

PLANNING, ZBA & TOWN MEETING

MONDAY, OCTOBER 17, 2022

MEMBERS PRESENT: PLANNING: KATHY COLE, BRIAN THORN, KATHY MANNIX, THOMAS MCGOVERN, CHRISTOPHER STERNER, COLLIN HAYES

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

ABSENT: CLARA MULLIGAN (PLANNING)

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

VISITORS: AMANDA MURPHY, WHITNEY WRONSKI, ANDREW WRONSKI, NEIL HALL, TRERA BRYAN, STEVE REDING, LARRY HEININGER, SCOTT JASS, DAVID FRAZER, JAY BAREFOOT, CAROLYN WELTON, GLEN DYER, KARL MITCHELL, DEB NUPP, KRISTEN BARCEYKOWSKI, JEFFERY THOMAS, TRACY THOMS, WILLIAM HINDSON, ALAN CLAYTON, LAURIE CLAYTON, ROBERTA WILCOTT

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY KATHY MANNIX; SECONDED BY CINDY KELLEN.

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 - ABSENT
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 11-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 19, 2022, MEETING SUBMITTED WAS MADE BY BRIAN THORN; SECONDED BY KATHY COLE.

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 - ABSENT
BRIAN THORN - AYE
CHRISTOPHER STERNER - ABSTAIN

CARRIED 10-0.

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

Jeff Mulligan stated he drove by the property and the items that Ms. Murphy said she was going to do at last month's meeting haven't been done, Ms. Murphy stated she has someone coming tomorrow to start, she was just waiting for the approval before moving forward.

Jeff Mulligan asked if any Board members had any questions.

Bob Westfall stated he drove by, and he didn't see the sign up. Ms. Murphy said it was there, but her hay guy might have moved it when he delivered the hay today.

Brian Glise stated when he drove by the frame was there but the sign itself was gone. Brian also stated when he put the sign up two weeks ago, within a few hours someone called and said it was on their property not Ms. Murphy's. Brian wondered if the public hearing could go on as scheduled since the sign may not have been up for the full two weeks.

Ms. Murphy said when she received the email today to bring the sign tonight, she put it in her car.

Jeff Mulligan stated we need to open the public hearing.

ZBA MOTION TO OPEN THE PUBLIC HEARING 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.

Cindy Kellen stated that at last month's meeting she asked Ms. Murphy about the violations and now she would like to hear from Brian Glise, Code Enforcement Officer, about the violations. Brian stated we emailed the Boards the numerous complaints that we received from the Sheriff's office along with the report that someone got injured by one of the horses.

Cindy asked when Brian first realized Ms. Murphy was in violation and what happened. Brian stated that was 2 years ago and he told her she needed to get a variance, we also went to Court two times regarding appearance tickets related to deficient acreage and she plead guilty. The Judge indicated that Ms. Murphy should seek to obtain an area variance to avoid coming into Court again.

Ms. Murphy stated she was initially working to get some land from Coyne Farms to bring her up to compliance, but they couldn't do it due to the land being in the conservancy.

Collin Hayes stated even with that you bought this property knowing it wasn't in compliance, but she stated it was advertised as being able to have farm animals and when she found out it wasn't she began working on it. Collin stated that he is not a member of the ZBA, and therefore he would not be deciding on this variance, but it reflects poorly upon the applicant that she waited so long to seek a variance, and was only here upon court order, and in his opinion it would be hard to justify granting a variance after the number of complaints received.

Kathy Mannix stated since this application has come to the Boards, she has driven by the property several times and hasn't seen any changes being made.

Tom McGovern agreed with Kathy's comments.

Ms. Murphy stated that she didn't want to start anything until she had the approval due to costs. She has people coming tomorrow to start working but she will need time to get everything done.

Jeff Mulligan asked for any public comments from those present and they were as follows.

Laurie Clayton, 794 Rush-West Rush Road, Rush, NY, she is grateful to be able to come in and comment on this application. She has been past this property many times and is concerned about the animals and is now to the point where she can't drive down Gilbert Mills Road due to the condition of the horses. The horses stand in a lot of mud, they belong in a pasture not in the lawn. The fact that this has been going on for two years is hideous and she didn't realize you could call the Sheriff office for this. She stated that horses take a lot of money and commitment and feels there is no commitment from this owner to her animals. The horses have been blanketed but need to have shelter. She feels the quality of life of these horses is poor. She is against approving this variance.

Debbie Nupp, 6555 North Avon Road, Avon, NY, is opposed to this variance and any other variance with conditions put on such for farm animals less than 5 acres. She stated according to Livingston County records the property is just 4.90 acres. She drives by the property where she sees 2 goats and 2 cows that are contained, a pig that runs around loose and she has helped her bring back her horses several times that have gotten loose. The recommendation for horses according to AG & Market Law 301 is a lot size for boarding horses should be at least 7 acres, they should have an exercise area and rotation of horses in a secured fenced in area. She went to her house when the horses had gone through the electric fence, and she had sent her child out to bring them back. Ms. Nupp would like to know how the manure is being disposed of as well because it can't be kept on the property for over one year per state law. She is afraid of the contamination of the well and the horses need to be 20 feet from the stream. She feels the way the horses get loose someone is going to get killed. Every time she has gone to the door when the horses are loose there has been no adult it has always been a child. Ms. Nupp doesn't believe she will be able to get the improvements made in the time she says she will.

William Hindson, 1160 Gilbert Mills Road, Avon, NY, is against the variance. He feels the conditions on the property are atrocious and agrees with everything Ms. Nupp has stated. He feels that it comes down to common sense that the property is not suitable for farm animals. The paddock is small and there is no shoveling of the fecal matter. My Mother is the one that got injured from one of the horses. Mr. Hindson also showed pictures of the damage caused to his property due to her pig and

Ms. Murphy hasn't taken any accountability for the damage and no restitution. He has called the Sheriff's department on her multiply times, he has seen her burning plastic in her yard and there is trash all over the property. I am concerned about our drinking water from the well, there is a horde of flies on our property due to the manure and now there are spiders. The animals are neglected and there is no attempt by Ms. Murphy to make it better.

Tracy Thomas, 212 Firewood Circle, Penfield, NY, grew up at 1160 Gilbert Mills Road and my mother and brother currently live there. It has been a difficult situation to watch, and she is against the granting of this variance. She agrees with everything that has been said so far tonight and she is concerned about the runoff into the creek and into the protected marsh area in the back. The animals are not properly contained, and the fencing is weak at best. Today, she saw the pig loose on the property. She has taken no responsibility for what has happened to the neighboring properties.

William Hindson, 1160 Gilbert Milles Road, Avon, NY, stated he gets up early in the morning and he sees mushrooms and fungi growing off the manure in the paddock and sees the horses eating the mushrooms. The fence is poor, and the animals are in such a small area they have no stimulation. The animals are irritated by the flies and insects.

Roberta Wolcott, 6096 North Avon Road, Avon, NY, concurs with everything that has been noted tonight. She constantly sees cows, pigs, sheep wandering through the Coyne property. She feels this needs to be taken care of in a responsible way.

Jeff Mulligan asked if there were any further comments.

Brian Glise stated there were 13 calls to the Sheriff's office and that doesn't count the numerous complaints to the code office. We have taken her to court twice and we have spent numerous hours on this matter. Brian feels that there is a lot that could have been done in the last two years that doesn't require a variance.

Jeff Passarell asked if humane society has been out to the property. Brian stated they told him that if code is involved, they won't step in. Brian spoke with someone at Lollipop Farm, and they told him that they only look to see if the animals have food and water.

Jeff Mulligan stated it is difficult for this Board and that must not be arbitrary with regard to the code, but it is difficult to not think of this matter emotionally. However, just from the fact in the amount of time the animals have gotten loose and the lack of effort to get things done becomes difficult to go any further with this application and grant an area variance.

Brian Glise has gone to NYDEC due to the creek flooding the neighbor's basement twice and they do not regulate that creek.

Tom McGovern stated that he is concerned about the amount of time that has gone by with nothing being done.

Jeff Mulligan asked Jim Campbell what the next steps are for this application, and he stated we need to close the public hearing.

ZBA MOTION TO CLOSE THE PUBLIC HEARING 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.

Jim Campbell stated this application is for an area variance and encourages the Board to think about the public comments, fellow Board members comments, and the criteria for granting an area variance. The Town Code and State law are very specific about the requirements. He also stated that a lot of what has been heard tonight, although concerning, probably doesn't fit into the purview of your authority to review an area variance as the zoning board of appeals.

Jim Campbell read the requirements to the Board, and they answered.

1. 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.

The Board answered yes - Bob Westfall feels the undesirable change has already been created and it isn't creating a new one,

but granting an area variance would allow it to continue. Jim concurred it would legitimize and continue whatever that impact might be good or bad legally moving forward. Cindy Kellen feels the loose animals destroying neighboring property is an undesirable change. Jim stated if Ms. Murphy had 5 acres, she would not need this variance. Diane Attea agrees with Bob and each neighbor that spoke talked about the undesirable effect on them emotionally, physically, and potentially environmentally.

Jim Campbell stated our code allows farm animals on 5 acres or more but that doesn't mean that all property is suitable for farm animals and that is what you should think about.

Jeff Mulligan feels if animals can't be contained, it doesn't matter if it is 5 acres or not. He is appalled at the state of the neighbors' damaged property and the lack of effort to fix it.

Bob Westfall stated by taking the emotions regarding the animals out of the equation, I am concerned about the potential environmental problems.

Cindy Kellen doesn't feel the property is suitable for animals due to the hills and the runoff problem resulting from the creek that runs through the property.

Jeff Mulligan said there is no pasture for these animals and that they are in mud.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

The Board answered no.

3. Whether the requested area variance is substantial.

The Board answered no.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Board answered yes based on past practice and failure to contain the animals, the prolonged period in which this matter could have been addressed and the environmental concerns.

5. Whether the alleged difficulty was self-created.

The Board answered yes.

Jim Campbell stated based on these 5 criteria someone will need to make a motion to approve or disapprove the requested area variance.

ZBA MOTION TO DENY THE REQUESTED AREA VARIANCE ON OCTOBER 17, 2022 WAS MADE BY CINDY KELLEN; SECONDED BY DIANE ATTEA.

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

CARRIED 5-0.

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

Jeff Mulligan stated this application is for a Special Use Permit to hold a flea market during the months of May - October on the property.

ZBA MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY CINDY KELLEN; SECONDED BY DIANE ATTEA.

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

CARRIED 5-0.

Jeff Mulligan asked if there were any questions from the Board members.

Cindy Kellen asked Brian Glise if there were any concerns with this application and Brian stated no besides having people walking across the street which is not in our Town Code.

Jeff Mulligan asked if there was a site plan for the Planning Board and it was submitted.

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

Lance Brabant stated that he has prepared for the Board the Type II SEQR Resolution and Special Use Permit Resolution.

ZBA MOTION TO CLOSE THE PUBLIC HEARING 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.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
NIEL HALL - 1549 WEST HENRIETTA ROAD
FLEA MARKET ON PROPERTY
COMBINED GENERAL BUISNESS (B-1)/ LIGHT INDUSTRIAL (LI) ZONING
DISTRICT
TM# 35-1-12
SPECIAL USE PERMIT APPLICATION

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) has received a Special Use Permit Application to allow for Seasonal Flea Market which includes a kettle corn stand, sweet corn, handmade soap, and wood carvings stands running from May thru October located at 1549 West Henrietta Road and as detailed on the sketch plans and all other relevant information submitted and discussed at the October 17, 2022 Joint Board Meeting; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Zoning Board 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 Zoning Board 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 Jeff Passarell at a meeting of the Zoning Board of Appeals held on Monday, October 17, 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 October 17, 2022 meeting.

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

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
NIEL HALL - 1549 WEST HENRIETTA ROAD
FLEA MARKET ON PROPERTY
COMBINED GENERAL BUISNESS (B-1)/ LIGHT INDUSTRIAL (LI) ZONING
DISTRICT
TM# 35-1-12
SPECIAL USE PERMIT APPLICATION

SUP APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) has received a Special Use Permit Application to allow for Seasonal Flea Market which includes a kettle corn stand, sweet corn, handmade soap, and wood carvings stands running from May thru October located at 1549 West Henrietta Road and as detailed on the sketch plans and all other relevant information submitted and discussed at the October 17, 2022 Joint Board Meeting; and

WHEREAS, the Town of Avon Zoning Board classified the above referenced Action to be an Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, on August 15, 2022, in compliance with NYS Town Law, the Planning Board & Zoning Board held Joint public hearings on

the current application and completed a formal review of the applications; and

WHEREAS, per §130-45(B)(1) of the Town of Avon Town Code, the Planning Board completed a review of the application materials and provided recommendations to the Zoning Board of Appeals at the September 19, 2022 Joint Board Meeting; and

WHEREAS, the Zoning Board does hereby determine the proposed Special Use Permit is in compliance with the provisions of Chapter §130-35 of the Town Code; and

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

1. 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 §130-35.
2. In the event of any complaints about the Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Zoning Board of Appeals.
3. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to insure that the site is being operated in accordance with the conditions specified by the Zoning Board of Appeals.
4. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
5. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.

The above resolution was offered by Cindy Kellen and seconded by Jeff Passarelli at a meeting of the Zoning Board of Appeals held on Monday, October 17, 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 October 17, 2022 meeting.

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

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

Jeff Mulligan welcomed Mr. & Mrs. Wronski to the meeting and asked for a motion to open the public hearing.

ZBA MOTION TO OPEN THE PUBLIC HEARING 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.

Jeff Mulligan asked if there were any comments.

Brian Glise stated this is an area variance having a 2-family home on a single-family lot.

Lance Brabant stated it will be written to allow multifamily use within an existing single-family parcel.

Bob Westfall asked if the pole barn will be attached to the current dwelling, and it will be.

Tom McGovern asked what the zoning on this property is and this is agricultural zoning.

Brian Glise stated that the only concern was the septic system being able to handle the new build and Mrs. Wronski had a letter from Vern Valiance stating it can handle any future compacity.

Cindy Kellen asked if the actual plans will be submitted during the permit process and they will.

Jeff Mulligan asked if there was any comment from the public present and there was none.

ZBA MOTION TO CLOSE 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.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
ANDREW & WHITNEY WRONSKI - 3-CAR GARAGE AND IN-LAWS QUARTERS
AGRICULTURAL ZONING DISTRICT - TM# 25.-1-20
1333 WEST HENRIETTA ROAD
AREA VARIANCE APPLICATION

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) has received an Area Variance Application to allow a multifamily use within an existing single family dwelling including the construction of a 2,000 sq. ft. 3-car garage with in-laws quarters where single family is permitted located at 1333 West Henrietta 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 Bob Westfall and seconded by Jeff Passarell at a meeting of the Zoning Board of Appeals held on Monday, October 17, 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 October 17, 2022 meeting.

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

Mr. Wronski asked if they decided to make the pole barn a different size would they need to come to the Board for approval since they did the variance process before checking into the sizes of the pole barn to make sure they could do it.

There was discussion on whether they will need to include the size of the pole barn in the variance approval, and it was determined they will need to include the maximum square footage in the variance approval.

TOWN OF AVON

**OPERA BLOCK BUILDING
23 GENESEE STREET
AVON, NEW YORK 14414**

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BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Hearing Date: October 17, 2022

Project Name/Number: Andrew & Whitney Wronski

Subject Property Address: 1333 West Henrietta Road

Tax Account #: 25.-1-20 Zoning District: AG District

Agenda Item: Area Variance to allow a multifamily use within an existing single family dwelling including the construction of a 2,000 sq.ft. 3-car garage with in-laws quarters where single family is permitted.

Motion made by: Jeff Passarell 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.

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

The applicants are not present tonight since the Board is just going to schedule the public hearing for the November meeting.

Kim McDowell stated there is a possibility future meeting's will be at the Village Hall due to the renovations in the Town Hall, but she will confirm that before publishing the public hearing notices.

ZBA & PLANNING MOTION TO SCHEDULE THE PUBLIC HEARING AT THE NOVEMBER 21, 2022 MEETING WAS MADE BY CINDY KELLEN; SECONDED BY COLLIN HAYES.

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 - ABSENT
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 11-0.

STEVE REDING ACTING AGENT FOR TWIN CEDARS OF AVON/6130 EAST AVON- LIMA ROAD/ TAX PARCEL#35.-1-22.111 - ZBA - AREA VARAINCE FOR SETBACKS FOR THE WHOLE MOBILE HOME PARK

Mr. Steve Reding was present to discuss this application.

Mr. Reding stated they purchased Harper Park back in 2020 and are making improvements to the park such as replacing older homes and putting homes on empty pads. The newer homes are a little bigger, but the lot sizes have not changed. Currently, homes are twenty feet apart and Brian Glise informed us the code states they should be thirty feet apart therefore we are asking for an area variance.

Brian Glise stated in our code it states thirty feet apart between homes, international building codes states five feet from the line or 10 feet apart, our code is more restrictive.

Jeff Mulligan asked if the residents own their lots and they do not. Mr. Reding stated it is a land lease community, most own their homes, but we do have rentals as well.

Cindy Kellen asked if there are concrete slabs already and Mr. Reding stated when they remove older homes, they are removing

everything and putting it all in new, they are fixing the water and sewer and electric.

Cindy Kellen asked if they needed this variance because they are putting bigger homes on the lots and Mr. Reding said they are putting bigger homes on some of the lots and the lot sizes are 50x100.

Jim Campbell asked what the current distance between most of the structures is, and it is 20 to 24 feet.

Jim Campbell also stated this development predated zoning and Brian Glise stated they did get a variance in the seventies for the lot sizes.

Mr. Reding stated that the bigger homes only have 20 feet in between and most people want bigger homes.

Jim Campbell stated that preexisting nonconforming status only holds if they make no changes, since they want to change the size of the homes, that requires them to have a variance.

Jeff Passarell asked if the homes are inspected, and Mr. Reding stated they are inspected by Brian and the State. Jim Campbell stated the homes are highly regulated.

Jeff Mulligan asked if they were adding to the number of lots currently there and they are not.

There was discussion on what types of homes and how they determine the leasing per lot.

Brian Thorn asked where parking is on each lot, and it is either in front or off to the side.

Jeff Passarell asked what the smallest distance would be between homes and Mr. Reding said twenty feet.

Jim Campbell asked if they have had any concerns with residents regarding the space between homes and Mr. Reding stated the only comments have been from residents with vacant lots next to them that are now getting homes.

Cindy Kellen asked if they own any vacant land that they could add more lots and Mr. Reding said there is some land in the back if they wanted to expand.

Cindy Kellen then asked if they approve this variance would it only be on the current property and Jim Campbell stated that each application stands on its own.

Jim Campbell stated this application is for the current property and they will have to come in if they plan to expand the mobile home park.

Tom McGovern stated the improvements sound nice.

Brian Glise stated that patio, decks, accessory buildings are five feet from the line and that is a park rule.

They have replaced forty-eight homes so far and have another 40 or 50 vacant lots, the average cost is from \$75,000 - \$125, 000.

ZBA MOTION TO SCHEDULE THE PUBLIC HEARING AT THE NOVEMBER 21, 2022 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

CARRIED 5-0.

Kim will be in touch with them regarding the public hearing.

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DAVID & LISA FRAZER/5701 YANNI COURT/TAX PARCEL#35.14-1-49 - ZBA - AREA VARIANCE - PRIVACY FENCE ON CORNER LOT

Mr. Frazer was present to discuss this application.

Brian Glise stated that Mr. Frazer started building a 6'10" fence and the code states fences on corner lots can't be more than 3 feet high and block the view.

Mr. Frazer showed the picture of the fence and his property. He states they have no privacy since they are a corner lot.

Mr. Frazer questioned where the front of his house is since his driveway is on Yanni Court, but the front door faces Athena

Drive, Brian Glise read the code stating it is the front and thorough fare that must be 3 feet high.

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

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ZBA MOTION TO SCHEDULE THE PUBLIC HEARING AT THE NOVEMBER 21, 2022 MEETING 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 be in touch with them regarding the public hearing.

MARQUES & ASSOCIATES PC ACTING AGENT FOR AVON RSD LLC/
2569 LAKEVILLE ROAD/TAX PARCEL#45.-1-80.31 - ZBA - SPECIAL
USE PERMIT - CONCEPT PLAN

Mr. Larry Heininger from Marques & Associates and Jay Barefoot from CP Ward were present to discuss this application.

Mr. Heininger showed the Board members the site plan they submitted showing additional parking around the existing building for the storage of cranes, construction equipment, and employee parking. The total acreage of disturbance is 1.8 acres which requires a SWPPP. They will submit a formal application and would like to hold the public hearing on November 21, 2022.

Mr. Heininger says CP Ward also owns another 22 acres which goes all the way to Marshall Road and in the future, they would like to construct another building at the back of the existing building along with more parking. In Phase II they will do a lot line adjustment to have the extra building on the same parcel as the existing building and keep the remaining farmland the same. There is public water access and sometime in the future they may tap into that.

Jeff Mulligan asked if they were closing their Scottsville location and they are not, this location is to just store cranes. Jeff wants to make sure that this lot will be kept in decent shape and clean.

Mr. Barefoot stated parking will be in the back and they may consider planting trees, but they do not plan to have a fence.

Mr. Barefoot said there will be eighteen cranes. The building will be for storage with two managers and 14 operators.

Lance Brabant asked about lighting, and they are not adding anything, and the parking lot will not be paved.

Brian Glise asked if the Planning Board has any concerns regarding the equipment on the property and they just do not want it to look messy.

Lance asked if on the site plan they have better details regarding the parking, the number of cranes and other vehicles will be on premise.

ZBA MOTION TO SCHEDULE THE PUBLIC HEARING AT THE NOVEMBER 21, 2022 MEETING 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 be in touch with them regarding the public hearing.

Kathy Cole asked Brian if he had anything to share with the Boards and he said he has heard about a health and wellness center going up at the Exit 9 Quicklee's but hasn't received anything yet regarding that.

Brian Glise also stated that he has gotten a couple of complaints about the trucks at the quarry, and they started putting up a berm and taking out some trees.

Diane Attea asked how long Ms. Murphy will have to comply with getting rid of the animals and Jim Campbell stated we should give her 60 days.

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
JEFF PASSARELL - AYE

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

CARRIED 11-0.

MEETING CLOSED.