

A regular meeting of the Town of Avon was held on Thursday, August 10, 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, Councilman, Paul Drozdziel, Councilmen James Harrington, Councilmen Malachy Coyne

PLANNING BOARD: Kathy Cole

ABSENT: Tom Crye, Highway/Water Supervisor.

OTHERS: Attorney Campbell, Brian Glise Code Enforcement Officer, Dave Willard MRB Group Engineer and Diana Farrell, Town Clerk

VISITORS: Rachael Hayes, Ricia Hayes, Edward Forsythe

Supervisor David LeFeber called the meeting to order at 6:01 P.M. and led those in attendance in the Pledge of Allegiance.

VISITOR COMMENTS: Supervisor David LeFeber asked if there were any visitor comments and there were none.

Supervisor David LeFeber discussed that the Open Public Hearing of the Joint Meeting & Public hearing from June 22, 2023 will remain open.

Supervisor David LeFeber asked if there were any visitor comments and there were none.

RESOLUTION #155 APPROVAL OF MINUTES OF JULY 27, 2023

On motion of Councilmen James Harrington seconded by Deputy Supervisor Thomas Mairs the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 0 ABSTAIN 1

RESOLVE to approve the minutes of July 27, 2023, 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 – Abstain, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION – LITTLE LIVINGSTON PLAY PROPOSAL

Rachael Hayes presented a premier family entertainment venue offering unique space for parents and children to connect, play, work and socialize located in the James Steele Park near Piranha. With the focus on nature, play and a comfortable seating lounge, well equipped café and co-working area. The Board requested the owner of the property come to the Board meeting to explain the changes that would be made to the property to accommodate this use. The Board had concerns over the safety and welfare of patrons to this business considering the other use of the property adjoining this proposed business.

Jim Garner expressed interest in approaching the Board about use for a piece of property he was going to purchase in James Steele Park. He will attend a later meeting.

DISCUSSION -CONTINUATION OF PUBLIC HEARING;REZONE FROM AG TO PDD

- Attorney Campbell rewrote the local law. Removing the LivWell proposal and sent to the Town Board last week. Also, checking with County Planning Board to see if modified local law would need full planning board review. The response was the County review was not necessary in this situation. The only permitted use is railroad transloading and warehousing. Any other use would need Town Board approval. Also, any new use would need traffic study. The study needs to address all concerns with traffic as pointed out by the initial County Planning Board review. This review must address all connector roads on property also. A traffic study will be required for each proposal in the PDD.

Local Law 5-2023 as the Local Law has been re-written from the Local Law that was initially read when Town Board opened the public hearing at the last Board meeting.

LOCAL LAW NO. 5 OF THE YEAR 2023

OF THE TOWN OF AVON

A local law to amend the boundaries of a certain zoning district currently known as Agricultural District (A), within the Town of Avon, Livingston County, New York, changing such certain specified area to a zoning classification of Planned Development District (PDD).

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

SECTION 1. TITLE AND SCOPE

This local law shall be known as "A LOCAL LAW TO AMEND THE BOUNDARIES OF THE AGRICULTURAL DISTRICT (A) AND CHANGE A PORTION OF SUCH AREA TO A ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT (PDD), ALL WITHIN THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK."

SECTION 2. PURPOSE.

The purpose of this local law is to modify the boundaries of a certain zoning district currently known as Agricultural District (A) within the Town, changing such certain specified area to a zoning classification of Planned Development District (PDD), thereby also changing the boundaries of the Planned Development District (PDD) within the Town.

SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.

The area that is affected by the modified zoning classification is a parcel known as 2851 and 2861 Lakeville Road (New York State Route 15), Town of Avon, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 55.-1-70.11, said parcel being located on the south side of New York Interstate 390 and being on the east side of Lakeville Road and containing approximately 113.60 +/- acres of land, all as conveyed by Deed recorded in Liber 1281 of Deeds at page 2646.

SECTION 4. COMPLIANCE WITH §130-18 OF TOWN OF AVON ZONING CODE

The Town Board recognizes the requirements for creating a Planned Development District as set forth in §130-18 of the Avon Zoning Code (hereafter "Code") and makes the following findings:

The intent of this district 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. The Town Board finds and determines that the proposed area of development is suitable in location, area and character for commercial and industrial development and is consistent with the Town's Comprehensive Plan and the current development trends in the area;

The proposed area of the Planned Development District exceeds the minimum 20 acres as required by §130-18 B. (1) of the Code;

The proposed parcel to be rezoned Planned Development District is owned and controlled by one corporation as required by §130-18 B. (2) of the Code;

As required by §130-18 B. (1) of the Code, the proposed area of the Planned Development District is suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil or other dangers, annoyances or inconveniences. Condition of the soil, groundwater level, drainage and topography and other factors are appropriate to both the kind and pattern of the intended use;

As required by §130-18 E. (1), on June 22, 2023 and continued on July 27, 2023, the Avon Town Board and Avon Planning Board held a joint public hearing on the concept plan to allow for public comment regarding the advisability of the proposal.

SECTION 5. MODIFIED ZONING DESIGNATION.

The property that will hereby have its zoning classification modified is a parcel known as 2851 and 2861 Lakeville Road (New York State Route 15), Town of Avon, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 55.-1-70.11, said parcel being located on the south side of New York Interstate 390 and being on the east side of Lakeville Road and containing approximately 113.60 +/- acres of land, all as conveyed by Deed recorded in Liber 1281 of Deeds at page 2646.

Said parcel is currently a part of the zoning classification known as Agricultural District (A) and such area shall be and is hereby reclassified to a zoning classification of Planned Development District (PDD) as a result of this zoning district boundary modification, such change being subject to the following conditions and/or limitations:

Permitted Uses – The following uses are specifically permitted, subject to Site Plan approval:

Railroad first business opportunities, including transload facility to support shipping and receiving needs of area businesses that are not otherwise located on railroad property, but would benefit from rail to truck logistical assistance and accompanying warehouse space.

All uses not specifically permitted above will require further approval and issuance of a special permit by the Avon Town Board, pursuant to §130-18 H. of the Code.

Conditions of Approval – The following conditions shall apply to all future development of the rezoned property:

Prior to any development, and as a condition of seeking approval from the Town of Avon Planning Board for any proposed Site Plan, any applicant shall provide a traffic study to address flow issues concerning increased volume of traffic likely to occur at the Route 15/Bruckel Drive intersection, and how it relates to the transition between the NYS 390 exists and the local residential parcels and other commercial uses in the immediate area. Such traffic study shall also address interior connector roads and secondary access points as referenced below.

Prior to development and as a condition of seeking approval from the Town of Avon Planning Board for any proposed Site Plan, any applicant shall demonstrate to the satisfaction of the Avon Town Board and/or the Avon Planning Board that the proposed Site Plan includes interior connector roads and/or secondary access roads adequate to handle increased truck, patron and employee traffic associated with the proposed use.

All proposed road segments are to be designed and constructed to the Town of Avon Site Design Criteria and shall be located in such a fashion that allows for the periodic maintenance and upkeep of Bruckel Drive.

Concept Map/Plan – The rezoning affected by this local law shall encompass the entirety of the parcel known as Tax Identifier Map Parcel No. 55.-1-70.11 (113.60 +/- acres) as shown on the concept map/plan provided as part of the rezoning request application. However, that portion of the concept map/plan that shows any improvements related to the community wellness and fitness center are specifically not considered to be part of this rezoning, nor are they deemed to be approved hereby as part of the approved concept plan.

SECTION 6. AMENDMENT TO OFFICIAL ZONING MAP.

The official Zoning Map of the Town of Avon shall be amended to reflect such reclassification and the change of boundaries of the respective zoning districts (although not contemporaneously with the adoption of this Local Law).

SECTION 7. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

RESOLUTION #156 TO ADOPT THE FINDINGS OF PART II OF FULL EAF

— On motion of Deputy Supervisor Thomas Mairs seconded by Councilmen Malachy Coyne the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to adopt the findings of Part II of the full EAF.

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

RESOLUTION #157 TO DECLARE NEGATIVE DECLARATION

On motion of Deputy Supervisor Thomas Mairs seconded by Councilman Paul Drozdziel the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to claiming negative declaration.

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

RESOLUTION #158 TO AUTHOIZE SUPERVISOR LEFEBER TO SIGN SEQR DOCUMENTS

—
On motion of Councilmen Malachy Coyne seconded by Deputy Supervisor Thomas Mairs the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to authorize Supervisor LeFeber to sign SEQR documents.

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

Documents given to Town Clerk Farrell for filing.

RESOLUTION #159 TO CLOSE PUBLIC HEARING

—
On motion of Supervisor David LeFeber seconded by Councilmen James Harrington the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to close public hearing.

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

RESOLUTION #160 TO ADOPT LOCAL LAW

—
On motion of Deputy Supervisor Thomas Mairs seconded by Councilmen James Harrington the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to Adopt Local Law 5-2023.

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

DISCUSSION-ATTORNEY REPORT

Attorney Campbell gave the following report:

- Discussion on the Pilot for Avon on Green. They disagree that the Pilot has expired. Working with Bill Fuller at Real Properties and Tami Snyder. We have some issues that need to be resolved. Attorney Campbell working with Avon on Green Attorney at length. He believes we are on same page; we need to some corrections and refunds. Bill Fuller has agreed to offer to take on this difficult progress.
- Met with Solar Committee; good discussion. Discussed: Set backs and buffering (landscape). Landscaping architect for solar fields to be part of application process. Next meeting 2 weeks.

DISCUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise gave the following report:

- Issued a Stop Work Order on Sutton Rd resident for no building permit
- Discussion on Solar project on CS11 (Polebridge Rd) regarding water issue

DISCUSSION – ENGINEERING REPORT

MRB Group Engineer Dave Willard gave the following report:

- THM check samples have been good, incompliance.
- The IDA is going to finish the infrastructure along Interstate Drive.
- Discussion occurred about a waterline that is not deep enough. The Highway Dept checked the depth of the line this week. They felt it was deep enough.
- Councilman Harrington feels the IDA should lower the water line.
- Discussions about dedication of infrastructure to the Town of Avon.
- Morsch Pipeline is going to install the infrastructure in exchange for some property.
- Town is going to require Interstate Drive to be re-surfaced.
- Bill Davis has scheduled a meeting August 24, 2023 between Village of Lima, Village of Avon and Town of Avon. The topic is the Emergency Connection between the Village of Lima and Town of Avon.

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was not present but sent the following report:

HIGHWAY:

- **Shop maintenance**
- **Started mow back**
- **Started guardrails**
- **Fixed Sutton Road crossover Headway**
- **Helped Village of Caledonia**
- **Mowed & Weedeat Parks & Cemeteries**

WATER:

- **Everyday maintenance & sampling**
- **THM sampling**

DISCUSSION – TOWN CLERK REPORT

- Training on new Credit Card machine; up and running next week
- Deer licenses starting August 1st; been steady; and running smooth;
- Spoke to Dave DiFranco/Clear View Window Cleaner \$45.00 for outside/\$90.00 both.

RESOLUTION # 161 APPROVAL FOR FRONT WINDOWS CLEANED

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

RESOLVE to have 1st floor windows cleaned; inside & out for \$90.00 and he provides proof of insurance.

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

RESOLUTION # 162 ACCEPT THE MONTHLY REPORTS

On motion of Deputy Supervisor Thomas Mairs seconded by Councilman Paul Drozdziel the following resolution was ADOPTED AYES 5 NAYS 0.

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

Town Clerk’s July 2023 Report:

Total Local Shares Remitted:	\$ 27,707.44
New York State Department of Health	\$ 67.50
NYS Ag. & Markets for spay/neuter program	\$ 43.00
NYS Environmental Conservation	\$ 47.24
TOTAL	\$ 27,865.18

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

RESOLUTION #163 GRANT APPROVAL GVCA

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

RESOLVE to authorize signature on grant.

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

RESOLUTION #164 RESIGNATION LETTER

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

RESOLVE to accept resignation letter of Rose Khooybar, Deputy Court Clerk.

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

RESOLUTION #165 AMEND COMPENSATION SCHEDULE

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

RESOLVE to remove Rose Khooybar, Deputy Court Clerk from Compensation schedule.

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

RESOLUTION #166 ACCEPT THE CLAIMS

On motion of Councilmen James Harrington seconded by Councilmen Malachy Coyne the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0.

RESOLVE to accept for payment Abstract 2023-15 in the following amounts:

Concerning ABSTRACT of Claims Number 2023-15 including claims as follows:

General Fund	Amounts totaling \$ 15, 743.80
Highway Fund	Amounts totaling \$ 3, 481.01
Water Fund	Amounts totaling \$ 66, 915.82
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	Amounts totaling \$ 1, 135.75
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

DISCUSSION - OPEN ITEMS:

Discussion by Supervisor David LeFeber on Insurance renewal and audit. Town bookkeeper firm splitting off from parent company – we will have a new provider but supported by the same personnel.

Councilman James Harrington asked about our Decommissioning Bonds. Wanted to be sure they're in place for Solar projects. Also discussed our Town offices' insured value.

Councilman Paul Drozdziel discussed generator for Town Hall and getting it operational. Also spoke about the library project.

Deputy Supervisor Thomas Mairs about the budget process. Supervisor David LeFeber stated the budget process is beginning.

Discussion by Supervisor David LeFeber building management after project is complete.

Visitor comments: Edward Forsythe asked about the Viewsheds and Comprehensive Plan.

On a motion of Supervisor David LeFeber, Councilman James Harrington, seconded by the meeting was adjourned at 8:20 P.M.

Respectfully submitted by:

Diana Farrell, Town Clerk