

PLANNING, ZBA & TOWN MEETING

MONDAY, JANUARY 22, 2024

MEMBERS PRESENT: PLANNING: KATHY COLE, CLARA MULLIGAN, COLLIN HAYES, BRIAN THORN, CHRISTOPHER STERNER, THOMAS MCGOVERN

ZBA: JEFF MULLIGAN, BOB WESTFALL, DIANE ATTEA, CINDY KELLEN, KITTY BRESSINGTON

ABSENT: KATHY MANNIX (PLANNING BOARD)

OTHERS: BRIAN GLISE (CEO, AVON), MATTHEW SOUSA (MRB GROUP)

VISITORS: JOE YANTACHKA III, TAMA WEBSTER, KATE KINGSLEY

CLERK: KIM MCDOWELL

Jeff Mulligan called the meeting to order.

MOTION TO OPEN THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY CINDY KELLEN.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 11-0.

The Planning and ZBA Board members, as well as Brian Glise, Matthew Sousa, and Kim McDowell introduced themselves to those present.

Jeff Mulligan reviewed the emergency exits for all present.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM NOVEMBER 20, 2023, MEETING SUBMITTED WAS MADE BY KITTY BRESSINGTON; SECONDED BY KATHY COLE.

KATHLEEN COLE -AYE

THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 11-0.

ZBA MOTION TO APPROVE THE MINUTES FROM DECEMBER 18, 2023 MEETING SUBMITTED WAS MADE BY BOB WESTFALL; SECONDED BY DIANE ATTEA.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON - AYE

CARRIED 5-0

1177 WEST HENRIETTA LLC/1177 WEST HENRIETTA ROAD/TAX MAP#25.-1-18.1/ZBA - SPECIAL USE PERMIT TRANSFER TO NEW OWNER - PUBLIC HEARING

Jeff Mulligan has recused himself from this application and Cindy Kellen will take the lead.

Mr. Joe Yantachka, III was present to discuss this application.

MOTION TO OPEN THE PUBLIC HEARING MADE BY DIANE ATTEA; SECONDED BY BOB WESTFALL.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 11-0.

Cindy Kellen asked if there were any comments from the Board members and they were as follows.

Kathy Cole stated that everything seems straight forward, and she has no problems.

Tom McGovern stated there have been no complaints about the noise level from neighbors and everything is running well.

Tom McGovern also asked if they were considering opening the house as a bed-n-breakfast and Mr. Yantachka stated possible in the future.

Brian Glise asked if there was a name yet and they have not come up with one yet, but 1177 W. Henrietta Road LLC is the company that owns the property.

Cindy Kellen asked if there were any comments from the public and there were none.

MOTION TO CLOSE THE PUBLIC HEARING MADE BY TOM MCGOVERN;
SECONDED BY BOB WESTFALL.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 11-0.

Cindy Kellen stated Kitty Bessington will read the SEQR Resolution to all.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
1177 WEST HENRIETTA LLC - 1177 WEST HENRIETTA ROAD
WEDDING AND EVENTS VENUE
AGRICULTURAL DISTRICT
TM# 25.-1-18.1
SPECIAL USE PERMIT APPLICATION

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) has received a Special Use Permit Application to allow a new owner to operate a wedding and special events venue at 1177 West Henrietta Road as detailed on the sketch plans and all other relevant information submitted and discussed at the January 22, 2024 Joint Board Meeting; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Zoning 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 Zoning 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 Cindy Kellen and seconded by Kitty Bressington at a meeting of the Zoning Board of Appeals held on Monday, January 22, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - Abstain
Cindy Kellen - Aye
Bob Westfall - Aye
Diane Attea - Aye
Kitty Bressington - 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 Zoning Board of Appeals for the January 22, 2024, meeting.

Kim McDowell, L.S.

Kim McDowell, Clerk of the Board
Matt Sousa stated the Planning Board needs to make a positive recommendation to the ZBA Board to approve this application.

Kathy Cole asked the Planning Board members present if they agree to make the recommendation to the ZBA Board and they are and did.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
1177 WEST HENRIETTA LLC - 1177 WEST HENRIETTA ROAD
WEDDING AND EVENTS VENUE
AGRICULTURAL DISTRICT
TM# 25.-1-18.1
SPECIAL USE PERMIT APPLICATION

SUP APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) has received a Special Use Permit Application to allow a new owner to operate a wedding and special events venue at 1177 West Henrietta Road as detailed on the sketch plans and all other relevant information submitted and discussed at the January 22, 2024 Joint Board Meeting; and

WHEREAS, the Town of Avon Zoning Board classified the above referenced Action to be an Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, on January 22, 2024, in compliance with NYS Town Law, the Planning Board & Zoning Board held Joint public hearings on the current application and completed a formal review of the application; and

WHEREAS, per §130-45(B)(1) of the Town of Avon Town Code, the Planning Board completed a review of the application materials and provided recommendations to the Zoning Board of Appeals at the January 22, 2024 Joint Board Meeting; and

WHEREAS, the Zoning Board does hereby determine the proposed Special Use Permit is in compliance with the provisions of Chapter §130-35 of the Town Code; and

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board does hereby approve the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the current owner of the premises with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §130-35.

2. In the event of any complaints about the Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Zoning Board of Appeals.
3. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the site is being operated in accordance with the conditions specified by the Zoning Board of Appeals.
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.
5. The Special Use shall be in accordance with the statement of operations as outlined in the application to the Town dated December 4, 2023.
6. The venue may operate between 6:00 AM and 11:00 PM any day of the week.
7. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.

The above resolution was offered by Bob Westfall and seconded by Diane Attea at a meeting of the Zoning Board of Appeals held on Monday, January 22, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - Abstained
Cindy Kellen - Aye
Bob Westfall - Aye
Diane Attea - Aye
Kitty Bressington - 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 Zoning Board of Appeals for the Monday, January 22, 2024, meeting.

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

Kathy Cole stated the next action item tonight is the adoption of the Planning and ZBA Boards rules of procedures.

Collin Hayes sent over some edits he felt necessary, and Kathy Cole agreed with them but questioned the attestation of public hearing notices and if we must do that each time.

Matthew Sousa stated it is best practice guidelines and should be done when there is a public hearing.

Kathy Cole asked about the attendance requirements and vice chair. She feels we don't need to have the attendance included and the vice chair is appointed by the Town Supervisor and Board. Collin suggested it be moved down with another item.

Clara asked about item #7B and the County Planning Board meeting minutes are not sent to the Board members. Kim stated that if we refer an application to the County and get comments back, once she receives them, she forwards it to all the Board members. Matthew will change the wording for that item.

Collin questioned if there is a Planning Review Committee and if it needs to be included. Matthew stated that if there is a need for it, there will be one and it should be Town engineer, code enforcement officer, chairperson of the Boards and possibly the Town attorney and Highway Superintendent.

Jeff Mulligan stated a couple of his questions were already answered and there were no other questions from the rest of the ZBA Board.

There was much discussion regarding the reimbursement of professional services to the Town by the applicant and where that should be in the application process and how to make the applicant aware of this.

MOTION TO ACCEPT THE PLANNING BOARD RULES OF PROCEDURE MADE BY KATHY COLE; SECONDED BY TOM MCGOVERN.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 6-0.

MOTION TO ACCEPT THE ZONING BOARD OF APPEALS RULES OF PROCEDURE MADE BY JEFF MULLIGAN; SECONDED BY CINDY KELLEN.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 5-0.

Brian Glise stated we are in the beginning processes of a comprehensive plan and recruiting committee members. Kim stated the Board members that have volunteered already have been noted and will be notified of when the meetings will begin.

Brian also stated that there has been some work beginning to fix the violation pertaining to drainage at the solar site on Route 5 & 20 which will be completed no later than June 2024.

Brian gave a temporary certificate of compliance for Avon CSG1 & Avon CSG2 solar fields. They have some punch list items to complete before getting a full certificate of compliance.

Jeff Mulligan asked Brian Glise about the dead trees at the Rochester Street solar field and Brian addressed it and thought it was taken care of, but he will look into it again.

MOTION TO CLOSE THE MEETING WAS MADE BY TOM MCGOVERN; SECONDED BY CHRISTOPHER STERNER.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

KITTY BRESSINGTON -AYE

CARRIED 11-0.

MEETING CLOSED.