

MEMBERS PRESENT: ZBA: JEFF MULLIGAN, CINDY KELLEN, BOB WESTFALL, JEFF PASSARELL, DIANE ATTEA (VIA PHONE IN)

PLANNING: KATHY COLE, KATHY MANNIX, BRIAN THORN (VIA PHONE IN), TOM MCGOVERN (VIA PHONE IN), RANDY KOZLOWSKI, CLARA MULLIGAN, MICHAEL MILES

OTHERS: CEO BRIAN GLISE, MRB ENGINEER KEVIN MCINTEE

VISITORS: KEVIN O'DONOGHUE, DANIEL PALERMO, KAYLIE PALERMO, GUY MATTHEWS, SAMANTHA WOOLAVER, BRIAN WOOLAVER, MALACHY COYNE, PATRICK BURKE (VIA PHONE IN)

CLERK: KIM MCDOWELL

Before the meeting began, Kim stated when the applicants are discussing their projects they will go to the middle of the room so everyone can hear them due to social distancing orders in place.

ZBA & PLANNING BOARD MOTION TO OPEN THE MEETING WAS MADE BY BOB, SECONDED BY CINDY.

KATHLEEN COLE -AYE
TOM MCGOVERN- AYE
RANDY KOZLOWSKI - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
MICHAEL MILES - AYE

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

CARRIED 12-0.

ROLL CALL VOICE VOTE OF THE BOARDS: Jeff Mulligan - Here, Jeff Passarell - Here, Cindy Kellen - Here, Bob Westfall - Here, Diane Attea - Here via phone in, Kathy Cole - Here, Kathy Mannix - Here, Clara Mulligan - Here, Randy Kozlowski - Here, Tom McGovern - Here via phone in, Mike Miles - Here, Brian Thorn - here via phone in

SMITH, CHARLES & ROBIN/5717 MARSHALL ROAD/TAX PARCEL#55.-1-59.2 -PUBLIC HEARING - SUBDIVISION

Kevin O'Donoghue was present to discuss the subdivision; he stated it is pretty straight forward. Kevin surveyed Marshall Farms in 2017; the property is on both sides of the road with the North side not changing. The South side of the road is where the subdivision is, 3 acres around the garage they will remain with the Smith's and the 39.25 acres will be sold.

Clara questioned if the Genesee Valley Conservancy is all set with it as well, and Kevin replied it is. Jeff Mulligan asked Kevin what the total acreage of the property is and he replied on the North side of the road there are 126.87, South side will be 3 acres and the 39 acres that will be sold.

Kathy Cole asked if there were any questions from the Board. Kathy Mannix wondered what the 39 acres were presently being used for and Kevin stated it is being farmed.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY KATHY COLE; SECONDED BY RANDY.

KATHLEEN COLE -AYE
TOM MCGOVERN- AYE
RANDY KOZLOWSKI - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
MICHAEL MILES - AYE
BRIAN THORN - AYE

CARRIED 7-0.

Kathy Cole asked if there were any questions or comments from those present and there were none.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY RANDY; SECONDED BY CLARA.

KATHLEEN COLE -AYE
TOM MCGOVERN- AYE
RANDY KOZLOWSKI - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
MICHAEL MILES - AYE
BRIAN THORN - AYE

CARRIED 7-0.

Kevin stated there is no real environmental impacts overall. Kathy Cole asked if Kevin could read SEQR for everyone, which he did.

TOWN OF AVON PLANNING BOARD RESOLUTION
CHARLES & ROBIN SMITH - 3 LOT SUBDIVISION
5717 MARSHALL ROAD - AGRICULTURAL ZONING DISTRICT
TM# 55.-1-59.2

SEQR - DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Final Subdivision Plan Approval for the proposed 3 lot subdivision of the parent parcel consisting of 169.129 acres creating Lot 1A at 126.873 acres, Lot 1B at 3.000 acres, and Lot 2 at 39.256 acres with no new development proposed as shown on the Final Subdivision Plan titled "5717 Marshall Road Subdivision" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated March 11, 2020 and all other relevant information submitted as of June 22, 2020 (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 2 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 Randy Kozlowski and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, June 22, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - Aye
Thomas McGovern - Aye
Michael Miles - Aye
Randy Kozlowski - Aye
Kathy Mannix - Aye
Clara Mulligan - Aye
Brian Thorn - 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 22, 2020 meeting.

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

Kevin read the conditions for the Approval Resolution for the subdivision to all present.

TOWN OF AVON PLANNING BOARD RESOLUTION
CHARLES & ROBIN SMITH - 3 LOT SUBDIVISION
5717 MARSHALL ROAD - AGRICULTURAL ZONING DISTRICT
TM# 55.-1-59.2

SEQR - DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) is considering Final Subdivision Plan Approval for the proposed 3 lot subdivision of the parent parcel consisting of 169.129 acres creating Lot 1A at 126.873 acres, Lot 1B at 3.000 acres, and Lot 2 at 39.256 acres with no new development proposed as shown on the Final Subdivision Plan titled "5717 Marshall Road Subdivision" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated March 11, 2020 and all other relevant information submitted as of June 22, 2020 (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 and is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on June 22, 2020 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. Subdivision Plan Approval with conditions as specified is valid for a period of 180 days from today. Once all conditions of Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the plans.

The above resolution was offered by Randy Kozlowski and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, June 22, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - Aye
Thomas McGovern - Aye
Michael Miles - Aye
Randy Kozlowski - Aye
Kathy Mannix - Aye
Clara Mulligan - Aye
Brian Thorn - 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 22, 2020 meeting.

Kim McDowell, L.S.
Kim McDowell, Clerk of the Board
Kathy Cole signed the Mylar and paper maps for Kevin to take and register at Livingston County.

Kim stated to Kathy Cole that the rest of the applicants were for the ZBA Board and if she wanted to close the Planning Board section of the meeting for tonight.

PLANNING BOARD MOTION TO CLOSE THEIR PORTION OF THE MEETING WAS MADE BY RANDY, SECONDED BY MIKE.

KATHLEEN COLE -AYE
TOM MCGOVERN- AYE
RANDY KOZLOWSKI - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
MICHAEL MILES - AYE
BRIAN THORN - AYE

CARRIED 7-0

PLANNING BOARD PORTION OF MEETING CLOSED.

MGIN PROPERTY HOLDINGS, LLC/5554-5600 EAST AVON PLAZA/TAX PARCEL#35.-1-36.1-PUBLIC HEARING - SIGN VARIANCE

Guy Matthews was present to discuss this application.

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

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

DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.

Jeff Mulligan asked if they were any questions or comments regarding the two other signs - one on Route 15 and the existing sign on Route 5&20. A color rendering was sent to the Board members for the sign on Route 15; Mr. Matthews had a color picture of the sign on Route 5&20 which he showed to each Board member. He will also email the picture to Kim for our files.

There were no further questions or comments from those present.

MOTION TO CLOSE THE PUBLIC HEARING 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.

Kevin stated this a Type II Action so additional review is required by the Board.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
MGIN PROPERTY HOLDINGS, LLC - AREA VARIANCE APPLICATION
SIGNAGE AREA - GROUND SIGNAGE
5554-5600 EAST AVON PLAZA - B-1/LI - ZONING DISTRICT
TM# 35.-1-36.1 - AREA VARIANCE

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering an Area Variance approval for the signage area totaling 573 square feet of signage (building signage of 290 sq. ft. and ground signage of 283 sq. ft.) where 120 square feet is permitted for a total area variance of 453 square feet, located at 5554-5600 East Avon Plana within the B-1/LI zoning district; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Appeals 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 Board of Appeals in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Cindy Kellen and seconded by Jeff Passarell at a meeting of the Board of Appeals held on Monday, June 22, 2020. 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 Board of Appeals for the June 22, 2020 meeting.

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

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 22, 2020

Project Name/Number: MGIN Property Holdings, LLC (Matthew Buses)

- Area Variance Signage Area – Ground Signage totaling 283 sq. ft. in addition to the existing building mounted signage of 290 sq.ft. totaling 573 sq. ft. of signage where 120 sq. ft. is permitted. Variance request of 453 sq. ft.

Subject Property Address: 5554-5600 East Avon Plaza

Tax Account #: 35.-1-36.1 Zoning District: B-1/LI District

Agenda Item: Area Variance – Total signage area of 573 square feet where 120 square feet is permitted.

Board Members	Present	Motion		Recusal
		Aye	Nye	
1. Jeffery Mulligan, Chairman	X	X		
2. Jeff Passarell	X	X		
3. Cindy Kellen	X	X		
4. Bob Westfall	X	X		
5. Diane Attea	Virtual	X		
Alternate: _____				

Action:

- 453 sq. ft. variance approved for signage area.

Conditions:

1. Commencement of the project is to occur within one (1) year from the approval date or the variance will be deemed null and void.
2. 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.

Motion made by: Cindy Kellen

Seconded by: Jeff Passarell

PALERMO, DANIEL, PALERMO'S AUTO WORKS/2697 LAKEVILLE ROAD/TAX
PARCEL#55.-1-6.1-PUBLIC HEARING - SPECIAL USE PERMIT

Dan Palermo was present to discuss his application and the updates he has provided for the Board. Kevin stated this is an unlisted action for SEQR and he is requesting a Special Use Permit approval as well.

This is a continuation of the public hearing from March 3, 2020. Jeff Mulligan asked if there were any comments or questions for this application which there were none. All conditions that we requested be updated have been updated and submitted.

MOTION TO CLOSE THE PUBLIC HEARING 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.

TOWN OF AVON ZONING BOARD RESOLUTION

DANIEL PALERMO - PALERMO'S AUTO WORKS - SPECIAL USE PERMIT
2697 LAKEVILLE RD - B1/ L1 ZONING DISTRICT - TM # 55.-1-6.1
SPECILA USE PERMIT FOR AUTOMOTIVE REPAIR AND DETAILING (\$130-35)

SEQR - DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) is considering a Special Use Permit Approval to allow Automotive Repair and Detailing Shop within an existing building located at 2697 Lakeville Road within a B1 and L1 Zoning District and detailed within the statement of operations submitted as part of the application and all other relevant information submitted and presented at the June 22, 2020 meeting; and

WHEREAS, the Zoning 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 Zoning 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 Zoning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Zoning 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 Zoning Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW, THEREFORE BE IT RESOLVED that the Zoning Board does hereby designate itself as lead agency for the proposed development above herein; and

NOW, THEREFORE, BE IT RESOLVED that the Zoning 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 Zoning Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that the Zoning Board directs the Chairperson to sign and date Part 2 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 Zoning Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

The above resolution was offered by Jeff Passarell and seconded by Bob Westfall at a meeting of the Zoning Board of Appeals held on Monday, June 22, 2020. 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 June 22, 2020 meeting.

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

Kevin read the conditions of the Special Use Permit to all present.

TOWN OF AVON ZONING BOARD RESOLUTION

DANIEL PALERMO - PALERMO'S AUTO WORKS - SPECIAL USE PERMIT
2697 LAKEVILLE RD - B1/ L1 ZONING DISTRICT - TM # 55.-1-6.1
SPECILA USE PERMIT FOR AUTOMOTIVE REPAIR AND DETAILING (§130-35)

SPECIAL USE PERMIT APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) is considering a Special Use Permit Approval to allow Automotive Repair and Detailing Shop within an existing building located at 2697 Lakeville Road within a B1 and L1 Zoning District and detailed within the statement of operations submitted as part of the application and all other relevant information submitted and presented at the June 22, 2020 meeting; and

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review and provided a recommendation; and

WHEREAS, the Zoning Board has classified the above referenced Action to be a Unlisted Action under 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 Zoning Board on June 22, 2020; and

WHEREAS, on June 22, 2020, in compliance with NYS Town Law, the Zoning Board held a public hearing on the current application and completed a formal review of the application; and

WHEREAS, the Zoning Board does hereby determine the proposed Special Use Permit to be consistent with the provisions of Chapter §130-15, §130-16 and §130-35 of the Town Code; and

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

1. A professionally prepared site plan was not warranted and therefore site plan approval from the Planning Board was not required for this application.
2. 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 §130-15, §130-16 and §130-35.
3. The special use permit shall become void one year after approval unless prior to the expiration of one year, a building permit is issued. The special use permit shall be void if the use shall cease for more than six months for any reason.
4. 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 Special Use Permit is being operated in accordance with the conditions specified by the Zoning Board.
5. In the event of any complaints about the Special Use Permit 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.
6. 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.
7. A separate approval by the Planning Board is required for proposed building and ground signage.
8. The Special Use Permit is conditioned on the statement of operations submitted as part of the application and discussed at the June 22, 2020 meeting.

The above resolution was offered by Jeff Passarell and seconded by Bob Westfall at a meeting of the Zoning Board of Appeals held on Monday, June 22, 2020. 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 June 22, 2020 meeting.

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

WOOLAVER, BRIAN & SAMANTHA/1687 OAK OPENINGS ROAD/TAX
PARCEL#36.-1-22 - PUBLIC HEARING - AREA VARIANCE

Brian & Samantha Woolaver were present to discuss their application. Jeff Mulligan asked them to give us an overview of the project. Brian stated they are looking to build a garage and the house is only 27 feet off the property line and the driveway comes up on that side. They would like the garage to be at the end of the driveway and not have to drive behind the house. Jeff Mulligan stated the old garage has been turned into living space. Jeff Mulligan also asked if they have talked to the neighbors regarding having the garage so close to the property line.

Brian and Samantha have spoken to the neighbor regarding it but they are stuck in Florida at the moment and haven't written a letter of approval yet. Jeff Mulligan stated they are looking for a 25 foot variance since Agricultural zoning requires 30 foot side setback from property line. Brian also stated there are pine trees down the property line which will shield the garage a bit from the neighbor's view.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY CINDY KELLEN; SECONDED BY JEFF PARRARELL.

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

CARRIED 5-0.

Jeff asked if there were any comments/questions from those present.

Jeff Passarell feels it is necessary to get something in writing from the neighbor stating their approval of the garage so close to the property line. Jeff Mulligan stated we need to add that as a condition of approval.

Brian asked if Jeff Mulligan could read the questions for a variance to all, which he did.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY BOB WESTFALL; SECONDED BY JEFF PARRARELL.

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

CARRIED 5-0.

Kevin stated this SEQR has no conditions.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
BRIAN & SAMANTHA WOOLAVER - AREA VARIANCE APPLICATION
1687 OAK OPENINGS ROAD - AG - ZONING DISTRICT
TM# 36.-1-22 - AREA VARIANCE (SIDE SETBACK)

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering an Area Variance

approval to construct a detached garage with a side setback of 5 feet from the property line where 30 feet is required for a total area variance of 25 feet, located 1687 Oak Openings Road within the AG zoning district; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Appeals 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 Board of Appeals in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Cindy Kellen and seconded by Jeff Passarell at a meeting of the Board of Appeals held on Monday, June 22, 2020. 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 Board of Appeals for the June 22, 2020 meeting.

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

Jeff Mulligan asked Kevin to read the conditions on the ZBA Decision sheet which he did.

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 22, 2020

Project Name/Number: Brian & Samantha Woolaver
• Area Variance (Side Setback)

Subject Property Address: 1687 Oak Openings Road

Tax Account #: 36.-1-22 Zoning District: AG District

Agenda Item: Area Variance application to construct a detached garage with a side setback of 5ft from property line where 30ft is required.

Board Members	Present	Motion		Recusal
		Aye	Nye	
1. Jeffery Mulligan, Chairman	X	X		
2. Jeff Passarell	X	X		
3. Cindy Kellen	X	X		
4. Bob Westfall	X	X		
5. Diane Attea	Virtual	X		
Alternate: _____				

Action:

- Approved with conditions

Conditions:

3. Commencement of the project is to occur within one (1) year from the approval and issuance of a building permit or the variance will be deemed null and void.
4. 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.
5. A letter of support shall be provided to the Town from the neighbor most impacted by the granted setback prior to issuance of a building permit.

Motion made by: Jeff Passarell

Seconded by: Cindy Kellen

BURKE, PATRICK, RT SOLUTIONS D/B/A WORM POWER/1691 JENKS ROAD/TAX PARCEL#35.-1-15 - PUBLIC HEARING - SIGN VARIANCE

Patrick Burke called into meeting instead of coming in person. Jeff Mulligan asked Mr. Burke to give us an overview of the signs he would like to have on property. Mr. Burke stated they are trying to promote the company and move things forward. Jeff Mulligan stated there will be one on the road and one on the building and one on building near the entrance. Jeff Mulligan stated that he needs a variance due to the amount of signage allowed in an agricultural zoning. Jeff Mulligan stated that the only sign that people will really be able to see is the one on the road. Patrick Burke stated more promotion at the site and wanting people to know where the building is when they come to the business.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY JEFF PASSARELL; SECONDED BY CINDY KELLEN.

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

CARRIED 5-0.

Jeff asked if there were any comments or questions from those present. Malachy Coyne stated that the farm is in complete favor of what Patrick Burke is proposing.

MOTION TO CLOSE THE PUBLIC HEARING 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.

Kevin stated the SEQOR is a Type II action. There was much discussion about the actual variance amount that is being requested. The application was deemed incomplete and will need to come back to the next meeting for approval. The Board and Brian reiterated the amount of signage allowed and figured out what the amount of signage they want to Patrick Burke for him to put on the application for next month. They are only allowed one sign and of no more than 20 square feet. Kim will send Megan Eicchorn the paperwork via email to have them filled out properly for the next meeting on July 7, 2020.

ZBA & PLANNING BOARD MOTION TO CLOSE THE MEETING 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.

MEETING CLOSED.