

MEMBERS PRESENT: CLARA MULLIGAN, KATHY MANNIX, KATHY COLE,
DAVE SHARMAN, MICHAEL MILES

ABSENT: TOM MCGOVERN, RANDY KOZLOWSKI

VISITORS: BRIAN GLISE, LANCE BRABANT (MRB GROUP),
RICHARD GROTH, GUY MATTHEWS (MATTHEWS BUSES
INC.), JOHN METZLER (MATTHEWS BUSES INC.)
BRUCE & SANDRA HOWLETT, ALEXANDER GAISER,
MATT KYLE, JANET MANKO, JUDY FALZOI, UWE &
LIZ GAISER, BEN GAJEWSKI

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY DAVE, SECONDED BY KATHY
M.

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

CARRIED 5-0.

MOTION TO APPROVE THE MINUTES FROM THE JULY 3, 2018 MEETING AS
PRESENTED WAS MADE BY CLARA, SECONDED BY MIKE.

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

CARRIED 3-0

RICHLAND RESOURCES, LLC/1267 NORTH AVENUE/TAX PARCEL#24.-2-9.12 -
SUBDIVISION - SUBDIVIDE EXISTING HOUSE, OUT BUILDING AND YARD
FROM FARM LAND - PUBLIC HEARING

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY DAVE, SECONDED BY
KATHY C.

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

CARRIED 5-0.

Mr. Howlett is subdividing for his daughter and son-in-law to purchase the property. There were no specific questions regarding the subdivision map - everything looked good. Visitor Judy Falzoi asked exactly where the property was and Mr. Howlett answered.

TOWN OF AVON PLANNING BOARD RESOLUTION
WELCH & O'DONOGHUE LAND SURVEYORS, P.C. FOR
RICHLAND RESOURCES, LLC
1267 NORTH AVENUE SUBDIVISION
TOWN OF AVON, NEW YORK 14414

SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Site Plan (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 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 Kathy Cole and seconded by Clara Mulligan at a regular scheduled Planning Board meeting held on August 7, 2018. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
 Thomas McGovern - Excused
 Michael Miles - *Aye*
 Randy Kozlowski - Excused
 Kathy Mannix - *Aye*
 Dave Sharman - *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 August 7, 2018 meeting.

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

MOTION TO APPROVE SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION WAS MADE BY KATHY C., SECONDED BY CLARA.

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

CARRIED 5-0.

TOWN OF AVON PLANNING BOARD RESOLUTION
 WELCH & O'DONOGHUE LAND SURVEYORS, P.C. FOR
 RICHLAND RESOURCES, LLC
 1267 NORTH AVENUE SUBDIVISION
 TOWN OF AVON, NEW YORK 14414

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 subdivision of the parent parcel containing 77.9 ± acres, to create Lot 1 (remaining lands of Richland Resources, LLC) of 74.5 ± acres with no new development proposed and Lot 2 of 3.4 ± acres containing the existing single family dwelling and five (5) barns as shown on the Final Subdivision Plan titled “Richland Resources, LLC – 1267 North Avenue Subdivision” prepared by Welch & O’Donoghue Land Surveyors, P.C. revised last July 17, 2018 and all other relevant information submitted as of August 7, 2018 (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 August 7, 2018 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 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.

The above Resolution was offered by Kathy Cole and seconded by Michael Miles at a regular scheduled Planning Board meeting held on August 7, 2018. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
Thomas McGovern - Excused
Michael Miles - *Aye*
Randy Kozlowski - Excused
Kathy Mannix - *Aye*
Dave Sharman - *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 August 7, 2018 meeting.

Kim McDowell, Clerk of the Board

MOTION TO APPROVE SUBDIVISION PLAN RESOLUTION WAS MADE BY KATHY C. , SECONDED BY MIKE .

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

CARRIED 5-0 .

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY DAVE, SECONDED BY KATHY C.

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

CARRIED 5-0.

KYLE FARMS, MATT KYLE C/O CALL LANDS/2122 AVON-GENESE0 RD/
TAX MAP PARCEL#33.-2-4.124 - SUBDIVISION OF FARM LAND - PUBLIC
HEARING

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY KATHY C., SECONDED BY MIKE.

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

CARRIED 5-0.

Mr. Kyle has an agreement with Call Lands to lease 20-21 acres around the existing sheep barns as well as the driveway that extends to Route 39. The pre-existing non-conforming driveway only has a frontage of 54 feet, the code states it must have 60 feet of frontage. Mr. Kyle needs to get a variance from the Zoning Board of Appeals. Lance stated that the Planning Board can approve the subdivision tonight with the condition that Mr. Kyle gets the variance within 180 days from today. Kim will send Mr. Kyle everything he needs and get him on the agenda for August 27, 2018 ZBA meeting.

TOWN OF AVON PLANNING BOARD RESOLUTION
WELCH & O'DONOGHUE LAND SURVEYORS, P.C. FOR
KYLE FARMS SUBDIVISION
2122 AVON-GENESE0 ROAD
TOWN OF AVON, NEW YORK 14414

SEQR – DETERMINATION OF SIGNIFICANCE

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 Kathy Cole and seconded by Dave Sharman at a regular scheduled Planning Board meeting held on August 7, 2018. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
Thomas McGovern - Excused
Michael Miles - *Aye*
Randy Kozlowski - Excused
Kathy Mannix - *Aye*
Dave Sharman - *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 August 7, 2018 meeting.

Kim McDowell, L. S.

MOTION TO APPROVE SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION WAS MADE BY KATHY C., SECONDED BY DAVE.

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

CARRIED 5-0.

TOWN OF AVON PLANNING BOARD RESOLUTION
WELCH & O'DONOGHUE LAND SURVEYORS, P.C. FOR
KYLE FARMS SUBDIVISION
2122 AVON-GENESE0 ROAD
TOWN OF AVON, NEW YORK 14414

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 subdivision of the parent parcel containing 526.0 ± acres, to create Parcel A (remaining lands of Call Lands) of 503.9 ± acres with no new development proposed and Parcel B of 22.1 ± acres containing the existing single family dwelling and associated farms buildings as shown on the Final Subdivision Plan titled “Kyle Farms Subdivision” prepared by Welch & O’Donoghue Land Surveyors, P.C. revised last July 30, 2018 and all other relevant information submitted as of August 7, 2018 (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 August 7, 2018 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 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. Prior to the subdivision plans being signed by the Planning Board Chairperson, an area variance for lot frontage (54' where 60' is required) is to be obtained from the Town ZBA.

The above Resolution was offered by Clara Mulligan and seconded by Michael Miles at a regular scheduled Planning Board meeting held on August 7, 2018. Following discussion, a voice vote was recorded:

Kathleen Cole - *Aye*
 Thomas McGovern - Excused
 Michael Miles - *Aye*
 Randy Kozlowski - Excused
 Kathy Mannix - *Aye*
 Dave Sharman - *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 August 7, 2018 meeting.

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

MOTION TO APPROVE SUBDIVISION WITH STATED CONDITIONS WAS MADE BY CLARA, SECONDED BY MIKE.

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

CARRIED 5-0.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY DAVE, SECONDED BY CLARA.

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

CARRIED 5-0.

GAISER, ALEXANDER ON BEHALF OF GAISER, UWE & ELIZABETH/4568
ASHANTEE LAN/TAX MAP PARCEL#34.-1-3.19-LOT LINE ADJUSTMENT-
PUBLIC HEARING

Lance stated since this is just a lot line adjustment it is a Type 2 Action which doesn't need SQER.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY DAVE, SECONDED BY KATHY C.

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

CARRIED 5-0.

MOTION TO APPROVE LOT LINE ADJUSTMENT WAS MADE BY CLARA, SECONDED BY MIKE.

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

CARRIED 5-0.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY KATHY C., SECONDED BY KATHY M.

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

CARRIED 5-0.

MATTHEWS, GUY/EAST AVON PLAZA/5578 AVON-EAST AVON RD/TAX MAP
PARCEL#35.-1-36.1-MATTHEWS BUSES INC. SITE PLAN AND STATEMENT OF
OPERATIONS

Mr. Matthews & Mr. Metzler continued discussions on the site plans and business operations of Matthews Buses, Inc. which is a dealer/distributor of buses for school districts. Since Kathy Cole and Kathy Mannix were not present at last month's meeting, detailed discussions took place about the property and the business operations.

Lance and Brian along with the Planning Board determined that they will need to get a Special Use Permit through the ZBA to operate at the plaza.

Lance stated he will send out a letter with the information that he would like further details regarding the site plans he was looking at. There are only a few items of action he would like clarified. He is also going to send a time table for the next steps in the process for the Special Use Permit.

Kim will send Mr. Metzler a Special Use Permit application and add them on the agenda for the August 27, 2018 meeting.

BENJAMIN GAJEWSKI/GENESEE VALLEY CONSERVANCY/MOTHERFIELD FARM/
4444 HOGMIRE ROAD/TAX MAP PARCEL#53.-1-4.12 - REQUEST A LETTER
SIGNED BY KATHY COLE FOR THE FARMLAND PROTECTION APPLCIATION

Clara excused herself since she is on the Board of GVC and Mr. Gajewski agreed. Mr. Gajewski gave a brief over view of how this works and why owners like to have this protection for their property.

The Board agreed that Kathy Cole should sign the letter that Mr. Gajewski had written for her. Kathy signed the letter and gave it to Mr. Gajewski.

MOTION TO CLOSE THE MEETING WAS MADE BY KATHY C.; SECONDED BY DAVE.

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

CARRIED 5-0.

MEETING CLOSED.