

**REGULAR MEETING**  
**June 14 2023**  
**TOWN OF PAVILION**  
**7:00 P.M.**

The Town Board of the Town of Pavilion held the Regular Board meeting on June 14, 2023 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm Present were:

Supervisor Robert LaPoint  
Councilperson John Rudgers  
Councilperson Donald Oberlin  
Councilperson James Thater  
Councilperson Dean Davis

Others: Cindy Starr, James Cleveland, Charles Sherman, Don Brooks, Scott Savidge, Bill Fuest, Lisa Schiske, Ray & Kim Butler, Guy Lasser, Mike Fisher, Mike & Tammy Bradley, Tim Welch, Jesse & Jolene Coots, Liz Conway, George Jinks, Jurgen& Jane Liczewsky.

Following pledge to the Flag, Supervisor LaPoint opened the meeting at 7:00PM

At 7:00 Supervisor LaPoint opened the Public Hearing regarding Local Law #2 entitled Town of Pavilion Zoning Amendment of 2023.

At 8:00PM a motion by Supervisor LaPoint seconded by Councilperson Rudgers for close public hearing and open regular meeting.

Report –Highway-James Cleveland

- \* 1<sup>st</sup> round of mowing roadsides completed.
- \*Milled & fill Tufts Rd completed.
- \*June 27, 2023 paving Asbury & Black St.
- \*Surplus equipment have been sold and picked up.

Highway-John Rudgers-no report

Sewer- Donald Oberlin

- \*Foundation for S. Lake St Rd lift station is in, with project to be completed late summer.

Code Enforcement-James Thater

- \*Letter for Rogers Rd violation has been sent by Lawyer.
- \*Violation on corner of Rt 20 and Linwood owner has been contacted.

Water -Dean Davis

\*John Hinman is no longer working for MRB.

Supervisor LaPoint offered a motion, seconded by Councilperson Davis

**RESOLUTION # 58 of 2023: IN RECOGNITION AND APPRECIATION OF DISTINGUISHED SERVICE BY WILLIAM FUEST**

**WHEREAS**, William (Bill) Fuest has served on The Pavilion Planning Board for 6 and a half years and 2 years as the Chairman of said board, and

**WHEREAS**, Bill Fuest has admirably served and lead the Planning Board with integrity, wisdom, and care;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Pavilion acknowledges and extends our deepest gratitude to Bill Fuest for his dedication and service to The Town of Pavilion and our sincere thanks for his many contributions.

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

**RESOLUTION # 59 of 2023:Raffle Consent Form**

**RESOLVED:** Approval of proposed raffle ticket sales and/or raffle drawing for Oatka Fish & Game Club.

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

**RESOLUTION # 60 of 2023: Excess Workers Compensation**

RESOLVED: Supervisor LaPoint to complete application for excess workers compensation policy.

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

**RESOLUTION # 61 of 2023: Zoning Law SEQR 2 and 3**

RESOLVED: The Town board approved SEQR parts 2 and 3 for the zoning law update. The SEQR is determined to be a Type 1 action with also answers in part two being "No"

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Davis

**RESOLUTION # 62 of 2023: Local Law #2 Town of Pavilion Zoning Amendment 2023**

RESOLVED: Approve Local Law #2 entitled Town of Pavilion Zoning Amendment of 2023, as follows:

DEFINITIONS

Summary:

Add definitions for any use which is referenced in the zoning law and not defined. Add definitions for any new uses included in this update to the law.

**Gas Station:** Any building or land used for the sale of motor fuel, oil, and motor vehicle accessories, which may include facilities for lubricating, washing, or servicing motor vehicles, but not painting or body repairs. Total size of a gas station including all buildings and impermeable surfaces intended for driving or parking must be less than 100,000 square feet.

**Gas Station Convenience Store:** A gas station with an on-site retail location selling retail goods or food to individual customers. Not to include showers or lodging for travelers. Total size of a gas station convenience store including all buildings and impermeable surfaces intended for driving or parking must be less than 100,000 square feet.

**Truck Stop, Travel Plaza:** Any building, group of buildings, or land used for fueling, servicing,

selling retail goods, and/or retail services for travelers such as showers and short term lodging, short or long term parking which total size of all buildings and impermeable surfaces intended for driving or parking is over 100,000 square feet.

**Cannabis Cafe:** A retail facility which sells any cannabis product and allows on-site consumption which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

**Cannabis Dispensary:** A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

**Private Air Strip:** Buildings and land used for the take off, landing, and storage of fixed wing aircraft owned by an individual or company not to be used for flights which require purchase of tickets or admission.

**Club:** An incorporated organization established pursuant to the New York Not-For-Profit Corporation Law for a social, educational, or recreational purpose, catering exclusively to members and their guests, whose activities are not conducted primarily for profit.

## **SECTION 506 INDUSTRIAL/COMMERCIAL DISTRICT – IC**

### Summary:

The Industrial/Commercial District is referenced as a future land use area around the Route 63, Route 20 (Texaco Town) intersection. The goal of this addition to the zoning law is to create a zoning designation that adheres to the Comprehensive Plan. Once this update is adopted parcels in the future land use area of the Comprehensive Plan may rezone to this designation.

The Industrial/Commercial District is designed to accommodate a mix of industrial and commercial uses around the intersection of Route 20 and Route 63. Commercial uses should be given preference to utilize road frontage for easy access of customers while industrial and mixed uses should utilize the interior of this area preferably in a business-park style layout to ensure efficient use of space and shared access roads.

**Permitted Uses:**

Retail use and service  
Restaurant  
Professional Office  
Personal Service Business  
Wholesale Trade  
Bank  
Enclosed Manufacturing Industry  
Enclosed Warehouse or Wholesale Trade  
Public Utility  
Enclosed Service or Repair

Machinery transportation equipment sales, service and repair  
Enclosed Industrial Process  
Freight or Trucking Terminal  
Contractors Yard  
Farm and all usual agricultural operations  
Accessory Building and Use  
Self-service storage facility  
Drive in business  
Indoor Recreation Facility

**Uses Requiring a Special Use Permit**

Business Park  
Gas Station, Gas Station Convenience Store  
Truck Stop / Travel Plaza  
Adult Uses  
Child Day Care Center  
Indoor Recyclable handling and recovery facility  
Indoor Disposal transfer station  
Commercial Communication Tower  
Ponds  
Animal Kennel  
Residential Uses  
Cannabis Cafe  
Cannabis Dispensary  
Race Track

## Multiple Special Uses

**SECTION 401 BUILDINGS, USES AND LOTS**

- A. **One Principal Building and Use Per Lot** - There shall not be more than one (1) principal building and one (1) principal use on any one lot in the Agricultural & Residential A&R-1, A&R-2 and the Residential - R Districts except as provided for in the following:

(4) Multiple uses requiring a special use permit if approved by the Planning Board as part of the Special Use Permit Application Process

**SECTION 808 PLANNING BOARD**

**D. Special Use Permit**

8. Standards

o. For A&R 1 Districts multiple uses with a special use permit. Multiple use shall not inhibit home occupation regulations. Multiple uses must be allowable uses in the district. Additional uses must be of a lesser impact than existing primary use including but not restricted to:

Traffic and parking

Noise

Dust

Equipment being used outdoors

Lighting (Dark Sky Compliance)

Hours of operation between 11pm - 6am

All multiple uses require a special use permit and must follow all regulations of said use already laid out in zoning law.

# Cannabis Related Supplementary Regulations

## ARTICLE VI SUPPLEMENTAL REGULATIONS

### SECTION 622 CANNABIS

#### **A. Purpose**

Any establishment selling cannabis shall be restricted to the IC zoning district and shall conform with the following restrictions in pursuit of the health, safety, and welfare of the community.

#### **B. Signage**

All signage and exterior display must be in text form. There shall be no exterior display, included inside windows visible from the exterior of images relating to cannabis, cannabis consumption, smoke, or other paraphernalia. There shall be no exterior display of the following words alone or incorporated into a portmanteau; marijuana, pot, gonja, bud, weed, mary jane.

# SETBACK CHANGES

## **Commercial Communication Towers:**

All commercial communication towers must be located no less than 200 ft from a dwelling, school, church, daycare facility or senior care facility.

For towers over 50 feet in height, the tower must be located no less than 3 times the total height of the tower (and any attached structures) from any dwelling, school, church, daycare facility or senior care facility unless waived in writing by the landowner of the structure.

## **The following uses in A&R1 and A&R2 will adhere to the following setback requirements:**

- Commercial Solar Farms
- Multi-Family Homes
- Motel
- Outdoor Recreation Facility
- Indoor Recreation Facility
- Club
- Animal Kennel
- Motor-vehicle Repair Shop
- Community Center
- Nursing Home
- Mobile Home Park
- Child Day Care Facility
- Adult Care Facility
- Self-Service Storage
- Light Industrial Use
- Skilled Trade Shop
- Animal Waste Storage
- Professional Office

The setback requirements listed below shall pertain to the distance that any building utilized in said use shall exist from another dwelling, school, church, daycare facility, or senior care facility. Property line setbacks are separate from the requirements listed below.

These uses shall have an **Use Area Size** calculated by the code enforcement officer which shall be the total square footage of the buildings utilized for this use. Driveways and parking areas are not to be used in this calculation.

Developments determined to have a **Use Area Size** of 3000 square feet or less are exempt from these requirements.

The setback shall be determined by multiplying **Use Area Size by 0.035**  
example: (7,500 sq-ft x 0.035 = 262.5 feet)

The setback shall not exceed 350 feet.

## COMMERCIAL SOLAR FARM

Fence height shall be 8' or the current height required by NYSERDA or other NY code.

### SECTION 805 FEES FOR PERMITS, AMENDMENTS, APPEALS, SITE PLAN REVIEW, SPECIAL USE PERMITS, AND OTHER ADMINISTRATIVE ACTIONS

For Commercial, Industrial, and Special Use Permits; Fees may be charged for processing applications for preliminary plat approval for major subdivisions and final plat approval for major subdivisions, as well as for site plan reviews, public hearings, consulting fees, engineering expenses, attorney and legal expenses, inspection expenses, bad check charges, state environmental quality reviews, appeals, variances, special use permits and other administrative actions. The fees shall be set by the Town Board by resolution and may be changed from time to time in the same manner.

Approved by vote (5-0). Voting was as follows:0

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Davis

**RESOLUTION # 63 of 2023: Communication Tower Moratorium**

RESOLVED: Due to updated Zoning Law #2, 2023 the Communication Tower Moratorium is nullified.

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Thater to approve the May10, 2023 regular board meeting minutes.

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$24,656.26, T&A \$28,391.23, Sewer; \$8,557.63, Highway; \$83,014.24, Capital; \$205.26, Water District #7; \$210.00; Water District; \$0

TOTAL \$145,034.62

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin to Approve May 2023 operating statement, bank reconciliation & clerk report.

Approved by vote (5-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis made a motion at 8:16PM to adjourn meeting seconded by Councilperson Thater

Voting all ayes.

Respectfully submitted,

Lucinda Starr