

A meeting of the Town of Avon was held on Thursday, September 12, 2024, at 6:00 P.M. at the Avon Town Hall, 23 Genesee Street, Avon, New York 14414.

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

OTHERS: Attorney James Campbell, Brian Glise Code Enforcement Officer, Diana Farrell, Town Clerk

ABSENT: Tom Crye, Highway/Water Supervisor, Dave Willard MRB Group Engineer

VISITORS: Bob Westfall, Derrick Wolfe, Kitty Bressington, Cindy Kellen, Jessica Ryan-Soucy

Supervisor David LeFeber called the meeting to order at 6:00 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 a few.

**DISCUSSION:** Jessica Ryan-Soucy representing the Avon Holiday Spectacular. The fun-filled event will be on December 7, 2024. She presented the Board with a request of \$1,500. Formally asking the Board for their continued financial support. The board agreed to \$1,500 same as last year. Also, discussed use of the 3<sup>rd</sup> floor for the event.

**RESOLUTION #138 APPROVAL OF \$1,500 FOR HOLIDAY SPECTACULAR**

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

RESOLVE to approve funding \$1,500 to the Avon Holiday Spectacular.

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

**DISCUSSION:** Attorney Campbell drafted a resolution. Derrick Wolfe was present. There are no changes from the use presented at the last meeting. Town Board members have no concerns.

**RESOLUTION #139 APPROVAL SPECIAL PERMIT OF USE AND TO MOVE FORWARD**

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

RESOLVE to approve the draft resolution Attorney Campbell provided the Board.

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

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 September 12, 2024

**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**, as part of Phase 2 of Applicant's development of said property, Applicant previously sought Site Plan Approval from the Town of Avon Planning Board (hereafter "Planning Board") to construct two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements, as described in the Site Plans dated April 19, 2021 prepared by Land Tech Surveying & Planning P.L.L.C., and which such Site Plan approval was granted by the Planning Board on February 21, 2022; and

**WHEREAS**, pursuant to §130-18 H. of the Code, Applicant previously sought and received approval from the Town Board to utilize the two (2) 18,000 +/- square foot buildings (each building having twelve (12) individual 1,500 +/- square foot self-contained bays or units) for lease of individual units; and

**WHEREAS**, the uses that were approved by the Town Board pursuant to §130-18 H. of the Code and which resulted in the issuance of a Special Permit on February 10, 2022 were specified as:

- Landscape and landscape paver business
- various types of contracting (framers, painters, drywall, flooring, masonry, HVAC, etc.)
- car detailing
- car, boat and RV interior storage
- record storage
- wood-working that does not require a sprinkler system
- art studio
- fitness facility
- batting cage
- 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, excepting such uses as set forth in §§130-16 B. (5), (6) and (7) thereof; and

**WHEREAS**, pursuant to §130-18 H. of the Code, Applicant previously sought and received an additional approval from the Town Board to be able to utilize some portion or all of the units located in each of the two (2) 18,000 +/- square foot buildings approved and constructed as part of Phase 2 of Applicant’s development, for purposes of conducting trucking operations which include operation and maintenance of trucks, as well as light repairs to those trucks; and

**WHEREAS**, pursuant to §130-18 H. of the Code, Applicant is now seeking an additional approval from the Town Board to be able to utilize some portion or all of the units located in each of the two (2) 18,000 +/- square foot buildings approved and constructed as part of Phase 2 of Applicant’s development, for purposes of conducting truck and trailer repairs and inspections and generally operating one or more certified and licensed NYS Repair Facilities for trucks and trailers; 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 acknowledges that the Town of Avon Planning Board, as lead agency, previously conducted an appropriate environmental review under 6 NYCRR 617 (New York State Environmental Quality Review Act) and at the conclusion of such review, issued a Negative Declaration regarding Applicant’s proposed amendment to his Site Plan to allow the construction of two 18,000+/- square foot buildings that constitute Applicant’s Phase 2 and which are the subject of this Resolution; and

**WHEREAS**, the Town Board has determined that the SEQR review conducted by the Planning Board is sufficient and appropriate with regard to the proposed application and request to approve the additional uses stated above, as use of the buildings such as is being requested was contemplated during that SEQR review and the subsequent findings made by the Planning Board as part of its Site plan review and approval; and

**WHEREAS**, the Town Board has determined that the previous SEQR review and determination made by the Planning Board shall be relied upon by the Town Board in the place of the Town Board conducting its own SEQR review and that such determination fulfills the requirements of SEQR as it relates to this action; and

**WHEREAS**, the Town Board wishes to memorialize and specify the parameters of its approval of Applicant's request for issuance of an additional Special Permit pursuant to §130-18 H. of the Code to allow truck and trailer repairs and inspections and generally operating one or more certified and licensed NYS Repair Facilities for trucks and trailers.

**NOW, THEREFORE**, upon motion by Deputy Supervisor Mairs, seconded by Councilman Dymydyl, it is hereby

**RESOLVED**, that the Town Board determines that the SEQR review conducted by the Planning Board with regard to its review of Applicant's request for Site Plan approval of Phase 2 of its development, including construction of the two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements (hereafter "Phase 2 Improvements") is sufficient and appropriate and the same is herein relied upon by the Town Board in the place of the Town Board conducting its own SEQR review and that such determination satisfies the requirements of SEQR as it relates to this action. However, it is noted that the Zoning Board of Appeals may elect to conduct its own SEQR review related to any Special Use Permit requested pursuant to the terms of this Resolution; and

**BE IT FURTHER 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 a new use of the Phase 2 Improvements and authorizes a Special Permit to be issued to Applicant by the Code Department to the following extent:

1. Subject to the conditions stated below and any other conditions or restrictions in the Code or in the New York State Uniform Code (Building or Fire) and in addition to the uses previously approved by the Town Board on February 10, 2022 and February 8, 2024, Applicant, its successors and assigns shall be permitted to use one or more of the self-contained bays or units within the existing 18,000 square foot Phase 2 buildings 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 purpose of conducting truck and trailer repairs and inspections and generally operating one or more

certified and licensed NYS Repair Facilities for trucks and trailers and upon issuance of a Special Use Permit by the Zoning Board of Appeals as required by paragraph 5. below, the Code Enforcement Officer is hereby directed to issue a Special Permit for the same pursuant to §130-18 H. of the Code;

2. All previously approved uses granted by the Town Board pursuant to §130-18 H. of the Code and as set forth in resolutions dated February 10, 2022 and February 8, 2024, are hereby ratified and shall remain in full force and effect and shall apply to both existing 18,000 square foot Phase 2 buildings;
3. All restrictions set forth in the previous approvals granted by the Town Board pursuant to §130-18 H. of the Code and as set forth in resolutions dated February 10, 2022 and February 8, 2024, are hereby ratified and shall remain in full force and effect and shall apply to both existing 18,000 square foot Phase 2 buildings;
4. Applicant, its successors and assigns shall not use any portion of the self-contained bays or units within the existing 18,000 square foot Phase 2 buildings for any use that is listed as a "Prohibited use[s]" as defined in §130-16 E or any other use not compliant with this approval or the previous Special Permits approved by the Town Board on February 10, 2022 and February 8, 2024;
5. Any portion of the self-contained bays or units within the existing 18,000 square foot Phase 2 buildings that are to be used for truck and trailer repairs and inspections and/or operating a certified and licensed NYS Repair Facility for trucks and trailers shall as a condition precedent to such use, obtain a Special Use Permit from the Zoning Board of Appeals pursuant to Article VI Chapter 130 of the Code at §130-35. It is intended that the Zoning Board of Appeals may place such restrictions and/or conditions upon the issuance of any such Special Use Permit that are more restrictive than the restrictions and/or conditions set forth in this approval, which may include limiting the number of facilities that are allowed to occupy and use Phase 2 buildings for truck and trailer repairs and inspections and/or operating a certified and licensed NYS Repair Facility for trucks and trailers;
6. That there shall be no outdoor storage for a period of more than one week, of any truck or trailer on the property that is waiting for parts or is otherwise waiting for repair, service or inspection;
7. No portion of the property shall be used as a salvage yard or for purposes of selling any trucks or trailers or part(s) of the same;
8. No equipment, parts or other inventory relating to the repair, service or inspection of trucks or trailers shall be stored outside at any time;
9. Any 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;

10. 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;
11. 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;
12. 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;
13. Should Applicant or its 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 and in the aforementioned February 10, 2022 and February 8, 2024 approvals by the Town Board, or in any way inconsistent with the provisions made herein, Applicant or its 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;
14. As a condition of the limited approvals granted herein, Applicant, its 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;
15. Any failure of Applicant or its successors and/or assigns to comply with the provisions of the Special Permit approved hereby and/or any conditions of a Special Use Permit granted by the Zoning Board of Appeals 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

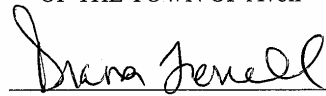
**BE IT FURTHER RESOLVED**, that the above approvals of Special Permits and uses apply only to that portion of the subject property containing the 18,000 square foot buildings having the twelve (12) individual 1,500 square foot self-contained bays or units for lease that were constructed pursuant to Phase 2 of Applicants Site Plan modification approved by the Planning Board on February 21, 2022 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.

**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: September 12, 2024

Vote of the Board:	David LeFeber	<u>Aye</u>
	Thomas Mairs	<u>Aye</u>
	Malachy Coyne	<u>Aye</u>
	Paul Drozdzziel	<u>Aye</u>
	James Harrington	<u>Aye</u>

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF Avon

  
Diana Farrell - Town Clerk

**DISCUSSION:** Mr. Wolfe will need a written copy of the Resolution to show the State that he is eligible to get the inspection equipment.

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

### **RESOLUTION #140 APPROVAL OF MINUTES OF MEETING OF AUGUST 22, 2024**

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

RESOLVE to approve the minutes of August 22, 2024 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: Supervisor LeFeber – Aye, Deputy Supervisor Mairs – Aye, Councilman Drozdziel – Aye, Councilman Coyne - Aye, Councilman Harrington - Aye**

### **DISCUSSION-ATTORNEY REPORT**

Attorney Campbell was present, and report was given:

- Draft Resolutions for Wolfe Trucking along with Garner (Fox & West)
- Upcoming meeting regarding IMA (Inter-Municipal Agreement) with Village attorney as well some Town/Village Board members. Scheduled for September 18<sup>th</sup> at 2:30 here at the Town Hall. Also, financial advisors from Donegan will be present.
- Draft of possible proposed local law for exceeding tax cap. The timeline is crucial and wanted to introduce it to the Board.
- On-going discussions on the Amanda Murphy dog case. There is another court date for September 24<sup>th</sup> regarding compliance.

**DISCUSSION:** Jim Garner provided a letter from the IDA allowing him to represent the parcel even though he doesn't own it yet. The Board had some further discussion on the proposal and decided to take the following action. In this case we will go through the Part 2 Short EAF form.



Attorney Campbell asked the Board the following questions that determined the findings of Part 2.

Attached is the Project Information and Findings of Part 2.

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 September 12, 2024

**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, which such uses are also subject to site plan approval by the Town of Avon Planning Board (hereafter "Planning Board"); 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**, Jim Garner and Fox and West, Inc. (hereafter "Applicant") are the contract vendees of the property known as Lot 16 of the Crossroads Commerce Park Subdivision, located along Interstate Drive, comprised of approximately 2.468 acres and being a portion of Tax Map Parcel Number 35.-1-13.539 (hereafter "subject property" or "parcel"); and

**WHEREAS**, the subject property is 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 use the subject property as a fenced storage yard for the keeping of construction materials and equipment, including heavy machinery, such storage yard to be used by an existing tenant of Applicant; and

**WHEREAS**, the Town Board, as lead agency, conducted an appropriate environmental review under 6 NYCRR 617 (New York State Environmental Quality Review

Act) and at the conclusion of such review, issued a Negative Declaration regarding Applicant's proposed use request and the issuance of a special permit pursuant to §130-18 H of the Code; 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 Deputy Supervisor Mars seconded by Supervisor Leiber, it is hereby

**RESOLVED**, that the Town Board of the Town of Avon, pursuant to §130-18 H of the Code, contingent upon Applicant taking title to the subject property, hereby approves of Applicant's request (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. Subject to provisions stated hereafter, Applicant, his successors and assigns shall be permitted to use the property known as Lot 16 Interstate Drive, located in the James Steele Commerce Park PDD, Town of Avon for purpose of a fenced storage yard for the keeping of construction materials and equipment, including heavy machinery;
2. Applicant, his successors and assigns shall not use any portion of the property for any use not authorized by this resolution;
3. Any development of the subject parcel 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 development of the subject parcel and subsequent use thereof as authorized herein shall be subject to and comply with the Exterior Lighting requirements set forth in Chapter 49 of the Code;
5. Any development of the subject parcel and subsequent use thereof 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. Any noise impacts related to any use of the subject property shall be mitigated so as to not unreasonably create a negative impact on nearby or adjacent parcels;
7. Should Applicant or his successors and/or assigns wish to utilize any portion of the subject property 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;

8. 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 Lot 16 of the James Steele Commerce Park PDD;
9. 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;
10. This approval of a special permit for use is contingent upon Applicant receiving Site Plan approval from the Town of Avon Planning Board; and
11. Should Applicant (or an entity of which he is the majority owner) fail to take legal title to the subject property, this Resolution and the Special Permit authorized by it shall become null and void and of no effect at law; 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 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) and to Lot 16 thereof.

Dated: September 12, 2024

Vote of the Board: David LeFeber



Thomas Mairs	<u>Aye</u>
Malachy Coyne	<u>Aye</u>
Paul Drozdziel	<u>Aye</u>
James Harrington	<u>Aye</u>

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF AVON

Diana Farrell  
Diana Farrell, Town Clerk

**Short Environmental Assessment Form  
Part 1 - Project Information**

**Instructions for Completing**

**Part 1 -- Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Completes all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 -- Project and Sponsor Information</b>			
Jim Garner and Fox and West, Inc.			
Name of Action or Project:			
Use approval request pursuant to Avon Town Code section 130-18 (H) for Planned Development District			
Project Location (describe, and attach a location map):			
Lot 16 of the James Steele Industrial Park - Interstate Drive, Avon NY Tax Id: 35-1-13,639			
Brief Description of Proposed Action:			
A request for the Town Board to issue a special permit pursuant to Town Code section 130-18 H authorizing the use of lot 16 of the James Steele Industrial Park for purposes of a fenced-in storage yard for construction materials and equipment.			
Name of Applicant or Sponsor:		Telephone: 585-245-2407	
Jim Garner/Fox and West, Inc. as contract vendee		E-Mail: JIM@RIVER-DEEP.COM	
Address:			
6842 Tech Drive			
City/PO:		State:	Zip Code:
Avon		NY	14414
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES
			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			
If Yes, list agency(s) name and permit or approval:			NO YES
			<input checked="" type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.488 acres	
b. Total acreage to be physically disturbed?		2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.10 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:				
N/A no site improvements		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____				
N/A no site improvements		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____				
N/A no site improvements		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharges, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All storm runoff is collected into existing drains that flow to an existing detention pond that is adequately sized to handle any increase.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Jlm Gamel/ Fox and West, Inc.</u>      Date: <u>SEPT. 9, 2024</u></p> <p>Signature: <u>J M Gamel</u>      Title: <u>PRESIDENT</u></p>		

**PRINT FORM**



**Agency Use Only [If applicable]**

**Project:** Garner/Fox and West Inc. - Use approval in PDD

**Date:** September 12, 2024

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Agency Use Only (if applicable)

Project: Garner/Fox and West Inc

Date: 9/12/2024

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Avon Town Board	September 12, 2024
Name of Lead Agency	Date
David LeFeber	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>x David LeFeber</i>	Signature of Preparer (if different from Responsible Officer)
Signature of Responsible Officer in Lead Agency	

**PRINT FORM**

**RESOLUTION #141 TO ADOPT THE FINDINGS OF PART II OF THE SHORT EAF**

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

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

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

**RESOLUTION #142 TO DECLARE NEGATIVE DECLARATION**

On motion of Councilman Harrington seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 5 NAYS 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 #143 TO AUTHOIZE SUPERVISOR LEFEBER TO SIGN SEQR DOCUMENTS**

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

**RESOLUTION #144 TO AUTHOIZE APPROVING THE USE**

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

RESOLVE to authorize the use of property as proposed by the Applicant. The Applicant will have to attend the Planning Board meeting to get site plan approval.

**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.

**DISCUSSION:** Visitor Kitty Bressington made mention while attending a Village Board meeting that an invoice was presented to the Board by their engineer. She asked the Town Board how we ensure that we do not run into similar situation. The Town Board clearly has project proposals submitted which are budgeted. Any cost over-runs we expect to be consulted when they are occurring.

**DISCUSSION:** Supervisor LeFeber made mention the Village of Avon will be having a separate website. We currently share the same domain name. They have decided to go elsewhere.

### **DISCUSSION- CODE ENFORCEMENT REPORT**

Code Enforcement Brian Glise was present, and report was given:

- Another dog issue on Littleville Rd; been reported to Court and County Dog Control.
- Bruckel violation. Bruckel is coming into the Planning/Zoning Board meeting Monday.
- Possible Autobody Shop located on Lakeville Road. It appears that the use fits into the zoning. They will also need to attend the Planning/Zoning Board meeting in the future.
- The Wheat Solar project is going ahead.
- Inspected the Wells Barn venue on Rte 15.
- Was contacted by 3<sup>rd</sup> party to manage properties for the Town that have code violations.
- Councilman Harrington asked about a vacant property on Littleville Road. The Code Department has been in contact with the owner.

### **DISCUSSION – TOWN CLERK REPORT**

Diana Farrell was present, and report was given:

- Foot traffic at the Clerk's office from August 23<sup>rd</sup> – September 12th approximately ~110.
- AED installed and 8 staff members are trained. Thank you to Councilman Drozdziel for installing.
- Reviewed the request to destroy of records

### **RESOLUTION #145 APPROVE TO DESTROY RECORDS**

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

RESOLVE to approve to destroy records.

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

**Town of Avon**

**Index of Destroyed Records**

In accordance with the current LGS-1 Records Retention & Disposition Schedule, the following records have been determined to be obsolete and are to be destroyed:

Record Series Name or Description	LGS-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date of Record Obsolete
Tax Collection	Taxation & Assessment 595a, 596, 597b	2017	1 box	2023
Daily, Monthly Cash Reports	Licenses & Permits 319a Banking & Investment 263 Reports 283	2017	1 box	2023
Insurance Records	Insurance 297a	1996, 1997, 2004	2.5 inches	2022

Confidential? Yes No

Department Approval: [Signature] Date: 9/12/24  
 RMO Approval: [Signature] Date: 9/13/24  
 Supervisor Approval: [Signature] Date: 9/12/24  
 Attorney Approval: [Signature] Date: 9/12/24  
 Date of Destruction 9/13/24

**DISCUSSION:** Councilman Harrington spoke with the instructor at the training and stated they recommended an evacuation plan. He thought that the Town had a plan and was wondering if it's been updated. He also discussed the layout of the building for emergency situation.

**DISCUSSION- HIGHWAY/WATER REPORT**

Highway/Water Superintendent Crye was not present, report was given:

**HIGHWAY:**

- Parks & cemetarys mowed & weed eating
- Mowback
- Guardrails
- Shop
- Driveway pipe

**WATER:**

- Everyday maintenance & sampling
- Rizzo service fix

**DISCUSSION – ENGINEERING REPORT**

Dave Willard from MRB was not present and no report was given.

**RESOLUTION #146 ACCEPT THE MONTHLY REPORTS TOWN SUPERVISOR & TOWN 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 August 2024 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s August 2024 Report:

Total Local Shares Remitted:	\$ 2,923.68	_
New York State Department of Health	\$ 90.00	_____
NYS Ag. & Markets for spay/neuter program	\$ 31.00	_
NYS Environmental Conservation	\$ 2,615.52	-
<b>TOTAL</b>	<b>\$ 5,660.20</b>	<b>_____</b>

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

**RESOLUTION #147 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 2024-17 in the following amounts:

Concerning ABSTRACT of Claims Number 2024-17 including claims as follows:

General Fund	Amounts totaling \$ 35,168.75
Highway Fund	Amounts totaling \$ 326,900.54
Water Fund	Amounts totaling \$ 7,055.17
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Amounts totaling \$ 1,257.91
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: Supervisor LeFeber – Aye, Deputy Supervisor Mairs – Aye, Councilman Drozdziel – Aye, Councilman Coyne - Aye, Councilman Harrington - Aye**

**OPEN ITEMS TOWN BOARD MEMBERS**

Deputy Supervisor Mairs stated that dump days is this Saturday. Also want to be sure we get a plaque for Kathy Cole.

Councilman Drozdziel is proud to announce that the Town has won the 2024 Excellence in Historic Preservation Award from the Preservation League of NYS. Avon Town Hall is one of 9 award-winners in NYS. A film crew will be in the office to film the building. The award will be sent to us. Once we receive the filming, we will place it on our website to share with the community. Lastly, the signage is complete and happy with the results.

Supervisor LeFeber presented to the Town Clerk the completed 2023 All Town Audit.

**RESOLUTION #148 RECEIVED AUDIT FROM MMB & CO**

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

RESOLVE to accept the 2023 audit.

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

**VISITOR COMMENTS:**

Cindy Kellen asked about the solar interest adjacent to Exit 9 off 390 east of the Travel Plaza. The property is owned by LA&L Railroad.

Bob Westfall wanted to congratulate Supervisor LeFeber on the recognition of the Citizen of the Year.

On motion of Deputy Supervisor Mairs seconded by Councilman Harrington the meeting was adjourned at 7:11 P.M.

Respectfully submitted by:

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Diana Farrell, Town Clerk