

A meeting of the Town of Avon was held on Thursday, October 10, 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: Cindy Kellen, Bob Westfall, Mike Sharman

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 none.

DISCUSSION: Mike Sharman was present to discuss a prior request to rezone two parcels owned by Santo Viola. The type of zoning classification to be considered was commercial/business. This type of zoning is considered spot-zoning unless we had support from adjacent property owners to switch to this zoning classification also. The two parcels in question adjoin the PDD zoning of the Jim Steele Park. Discussion occurred considering revising the request to rezone the two parcels PDD. This would resolve the spot-zoning concern. The following action took place:

**RESOLUTION #154 AUTHORIZE ATTORNEY CAMPBELL TO DRAFT
RESOLUTION REZONING THE TWO PARCELS TO PDD**

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

RESOLVE to approve Attorney Campbell to draft local law to be considered for the rezone at the next board meeting.

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

-

LETTER OF INTENT: AVON TOWN BOARD

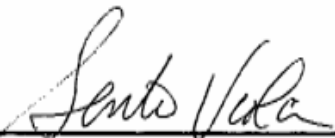
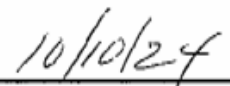
I, Santo Viola, am requesting a zoning change from Residential to Light Industrial/Commercial. This change would be for the property located at 5695 E. Avon-Lima Rd in the town of Avon.

I have two parcels there approximately 4.2 acres in size total. As we discussed at our recent meeting, the area has changed with the large development to the north and the new enlargement of the Bob Johnson auto dealership to the east.

Although I have no interest in changing the use of my three unit at the above address, I feel it would be a benefit to all the neighbors on the north side of our road, as they may be considering a commercial use in the future if they haven't already.

Thank you for your consideration in this request.

Sincerely,

Santo Viola Date:

RESOLUTION #155 APPROVAL OF MINUTES OF SPECIAL WORKSHOP MEETING OF SEPTEMBER 18, 2024

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

RESOLVE to approve the minutes of September 18, 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

RESOLUTION #156 APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 26, 2024

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

RESOLVE to approve the minutes of September 26, 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

RESOLUTION #157 APPROVAL OF MINUTES OF SPECIAL BUDGET MEETING OF OCTOBER 8, 2024

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

RESOLVE to approve the minutes of October 8, 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:

- Bruckel Resolution.

RESOLUTION #158 TO ADOPT THE FINDINGS OF PART II OF THE SHORT EAF

On motion of Deputy Supervisor Mairs seconded by Councilman Coyne 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 #159 TO DECLARE NEGATIVE DECLARATION

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

RESOLVE to declare negative declaration.

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

RESOLUTION #160 TO AUTHOIZE SUPERVISOR LEFEBER TO SIGN SEQR DOCUMENTS

—
On motion of Deputy Supervisor Mairs 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 #161 TO ADOPT THE TERMS AND CONDITIONS FOR 2781 LAKEVILLE RD LLC

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

RESOLVE to adopt the term and conditions for 2781 Lakeville Rd LLC.

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.

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.

Complete 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.

Part 1 – Project and Sponsor Information				
2781 Lakeville Road LLC - Project Owner				
Name of Action or Project:				
Application for use approval under sec. 130-18 H. of the Avon Zoning Code to allow temporary storage of cement material to be repurposed				
Project Location (describe, and attach a location map):				
2781 Lakeville Road, Avon NY Tax Id. No. 55.-1-1.21				
Brief Description of Proposed Action:				
A request for the Town Board of Avon to approve a temporary use in a Planned Development District to allow for the temporary storage of cement material to be repurposed by Applicant for road and parking lot improvements.				
Name of Applicant or Sponsor:		Telephone: (585) 226-2425		
Avon Town Board as Sponsor		E-Mail: dlefeber@avon-ny.org		
Address:				
23 Genesee Street				
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?			NO	YES
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.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			22.23 acres	
b. Total acreage to be physically disturbed?			<1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			25+/- 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 type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

	NO	YES	N/A
5. Is the proposed action,			
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?	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, identify: _____			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____			
10. Will the proposed action connect to an existing public/private water supply?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing potable water: _____			
11. Will the proposed action connect to existing wastewater utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing wastewater treatment: _____			
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?	<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?	<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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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 plain?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____		
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>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Town Board of the Town of Avon</u> Date: <u>10/10/2024</u></p> <p>Signature: <u>Daniel Deibel</u> Title: <u>Supervisor</u></p>		

Agency Use Only [If applicable]	
Project:	2781 Lakeville Road
Date:	October 10, 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: 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"/>

Agency Use Only (if applicable)
 Project: 2781 Lakeville Road
 Date: October 10, 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	October 10, 2024
_____ Name of Lead Agency	_____ Date
David LeFéber	Town Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
<i>David LeFéber</i> Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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 October 10, 2024

WHEREAS, the Code of the Town of Avon (hereafter ACode@) establishes the zoning classification of Planned Development District (hereafter APDD@) 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 APlanning 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, 2781 Lakeville Road LLC (hereafter AApplicant@) is the owner the property known as 2781 Lakeville Road (U.S. Route 15), located along U.S. Route 15 and William Bruckel Drive in the Town of Avon, comprised of approximately 22.23 acres of land and being designated as Tax Map Parcel Number 55.-1-1.21 (hereafter ASubject Property@ or Aparcel@); and

WHEREAS, the Subject Property is zoned as Planned Development District (hereafter "PDD") pursuant to the Zoning Code of the Town of Avon; and

WHEREAS, Applicant has caused approximately 500 + cubic yards of concrete material from a large highway re-construction project (hereafter "Concrete Material") to be placed onto property not owned by Applicant, being property now or formerly owned by IH Holding 1 LLC and designated as Tax Map Parcel Number 55.-1-4.13 (hereafter "IH Holding 1 Property"), which is in close proximity to the Subject Property; and

WHEREAS, IH Holding 1 Property is also zoned as PDD pursuant to the Code;

- “Lot 2”), for the purpose of an outdoor storage yard to temporarily store a large quantity of Concrete Material, which Applicant intends to recycle and use for future road and parking area improvements on portions of the Subject Property;
2. The permission granted by adoption of this Resolution, which is intended to be temporary in nature, shall inure to the benefit only of Applicant and shall not extend to any successors and/or assigns of Applicant or successor owners of all or any portion of the Subject Property;
 3. The permission granted by adoption of this Resolution is subject to and contingent upon Applicant obtaining any approvals required from the New York State Department of Environmental Conservation and/or any other state or federal regulating agency or authority relating to such use and the Town makes no representations or warranties herein regarding the lawfulness or propriety of such temporary use and all such use shall be carried out at Applicant’s own risk;
 4. The permission granted herein shall be contingent upon Applicant, within six (6) months of adoption of this Resolution, moving all Concrete Material it intends to temporarily store pursuant to this limited approval, from its current location on the IH Holding 1 Property, onto Lot 2;
 5. Failure of Applicant to move all Concrete Material it intends to temporarily store pursuant to this limited approval, from the current location on the IH Holding 1 Property, onto Lot 2, within six (6) months of the date of approval of this Resolution shall cause all approvals granted hereunder to automatically terminate and be null and void;
 6. The permission granted by adoption of this Resolution shall be limited to only the Concrete Material that is currently located on the IH Holding I Property as of the date of this Resolution, and no additional concrete product or other building material shall be allowed or permitted to be stored based upon the temporary approval granted hereby;
 7. The Concrete Material that is the subject of this approval shall be used by Applicant within one year of the date of approval of this Resolution, and thereafter no portion of the Concrete Material will any longer be stored on the Subject Property;
 8. Applicant is further hereby authorized to process the subject Concrete Material on the Subject Property, only for use on the Subject Property and such processing shall only occur between the hours of 7:00 a.m. and 7:00 p.m.;
-

-
9. Applicant shall implement proper dust control during any efforts to process the Concrete Material;
 10. Applicant shall not use any portion of the Subject Property for any use not authorized by this Resolution;
 11. Any noise impacts related to any use of the Subject Property as provided for herein shall be mitigated so as to not unreasonably create a negative impact on nearby or adjacent parcels;
 12. Any use of the Subject Property, other than as provided for above, either by Applicant or his successors and/or assigns, shall require application for approval and issuance of a special permit from the Town Board pursuant to §130-18 H. of the Code, 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;
 13. Any failure of Applicant to comply with the provisions of the special permit approved hereby shall subject the Applicant and/or 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;
 14. This approval of a special permit for use is contingent upon Applicant receiving Site Plan Amendment approval from the Town of Avon Planning Board within six (6) months of the approval date of this Resolution;
 15. Should Applicant fail to comply with each and every condition of this temporary use approval, this Resolution and the Special Permit authorized by it shall immediately upon such failure become null and void and of no effect at law; and
 16. The approval granted pursuant to this Resolution and the special permit authorized hereby shall automatically terminate and become null and void on the date that is exactly one year from the date of its approval by vote of the Avon Town Board, as signified below.

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
-

and

WHEREAS, neither Applicant nor IH Holding 1, LLC had any permission from the Town pursuant to §130-18 H. of the Code to store the Concrete Material on the IH Holding 1 Property; and

WHEREAS, pursuant to '130-18 H of the Code, Applicant is seeking approval from the Town Board to use a portion of the Subject Property as a temporary outdoor storage yard for the keeping of the Concrete Material, which Applicant intends to recycle/process and use for future road and parking area improvements on portions of the Subject Property; and

WHEREAS, the portion of the Subject Property on which Applicant is seeking approval to store such Concrete Material is located at the south easterly corner of the Subject Property, which is referenced as Lot 2 of a proposed, but not yet officially submitted, reviewed or approved subdivision and site plan map titled "Quicklee's Travel Plaza Phase 2 Fill Plan," prepared by Land Tech Surveying and Planning, P.L.L.C. dated July 26, 2024 and designated as Project Number 24177 (attached hereto and made a part hereof as Exhibit "A"); and

WHEREAS, the Town Board desires to accommodate Applicant's request on a temporary basis, subject to certain restrictions; 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 to temporarily allow a portion of the Subject Property to be used for outdoor storage of the Concrete Material.

NOW, THEREFORE, upon motion by Supervisor LeFebre seconded by Deputy Supervisor Harris it is hereby

RESOLVED, that the Town Board of the Town of Avon, pursuant to '130-18 H of the Code, hereby temporarily 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 shall be permitted to use a portion of the Subject Property located at the south easterly corner of the same, which is referenced as Lot 2 of a proposed, but not yet officially submitted, reviewed or approved subdivision and site plan map titled "Quicklee's Travel Plaza Phase 2 Fill Plan," prepared by Land Tech Surveying and Planning, P.L.L.C. dated July 26, 2024 and designated as Project Number 24177 (hereafter

- 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

Dated: October 10, 2024

Vote of the Board:

David LeFeber

Aye

Thomas Mairs

Aye

Malachy Coyne

Aye

Paul Drozdzial

Aye

James Harrington

Aye

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF AVON

Diana Farrell
Diana Farrell, Town Clerk

DISCUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise was present, and a report was given.

- Discussed Bruckel violation
- 5&20 Stabilization is complete
- Morsch attending the next planning board meeting to discuss driveway to newly constructed house
- DeGraff Collison attending next planning board meeting
- The Wheat Solar Project has started construction
- Continue to work on closing out permits

Councilman Harrington asked about the status of the current violation. We discussed the options.

DISCUSSION – TOWN CLERK REPORT

Diana Farrell was present, and report was given:

- Foot traffic at the Clerk’s office from September 27, 2024 to October 10, 2024 approximately ~ 50.
- Columbus Day Town Clerk office will be closed unless Board would like to be opened. Banks and post offices are closed.

RESOLUTION #162 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 September 2024 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s September 2024 Report:

<u>Total Local Shares Remitted:</u>	\$ 1,284.16	-
<u>New York State Department of Health</u>	\$ 180.00	_____
<u>NYS Ag. & Markets for spay/neuter program</u>	\$ 22.00	_____
<u>NYS Environmental Conservation</u>	\$ 2,400.84	-
<u>TOTAL</u>	<u>\$ 3,887.00</u>	

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

RESOLUTION #163 PRELIMINARY BUDGET

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

RESOLVE to give the Town Clerk the Preliminary budget. Publish the Public Hearing Notice and list the Elected Officials salaries. The Public Hearing scheduled for October 24, 2024 at 6:15 p.m. at the Town of Avon, 23 Genesee St, Avon.

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

RESOLUTION #164 TO AUTHOIZE TO HIRE SEASONAL EMPLOYEE FOR HIGHWAY SNOW REMOVAL

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

RESOLVE to hire a call-in seasonal employee Nick Mothershed for plowing at \$23 hour.

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

DISCUSSION: Discussion on invoice #463 regarding mowing of the cemetery. The Board would like Ken Rowe to come in to discuss further on the Company that is servicing the mowing.

RESOLUTION #165 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2024-19 in the following amounts:

Concerning ABSTRACT of Claims Number 2024-19 including claims as follows:

General Fund	Amounts totaling \$ 32,616.40
Highway Fund	Amounts totaling \$ 4,359.06
Water Fund	Amounts totaling \$ 6,765.54
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Amounts totaling \$ 1,289.30
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher

Town of Avon Fire Protection
Rte. 39 Water SW2

No Voucher
No Voucher

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

DISCUSSION: To date, there have been 3 applications for the Code Enforcement Officer position. The application deadline is November 1st.

DISCUSSION- HIGHWAY/WATER REPORT

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

HIGHWAY:

- **Worked in shop**
- **Servicing trucks & equipment**
- **Plows, wings and sanders in shop**
- **Worked on school job expanding parking lot & detention pond on Lake Rd**

WATER:

- **Everyday maintenance & sampling**
-

DISCUSSION – ENGINEERING REPORT

Dave Willard from MRB was not present.

-

OPEN ITEMS TOWN BOARD MEMBERS

Councilman Harrington wanted Board’s thoughts on the School Resource Officer and supporting the Trail Town Program.

Councilman Drozdziel and Kim McDowell working on the closing out the grant of the 3rd floor project. Had a visitor from the Buffalo area traveling to town/villages searching for historian building including Opera Blocks. He wanted to take pictures and Councilman Drozdziel invited him up to the 3rd floor.

Supervisor LeFeber stated Mayor Hayes sent a letter to Town asking for support for a grant that they are applying for.

VISITOR COMMENTS:

Bob Westfall commented on the award for the 2024 Excellence in Historic Preservation Award from the Preservation League of NYS. He feels that this is such a great accomplishment and would like to see Councilman Drozdziel be able to travel to NYC to receive the award. Councilman Drozdziel was a great asset to this project, and he put a lot of time and energy to this and feels the Town should be proud of this award and to have Councilman accept the award in person.

RESOLUTION # 166 TO AUTHOIZE COUNCILMAN DROZDZIEL TO ACCEPT THE 2024 EXCELLENCE IN HISTORIC PRESERVATION AWARD IN NEW YORK CITY

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

RESOLVE to pay for expenses for Councilman Drozdziel to attend and receive the award.

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

On motion of Councilman Coyne seconded by Councilman Harrington the meeting was adjourned at 7:55 P.M.

Respectfully submitted by:

Diana Farrell, Town Clerk