

PLANNING, ZBA & TOWN MEETING

MONDAY, APRIL 18, 2022

MEMBERS PRESENT: PLANNING: CLARA MULLIGAN, BRIAN THORN, THOMAS MCGOVERN, KATHY MANNIX, CHRISTOPHER STERNER

ZBA: JEFF MULLIGAN, JEFF PASSARELL, BOB WESTFALL, DIANE ATTEA, CINDY KELLEN

ABSENT: KATHY COLE (PLANNING BOARD)

OTHERS: BRIAN GLISE (CEO, AVON), LANCE BRABANT (MRB ENGINEER)

VISITORS: JAY HELKER, CHRIS BILL, SCOTT HARTER, GREG MCMAHON, JANET WARD, GLENN THORNTON, JOYCE BLOWERS, RON BLOWERS, DARLA FREDERICK, GARY T. WHEAT, KEVIN OVERTON

CLERK: KIM MCDOWELL

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MOTION TO OPEN THE MEETING WAS MADE BY BOB; SECONDED BY CLARA.

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

KATHLEEN COLE -ABESENT  
THOMAS MCGOVERN - AYE  
VACANT -  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE

CARRIED 10-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM THE MARCH 21, 2021, MEETING SUBMITTED WAS MADE BY DIANE; SECONDED BY JEFF PASSARELL.

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

KATHLEEN COLE -ABSENT  
THOMAS MCGOVERN - AYE  
VACANT -  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
CARRIED 10-0.

ZBA MOTION TO APPROVE THE MINUTES FROM THE APRIL 4, 2022, MEETING SUBMITTED WAS MADE BY CINDY KELLEN; SECONDED BY JEFF PASSARELL.

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - AYE  
JEFF PASSARELL - AYE  
CARRIED 5-0.

SWAN, JEFF/SWAN PROPERTY HOLDINGS, LLC/1839 LAKEVILLE ROAD/TAX  
PARCEL#35.-1-33.1/SPECIAL USE PERMIT

Mr. Jay Helker was present to discuss this application in Mr. Swan's absence.

Jeff Mulligan asked for a brief overview of the application.

Mr. Helker stated we bought the adjoining property at 1839 Lakeville Road and have done some renovation to the building and cleaned up the property as well. They plan on repairing their trucks in the building and parking them in the back for repair when needed.

ZBA & PLANNING MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY BOB;  
SECONDED BY KATHY MANNIX.

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

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

CARRIED 10-0.

Jeff Mulligan asked if there were any comments from those present and there were none.

Lance stated the applicant updated their concept plan clarifying the outside storage area, added a more detailed statement of operations, and identified the number of employee parking on premise.

Jeff Mulligan asked if in the back of the building where the trucks park waiting to be repaired if that will be gravel or dirt and there is a possibility it will be gravel.

Lance stated that with this type of special use permit typically you would identify the location of storage of trucks to make sure it is buffered and secured properly to the Board's satisfaction.

Lance also stated that if they want to expand the storage area of trucks being repaired, they will need to come before the Board again to modify the special use permit.

Tom McGovern asked about the lighting on the building and no new lighting is proposed.

Cindy Kellen said there is some bushes to block the view and you can't really see from the road the back of the building.

Kathy Mannix asked if there was any signage and there is a sign currently on the building but nothing additional will be added.

ZBA & PLANNING MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY JEFF PASSARELL; SECONDED BY CHRISTOPHER STERNER.

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

KATHLEEN COLE -ABSENT  
THOMAS MCGOVERN - AYE  
VACANT -  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
CARRIED 10-0.

Lance presented the resolutions to the Boards for action tonight.

TOWN OF AVON PLANNING BOARD RESOLUTION  
JEFF SWAN - SWAN PROPERTY HOLDINGS, LLC  
1839 LAKEVILLE ROAD  
TM# 35-1-8.3  
SPECIAL USE PERMIT & SITE PLAN APPLICATIONS  
(\$130-35)

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) has received a Site Plan & Special Use Permit Applications to allow the existing building and site to be used as a repair shop for the stored trucks and equipment owned by the applicant and storage area for trucks and heavy equipment for the construction company that is located to the north of the subject property with no onsite improvements proposed at this time located at 1839 Lakeville Road and as detailed on the concept plans and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning 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 Planning 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 Clara Mulligan and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - ABSENT  
Vacant -  
Kathy Mannix - AYE  
Christopher Sterner - AYE  
Clara Mulligan - AYE  
Brian Thorn - AYE  
Thomas McGovern - 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 April 18, 2022 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
JEFF SWAN – SWAN PROPERTY HOLDINGS, LLC  
1839 LAKEVILLE ROAD  
TM# 35-1-8.3  
SPECIAL USE PERMIT & SITE PLAN APPLICATIONS  
(\$130-35)

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) has received a Site Plan & Special Use Permit Applications to allow the existing building and site to be used as a repair shop for the stored trucks and equipment owned by the applicant and storage area for trucks and heavy equipment for the construction company that is located to the north of the subject property with no onsite improvements proposed at this time located at 1839 Lakeville Road and as detailed on the concept plans and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Town of Avon Planning Board has 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, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, on April 18, 2022, 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 applications; 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. The Site Plan Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
3. Site Plan approval is conditioned on the application receiving Special Use Permit Approval from the Zoning Board of Appeals.

The above resolution was offered by Kathy Mannix and seconded by Thomas McGovern at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - ABSENT  
Vacant -  
Kathy Mannix - AYE  
Christopher Sterner - AYE  
Clara Mulligan - AYE  
Brian Thorn - AYE  
Thomas McGovern - 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 April 18, 2022 meeting.

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

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
JEFF SWAN - SWAN PROPERTY HOLDINGS, LLC  
1839 LAKEVILLE ROAD  
TM# 35-1-8.3  
SPECIAL USE PERMIT & SITE PLAN APPLICATIONS  
(\$130-35)

SUP APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) is considering an Special Use Permit to allow the existing building and site to be used as a repair shop for the stored trucks and equipment owned by the applicant and storage area for trucks and heavy equipment for the construction company that is located to the north of the subject property with no onsite improvements proposed at this time located at 1839 Lakeville Road and as detailed on the concept plans and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Town of Avon Planning Board as part of Site Plan review, 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 April 18, 2022, 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 applications; and

WHEREAS, the Planning Board completed their review and granted site plan approval at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Zoning Board does hereby determine the proposed Special Use Permit for motor vehicle service stations and motor vehicle repair stations 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 amended 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 insure 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. All conditions required as part of the Site Plan Approval are to be addressed prior to issuance of the Special Use Permit.
6. 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 Cindy Kellen at a meeting of the Zoning Board of Appeals held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Jeffery Mulligan - AYE  
Jeff Passarell - AYE  
Cindy Kellen - AYE  
Bob Westfall - AYE  
Diane Attea - 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 April 18, 2022 meeting.

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

WHITE HORSE ENTERPRISES LLC, ACTING AGENT FOR 1558 WEST HENRIETTA LLC/1558 WEST HENRIETTA ROAD/TAX PARCEL#35.-1-8.3 - SITE PLAN & SPECIAL USE PERMIT

Mr. Scott Harter and Mr. Chris Bill were present for this application. They have updated their site plan in response to comments received at the previous meeting. Mr. Harter stated Mr. Bill informed him tonight that he does plan on selling cars from his lot as well and that statement on the site plan is incorrect.

Jeff Mulligan asked how many sales staff will be at this location and Mr. Bill stated possibly 2 employees and all the sales paperwork would be completed at his other office.

Lance read the comments on the site plan to Mr. Bill, and they determined what is on the site plan is actually correct.

ZBA & PLANNING MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY BRIAN THORN; SECONDED BY DIANE.

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

KATHLEEN COLE -ABSENT  
THOMAS MCGOVERN - AYE  
VACANT -  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
CARRIED 10-0.

Jeff Mulligan asked if there were any comments on this application.

Clara Mulligan asked about the parking spaces on the plan, she thought there was going to be no more than 20 cars on site and no parking on the grass.

Jeff Mulligan stated we decided on 20 cars for sale plus employee parking for a total of 25 cars on site.

Mr. Bill stated they will be doing detail inside the building and once those cars are done, they will go back to the main building around the corner.

Brian Glise asked if emergency vehicles can get through and Mr. Bill stated they can.

Brian Glise asked if there would be any unloading/loading area on site and Mr. Bill stated that would happen at the main building around the corner.

Cindy Kellen asked if there could be signs for customer parking on the building and Mr. Bill will do that.

There will be no additional lighting on the site, the existing lights work well. Mr. Bill would like to put up a sign where the existing sign is like the other sign at the main building around the corner.

ZBA & PLANNING MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY CLARA; SECONDED BY BRIAN THORN.

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

KATHLEEN COLE -ABSENT  
THOMAS MCGOVERN - AYE  
VACANT -  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
CARRIED 10-0.

Lance presented the resolutions to the Boards for action tonight.

TOWN OF AVON PLANNING BOARD RESOLUTION  
PROFESSIONAL ENGINEERING GROUP - REPRESENTING CHRIS BILL  
WHITEHORSE AUTOMOTIVE - 1558 LAKEVILLE ROAD (WEST HENRIETTA  
ROAD)  
GENERAL BUISNESS (G-1) / LIGHT INDUSTRIAL (L-1) ZONING DISTRICT  
TM# 35-1-8.3  
SPECIAL USE PERMIT & SITE PLAN APPLICATIONS

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) has received a Site Plan & Special Use Permit Applications to allow for the existing building and site be use for automobile cleaning and preparation including display of vehicles for sale with no onsite improvements proposed at this time located at 1558 Lakeville Road and as detailed on the site plans dated October 2021, last revised April 3, 2022 and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning 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 Planning 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 Clara Mulligan and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - ABSENT  
Vacant -  
Kathy Mannix - AYE  
Christopher Sterner - AYE  
Clara Mulligan - AYE  
Brian Thorn - AYE  
Thomas McGovern - 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 April 18, 2022 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
PROFESSIONAL ENGINEERING GROUP - REPRESENTING CHRIS BILL  
WHITEHORSE AUTOMOTIVE - 1558 LAKEVILLE ROAD (WEST HENRIETTA  
ROAD)  
GENERAL BUISNESS (G-1) / LIGHT INDUSTRIAL (L-1) ZONING DISTRICT  
TM# 35-1-8.3  
SPECIAL USE PERMIT & SITE PLAN APPLICATIONS



SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) has received a Site Plan & Special Use Permit Applications to allow for the existing building and site be use for automobile cleaning and preparation including display of vehicles for sale with no onsite improvements proposed at this time located at 1558 Lakeville Road and as detailed on the site plans dated October 2021, last revised April 3, 2022 and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Town of Avon Planning Board has 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, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, on April 18, 2022, 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 applications; 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. The Site Plan Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
3. Site Plan approval is conditioned on the application receiving Special Use Permit Approval from the Zoning Board of Appeals.
4. A note is to be added to the plans stating that no parking is permitted within the lawn areas.

The above resolution was offered by Kathy Mannix and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - ABSENT  
Vacant -  
Kathy Mannix - AYE  
Christopher Sterner - AYE  
Clara Mulligan - AYE  
Brian Thorn - AYE  
Thomas McGovern - 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 April 18, 2022 meeting.

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

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
PROFESSIONAL ENGINEERING GROUP - REPRESENTING CHRIS BILL  
WHITEHORSE AUTOMOTIVE - 1558 LAKEVILLE ROAD (WEST HENRIETTA  
ROAD)  
GENERAL BUISNESS (G-1) / LIGHT INDUSTRIAL (L-1) ZONING DISTRICT  
TM# 35-1-8.3  
SPECIAL USE PERMIT & SITE PLAN APPLICATIONS  
(\$130-35)

SUP APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) is considering an Special Use Permit the existing building and site be use for automobile cleaning and preparation including display of vehicles for sale with no onsite improvements proposed at this time located at 1558 Lakeville Road and as detailed on the site plans dated October 2021, last revised April 3, 2022 and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Town of Avon Planning Board as part of Site Plan review, 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 April 18, 2022, 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 applications; and

WHEREAS, the Planning Board completed their review and granted site plan approval at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Zoning Board does hereby determine the proposed Amended Special Use Permit for motor vehicle service stations and motor vehicle repair stations 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 amended special use permit with the following conditions:

1. The special use permit shall remain in effect for the current and future 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 insure 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. All conditions required as part of the Site Plan Approval are to be addressed prior to issuance of the Special Use Permit.
6. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.

7. No more than 20 display vehicles is permitted at any one time. Also no more than a total of 25 vehicles onsite at any one time is permitted.
8. Customer parking signs are to be installed for the proposed designated parking areas prior to issuance of the Certificate of Occupancy.

The above resolution was offered by Cindy Kellen and seconded by Bob Westfall at a meeting of the Zoning Board of Appeals held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Jeffery Mulligan - AYE  
Jeff Passarell - AYE  
Cindy Kellen - AYE  
Bob Westfall - AYE  
Diane Attea - 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 April 18, 2022 meeting.

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

Mr. Bill asked since he is leasing the property currently if he decides to purchase the property will he have to come back, and the Boards stated he will not.

AVON STORAGE LLC/1558 & 1566 WEST HENRIETTA ROAD/TAX PARCEL#35.-  
1-8.3 & 35.-1-8.112 - LOT LINE ADJUSTMENT & ADDITION OF FOUR  
STORAGE UNITS

Mr. Thornton, Thornton Engineering LLC, was present to discuss this application. Since last meeting nothing much has changed in the site plan just the landscaping. We have responded to many of the comments from MRB Group which mostly pertain to SWPPP.

Lance asked if there are any additional questions regarding the site plan and it is fully compliant with NYS DEC.

Lance stated before approving the resolution presented tonight for this application there is a Short EAF Part 2 and Part 3 identifying no additional impacts and a negative declaration can be issued.

TOWN OF AVON PLANNING BOARD RESOLUTION  
THORNTON ENGINEERING, LLP - REPRESENTING AVON STORAGE LLC  
AVON SELF STORAGE PARK EXPANSION PROJECT  
1558 & 1566 WEST HENRIETTA ROAD - TM# 45.-1-8.11  
PRELIMINARY / FINAL SITE PLAN APPLICATION

SEQR RESOLUTION - UNLISTED ACTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board) is considering an application for Site Plan Approval for the construction of five (5) additional self-storage buildings, with two (2) buildings at 30'x120' (3,600 Sq. Ft.), two (2) buildings at 40'x160' (6,400 Sq. Ft.), and one (1) building at 30'x100' (3,000 Sq. Ft.) including stone pavement areas, stormwater mitigation improvements, and an outdoor storage area for RVs and Boats on a parcel with nine (9) existing self-storage buildings located at 1558 & 1566 West Henrietta Road and as detailed on the site plans dated December 2021, last revised March 1, 2022 and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced subdivision application (hereinafter referred to as Action); and

WHEREAS, the Planning Board determines that said Action is classified as 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 EAF Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short EAF; and

NOW, THEREFORE BE IT RESOLVED 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 will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) 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
- (xi) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

The above resolution was offered by Thomas McGovern and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - ABSENT  
 Vacant -  
 Kathy Mannix - AYE  
 Christopher Sterner - AYE  
 Clara Mulligan - AYE  
 Brian Thorn - AYE  
 Thomas McGovern - 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 April 18, 2022 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
 THORNTON ENGINEERING, LLP - REPRESENTING AVON STORAGE LLC  
 AVON SELF STORAGE PARK EXPANSION PROJECT  
 1558 & 1566 WEST HENRIETTA ROAD - TM# 45.-1-8.11  
 PRELIMINARY / FINAL SITE PLAN APPLICATION

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board) is considering an application for Site Plan Approval for the construction of five (5) additional self-storage buildings, with two (2) buildings at 30'x120' (3,600 Sq. Ft.), two (2) buildings at 40'x160' (6,400 Sq. Ft.), and one (1) building at 30'x100' (3,000 Sq. Ft.) including stone pavement areas, stormwater mitigation improvements, and an outdoor storage area for RVs and Boats on a parcel with nine (9) existing self-storage buildings located at 1558 & 1566 West Henrietta Road and as detailed on the site plans dated December 2021, last revised March 1, 2022 and all other relevant information submitted and discussed at the April 18, 2022 Joint Board Meeting; and

WHEREAS, the Planning Board has classified the above referenced Action to be an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Planning Board on April 18, 2022; 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. The Site Plan Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
3. All comments regarding the Town Engineer's review and Town DPW Superintendent's review of the site plans are to be addressed to their satisfaction prior to signatures being affixed to the Site Plans.
4. The Lot Line Adjustment is to be signed and filed with the County Clerk's Office and the Town Clerks Office prior to signatures being affixed to the Site Plans.
5. The applicant is to complete the Town of Avon Stormwater Maintenance Agreement and the maintenance agreement is to be approved and filed with the Town prior to issuance of the Certificate of Occupancy.
6. A Surety Estimate covering erosion and sediment control measures, grading and stabilization of the site, stormwater mitigation measures, and landscaping, is to be submitted for review and approval. The surety is to be posted with the Town prior to issuance of a permit.

The above resolution was offered by Thomas McGovern and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - ABSENT  
Vacant -  
Kathy Mannix - AYE  
Christopher Sterner - AYE  
Clara Mulligan - AYE  
Brian Thorn - AYE  
Thomas McGovern - 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 April 18, 2022 meeting.

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

KATHERINE MARTIN/2077 LAKEVILLE ROAD/TAX PARCEL#45.-1-8.11  
SITE PLAN, VARIANCE FOR ADDITION OF SIX STORAGE UNITS

Mr. Greg McMahon, McMahon LaRue Associates, is present to discuss this application.

Presently there is a commercial building on site, and they would like to add up to six individual self-storage buildings, the majority are located at the north end of the property and one on the south end of the property. He is unsure of the construction of the buildings, electric is proposed, and they will utilize the existing entrances/exists off Lakeville Road. There will also be downcast and dark sky compliant lighting for each building and some landscaping on the south side near the residential parcel. There is also a storm water pond at the northwest corner of the property and a couple bioretention areas.

Jeff Mulligan asked how far off the road is the storm water pond and if there is any landscaping being proposed around it so no one drives right into it.

Mr. McMahon stated there is no landscaping shown currently. He said it is not close to the edge of the road, and at least 30 feet from the buildings to the pond.

Cindy Kellen asked about the variance application and Mr. McMahon stated per code the setback from a state highway is 85 feet, the existing building is 70 feet, and the applicant wants the buildings to be flush with each other.

Lance stated according to the plans there is 25 feet between the building and pond which will allow emergency access.

Jeff Mulligan feels they should abide by the setbacks and the only reason for the variance is for more storage units. Mr. McMahon stated the applicant would like the buildings to be flush.

Clara Mulligan would like to see the variance denied and allow for some space for buffering.

Cindy Kellen stated that there will be a need for buffering on the north end as well since residential houses is a possibility in the future and is wondering why they are proposing units on both sides of the existing building.

Jeff Mulligan isn't inclined to grant a variance since this is a self-inflicted situation.

Tom McGovern asked if there was anything else on the parcel right now besides the main building and there isn't. He also questioned the shorter building on the plans with dashed lines and Mr. McMahon stated it will just be open space and not for future expansion. Tom suggested changing the short building to the south side of the parcel.

Brian Glise asked if there would be pavement in between buildings and it will be gravel.

Clara Mulligan asked if there needs to be any buffering or a guard rail near the pond and Brian Glise feels that is needed if the pond is on the same plane as the driveways.

Mr. McMahon said that is a state highway and they will not permit anything in their right of way.

Lance stated if there is a concern for safety and he feels safety concerns on the state side are unnecessary but on the inside is necessary.

Lance also suggested renderings to see what the buildings would look like from the road should be submitted.

Mr. McMahon stated there is no outside storage being proposed.

Lance stated procedurally the variance application would be done first which requires a public hearing and then the site plan would be approved based on the variance approval/denial.

Mr. McMahon will go back to the applicant with the suggestions and comments made tonight and see how they want to proceed.

ZBA MOTION TO SCHEDULE A PUBLIC HEARING ON MAY 16, 2022 WAS MADE BY DIANE; SECONDED BY BOB.

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

CARRIED 5-0.

TOWN OF AVON PLANNING BOARD RESOLUTION  
MCMAHON LARUE ASSOCIATES, P.C. - REPRESENTING KATHERINE MARTIN  
MARTIN SELF STORAGE - 2077 LAKEVILLE ROAD (NY ROUTE 15)  
TAX MAP ID: 45.00-01-08.11  
GENERAL BUISNESS (G-1) / LIGHT INDUSTRIAL (L-1) DISTRICT  
PRELIMINARY/FINAL SITE PLAN REVIEW

CONTINUATION RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), received an application for Site Plan Approval to construct six (6) self-storage buildings, with four (4) buildings at 30'x145' (4,350 Sq. Ft), one (1) building at 30'x75' (2,250 Sq. Ft.), and one (1) building at 20'x145' (2,900 Sq. Ft.) including the construction of gravel roadways and stormwater mitigation improvements on a 3.16 acre parcel located at 2077 Lakeville Road, in the Town of Avon, Livingston County, New York as described in the Site Plans dated January 2022, (the current application) and all other relevant information submitted and discussed at the April 18, 2022 Joint Planning Board and ZBA Meeting; and

WHEREAS, the Planning Board and Zoning Board of Appeals has requested additional information be provided prior to the next scheduled board meeting; and



WHEREAS, the applications includes a request for area variance for front setback and therefore required a public hearing; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to schedule a Public Hearing and continue the applications to their May 16, 2022 Joint Board Meeting.

The above resolution was offered by Thomas McGovern and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - *ABSENT*  
Vacant -  
Kathy Mannix - *AYE*  
Christopher Sterner - *AYE*  
Clara Mulligan - *AYE*  
Brian Thorn - *AYE*  
Thomas McGovern - *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 April 18, 2022 meeting.

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

DARLA FREDERICK, ACTING AGENT FOR GENESEE VALLEY KART CLUB/2123 LAKEVILLE ROAD/TAX PARCEL #45.-1-13 - SPECIAL USE PERMIT MODIFICATON TO ALLOW ONE TIME EVENT FOR NIGHT RACING

Ms. Darla Frederick is present to discuss this application. The racetrack is located on Lakeville Road, our normal race day is Sunday, but she would like to hold a one-time night race event on Saturday, August 27, 2022. Ms. Frederick is trying to grow the club and attract more racers.

Jeff Mulligan asked if she has talked to any of the neighbors and Ms. Fredrick said they haven't, they are not close with any of the neighbors. She also stated they have not had any complaints regarding sound or anything else.

Ms. Fredrick stated the race would most likely start at 2PM and go no later than 11PM. The feature races will start at dark.

Jeff Mulligan asked if there are lights currently on the track and there is not.

Ms. Fredrick stated they have been in contact with Sunbelt Construction to rent temporary lighting for that night. They would have 5-6 lights, 13-17 feet tall with 4 lights per stand. The light would be on the track, we have a long driveway and surrounded by trees, and the lights are quiet.

Jeff Mulligan stated the track has been there for a very long time and he can't hear it to the North and asked if there was a special use permit ever granted.

Brian Glise stated in 1977 and 1991 they came in to discuss noise/dust and it stated not running after 6PM Sunday and 8PM other days.

Bob Westfall asked if this was a one-time event and she stated it would be one time to see how it goes.

Lance stated this would be a temporary special use permit for this one event.

Bob Westfall asked if this would still require a public hearing and Lance stated it would.

Kathy Mannix asked if the lighting is just temporary, and it would be removed after the event.

Jeff Mulligan asked if they would consider just ending at 8PM and she would like to have a race after dark and people seem to enjoy night racing.

Ms. Fredrick stated if this is approved, they would have Saturday be the race day instead of Sunday and Sunday be the practice day.

Bob Westfall asked if there is spectator seating or is it standing only and there is a set of small bleachers, you can also stand or sit in your car to watch.

Bob Westfall asked how many people she expects, and she is hoping for 100-140 people tops.

Ms. Fredrick stated on a Sunday they average 100 people and hoping this will grow the membership.

Lance stated the application is very detailed, but he would like to see a parcel map/site plan showing where parking would be, where the lights would be and where people would be watching.

Jeff Mulligan feels we must look at this as something possible in the future as well.

Jeff Mulligan also asked if there was any overnight camping in the parking lot.

Ms. Fredrick said there is no drinking during racing, and we have had no issues with parking in the past.

Jeff Mulligan stated we need to schedule a public hearing for this application.

Ms. Fredrick said that there maybe one or two people who travel stay overnight and they have never caused any issues.

Christopher Sterner asked if this will be rain or shine and Ms. Fredrick stated it would be rain or shine.

ZBA MOTION TO SCHEDULE A PUBLIC HEARING ON MAY 16, 2022 WAS MADE BY DIANE; SECONDED BY JEFF PASSARELL.

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - AYE  
JEFF PASSARELL - AYE  
CARRIED 5-0.

Ms. Fredrick will send the additional information over to Kim by May 2, 2022.

DG NY SOLAR CS IV, LLC, ACTING AGENT FOR GARY & EILEEN WHEAT/5406 LAKE ROAD/TAX PARCEL #44.-1-26.1 - SOLAR FARM - SITE PLAN & SPECIAL USE PERMIT APPLICATION

Janet Ward and Kevin Overton are present for this application, and she stated this is a continuation of the public hearing.

They submitted the responses on April 11, 2022, to the MRB Group comment letter of February 18, 2021, except the decommissioning and community host benefit agreements which they are still working on.

The main change is the roadway has changed from pervious surface to an impervious surface which improved the stormwater measures and removed the grass filter strip.

Brian Thorn asked if Lance had a chance to review the letter and Lance has gone through most of it but hasn't looked at it all.

Most of the Board members didn't receive the April 11, 2022 letter until earlier today due to Kim being on vacation last week.

Lance stated most of the comments are technical in nature and MRB Group will submit a comment letter soon. There was discussion on how the road will be constructed and the different ways it is going to be done and how emergency vehicles will have access as well.

Lance asked if the Board members are satisfied with the visual buffering and renderings that were submitted. Some Board members asked if Kim could resend those to them and she will. Tom McGovern wants better buffering for the neighbors who can see the panels.

Lance asked what the proposed planting height is, and Ms. Ward stated 6-8 feet. Lance stated that the applicant will have trouble finding the trees still and any solar project can't become operational until all conditions on the site plan have been met.

Jeff Mulligan asked if there were any public comments from those present that have not been brought up to the Board already.

Mrs. Blowers, 5378 Lake Road, Avon, NY showed the Board members a picture from their back deck of a tractor out in the field where the panels would be. The tractor is taller than the buffering would be, and panels are taller than the tractor.

Mr. Blowers, 5378 Lake Road, Avon, NY stated that if this application gets approved that would mean his daughter as well as they would lose their rural view. He also feels there is no benefit for them with this application and nothing will block the view of these panels in his lifetime.

Ms. Ward will submit what species and the height at maturity to the Board. There was some discussion on the type of trees and height and where they would be located along the fence line.

Mr. Gary Wheat Jr., 5410 Lake Road, Avon, NY stated the road along the field they maintain year-round. He stated on behalf of his family, if we can't get this approved, they will have to sell the land and then you have no idea what will happen to the land or the views.

TOWN OF AVON PLANNING BOARD RESOLUTION  
DG LAKE ROAD SOLAR, LLC (NEXTERA ENERGY RESOURCES) REPRESENTING  
GARY & EILEEN WHEAT  
LARGE SCALE SOLAR - LAKE ROAD SOLAR PROJECT  
5410 LAKE ROAD  
TAX MAP ID: 44.-1-26.1  
SPECIAL USE PERMIT & PRELIMINARY/FINAL SITE PLAN REVIEW

CONTINUATION RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), received an application for Special Use Permit Approval & Site Plan Approval to allow for the development of the DG Lake Road Solar, LLC proposed Lake Road 5 MW Solar Project (Project), to construct and operate a 5 megawatt (MW) alternating current (AC) (7 MW direct current [DC]) solar photovoltaic facility within an approximately 36-acre property parcel (parcel ID 44.-1-26.1) located south of Lake Road, north of Henty Road, and east of Pole Bridge Road, in the Town of Avon, Livingston County, New York as described in the Site Plans dated September 13, 2021, last revised April 6, 2022 (the current application) and all other relevant information submitted and discussed at the April 18, 2022 Joint Planning Board and ZBA Meeting; and

WHEREAS, the Planning Board and Zoning Board of Appeals at their February 21, 2022 meeting requested additional information and revised plans to be submitted; and

WHEREAS, the applicant submitted revised information on Monday, April 11, 2022 which did not provide enough time for the Boards to review before tonight's meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the Public Hearing and the applications to their May 16, 2022 Joint Board Meeting.

The above resolution was offered by Thomas McGovern and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, April 18, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - *ABSENT*  
Vacant -  
Kathy Mannix - *AYE*  
Christopher Sterner - *AYE*  
Clara Mulligan - *AYE*  
Brian Thorn - *AYE*  
Thomas McGovern - *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 April 18, 2022 meeting.

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

ZBA & PLANNING MOTION TO CLOSE THE MEETING WAS MADE BY DIANE;  
SECONDED BY BOB.

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

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

CARRIED 10-0.

MEETING CLOSED.