

PLANNING & ZBA MEETING, MONDAY, NOVEMBER 22, 2021
ZBA MEMBERS PRESENT: BOB WESTFALL, JEFF PASSARELL, CINDY KELLEN,
DIANE ATTEA

ZBA MEMBERS ABSENT: JEFF MULLIGAN

PLANNING MEMBERS PRESENT: KATHY COLE, CHRISTOPHER STERNER, BRIAN
THORN, CLARA MULLIGAN, THOMAS MCGOVERN, KATHY
MANNIX

PLANNING BOARD MEMBERS ABSENT: RANDY KOZLOWSKI

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

VISITORS: JAYESH CHAMPANERI, DEV CHAMPANERI, JAMES
BEDRIN, GARY WHEAT, JANET WARD, ELIZABETH
GEORGE, JORDAN GUADALUPE

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY BOB; SECONDED BY CLARA.

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

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
RANDY KOZLOWSKI - ABSENT
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 10-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM THE OCTOBER 25,
2021, MEETING SUBMITTED WAS MADE BY CLARA; SECONDED BY BRIAN THORN.

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

KATHLEEN COLE -AYE
THOMAS MCGOVERN - AYE
RANDY KOZLOWSKI - ABSENT
KATHLEEN MANNIX - ABSTAIN
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 9-0.

CHAMPANERI, JAYESH/6107 EAST AVON-LIMA ROAD/TAX PARCEL #36.-1-75.1
- LIQUOR STORE SITE PLAN APPLICATION

Kathy Cole asked Lance to give the Board an update on the documents submitted. Lance stated the site plan submission has been reviewed by the Board and MRB Group, but MRB Group has not yet issued a comment letter. Lance stated the septic system is outside of MRB Group review and is done through the LCDOH and the Avon DPW will regulate where the water connections should be. Lance stated there is not a lot of outside work to be done it is more internal and he has prepared some resolutions if the Board would like to take any action tonight.

Kathy Cole liked the site plan and asked if there were any other comments from the Board.

Brian Thorn asked how deliveries will work since there are two entrances on the site plan. Mr. Champaneri stated they will come through the front door unless they need to go through the side door for bigger deliveries. Lance asked if the deliveries will be in the morning, and they will be.

Kathy Cole asked if they are planning on doing any landscaping and he is not planning on doing at this time. Mr. Champaneri stated in 2-3 years he plans on renovating the gas station/mini market and will do landscaping at that point. He is not going to tear down this building at that time, just redo the mini market/gas pumps.

Brian Thorn asked about the septic system and how many toilets will there be. Mr. Champaneri stated each building has a toilet and they each have a separate septic system however, when he does the renovations, he will combined them and that is why he is proposing a bigger system right now.

Tom McGovern stated according to the site plan, there will be second floor storage and he wants to make sure it is built accordingly to handle the weight and Mr. Champaneri stated it will be.

Since there was no more questions or comments, Lance stated the first step will declare this an unlisted action through the resolution provided.

Kathy Cole read the short EAF part 2, and the Board answered all questions with no, or small impact may occur. Kathy Cole signed the Part 3 for the files.

TOWN OF AVON PLANNING BOARD RESOLUTION
JAYESH CHAMPANERI
DUTCH HOLLOW WINE & LIQUOR STORE
6107 EAST AVON-LIMA ROAD – TM# 35.0-1-8.3
SITE PLAN APPLICATION

SEQR RESOLUTION – UNLISTED ACTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board) is considering an application for Site Plan Approval for the redevelopment of an existing garage building into a Liquor Store including construction/ expansion of the parking lot, lighting, dumpster, water & sewer services, and other site improvements located at 6107 East Avon-Lima Road and as detailed on the site plans dated November 15, 2021 and all other relevant information submitted and discussed at the November 22, 2021 Joint Board Meeting; and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced subdivision application (hereinafter referred to as Action); and

WHEREAS, the Planning Board determines that said Action is classified as 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 EAF Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short EAF; and

NOW, THEREFORE BE IT RESOLVED 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 will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) 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
- (xi) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

The above resolution was offered by Thomas McGovern and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	AYE
Randy Kozlowski -	ABSENT
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

Lance read the site plan approval resolution and conditions to all present.

TOWN OF AVON PLANNING BOARD RESOLUTION
JAYESH CHAMPANERI
DUTCH HOLLOW WINE & LIQUOR STORE
6107 EAST AVON-LIMA ROAD – TM# 35.0-1-8.3
SITE PLAN APPLICATION

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board) is considering an application for Site Plan Approval for the redevelopment of an existing garage building into a Liquor Store including construction/ expansion of the parking lot, lighting, dumpster, water & sewer services, and other site improvements located at 6107 East Avon-Lima Road and as detailed on the site plans dated November 15, 2021 and all other relevant information submitted and discussed at the November 22, 2021 Joint Board Meeting; and

WHEREAS, the Planning Board has classified the above referenced Action to be an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Planning Board on November 22, 2021; 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 Single-Stage 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. All comments regarding the Town Engineer's review and Town DPW Superintendent's review of the site plans are to be addressed to their satisfaction prior to signatures being affixed to the Final Site Plans.
4. Final Site Plan approval is contingent upon the "Dutch Hollow Wine & Liquor LLC Business Plan" Statement of Operations submitted as part of the application and as discussed at the November 22, 2021 Joint Board Meeting.

5. The proposed onsite wastewater treatment system and design will need to be reviewed and approved by the Livingston County Health Department and approval received prior to issuance of a building permit.
6. A note is to be added to the site plans indicating that any future expansions of the site or other site improvements will be considered to be as part of a larger common plan of development or sale, and if the cumulative acreage of disturbance of this and any future application meets or exceeds 1 acre, the project will be required to obtain coverage under the NYS SPDES General Permit for Stormwater Discharges from Construction Activity, and shall include preparation of a SWPPP with post construction stormwater management.

The above resolution was offered by Thomas McGovern and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	AYE
Randy Kozlowski -	ABSENT
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

Lance will issue a comment letter to Mr. Champaneri's engineers
Next week.

SIX SPROUTS FARM MARKET, ACTING AGENT FOR SOUTHWST CORNER, LCC/
1670 WEST HENRIETTA ROAD/TAX PARCEL#35.9-1-27, 35.9-1-28, 35.9-
1-29, 35.9-1-33 – SITE PLAN DISCUSSION

Mrs. Elizabeth George and Mrs. Jordan Guadalupe were present on behalf of Mr. Gene Peskor. They would like to put a boutique grocery store in the building, kind of like Geek Chic boutique in the Village but items from Livingston County farmers. They would like to have half of the building be farm market items and the other half be coffee, bake goods and ice cream.

Kathy Cole asked if Mr. Peskor is working on the building for this project and Mrs. George stated yes, he is, and they will be leasing/renting it from him. Mrs. George stated they also received a grant from Livingston County of \$75,000 to renovate the building along with \$25,000 to renovate Endza Eats. Both buildings will look the similar.

Mrs. George stated in the future they would also like to have a beer garden with beers from Livingston County.

Tom McGovern asked if they have relationships with local farmers and they do, he also asked if there will be enough power for freezers, and there will.

Mrs. George stated that the building needs new everything, electric, water, along with a walk-in cooler.

Kathy Cole asked about the back lot for parking since there isn't a lot of parking in front of the building and they will be using back and side lots for parking.

Kathy Cole also stated that they will need to have fire access as well.

Tom McGovern asked if they have sketched out what the inside will look like, and will there be enough room for what they want to do and they have. Mrs. George stated they have gone and visited other stores of this nature to get some ideas as well.

Bob Westfall asked according to their business plan their target start date is April 2022 and if they will be ready by then. They stated when they filled out the grant application, they put that date in but realize it is not going to happen that fast, they are hoping for a start date in June 2022, but know they are at the mercy of others to get things completed.

Brian Glise stated that the building is on three different lots all owned by Mr. Peskor and feels the best bet is to combine the parcels to make things easier on getting approvals. Otherwise, they will need approvals for several variances for this concept to happen.

Lance stated as part of their application, we will need to see the utility connections, along with a signed engineer plans before any approvals can be granted.

Cindy Kellen asked if the state would have concerns about parking and traffic at the corner. Brian Glise stated it probably will and they will need to get in contact with NYS DOT.

Kathy Mannix asked if the building is on septic or sewer and Mrs. George stated it is on septic, but Mr. Peskor would like it to be on sewer. Brian Glise stated that would need to be approved through LCWSA. Lance stated if it is on septic, there cannot be any parking or paving on the septic system.

Lance also asked if they could submit a statement of operations which includes, number of employees, hours of operations, type of businesses you want to run inside the building, etc.

Bob Westfall asked if this business would be open year-round, and Mrs. Guadalupe said most likely 11 months.

Clara Mulligan stated as part of the comprehensive plan they wanted businesses on that corner that had a softer look, not as much of an industrial look.

Brian Thorn stated when looking through their business plan the operating expenses did not include any business insurance and he was wondering if they are planning on getting any type of insurance, which they are looking into that currently.

Christopher Sterner stated that out of the 4 lots there is one that doesn't have the same owner's name and asked if that would be a problem if he combines them and Jim Campbell stated it shouldn't be.

Kathy Cole stated for them to come back at our January 17, 2022 meeting with more information.

PIRANHA MILLING & PAVING CONTRACTORS LLC/5665 TEC DRIVE/TAX
PARCEL#35.-1-13.524-SITE PLAN 2ND FLEX BUILDING

There was no representative present for this application, but Lance gave us an update and the next steps for this project.

Lance stated the site improvements were approved during Phase 1 of this parcel and this application is for another Flex Space building. He also stated there is not a lot of improvements that need to be done to accommodate this building.

Lance stated we started the SEQR process earlier this year but needed to wait for approval regarding the sewer capacity needed for this building which we received a letter recently from LCWSA granting sewer approval.

With this approval, if the Board is ready to move forward, we will need to declare Planning Board as lead agency, approve Short EAF Part 2 & 3 and then this application needs to go back to the Town Board for approval of uses since the parcel is in a PDD zoning district and then come back to the Planning Board in January for final site plan approvals if everything is completed properly.

Kathy Cole stated this is no different from the first building we approved, and that building has been very successful for him, and he already has tenants for this second building lined up. Kathy also stated that she has driven by the lot, and it looks nice and is very clean.

Kathy Cole asked if there were any questions from the Board regarding this application and process, and there were none.

Lance stated this application is strictly for the second Flex Building and storage is not part of this project.

Lance stated if the Planning Board is comfortable than the first step is for the Board to declare themselves lead agency.

TOWN OF AVON PLANNING BOARD RESOLUTION
PIRANHA MILLING & PAVING CONTRACTORS LLC
TEC DRIVE
PIRANHA HOME OFFICE, PHASE 2
PRELIMINARY/ FINAL SITE PLAN REVIEW

SEQR – DESIGNATING LEAD AGENCY

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction Phase 2 which includes two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements, as described in the Site Plans dated April 19, 2021 prepared by Land Tech Surveying & Planning P.L.L.C. and all other relevant information submitted as of November 22, 2021 (the current application); and

WHEREAS, the Planning Board has determined the proposed action referenced above to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has on Monday, November 22, 2022 declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Planning Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Planning Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as the lead agency for the Action identified above herein;

The above resolution was offered by *Christopher Sterner* and seconded by *Thomas McGovern* at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	AYE
Randy Kozlowski -	ABSENT
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

Kathy Cole stated all these questions have been answered during the first phase and nothing has changed which Lance agreed with.

Lance read the questions for the Short EAF Part 2, and the Board answered there is no, or small impact may occur on all questions. Kathy Cole signed the Part 2 for the files.

TOWN OF AVON PLANNING BOARD RESOLUTION
PIRANHA MILLING & PAVING CONTRACTORS LLC
TEC DRIVE
PIRANHA HOME OFFICE, PHASE 2
PRELIMINARY/ FINAL SITE PLAN REVIEW

SEQR – DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction Phase 2 which includes two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements, as described in the Site Plans dated April 19, 2021 prepared by Land Tech Surveying & Planning P.L.L.C. and all other relevant information submitted as of November 22, 2021 (the current application); and

WHEREAS, the Planning Board has determined the above referenced Action to be an Unlisted Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

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

WHEREAS, the Planning Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

WHEREAS, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies at tonight's meeting; and

WHEREAS, the Planning Board has completed its review of Parts 2 and 3 of the Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Short EAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the EAF and directs the Planning Board Chairperson to sign and date the EAF Part 3.

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) the site is will not negatively impact an identified archaeological sensitive area;
- (vi) there will not be an increase 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 change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site 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 on the environment.

BE IT FURTHER RESOLVED THAT based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental 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 Thomas McGovern and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	AYE
Randy Kozlowski -	<i>ABSENT</i>
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION
PIRANHA MILLING & PAVING CONTRACTORS LLC
TEC DRIVE
PIRANHA HOME OFFICE, PHASE 2
PRELIMINARY/ FINAL SITE PLAN REVIEW

CONTINUATION RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction Phase 2 which includes two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements, as described in the Site Plans dated April 19, 2021 prepared by Land Tech Surveying & Planning P.L.L.C. and all other relevant information submitted as of November 22, 2021 (the current application); and

WHEREAS, prior to any approvals be granted, this application requires the review and approval of a Special Permit for the proposed Uses from the Town Board pursuant to §130-18 H of the Town Code; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the application to their January 17, 2022 Joint Board meeting.

The above resolution was offered by *Christopher Sterner* and seconded by *Thomas McGovern* at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	AYE
Randy Kozlowski -	<i>ABSENT</i>
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

Kim will get in touch with Mr. Spade about going before the Town Board and returning to our meeting in January.

AVON CSG 1 LLC ACTING AGENT FOR STARKEY DRIVE HOLDINGS LLC & PHILIP SILVAROLE/5530 WOLCOTT DRIVE/TAX PARCEL #44.-1-36.4 - SOLAR FARM

Mr. Bedrin was present for this application, and he gave a brief overview of the project.

Lance stated that we began SEQR at our last meeting and it began the 30-day coordinator review process. At this point, there is no official action that can be taken except setting a public hearing date. Since this is in a PDD, we would like to have a joint meeting with the Town Board, and they have agreed to have that at our January 17, 2022, meeting and February will be approvals of this application if everything goes as planned.

Mr. Bedrin stated that at last months meeting the Planning Board declared themselves lead agency and Lance stated we declared the intent to become lead agency, but we can't officially declare lead agency until after December so therefore we will do it at the January meeting.

Kathy Cole asked questions regarding the landscaping around the project. Mr. Bedrin wanted to have suggestions for the landscaping before submitting any plans. Mr. Bedrin wants to have evergreen trees as the buffer or a mixture of trees and plant them along the South, 5-6 feet in height and mature to about 10-12 feet. They would like to also plant in the Southeast side of the parcel.

Lance suggested alternating species so there isn't just one type in case something happened, he also suggested submitting several options for the Boards to choose from and he suggested planting height of 6-8 feet tall as in other applications that have been approved for solar.

Kathy Cole asked if they were planning on doing a single or double row of trees and Mr. Bedrin stated they have a single row but staggering them.

Lance also stated the access roads to the panels for fire code purposes must be maintained and should be taken into consideration with the tree placement.

Cindy Kellen stated she would like to see some planted along Starkey Drive for any future businesses on that road.

Kathy Cole asked if the fence will be slated, or chain link and it will be a 7-foot chain link fence with no barb wire on the top unless the Town requests it.

James Campbell stated at the January 17th joint meeting, the Town Board will be asked to give waivers to existing code regulations and asked Mr. Bedrin to send a letter to the Planning Board with the variance he will be requesting in detail, and Mr. Bedrin will do that.

Mr. Bedrin stated they will be requesting a variance for the setbacks from the newly approved solar law. Instead of a 200-foot setback from Starkey Drive they will be requesting a 100-foot setback and instead of a 100-foot setback on the rear/sides they will be requesting 50 feet.

Clara Mulligan asked that the trees be native trees and she said that Fat Albert that he suggested is a Colorado native. She also asked if the setbacks are from the fence to the road or the panels to the road and Lance stated it is from the fence line.

Lance stated that since it is in a PDD the Town Board can grant any deviations from the solar law.

Clara Mulligan asked if they could purchase any land from the North to eliminate the request for variances and Mr. Bedrin stated they tried to buy more land, but they couldn't.

Jim Campbell also stated that because this parcel is zoned PDD, that already deviates from the solar code, and he suggested that if they have some concerns to let the Town Board know so they can incorporate those into their approvals.

Jeff Passarell asked if the buffering will block the view from the house on Lakeville Road that sits up higher than the other buildings in the area. Mr. Bedrin will investigate that and get back to the Board.

Mr. Bedrin recapped what the Board will like for landscaping, staggered tree planting on Starkey Drive and provide 6-8 different kinds of tree species.

TOWN OF AVON PLANNING BOARD RESOLUTION
AVON CSG 1 LLC SOLAR PROJECT
STARKEY DRIVE, AVON, NY
TAX MAP ID: 44.-1-36.12 & 44.-1-36.4
SPECIAL USE PERMIT & PRELIMINARY/FINAL SITE PLAN REVIEW

CONTINUATION RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), has received an application for Special Use Permit Approval & Site Plan Approval to allow for the development of the Avon CSG 1 LLC Solar Project (Project), a proposed 4.37-megawatt (MW) alternating current (AC) solar photovoltaic (PV) project located on ± 27-acres site within the Town of Avon as described in the Site Plans dated October 2020 and all other relevant information submitted and discussed on November 22, 2021 (the current application); and

WHEREAS, no action can be taken on the application as it is currently under a SEQR Coordinated review which does not end until Wednesday, December 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby schedule a Joint Board Public Hearing with the ZBA and Town Board and move to continue the application to their January 17, 2022 Joint Board Meeting.

The above resolution was offered by Christopher Sterner and seconded by Brian Thorn at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	AYE
Randy Kozlowski -	<i>ABSENT</i>
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

DG NY SOLAR CS IV, LLC, ACTING AGENT FOR GARY & EILEEN WHEAT/5406 LAKE ROAD/TAX PARCEL #44.-1-26.1 - SOLAR FARM - SITE PLAN & SPECIAL USE PERMIT APPLICATION

Ms. Janet Ward was present to discuss this application and gave a brief overview of the project which follows solar law, chain link fence with slatting, landscaping on North/East side and buffering by the residences, fixed tilt panels facing South, the remaining land will continue to be agricultural. Ms. Ward is awaiting comments from MRB Group, Inc., and James Campbell to make any revisions if necessary.

Ms. Ward stated that the applicant's name is incorrect, and she needs to change all the documents with the correct name and will have it to us by next week. Lance asked what the new name would be, and it will be DG Lake Road LLC, the signee will not change just the applicant's name will change.

Lance stated he did a review and all the submissions have been meet for a completed application and the Planning Board can declare their intent to become Lead Agency and begin that 30-day SEQR process. The public hearing for the special use permit will be at the January 17th meeting.

Kathy Cole stated that she is recused, and Brian Thorn will take the lead for this application.

Ms. Ward has submitted paperwork for the escrow account and that will be sent in soon and she asked if there was any progress on the PILOT or Community Benefit Agreement which Jim Campbell will be in touch with her regarding that.

TOWN OF AVON PLANNING BOARD RESOLUTION
DG LAKE ROAD SOLAR, LLC (NEXTERA ENERGY RESOURCES) REPRESENTING
GARY & EILEEN WHEAT
LARGE SCALE SOLAR – LAKE ROAD SOLAR PROJECT
5410 LAKE ROAD
TAX MAP ID: 44.-1-26.1
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), received an application for Special Use Permit Approval & Site Plan Approval to allow for the development of the DG Lake Road Solar, LLC proposed Lake Road 5 MW Solar Project (Project), to construct and operate a 5 megawatt (MW) alternating current (AC) (7 MW direct current [DC]) solar photovoltaic facility within an approximately 36-acre property parcel (parcel ID 44.-1-26.1) located south of Lake Road, north of Henty Road, and east of Pole Bridge Road, in the Town of Avon, Livingston County, New York as described in the Site Plans dated September 13, 2021, last revised September 22, 2021 (the current application) and all other relevant information submitted and discussed at the November 22, 2021 Joint Planning Board and ZBA Meeting; 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 Lake Road Solar Project (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 **Thursday, December 30, 2021**.

The above resolution was offered by Clara Mulligan and seconded by Thomas McGovern at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	<i>RECUSED</i>
Randy Kozlowski -	<i>ABSENT</i>
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

TOWN OF AVON PLANNING BOARD RESOLUTION
DG LAKE ROAD SOLAR, LLC (NEXTERA ENERGY RESOURCES) REPRESENTING
GARY & EILEEN WHEAT
LARGE SCALE SOLAR – LAKE ROAD SOLAR PROJECT
5410 LAKE ROAD
TAX MAP ID: 44.-1-26.1
SPECIAL USE PERMIT & PRELIMINARY/FINAL SITE PLAN REVIEW

CONTINUATION RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), received an application for Special Use Permit Approval & Site Plan Approval to allow for the development of the DG Lake Road Solar, LLC proposed Lake Road 5 MW Solar Project (Project), to construct and operate a 5 megawatt (MW) alternating current (AC) (7 MW direct current [DC]) solar photovoltaic facility within an approximately 36-acre property parcel (parcel ID 44.-1-26.1) located south of Lake Road, north of Henty Road, and east of Pole Bridge Road, in the Town of Avon, Livingston County, New York as described in the Site Plans dated September 13, 2021, last revised September 22, 2021 (the current application) and all other relevant information submitted and discussed at the November 22, 2021 Joint Planning Board and ZBA Meeting; and

WHEREAS, no action can be taken on the application as it is currently under a SEQR Coordinated review which does not end until Thursday, December 30, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby schedule a Joint Board Public Hearing with the ZBA and Town Board and move to continue the application to their January 17, 2022 Joint Board Meeting.

The above resolution was offered by Thomas McGovern and seconded by Christopher Sterner at a meeting of the Planning Board held on Monday, November 22, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Kathleen Cole –	<i>RECUSED</i>
Randy Kozlowski -	<i>ABSENT</i>
Kathy Mannix -	AYE
Christopher Sterner -	AYE
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 November 22, 2021 meeting.

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

Kim will do the public hearing notice for the meeting in January.

Kathy Cole asked if Brian had any other items to discuss with the Boards and he doesn't.

Kathy Cole let everyone know that Randy Kozlowski has resigned from the Board and the Town will advertise and interview for the position.

James Campbell stated that most likely these Boards will receive an application from Oak Openings for a modification to their Special Use Permit sometime in December after the NYS DEC decides on their pending application. He explained the Hardship Application that was presented to the Town Board has been denied due to the moratorium ending on December 10, 2021. James Campbell said it will mostly be the ZBA, but it is a joint application.

Clara asked if there is an update to the Code regarding mining and excavations, and James Campbell stated that the Board is still considering that request, however they are grandfathered in. the Board is contemplating an overlay district for Oak Openings and Hanson operations and expansion if they have additional lands they are not currently mining.

James Campbell stated the NYS DEC has already completed SEQR and declared a negative impact and these Boards are limited to giving limitations to the applicant. James Campbell isn't going to speculate on this until he reads the application from both business and NYS DEC.

Tom McGovern had a conversation with Mr. Twardokus after the last Town Board meeting and he revealed to him that there are other businesses within the mine that he is operating. He was told that the C&D he brings in is not being buried but recycled and he is selling topsoil both of which must increase truck traffic.

James Campbell stated that going forward you will want a precise statement of operations for that parcel. He also stated that these Boards will not have a lot of latitude with this application.

Tom McGovern questioned why the NYS DEC can have jurisdiction and James Campbell explained that it is NYS law which is above us.

Tom McGovern also feels that Mr. Twardokus misled these Boards originally and that bothers him.

Bob Westfall has concerns about C&D and feels if the NYS DEC knew they wouldn't allow it, James Campbell stated that the NYS DEC did modify their permit to include that.

James Campbell stated that other communities have more restrictions in their code but if those codes were challenged they most likely wouldn't hold up.

James Campbell stated that the Town has written letters to the NYS DEC about this application with their concerns as well as the neighbors.

James Campbell stated it will be the same questions from the previous application with the expansion of the hours of operations and truck traffic as well as expanding the mining area.

James Campbell stated the Town Board understands the concerns of the residents on Oak Openings Road, but they also feel that there shouldn't be no mining in the Town of Avon, and they place some value on having those resources nearby.

James Campbell also stated that when you apply anything to Oak Openings you are applying to Hanson which is a multinational and multibillion dollar company. James Campbell has had discussion about what you can limit for mining especially with Hanson and their track record when someone tries to limit their rights.

Kim reiterated that the next meeting will be Monday, January 17, 2022, and there is NO meeting in December.

MOTION TO CLOSE THE MEETING WAS MADE BY BRIAN THORN; SECONDED BY CHRIS STERNER.

JEFF MULLIGAN - ABSENT

CINDY KELLEN- AYE

BOB WESTFALL- AYE

DIANE ATTEA - AYE

JEFF PASSARELL - AYE

KATHLEEN COLE -AYE

THOMAS MCGOVERN - AYE

RANDY KOZLOWSKI - ABSENT

KATHLEEN MANNIX - AYE

CLARA MULLIGAN - AYE

BRIAN THORN - AYE

CHRISTOPHER STERNER - AYE

CARRIED 10-0.

MEETING CLOSED.