

PLANNING, ZBA & TOWN MEETING

MONDAY, MAY 15, 2023

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

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

ABSENT: COLLIN HAYES (PLANNING), THOMAS MCGOVERN
(PLANNING)

OTHERS: BRIAN GLISE (CEO, AVON), MATTHEW SOUSA (MRB
GROUP), JIM CAMPBELL (TOWN ATTORNEY)

VISITORS: JOSEPH MONTESANO, JORDAN GUADAULPE, BETSY
GEORGE, KEVIN O'DONOGHUE

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY JEFF MULLIGAN; SECONDED
BY CHRISTOPHER STERNER.

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

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

CARRIED 9-0.

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

Kathy Cole reviewed the emergency exits for all present.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM APRIL 17,
2023, MEETING SUBMITTED WAS MADE BY BOB WESTFALL; SECONDED BY
CLARA MULLIGAN.

JEFF MULLIGAN - AYE

CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
VACANT -

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

CARRIED 9-0.

WELCH & O'DONOGHUE ACTING AGENT FOR JOSEPH MONTESANO/5533 HENTY ROAD/TAX PARCEL#44.-1-61.21- ZBA/PLANNING - AREA VARIANCE FOR ONE LOT IN A SUBDIVISION OF 3 LOTS

Kevin O'Donoghue and Joseph Montesano were present to discuss this application.

Kevin explained that Mr. Montesano would like to subdivide his 9-acre parcel into 3 lots (1-acre lot, 1.5-acre lot, and 6.741-acre lot).

Kevin stated that Mr. Montesano had previously come to the ZBA Board to discuss his daughter's house and wanting only one acre; and that is correct.

Kevin also stated that the angle of the parcel makes it difficult to have 3 acre lots, therefore requesting two variances for the lots less than three acres.

Jeff Mulligan and Cindy Kellen stated that the Board expressed to Mr. Montesano that they wanted to see lots that are compliant with the current code.

Jeff Mulligan stated this map that was submitted presents two area variances, but the application only requests one variance.

There was discussion on what the different options would be to have the parcel in compliance with granting a variance for the 1-acre lot.

Matthew Sousa stated creating smaller lots can present challenges with setbacks causing more variances and suggests not creating non-conforming lots.

Jeff Mulligan asked the Board members what their thoughts are on the map that was presented; and they would like to see at least two of the three lots in compliance with the current code.

Clara Mulligan stated if you approved the one-acre lot, the setbacks for that will be challenging to adhere to and maybe hard to sell in the future.

Jim Campbell stated an area variance is typically when your regulations can't be met or a good reason when the property is unique. Jim Campbell asked the Board if they are comfortable with the 1-acre parcel.

There was much discussion about allowing any of the lots less than 3-acres. Cindy Kellen is fine with the one lot being one acre but the rest needs to 3 acre lots.

Jeff Mulligan asked the Board if they are willing to consider just having the 1 one-acre lot and not subdividing the rest of the parcel and they would.

Kathy Mannix asked if they could come back later and request the larger parcel to be subdivided; that was discussed and determined to put a condition in the approval that no other subdivision could be approved in the future without being compliant with the current zoning.

Jeff Mulligan stated we could schedule a public hearing for next month, but we would need to have a map submitted with the conditions agreed upon tonight.

ZBA MOTION TO SCHEDULE A PUBLIC HEARING FOR THE 2 LOT SUBDIVISION AT THE JUNE 19, 2023 MEETING WAS MADE BY CINDY KELLEN; SECONDED BY DIANE ATTEA.

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

CARRIED 4-0.

WELCH & O'DONOGHUE ACTING AGENT FOR MICHAEL & JILL REED/4415
HOGMIRE ROAD/TAX PARCEL#43.-1-13.21- PLANNING - SUBDIVISION &
LOT LINE ADJUSTMENT

Kevin O'Donoghue was present to discuss this application. This application is for a lot line adjustment for one neighbor of 2.491 acres then a 2-lot subdivision. The Reeds want to downsize their parcel to 9.832 acres and the other lot would be 21.490 acres that they would like to sell to a neighboring farmer.

There was discussion on the map and how the lots are being divided and other items on the map were clarified.

Kathy Cole asked if there were any other questions for this application and there were none.

Matthew Sousa suggested that one condition on the approval would be that the lot line adjustment is done for the subdivision to be approved.

Kevin O'Donoghue asked for clarification on other forms needed for this subdivision to Matthew Sousa. Kathy Cole asked for existing structures for the neighbor that is doing the lot line adjustment.

PLANNING MOTION TO SCHEDULE A PUBLIC HEARING FOR THE 2 LOT SUBDIVISION AND LOT LINE ADJUSTMENT AT THE JUNE 19, 2023 MEETING WAS MADE BY CLARA MULLIGAN; SECONDED BY CHRISTOPHER STERNER.

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

CARRIED 4-0.

Kathy Cole stated Brian Thorn has recused himself due to this is his neighbor.

SIX SPROUTS, ACTING AGENTS FOR SOUTHWEST CORNERS LLC/LAKEVILLE ROAD/TAX PARCEL# - SITE PLAN

Jordan Guadalupe and Betsy George were present to discuss this application.

Jordan distributed plans that were updated as of today for the items given to them at our previous meeting in March.

Kathy Cole asked Matthew Sousa to give us an update on the status of this application and what concerns MRB Group may have. Matthew stated that the concerns are over the site plan not meeting the Town of Avon regulations, however approval can be made with conditions that everything is done properly.

Kathy Cole asked if any Board members have any questions.

Clara Mulligan asked about the lighting on the roof and Jordan stated they have removed the light shining across the roof from the site plans.

Jordan stated there is lighting on the parking lot, but their business hours are not that long in the day. The parking lot will be gravel.

Brian Glise asked about the parking lot being a separate parcel and Jordan had a signed lease for them using the lot.

Kathy Cole asked about the handicap parking spaces and there will be two with Endza's Eats using one as well.

Kathy Mannix asked if the door on the parking lot side and there is not, they would have to use the front doors.

Kathy Cole asked about the lot behind the building and if it will be used by Pioneer; it will not be used for storing cars and the gate will be closed as well.

Matthew Sousa suggested having the lot lines shown on the site plan since there were a lot line adjustment and a parcel combination that happened prior.

Kathy Cole asked if there were any additional questions before moving forward.

Kathy Mannix asked if they were planning on having a beer garden, and not at this time maybe in the future.

Kathy Cole read the following resolutions.

TOWN OF AVON PLANNING BOARD RESOLUTION
SIX SPROUTS FARM MARKET - SOUTHWEST CORNER, LLC
1670 LAKEVILLE ROAD
B-1 - ZONING DISTRICT TM# 359-1-28.000
SITE PLAN

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering an Site Plan approval to allow the existing building and lot located at 1670 Lakeville Road to be used for a farm market with minimal site improvements proposed located within the B-1 zoning district and detailed on Site Plans dated May 1, 2023 prepared by Crosier Consultants and discussed at the May 15, 2023 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 Brian Thorn and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday May 15, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - Aye
Collin Hayes - Absent
Kathy Mannix - Aye
Christopher Sterner - Aye
Clara Mulligan - Aye
Brian Thorn - Aye
Thomas McGovern - Absent

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Planning Board for the May 15, 2023 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION
SIX SPROUTS FARM MARKET - SOUTHWEST CORNER, LLC
1670 LAKEVILLE ROAD
B-1 - ZONING DISTRICT TM# 359-1-28.000
SITE PLAN

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering an Site Plan approval to allow the existing building and lot located at 1670 Lakeville Road to be used for a farm market with minimal site improvements proposed located within the B-1 zoning district and detailed on Site Plans dated May 1, 2023 prepared by Crosier Consultants and discussed at the May 15, 2023 Joint Board meeting; and

WHEREAS, the Town of Avon Planning Board has classified the above referenced Action to be a 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

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 Single-Stage 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. The applicant shall address all Town Engineer comments prior to the plans being signed.

4. Prior to the issuance of a certificate of occupancy the Town CEO will need to complete a building and fire inspection.
5. The site plan shall be updated to clearly depict and reference the previously completed lot line adjustment and lot combination plan.
6. The site plan shall be updated to clearly depict the location of any proposed dumpster or waste refuse along with associated screening, if any.
7. Prior to the plans being signed the applicant shall obtain all applicable permits and approvals from the NYSDOT.
8. A signature block shall be added to the plans for all required approvals, certifications, and endorsements, including the planning board chairperson, Town Engineer, as well as other approvals required by local, County, or state law or as required by the Planning Board.

The above resolution was offered by Clara Mulligan and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, May 15, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - Aye
Collin Hayes - Absent
Kathy Mannix - Aye
Christopher Sterner - Aye
Clara Mulligan - Aye
Brian Thorn - Aye
Thomas McGovern - Absent

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Planning Board for the May 15, 2023, meeting.

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

Kathy Cole asked Brian Glise if there was anything he wanted to share.

Brian Glise stated Starkey Road solar are moving the front set of trees back ten feet, CP Ward is moving along, pre-construction meeting on Wednesday for Stokoe solar.

Jim Campbell stated that Bruckel and the Railroad requested a re-zoning of the parcel to a PDD, and he is drafting the local law to start that process.

Kathy Cole asked if any Board members have any suggestions on the Comprehensive Plan or want to table it for next month. There was some discussion on having the Town and Village have a joint meeting regarding this, Kim will mention to Supervisor LeFeber and see what his thoughts are.

MOTION TO CLOSE THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY BRIAN THORN.

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

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

CARRIED 11-0.

MEETING CLOSED.