

PLANNING BOARD MEETING

TUESDAY, JUNE 4, 2019

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

MEMBER ABSENT:

VISITORS: BRIAN GLISE, LANCE BABRANT (MRB GROUP) JUDY
FALZOI, JANET MANKO, DAN HOLTJE, KEVIN
O'DONOGHUE, DAVID LEFEBER

CLERK: KIM MCDOWELL

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

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

CARRIED 6-0.

MOTION TO APPROVE THE MINUTES FROM THE MAY 7, 2019 MEETING AS
PRESENTED WAS MADE BY CLARA, SECONDED BY TOM.

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

CARRIED 6-0

CRYE, LARRY & MARILYN/2471 LAKEVILLE RD/TAX PARCEL#45.-1-84 -
SUBDIVISION APPLICATION - PUBLIC HEARING

Kevin O'Donoghue was present to discuss the Crye subdivision.
Kevin stated that nothing has changed since last meeting, Lot 1
will contain 98.043 acres and Lot 2 will contain 26.099 that
includes the single family dwelling and other buildings.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY RANDY; SECONDED BY
MIKE.

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

CARRIED 6-0.

Kathy Cole asked if there were any comments or concerns, which
there was none.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY RANDY; SECONDED BY MIKE.

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

CARRIED 6-0.

Lance stated the applicant provided Part 1 of the Short EAF. Lance provided the Board with the resolution for approval. Kathy asked if there were any questions about the SEQR and EAF, which there were none.

Kathy Cole asked if anyone on the Board wanted them read out loud, which no one did.

**TOWN OF AVON PLANNING BOARD RESOLUTION
LARRY & MARILYN CRYE – 2 LOT SUBDIVISION
2471 LAKEVILLE ROAD – AGRICULTURAL ZONING DISTRICT
TM # 45.00-1-84**

SEQR – DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Final Subdivision Plan Approval for the creation of Lot 1 containing 98.043 ± acres (vacant parcel), and Lot 2 of 26.099 ± acres containing the existing single-family dwelling, two (2) barns, one (1) metal-sided frame building, metal shed, and a block building with no new development proposed as shown on the Final Subdivision Plan titled “The Crye-Lakeville Road Subdivision” prepared by Welch & O’Donoghue Land Surveyors, P.C. dated March 26, 2019 and all other relevant information submitted as of June 4, 2019 (the current application); and

WHEREAS, the Planning Board has determined the above referenced application (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (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 does hereby designate itself as lead agency for the proposed development above herein; 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 Town'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;
- (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 Planning 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 Chairperson 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 Planning Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

The above Resolution was offered by Kathleen Cole and seconded by Thomas McGovern at a regular scheduled Planning Board meeting held on June 4, 2019. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
 Thomas McGovern - *Aye*
 Michael Miles - *Aye*
 Randy Kozlowski - *Aye*
 Kathy Mannix - *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 June 4, 2019 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION
LARRY & MARILYN CRYE – 2 LOT SUBDIVISION
2471 LAKEVILLE ROAD – AGRICULTURAL ZONING DISTRICT
TM # 45.00-1-84

SUBDIVISION PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Final Subdivision Plan Approval for the creation of Lot 1 containing 98.043 ± acres (vacant parcel), and Lot 2 of 26.099 ± acres containing the existing single-family dwelling, two (2) barns, one (1) metal-sided frame building, metal shed, and a block building with no new development proposed as shown on the Final Subdivision Plan titled “The Crye-Lakeville Road Subdivision” prepared by Welch & O’Donoghue Land Surveyors, P.C. dated March 26, 2019 and all other relevant information submitted as of June 4, 2019 (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 June 4, 2019 the Planning Board, serving as lead agency, 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 Approves without Conditions; Approves with the following Conditions; or Denies the application for the following reasons:

1. Subdivision Plan Approval with conditions as specified 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.

The above Resolution was offered by Michael Miles and seconded by Randy Kozlowski at a regular scheduled Planning Board meeting held on June 4, 2019. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
Thomas McGovern - *Aye*
Michael Miles - *Aye*
Randy Kozlowski - *Aye*
Kathy Mannix - *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 June 4, 2019 meeting.

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

LEFEBER, DAVID & ANDREA/5471 HENTY RD/TAX PARCEL#44.-1-29 -
-SUBDIVISION APPLICATION

Kevin O'Donoghue gave a brief overview of the proposed subdivision, Lot 1 will be approximately 9 acres including the house and barn. Mr. LeFeber is going to keep the 60 ft. frontage as required. Kevin explained exactly where the lot lines would be and the setbacks for the existing dwelling on the property. Mr. LeFeber would like to keep the drainage easement so he can run tile to the creek near the bottom of the property. The easement will be extended so it would drain to the creek - the tile is not yet installed.

Kathy stated the next step is to schedule the public hearing for the July 2, 2019 meeting. Kim will get in touch with David regarding the sign on the property two weeks before the meeting.

LA&L RAILROAD CORP./LAKEVILLE RD/TAX PARCEL#55.-1-
70.11-SUBDIVISION APPLICATION

Dan Holtje was here to discuss the subdivision, Lot 1 will be 16.7 acres and Lot 2 to have 95.3 acres. They have a 45 foot railroad buffer on site as well that they are keeping. The only right-of-way is on the east side near Quicklee's. Kathy asked if this is the property behind Quicklee's, which Dan confirmed. The parcel south of the railroad will be divided into other parcels in the future.

Kathy asked Lance if the Town is looking at this property as well. Lance explained the Town has an application for a rezoning of the whole property to a PDD but that takes place separate of this subdivision application. Once this subdivision is approved, Lance believes there will be a site plan application that will be coming before the Planning Board. At this current time it is only this one subdivision that needs approval.

Kathy asked if anyone had any questions or comments on this subdivision only. Judy Falzoi stated there is a gas well on the property that is active, she was wondering if Mr. Holtje noted that on his map. Mr. Holtje stated he looked in all the abstracts and there was nothing noted about the gas well but he will double check on that.

Kathy stated the next step is to schedule the public hearing for the July 2, 2019 meeting. Kim will get in touch with Mr. Holtje regarding the procedure 2 weeks prior to the meeting.

HANSON AGGREGATES NEW YORK LLC/2049 HONEOYE FALLS NO. 6 RD/TAX
PARCEL#26.-1-13-SITE PLAN APPLICATION FOR EXPANSION WITHIN THE
TOWN OF AVON

No one was present from Hanson Aggregates to discuss the site plan application. Lance discussed what he knows about the application to date. He stated this will follow the same process as Oak Openings did except this is a current operation site. They have 60 acres that they currently own and since they are expanding they have to go through the process again. They went through NYS DEC and a rigorous review was done which was supplied to the Town of Avon. They also sent over the conditions that the DEC approved with their permit. It will

also have to go to the ZBA for approval of the Special Use Permit.

Lance, Brian, Jim and Kim meet and discussed the timeline for meetings regarding the site plan and special use permit applications. There will be a July 22 and August 19 joint meeting with the Planning and ZBA Boards. Since this is an active mine, the hours of operations may be difficult to negotiate, since they are not asking for new privileges.

Tom McGovern stated that they do pump out water and it will affect wells even though they say it doesn't. He was also wondering what processes they have in place if they contaminate the water or have a spill. Kathy stated there is a section regarding water in the information sent by DEC.

Kathy stated the Town of Rush is involved with this also, can we reach out to them to work jointly or get their feedback. Lance stated that we can reach out to them, but they can't impose impacts to the Town of Avon.

There was a question if they were currently digging on the Avon parcel which currently they are not just dumping what they are digging for its removal. Kathy Mannix asked if they are expanded the mining or just not mining in one spot and doing it in the parcel in Avon. Hanson's proposal is just move where they are mining to the Avon parcel. Do they own only 10 acres or is this where they are just proposing to dig. They own more just proposing to dig in the 10 acres.

Lance stated the proposed timeline for this application:

Tonight the Planning Board accepts the site plan application and proposes a joint meeting with the ZBA Board for July 22, 2019 and August 19, 2019.

ZBA will meet on June 24, 2019 and accept special use permit application and proposes a joint meeting with the Planning Board for July 22, 2019 and August 19, 2019.

MOTION TO SCHEDULE A JOINT MEETING WITH THE ZBA ON JULY 22, 2019 AND AUGUST 19, 2019 WAS MADE BY TOM; SECONDED BY CLARA.

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

CARRIED 6-0.

The Planning Board will still have its regular scheduled meetings on July 2, 2019 and August 6, 2019 unless notified by Kim of any changes.

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

KATHLEEN COLE -AYE
TOM MCGOVERN- AYE
RANDY KOZLOWSKI - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE

MICHAEL MILES - AYE
CARRIED 6-0.
MEETING CLOSED.