

MEMBERS PRESENT: ZBA: JEFF MULLIGAN, CINDY KELLEN, BOB WESTFALL, SAM PRICE, DIANE ATTEA

PLANNING: KATHY COLE, TOM MCGOVERN, RANDY KOZLOWSKI, CLARA MULLIGAN, MICHAEL MILES

ABSENT: KATHY MANNIX (PLANNING)

OTHERS: COE BRIAN GLISE, MRB ENGINEER LANCE BRABANT

VISITORS: JANET MANKO, JUDY FALZOI, BRUCE HOWLETT, SANDRA HOWLETT, WES ALDRICH, JEREMIAH PAVEL, TOM GUZEK, BILL BACON, JOE HENS, THOMAS MATTICE, DAN HOLTJE

CLERK: KIM MCDOWELL

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

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

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

CARRIED 10-0.

ZBA & PLANNING BOARD MOTION TO APPROVE THE MINUTES FROM THE JOINT MEETING ON FEBRUARY 5, 2019 WAS MADE BY BOB, SECONDED BY TOM.

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

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

CARRIED 10-0.

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

Lance gave his comments on the site plan that was recently submitted by Mr. Pavel. Lance stated that he doesn't need to have a professional site plan but we need to have boundaries on the parcel map that is being used as the site plan.

Lance asked about the cars that would be on site and where they are going to be on the parcel.

Lance would like to have dimensions of parking spaces, where they are going to be displayed on Lot 2R and where they will be stored. The Town needs to have this information for the Code Department in case there is ever a complaint and COE needs to investigate. Lance stated that the Planning Board can approve the site plan with conditions that MRB criteria is addressed and on the site plans. Lance will be sending out a comment letter to Kim and she will forward to Mr. Pavel to update his site plan. Mr. Pavel will then comply and resubmit the new site plan to Kim for signatures from Lance and Kathy.

TOWN OF AVON PLANNING BOARD RESOLUTION  
JEREMIAH PAVEL  
SITE PLAN APPROVAL  
2120 SACKETT ROAD - R-3 ZONING DISTRICT

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Site Plan Approval to allow an online automotive dealership to occur within 16,000 sq.ft. of the existing building located at 2120 Sackett Road (TMP 34.17-1-1.2) within the R-3 zoning district, and as detailed on the Jeremiah Pavel site plans and all other relevant information submitted as of March 5, 2019 (the current application); and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

Kathleen Cole - Aye  
Randy Kozlowski - Aye  
Kathy Mannix - Absent  
Thomas McGovern - Aye  
Michael Miles - Aye  
Clara Mulligan - 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 March 5, 2019 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
JEREMIAH PAVEL  
SITE PLAN APPROVAL  
2120 SACKETT ROAD - R-3 ZONING DISTRICT

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Site Plan Approval to allow an online automotive dealership to occur within 16,000 sq.ft. of the existing building located at 2120 Sackett Road (TMP 34.17-1-1.2) within the R-3 zoning district, and for the two building mounted signs as detailed on the Jeremiah Pavel site plans and all other relevant information submitted as of March 5, 2019 (the current application); and

WHEREAS, the Planning Board has classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations thereby completing the environmental review; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve the requested Site Plan with the following conditions:

1. Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
3. The Town Engineer's review letter is to be addressed prior to the site plans being signed.

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

Kathleen Cole - Aye  
Randy Kozlowski - Aye  
Kathy Mannix - Absent  
Thomas McGovern - Aye  
Michael Miles - Aye  
Clara Mulligan - 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 March 5, 2019 meeting.

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

UPSTATE ELECTRICAL TECHNOLOGIES CORP.(UET/INTERSTATE DR. LOT 13/  
TAX PARCEL#35.-1-13.517-SUBDIVISION & SITE PLAN REVIEW FOR NEW  
OFFICE BUILDING

Mr. Holtje is representing the IDA for the subdivision and Mr. Mattice is the owner of Upstate Electrical for the site plan on this project. Mr. Mattice stated the business is currently located in Fairport but he lives in Conseus and wants to have the business closer to his residence and they need more shop space. They are proposing a 50x80 pole barn structure, they have 6 engineer/technician employees, they don't manufacture on site, more off the shelf components. They have business in 21 states and are large scale/industrial building refrigeration suppliers. There will be UPS deliveries both in/out and will have an overhead door and fork lift.

Lance received site plans and he is in the process of reviewing them and getting comments back to Mr. Mattice. There is less than an acre disturbance so there is no water quality reporting requirements, if there is future expansion onsite than that will require water quality reporting. Lance stated the steps we can take tonight is to initial SEQR. The Town Board will need to comment on the site plan as well, hoping to do that at their next meeting on April 11, 2019. The subdivision will need to have a public hearing so if all goes according to schedule, subdivision and site plan approval can be done at the same meeting. Mike asked where the storm water flows, it looks like it goes north, Mr. Holtje explained that it goes south.

Mr. Bacon was asked if they (IDA) communicated with the neighbors as to what other business is being added to the area. Mr. Bacon stated that they do notify the neighbors on projects in the area.

Lance also asked Mr. Bacon about the water main improvements in the area and should there be an easement on the property in case you need it in the future. Mr. Holtje stated the water line is in the right-a-way and an easement might not be needed right now. Lance would like to see it on the plans now so they don't have to come back in the future. Mr. Holtje stated that maybe we can show on the site plan and not on the subdivision plans and if the site plan should show dimensions and setbacks according to the Town's code. Lance suggested using the daycare and coffee roaster set back and dimension with this project as well. Lance will put that information in this comment letters to Mr. Mattice.

Mr. Holtje inquired if the Town Board had to approve the subdivision as well as the site plan. Lance stated the only board to approve both subdivision and site plan is the Planning board. The Town board has to look and give some comments on this project due to the zoning of PDD.

Tom McGovern stated that he feels this business is clean and a great fit in the area.

Lance stated the only item this Board can approve tonight is the Resolution of Intent to be the Lead Agency.

TOWN OF AVON PLANNING BOARD RESOLUTION  
UPSTATE ELECTRICAL TECHNOLOGIES CORPORATION  
INTERSTATE DRIVE LOT 13  
PRELIMINARY SUBDIVISION PLAT AND 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 Subdivision Plat approval and Site Plan approval for the construction of a light industrial building and associated site improvements, as described in the Site Plans dated February 16, 2019 and all other relevant information submitted as of March 5, 2019 (the current application); and

WHEREAS, the Planning Board has reviewed the completed State Environmental Quality Review (SEQR) Full 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 Monday, April 8, 2019.

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

Kathleen Cole - Aye  
Randy Kozlowski - Aye  
Kathy Mannix - Absent  
Thomas McGovern - Aye  
Michael Miles - Aye  
Clara Mulligan - 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 March 5, 2019 meeting.

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

Lance will confirm if there will be a joint meeting on April 11, 2019 at the Town Board meeting and communicate that date to them. They will need to attend the Town Board meeting and provide comments. If it is a joint meeting they could potentially approve both subdivision and site plan at that time.

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

Kathy Cole stated that we can move forward with the SEQR only tonight since the Town Board and Town Attorney are still reviewing the proposed PILOT agreement on this project. Lance stated MRB hasn't received the newer revised plans that were sent to the Town on Friday, March 1, 2019. As of right now - we can review and approve the SEQR Resolution and continue both the site plan and special use permit application. Either April 2<sup>nd</sup> Planning Board meeting or April 11<sup>th</sup> Town Board meeting for the Town comments for this project.

Mr. Guzek stated that site plan approval can't be based on the PILOT agreement, they would like this project approved as quickly as possible to get construction under way. Lance stated the special use permit requires the PILOT program to be in place before approval is granted. ZBA will not be at the April 11, 2019 meeting and they are the Board that would approve the SUP, which would be at the earliest April 22, 2019 meeting.

Lance stated that he haven't received any comments from the Village so this Board can move forward with Declaring Intent to be Lead Agency, and Determination of Non-Significance. We have already reviewed EAF Part 1 and MRB Group filled out EAF Part 2. Lance read through Part 2 to the Board members and discussed any questions regarding the answers. Clara asked for clarification on the slope of the land and the project which has no effect to the panels or project. Jeff stated that he likes that this project is on this area which is not being used or viable farm land.

Lance went over the small impacts on area and also asked if we have received the SHIPO letter yet. They have sent the letter back in January and Lance will look for it and Kathy remembered discussion on this topic previously.

Cindy questioned if they put together the visual of where the project will be and the sight at different angles. They did a profile and showed everyone and described how they did it. Cindy asked for a better rendering for everyone.

If the Planning Board agrees to the small impacts than we can approve the Resolution of Declaring Lead Agency and the Resolution of Determination of Non-Significance.

HELIOS ENERGY NEW YORK LLC - SOLAR ARRAY  
500 ROCHESTER STREET  
SPECIAL USE PERMIT - PRELIMINARY/FINAL SITE PLAN REVIEW  
SEQR - DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Special Use Permit Approval & Site Plan approval for the installation of a 4,000 KWAC solar farm and associated fencing, access road and electrical equipment, as described in the Site Plans dated July 20, 2018 and all other relevant information submitted as of March 5, 2019 (the current application); and

WHEREAS, the Planning Board has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

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

WHEREAS, the Planning Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

WHEREAS, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies at tonight's meeting; and

WHEREAS, the Planning Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the EAF and directs the Planning Board Chairperson to sign and date the EAF Part 3.

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 Town's Comprehensive Plan land use recommendations;
- (v) the site is will not negatively impact an identified archaeological sensitive area;
- (vi) there will not be an increase 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 change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site 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 on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED, that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

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

Kathleen Cole - *Aye*  
Randy Kozlowski - *Aye*  
Kathy Mannix - *Absent*  
Thomas McGovern - *Aye*  
Michael Miles - *Aye*  
Clara Mulligan - *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 March 5, 2019 meeting.

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



TOWN OF AVON PLANNING BOARD RESOLUTION  
HELIOS ENERGY NEW YORK LLC - SOLAR ARRAY  
500 ROCHESTER STREET  
SPECIAL USE PERMIT - PRELIMINARY/FINAL SITE PLAN REVIEW  
SEQR - DESIGNATING LEAD AGENCY

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Special Use Permit Approval & Site Plan approval for the installation of a 4,000 KWAC solar farm and associated fencing, access road and electrical equipment, as described in the Site Plans dated July 20, 2018 and all other relevant information submitted as of March 5, 2019 (the current application); and

WHEREAS, the Planning Board has determined the proposed action referenced above to be a Type 1 Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has on Tuesday, January 8, 2019 declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Planning Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Planning Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as the lead agency for the Action identified above herein;

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

Kathleen Cole - Aye  
Randy Kozlowski - Aye  
Kathy Mannix - Absent  
Thomas McGovern - Aye  
Michael Miles - Aye  
Clara Mulligan - 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 March 5, 2019 meeting.

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

Mr. Guzek asked for a recap of the schedule for this project moving forward. Lance stated MRB will make comments once it

receives the revision from Helios which was sent to the Town already. Lance asked to have this done electronically. He will go through them as quickly as possible and sent to Helios so they will have time to respond before April 11, 2019.

Tentatively, there will be a Joint meeting (Town/Planning) on April 11, 2019 for the site plan proposal. Lance will check to see if the Town Board would do three board meeting on April 11, 2019 considering it will be the Town's regularly scheduled meeting. Possibly approval granted on April 11, 2019 or it would have to be ZBA regular meeting at than end of April.

ZBA & PLANNING BOARD MOTION TO CLOSE THE MEETING WAS MADE BY JEFF, SECONDED BY BOB.

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

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

CARRIED 10-0.

MEETING CLOSED.