

A regular meeting of the Town of Avon was held on Thursday, November 19, 2020 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, and via Join.Me phone number 1-646-307-1990 and conference call number 152-725-660# of the Avon Town Board. The following members participated:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Malachy Coyne, and Paul Drozdziel (via Join.Me)

OTHERS: Code Enforcement Officer Brian Glise, Attorney James Campbell (left 6:34 pm), Highway/Water Superintendent Thomas Crye, and Ellen M Zapf RMC, Deputy Town Clerk

VISITORS: Cindy Kellen, Anthony Spade, Matt Decker, and Judy Falzoi (via Join.Me)

Supervisor LeFeber asked for names of those on the JoinMe meeting and Councilman Drozdziel and Judy Falzoi stated they are on the line.

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance.

DISCUSSION – OPEN PUBLIC HEARING FOR LOCAL LAW T-5A-2020

Supervisor LeFeber opened the public hearing by reading the following legal notice:

LEGAL NOTICE NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Avon at the Town Hall, located at 23 Genesee Street, Avon, New York at 6:00 p.m. on Thursday, November 19, 2020 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A moratorium to temporarily prohibit the creation or siting of new or expanded Excavation Operations (as used in the Town of Avon Zoning Ordinance) within the Town of Avon for a period of up to twelve (12) months, pending the development and adoption of local laws and/or ordinances designed to better regulate siting of such installations.

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: November 3, 2020

Publish: November 12, 2020

By Order of the Town Board of the Town of Avon

Sharon Knight - Town Clerk, MMC/RMC

Supervisor LeFeber asked for any public comments: there were none. He also stated that the County Planning Board has made recommendations and that the public hearing will remain open until the next board meeting on December 10, 2020.

VISITOR COMMENTS

Supervisor asked for visitor comments and there were none.

DISCUSSION – ATTORNEY DEPARTMENT REPORT

Attorney Campbell reported on the following:

Mr. Spade came to the Board and asked for a blanket special use permit for tenants in his building on Tec Drive. The Board then asked Attorney Campbell to draft a resolution for the permit.

Attorney Campbell prepared the resolution based on discussions at the last meeting and presented it to the Board. The resolution included businesses accepted in the light industrial zone as well as the requested uses by Mr. Spade. This is only related to the existing building with 10 units.

RESOLUTION #176 JAMES STEELE COMMERCE PARK PDD AMENDMENT TO APPROVE PIRANHA-SPADE SPECIAL PERMIT USES

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the special permit uses for Piranha Tec Drive, LLC and/or Piranha Milling and Paving Contractors, LLC for the property known as 5665 Tec Drive, Avon New York, tax identifier map parcel no. 35.-1-13.524 as follows:

TOWN BOARD
TOWN OF AVON
COUNTY OF LIVINGSTON

RESOLUTION

At a regular meeting of the Town Board of the
Town of Avon, Livingston County, State of New York,
held at the Avon Town Hall on November 19, 2020

WHEREAS, the Code of the Town of Avon (hereafter “Code”) establishes the zoning classification of Planned Development District (hereafter “PDD”) as set forth in §130-18 thereof; and

WHEREAS, the intent of the PDD is to permit the development of land for commercial and industrial purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis; and

WHEREAS, the Town Board has the authority and responsibility under §130-18 to approve of all uses contemplated in a PDD; and

WHEREAS, after initial approval, construction and occupancy of a PDD, §130-18 H provides that the Town Board shall approve any changes in use by way of a special permit; and

WHEREAS, Piranha Tec Drive, LLC and/or Piranha Milling and Paving Contractors, LLC (hereafter “Applicant”) is the owner of the property known as 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524 (hereafter “subject property” or “parcel”) located in the James Steele Commerce Park (formerly known as the “Crossroads Commerce Park Planned Development District (hereafter “PDD”)); and

WHEREAS, pursuant to §130-18 H of the Code, Applicant is seeking approval from the Town Board to utilize a 16,800 square foot building that has been constructed on the subject property, said building having ten (10) individual 1,680 square foot self-contained bays or units for lease; and

WHEREAS, it is the duty of the Town Board under §130-18 H of the Code to determine what specific uses are appropriate for such self-contained bays or units that are for lease by Applicant, and to issue a special permit for the same; and

WHEREAS, the Town Board wishes to memorialize and specify the parameters of its approval of Applicant’s request for issuance of a special permit

NOW, THEREFORE, upon motion by _____,
seconded by _____, it is hereby

RESOLVED, that the Town Board of the Town of Avon, pursuant to §130-18 H of the Code, hereby approves of Applicant’s request for new uses of the subject property (to the limited degree specifically stated herein) and authorizes a Special Permit to be issued to Applicant by the Code Department to the following extent:

1. Applicant currently has prospective tenants that wish to utilize portions of the subject property (individual self-contained bays or units within the existing 16,800 square foot building) for the following purposes:

Material storage for a commercial insulation business;
automotive repair facility;
truck and heavy equipment diesel repair facility; and
Internet-based retail dealership for compact equipment,
including storage and preparation of new machinery, parts
and attachments

Applicant, his successors and assigns shall be permitted to use one or more of the self-contained bays or units within the existing 16,800 square foot building that are for lease by Applicant and located on the property known as 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524 for the above specific uses, subject to any other restrictions in the Code or in the New York State Uniform Code (Building or Fire) and the Code Enforcement Officer is hereby directed to issue a Special Permit for the same pursuant to §130-18 H of the Code.

2. Additionally and subject to provisions stated hereafter, Applicant, his successors and assigns shall be permitted to use one or more of the self-contained bays or units within the existing 16,800 square foot building that are for lease by Applicant and are located on the property known as 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524, for any purpose that is listed as a “Permitted principal use[s]” as defined in §130-16 B of the Light Industrial District (L-1) zoning classification;
2. Applicant, his successors and assigns shall not use any portion of the self-contained bays or units within the existing 16,800 square foot building for any use that is listed as a “Prohibited use[s]” as defined in §130-16 E;
3. Any of a portion of the subject property and subsequent use thereof as authorized herein shall be subject to and comply with the off street parking and loading requirements set forth in Article VII of Chapter 130 of the Code at §130-36 through §130-38;
4. Any use of a portion of the subject property as authorized herein shall be subject to and comply with the Exterior Lighting requirements set forth in Chapter 49 of the Code;
5. Any use of a portion of the subject property as authorized herein shall be subject to and comply with the Bulk and Area Requirements set forth in Schedule A of Chapter 130 of the Code;

6. All industrial processes shall take place within an enclosed building. Incidental storage of materials out-of-doors shall be permitted and shall be shielded from view from public streets or roads, adjacent off-street parking areas and neighboring properties by fencing, landscaping, earth berms or other appropriate measures;
7. Any noise impacts related to any use of the subject property as authorized herein shall be mitigated so as to not unreasonably create a negative impact on nearby or adjacent parcels;
8. The Town Board herein acknowledges that Applicant intends to use the existing 16,800 square foot building that has been constructed on the subject property (said building having ten (10) individual 1,680 square foot self-contained bays or units) for rental purposes which will likely result in multiple tenants with varied uses that will change from time to time. Subject to the above restrictions and with the intent of approving a variety of acceptable yet presently undetermined uses on the subject property, the Town Board hereby determines that the Applicant and his successors and/or assigns shall not be required to re-apply for a special permit pursuant to §130-18 H. each time Applicant leases to a new tenant.
 - A. Should Applicant or his successors and/or assigns wish to utilize any portion of the subject property or the improvements thereon for a use other than what is provided for above, or in any way inconsistent with the provisions made herein, Applicant or his successors and/or assigns shall be required to make application for approval and issuance of a special permit from the Town Board, which such approval and special permit may be granted or denied at the sole discretion of the Town Board, and the Town Board shall have the right to refer any such application to the Planning Board for its comments prior to making a determination on the special permit request;
9. As a condition of the limited approvals granted herein, Applicant, his successors and/or assigns shall append, affix and maintain a copy of this Resolution to the abstract of title relating to 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524;
10. Any failure of Applicant or his successors and/or assigns to comply with the provisions of the special permit approved hereby shall subject the violator to enforcement proceedings set forth under Article XI of Chapter 130 of the Code and/or revocation of such special permit by the Town Board; and

BE IT FURTHER RESOLVED, that in reaching the above determinations, the Town Board makes the following findings pursuant to §130-18 H. of the Code:

- The request is in harmony with the general purpose and intent of the regulations set forth in §130-18 H. of the Code, taking into account the location and size of use, the nature and intensity of the operations involved and the adequacy of public facilities needed to serve the project; and
- The granting of the special permit applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be detrimental or injurious to the property and improvements in the vicinity or to the general welfare of the Town; and

BE IT FURTHER RESOLVED, that the above approvals of special permits and uses apply only to that portion of the subject property containing the 16,800 square foot building having the ten (10) individual 1,680 square foot self-contained bays or units for lease that exists as of the date of this Resolution and that any future buildings of a similar nature will require separate and additional action by the Town Board at its sole discretion, as well as approval of a site plan amendment from the Town of Avon Planning Board as applicable; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be formally made a part of the files maintained by the Town of Avon relating to the James Steele Commerce Park (formerly known as the “Crossroads Commerce Park Planned Development).

Dated: November 19, 2020

Vote of the Board:	David LeFeber	_____
	Thomas Mairs	_____
	Malachy Coyne	_____
	Paul Drozdziel	_____
	James Harrington	_____

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF Avon

Sharon Knight, CMC/RMC
Town Clerk

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber - Aye

DISCUSSION – ATTORNEY DEPARTMENT REPORT-continued

Received a letter from the DOT regarding changes and improvements at exit 10 of Route 390. There was reference to maintaining a sidewalk. He will do some research to determine what the obligations are for the Town.

Attorney Campbell requested a brief executive session.

RESOLUTION #177 EXECUTIVE SESSION

On motion of Councilman Harrington, seconded by Supervisor LeFeber the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to enter executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 6:12 P.M. inviting Attorney Campbell.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #178 CLOSE EXECUTIVE SESSION

On motion of Councilman Harrington, seconded by Councilman Coyne the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 6:21 P.M.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Harrington – Aye, Councilman Coyne – Aye, Deputy Supervisor Mairs – Aye, Supervisor LeFeber – Aye

RESOLUTION #179 DRAFT A LOCAL LAW TO MODIFY SALARIES OF SOME ELECTED OFFICIALS

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to allow Attorney Campbell to draft a local law proposing to modify salaries of some elected officials for the year 2021.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Harrington – Aye, Councilman Coyne – Aye, Deputy Supervisor Mairs – Aye, Supervisor LeFeber – Aye

DISCUSSION – ENGINEER DEPARTMENT REPORT

Supervisor LeFeber reported on the following:

Spoke with Dave Willard today regarding the water work session and MRB Group will have a proposal on some zoning modifications. Hopefully by the next meeting we will have some information to look at.

There was discussion about perspective dates for the next Battery Storage/Solar meeting.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following report:

Highway: snow fence, ditching, shop work, and snow removal

Water: Everyday maintenance and sampling, flushing dead ends and hydrants.

All Highway employees have completed the Workplace Violence and Sexual Harassment training.

DISCUSSION – CODE DEPARTMENT REPORT

The following written report along with the following report was given by Code Enforcement Officer Glise.

AUGUST 26, 2020 - NOVEMBER 17, 2020

The following Building Permits were issued during the time period August 25, 2020 - November 17, 2020

2020-0080	Viola	re-roof	8/26/2020
2020-0081	Twin Cedars of Avon	mobile home	8/26/2020
2020-0082	Twin Cedars of Avon	mobile home	8/26/2020
2020-0083	Twin Cedars of Avon	mobile home	8/26/2020
2020-0084	Twin Cedars of Avon	mobile home	8/26/2020
2020-0085	Twin Cedars of Avon	mobile home	8/26/2020
2020-0086	Twin Cedars of Avon	mobile home	8/26/2020
2020-0087	Twin Cedars of Avon	mobile home	8/26/2020
2020-0088	Twin Cedars of Avon	mobile home	8/26/2020
2020-0089	Twin Cedars of Avon	mobile home	8/26/2020
2020-0090	Twin Cedars of Avon	mobile home	8/26/2020
2020-0091	Hettrick	re-roof	9/11/2020

2020-0092	Dick	deck	9/15/2020
2020-0093	Griffiths	AG Pool	9/15/2020
2020-0094	Wilson	re-roof	9/15/2020
2020-0095	Faugh	pole barn	9/15/2020
2020-0096	Garner	storage shed	9/17/2020
2020-0097	Owen	pole barn	9/22/2020
2020-0098	Twin Cedars of Avon	demo mobile home	9/22/2020
2020-0099	Twin Cedars of Avon	mobile home	9/22/2020
2020-0100	White	re-roof	9/24/2020
2020-0101	Hayes	front porch	9/24/2020
2020-0102	Avon Lima Road Inc.	single family residence	9/24/2020
2020-0103	Vanderbrook	deck	9/25/2020
2020-0104	Vandevelt	furnace	9/29/2020
2020-0105	Noyes	demo garage	10/2/2020
2020-0106	Brice	shed	10/2/2020
2020-0107	Garner	fence	10/6/2020
2020-0108	Brokaw	roof mounted solar array	10/9/2020
2020-0109	Hampson	re-roof	10/15/2020
2020-0110	White Horse Auto	sign replacement	10/23/2020
2020-0111	Lusk	mobile home	10/26/2020
2020-0112	Heisig	demo mobile home	10/29/2020
2020-0113	Cargnoni	fence and boiler	10/29/2020
2020-0114	Greenfield	deck addition	11/1/2020
2020-0115	Marks	Roof	11/4/2020
2020-0116	Hill	furnace	11/4/2020
2020-0117	Clark	carport	11/9/2020
2020-0118	Clark	shed	11/9/2020
2020-0119	Twin Cedars of Avon	mobile home	11/10/2020
2020-0120	Twin Cedars of Avon	mobile home	11/10/2020
2020-0121	Twin Cedars of Avon	mobile home	11/10/2020
2020-0122	Twin Cedars of Avon	mobile home	11/10/2020
2020-0123	Twin Cedars of Avon	mobile home	11/10/2020
2020-0124	Twin Cedars of Avon	mobile home	11/16/2020
2020-0125	Twin Cedars of Avon	mobile home	11/16/2020
2020-0126	Twin Cedars of Avon	mobile home	11/16/2020
2020-0127	Twin Cedars of Avon	mobile home	11/16/2020

TOTAL PERMIT FEES FOR TIME PERIOD
FEES OUTSTANDING FOR TIME PERIOD
TOTAL FEES COLLECTED

The following are permits currently renewed for one year:

The following are projects/permits currently working on:

- Avon Solar farm on Howlett property on East Avon - Avon Road - approved on September 28, 2020

The following actions occur on a daily basis in the code office:

-processing all paperwork through the correct channels on a timely basis
-clean up of outstanding permits, violations and Laserfiche filing system

Spoke with Lance from MRB group about zoning and code.

Housing is starting to ramp up again.

Twin Cedars is putting in about 10 to 12 new homes.

Couple more complaints from Oak Openings Road.

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

- Proposed local law - Rush NY
- Proposed local law – Lima NY
- Building upkeep – work that needs to be done
- AOT – virtual training
- Liv. County - grant ideas
- Liv. County Planning Board Agenda/ Mining and local law
- Joint support document
- Email FEMA Region II scoping of priorities meeting & workshop
- Email from Chamber of Commerce
- Request for Services
- Completed Training Workplace Violence & Sexual Harassment
- Completed Training Planning and Zoning Board of Appeals

There was discussion about the list of items to be fixed at the Opera Block Building provided by Jose'. Councilman Harrington will stop by the building tomorrow to check on what needs to be done.

Supervisor LeFeber asked about getting more microphones for the conference phone in the board room. Councilman Drozdziel suggested to have a table set up with a microphone and the person can come to the table when giving their report.

There was discussion regarding the cleaning of the boardroom after meetings.

Supervisor LeFeber spoke about updates regarding the retirement calendars. He will speak with Attorney Campbell.

DISCUSSION – SUPERVISOR’S ITEMS

Supervisor LeFeber wanted the board’s opinion on the information he sent regarding the sonic wall for the server. It is another level of protection and is not that expensive.

Councilman Drozdziel referenced the IT audit done by the Bonadio Group and feels we should share this with Hurricane Technologies to review and then get a proposal. The Board seemed to agree with sharing the information with Hurricane Technologies.

Councilman Coyne and Councilman Harrington talked about the Battery Storage/Solar Committee meeting and stated they are making a lot of progress. Having Mary Underhill from County Planning at the meetings has been a great benefit. We will have another meeting in December, and we are getting close.

Councilman Drozdziel sent information regarding the third floor of the Opera Block Building to Attorney Campbell and is waiting for direction.

He attended a webinar on new legislation regarding solar. Article 94c will replace Article 10. It takes a lot of control away from local government and gives it to this new solar Board. Local municipalities need to have local solar and battery storage laws in place along with a well-developed comprehensive plan so they can state why they do not want these in their communities.

Clara Mulligan would like to continue as our representative to the County Planning Board. She would also like to do something for Maureen’s retirement, possibly on the third floor. With the way things are we should play this by ear.

OPEN ITEMS

Supervisor LeFeber talked about the leak at the Kyle farm and should have recommendations at the next meeting.

Highway/Water Superintendent Crye is gathering information for a water selling station. There was discussion on where it would be located and how people would pay for the water. The total estimate is \$21,000.00. This includes a 10 X 10 Building on a concrete slab with electric, a driveway, the water station with credit card payment available, piping, backflow & meter. It will cost another \$10,000.00 to pave the driveway. It could be a money maker.

RESOLUTION #180 ACCEPT THE CLAIMS

On motion of Councilman Harrington, seconded by Councilman Coyne the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2020-22 in the following amounts:

Concerning ABSTRACT of Claims Number 2020-22 including claims as follows:

General Fund	Amounts totaling \$9,747.32
Highway Fund	Amounts totaling \$6,055.44
Water Fund	Amounts totaling \$52,568.07
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town of Avon Fire Protection	No Voucher
Rte. 39 Water SW2	No Voucher

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #181 APPROVAL OF MINUTES

On motion of Councilman Harrington , seconded by Supervisor LeFeber the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of November 5, 2020 as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

Supervisor LeFeber asked if there are any comments on the open public hearing and Visitor Judy Falzoi stated that the town should look at other energy storage technologies and include them in the law. She can send an email with information. She also spoke about PILOTS and who would negotiate them.

We can revisit the campground comments at the next meeting along with the retirement calendars and set up a station with a microphone for department heads to give their reports.

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 7:03 P.M.

Respectfully submitted by:

Ellen M. Zapf, RMC Deputy Town Clerk

&

Sharon M. Knight, MMC/RMC Town Clerk