

PLANNING BOARD MEETING

TUESDAY, JULY 2, 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, DAVID  
LEFEBER, CINDY KELLEN, CHRIS RICE, PAM  
TAGGART-RICE, JOHN HALPIN IV, MEGAN DAVIS

CLERK: KIM MCDOWELL

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

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 JUNE 4, 2019 MEETING AS PRESENTED WAS MADE BY MIKE, SECONDED BY KATHY MANNIX.

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

CARRIED 6-0

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

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

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

CARRIED 6-0.

David LeFerber was present to answer any questions regarding this application. He stated one lot will be 8.14 acres including the house and barn with the required 60 ft. road frontage.

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 CLARA.**

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

**CARRIED 6-0.**

**Lance provided the Board with SEQR - Determination of Significance, Subdivision Plan Approval Resolution and short EAF Part 2 & 3. Kathy asked if there were any questions regarding any of these, which there were none.**

**TOWN OF AVON PLANNING BOARD RESOLUTION  
DAVID & ANDREA LEFEBER – 4 LOT SUBDIVISION  
5471 HENTY ROAD – AGRICULTURAL ZONING DISTRICT  
TM # 44-1-29**

**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 4 lot subdivision (lot 1=65.171 acres, lot 2=8.140 acres, lot 3=31.113 acres, and lot 4=17.848 acres) with no new development proposed as shown on the Final Subdivision Plan titled “The LeFeber – Henty Road Subdivision” prepared by Welch & O’Donoghue Land Surveyors, P.C., dated May 28, 2019 and all other relevant information submitted as of July 2, 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 Thomas McGovern and seconded by Kathy Mannix at a regular scheduled Planning Board meeting held on July 2, 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 July 2, 2019 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
DAVID & ANDREA LEFEBER – 4 LOT SUBDIVISION  
5471 HENTY ROAD – AGRICULTURAL ZONING DISTRICT  
TM # 44-1-29

**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 4 lot subdivision (lot 1=65.171 acres, lot 2=8.140 acres, lot 3=31.113 acres, and lot 4=17.848 acres) with no new development proposed as shown on the Final Subdivision Plan titled “The LeFeber – Henty Road Subdivision” prepared by Welch & O’Donoghue Land Surveyors, P.C., dated May 28, 2019 and all other relevant information submitted as of July 2, 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 July 2, 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:**

The above Resolution was offered by Michael Miles and seconded by Thomas McGovern at a regular scheduled Planning Board meeting held on July 2, 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 July 2, 2019 meeting.

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

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

Kathy Cole asked Dan Holtje to give a brief description of the subdivision application to all present. He stated it is a 110 acre parcel that will be subdivided into 2 lots, lot 1 will be 16 acres and lot 2 will be 94 acres. There will remain a 45 foot buffer on site near the tracks and any setbacks during site plan process will be followed from the buffer area.

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

**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 for those that were present. Visitor, Cindy Kellen, asked if this meeting was only for the subdivision and wanted more information regarding the buffer. Lance stated this meeting is only for the subdivision. Dan and Lance both gave clarification of the buffer and how it works with the zoning setbacks. Cindy also asked now that the subdivision has been approved and they want to put something on the lot than they have to go through site plan approval. Kathy Cole stated that is correct.

Judy asked who owned the land today, which is the IA&L Railroad. She also asked if they have looked for any other parcel that they could use instead of this one currently. Dan stated that he doesn't work for the railroad, he is just the surveyor and not involved with that.

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

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

**CARRIED 6-0.**

**TOWN OF AVON PLANNING BOARD RESOLUTION  
LIVONIA, AVON & LAKEVILLE RAILROAD CORP. – 2 LOT SUBDIVISION  
NY STATE ROUTE 15 – AG ZONING DISTRICT  
TM # 55-1-70.11**

**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 of a 112.33 ± acre lot to create Lot 1 containing 16.724 ± acres, and Lot 2 containing 95.606 ± acres with no new development proposed as shown on the Final Subdivision Plan titled “Map of a Subdivision of Lands Belong to Livonia, Avon & Lakeville Railroad Corp.” prepared by Daniel John Holtje dated May 20, 2019 and all other relevant information submitted as of July 2, 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 Michael Miles and seconded by Thomas McGovern at a regular scheduled Planning Board meeting held on July 2, 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 July 2, 2019 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
LIVONIA, AVON & LAKEVILLE RAILROAD CORP. – 2 LOT SUBDIVISION  
NY STATE ROUTE 15 – AG ZONING DISTRICT  
TM # 55-1-70.11

**SUBDIVISION PLAN APPROVAL RESOLUTION**

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**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 July 2, 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.
2. The Town Engineers review letter dated June 14, 2019 is to be addressed prior to the subdivision plat being signed.
3. The right-of-way description and map is to be forwarded to the Town Attorney for review and approval. The R.O.W. is to be filed with the Livingston County Clerk’s Office and with the Town Clerk at the same time as the filing of the Subdivision Plat. Failure to do this would null and void the approval.

The above Resolution was offered by Thomas McGovern and seconded by Kathleen Cole at a regular scheduled Planning Board meeting held on July 2, 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 - *Ay*

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 July 2, 2019 meeting.

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

Lance discussed the conditions required for approval of the subdivision. Lance would like a description of the easement and right of way on the maps used for the subdivision. Lance would like the right of way and plat map be filed with Livingston County at the same time. Dan said he would take the maps he has and make the adjustments before making final copies for Kathy Cole to sign. Once that is all done, Dan will hand in the maps to Kim for signatures.

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

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

**CARRIED 6-0.**

**MEETING CLOSED.**