

PLANNING & ZBA MEETING

MONDAY, OCTOBER 21, 2024

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MEMBERS PRESENT: PLANNING: CLARA MULLIGAN, BRIAN THORN,  
CHRISTOPHER STERNER, COLLIN HAYES, KATHY  
MANNIX, STEVE CSAPO, LEE HANVEY

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

ABSENT: KITTY BRESSINGTON (ZBA)

OTHERS: BRIAN GLISE (CEO, AVON)

VISITORS: AUSTIN DEGRAFF, KATIE DEGRAFF, JAMES GARNER,  
VIC COFFEY, STEPHEN MORSCH, JENNIFER MORSCH

CLERK: KIM MCDOWELL

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Collin Hayes called the meeting to order.

MOTION TO OPEN THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY  
DIANE ATTEA.

COLLIN HAYES - AYE  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
STEVE CSAPO - AYE  
LEE HANVEY - AYE

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - AYE  
KITTY BRESSINGTON -ABSENT

CARRIED 11-0.

The Planning and ZBA Board members, as well as Brian Glise and Kim McDowell introduced themselves to those present.

Collin Hayes reviewed meeting and public hearing etiquette along with the emergency exits to all present.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM SEPTEMBER 16,  
2024, MEETING SUBMITTED WAS MADE BY JEFF MULLIGAN; SECONDED BY  
CHRISTOPHER STERNER.

COLLIN HAYES - AYE  
KATHLEEN MANNIX - AYE

CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
STEVE CSAPO - AYE  
LEE HANVEY - AYE

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - AYE  
KITTY BRESSINGTON -ABSENT

CARRIED 11-0.

DEGRAFF COLLISION, AUSTIN DEGRAFF/1930 LAKEVILLE ROAD/TAX  
MAP#35.17-1-8.1/ZBA - SPECIAL USE PERMIT TRANSFER - PUBLIC  
HEARING

Austin & Katie DeGraff were here to answer any questions on this application.

Jeff Mulligan stated we received their site plan for the parking spaces that was requested.

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  
KITTY BRESSINGTON -ABSENT

CARRIED 4-0.

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

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

Collin Hayes stated the Planning Board needs to make a recommendation to the ZBA Board on the site plan.

Kathy Mannix asked if emergency vehicles can get around and they can.

Christopher Sterner asked if there will be any new lighting and there will not.

Katie DeGraff stated they are just going to be replacing the sign that is already on the building.

Collin stated if they do plan on selling cars in the future, they will need to come back to the ZBA Board to get an amended special use permit.

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

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - AYE  
KITTY BRESSINGTON -ABSENT

CARRIED 4-0.

Jeff Mulligan began the approval process by reading the SEQR Resolution to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
DEGRAFF COLLISION LLC  
1930 LAKEVILLE ROAD  
GENERAL BUSINESS (B-1) - ZONING DISTRICT  
TM# 35.17-1-8.1

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as the "Zoning Board") is considering a Special Use Permit for the existing building and site be used for an auto body/collision repair, with no on-site improvements proposed at this time, located at 1930 Lakeville Road and as detailed on the information submitted and discussed at the October 21, 2024, 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 SEQOR 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, October 21, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - Aye  
Cindy Kellen - Aye  
Bob Westfall - Aye  
Diane Attea - Aye  
Kitty Bressington - 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 Zoning Board of Appeals for the October 21, 2024, meeting.

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

Collin Hayes read the Special Use Permit Resolution to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
DEGRAFF COLLISION LLC  
1930 LAKEVILLE ROAD  
GENERAL BUISNESS (B-1) ZONING DISTRICT  
TM#35.17-1-8.1  
SPECIAL USE PERMIT APPLICATION

SUP APPROVAL RESOLUTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as the "Zoning Board") is considering a Special Use Permit for the existing building and site be used for an auto body/collision repair, with no on-site improvements proposed at this time, located at 1930 Lakeville Road and as detailed on the information submitted and discussed at the October 21, 2024, Joint Board Meeting; and

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

WHEREAS, on October 21, 2024, in compliance with NYS Town Law, the Planning Board and Zoning Board held a joint public hearing on the current application and completed a formal review; and

WHEREAS, pursuant to § 130-45(B)(1) of the Town of Avon Town Code, the Planning Board completed a review of the application material and provided recommendations to the Zoning Board at the October 21, 2024 Joint Board meetings; and

WHEREAS, the Zoning Board does hereby determine the proposed Special Use Permit for the auto body/collision repair shop is in compliance with the provisions of Chapter 130, Zoning, § 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. 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.
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 ensure that the site is being operated in accordance with the conditions specified by the Zoning Board.
4. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
5. Customer parking signs are to be installed for the proposed designated parking areas prior to issuance of the Certificate of Occupancy and there shall be no more than 39 parking spots on site.
6. No outside storage of unlicensed vehicles is permitted.
7. All conditions required as part of the Site Plan Approval are to be addressed prior to issuance of the Special Use Permit.

The above resolution was offered by Bob Westfall and seconded by Cindy Kellen at a meeting of the Zoning Board of Appeals held on Monday, October 21, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Jeffery Mulligan - Aye  
Cindy Kellen - Aye  
Bob Westfall - Aye  
Diane Attea - Aye  
Kitty Bressington - 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 Zoning Board of Appeals for the October 21, 2024, meeting.

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

FOX & WEST, JAMES GARNER/1631 INTERSTATE DRIVE/TAX MAP#35.-1-13.539/PLANNING - SITE PLAN APPROVAL

Mr. Garner was present to discuss this site plan application for a storage area for a tenant on Tec Drive. It will be fenced in on the parcel he just purchased from the County IDA.

Collin Hayes asked if the storm drains have been installed and they have. Collin also stated Mr. Garner has gotten approval for the use from the Town Board since it is in a PDD zoning area.

Jeff Mulligan asked what would be stored in the space; and it is construction machinery that the current tenant sells.

Bob Westfall asked if the gravel surface is already done and most of it is.

Steve Csapo asked the height of the fence, and it will be 7 feet.

There was discussion on what the setbacks are for the fence on all sides of the property, and it was determined that it meets the setbacks in our code.

Brian Glise talked about outdoor storage of equipment and the turnover of the equipment, so it is just not sitting outside.

Collin Hayes and Clara Mulligan would like to see a condition on the site plan regarding the equipment, and it was added to the resolution.

Clara Mulligan asked about maintenance outside the fence and Mr. Garner has a contract with a landscaper who will mow it routinely.

Collin Hayes asked about screening and buffering and Mr. Garner asked why that would be needed since no other business has any buffering in the industrial park.

Mr. Garner stated there is no lighting planned and he understands that if lighting is added, he will need to come back and get approval.

TOWN OF AVON PLANNING BOARD RESOLUTION  
FOX & WEST SITE PLAN APPLICATION  
1631 INTERSTATE DRIVE  
PLANNED DEVELOPMENT DISTRICT (PDD) ZONING DISTRICT  
TM# 35.-1-13.539

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board, (hereinafter referred to as the "Planning Board") has received a Site Plan Application to allow for the expansion of an existing facility and the installation of chain-link fencing and gravel parking at site located at 1631 Interstate Drive and as detailed on the site plans dated October 7, 2024, and all other relevant information submitted and discussed at the October 21, 2024, Joint Board Meeting; and

WHEREAS, on September 12, 2024, in compliance with NYS Town Law, the Town Board held a public hearing on the current application; and

WHEREAS, at its September 12, 2024, regular meeting, the Avon Town Board, as lead agency, conducted an appropriate environmental review under 6 NYCRR 617 (SEQR) and, at the conclusion of such review, issued a Negative Declaration regarding Applicant's proposed use request and the issuance of a special use permit;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested Site Plan with the following conditions:

1. The Site Plan Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless the site plans have been signed by the Planning Board Chair or an extension is requested by the Applicant and approved by the Planning Board prior to the expiration date.
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 permit shall be issued to the extent and subject to the conditions provided by the Town Board in its Resolution regarding the Application dated September 12, 2024.
4. The outdoor storage area shall adhere to the following standards: all equipment and materials stored must be in good working condition and deemed "usable," meaning they are functional and appropriate for their intended purpose. Long-term storage, defined as the retention of items for more than twelve months without active use, is strictly prohibited. The area must be maintained in an orderly manner, free from clutter, and should not resemble a junkyard. Regular inspections will be conducted to ensure compliance. Additionally, all outdoor storage practices must align with Chapter 130, Zoning, of the Avon Town Code. Failure to meet these standards may result in enforcement actions, including revocation of site plan approval

The above resolution was offered by Clara Mulligan and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, October 21, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Collin Hayes - Aye  
Kathy Mannix - Aye  
Christopher Sterner - Aye  
Clara Mulligan - Aye  
Brian Thorn - Aye  
Lee Hanvey - Aye  
Steve Csapo - 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 October 21, 2024, meeting.

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



MORSCH, STEPHEN & JENNIFER/3929 SOUTH AVON ROAD/TAX MAP#52.-1-  
6.122/PLANNING - DRIVEWAY UPDATE

Brian Glise asked Mr. Morsch to come to a meeting since the driveway wasn't completed as approved on the site plan at the April 15, 2024 meeting. Mr. Morsch stated to Brian that he wasn't going to complete it until next year.

Mr. Morsch stated the house construction has been completed and since the weather has been perfect, he will be installing the driveway now instead of next year.

Brian Glise stated he issued a 60-day Temporary Certificate of Occupancy with the stipulation to have the driveway done with the turnarounds; since Mr. Morsch said it will be done, there is no approvals needed at this time.

MOTION TO CLOSE THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY BRIAN THORN.

COLLIN HAYES - AYE  
KATHLEEN MANNIX - AYE  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE  
STEVE CSAPO - AYE  
LEE HANVEY - AYE

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - AYE  
KITTY BRESSINGTON -ABSENT

CARRIED 11-0.

MEETING CLOSED.