of their state-mandated, 4-hour, annual, continuing education requirement.

Hancock Estabrook and the MRB Group offer a free annual training program entitled, the 2021 Municipal Bootcamp Program. Upcoming sessions included:

Thursday, February 25, 6:00 PM until 7:00 PM, "How Does This Whole Thing Work, Anyway?" the art and science of running Planning and Zoning Board of Appeals meetings.

Thursday, March 25, 6:00 PM until 7:00 PM, "Leave It Better Than You Found It," your role in the Stte Environmental Quality Review (SEQR).

PLANNING BOARD MINUTES FEBRUARY 16, 2021

Thursday, April 22, 6:00 PM until 7:00 PM. "What Not to Say, And What Really Not to do," professionalism and preventing sexual harassment in local government.

Thursday, May 27, 6:00 PM until 7:00 PM, "Come One, Come All to the Greatest Show on . . . Well . . . , " building policy champions through public engagement.

Other programs would run the fourth Thursday each month, through December, from 6:00 PM until 7:00 PM. Additional information could be obtained by calling Matt Horn, Director of Local Government Services at the MRB Group at 315-220-0740 matt.horn@mrbgroup.com or Wendy A. Marsh, Esq., a partner at Hancock Estabrook at 315-565-4536 wmarsh@hancocklaw.com.

The Boot Camp programs were "fairly easy," Gibson remarked.

The Livingston County Planning Department offers online training courses as well.

C. Solar Development in the Village

The Board asked Brabant to prepare a solar development moratorium for Village Board consideration. The Planning Board would then delve into solar development restrictions in zoning classifications such as Agricultural (AG) while, perhaps, allowing such projects in districts such as Light Industrial (LI).

IV. New Business

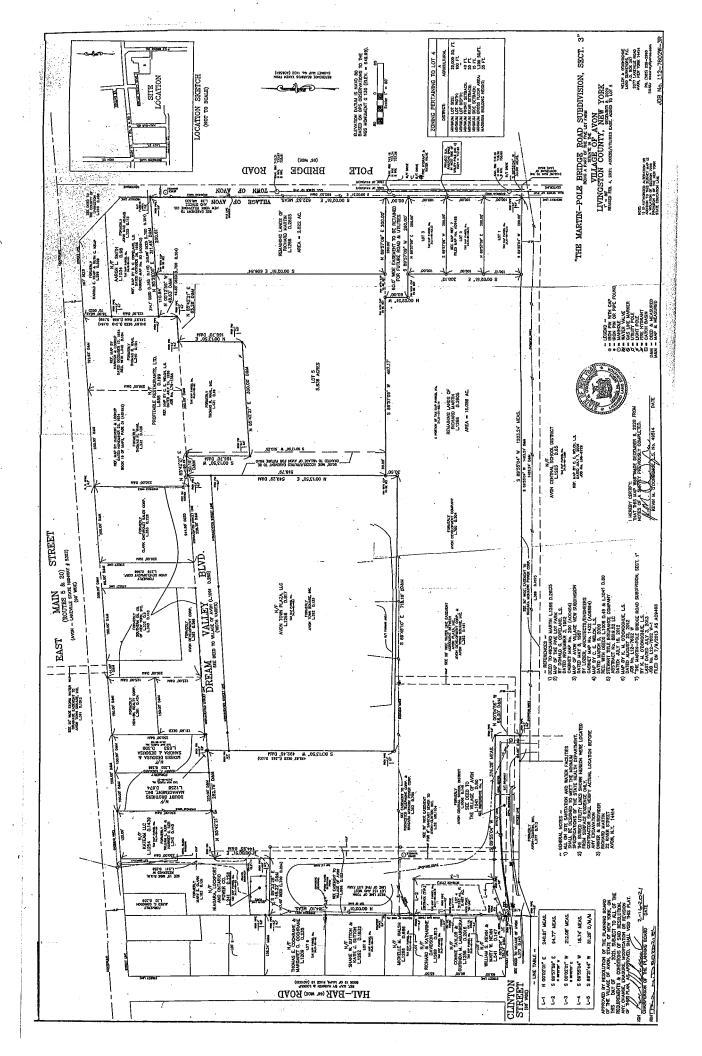
Nothing pending.

V. Adjournment

Motion: Borkhuis moved for adjournment at 8:02 PM, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Gary Margiotta Secretary



Agency Use Only [If applicable]

	, , , , , , , , , , , , , , , , , , , ,
Project:	Martin-Pole Bridge Road Subdivision
Date:	February 16, 2021

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	· 🗸	
2.	Will the proposed action result in a change in the use or intensity of use of land?	V	
3.	Will the proposed action impair the character or quality of the existing community?	√	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	\checkmark	
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	\checkmark	
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	V	
7.	Will the proposed action impact existing: a. public / private water supplies?	V	
	b. public / private wastewater treatment utilities?	\checkmark	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	V	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	V	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	V	
11.	Will the proposed action create a hazard to environmental resources or human health?	√	

Agency Use Only [If applicable]
Project: Martin-Pole Bridge Sub
Date: February 16, 2021

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is consistent with character of the surrounding neighborhood. The proposed action WILL NOT have a significant traffic, energy use, water supplies, aesthetic resources, natural resources, flooding or drainage, or human health. See Attached SEQR Resolution – Determination of Significance

This action was offered by John Gibson and seconded by Marilyn Borkhuis at a regularly scheduled Planning Board meeting held on February 16, 2021. Following discussion, a voice vote was taken with the following results:

William Wall - Absent
Marilyn Borkhuis - Aye
John Gibson - Aye
Robert Hayes - Absent
Paul Drozdziel - Aye

I, Gary Margiotta, Secretary of the Board, do hereby attest to the accuracy of the above action being acted upon and recorded in the minutes of the Village of Avon Planning Board for the February 16, 2021 meeting.

L.S.

Gary Margiotta, Secretary of the Board

Check this box if you have determined, based on the information and analysis above, and any supporting documentation that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.				
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.				
WILAGE	advorse on vironmental impacts.			
Fown of Avon Planning Board	February 16, 2021			
Name of Lead Agency	Date			
Paul M. Droxdziel	Chairman			
Print of Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer			
Van Malla	MRB Group			
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)			

VILLAGE OF AVON PLANNING BOARD RESOLUTION KIETH D. HERMAN - MARTIN-POLE BRIDGE ROAD SUBDIVISION, SECTION 3 283 EAST MAIN STREET, AVON, NY 3 LOT SUBDIVISION - TM # 34.11-01-05.14 SUBDIVISION PLAN APPROVAL

SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION

WHEREAS, the Village of Avon Planning Board (hereinafter referred to as Planning Board) is considering Subdivision Plan Approval for the subdivision of the parent parcel containing 24.744 ± acres, to create Lot 5 at 5.836 ± acres to be used for Tom Wahl's restaurant with no proposed improvements at this time, Lot 4 at 2.822 ± acres to remain vacant (Remaining Lands of Richard Martin), and Lot 6 at 16.086 +/- acres to remain vacant (Remaining Lands of Richard Martin), as shown on the subdivision plan prepared by Welch & O'Donoghue Land Surveyors, P.C. dated December 8, 2020, revised February 4, 2021 and all other relevant information submitted as of February 16, 2021 (the current application); and

WHEREAS, the Village of Avon Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Martin-Pole Bridge Road Subdivision Plan (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

(SEQR) Regulations; and WHEREAS, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the site is consistent with the Village's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;

VILLAGE OF AVON PLANNING BOARD RESOLUTION KIETH D. HERMAN - MARTIN-POLE BRIDGE ROAD SUBDIVISION, SECTION 3 283 EAST MAIN STREET, AVON, NY 3 LOT SUBDIVISION - TM # 34.11-01-05.14 SUBDIVISION PLAN APPROVAL

SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION

- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.
- BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.
- BE IT FURTHER RESOLVED that the Planning Board directs the Planning Board Chairman to sign and date Part 2 of the Short Environmental Assessment Form and to identify on the Form that the proposed Action will not result in any significant adverse impacts.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

The above Resolution was offered by Marilyn Borkhuis and seconded by John Gibson at a regular scheduled Planning Board meeting held on February 16, 2021. Following discussion, a voice vote was recorded:

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大学者的一种文字,这个一个事情的事。

William Wall - Absent Marilyn Borkhuis - Aye

John Gibson - Aye in a case of the second se

Robert Hayes - Absent

Paul Drozdziel - Aye

I, Gary Margiotta, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Village of Avon Planning Board for the February 16, 2021 meeting.

Hary Marguotta L. S. Sarry Margiotta, Secretary of the Board

VILLAGE OF AVON PLANNING BOARD RESOLUTION KIETH D. HERMAN - MARTIN-POLE BRIDGE ROAD SUBDIVISION, SECTION 3 283 EAST MAIN STREET, AVON, NY 3 LOT SUBDIVISION - TM # 34.11-01-05.14 SUBDIVISION PLAN APPROVAL

SUBDIVISION PLAN APPROVAL RESOLUTION

WHEREAS, the Village of Avon Planning Board (hereinafter referred to as Planning Board) is considering Subdivision Plan Approval for the subdivision of the parent parcel containing 24.744 ± acres, to create Lot 5 at 5.836 ± acres to be used for Tom Wahl's restaurant with no proposed improvements at this time, Lot 4 at 2.822 ± acres to remain vacant (Remaining Lands of Richard Martin), and Lot 6 at 16.086 +/- acres to remain vacant (Remaining Lands of Richard Martin), as shown on the subdivision plan prepared by Welch & O'Donoghue Land Surveyors, P.C. dated December 8, 2020, revised February 4, 2021 and all other relevant information submitted as of February 16, 2021 (the current application); and

WHEREAS, the Planning Board opened a Public Hearing and completed a formal review of the proposed subdivision in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board has determined the proposed development to be an Unlisted action and is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on February 16, 2021 the Planning Board, made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby \square Approves without Conditions; X Approves with the following Conditions; or \square Denies the application for the following reasons:

- 1. Subdivision Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the plans.
- 2. The 60' Wide Access Easement to the Village of Avon across Lot 5 and the 60' wide Access/ Utility Easement from Pole Bridge Road are to be reviewed by the Village Attorney and filed with the County Clerk's Office and Village Clerk.

The above Resolution was offered by <u>John Gibson</u> and seconded by <u>Marilyn Borkhuis</u> at a regular scheduled Planning Board meeting held on February 16, 2021. Following discussion, a voice vote was recorded:

William Wall - Absent Marilyn Borkhuis - Aye John Gibson - Aye Robert Hayes - Absent Paul Drozdziel - Aye

I, *Gary Margiotta*, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Village of Avon Planning Board for the February 16, 2021 meeting.

L. S. Gary Margiotta, Secretary of the Board

Join Our Email List



New for 2021 Hancock Estabrook and the MRB Group are rolling out a new FREE annual training program to assist local governments, town officials, and planning and zoning boards.

The program will include 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program in the series will be provided remotely on the fourth Thursday of each month with subject matter experts from the MRB Group and knowledgeable attorneys from Hancock Estabrook, LLP. Topics will be lively, useful and - potentially as important - qualify for the education requirements for members of Planning Boards and Zoning Boards of Appeals.

2021 Municipal Bootcamp Program

Thursday, January 28, 2021 – 6:00 p.m - 7:00 p.m. SESSION 1: WHO AM I? HOW DID I GET HERE?

The Basics of the Role of the Planning Board and Zoning Board of Appeals in Local Government

So, you have been appointed to the Planning or Zoning Board...what now? What is your role in the development process? What are the do's and do not's of project review? How can you start influencing the shape of your community? Our team of planning and legal advisors will walk you through the legal obligations and best practice elements of serving in these critical roles in your hometown.

Thursday, February 25, 2021 – 6:00 p.m. - 7:00 p.m. SESSION 2: HOW DOES THIS WHOLE THING WORK, ANYWAY?

The Art and Science of Running Planning Board and Zoning Board of Appeals Meetings

I motion this, you second that...what does it all mean? When should the applicant speak? The public? Believe it or not, there is often a rhyme and reason to the way agendas are laid out, and business conducted. We will talk you through the lessons we have learned through years of public meeting management, and some of the legal loopholes you will need to thread to manage development effectively.

Thursday, March 25, 2021 – 6:00 p.m. - 7:00 p.m. SESSION 3: LEAVE IT BETTER THAN YOU FOUND IT

Your Role in the State Environmental Quality Review (SEQR)

It wouldn't be New York State planning if there wasn't a mile long checklist about the possible environmental impacts of a small shed installation. Getting this one right is critical to virtually every project you will review. We will walk you through the SEQR act and talk through the critical elements for every board and staff member to understand.

Thursday, April 22, 2021 – 6:00 p.m - 7:00 p.m. SESSION 4: WHAT NOT TO SAY, AND WHAT REALLY NOT TO DO

Professionalism and Preventing Sexual Harassment in Local Government

In recent years, New York State has placed heightened emphasis on preventing sexual harassment in the workplace, and on ensuring a safe, productive work environment for all. Protections extend far beyond traditional definitions, and the liabilities can be steeped. New regulations even apply to volunteer board members, vendors, and applicants! Check out this session both to stay in the know, and to meet the annual Sexual Harassment Prevention training requirement.

Thursday, May 27, 2021 – 6:00 p.m. - 7:00 p.m. SESSION 5: COME ONE, COME ALL TO THE GREATEST SHOW ON... WELL...

Building Policy Champions through Public Engagement

Cynicism among constituents is raging on all levels of government. In local government, you're closest to the people, and nothing is closer to them than land use. Meeting minimum requirements is nice, but it will take more than that to build the public trust. This session will walk you through the basics of the New York State Open Meetings Law, the

Freedom of Information Law (FOIL) then layer on some best practices with respect to getting stakeholders plugged into projects from the start.

Thursday, June 24, 2021 – 6:00 p.m. - 7:00 p.m. SESSION 6: PLANNING FROM (AT LEAST) SIX FEET AWAY

Planning and Zoning Board Operations During the Pandemic

The most recent pandemic has affected everything from airline travel to diner food; and planning proceedings are no exception. We'll share our experiences from the field; walking through some case studies on really cool approaches to keeping the public informed and engaged in the planning process, and ensuring that key projects don't slip through the cracks.

<u>Thursday, July 22, 2021 – 6:00 p.m. - 7:00 p.m.</u> SESSION 7: ASK ME ANYTHING!

All of Your Planning and Zoning Questions Answered in a Supersonic Speed Round

What else do you want to know? Throw out your craziest scenarios, and our panel of legal and planning experts will give it our best shot. Anything goes in this session!

Thursday, September 23, 2021 – 6:00 p.m. - 7:00 p.m. SESSION 8: FROM BIG TO SMALL

Evaluating Projects Against Your Comprehensive Plan

Planning and Zoning Boards, and municipal planning staff often get washed over with the day-to-day planning issues—sign permits, hot water heaters, site plan review for that vape shop. It's critical that, from time to time, you pull back from the daily traffic and look to the big picture. How do projects line up with your community's vision? What are the legal requirements of development with respect to the comprehensive plan? We will walk through the basics of a plan and help develop some tools for evaluating projects.

Thursday, October 28, 2021 – 6:00 p.m. -7:00 p.m. SESSION 9: WELL, AREN'T YOU SPECIAL?

Reviewing Special Use Permits, Variances, and Other Exceptions to the Rule

How is it possible that every project eventuality would not fit into thousands of pages of code? Well, if you have been planning for a while, you know that it's all too possible... and probable! We will help you understand the various categories of "exceptions to the rule," and talk through procedural matters, evaluation considerations, and risks associated with these projects.

<u>Thursday, December 23, 2021 – 6:00 p.m. - 7:00p.m.</u> SESSION 10: ALL THE RIGHT FORMS IN ALL THE RIGHT PLACES

The Role of Process and Administration in Planning and Zoning Action

How could we forget the bureaucratic junk in the trunk? Forms, motions, publications, websites...it seems basic, but it is the most often challenged part of what we do. We will

help you understand the best practices and legal requirements around administrative processes, and help you develop checklists for projects to ensure that you are on solid ground once you get around to making a decision.

If you have questions or would like more information about the Municipal Bootcamp Program, please contact:



Wendy A. Marsh, Esq., Partner, Hancock Estabrook wmarsh@hancocklaw.com 315.565.4536



Matt Horn,
Director, Local Government
Services MRB Group
matt.horn@mrbgroup.com
315.220.0740

Register Here