

PLANNING & ZBA MEETING, MONDAY, MAY 24, 2021

ZBA MEMBERS PRESENT: CINDY KELLEN, DIANE ATTEA, JEFF PASSARELL

ZBA MEMBERS ABSENT: JEFF MULLIGAN, BOB WESTFALL

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

PLANNING BOARD MEMBERS ABSENT: RANDY KOZLOWSKI

OTHERS: CEO BRIAN GLISE, MRB ENIGNEER LANCE BRANBANT

VISITORS: JEFF BERENDS, MARK MEYER, ZACHARY MEYER, JIM ANDERSON

CLERK: KIM MCDOWELL

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

JEFF MULLIGAN - ABSENT

CINDY KELLEN- AYE

BOB WESTFALL- ABSENT

DIANE ATTEA - AYE

JEFF PASSARELL - AYE

KATHLEEN COLE -AYE

VACANCY -

RANDY KOZLOWSKI - ABSENT

KATHLEEN MANNIX - AYE

CLARA MULLIGAN - AYE

BRIAN THORN - AYE

CHRISTOPHER STERNER - AYE

CARRIED 8-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM THE APRIL 26, 2021 MEETING SUBMITTED WAS MADE BY JEFF PASSARELL; SECONDED BY BRIAN.

JEFF MULLIGAN - ABSENT

CINDY KELLEN- AYE

BOB WESTFALL- ABSENT

DIANE ATTEA - AYE

JEFF PASSARELL - AYE

KATHLEEN COLE -AYE

VACANCY -

RANDY KOZLOWSKI - ABSENT

KATHLEEN MANNIX - AYE

CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 8-0.

MARK'S LEISURE TIME MARINE SERVICE CENTER, JEFF BERENDS C/O NIEL
SILVAROLE/2979 LAKEVILLE ROAD/TAX PARCEL#55.-1-78.1 - SITE PLAN
PLAN & SPECIAL USE PERMIT APPLICATION FOR BOAT STORAGE & REPAIR

PUBLIC HEARING

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

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

KATHLEEN COLE -AYE
VACANCY -
RANDY KOZLOWSKI - ABSENT
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 8-0.

Kathy Cole asked if there were any questions, comments, or concerns from those present.

Lance asked the applicants to discuss their site plan to all present since there were edits done from suggestions at our last meeting. Lance stated these new plans show where the boat storage will be in two separate locations.

Jeff Berends stated there is an area for boat parking and service parking and will be a total of 30 spots.

Jeff Passarell asked what they mean by service parking and that is for boats that are getting repaired or inspected before delivery, it is just temporary storage of boats.

Lance questioned if emergency vehicles can go through without any obstacles and they should be able to.

Kathy Mannix asked about stacking boats and they stated there is going to be just one level of boats.

Lance stated there will be new fences and new gates and he asked that the detail of the each be given to the Town prior to site approval.

Brian Glise talked to the Fire Chief this week and they are still in the process of getting a Knox box. The Chief is comfortable with having a key for the gates until the Knox box is installed. Brian will be happy to help with getting the key to the Fire Department.

Kathy Cole asked what kind of fence they are proposing to use. It will be a chain link fence, 6 feet in height and it will be permanent.

Brian Glise had questions about parking and if emergency vehicles will be able to get around the building if needed. Yes, the North side of the building will be employee parking and the South side will be customer parking. It is a stone lot so no markings for parking spaces.

Jeff Berends stated there will be no other modifications to the building other than a sign on the building. There is no need for a variance since it meets current sign code regulations.

Lance read the Site Plan Approval Resolution to everyone present.

TOWN OF AVON PLANNING BOARD RESOLUTION
MARKS LEISURE TIME MARINE SERVICE CENTER – JEFF BERENDS
NEIL SILVAROLE - 2979 LAKEVILLE ROAD
GB – ZONING DISTRICT TM# 55.00-1-78.1
SITE PLAN & SPECIAL USE PERMIT (§130-35)

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 2979 Lakeville Road to be used for Boat Repair and Maintenance with minimal site improvements proposed located within the GB zoning district and detailed on Site Plans dated May 18, 2021 prepared by Professional Engineering Group and discussed at the May 24, 2021 Planning 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

WHEREAS, on May 24, 2021, 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 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. Site Plan approval is conditioned on obtaining a Special Use Permit from the Zoning Board of Appeals. If the Special Use Permit is not obtained, then the site plan approval is null and void.
3. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
4. Details of the proposed fence and gate are to be provided prior to issuance of the Special Use Permit.
5. The plans are to be updated to label all gate and fence locations including providing the proposed heights.
6. The plans are to be revised to provide the overall boundary of the boat storage area with a dimension labeled. The identification label is to be corrected to remove "service" from the label.

The above resolution was offered by Brian Thorn and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, May 24, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

| | |
|-----------------------|---------------|
| Kathleen Cole - | AYE |
| Randy Kozlowski - | Absent |
| Kathy Mannix - | AYE |
| Clara Mulligan - | AYE |
| Brian Thorn - | AYE |
| Christopher Sterner - | 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 May 24, 2021 meeting.

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

Cindy Kellen asked if anyone on the ZBA Board had any further questions on this application which they did not.

**MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY JEFF PASSARELL;
SECONDED BY DIANE.**

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

**KATHLEEN COLE -AYE
VACANCY -
RANDY KOZLOWSKI - ABSENT
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE**

CARRIED 8-0.

**Lance read the Amended Special Use Permit to those present, it
is amended since one is already in place for this parcel.**

**TOWN OF AVON ZONING BOARD RESOLUTION
MARKS LEISURE TIME MARINE SERVICE CENTER – JEFF BERENDS
NEIL SILVAROLE - 2979 LAKEVILLE ROAD
GB – ZONING DISTRICT TM# 55.00-1-78.1
SITE PLAN & SPECIAL USE PERMIT (§130-35)**

AMENDED SUP APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) is considering an Amended Special Use Permit to allow the existing building and lot located at 2979 Lakeville Road to be used for Boat Repair and Maintenance with minimal site improvements proposed located within the GB zoning district and detailed on Site Plans dated May 18, 2021 prepared by Professional Engineering Group and discussed at the May 24, 2021 Planning 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 May 24, 2021, 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, on May 24, 2021, 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 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.

The above resolution was offered by Diane Attea and seconded by Jeff Passarell at a meeting of the Zoning Board of Appeals held on Monday, May 24, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

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|--------------------|---------------|
| Jeffery Mulligan - | Absent |
| Jeff Passarell - | AYE |
| Cindy Kellen - | AYE |
| Bob Westfall - | Absent |
| 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 May 24, 2021 meeting.

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

PIRANHA MILLING & PAVING CONTRACTORS LLC/5665 TEC DRIVE/TAX
PARCEL
#35.-1-13.524-SITE PLAN APPLICATION FOR PHASE 2 FLEX BUILDING

Lance stated that tonight we will begin the SEQR process and coordinated review. At the last Board meeting we suggested that they reach out to the Village and LCWSA, which they have done. At this point, the Village is not able to provide us with a response and will not provide us with a response until June 14, 2021, which is the date LCWSA's new Director begins.

As part of the SEQR coordinated review, we must coordinate with the Village and LCWSA, we would provide them the plans which they would need to make a response and they would have 30 days if not more to do so, which is roughly June 25, 2021 and is past the June 14, 2021 date.

If that all occurs at our next Board meeting on June 28, 2021, we would be in a position at the meeting to complete SEQR and move forward with a joint meeting between the Town Board and Planning Board on July 8, 2021.

Kathy Cole asked Lance if something is not completed in that 30-day window for SEQR review, can we grant them another 30 days to get it completed and Lance stated yes.

TOWN OF AVON PLANNING BOARD RESOLUTION
PIRANHA MILLING & PAVING CONTRACTORS LLC
TEC DRIVE
PIRANHA HOME OFFICE, PHASE 2
PRELIMINARY/ FINAL SITE PLAN REVIEW

SEQR – DECLARING INTENT TO BECOME LEAD AGENCY

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction Phase 2 which includes two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements, as described in the Site Plans dated April 19, 2021 prepared by Land Tech Surveying & Planning P.L.L.C. and all other relevant information submitted as of May 24, 2021 (the current application); and

WHEREAS, the Planning Board has reviewed the completed State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF), Part 1 prepared by the applicant on the above referenced light industrial building (hereinafter referred to as the Action); and

WHEREAS, the Planning Board determines that said Action is classified as an Unlisted Action under the SEQR Regulations; and

WHEREAS, the Planning Board determines that said Action is also subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board determines that it may be the most appropriate agency to insure the coordination of this Action and will provide written notifications to the involved and interested agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby declare its intent to be designated as the lead agency for the Action.

BE IT FURTHER RESOLVED, that the Town Engineer (MRB Group) is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on **Tuesday, June 25, 2021**

The above resolution was offered by Clara Mulligan and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, May 24, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

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|-----------------------|---------------|
| Kathleen Cole - | <i>AYE</i> |
| Randy Kozlowski - | <i>Absent</i> |
| Kathy Mannix - | <i>AYE</i> |
| Clara Mulligan - | <i>AYE</i> |
| Brian Thorn - | <i>AYE</i> |
| Christopher Sterner - | <i>AYE</i> |

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 24, 2021 meeting.

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

Lance will send out packet to all agencies involved.

**ANDERSON, JAMES/2411 POLE BRIDGE ROAD/TAX PARCEL #44.-1-20.1-BED
& BREAKFAST - VARIANCE**

Mr. Anderson was present to discuss his application. He owns this house and the yellow house next to it which he lives in.

Kathy Cole asked if everyone had a chance to read the information provided and they did.

Lance asked if the variance questions were given to Mr. Anderson to answers and they were not at this point. It was later

determined that this is not a use variance and he will not need to answer the questions.

Brian Glise asked if the house was ever inspected by the State since the previous owners had foster kids in residence. Mr. Anderson had no idea.

Jeff Passarell asked if they had a septic system, and they do but it is Town water.

Kathy Cole asked Brian Glise if it had to be inspected and he said yes it will since other people will be staying there.

Brian Glise stated it probably should be ADA compliant, but he is unaware if we can make anyone do it.

Kathy Cole asked Mr. Anderson if on the application that he uses to advertise for Air BNB does it have any requirements for ADA compliance. Mr. Anderson do not know the answer to that question.

Kathy Mannix asked if anything breaks in the house while people are staying there, is there anything in the contract that states it will be fixed in a certain number of days and there is not.

Brian Glise asked if it would be rented to only people who are holding events in the party barn and it is for anyone.

Lance asked if Mr. Anderson had record of the last inspection of the septic system and he does not. Lance stated that maybe a requirement for him to get it inspected. Lance also asked Mr. Anderson to do a site plan, simply getting a copy of the parcel map from the County and mark where everything would be sufficient.

Brian Glise asked if there were any bedrooms in the attic or basement and there is not. Brian also stated that he will need to do a fire code inspection and there may need to be directional or emergency lighting.

The public hearing will be scheduled for the next meeting on June 28, 2021. Kim stated to Mr. Anderson that for it to be published he will need to get that information to her by June 9, 2021 that the Board is requesting.

OTHER DISCUSSIONS

Kathy Cole asked Brian Glise what is going on at the old strawberry hut on the corner of Route 15 and Routes 5 & 20. Brian stated there is a flea market but only on the outside of the building. It is fine as long as everything is kept outside, no one is allowed inside the building.

MOTION TO CLOSE THE MEETING WAS MADE BY CLARA; SECONDED BY DIANE.

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

KATHLEEN COLE -AYE
VACANCY -
RANDY KOZLOWSKI - ABSENT
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 8-0.

MEETING CLOSED.