

A regular meeting of the Town of Avon was held on Thursday, February 9, 2023 at 6:00 P.M. at the Avon Village Hall, 74 Genesee Street, Avon, New York 14414.

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Paul Drozdziel, and Malachy Coyne

OTHERS: Attorney Campbell, Code Enforcement Officer Brian Glise, Highway/Water Superintendent Thomas Crye, MRB Group Engineer David Willard and Town Clerk Sharon Knight

VISITORS: Judy Falzoi, Edward Forsythe, Janet Manko, Clara Mulligan, Chuck Morgan

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

VISITOR COMMENTS

- Clara Mulligan spoke before the Board and provided the following prior to the meeting:

January 30, 2023

Dear Kim,

In 2016, the Comprehensive Plan committee set some goals for future land use, one which aims to protect important viewsheds within the town. A viewshed may have historic or aesthetic value, which contributes to the character of an area.

Our committee concluded that the stretch of Route 5 & 20 between the Avon village and hamlet of East Avon is prime road frontage that should be protected from the development of sprawl. Filling in between the farmsteads with modern homes and businesses would permanently change the original historic spacing of these homes and barns which represent a nineteenth century agricultural era.

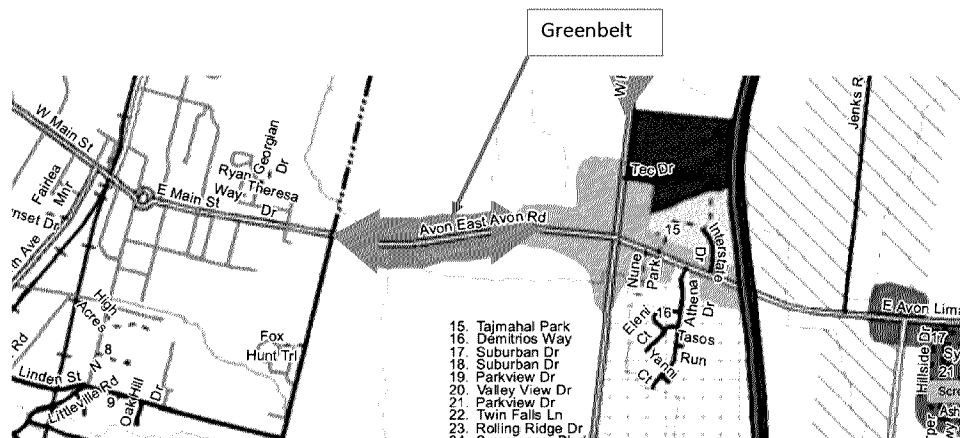
I would like to begin a conversation to explore the idea of protecting this corridor. An overlay district creating a 600' buffer on both sides of Route 5 & 20 for approximately six tenths of a mile would prevent a corridor of sprawl but allow for future development behind the buffer. With that future development, appropriate singular curb cuts could be applied as opposed to many driveways.

The Town of Avon 2016 Comprehensive Plan (page 60) states the goal to protect this corridor:

One of the key priorities of the Town is to preserve the existing greenbelt between the Hamlet of East Avon and the Village of Avon. This area is currently characterized by farmland and traditional homesteads. This corridor serves as a rural transition and gateway between the more developed portions of the Village and Hamlet.

In order to ensure the visual integrity of this corridor is maintained the Town should consider the following action:

Adopt a Corridor Overlay District that reduces the number of non-farming uses and creates design standards for future development.



Source: Future Land Use Map, 2016 Comprehensive Plan, page 57.



Proposed 600' buffer zone

Six hundred feet falls just behind the farmsteads, yet allows adequate space to continue farming the land within the district.

I look forward to being part of a conversation to consider this proposal as a proactive change to our code before development challenges us to be reactive.

Sincerely,
Clara Mulligan

- Chuck Morgan stated that he supports Clara’s ideas.
- Supervisor LeFeber thanked Clara for following up.
- The Board agreed to move forward with having Councilman Coyne and Town Historian/ Planning Board Member Clara Mulligan, to have conversations with the landowners.

DISCUSSION - OPEN PUBLIC HEARINGS LOCAL LAW T-1-2023 AND T-2-2023

Supervisor opened the Public Hearing by reading the following legal notices:

**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 New York State Town Law, that a public hearing shall be held by the Town Board of the Town of Avon at the Avon Village Hall, located at 74 Genesee Street, Avon, New York at 6:15 p.m. on Thursday, February 9, 2023 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

“A Local Law to adopt a real property tax exemption for certain qualifying senior citizens in accordance with New York State Real Property Tax Law §467. Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or siblings, one of whom is sixty-five years of age or over, and used as the legal residence of such person(s), shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner(s) meet the qualifications set forth below. To be eligible for the exemption authorized by Real Property Tax Law §467 and implemented by this Local Law, the maximum income of such owner(s) shall

not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
\$0 - 28,000.00	50 per centum
\$28,000.01 - 28,999.99	45 per centum
\$29,000.00 - 29,999.99	40 per centum
\$30,000.00 - 30,999.99	35 per centum
\$31,000.00 - 31,899.99	30 per centum
\$31,900.00 - 32,799.99	25 per centum
\$32,800.00 - 33,699.99	20 per centum
\$33,700.00 - 34,599.99	15 per centum
\$34,600.00 - 35,499.99	10 per centum
\$35,500.00 - 36,399.99	5 per centum

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: January 16, 2023

Publish: January 26, 2023

By Order of the Town Board of the Town of Avon

Sharon Knight, MMC/RMC – Avon Town Clerk

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“A Local Law to adopt a real property tax exemption for certain qualifying persons with disabilities in accordance with New York State Real Property Tax Law §459-c. Real property owned by a person with disabilities whose income is limited by reason of such disabilities, and used as the legal residence of such person, shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner meets the qualifications set forth below. To be eligible for the exemption authorized by Real Property Tax Law §459-c and implemented by this Local Law, the maximum income of such owner(s) shall not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

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DISCUSSION-ATTORNEY REPORT

Attorney Campbell gave the following report:

- Mary Underhill sent him correspondence regarding the moratorium. He expects the Planning Board to vote in favor of the moratorium.
- Finalizing and going back and forth with developers with the pilot, CBA and the decommissioning agreement for Avon CSG2 Stoke.
- Bond anticipation closing February 15th for 3rd floor renovation.
 - Borrowing 1.5 million dollars for one year
 - Community Bank
 - 4.39%
- NY Class program-
 - Municipal financial manager
 - High yield savings account
 - Kathy is able to do zoom or can talk with Board individually about program.

DISCUSSION- PUBLIC HEARING

- Attorney Campbell discussed the local laws being adopted today are Type 2 action under SEQR.

RESOLUTION #38 TO CLOSE PUBLIC HEARING LOCAL LAW T-1-2023

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to close the public hearing T-1-2023 with acknowledgment this is a Type 2 action under SEQR.

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

RESOLUTION #39 TO ADOPT LOCAL LAW 2-2023

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE adopt local law 2-2023 as type 2 action under SEQR as follows:

Adopt a real property tax exemption for certain qualifying senior citizens in accordance with New York State Real Property Tax Law §467. Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or siblings, one of whom is sixty-five years of age or over, and used as the legal residence of such person(s), shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner(s) meet the qualifications set forth below. To be eligible for the exemption authorized by Real Property Tax Law §467 and implemented by this Local Law, the maximum income of such owner(s) shall not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

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\$34,600.00 - 35,499.99	10 per centum
\$35,500.00 - 36,399.99	5 per centum

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

RESOLUTION #40 TO CLOSE PUBLIC HEARING LOCAL LAW T-2-2023

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to close the Public Hearing T-2-2023 with acknowledgement this is a type 2 action under SEQR.

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

RESOLUTION #41 TO ADOPT LOCAL LAW 3-2023

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to adopt Local Law 3-2023 with acknowledgment this is a Type 2 action under SEQR as follows:

Adopt a real property tax exemption for certain qualifying persons with disabilities in accordance with New York State Real Property Tax Law §459-c. Real property owned by a person with disabilities whose income is limited by reason of such disabilities, and used as the legal residence of such person, shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner meets the qualifications set forth below. To be eligible for the exemption authorized by Real Property Tax Law §459-c and implemented by this Local Law, the maximum income of such owner(s) shall not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

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\$33,700.00 - 34,599.99	15 per centum
\$34,600.00 - 35,499.99	10 per centum
\$35,500.00 - 36,399.99	5 per centum

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

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Tom Crye provided the following:

HIGHWAY:

- Shop
- Snow Removal
- Brush-Pole Bridge Rd.

WATER:

- Everyday maintenance & sampling
- Paint floors

- Clean valves

Pick-up was budgeted last year but there has been a lack of availability.

- Truck is 5 years old (2018 model)
- 60,000 miles on truck and would like to get at least \$30,000 out of it.

DISUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise provided the following report:

- Met with Lance from MRB to go over new applications.
- Meet with representatives of Quicklees
- Recodifying code- possibly put together a committee.
 - An ad will be put in the paper to form a committee.
- Twin Cedars- having some water issues.

DISCUSSION – ENGINEER REPORT

MRB Group Engineer David Willard gave the following report:

- House on 5 & 20 flooding across driveway.
 - Outstanding violation
- Meeting for joint study with Village 2/10/2023
- Received EPA paperwork from County.
- Will have to pull another sample and give results to EPA.

DISCUSSION- PUBLIC HEARING FOR THE MORATORIUM

- Supervisor LeFeber received a call during the meeting that the County Planning Board is ok with the referral that was voted on in favor of the Town. There were some advisory comments which were like the advisory comments they had before.

RESOLUTION #42 CLOSE PUBLIC HEARING LOCAL LAW T-7B-2022

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to close Public Hearing on Local Law T-7B-2022 with type 2 action under SEQR.

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

RESOLUTION #43 TO ADOPT LOCAL LAW 4-2023

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to adopt Local Law 4-2023 with acknowledgement of a Type 2 action under SEQR as follows:

TOWN OF AVON LOCAL LAW NO. 4 of 2023
A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE
MORATORIUM PROHIBITING LARGE SCALE SOLAR
INSTALLATIONS (TYPE 2 SOLAR ENERGY SYSTEMS AS
DEFINED IN THE TOWN OF AVON ZONING ORDINANCE)
WITHIN THE TOWN OF AVON

Be it enacted by the Town Board of the town of Avon as follows:

SECTION 1. PURPOSE AND INTENT.

This local law is intended to temporarily prohibit the creation or siting of Type 2 Solar Energy System (as defined in the Town of Avon Zoning Ordinance §130-79) within the Town of Avon for a period of up to twelve (12) months, pending the further development and adoption of local laws and/or ordinances prepared to supplement or modify the current regulations contained in Article XV of the Town of Avon Zoning Ordinance (hereafter “Zoning Code”) and which govern such installations.

The objective of this moratorium is to allow the Town of Avon to assess and update its current regulatory framework relating to the appropriateness of the use, siting and regulatory processes associated with Type 2 Solar Energy Systems, so as to better promote community planning and development values in the context of the rapidly changing technology and industry of large-scale solar installations. During the pendency of the moratorium, the Town Board will consider whether Type 2 Solar Energy Systems are still an appropriate use of land within the Town of Avon and if so, how best to permit such installations so as to harmoniously integrate such installations with the existing residential and agricultural community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory and updated regulations are adopted.

For these reasons, the Town Board finds that the temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further

develop and adopt necessary zoning and land use changes to the Town of Avon Zoning Ordinance, thus protecting and furthering the public interest, health and safety.

SECTION 2. TEMPORARY MORATORIUM.

- A. There is hereby adopted in the Town of Avon a twelve (12) month moratorium on the consideration, receipt or granting of land use applications, Site Plan approval, Special Use Permits and zoning changes or amendments to permit the siting or creation of Type 2 Solar Energy Systems.

“Type 2 Solar Energy Systems” are as defined by §130-79 of the Zoning Code as “A Ground-Mounted Solar Energy System intended to produce energy for off-site sale to and consumption by one or more customers.” Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of off-setting their own electric energy use is not a Type 2 Solar Energy System and shall be specifically exempted from this moratorium. However, any such exempted solar energy systems or generating improvements shall not generate in excess of 110% of the one year average annual consumption of such individual landowner, householder, business or farmer.

Notwithstanding the above, this moratorium shall not apply to any Type 2 Solar Energy System project for which the Town Planning Board and Zoning Board of Appeals have made determinations that they have received a completed application and commenced the Site Plan and Special Use Permit review process or granted approval for the same.

- B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to its land use local laws and/or Zoning Code so as to more effectively regulate Type 2 Solar Energy Systems. Said moratorium shall be effective as of the date set forth hereinbelow.
- C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Avon for the siting or creation of a Type 2 Solar Energy System.

SECTION 3. APPLICABILITY.

The provisions of this local law shall apply to all real property within the Town of Avon, and all land use applications for the siting or creation of Type 2 Solar Energy Systems within the Town of Avon.

SECTION 4. RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
2. The impact of the proposed application on the applicant's premises and upon the surrounding area.
3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
4. Compatibility of the proposed application with the recommendations of any administrative body that would absent this Moratorium, be charged with such review by the Town of Avon.
5. The written opinion of the Town of Avon Planning Board, Zoning Board of Appeals and the Town of Avon Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
6. Such other relevant considerations and issues as may be raised by the Town Board.

The Town Board shall have sixty (60) days after conducting the public hearing to make a determination on the requested relief. In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$2,500.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to assist the Town in evaluating and considering the merits of such application. In the alternative to an undertaking, the Town, at its sole discretion, may require the applicant to provide moneys (in addition to the \$2,500.00 fee above) to be held in a non-interest bearing escrow account for the purposes of paying for the expenses anticipated herein. Such initial amount to be paid into escrow shall be determined by the Town Board and the Town Board may require subsequent deposit of additional funds should the initial escrow amount not be adequate to pay for all such expenses.

SECTION 5. STATUTORY AUTHORITY; SUPERCESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Avon, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this chapter shall supersede the New York State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall supersede and suspend those provisions of the Code of the Town of Avon and New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 6. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 7. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 8. EFFECTIVE DATE.

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.

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

DISCUSSION CONTINUED- PUBLIC HEARING MORATORIUM

- Start the process of forming a committee for solar.
 - This is not a committee with the charge of getting rid of solar.
 - The committee would look at how to make changes to refine the local law for solar. Some suggestions are:
 - Drone inspections
 - What happens when it doesn't get turned on?
 - Setbacks
 - Green space
 - Buffering
- Supervisor LeFeber and Kim McDowell will place the ad.

DISCUSSION- TOWN CLERK REPORT

Town Clerk Sharon Knight provided a written report and confirmed that the Town Board received it prior to meeting.

Description	Information/Update
Department/Committee:	Town Clerk/Collector, Registrar, Records Management Officer, Marriage Officer, Notary
Department Head:	Sharon M. Knight, MMC/RMC
Date of Report:	February 7, 2023
Requests for Town Board Decisions:	1. Approval of minutes not yet considered: January 26, 2023 2. Abstract 2023-3 3. Request for Information - General Code Codification Update - Again 4. Identify two Board Members to serve on Fire District/Department informal gatherings
Key Points/Updates:	1. We have collected 82% of tax bills. 49 online payments, 1642 mail, and 612 counter, collected \$60.00 in insufficient check fee recorded in Clerk Monthly Report 2. Updated projected schedule of mandated reduced Deputy Town Clerk hours. 3. Denied FOIL request – Village of Avon not the Town 4. NYSTCA Legislative Committee Update – One Day Marriage Officiant Licenses – Fee of \$25.00 must purchase 30 days in advance of the ceremony. 5. Processed local law 1-2023
Routine Updates:	1. Scanning daily records into Laserfiche. 2. Dog Licenses, Conservation Sales, Marriage Licenses, Marriage Ceremony, Faxing, Coping, Notary Service, Local Laws, Legal Notices and Budget

- Councilman Harrington and Councilman Coyne will serve on the Fire District/Department informal gatherings.

DISCUSSION- SUPERVISORS REPORT

Supervisor LeFeber gave the following report:

- Monthly budget reports

RESOLUTION #44 TO ACCEPT THE MONTHLY REPORTS OF THE TOWN SUPERVISOR AND CLERK

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly reports for January from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s January 2023 Report:

Total Local Shares Remitted:	\$ 917.50
New York State Department of Health	\$.00
NYS Ag. & Markets for spay/neuter program	\$ 84.00
NYS Environmental Conservation	\$.00
TOTAL	\$1,001.50

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

RESOLUTION #45 APPROVE THE AUDITS OF THE HONORABLE TORREGIANO AND HONORABLE HOFFMANN

On motion of Councilman Harrington, seconded by Councilman Drozdziel the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the following audits:

Torregiano

Annual Checklist for Review of Justice Court Records

	Yes	No
<u>Cash Receipts Book</u>		
▶ Are pre-numbered receipt forms issued for all collections?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are duplicate receipts kept for court records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are receipts recorded up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Last recorded receipt: # <u>MT 395</u> Date <u>2/7/23</u> Amount <u>164.64</u>		
▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are deposits identified?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are duplicate deposit slips kept for court records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are deposits recorded up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Last recorded deposit: Date <u>2/6/23</u> Amount <u>575.00</u>		
▶ Is the receipt book totaled and summarized at the end of each month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Last Month Totaled and Summarized <u>Jan 23</u>		
<u>Cash Disbursements Book</u>		
▶ Are pre-numbered checks used for all disbursements other than petty cash?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are all checks signed by the Justice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are canceled checks (or check images) returned with bank statements and kept for court records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Are checks recorded up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Last recorded check: # <u>1475</u> Date <u>1/6/23</u> Amount <u>1772.</u>		
<u>Bank Reconciliations</u>		
▶ Are bank accounts reconciled promptly after bank statements are received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Last Bank Reconciliation for Each Bank Account: Date Performed <u>1/10/23</u> Month Ending <u>Dec 22</u>		
<u>Additional Supporting Records</u>		
▶ Is a list of bail maintained?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▶ Is a record of uncollected installment payments maintained?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Annual Checklist for Review of Justice Court Records

	Yes	No
<u>Dockets and Case Files</u>		
▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims?	✓	○
▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address.	✓	○
▶ Do dockets for disposed cases appear to be complete?	✓	○
▶ Do dockets for disposed cases agree with amounts reported?	✓	○
<u>Cash Book Reconciliation</u>		
▶ Is the cash book reconciled to the adjusted bank balances at the end of each month?	✓	○
▶ Does the cash book total agree with the bank reconciliation and supporting information?	✓	○
<i>Last Cash Reconciliation:</i> Date Performed _____ Month Ending _____		
<u>Reports to the Division of Criminal Justice Services</u>		
▶ Are reports made timely to the Division of Criminal Justice Services?	✓	○
▶ Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken? _____	✓	✓
<u>Reports to the Justice Court Fund</u>		
▶ Are reports made timely to the Justice Court Fund?	✓	○
▶ Do reported amounts agree with docket dispositions and case files?	✓	○
▶ Do reported amounts agree with cash receipt and disbursement books? Last report submitted: Month Ending _____ Date _____ Amount _____	✓	○
▶ Has the court received any notices regarding late reporting? If yes, why were the reports late and what corrective actions were taken? _____	○	✓

Annual Checklist for Review of Justice Court Records

	Yes	No
Reporting to the Department of Motor Vehicles - TSLED Program		
▶ Has the court received any notices regarding pending cases? If yes, why were the cases pending and what corrective actions were taken, if any _____	<input type="radio"/>	<input checked="" type="radio"/>
<p>Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.</p>		
▶ Are reports from TSLED to the court maintained and utilized? Last TSLED Report Available: Date <u>8/31/22</u>	<input checked="" type="radio"/>	<input type="radio"/>
Note: Courts can access reports on-line from TSLED at any time.		
▶ How many cases are shown as pending in the last TSLED report? <u>485</u>	<input checked="" type="radio"/>	<input type="radio"/>
▶ Does the cash book total agree with the bank reconciliation and supporting information?	<input checked="" type="radio"/>	<input type="radio"/>
<ul style="list-style-type: none"> • Is the number of pending cases reasonable? <input type="radio"/> • How many cases are shown as pending for more than 90 days? <input type="radio"/> • What actions have been taken to dispose of these cases? <input type="radio"/> 	<input type="radio"/>	<input type="radio"/>

*glott for fail to appear
convert to civil judgment
for fail to pay*

Overall Evaluation

*Everything is in order & up to date.
GOOD JOB!*

Thomas Morris

Hoffmann

Annual Checklist for Review of Justice Court Records

	Yes	No
Cash Receipts Book		
▶ Are pre-numbered receipt forms issued for all collections?	✓	○
▶ Are duplicate receipts kept for court records?	✓	○
▶ Are receipts recorded up-to-date?	✓	○
Last recorded receipt: # <u>40050</u> Date <u>2/7/23</u> Amount <u>200</u>		
▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?	✓	○
▶ Are deposits identified?	✓	○
▶ Are duplicate deposit slips kept for court records?	✓	○
▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?	✓	○
▶ Are deposits recorded up-to-date?	✓	○
Last recorded deposit: Date <u>1/31/23</u> Amount <u>80</u>		
▶ Is the receipt book totaled and summarized at the end of each month?	✓	○
Last Month Totaled and Summarized <u>Jan 23</u>		
Cash Disbursements Book		
▶ Are pre-numbered checks used for all disbursements other than petty cash?	✓	○
▶ Are all checks signed by the Justice?	✓	○
▶ Are canceled checks (or check images) returned with bank statements and kept for court records?	✓	○
▶ Are checks recorded up-to-date?	✓	○
Last recorded check: # <u>1035</u> Date <u>1/9/23</u> Amount <u>\$4907.00</u>		
Bank Reconciliations		
▶ Are bank accounts reconciled promptly after bank statements are received?	✓	○
Last Bank Reconciliation for Each Bank Account: Date Performed <u>1/3/23</u> Month Ending <u>Dec 22</u>		
Additional Supporting Records		
▶ Is a list of bail maintained?	✓	○
▶ Is a record of uncollected installment payments maintained?	✓	○

Annual Checklist for Review of Justice Court Records

- | | Yes | No |
|--|-----|----|
| <u>Dockets and Case Files</u> | | |
| ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims? | ✓ | ○ |
| ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address. | ✓ | ○ |
| ▶ Do dockets for disposed cases appear to be complete? | ✓ | ○ |
| ▶ Do dockets for disposed cases agree with amounts reported? | ✓ | ○ |

Cash Book Reconciliation

- | | | |
|---|---|---|
| ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month? | ✓ | ○ |
| ▶ Does the cash book total agree with the bank reconciliation and supporting information? | ✓ | ○ |

Last Cash Reconciliation: _____
 Date Performed 2/6/23 Month Ending Jun 23

Reports to the Division of Criminal Justice Services

- | | | |
|---|---|---|
| ▶ Are reports made timely to the Division of Criminal Justice Services? | ✓ | ○ |
| ▶ Has the court received any notices regarding late reporting?
If yes, why were the reports late and what corrective actions were taken? _____ | ○ | ✓ |

Reports to the Justice Court Fund

- | | | |
|---|---|---|
| ▶ Are reports made timely to the Justice Court Fund? | ✓ | ○ |
| ▶ Do reported amounts agree with docket dispositions and case files? | ✓ | ○ |
| ▶ Do reported amounts agree with cash receipt and disbursement books?
Last report submitted: Month Ending _____ Date _____ Amount _____ | ✓ | ○ |
| ▶ Has the court received any notices regarding late reporting?
If yes, why were the reports late and what corrective actions were taken? _____ | ○ | ✓ |

Annual Checklist for Review of Justice Court Records

Yes No

Reporting to the Department of Motor Vehicles - TSLED Program

▶ Has the court received any notices regarding pending cases?
If yes, why were the cases pending and what corrective actions were taken, if any _____

Note: Cases over 60 days are eligible to be Scoffit awed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

▶ Are reports from TSLED to the court maintained and utilized?
Last TSLED Report Available: Date 8/31/22
Note: Courts can access reports on-line from TSLED at any time.

▶ How many cases are shown as pending in the last TSLED report? 485

▶ Does the cash book total agree with the bank reconciliation and supporting informataion?

- Is the number of pending cases reasonable?
- How many cases are shown as pending for more than 90 days? _____
- What actions have been taken to dispose of these cases?

*sub for fail, to appeler
convert to civil judgement
for fail to pay*

Overall Evaluation

*EVERYTHING IS IN ORDER + UP TO DATE.
GOOD JOB!*

Thomas Mair

152 - Justice Court Handbook

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

RESOLUTION #46 TO APPROVE THE AUDIT OF THE TOWN CLERK AND TAX COLLECTION

On motion of Councilman Harrington, seconded by Supervisor LeFeber the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the following audits:

Tax collection

Appendix E – General Recordkeeping Requirements for Tax Collecting Officers continued

Checklist for Review of Tax Collecting Officer's Records

Settlement	YES	NO
Is a copy of the collector's or receiver's settlement sheet available?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have all settlement issues/concerns been adequately resolved?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Bank Accounts	YES	NO
Is the bank account reconciled after bank statements are received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Last Bank Reconciliation for Each Bank Account:</i>		
<i>Date Performed 1-31 Month Ending JANUARY</i>		
Note: Tax collector's bank account balance should be \$0.00 at the beginning of the collection period		

Cash Receipts	YES	NO
Is the cash receipts journal maintained in a manner sufficient to identify the date received, payer, tax account number, tax amount, interest amount and other appropriate information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are deposits identified?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are duplicate deposit slips kept?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do deposit amounts agree with cash receipt amounts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are bank deposits timely or (for towns) within 24 hours of collection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Cash Disbursements	YES	NO
Are pre-numbered checks used for all disbursements other than petty cash?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all checks signed by the tax collector or receiver?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are canceled checks or check images returned with bank statements and maintained on file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deposit Protection	YES	NO
Has the bank pledged adequate, eligible securities to protect tax collector deposits that exceed FDIC insurance protection, when applicable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Appendix E – General Recordkeeping Requirements for Tax Collecting Officers continued

Financial Reporting	YES	NO
Are payments made at least weekly to the supervisor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are receipt forms issued by the supervisor to acknowledge collection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are payments made timely to the county treasurer?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Accountability	YES	NO
Are penalties assessed/collected on late payments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the total amount of penalties collected on overdue real property taxes comparable with that collected in previous year(s)? Do the amounts look reasonable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the tax collector or receiver treating his/her own tax bills properly, e.g., penalties, if required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are interest earnings remitted to the supervisor and/or the county as appropriate? (Check county resolution for guidance.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are there significant safeguards for the protection of assets and cash, such as a safe or locked file cabinet, offices with locks on the door, regular deposits of cash, etc.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments and Conclusions

*Everything is in order & up to date.
 Good Job
 Thomas March*

Town Clerk

Appendix D – General Recordkeeping Requirements for Town Clerks continued

Checklist for Review of Town Clerk's Records

Cash Receipts	YES	NO
Is the cash receipts journal up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the cash receipts journal maintained in a manner that identifies the date received, payer, purpose, and the amount either individually or totals referenced to subsidiary receipt records (e.g., water rents receipts register)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are un-deposited cash receipts safeguarded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are duplicate deposit slips kept?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do deposit amounts agree with cash receipt amounts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are deposits made timely (no later than the third business day after \$250 has been collected) and recorded up-to-date? Last Recorded Deposit: Date <u>2-7-23</u> Amount <u>\$ 105.00</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the cash receipts journal totaled and summarized monthly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cash Disbursements	YES	NO
Is the cash disbursements journal up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the cash disbursements journal maintained in a manner to identify amounts disbursed either individually or totals referenced to abstracts or payrolls?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are pre-numbered checks used for all disbursements made by check?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all checks signed by the town clerk?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are canceled checks or check images returned with bank statements and maintained on file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all unused checks properly controlled (blank check stock)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are checks recorded up-to-date? Last Recorded Check: # <u>1497</u> Date <u>2-6-23</u> Amount <u>\$917.96</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Appendix D – General Recordkeeping Requirements for Town Clerks continued

Cash Reconciliations	YES	NO
Are bank accounts reconciled? By Whom? <u>Town Clerk</u> How Often? <u>DAILY + MONTHLY</u> Who Reviews/Verifies Them? <u>TOWN BOARD/AUDIT</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the bank reconciliation performed timely after the bank statement is received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Last Bank Reconciliation for Each Bank Account		
Bank Account	Date Performed	Month Ending
<u>Construction</u>	<u>1-26</u>	<u>JANUARY</u>
<u>Town Clerk</u>	<u>1-31</u>	<u>JANUARY</u>
Are reconciliations documented and available for review?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the reconciled bank balance agree with the cash balance recorded in the accounting records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deposit Protection		
Has the bank pledged adequate, eligible securities to protect town clerk deposits that exceed FDIC insurance, if applicable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Accountability		
Is accountability (what the town clerk owes) determined at the end of each month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the accountability amount agree with the bank reconciliation and supporting records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are unissued licenses and permits (e.g., dog licenses) safeguarded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are revenues from town clerk fees comparable with those of previous years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Financial Reporting		
Are monthly reports and payments made timely to the supervisor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are monthly reports and payments made timely to other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do reported amounts on monthly reports agree with cash receipts and disbursements books?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Appendix D – General Recordkeeping Requirements for Town Clerks continued

Receivables <i>(if applicable, such as water rents)</i>	YES	NO
Are receivable control accounts maintained?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is there indication that the receivable control accounts are reconciled to the detail subsidiary records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments and Conclusions

*Everything is in order & up to date,
GOOD JOB*

Alana Mairs

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

RESOLUTION #47 APPROVE THE TOWN AUDIT OF 2021

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the Town Audit of 2021 and filed with the Town Clerk.

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

RESOLUTION #48 ACCEPT THE CLAIMS

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2023-3 in the following amounts:

Concerning ABSTRACT of Claims Number 2023-3 including claims as follows:

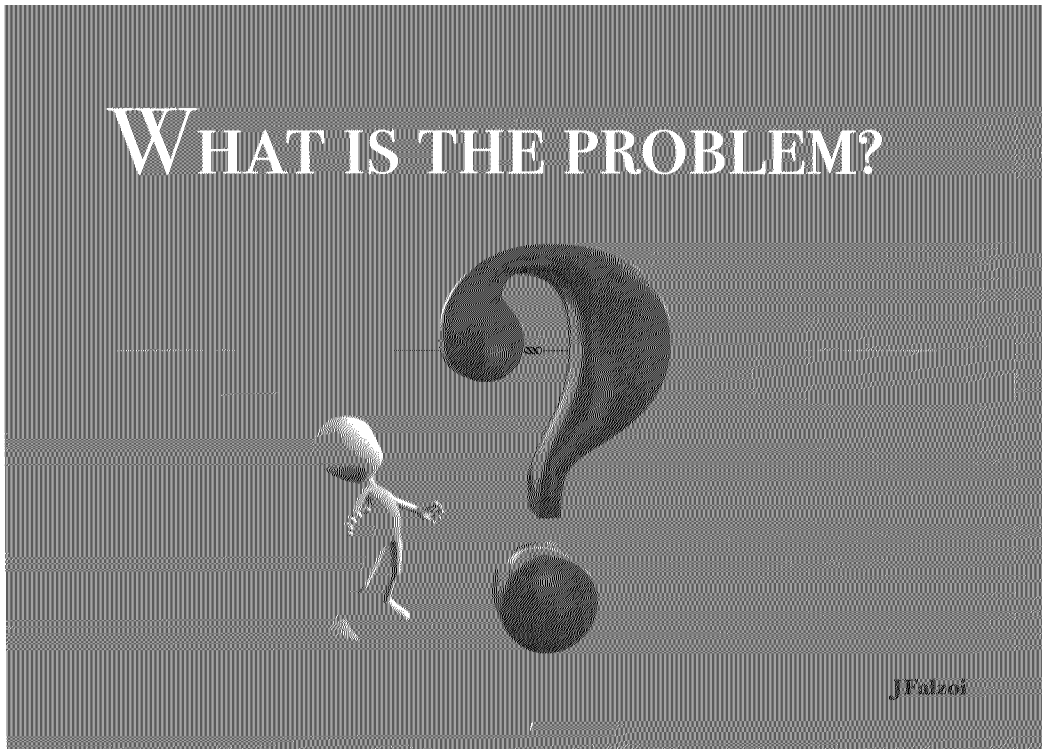
General Fund	Amounts totaling \$219,896.77
Highway Fund	Amounts totaling \$ 9,847.25
Water Fund	Amounts totaling \$ 55,744.26
Royal Springs Lighting	Amounts totaling \$ 1,235.31

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

At 8:47 P.M. Councilman Harrington left the meeting

At 8:50 P.M. Attorney Campbell left the meeting

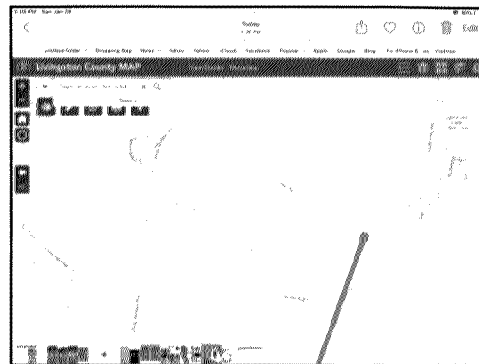
The following was provided by Judy Falzoi:



1

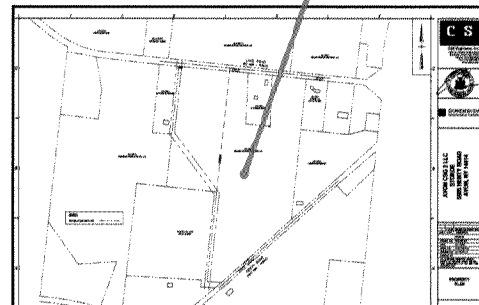
Type 2, large-scale, commercial energy use placement

- benefit to town
- soil classification
- landowner rights and personal benefit
- participation in NYS energy goal
- applicant's right to seek a Special Land Use permit



Community Conflict

- landowner rights
- Soil preservation
- Farmland Protection Plan
- Effect on rural views and community expectations
- Impact of solar development on some homeowners and not others

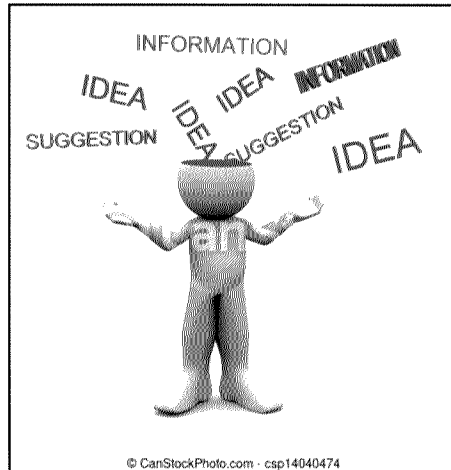


2

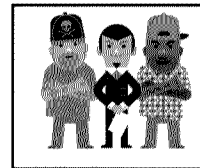
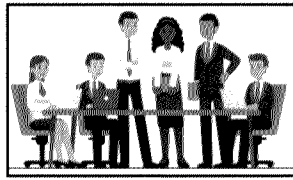
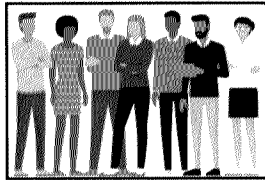
2

The following is a suggestion for lessening **community conflict** without the involvement of any town officials and other board members

Keep an open mind...



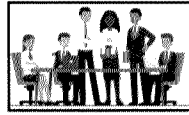
INVOLVED STAKEHOLDERS TODAY



- ◆ 1. **Residential Property Owners** in close distance to a solar energy use
- ◆ 2. **Town of Avon officers and permitting board members**
- ◆ 3. **Applicant:** Leasing landowner and solar facility developer/operator

What if conflict could be resolved BEFORE Avon receives an application for Type 2 solar land use?

Local Precedent



ZBA Minutes 2021

Jan.

"Brian asked if he could get a **letter** from that neighbor stating they are in favor of the home."

"Jeff feels Mr. F. should get a **letter** from his neighbor regarding the setback he is requesting."

"Cindy suggested getting a **letter** from the neighbor across the street as well."

Aug.

"Clara stated she feels it looks close to your neighbors back lawn and **are they OK** with it being in that area?"

Mr. T. **hasn't notified** any neighbors of his plans."

"Jeff P. would like to see **letters** from his neighbors in support of the building."

Sept.

"Clara asked if the **neighbors are OK** with it and Mr. G. said he believes so."

Joint Planning and ZBA Board Minutes 2022

Feb.

"Mr. H. has **spoken to both neighbors**, and they do not have a problem with him doing this.

Jeff M. doesn't remember hearing from Mr. H., and he is a neighbor, **but he has no issue.**"

April

"Jeff asked **if she has talked** to any of the neighbors and Ms. F. said they hadn't, they are not close with any of the neighbors. She also stated they have not had any complaints regarding sound or anything else."

May

"Jeff stated we need to schedule a public hearing and suggested **Mr. G. talk to the neighbors** regarding his variance."

Why are applicants asked about letters or neighbor agreement?



Why are applicants for Type 2 solar energy systems not asked about their effort to avoid conflict with nearby property owners?



• Department of Environmental Conservation
Well Spacing and Compulsory Integration
<https://www.dec.ny.gov/energy/1526.html>

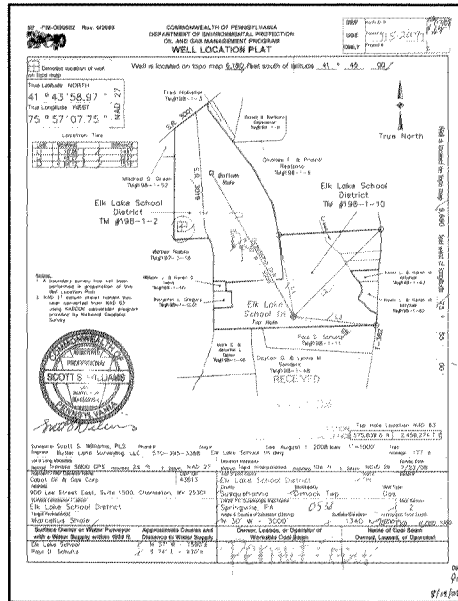
NYSDEC Precedent

A spacing unit is an area allocated to a well to drill for and produce oil or natural gas.

An operator proposing to drill a well who has control of (or leases for) between 60% and 100% of the acreage in the spacing unit must go through compulsory integration.

It establishes royalty rights for those landowners within the proposed spacing unit who do not have leases with the operator.

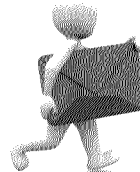
Related Forms
Affirmation of Acreage Control and Rights in Target Formation (PDF, 198 KB)
- All applications for well permits subject to Section 23-0501 of the ECL must now include this form.



Permits from DEC for gas drilling...

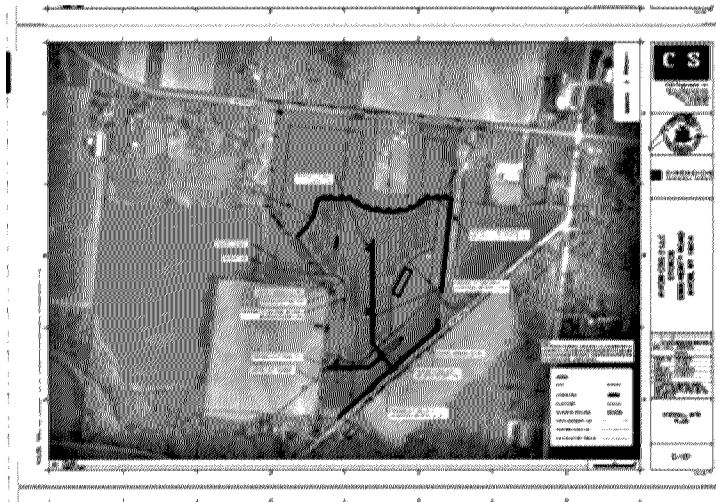
Who is responsible for getting agreements from non-participating landowners?

What is needed before the DEC accepts the application?



FACTS

1. Town of Avon's land use application requires a statement that a **lease agreement** has been signed. It is reviewed by our Code Officer with referral to Town Board or ZBA for approval to apply for a Special Land Use Permit according to code 130-35.
2. Applicant's **site plan** includes the parcel and adjoining lots
3. Applicant calculates distance between project site and other uses on a map.



It's a Law

Town of Avon 130-35 Uses requiring special permits

- A. Whereas **the necessity for certain specific uses is recognized**, and at the same time appreciating the fact that they or any one of them may be or become inimical to the public health, safety and general welfare of the community **if located without consideration to the existing conditions and surroundings**, the following standards and proceedings are hereby established. The following standards and proceedings are intended to provide the Zoning Board of Appeals with a guide for the purpose of reviewing certain uses not otherwise permitted in this chapter.
- B. In granting approval of any special use, the Zoning Board of Appeals shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of **the residents in the immediate vicinity in particular**. The Board may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further the expressed intent of this chapter and the intent of the district in which approval is being sought.



Conditions listed in code 130-35 are often what causes conflict for some property owners.

1) Conditions of use. The Zoning Board of Appeals shall require that the following **conditions are met before granting** a special use permit:

- No adverse effect on orderly development and **character of neighborhood**
- Will be in **harmony** with existing and future development
- No nuisance in law or fact, not noxious, **offensive or injurious, emit dust, smoke, refuse, poison, odors, fumes, radiation, vibration, unsightliness, contaminate waters.**
- Conditions, restrictions and safeguards necessary to **protect property value, health, safety, morals, peace and general welfare of the community and public.**
- **Conforms with the Comprehensive Plan and other community plans**

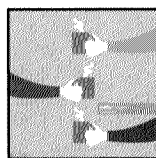
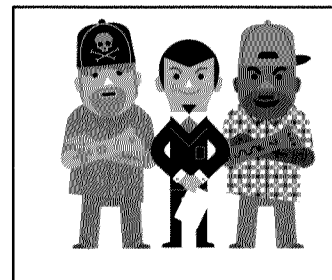
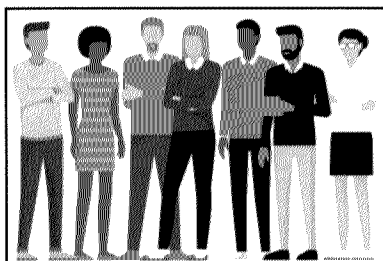
RED Words are words spoken at public hearings by community members who ask why their environment must change to accommodate Type 2 solar energy development. They ask permitting boards to help them prevent changes to their environment. There is concern about property value.

//

Action Plan

What might happen if an applicant for a Type 2 Solar Energy System (or any other applicant for a Special Land Use Permit) resolves conflict with nearby property owners **before** appearing before any Town of Avon permitting boards?

The picture from slide 2 changes to...



Who is relaxing at home and uninvolved?

12

BENEFITS



Nearby Residential Property Owners

- Time to think about personal impacts needing resolution
- Time to consider environmental impacts
- Private meeting with applicant(s)
- Questions answered
- Attendance at public meetings optional
- Time to talk to other people living near a solar landscape.
- Anticipate future development relating to renewable energy and decide what will be a best benefit= not a board member decision



Applicants and Leasing Landowners

- Speedy application review
- Relationship with Avon's community
- Mutual resolution benefits everyone
- Some flexibility with site plans possible
- Conflict resolution private
- Public Hearing less emotional
- Positive public image
- Ability to adjust site plan before presentation to review boards
- Reason to lease land outside the residential distance requiring agreement



Avon's Permitting Board Members

- No longer facing neighbors asking for help
- No longer explaining the permitting process.
- No longer feeling pressured by applicants for quick decisions
- No long meetings.
- Conflict mitigated ahead of public hearings.

Thoughts...

If an agreement is not reached between the applicant and residential property owner, the applicant can be encouraged to adjust plans so the 1,000 ft setback is not an issue. It is possible the applicant will get an agreement that would mean the 1,000 ft setback from a residential property line can be less. Their agreement is private and not public information or part of the town record.



Each property owner, with a property line within 1,000 ft of the closest distance between the residential lot and the required solar energy system fence will sign an agreement with the applicant telling the permitting boards they have no problems with the Type 2 solar system land use. This will be done before an application is accepted.

Town Officers, ZBA and Planning Board Members will not have to balance town permitting process with their emotional response to community members unfamiliar with municipal procedures. The town will not have to keep a record of any arrangements with nearby neighbors. The permitting boards will be able to concentrate on the application, plans, adherence to the Energy Law. Public Hearings will focus on the project's impact to the entire Town. Fewer meetings. Community will not be in turmoil.



Livingston County Planning Dept. has mapping tools that estimate distance in feet and includes other information.

What needs to change to put this into action?

Add Words to the special use permit **application** to include a statement saying agreements reached with each residential property owner within the 1,000 ft setback area as measured from closest energy system fence line to each nearby property lines. The application requires proof of a signed lease agreement with the participating landowner already. Add to code regulation.

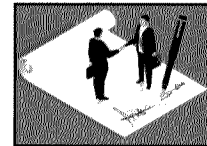
No Cost to the Town of Avon
 No filing of law with NYSDOS
 Productive site plan meetings

No need for municipal involvement
 No record keeping for neighbor agreements.
 Quicker permit process and SEQR

Town of Avon
 Planning Board
 Site Plan Application for Conditional Approval

Landowner(s) Name(s) _____ (applicant)
 Address _____
 Telephone _____
 Applicant Name _____
 Address _____
 Telephone _____
 Present Tax Parcel Number _____
 Zoning District _____
 Is any part of property located in a flood zone _____
 Subject to wetlands control? _____

Any residential properties within 1,000 ft as measured from the shortest distance from the Type 2 Energy System fence to the residential parcel line? _____
If so, have you reached agreement with each owner as required to obtain a special use permit? _____



Win-Win

- Farmers who decide to lease for Type 2 Solar
- Developers who want a quick decision
- Nearby property owners who can benefit in some way
- Money to taxing jurisdictions
- Easier process.

What Ifs... The “agreement” should be required for ALL special land use permits - not only Type 2 energy systems.

If an applicant sites the energy system at a distance greater than the 1,000 ft trigger, no residential agreements are required.

If agreements are reached, the setbacks in the Town Energy Law will apply unless a greater distance has been negotiated with property owners within the 1,000 ft trigger distance.

The site plan must be in agreement with what is mutually agreed to by both the applicant and residential property owner.



What if a residential property owner refuses to speak with the applicant or they cannot reach a mutually acceptable agreement?

The applicant and leasing landowner shall understand this is a requirement in the code followed by the permitting boards to obtain a conditional special use permit much the same as having a lease agreement with a landowner.

There is the option to adjust the boundaries of the energy system fence or select another land area.

There is an incentive for leasing landowner and Type 2 Energy System developer to select a site that does not effect the environment or property value of other property owners.

Likewise, some residential property owners want to see renewable energy development in their town and would not be opposed to anything that might create a problem for others.

It is up to the applicant to listen to the concerns of nearby residential owners and do what is needed to develop the site preferred. Town officers and board members are not negotiators and should not be put in a position of resolving conflict based on site selection.

This plan places responsibility where it belongs. It is designed to prevent conflict in our community while Type 2 Energy Systems are permitted in the Agriculture Zone which includes residential properties.

Supervisor LeFeber thanked Judy for presenting her ideas to the Board.

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber provided the following written comments for the Official Record:

We will close on a BAN February 15th at 2:00 P.M. in the Town Hall. The Town is considering in vesting the money with NY Class. I asked Board Members to consider using NY Class and get back to me. I will be investing as much of funds to gain as much interest as possible. Any transfer Kim makes is signed off by myself. We will be advertising for a Solar Committee in Penny Saver. Also, advertising for a ZBA Member and representative to the County Youth Board. We plan to have 2022 all Town Audit by late summer 2023. The procedure for having Board comments be part of the Town minutes is being changed. Going forward any statements I want to be part of the minutes needs to be submitted in writing at the meeting. In the past draft minutes are reviewed by the Board and Board Members have a chance to be part of draft. This changed after the last board meeting, January 26, 2023. My additions were added to new draft minutes then removed. I felt my comments were factual and accurate. Apparently, they were not totally accurate. Moving forward I will keep track of bullet pointes to be submitted before adjournment. A kickoff meeting is being held tomorrow afternoon the Town Hall. The subject is the Joint Town/Village water Tank Study. We had a conference call on the THLM violation. Our samples for late have been within permitted standards recently. If not at a meeting I'm not going to weigh in on what happened. It's recommended each follow the procedures of submitting comments at the meeting before adjournment.

OPEN ITEMS TOWN BOARD MEMBERS

There were no open items.

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the meeting was adjourned at 9:49 P.M.

Respectfully submitted by:

Jennifer Shannon, Deputy Town Clerk

&

Sharon M. Knight, MMC/RMC Town Clerk