

PLANNING, ZBA & TOWN MEETING  
2023

MONDAY, AUGUST 21,

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

ZBA:     JEFF MULLIGAN, BOB WESTFALL, DIANE ATTEA

ABSENT:                TOM MCGOVERN (PLANNING), CINDY KELLEN (ZBA)

OTHERS:                BRIAN GLISE (CEO, AVON), MATTHEW SOUSA (MRB GROUP)

VISITORS:             JOHN SCIARABBA, CHRISTINE CANUTE, ERIC CANUTE, KEVIN O'DONOGHUE, KYLE MCCARTHY, MARY LICCINI, JOHN LICCINI, MELISSA REID, JASON REID, MICHAEL RUBERT, CARRIE RUBERT

CLERK:                 KIM MCDOWELL

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Kathy Cole called the meeting to order.

Planning and ZBA Board members, as well as 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 BOB WESTFALL; SECONDED BY DIANE ATTEA.

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

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

CARRIED     9-0.

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

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

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

CARRIED 7-0.

MCCARTHY, KYLE/4608 ASHANTEE LANE/TAX PARCEL#34.-1-3.315 - 2 LOT SUBDIVISION - PUBLIC HEARING

Mr. Kevin O'Donoghue and Mr. Kyle McCarthy were present.

Mr. O'Donoghue stated that Mr. McCarthy is building a house on this parcel and National Grid has stated if he subdivides the property, he will receive 500 feet free for the electric line to his house.

The lot with the house will be 9 acres and the other lot will be 13 acres.

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

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

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

CHRISTOPHER STERNER - AYE

CARRIED 6-0.

Kathy Cole asked if there were any comments from those present and they are as follows.

Mary Liccini, 4575 Ashantee Lane, asked if another house will be built on the new lot and they have no plans to do that.

John Liccini, 4575 Ashantee Lane, asked if any further subdivisions would take place and there are no plans to do that.

Kevin also stated most of the other property is in the conservancy, where the house is being built doesn't have as much land in the conservancy.

Clara Mulligan asked if there is a buffer/setback from Conesus Creek for building houses; Matthew Sousa stated it may be 100 feet, but NYSDEC regulates that.

PLANNING MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY BRIAN THORN; SECONDED BY CHRISTOPHER STERNER.

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

CARRIED 6-0.

Kathy Cole read the following to all present.

TOWN OF AVON PLANNING BOARD RESOLUTION  
ASHANTEE SUBDIVISION  
4608 ASHANTEE LANE  
AGRICULTURAL (A) - ZONING DISTRICT  
TM# 34-1-3.315

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 R43-1

= 13.132 acres and lot R43-2 = 8.970 acres) with no new development proposed as shown on the Final Subdivision Plan titled "Ashantee Re-subdivision" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated June 19, 2023, and all other relevant information submitted as of August 21, 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 Christopher Sterner and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, August 21, 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 - 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 August 21, 2023, meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
ASHANTEE SUBDIVISION  
4608 ASHANTEE LANE  
AGRICULTURAL (A) - ZONING DISTRICT  
TM# 34-1-3.315

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 R43-1 = 13.132 acres and lot R43-2 = 8.970 acres) with no new development proposed as shown on the Final Subdivision Plan titled "Ashantee Re-subdivision" prepared by Welch & O'Donoghue Land Surveyors, P.C., dated June 19, 2023, and all other relevant information submitted as of August 21, 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 August 21, 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:

The above resolution was offered by Collin Hayes and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, August 21, 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 - 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 August 21, 2023, meeting.

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

CANUTE, ERIC/2981 BRONSON HILL ROAD/TAX PARCEL#55.-1-38.2 - ZBA - VARIANCE - FRONT SETBACK FOR A FRONT PORCH - PUBLIC HEARING

Mr. & Mrs. Canute along with Mr. Reid, contractor, for this project were present to discuss this application.

ZBA MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY DIANE ATTEA; SECONDED BY BOB WESTFALL.

JEFF MULLIGAN - AYE

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

CARRIED 3-0.

Mr. Reid explained that they would like to put a front porch with stairs and will need a front setback variance of 15 feet.

Jeff Mulligan asked if any Board members had any comments and there were none.

Jeff Mulligan asked if there were any comments from the public and there were none.

ZBA MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY DIANE ATTEA; SECONDED BY BOB WESTFALL.

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

CARRIED 3-0.

Jeff Mulligan read the following.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
ERIC CANUTE  
2981 BRONSON HILL ROAD - TM# 55.-1-38.2  
AREA VARIANCE APPLICATIONS - FRONT SETBACK

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering Area Variance Application for the construction of a covered porch at 2981 Bronson Hill Road. The variance application is for front yard setback as the project proposes a 15-foot setback where 60 feet is required and as discussed at tonight's ZBA meeting; 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 Diane Attea and seconded by Bob Westfall at a meeting of the Zoning Board of Appeals held on Monday, August 21, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - AYE  
Cindy Kellen - ABSENT  
Bob Westfall - AYE  
Diane Attea - AYE  
Vacant -

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 August 21, 2023, meeting.

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

Jeff Mulligan read the variance questions to the Board for their answers.

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance - NO

Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance - NO

Whether the requested area variance is substantial - NO

Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district - NO

Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance - YES

**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](http://www.avon-ny.org/index_town.html)**

**BUILDING AND ZONING DEPARTMENT**

**ZONING BOARD OF APPEALS DECISION SHEET**

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Project Name/Number: Canute Project Variance  
Hearing Date: August 21, 2023

Subject Property Address: 2981 Bronson Hill Road Zoning District: Agricultural Zone (AG)

Variance Application: Area Variance Tax Account #: 55.-1-38.2

Agenda Item: Seeking a 15-foot setback variance the addition of a front porch.

Motion made by: Bob Westfall Seconded by: Diane Attea

| Board Members                 | Present | Motion                              |                          | Recusal |
|-------------------------------|---------|-------------------------------------|--------------------------|---------|
|                               |         | Aye                                 | Nye                      |         |
| 1. Jeffery Mulligan, Chairman | X       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |
| 2. Cindy Kellen               |         | <input type="checkbox"/>            | <input type="checkbox"/> |         |
| 3. Bob Westfall               | X       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |
| 4. Diane Attea                | X       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |
| 5. Vacant                     |         | <input type="checkbox"/>            | <input type="checkbox"/> |         |
| Alternate: _____              |         | <input type="checkbox"/>            | <input type="checkbox"/> |         |

Approved:

Denied:

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.

RUBERT, MICHAEL/5264 LAKE ROAD/TAX PARCEL#44.-1-60.112 - ZBA -  
VARIANCE - FRONT SETBACK FOR A FRONT PORCH - PUBLIC HEARING

Mr. & Mrs. Rubert were present to discuss this application.

ZBA MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY BOB WESTFALL;  
SECONDED BY DIANE ATTEA.

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

CARRIED 3-0.

Mr. Rubert stated they are putting a deck at the front of the house, so they won't walk in the mud.

Brian Glise said that it is a corner lot, and the front of the house is within the front setback.

ZBA MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY DIANE ATTEA;  
SECONDED BY BOB WESTFALL.

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

CARRIED 3-0.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
MICHAEL RUBERT  
5264 LAKE ROAD - TM# 44-1-60.112  
AREA VARIANCE APPLICATIONS - FRONT SETBACK

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering Area Variance Application for the construction of a deck at 5264 Lake Road. The variance application is for Front yard setback as the project proposes a 12-foot setback where 60 feet is required and as discussed at tonight's ZBA meeting; 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 Bob Westfall and seconded by Diane Attea at a meeting of the Zoning Board of Appeals held on Monday, August 21, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - AYE  
Cindy Kellen - ABSENT  
Bob Westfall - AYE  
Diane Attea - AYE  
Vacant -

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 August 21, 2023, meeting.

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

***TOWN OF AVON***

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BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Project Name/Number: Michael Rubert

Hearing Date: August 21, 2023

Subject Property Address: 5264 Lake Road Zoning District: Agricultural Zone (AG)

Variance Application: Area Variance

Tax Account #: 44-1-60.112

Agenda Item: Seeking a 12-foot setback variance the addition of a front porch.

Motion made by: Diane Attea

Seconded by: Bob Westfall

| Board Members                 | Present | Motion                              |                          | Recusal |
|-------------------------------|---------|-------------------------------------|--------------------------|---------|
|                               |         | Aye                                 | Nye                      |         |
| 1. Jeffery Mulligan, Chairman | X       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |
| 2. Cindy Kellen               |         | <input type="checkbox"/>            | <input type="checkbox"/> |         |
| 3. Bob Westfall               | X       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |
| 4. Diane Attea                | X       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |         |
| 5. Vacant                     |         | <input type="checkbox"/>            | <input type="checkbox"/> |         |
| Alternate: _____              |         | <input type="checkbox"/>            | <input type="checkbox"/> |         |

Approved:

Denied:

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.

5733 TEC LLC (BOB JOHNSON)/5733 TEC DRIVE/TAX PARCEL#35.-1-13.521 - PLANNING - SITE PLAN - CAR WASH

Mr. John Sciarabba was present to discuss this application. He stated they are purposing on building a 8,400 square foot structure for a car wash and doll up area for cars they are going to sell.

He received/responded to MRB Group comment letter, as well as receiving approval and permit for the sewer/water usage.

Matthew Sousa stated the site plan resolution has a few conditions that do not pertain to this application, and he will correct and resend it to the Town tomorrow.

Brian Thorn had a question about the 7,000-gallon consumption on the permit. Mr. Sciarabba stated they were conservative with the consumption daily, and they will have a recycle element onsite.

Clara Mulligan asked about the large amounts of parking spots on MRB Group comment letter, but it was determined between the number of employees and the number of cars that will be in/out of the building that is not an over amount of parking spaces proposed.

Kathy Cole read the Short EAF Part 2 - Impact Assessment questions and all were answered No by the Board members.

TOWN OF AVON PLANNING BOARD RESOLUTION  
LAND TECH SURVEYING AND PLANNING P.L.L.C. - REPRESENTING GREG  
STAHL  
5733 TEC LLC - TEC DRIVE  
PLANNED DEVELOPMENT DISTRICT (PDD) ZONING DISTRICT  
TM# 35.-1-13.521  
SITE PLAN APPLICATION

SEQR RESOLUTION - UNLISTED ACTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) has received a Site Plan Application to allow for the construction of a new 70' x 120' building for use of shipping and receiving vehicles plus cleaning and detailing in preparation for sale as detailed on the site plans dated May 2023, last revised July 25, 2023 and all other relevant information submitted and discussed at the August 21, 2023 Joint Board Meeting; 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 Brian Thorn and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, August 21, 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 - 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 August 21, 2023, meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION  
LAND TECH SURVEYING AND PLANNING P.L.L.C. - REPRESENTING GREG  
STAHL  
5733 TEC LLC - TEC DRIVE  
PLANNED DEVELOPMENT DISTRICT (PDD) ZONING DISTRICT  
TM# 35.-1-13.521  
SITE PLAN APPLICATION

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as Planning Board) has received a Site Plan Application to allow for the construction of a new 70' x 120' building for use of shipping and receiving vehicles plus cleaning and detailing in preparation for sale as detailed on the site plans dated May 2023, last revised July 25, 2023 and all other relevant information submitted and discussed at the August 21, 2023 Joint Board Meeting; 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 August 21, 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. The Site Plan Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.

2. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
3. The applicant shall comply with all of the recommendations found in the MRB comment letter dated July 20, 2023.
4. Any future expansion, or development on the site, will be considered to be part of a larger common plan of development or sale, and all future applications shall include preparation of a SWPPP amendment with post construction stormwater management.

The above resolution was offered by Brian Thorn and seconded by Clara Mulligan at a meeting of the Planning Board held on Monday, August 21, 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 - 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 August 21, 2023 meeting.

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

Mr. Sciarabba asked if he could drop off the site plans for signatures to MRB Group first before sending them to the Town and that is acceptable.

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

Brian stated he received a call from a licensed cannabis grower in NYS that would like to hold a showcase 3-4 times a week anywhere on Peter Kolokouris' property. There have been no details for how this would happen except it was described as similar to a food truck rodeo.

Brian stated that the Town of Avon has not opted out of cannabis.

There was discussion on what it could possibly look like and there were many questions from the Board members.

Kathy Cole would like to have Jim Campbell's opinion on this, and it was decided to ask if they could attend the September meeting with more detail on this event.

Brian also stated that they are still in communication with the Pole Bridge Road solar to get the violation in compliance. They have asked for a one-year extension on the building permit for completion. The Board discussed and determined that they need to have the applicant come to the September meeting to answer questions from the Board. Kim will request their presence at the September meeting.

Kathy Cole stated a new business has been presented to the Town Board in the Piranha Flex Buildings called Little Livingston Play, the Town Board requested the property owner come to a meeting for more information. Kim is going to send the information that was received for the Town Board meeting to the Planning/ZBA Board members.

MOTION TO CLOSE THE MEETING WAS MADE BY CLARA MULLIGAN; SECONDED BY CHRISTOPHER STERNER.

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

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

CARRIED 9-0.

MEETING CLOSED.