

PLANNING, ZBA & TOWN MEETING
2023

MONDAY, JUNE 19,

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

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

ABSENT:

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

VISITORS: JOSEPH MONTESANO, KEVIN O'DONOGHUE, BRIAN
HEYWOOD, RACHEL HEYWOOD, RYAN DESTRO, C.R.
RUSSELL, JILL REED, NICOLE & RICH ERHARDT,
KATHERINE MONTESANO, JONATHAN GHENT

CLERK: KIM MCDOWELL

Kathy Cole called the meeting to order.

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.

MOTION TO OPEN THE MEETING WAS MADE BY TOM MCGOVERN; SECONDED BY CLARA MULLIGAN.

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

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

CARRIED 11-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM MAY 15, 2023, MEETING SUBMITTED WAS MADE BY BOB WESTFALL; SECONDED BY JEFF MULLIGAN.

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

KATHLEEN COLE -AYE
THOMAS MCGOVERN - ABSTAIN
COLLIN HAYES - ABSTAIN
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 - PUBLIC HEARING

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

Jeff Mulligan asked if there were any questions regarding this subdivision from Board members.

Tom McGovern doesn't agree with allowing the one-acre lot.

Kathy Mannix asked if the 8-acre lot will be allowed to be subdivided in the future and it will, but it has to follow the current code regulations for Agriculture zoning at that time.

Clara Mulligan questioned if there was a condition that Mr. Montesano will not be allowed to subdivide as discussed at the last meeting and Jeff Mulligan stated he will be able to subdivide if he follows the code for lot sizes.

Matthew Sousa stated he will add a condition on the resolution stating he will not be able to subdivide unless it is a conforming lot.

Jim Campbell feels it should be stated that no further variances will be given on this parcel for non-conforming lot sizes.

Mr. Montesano stated he is fully aware of that condition.

Jim Campbell stated if the Town Board changes the lot sizes in Agricultural zoning in the future, that is what would need to be followed.

Brian Glise stated he feels the applications that were submitted are incorrect with the current subdivision map, and it was determined the public hearing notices are correct just the application itself needs to be revised, which it was corrected at this time.

ZBA MOTION TO OPEN THE PUBLIC HEARING FOR VARIANCE TO HAVE A ONE ACRE LOT IN A 2 LOT SUBDIVISION WAS MADE BY CINDY KELLEN; SECONDED BY BOB WESTFALL.

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

CARRIED 4-0.

Jeff Mulligan asked if there were any comments and there were none.

ZBA MOTION TO CLOSE THE PUBLIC HEARING FOR VARIANCE TO HAVE A ONE ACRE LOT IN A 2 LOT SUBDIVISION WAS MADE BY DIANE ATTEA; SECONDED BY CINDY KELLEN.

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

CARRIED 4-0.

Jeff Mulligan passed it over to the Planning Board for discussion.

PLANNING MOTION TO OPEN THE PUBLIC HEARING FOR A 2 LOT SUBDIVISION WAS MADE BY BRIAN THORN; SECONDED BY CHRISTOPHER STERNER.

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

CARRIED 7-0.

Kathy Cole asked if there were any comments from the public and there were none.

PLANNING MOTION TO CLOSE THE PUBLIC HEARING FOR A 2 LOT SUBDIVISION WAS MADE BY CHRISTOPHER STERNER; SECONDED BY CLARA MULLIGAN.

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

CARRIED 7-0.

Kathy Cole read the following resolutions to all present:

TOWN OF AVON PLANNING BOARD RESOLUTION
MONTESANO SUBDIVISION
5533 HENTY ROAD
AGRICULTURAL (A) - ZONING DISTRICT
TM# 44-1-62.21

SEQR RESOLUTION - UNLISTED ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Final Subdivision Plan Approval for the proposed single lot subdivision (lot 1 = 8.250 acres and lot 2 = 1.00 acres) with no new development proposed as shown on the Final Subdivision Plan titled "Joeseeph M. Montesano Subdivision" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated September 19, 2022, revised March 15, 2023 and all other relevant information submitted as of June 19, 2023 (the current application); and

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 3 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 Clara Mulligan and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, June 19, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - AYE
Collin Hayes - AYE
Kathy Mannix - AYE

Christopher Sterner - AYE
Clara Mulligan - AYE
Brian Thorn -AYE
Thomas McGovern - NAY

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 June 19, 2023, meeting.

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

Jeff Mulligan read the following to the ZBA Board for approval:

TOWN OF AVON
OPERA BLOCK BUILDING
23 GENESEE STREET
AVON, NEW YORK 14414
PHONE: (585) 226-2425 • FAX: (585) 226-9299
http://www.avon-ny.org/index_town.html

BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Hearing Date: June 19, 2023

Project Name/Number: Montesano Subdivision

- Area Variance for a one (1) non-conforming building lot size.

Subject Property Address: Henty Road

Tax Account #: 44-1-62.21 Zoning District: Agriculture - A District

Agenda Item: Area Variance for a one (1) lot non-conforming building lot.

Motion made by: Diane Attea

Seconded by: Cindy Kellen

Board Members	Present	Motion		Recusal
		Aye	Nye	
1. Jeffery Mulligan, Chairman		X		
2. Cindy Kellen		X		
3. Bob Westfall		X		
4. Diane Attea		X		
5. Vacant				

Alternate: _____				
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Approved: Denied:

Conditions:

1. Any modification to the plans, variance, and/or project will require the application to be re-reviewed by the Zoning Board of Appeals and any prior approvals granted be deemed null and void.
2. The approval of an area variance is contingent upon the applicant receiving subdivision approval from the Planning Board for a single lot subdivision lot #44.-1-61.21 consisting of 8.250 acres and lot 2 consisting of 1 acre.
3. No variance shall be granted for future subdivisions with non-conforming lot sizes on lot #44.-1-61.21.
4. The applicant must submit updated application forms detailing the correct lot sizes of lot 1 = 8.250 acres and lot 2 = 1.00 acres.

Kathy Cole read the following to the Planning Board for approval:

TOWN OF AVON PLANNING BOARD RESOLUTION
 MONTESANO SUBDIVISION
 5533 HENTY ROAD
 AGRICULTURAL (A) - ZONING DISTRICT
 TM# 44-1-62.21

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 proposed single lot subdivision (lot 1 = 8.250 acres and lot 2 = 1.00 acres) with no new development proposed as shown on the Final Subdivision Plan titled "Joseph M. Montesano Subdivision" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated September 19, 2022, revised March 15, 2023 and all other relevant information submitted as of June 19, 2023 (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 pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on June 19, 2023, 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. No variance shall be granted for future subdivisions with non-conforming lot sizes on lot #44.-1-61.21.
2. The applicant must submit updated application forms detailing the correct lot sizes of lot 1 = 8.250 acres and lot 2 = 1.00 acres.
3. The approval of a single lot subdivision is contingent upon the applicant receiving an area variance from the Zoning Board of Appeals for a nonconforming lot size of 1 acre where a minimum of 3 acres is required.

The above resolution was offered by Brian Thorn and seconded by Kathy Mannix at a meeting of the Planning Board held on Monday, June 19, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - AYE
Collin Hayes - AYE
Kathy Mannix - AYE
Christopher Sterner - AYE
Clara Mulligan - AYE
Brian Thorn - AYE
Thomas McGovern - NAY

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 June 19, 2023, meeting.

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

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 and Jill Reed were present to discuss this application.

Kathy Cole asked if there were any questions from the Board and there were none.

Kathy Cole asked Brian Thorn if he was still recused, and he has changed his mind and will not be recused.

Kevin O'Donoghue made the changes requested at last month's meeting but questioned if the road frontage of 240 feet is acceptable, and it is since our code requires 60 feet.

PLANNING MOTION TO OPEN THE PUBLIC HEARING FOR A 2 LOT
SUBDIVISION AND LOT LINE ADJUSTMENT WAS MADE BY TOM MCGOVERN;
SECONDED BY BRIAN THORN.

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

CARRIED 7-0.

Kathy Cole asked if there were any public comments and there were none.

PLANNING MOTION TO CLOSE THE PUBLIC HEARING FOR A 2 LOT
SUBDIVISION AND LOT LINE ADJUSTMENT WAS MADE BY TOM MCGOVERN;
SECONDED BY CHRISTOPHER STERNER.

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

CARRIED 7-0.

Kathy Cole read the following for approval:

TOWN OF AVON PLANNING BOARD RESOLUTION
REED-HOGMIRE SUBDIVISION
4415 HOGMIRE ROAD
AGRICULTURAL (A) - ZONING DISTRICT
TM# 43-1-13.21

SEQR RESOLUTION - UNLISTED ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Final Subdivision Plan Approval for the proposed single lot subdivision (lot 1 = 21.490 acres and lot 2 = 10.979 acres) with no new development proposed as shown on the Final Subdivision Plan titled "Reed-Hogmire Road Minor Subdivision and Lot Line Adjustment" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated March 20, 2023, and all other relevant information submitted as of June 19, 2023 (the current application); and

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 3 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 Mannix and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, June 19, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - AYE
Collin Hayes - AYE
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 June 19, 2023, meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION
REED-HOGMIRE SUBDIVISION
4415 HOGMIRE ROAD
AGRICULTURAL (A) - ZONING DISTRICT
TM# 43-1-13.21

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 proposed single lot subdivision (lot 1 = 21.490 acres and lot 2 = 10.979 acres) with no new development proposed as shown on the Final Subdivision Plan titled "Reed-Hogmire Road Minor Subdivision and Lot Line Adjustment" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated March 20, 2023, and all other relevant information submitted as of June 19, 2023 (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 pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on June 19, 2023, 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. Approval of this subdivision is conditioned upon part of lot R-1 totaling 2.491 acres being combined as part of a lot line adjustment with lot R-3 creating a single parcel totaling 10.979 acres as detailed on the final subdivision plan.

The above resolution was offered by Thomas McGovern and seconded by Kathy Cole at a meeting of the Planning Board held on Monday, June 19, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - AYE
Collin Hayes - AYE
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 June 19, 2023, meeting.

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

BRIAN HEYWOOD/5918 SUTTON ROAD/TAX PARCEL#45.-1-60.112 - ZBA -
ACCESSORY STRUCTURE BEFORE PRIMARY STRUCTURE

Mr. Heywood was present to discuss this application. He stated the driveway is a shared driveway and he would like to extend it to the back property and build a shed and a pole barn.

Jeff Mulligan asked how many acres the lot is, and it is 4.5 acres.

Jeff Mulligan also stated the code requires a primary structure to be built before an accessory structure which includes sheds and pole barns.

Cindy Kellen asked as part of the application if it will include both the shed and pole barn and it does.

Mr. Heywood stated it was originally advertised as a building lot and then they found out it doesn't perk therefore no primary structure can be built unless you want to spend a lot of money to get water.

Jeff Mulligan asked about the driveway and the current driveway to the neighbor's house is on this property and Mr. Heywood would like to extend it to the back property for the shed and pole barn. There is an easement in place already for the driveway.

Jeff Mulligan's concerns are this is a self-created hardship, two accessory buildings with no primary building, and the shared driveway. He doesn't see how they can grant a variance.

Jeff Mulligan asked for Board comments.

Jim Campbell asked if the 40x80 pole barn was intended to be used for business; it is for storage of his car collection.

Jim Campbell stated the water issue is not something the landowner has control over, and the Board could possibly grant a variance with the condition that if a primary structure is proposed the accessory structures must be moved behind the primary structure.

Jim Campbell asked if there was any documentation regarding the property not being able to perk; Mr. Heywood can supply that if needed.

Bob Westfall questioned if they would ever consider building a primary structure; and they would not due to the water situation.

Brian Glise stated that a few months ago someone else came to a meeting and asked the same questions and the Zoning Board said they wouldn't grant a variance.

Jeff Mulligan stated that if we denied someone for the exact same thing, we can't approve it now.

Jim Campbell concurred with that statement and the Board should do some research on this matter.

Jeff Mulligan requested Kim to send the minutes of that meeting to the Board members and they will get in touch with the applicant once they decide if they can move forward with this application.

Tom McGovern asked how far away water and sewer is from this property; there is no sewer and the water lines end on the other side of the expressway.

The ZBA Board will research this and get back to the applicant.

Brian Glise asked if the Board can discuss the Ghent information that he emailed everyone before moving on to the next agenda item.

Mr. Ghent, 2331 Rolling Ridge Drive, has a corner lot that he would like to build a garage. Brian sent information to the Board members regarding this. In our code, corner lots are considered to have two front sides and front setbacks are 60 feet. The garage is 24 feet which will go into the setback, and he would need a variance to build it.

The ZBA Board had no objections to this variance.

Brian Glise also asked if we can expedite the process and have the public hearing in July instead of delaying it one more month.

Jeff Mulligan and the Board members agreed to have the public hearing next month.

ZBA MOTION TO SCHEDULE PUBLIC HEARING FOR A VARIANCE FOR A CORNER LOT FRONT SET BACK TO BUILD A GARAGE ON JULY 17, 2023 WAS MADE BY BOB WESTFALL; SECONDED BY CINDY KELLEN.

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

CARRIED 4-0.

Kim will be in touch with Mr. Ghent regarding the sign.

TWIN CEDARS OF AVON/6130 EAST AVON-LIMA ROAD/TAX PARCEL#35.-1-22.111 - SKETCH PLAN FOR EXPANSION OF 65 UNITS

Mr. Ryan Destro and Mr. C.R. Russell were present for this concept plan.

Twin Cedars would like to expand the southern part of the property with 65 units. This property is in the Agricultural zoning and requires a special use permit and site plan approval for mobile home parks.

The proposed individual unit site areas have been designed to be consistent with the existing individual site areas currently established with the Twin Cedars of Avon community, with standard dimensions of 60x10 (7,200 S.F.). It appears that the Town Code may have been updated following the existing development within the Twin Cedars of Avon community.

The current Town Code requires 15,000 square feet with a minimum width of 75 feet, therefore area variances will be required.

The proposed expansion area will be accessed via the existing private road connections to Route 5&20 and Dutch Hollow Road. No new connections are proposed to public roadways.

Internal extensions of the private water main system and private sanitary sewer system are proposed to service the expansion area.

The applicants are here tonight to get feedback from the Boards before submitting a formal application.

Some of the comments from the Board where:

Jeff Mulligan asked if they are mobile homes or manufactured homes, and they are manufactured homes.

Jeff Mulligan also asked if someone bought a house and put it on the lot, can they sell that house if they wanted or is it owned by Twin Cedars. The house is owned by the individual but Twin Cedars owns the lot they are putting it on.

The applicants want to be consistent with the community.

Diane Attea asked if emergency vehicles will be able to access the newer homes and hydrants and they would.

Cindy Kellen questioned the variance that was granted previously, and would this be for the same thing; the applicant stated no these will have 30 feet in between the lots.

Some of the Board members would like to see open space for a playground, walking trails, community area and they are considering doing something like that in the future.

Kathy Cole asked about the parking for each unit, and they would have 2 spaces per home.

Clara Mulligan asked about the landscaping and Twin Cedars will do some landscaping, but the residents can do their own as well.

Jim Campbell explained that Mr. Destro and Mr. Russell have met with David LeFeber, Brian Glise, Lance Brabant, and himself for a pre-conference regarding this concept plan. Jim feels from an infrastructure standpoint there are no problems, and the area variance is up to the ZBA's discretion.

Kathy Cole asked if the Town Board had any comments regarding this plan and Jim Campbell stated the Board sees this as a generally positive plan.

Brian Glise has looked through the files and stated he read back in the 70's there was conversation about putting a flashing light at the entrance off Route 5 & 20. Mr. Russell stated they have been in contact with the NYS DOT, and they will send the site plan to them for comments.

Cindy Kellen asked if the Board could request a play area and Brian stated he had read there were discussions about play areas previously but nothing has been built.

There was much discussion between the Boards and Mr. Destro and Mr. Russell about open space, play areas, trails, etc. and where they could be located within the park.

Jeff Mulligan asked what the next steps for this concept plan are to move forward.

Jim Campbell stated they need to submit a formal application and submit an updated site plan, special use permit application, and a variance application for both variances as well.

Brian Glise stated there may be an existing special use permit and if there is one then this will be an amendment but if there is not one in place then they will need to have a new special use permit that would cover the whole park.

Brian Glise asked about the home that is in the front of the park, they want to demo the existing structure and put another one on top of the foundation and use it as an office.

There was more discussion on the lot sizes and the variances that would be needed.

The Boards do like the park itself and look forward to reviewing the formal applications. Brian Glise would like more information regarding the front house/office.

Mr. Destro asked if all applications will be reviewed simultaneously and if the applications are a special use permit, variance application, and a site plan application and that is correct.

Kathy Cole asked Brian if he had anything to share with the Boards.

Brian discussed the house that they would like to tear down and replace with a modular office and they will get him more information and submit that.

Brian stated that Thursday night is the joint meeting with the Town Board and Planning Board regarding the Liv Well Community Center.

Jim Campbell stated this is for the rezoning of the property from Ag to PDD and that requires a public hearing and Planning Board recommendations.

Matthew Sousa stated David Willard from MRB Group will be at the meeting on Thursday. The items they will be discussing are fire code safety, means of secondary access may be needed, traffic study, full EAF with the RR, utilities, water, sewer, storm water, landscaping, lighting, hours of operation, and signage.

Jim Campbell stated the Town Board approves the concept of the development and those items stated are what needs to be addressed.

Jim Campbell stated the rezoning is discretionary at this point and if approved the uses are a matter of right, so it is beneficial to state your concerns Thursday.

Jeff Mulligan asked about the access on the other side of the railroad on the site plan and Jim Campbell stated when they came to the Town a few years back they proposed that access point, but they have since removed it for this application.

There was discussion of where a secondary access point could be considered, the traffic in the area, and what possibilities could be requested.

Cindy Kellen wondered why they are requesting general business/light industrial uses and not more specific uses.

Jim Campbell stated the railroad really doesn't know what their development will look like, but it will be rail related.

Jim Campbell stated Avon CSG 2 (Stokoe Farms) has asked for a 90-day extension on getting a building permit. The delays have been with the NYS DEC and some of the agreements have been

taking longer than expected to execute. Jim feels this is a reasonable request, they have been diligent, but we need to work on a few agreements.

ZBA MOTION TO APPROVE A 90-DAY EXTENSION FOR SUBMITTING A BUILDING PERMIT FOR AVON CSG 2 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.

PLANNING BOARD MOTION TO APPROVE A 90-DAY EXTENSION FOR SUBMITTING A BUILDING PERMIT FOR AVON CSG 2 WAS MADE BY BRIAN THORN; SECONDED BY THOMAS MCGOVERN.

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

CARRIED 7-0.

MOTION TO CLOSE THE MEETING WAS MADE BY CHRISTOPHER STERNER; SECONDED BY KATHY COLE.

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

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE

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BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 11-0.

MEETING CLOSED.