

MEMBERS PRESENT: KATHY MANNIX, KATHY COLE, TOM MCGOVERN, MICHAEL MILES, RANDY KOZLOWSKI, ONE VACANT POSITION

MEMBER ABSENT: CLARA MULLIGAN

VISITORS: BRIAN GLISE, SHAUN LOGUE, GENE PESKOR, AL LARUE, JEFF MULLIGAN, JOE HENS (INGALLS & ASSOC.), JUDY FALZOI, JANET MANKO, JERRY PAVEL, WESLY ALDRICH

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY TOM, SECONDED BY KATHY MANNIX

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

CARRIED 5-0.

MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 4, 2018 MEETING AS PRESENTED WAS MADE BY MIKE, SECONDED BY KATHY COLE.

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

CARRIED 5-0

NORTHWEST CORNER LLC, PESKOR, EUGENE/1620-1640 WEST HENRIETTA RD./TAX PARCEL#35.09-1-23 & 35.9-1-26.1-SUBDIVISION APPLICATION & COMMENTS ON FINAL SITE PLAN SUBMITTED - PUBLIC HEARING ON SUBDIVISION

Shaun gave us an update on the subdivision and site plan. Mr. LaRue stated they just got the comments today from an MRB letter dated January 7, 2019. They have some minor questions that need to be answered regarding the storm water drainage.

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

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

CARRIED 5-0.

Judy Falzoi asked Mr. Peskor exactly what he was planning on doing with the property. Mr. Peskor responded it is just to capture storm water overflow on the property from the existing pond.

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

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

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

CARRIED 5-0.

Kathy Cole asked if anyone had any questions on the SEQR for both subdivision and site plan or the Short EAF. Mike had a question on #17 of the EAF, whether the check box is correct. Shaun stated it is and Mr. LaRue explained why it is correct. Kathy Mannix asked about #18, Mr. LaRue stated that the water is not impounded it just gets discharged. Tom asked Shaun if MRB is good with everything and they are.

Kathy Cole read the SEQR - Determination of Significance to everyone.

TOWN OF AVON PLANNING BOARD RESOLUTION
NORTHWEST CORNER, LLC – FINAL SUBDIVISION & SITE PLAN
1642 WEST HENRIETTA ROAD – B1-LI ZONING DISTRICT
TM # 24-2-9.11

SEQR – DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Preliminary / Final Subdivision & Site Plan Approval for the construction of stormwater management practices and other site improvements as shown on the Final Site Plan titled “1620-1640 W. Henrietta Road” dated November 18, 2018, and the re-subdivision as shown on the Final Subdivision Plat titled “Pioneer Subdivision” dated October 31, 2018, both prepared by McMahon LaRue Associates P.C. and all other relevant information submitted as of January 8, 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 SEQOR Regulations.

The above Resolution was offered by Thomas McGovern and seconded by Kathleen Cole at a regular scheduled Planning Board meeting held on January 8, 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 - *Absent*

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 January 8, 2019 meeting.

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

SUBDIVISION / SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Preliminary / Final Subdivision & Site Plan Approval for the construction of stormwater management practices and other site improvements as shown on the Final Site Plan titled "1620-1640 W. Henrietta Road" dated November 18, 2018, and the re-subdivision as shown on the Final Subdivision Plat titled "Pioneer Subdivision" dated October 31, 2018, both prepared by McMahon LaRue Associates P.C. and all other relevant information submitted as of January 8, 2019 (the current application); and

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review and provided a response of "No Action"; 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 January 8, 2019 the Planning Board, serving as lead agency, made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

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

1. Subdivision & Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Subdivision & Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Subdivision Plat and Site Plans.
2. Prior to the site plans being signed, the subdivision plan is to be signed by all required parties, and filed with the Livingston County Clerk's Office and with the Town Clerk.
3. The Town Engineers review letter dated January 7, 2019 is to be addressed prior to the subdivision plat and site plans being signed.
4. 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.

The above Resolution was offered by Michael Miles and seconded by Thomas McGovern at a regular scheduled Planning Board meeting held on January 8, 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 - *Absent*

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 January 8, 2019 meeting.

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

Kathy Cole signed the subdivision mylar and Mr. LaRue will register it with Livingston County and send an electronic copy to Kim for files.

Kathy Cole stated Mr. Peskor and Mr. LaRue are all set for tonight.

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

Kathy Cole asked Mr. Pavel to give us an overview of what he would like to do at the property. He stated he would like to get his dealer's license and that requires him to have an office. He wants to do online car sales only and have the cars stored in the building with possibly 2 cars outside of the building at the most. Mr. Pavel will be the only employee of the business and he understands that the outside needs to be kept in good order. The building currently has 4 apartments in the back, Avon Fire department, grain storage, and four storage bays. The area is zoned R3, Multi-Family residential. Mr. Pavel said there would be no auto repair/service on-site, all service will be done at Countryman Repair on Rte. 39.

Kathy Cole asked Brian if they would need to go to the ZBA for a special use permit. Brian stated that in R3 zoning this is not a permitted use so what would the need for ZBA be?

Tom asked if there would be any signs. Mr. Aldrich stated there would be just the small retail sign. No signs on the building, all sales/promotion would be done online.

Kathy Cole stated that if this were to be approved there would be many limitations such as business hours, cars, noise, and signs.

Kathy Mannix asked how much traffic would there be, how many people would be coming and going on-site. Mr. Pavel stated that most of the people coming in would be scheduled appointments. It would be mostly done on the weekend since most customers who buy online automobiles are from out of the area. Paperwork usually takes about an hour to fill out and then they would be good to go. There would be no tow trucks, it will strictly be Mr. Pavel's truck. He will be going to the auctions to purchase the cars he sells.

Since Countryman has been out of the building for more than a year it reverts back to R3. Brian read all the allowable uses from the Town of Avon Code Book for R3 zoning. Kathy Mannix stated could it be private garage and storage, Brian read the definition and it does not fall under that category.

Brian was looking at what a professional office definition is. He also stated that the building would need to be up to fire code and need a sprinkler system.

Kathy Cole stated that this is a doable business but is this something that can be in the same building with the apartments that are already in the back.

Judy asked if Mr. Pavel has looked at any other areas he could possibly conduct his business. Mr. Pavel stated this is the only building he is looking at. Mr. Pavel is focusing on the east side of the building.

Brian stated that an engineering/design professional needs to give approval for this business to be in the building with everything else that is already there.

Shaun stated MRB needs to see a sketch plan, statement of operations that is very detailed with what he plans on doing for this business.

Judy asked Brian if he thinks this is a permitted use before Mr. Pavel moves forward and he will not have to go to the ZBA? Kathy Cole stated that we are not at this point yet. Brian stated the Planning Board needs to decide if this is a permitted use and then they will make a positive recommendation to the ZBA. Kathy stated that this will work with the professional office that is an allowable use.

Mr. Pavel will come back with some of the suggestions offered tonight at a future meeting.

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

Joe Hens for Ingalls & Associates was present and gave an overview of the project. The solar farm will be on the hill with a 7 foot chain link fence enclosure. Site plan is all set, nothing too much has changed since October.

Shaun stated that there is only a Short EAF form on file and we need the full EAF form submitted. Mr. Hens handed that into Kim along with the SHIPPO letter. Shaun stated the only action that the board can make tonight is declaring intent to be lead agency.

Kathy Cole read the Resolution to declare intent to become lead agency.

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 – DECLARING INTENT TO BECOME 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 January 8, 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 Solar Farm (hereinafter referred to as the Action); and

WHEREAS, the Planning Board determines that said Action is classified as Type 1 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, February 11, 2019**.

The above Resolution was offered by Randy Kozlowski and seconded by Michael Miles at a regular scheduled Planning Board meeting held on January 8, 2019. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
Randy Kozlowski - *Aye*
Kathy Mannix - *Aye*
Thomas McGovern - *Aye*
Michael Miles - *Aye*
Clara Mulligan - *Absent*

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 Zoning Board for the January 8, 2019 meeting.

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

The application will be reviewed at the January 10, 2019 Livingston County Planning Board meeting and recommendations will follow.

MULLIGAN, JEFF, MULLIGAN LANDS, LLC/EAST RIVER ROAD/
TAX PARCEL#24.-2-9.11-SUBDIVISION APPLICATION - PUBLIC HEARING

Mr. Mulligan gave a brief overview of the subdivision to all present.

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

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

CARRIED 5-0.

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

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

CARRIED 5-0.

Kathy Cole read the SEQR - Determination of Significance to everyone.

TOWN OF AVON PLANNING BOARD RESOLUTION
MULLIGAN LANDS, LLC - SUBDIVISION
EAST RIVER ROAD
TM # 24-2-9.11

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 proposed subdivision as shown on the Final Subdivision Plan titled “Mulligan Subdivision” and all other relevant information submitted as of January 8, 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 Randy Kozlowski and seconded by Michael Miles at a regular scheduled Planning Board meeting held on January 8, 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 - *Absent*

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 January 8, 2019 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION
MULLIGAN LANDS, LLC – SUBDIVISION
EAST RIVER ROAD
TM # 24-2-9.11

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 proposed subdivision as shown on the Final Subdivision Plan titled “Mulligan Subdivision” and all other relevant information submitted as of January 8, 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 January 8, 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 Randy Kozlowski and seconded by Michael Miles at a regular scheduled Planning Board meeting held on January 8, 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 - *Absent*

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 January 8, 2019 meeting.

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

Kathy Cole also signed the Short EAF Part 3.

Jeff will get the mylar from Kevin and get it to Kathy to sign and then register with Livingston County.

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

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

CARRIED 5-0.

MEETING CLOSED.