

MEMBERS PRESENT: PLANNING: KATHY COLE, BRIAN THORN, KATHY MANNIX, THOMAS MCGOVERN, CLARA MULLIGAN, COLLIN HAYES

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

ABSENT: CHRISTOPHER STERNER (PLANNING)

OTHERS: BRIAN GLISE (CEO, AVON), JAMES CAMPBELL (TOWN ATTORNEY), LANCE BRABANT (MRB GROUP)

VISITORS: JULIA ARMSTRONG, BRYAN BAYER, AMANDA MURPHY, JOSEPH MONTESANO, WHITNEY WRONSKI, ANDREW WRONSKI, ZACHARY CRACKNELL, CHRISTINA CRACKNELL, PETER BURKE, NEIL HALL, TRERA BRYAN

CLERK: KIM MCDOWELL

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

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

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

CARRIED 11-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM THE AUGUST 19, 2022, MEETING SUBMITTED WAS MADE BY BOB WESTFALL; SECONDED BY CLARA MULLIGAN.

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

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

CARRIED 10-0.

CRACKNELL, ZACHARY & CHRISTINA/5649 SUTTON ROAD/TAX PARCEL# 45.-1-19 - ZBA - AREA VARIANCE - PUBLIC HEARING

Zachary & Christina were present to discuss this application and gave a brief overview of the project.

Brian Glise stated that about two years ago their next-door Neighbor did the same thing with a bathroom. Three lots in that area is zoned Agricultural and have a setback of 30 feet so they need a variance to do anything on their property.

Mr. Cracknell stated they want to add on to the existing deck and extend it to the edge of the house which will require a side setback variance.

Jeff Mulligan asked for a motion to open the public hearing.

ZBA MOTION TO OPEN 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.

Jeff Mulligan asked for any comments from the Board members.

Cindy Kellen asked for a clarification of the request and where it will be on the map provided, which Mr. Cracknell did.

Mr. Cracknell said they are replacing the existing deck as well as adding on to it which requires the variance.

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

Lance Brabant stated that the resolutions will need to be revised and will be submitted to Kim tomorrow.

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

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

CARRIED 5-0.

Lance Brabant stated this is a Type II Action under SEQR.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
ZACHARY & CHRISTINA CRACKNELL
AGRICULTURAL ZONING DISTRICT - TM# 45.-1-19
5649 SUTTON ROAD
AREA VARIANCE APPLICATION - 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 Application for a 15-foot variance from the side setback where 30 feet is required to allow for the construction of covered deck along the rear side of the house located at 5649 Sutton Road 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 Cindy Kellen and seconded by Diane Attea at a meeting of the Zoning Board of Appeals held on Monday, September 19, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - *AYE*
Cindy Kellen - *AYE*
Bob Westfall - *AYE*
Diane Attea - *AYE*
Jeff Passarell - *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 September 19, 2022 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
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BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Hearing Date: September 19, 2022

Project Name/Number: Zachary & Christina Cracknell

Subject Property Address: 5649 Sutton Road

Tax Account #: 45.-1-19

Zoning District: AG District

Agenda Item: Seeking a 15 foot area variance from the side setback where 30 feet is required to allow for the construction of a covered deck along the rear of the existing house.

Motion made by: Bob Westfall

Seconded by: Cindy Kellen

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	X	X		
Alternate: _____				

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.

Kim will get in touch with Mr. Cracknell once the permit is approved and ready for pick up.

MURPHY, AMANDA/1169 GILBERT MILLS RD/TAX PARCEL#25.-1-13.12 - ZBA VARIANCE - FARM ANIMALS ON LESS THAN 5 ACRES

Ms. Murphy was present to discuss her application for a variance for her property that is less than 5 acres with farm animals, the Town Code requires 5 acres or more for farm animals.

Ms. Murphy stated that the presentation she submitted should have all the concerns from the Board from last month's meeting and she is ready to start work once she gets the approval for the variance.

Jeff Mulligan asked if there were any comments or questions.

Cindy Kellen asked how many animals in total does Ms. Murphy have; and she has 3 horses, 2 cows, 3 goats, 1 pig, 3 dogs, 6-7 chickens, 1 goose, and 1 turkey.

Cindy Kellen asked if the cows were the same cows she has had from the beginning, and they are.

Jeff Mulligan asked if the clearing will be done before putting up the fence or after and Ms. Murphy stated a lot of the clearing has been done already and the burn piles will be cleared by mid-October, there is about 2.5 - 3 acres cleared.

Ms. Murphy stated the steep part of the property is near the house and it evens itself out farther back where the pasture will be.

Cindy Kellen has some major concerns about the hilliness and steepness along with the number of animals on the property.

Ms. Murphy described where she is planning on putting all the animals and the barns on her property and that there is an area in the back that is not hilly or steep.

James Campbell asked Ms. Murphy if she is willing to consider a condition in the variance that limits the number of animals on the property; and she is not.

Collin Hayes asked about the animal waste in the creek and once they get the new pasture they will be further away from the creek.

Jeff Passarell asked if there is enough time to get this all completed, and Ms. Murphy feels she can do it in a timely manner.

Diane Attea asked how much of the parcel will be for the animals and Ms. Murphy stated at least 4 acres in the back.

Jeff Mulligan is concerned she is building the fence before the variance is granted since the public hearing still needs to be scheduled.

Lance Brabant stated that if the Board feels Ms. Murphy needs to submit any additional paperwork before the next meeting that they should let her know tonight.

Diane Attea asked if there is any shelter for them now and Ms. Murphy stated there is.

Cindy Kellen would like to know the size of the pasture and Ms. Murphy guesses 4 acres.

James Campbell stated there needs to be a public hearing scheduled for this application as part of the process.

Bob Westfall is concerned that the timeframe will not give Ms. Murphy ample time to get everything completed before winter.

ZBA MOTION TO SCHEDULE A PUBLIC HEARING ON OCTOBER 17, 2022 WAS MADE BY BOB WESTFALL; SECONDED BY JEFF PASSARELL.

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

CARRIED 5-0.

Kim will be in contact with Ms. Murphy regarding the sign and next steps.

NEIL HALL/1549 WEST HENRIETTA ROAD/TAX PARCEL#35.-1-12 - ZBA - SPECIAL USE PERMIT FOR FLEA MARKET ON PROPERTY

Mr. Hall was present to discuss this application.

Mr. Hall stated he spoke with NYS DOT, and they don't have an issue with the one driveway.

Mr. Hall submitted a simple site plan for the parcel, there will be 4-7 vendors at the most. There have been about 6 or 7 cars parked on the parcel as well. This flea market will operate same as the other ones in Avon from May - October.

Brian Glise stated he went to the site, and everything looked good, he is concerned with the traffic but that is not really a code related issue.

ZBA MOTION TO SCHEDULE A PUBLIC HEARING ON OCTOBER 17, 2022 WAS MADE BY DIANE ATTEA; SECONDED BY CINDY KELLEN.

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

CARRIED 5-0.

Kim will get in contact with Mr. Hall for the public hearing and the sign on the property.

WRONSKI, ANDREW & WHITNEY/1333 WEST HENRIETTA ROAD/TAX PARCEL#25.-
1-20- ZBA - AREA VARIANCE - TWO PRIMARY STRUCTURES ON ONE PARCEL
AND IN FRONT OF EXISTING PRIMARY STRUCTURE

Mr. & Mrs. Wronski were present to discuss this application. Mrs. Wronski stated they changed the layout based on the suggestions from last month's meeting.

The pole barn/apartment will have a breezeway attached to the house on the northern side, it will not be in front of the house, approximately 18 feet behind it.

Mrs. Wronski spoke with Vern Vallance regarding the septic system and they said tapping into the current system is not difficult to do and the tank size is sufficient.

Jeff Mulligan asked since this is now considered an addition to the house is there still a need for a variance.

Brian Glise asked if this is considered a two-family home because there will be a separate kitchen and bathroom for the in-laws to live. Since the zoning is Agriculture which only allows single-family residents, it will need a variance.

Collin Hayes asked what the square footage of the apartment would be and it will be approximately 1,000 square feet and the garage will be another 1,000 square feet.

Jeff Mulligan asked if there were any other questions.

Lance Brabant stated that they will need to submit a letter to the Town of Avon that states the septic system will work with the addition.

ZBA MOTION TO SCHEDULE A PUBLIC HEARING ON OCTOBER 17, 2022 WAS MADE BY DIANE ATTEA; SECONDED BY CINDY KELLEN.

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

CARRIED 5-0.

Kim will get in touch with them for the public hearing.

JOSEPH MONTESANO/5533 HENTY ROAD/TAX PARCEL#44.-1-61.21-
DISCUSSION ON POSSIBLE 4 LOT SUBDIVISION - NO FORMAL APPLCIATION
SUBMITTED

Mr. Peter Burke and Mr. Joseph Montesano were present to discuss the possibility of this subdivision. They presented a potential subdivision of the property on Henty Road.

Mr. Burke stated that Mr. Montesano wants to do a 4-lot subdivision. There is one dwelling on the property already and there is public water. Since this is zoned Agricultural, only one of the proposed lots would follow the minimum 3 acres and 250 feet road frontage required.

Mr. Burke came here tonight to see if this is something that the Boards are willing to consider before going any further.

Jeff Mulligan stated how many acres is this parcel and it is 9.239 acres.

There was some discussion on the sizes of all the lots proposed and how they can divide it into lots that comply. Mr. Montesano has an interested party to buy the proposed 6-acre lot.

Jeff Mulligan asked the Board what their thoughts were, and they would like the survey redone to show 3 conforming lots and have the existing house lot be smaller and request only a variance for that lot.

Brian Glise asked Jim Campbell what the restrictions are on a non-conforming lot expanding and Jim Campbell stated that if you give that lot a variance, there will be no restrictions, they may need to get setback variances if they can't be followed in the future.

Mr. Burke and Mr. Montesano will go redo the proposed map with the suggestions for the Board and submit a subdivision application when they are ready.

AVON CSG 1 LLC, ACTING AGENT FOR STARKEY DRIVE HOLDINGS, LLC AND
PHILIP SILVAROLE/5530 WOLCOTT DRIVE/TAX PARCEL#44.-1-36.4 -
SOLARY ARRAY FARM - EXTENSION ON PERMIT APPLICATION DEADLINE

Jim Campbell stated that regards to this approved application, they are requesting an extension on the deadline of obtaining a building permit. There were extensive delays in negotiating the PILOT and community benefit agreement. We have negotiated the numbers for these two agreements and the deadline for the permit is in 2 days which cannot be met due to the delays. Jim suggests a 45-day extension for obtaining a building permit.

MOTION TO ALLOW A 45 DAY EXTENSION ON OBTAINING A BUILDING PERMIT WAS MADE BY KATHY COLE; SECONDED BY BRIAN THORN.

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

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

CARRIED 11-0.

The project site plans were presented for signatures by the Board Chairwomen, but Lance would like to look them over and make sure everything is correct on the plans before signing them.

AVON CSG2 LLC ACTING AGENT FOR STOKOE FARMS/LAKE ROAD/TAX
PARCEL#44.-1-30.2 - SOLAR ARRAY

Ms. Julia Armstrong and Mr. Bryan Bayer are here to continue the process for this application.

Lance Brabant stated that MRB Group has not issued a response letter for this application but have determined this is a complete application.

It was determined that the Board members didn't receive the newest submitted items for this application and Kim will resend the updated material to the Board members.

Ms. Armstrong stated that the decommissioning plan and estimate are based off Avon CSG1 project. Also, the site plan adheres to all AG regulations, SWPPP submitted, and the screening plan and visual renderings.

Lance Brabant stated the purpose tonight is to have the Board determine if they are ready to proceed with the application process which is declaring intent to be lead agency and send the packet out to all interested agencies for the 30-day review period.

Ms. Armstrong and Mr. Bayer discussed the landscaping plans with visual rendering at current, 5 years, and 10 years.

Jeff Mulligan asked if Stokoe was still going to work the farmland surrounding the solar array and it will not be farmed but will be maintained by the solar company. Ms. Armstrong will confirm that for next meeting.

Jim Campbell asked if the poles that are on the site plan in the best place for the connection and Ms. Armstrong stated they are.

There was some discussion on screening inside the fence compared to outside the fence and if that was inside it would reduce the solar panel area.

Lance Brabant would like to see the visual of where the array will be on the whole property and the surrounding fields that are going to be maintained by the solar company; Ms. Armstrong will submit to Lance.

There was some discussion on the screening around the existing property near the solar array on Henty Road and the Board requested better screening closer to the property line of the residents.

Jim Campbell wanted to verify that the decommissioning plan for the bond is at 150% and Ms. Armstrong stated it is but will double check.

Lance Brabant stated that tonight's intent is to pass the resolution declaring planning boards intent to become lead agency and begin the coordination review process.

Lance Brabant stated the Planning Board needs to approve the resolution. Kathy Cole reminded everyone that she has recused herself from this application and Brian Thorne is the Chairperson.

TOWN OF AVON PLANNING BOARD RESOLUTION
AVON CSG 2 LLC SOLAR PROJECT
STOKOE DRIVE, AVON, NY
TAX MAP ID: 44.-1-30.2
SPECIAL USE PERMIT & PRELIMINARY/FINAL SITE PLAN REVIEW

SEQR - DECLARING INTENT TO BECOME LEAD AGENCY

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is considering Special Use Permit Approval & Site Plan allow for the development of the Avon CSG 2 LLC Solar Project (Project), a proposed 4.0-megawatt (MW) alternating current (AC) solar photovoltaic (PV) project located within the Town of Avon. The proposed Project will be located on ± 45.4-acres site as described in the Site Plans dated October 19, 2021, last revised May 20, 2022 and all other relevant information submitted as of September 19, 2022 (the current application); and

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

WHEREAS, the Planning Board determines that said Action is classified as Type 1 Action under the SEQR Regulations; and

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

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

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

BE IT FURTHER RESOLVED, that the Town Engineer (MRB Group) is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Wednesday, October 26, 2022.

The above resolution was offered by Collin Hayes and seconded by Thomas McGovern at a meeting of the Planning Board held on Monday, September 19, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole - RECUSED
Collin Hayes - AYE
Kathy Mannix - AYE
Christopher Sterner - ABSENT
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 September 19, 2022 meeting.

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

Lance Brabant stated at next month's meeting there will not be much to do since the 30-day review period will not be. The Board has decided at the meeting in October they will schedule the public hearing for the November 21, 2022 meeting.

ZBA & PLANNING 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

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

CARRIED 11-0.

MEETING CLOSED.