

A Regular meeting of the Town of Avon was held on Thursday, July 24, 2025 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 Malachy Coyne, Councilmen James Harrington, Councilmen Paul Drozdziel

ABSENT:

OTHERS: Brian Shannon, Code Enforcement Officer, Attorney James Campbell, Tom Crye, Highway/Water Supervisor, Dave Willard MRB Group Engineer, Kim McDowell, Town Clerk, Tami Snyder, Assessor

VISITORS: Chuck Morgan, Deb Spratt, Collin Hayes, Ellen Turner, Faye Beshures, Cindy Kellen, Kitty Bressington, Jim Garner, Anne Czymmek, Mike Carroll, Dan Cochrane, Maryann O'Donnell

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 LeFeber and Attorney Campbell addressed the question that visitor Kitty Bressington asked regarding the Union contract being online and it will be filed as soon as possible by Attorney Campbell.

RESOLUTION #149 APPROVAL OF MINUTES OF JOINT BOARD MEETING OF JULY 7, 2025

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

RESOLVE to approve the Joint meeting minutes of July 7, 2025, 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, Councilmen Drozdziel – Aye, Councilmen Coyne - Aye, Councilmen Harrington - Aye

RESOLUTION #150 APPROVAL OF MINUTES OF BOARD MEETING OF JULY 10, 2025

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 July 10, 2025, 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, Councilmen Drozdziel – Aye, Councilmen Coyne - Aye, Councilmen Harrington - Aye

DISCUSSION – JAMES GARNER – SUBDIVISION ON TEC DRIVE

Mr. Garner would like to subdivide the Tec Drive property into two lots and then combine one with the Interstate Drive parcel to make 2 parcels that would be sold to the current tenants. The north side of the property is the brewery, and the south side of the property will be Vemeer. Mr. Garner will need to sign the combination sheet that Tami Snyder, Town Assessor, has with her tonight.

Attorney Campbell stated the Town Board needs to review the subdivision and give a recommendation to the Planning Board for review & final decision.

RESOLUTION #151 APPROVAL TO MAKE A POSITIVE RECOMMENDATION TO THE PLANNING BOARD FOR MR. GARNER'S SUBDIVISION REQUEST

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

RESOLVE to making a positive recommendation to the Planning Board for the subdivision application of the property on Tec Drive and the combination of parcels.

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

DISCUSSION – ENGINEERING REPORT

Dave Willard, MRB Group, was present and reported the following:

- Completed a design layout of the wall from Pole Bridge Road North and put an application together for NYS DEC which needs Supervisor LeFeber signature. Also received an estimate from the Villager work totaling \$267,942.35. There will need to be an easement agreement with the resident's property the work will take place on; it was determined Attorney Campbell will draw up the easement and Deputy Supervisor Mairs will contact the property owner.
- NYS DEC stated there would be a 3-day turn around time on the permit application approval or letter of non-jurisdiction.
- The two grants, the study grant is \$55,000, WQIP grant is up to 2 million with 25% match from the Town, will be submitted on Friday, July 25, 2025 along with the resident signatures that were given to him tonight.

RESOLUTION #152 AUTHORIZING THE EMERGENCY ROAD REPAIR EXPENDITURE OF THE ESTIMATE FROM THE VILLAGER, EMERGENCY CONTRACTOR

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

RESOLVE to authorize the expenditure of the estimate from the Villager, emergency contractor in the amount of \$267,492.35 for emergency road repairs required from June 18, 2025 storm event.

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

RESOLUTION #153 AUTHORIZING SUPERVISOR LEFEBER TO SIGN THE NYS DEC JOINT APPLICATION FORM

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

RESOLVE to authorize Supervisor LeFeber to sign the NYS DEC Joint Application Form.

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

DISCUSSION – ENGINEERING REPORT(CONT)

- Dave Willard handed out a proposal for Sackett Road and Pole Bridge Road South for a survey, Geotech, preliminary engineering, and concept design. The timeframe would have the culvert fixed in August 2026 approximately. It was determined that the Board will review the proposal and decide at the next meeting.

DISCUSSION – OPEN PUBLIC HEARING – SHORT TERM RENTAL & COMPREHENSIVE PLAN

Attorney Campbell read the following legal notice to open the public hearing on Local Law T-1A-2025 as follows:

LEGAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Avon at 6:15 p.m. on Thursday, July 24, 2025, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A local law to amend Chapter 130 of the Code of the Town of Avon as officially adopted to add a new Article XVIII entitled "Short-Term Rentals" so as to provide regulations pertaining to such use.

A copy of the proposed local law will be available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will also be available on the Town's website at <https://www.avon-ny.org/town-of-avon/town-home.html>.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: June 12, 2025

By Order of the Town Board of the Town of Avon
Kimberly McDowell - Town Clerk

Attorney Campbell read the following legal notice to open the public hearing for the Comprehensive Plan update as follows:

LEGAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §272-a, that a public hearing shall be held by the Town Board of the Town of Avon at 6:15 p.m. on Thursday, July 24, 2025, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning the possible adoption of the "Town of Avon Comprehensive Plan Update 2025."

A copy of the proposed Comprehensive Plan Update will be available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will also be available on the Town's website at <https://www.avon-ny.org/town-of-avon/town-home.html>.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: June 12, 2025

By Order of the Town Board of the Town of Avon
Kimberly McDowell - Town Clerk

Supervisor LeFeber asked for any comments, and they follow:

Deb Spratt, 2133 North Littleville Road, asked if the short-term rental was pertaining to the request that Mr. Garner just spoke about, and it is not. Ms. Spratt has a concern about the comprehensive plan and water and flooding; this plan states the water problem will be solved in 3-5 years and in her opinion that is too far out. She feels that farming and solar farms contribute to the flooding. She would like to see the timeline faster than proposed. She feels the plan is good and complimentary to farmers, but farming must be part of the solution.

There was discussion on what some Board members are doing currently and previously to help with the drainage.

Mike Carroll, 1 Isham Avenue, wants to know what will be impacted on the short-term rental law; Collin Hayes stated this law regards more of the Air BNB and Verbo's rather than the traditional bed-n-breakfast. Mr. Carroll is wondering if a commercial address falls under this category; there was discussion on the definition of short-term rental and examples of where it would apply. Collin Hayes stated this would require people to get a special use permit and have fire inspections.

Tami Snyder, Town of Avon, Assessor, stated when they get permits from the Town of Avon, this will change them to an income property and will change their values based on these permits.

Chuck Morgan, 224 River Street, great idea on short-term rentals and some communities have had these spiral out of control quickly, so it is good to get a grip on them. Regarding the comprehensive plan, it is very well done, and it needs to be monitored and kept up with, regarding solar fields contributing to the water issues, the solar law helps mitigate these issues by requiring a landscape architect for design.

Collin Hayes, 5012 Littleville Road, comprehensive plan was thoughtfully done and looked at implantation and action steps. He encourages the Board to look at and follow through on the action items included in the new plan.

There were no other public comments on either public hearing.

Supervisor LeFeber stated they did get a comment letter from Livingston County on the Short-term Rental Law. Attorney Campbell stated they were basic comments regarding Short-term Rental law. There will be another local law that will be worked on once the comprehensive plan is approved for the code to reflect your comprehensive plan.

Councilmen Drozdziel stated the Comprehensive Plan does have an approval deadline for the Smart Growth Grant application we are currently working on to update the code based on the revision of the comprehensive plan. The new comprehensive plan must be in place by the end of September 2025. It was determined, at the August 14, 2025 meeting we anticipate approval of the comprehensive plan.

The Town Board has agreed to close the Short-term Rental Law public hearing but keep open the Comprehensive Plan public hearing.

RESOLUTION #154 CLOSE THE SHORT-TERM RENTAL PUBLIC HEARING

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

RESOLVE to close the public hearing on Short-Term Rental Law.

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

Attorney Campbell stated the next process is to go through the Full Environmental Assessment Form Part 2 – Identification of Potential Project Impacts. Attorney Campbell read all 18 questions to the Board, and they answered NO to all.

RESOLUTION #155 ADOPT THE FINDINGS FOR SEQR – LOCAL LAW T-1A-2025

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

RESOLVE to adopt the findings for Part 2 of the FEAF for Local Law T-1A-2025.

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

RESOLUTION #156 NEGATIVE DECLARATION FOR LOCAL LAW T-1A-2025

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

RESOLVE that based on the findings made in Part 2 of the FEAF, this project will have no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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

RESOLUTION #157 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE SEQR DOCUMENTS AND TOWN CLERK TO MAKE THE NECESSARY FILINGS

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

RESOLVE to authorize the Supervisor to sign the SEQR documents and Town Clerk to make the necessary filing.

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

RESOLUTION #158 ADOPT LOCAL LAW T-1A-2025

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

RESOLVE to adopt the following Local Law T-1A-2025.

**TOWN OF AVON
LOCAL LAW NO. 1 OF THE YEAR 2025**

A LOCAL LAW TO AMEND CHAPTER 130 [ZONING] OF THE CODE OF THE TOWN OF AVON TO ADD A NEW ARTICLE XVIII ENTITLED “SHORT-TERM RENTALS”

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

Chapter 130 of the Code of the Town of Avon shall be amended to add a new Article XVIII which shall read as follows:

Article XVIII Short-Term Rentals

§130-99 Statutory Authority.

- A.** The Town Board of the Town of Avon adopts this article pursuant to the authority granted to the Town Board under Article I, §130-4 of the Town of Avon Zoning Ordinance and New York State Town Law §§264 and 265.

§130-100 Legislative Intent and Purpose.

- A.** The Town Board of the Town of Avon recognizes the growing trend of short-term rental units within its jurisdiction and acknowledges the absence of specific regulations governing this use.
- B.** A significant number of short-term rental units currently operate in the Town without permits, prompting the need for oversight and enforcement to ensure compliance with the New York State Uniform Fire Prevention and Building Code; such oversight and enforcement being necessary to safeguard public safety and welfare and to facilitate the provision of emergency services.
- C.** This Article is intended to Protect property values by regulating uses, buildings and structures that may impact the character of the Town and affect neighboring properties; to minimize

conflicts among the various land uses, both now and in the future; to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Avon; and to support the goals and objectives of the Comprehensive Plan of the Town of Avon.

§130-101 Definitions.

The following definitions shall apply to this Article:

BOOKING SERVICE — A person or entity who, directly or indirectly:

- A. Provides one or more online, computer or application-based platforms that individually or collectively can be used to:
 - (1) List or advertise offers for Short-Term Rental (as defined below) and/or use of Short-Term Rental Units (as defined below); and
 - (2) Either accept such offers, or reserve or pay for such rentals; and
- B. Charges, collects or receives a fee for the use of such platform or for provision of any service in connection with a Short-Term Rental of a Short-Term Rental Unit, including the collection of rent or occupancy charges, security deposits or regulatory fees associated with the same.

COUNTY REGISTRY — The system established and operated by Livingston County to register Short-Term Rental Units pursuant to § 447-C of the New York State Real Property Law.

PERSON — One or more natural persons, partnerships, associations, societies, corporations or limited liability companies, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

SHORT-TERM RENTAL – The leasing or renting of a Dwelling, or a portion thereof, for less than 30 consecutive days by tourists, vacationers, business travelers or individuals seeking temporary accommodation.

SHORT-TERM RENTAL HOST — A person or entity in lawful possession of a Short-Term Rental Unit who rents such unit to guests as a Short-Term Rental.

SHORT-TERM RENTAL UNIT —

- A. An entire Dwelling Unit, or a room, group of rooms, other living or sleeping space, or any other space or portion of a Dwelling, made available for rent by guests for less than 30 consecutive days, where the unit is offered for tourists, vacationers, business travelers or individuals seeking temporary accommodation.

- B. For the purpose of this Article, the term "Short-Term Rental Unit" shall not include Camping Grounds with tent sites, tent platforms or lands or property that are intended to house campers, recreational vehicles, camping coaches authorized by a Special Use Permit pursuant to §130-11 D. (2) and §130-35 B. (4) (d).
- C. For the purpose of this Article, the term "Short-Term Rental Unit" shall not include a Bed-and-Breakfast Inn, Boarding House or Rooming House, hotel, Motel or month-to-month tenancies.

§130-102 Districts Where Short-Term Rental Allowed; Use Prohibited in Certain Dwellings.

- A. Short-Term Rental shall be permitted in the Agricultural District (A), One-Family Residential District (R-1), One and Two-Family Residential District (R-2), Multiple-Family Residential District (R-3), Limited Residential District (LR) and Residential Hamlet Mixed Use District (RH-M), subject to compliance with this Article.
- B. Short-Term Rental may be permitted in any district other than those listed in subsection A above, subject to issuance of a Special Use Permit according to the provisions of §130-35 and those requirements set-forth in this Article.
- C. Short-Term Rental shall not be permitted in any Dwelling used to provide "single-room occupancy," as set-forth in subdivision 44 of § 4 of the New York State Multiple Residence Law, which defines the same as: "The occupancy by one or two persons of a single room, or two or more rooms which are joined together separated from all other rooms within an apartment in a multiple dwelling so that the occupant or occupants thereof reside separately and independently of the other occupant or occupants of the same apartment."

§130-103 Presumption of Property as Short-Term Rental Unit.

- A. The presence of the following shall create a presumption that all or a part of a property is being used as a Short-Term Rental Unit or for Short-Term Rental purposes:
 - (1) The Short-Term Rental Unit is currently registered in the County Registry.
 - (2) All or a part of a property is offered for lease by a Booking Service for a rental period of less than 30 consecutive days; and/or
 - (1) All or a part of a property is offered for lease for a period of less than 30 consecutive days through any form of advertising.
- D. The foregoing presumptions may be rebutted by evidence presented to the Town of Avon Code Enforcement Officer, that the premises is not operated as a Short-Term Rental Unit or for Short-Term Rental purposes.

§ 130-104 Permit Required.

- A. Persons shall not use property located within the jurisdictional boundaries of the Town of Avon for Short-Term Rentals or as Short-Term Rental Units without first obtaining a revocable Short-Term Rental permit.

- B. A Short-Term Rental permit shall be valid for two (2) years, but may be renewed pursuant to §130-108 below.
- C. Short-Term Rental permits are not transferable to a new owner of property for which such permit has been previously issued. Any new owner of a premises benefitting from a Short-Term Rental permit must file a new permit application with the Town of Avon.
- D. Notwithstanding the foregoing, those properties with Short-Term Rental commitments existing on the date this Article takes effect, shall be permitted to honor such existing commitments and continue to make commitments for Short-Term Rentals, but must apply for a permit within 90 days of the effective date of this Article for all future short-term rental commitments. In the event such application is denied, all commitments shall be cancelled.

§130-105 Permit Application Requirements.

- A. An application for a Short-Term Rental permit may be obtained from the Town of Avon Code Enforcement Officer. Short-Term Rental permit applications shall be submitted to the Code Enforcement Officer and accompanied by payment of a non-refundable permit application fee, which shall be determined from time to time by resolution of the Town Board. The application shall include the following:
 - (1) A valid and current registration number issued by the County Registry.
 - (2) The signatures of all owners or designated agents for the property upon which a Short-Term Rental Unit will be operated. A tenant, or other non-owner in lawful possession of property that is used as a Short-Term Rental Unit, shall not qualify for a permit.
 - (2) A statement authorizing the Code Enforcement Officer to inspect the subject property to ensure compliance with all requirements and standards contained within this Article and any other laws, rules or regulations that may apply to Short-Term Rentals.
 - (3) A written acknowledgement of present and ongoing compliance with the Short-Term Rental requirements as defined in this Article, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed Short-Term Rental unit.
 - (4) A list of each property owner and the name of any manager or management agency managing the property, including names, addresses, telephone numbers and email addresses of each.
 - (5) The name, address, telephone number and email address of a contact person who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the requirements outlined in this Article or any other laws, rules or regulations that may apply to Short-Term Rentals. The contact person may be an owner, or an agent designated by the owner(s) and shall be available to respond to any correspondence, communication, inquiry or concern from the Town Code Enforcement Officer within 24 hours of being notified of the same.
 - (6) An accurate and suitable site plan of the property, measuring at least 8.5 inches by 11 inches, drawn to scale and signed/certified by the applicant. The site plan does not need to be prepared by a professional engineer or licensed land surveyor, but must include the following:
 - (a) The location of all buildings to be used as part of the proposed Short-Term Rental.

- (b) The location and dimension of all property access and parking areas to be used to service the proposed Short-Term Rental
 - (c) The location and dimension of any outdoor amenities that are offered for use by renters, including but not limited to fire pits, pools, hot tubs, grills, etc.
 - (7) An accurate and suitable floor plan for each level of the Dwelling that can be occupied as part of a Short-Term Rental Unit, measuring at least 8.5 inches by 11 inches, drawn to scale and signed/certified by the applicant. The site plan and floor plan do not need to be prepared by a professional engineer, but must include the following:
 - (a) The location of all utility services, including electrical panels, gas shutoffs and water shutoffs.
 - (b) The location and type of all fire extinguishers, smoke detectors and carbon monoxide detectors within the Short-Term Rental Unit.
 - (c) Basement: all rooms, including bedrooms; location and size of all windows; location of all exits; location of all sleeping accommodation furniture (full-size and convertible); and the location and type of all heating/cooling units.
 - (d) First floor: all rooms, including bedrooms; location and size of all windows; location of all exits; full-size, convertible sleeping accommodation furniture; and the location and type of all heating/cooling units.
 - (e) Second floor: all rooms, including bedrooms; location and size of all windows; location of all exits; location of all sleeping accommodation furniture (full-size and convertible); and the location and type of all heating/cooling units.
 - (f) Attic (if present): all rooms, including bedrooms; location and size of all windows; location of all exits; location of all sleeping accommodation furniture (full-size and convertible); and the location and type of all heating/cooling units.
 - (8) A written and signed statement that none of the owners of the subject property have had a Short-Term Rental permit issued by the Town Avon or a short-term rental registration issued by the Livingston County revoked within the previous year for any real properties owned individually or together with others.
- B. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
- (1) The Short-Term Rental Unit is not registered in the County Registry.
 - (2) The application materials required by this Article were not included or the full permit fee was not paid.
 - (3) A previously issued Short-Term Rental permit or County Registration was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.
- C. Upon receipt of a completed Short-Term Rental permit application, adjacent property owners of the Short-Term Rental Unit will be notified of the application by the Town of Avon via postcard or email.

- D. Upon submission of a completed permit application, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify and approve that all Short-Term Rental Unit requirements of this Article have been met.
- E. For Short-Term Rental Units requiring a Special Use Permit, the application shall be subject to the review procedures of §130-35 and §130-45 B. Upon approval of the Special Use Permit by the Zoning Board of Appeals, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify and approve that all Short-Term Rental Unit requirements of this Article have been met.
- F. Upon certification and approval of the Short-Term Rental Unit following inspection by the Code Enforcement Officer, a Short-Term Rental permit will be issued. Short-Term Rental permits issued pursuant to this Article shall state the following:
 - (1) The names, addresses and phone numbers of each person or entity that has an ownership interest in the property upon which the Short-Term Rental Unit is located.
 - (2) The name, address and phone number of a primary contact person (if different than the owner) who shall be available during the entire time the Short-Term Rental Unit is being rented.
 - (3) The maximum occupancy and vehicle limits for the short-term rental unit property.
 - (4) Identification of the number of and location of parking spaces available.
 - (5) Any conditions imposed by the Zoning Board of Appeals and/or Code Enforcement Officer.
- G. Owners wishing to deviate from the regulations applying to sleeping capacity, parking requirements or any other standards stated in this Article must seek a variance from the Town of Avon Zoning Board of Appeals. Variance applications will be reviewed by the Zoning Board of Appeals as provided in Article X of Chapter 130 of the Avon Town Code.

§130-106 Short-Term Rental Unit Standards.

- A. All Short-Term Rental Units operating in the Town of Avon must maintain current registration in the County Registry.
- B. Property standards.
 - (1) All property to be used for Short-Term Rental must fully and at all times comply with the current New York State Uniform Fire Prevention and Building Code, as adopted by the Town in Chapter 39 [Uniform Code Enforcement] of the Avon Town Code.
 - (9) There shall be not less than one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.
 - (10) Written evacuation procedures, identifying all means of egress from the Short-Term Rental Unit and the building in which it is located, must be posted in each sleeping room so that they may be followed in the event of a fire or smoke condition or upon activation of a fire alarm, smoke detector or other alarm device.

- (11) A written list of emergency phone numbers for police, fire, and poison control must be conspicuously posted in the Short-Term Rental Unit.
- (12) There shall be one type ABC fire extinguisher on each floor and one in the kitchen of the Short-Term Rental Unit. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder(s), to ensure each contains a full charge. A written record of the date inspected, initialed by the permit holder, shall be maintained and made available to the Code Enforcement Officer upon request.
- (13) The house number shall be displayed in accordance with Chapter 40 [Buildings, Numbering] of the Avon Town Code.
- (14) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (15) Electrical systems shall be in good operating condition, compliant with all laws, rules and regulations governing the same, labeled and unobstructed, and shall be available for inspection by the Code Enforcement Officer during the permitting process. Any defects found shall be corrected prior to permit issuance.
- (16) All fireplaces and/or fireplace inserts shall comply with all applicable laws, rules and regulations governing the same, and any room containing a fireplace or fuel-burning appliance shall not be furnished with sleeping accommodations, nor permitted to be used for sleeping at any time, unless such fireplace or fuel-burning device has been permanently decommissioned to the satisfaction of the Code Enforcement Officer. For the purposes of this section, "fuel-burning appliance" shall have the meaning provided in Section 915.2 of the New York State Uniform Fire Code, 2020 Edition.
- (17) Rooms furnished with sleeping accommodations shall have no provisions for cooking, including microwaves, cooktops, ranges, stoves, ovens, hot plates and the like.
- (18) The property must have a minimum of one off-road parking space on site for every bedroom shown on the floor plan included with the application.
- (19) The overnight occupancy for each Short-Term Rental Unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application and two (2) people per full-size, convertible sleeping accommodation furniture (e.g., futon, hide-a-bed) also identified on the floor plan. The maximum overnight occupancy of a Short-Term Rental Unit shall not exceed twelve (12) people, including permanent residents and renters.
- (20) In the event the Short-Term Rental Unit is served by a septic system, the maximum occupancy shall be limited by the capacity of the septic system, but in no event shall the overnight occupancy for any Short-Term Rental unit exceed the total calculated in §130-106 B. (12) or twelve (12) people, whichever is less.
- (21) Any septic system serving a Short-Term Rental Unit shall at all times meet or exceed all New York State and local requirements.
- (22) Any septic system serving a Short-Term Rental Unit must be pumped and inspected not less frequently than every four (4) years. Proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be provided to the Code Enforcement Officer at the time of application for a permit for Short-Term Rental. Once a Short-Term Rental permit has issued,

the owner shall furnish proof of such pumping and inspection demonstrating compliance, upon request of the Code Enforcement Officer.

(23) Any water supply serving a Short-Term Rental shall meet all New York State requirements.

(24) Signs.

(a) All Short-Term Rental Units located within the A, R-1, R-2, R-3, LR and RH-M Districts shall be permitted one unlighted nameplate pursuant to and in compliance with §130-23 E. (1).

(b) All Short-Term Rental Units located within any zoning district other than those identified immediately above in subsection (a), shall be governed in accordance with § 130-23 F.

C. Insurance standards. All Short-Term Rental Units must be insured in compliance with §447-B(f) of the New York State Real Property Law.

D. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tightfitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick-up time.

E. Rental contract. All applicants and permit holders shall have a written rental agreement, which includes, at a minimum, the following:

(1) Maximum duration of Short-Term Rental occupancy;

(2) Maximum on-site property provided; and

(3) A good neighbor statement, acknowledging that:

(a) The Short-Term Rental Unit is in a residential area in the Town of Avon and that renters should be considerate of the residents in neighboring homes, if applicable;

(b) Renters are required to observe quiet hours from 11:00 p.m. through 7:00 a.m.;

(c) All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;

(d) Littering is prohibited; and

(e) Recreational campfires must be attended to at all times and burning shall comply with applicable laws and regulations.

§130-107 Compliance with and Display of Permit.

A. Short-Term Rental permits are subject to continued compliance with the requirements of this chapter, Article 12-D of the New York State Real Property Law and any regulations established by the Livingston County for Short-Term Rental Units.

B. If the Code Enforcement Officer has probable cause to believe that the permittee is not in compliance with the provisions of this Article, the Code Enforcement Officer may request permission from the permittee to enter the premises and conduct an inspection of the Short-Term Rental Unit for purposes of ensuring compliance with this Article. If the permittee refuses to authorize the Code Enforcement Officer to inspect the property, the permit shall be revoked. The

Code Enforcement Officer shall consider the results of any inspection conducted hereunder in determining whether to revoke a Short-Term Rental permit.

- C. The Short-Term Rental permit, maximum occupancy, maximum parking requirements, contact information and Short-Term Rental Unit standards shall be prominently displayed inside and near the front entrance of the Short-Term Rental Unit.
- D. The permittee must conspicuously display the Short-Term Rental permit number and County Registry number in all advertisements for the applicable Short-Term Rental Unit.

§130-108 Application for Renewal of Permit.

- A. An application for renewal of a Short-Term Rental permit shall be granted for an additional two (2) year term if the following conditions are met:
 - (1) The Short-Term Rental Unit is currently registered in the County Registry.
 - (2) The application for renewal of the Short-Term Rental permit shall be made 30 days prior to expiration of the current permit and requires payment of a renewal fee, to be established by the Avon Town Board and which may be amended from time-to-time.
 - (3) At the time of application for renewal, the owner or designated agent must present the current permit for the Short-Term Rental Unit.
 - (4) Prior to issuance of a permit renewal, the subject property must be inspected by the Code Enforcement Officer.
 - (5) Any violations must be remedied prior to renewal of a Short-Term Rental permit.
- A. A special use permit granted pursuant to Chapter 130, Zoning, shall remain valid unless otherwise voided or revoked pursuant to the provisions of §130-35.

§130-109 Grounds for Revocation or Suspension of Permit.

The Code Enforcement Officer may revoke or suspend a Short-Term Rental permit for any of the following reasons:

- A. Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
- B. Permittee failed to meet or comply with any of the requirements of this Article, Article 12-D of the New York State Real Property Law or any regulations established by Livingston County for Short-Term Rental Units, or has failed to maintain current registration with the County Registry.
- C. Permittee is in violation of any provision of the Code of the Town of Avon.
- D. Permittee has violated or permitted violation of any provision of the Penal Code of the State of New York, which violation occurred at, or is related to the occupancy of the Short-Term Rental Unit.
- E. Any conduct on the premises which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

- F. Removal, obstruction or disrepair of any safety devices, such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and emergency exit signs.

§130-110 Enforcement; Penalties for Offenses.

- A. Any person operating a Short-Term Rental Unit without registration in the County Registry or in violation of Article 12-D of the New York State Real Property Law may be subject to the penalty provisions of §447-E of the Real Property Law.
- B. Any person operating a Short-Term Rental Unit without a permit or violating the provisions of this Article or any permit issued hereunder, shall be subject to enforcement.
- C. The Code Enforcement Officer, upon witnessing or receiving a written complaint of an alleged violation of this Article or any permit issued hereunder, shall properly record such complaint and promptly investigate the alleged violation. If the Code Enforcement Officer determines there is a violation of this Article, the permittee shall be notified in writing by first-class mail, return receipt requested, of the violation, and the Code Enforcement Officer may take any or all of the following actions:
- (1) Attach new conditions to the existing Short-Term Rental permit.
 - (2) Suspend the Short-Term Rental permit. A written notice of suspension shall be provided to the permittee and a copy filed with the Avon Town Clerk.
 - (3) Require corrective action that remedies the violation. The corrective action must be completed and approved within 30 days of written notice by the Code Enforcement Officer or the Short-Term Rental permit may be revoked.
 - (4) Revoke the Short-Term Rental permit. Should a permit be revoked, all owners of the subject property are prohibited from obtaining a Short-Term Rental permit on that property for one year after the date of revocation. The Code Enforcement Officer shall send written notices of revocation to property owners and shall file a copy with the Avon Town Clerk.
 - (5) Issue and prosecute appearance tickets for enforcement of all violations in the manner provided by Town Law §268.

§130-111 Appeals and Hearings.

The applicant or permittee is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when an application for a Short-Term Rental permit or permit renewal is denied or a Short-Term Rental permit is revoked. A written notice of appeal shall be filed with the Avon Town Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the denial or revocation. A hearing shall be held by the Zoning Board of Appeals not more than 45 days after the filing of the notice of appeal.

§130-112 Interpretation; Conflict With Other Law.

In its interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. This Article is not intended to interfere with, abrogate or annul other rules, regulations or laws, provided that whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards shall govern.

§130-113 Severability.

If any section, subsection, phrase, sentence or other portion of this Article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

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

DISCUSSION-ATTORNEY REPORT

Attorney Jim Campbell was present and reported the following:

- Worked on funding for the emergency road repair being done. He has been in contact with Bond Council Tim McGill and how to authorize borrowing to reimburse the reserves. The discussed amount to borrow is up to \$1,000,000 but does not include Sackett Road & Pole Bridge Road South.
- The Board received a letter of engagement for Tim McGill's services and a resolution announcing the intent to borrow the money and a Bond resolution that the Board will need to authorize.
- The Library Petition has been submitted to the Board of Election for the ballot in the general election on November 4, 2025.
- Attorney Campbell discussed the notice of lead agency intent for LCWSA regional project and the scope of work for that project that doesn't involve the Town of Avon.

RESOLUTION #159 AUTHORIZE SUPERVISOR LEFEBER TO SIGN AN ENGAGEMENT LETTER WITH TIM MCGILL, BOND COUNSEL FOR BOND COUNSEL SERVICES RELATING TO BORROWING FOR EMERGENCY ROAD REPAIRS FROM JUNE 18, 2025 FLOODING EVENT

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

RESOLVE to authorize Supervisor LeFeber to sign an engagement letter with Tim McGill, Bond Council.

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

RESOLUTION #160 DECLARE SEQR TYPE II ACTION FOR FUTURE ADOPTION OF BOND RESOLUTION FOR BORROWING TO FUND EMERGENCY ROAD REPAIRS FROM JUNE 18, 2025 FLOODING EVENT

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

SEQR 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 July 24, 2025

SEQR RESOLUTION – TYPE II ACTION

WHEREAS, the Town of Avon, New York (the “Town”) intends to authorize certain emergency capital improvements including road reconstruction, in order to make necessary and immediate repairs to certain Town Roads that were damaged as the result of a significant storm event that occurred on June 18, 2025 (the “Project”); and

WHEREAS, such road reconstruction repairs will consist of replacement in kind to specific areas of North Littleville Road, Pole Bridge Road (South), Pole Bridge Road (North) and Reservoir Road that were damaged by the storm event; and

WHEREAS, it is necessary and in the public interest for the Town to borrow funds in sufficient amount to cover the cost of such emergency repairs; and

WHEREAS, the Town of Avon Town Board has determined that the propped repairs constitute a Type II action pursuant to NYCRR §617.5 (c) (1), (4) and (5).

NOW, THEREFORE, BE IT RESOLVED THAT, the Avon Town Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) (1), (4) and (5) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Board, in making this classification, has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

RESOLUTION #161 INTENT TO BORROW FUNDS

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

RESOLUTION ANNOUNCING INTENT TO BORROW AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

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 July 24, 2025

WHEREAS, the Town of Avon, New York (the “Town”) intends to authorize certain capital improvements including road reconstruction, for Town use (the “Project”);

WHEREAS, it may be in the public interest for the Town to authorize financing of such Project at a later date; and

WHEREAS, it is desirable for the Town to announce its official intent to borrow to finance such Project costs so that any current expenditures for such costs may qualify under the internal revenue code for reimbursement from a later authorized Town financing, if any;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON AS FOLLOWS:

Section 1. It is hereby determined and declared that the Town of Avon reasonably expects to reimburse the general fund from the proceeds of debt obligations as may be later authorized by the Town for expenditures from such fund that may be made for the capital costs for the Project. The maximum aggregate principal amount of obligations expected to be issued and used to reimburse the general fund for such Project and related costs is \$1,000,000. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 2. This resolution shall take effect immediately upon its adoption.

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

RESOLUTION #162 AUTHORIZE SUPERVISOR LEFEBER TO SIGN LCWSA REGIONAL WATER SUPPLY PROJECT SEQR LEAD AGENCY INTENT CONSENT FORM

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

RESOLVE to authorize Supervisor LeFeber to sign LCWSA Regional Water Supply Project Lead Agency Intent Consent Form.

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

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was present and reported the following:

HIGHWAY:

- Parks & Cemetery's mowed
- Mowed Roadsides, Town & County
- Shop work – trucks & mowers
- Maintenance
- Hauling - restocking
- Driveway replacements & ditching
- Spencer doing well – great attitude and energetic

WATER:

- Everyday maintenance & sampling
- Meter readings

DISCUSSION- CODE ENFORCEMENT REPORT

Code Officer Brian Shannon was present and reported the following:

- Working on permits, mostly sheds and roofs
- There were no complaints
- Campground on Route 15 – went up and walked around, there was no one there, clearing out land and dirt is on premise. It was requested to call the owner and find out what exactly is being done and if there is more than an acre of disturbance, he will need to contact the NYS DEC to do a SWPPP. Brian will investigate further.
- A violation notice has been sent to 4632 Littleville Road owner regarding the state of the property and mobile home on premises, has until August 31, 2025 to take action.
- I have not heard anything from Bruckel as far as a site plan, no work currently being done.

DISCUSSION – ASSESSOR

Tami Snyder was present and reported the following:

- Received 2 small claims

- Started working on the update
- Resolving computer issues with the County

DISCUSSION – TOWN CLERK REPORT

Kim McDowell was present and reported the following:

- Day-to-day operations are running very smoothly, dog licenses, handicap permits, abstracts and vouchers. I received notice that hunting licenses will officially go on sale on August 1, 2025.

DISCUSSION – TOWN SUPERVISOR ITEMS

- Items have been covered throughout the meeting

RESOLUTION #163 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2025-14 in the following amounts:

Concerning ABSTRACT of Claims Number 2025-14 including claims as follows:

General Fund	Amounts totaling \$ 22,454.90
Highway Fund	Amounts totaling \$ 14,277.33
Water Fund	Amounts totaling \$ 2,628.90
Cemetery Fund	Amounts totaling \$
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	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, Councilmen Drozdziel – Aye, Councilmen Coyne - Aye, Councilmen Harrington - Aye

OPEN ITEMS:

- Councilmen Drozdziel is working on the Smart Growth grant application that will be submitted at the end of July, minimum grant is \$75,000 with a 10% match required by the Town.
- Councilmen Coyne asked what the progress is on the East Avon Water Town proposal, and nothing has been done as of lately due to focusing on road repairs. There was discussion on water sources, LCWSA Regional Water Supply Project, and what the Town will need to consider for the future.
- Deputy Supervisor Mairs asked how the update process is going on the Employee handbook, and it is moving along. Added items that legally had to be added with not many deletions. Still working on a time clock and how that would be processed for payroll purposes.

VISTOR COMMENTS:

- Mike Carroll, 1 Isham Avenue, was happy to hear about the cooperation between Towns & Villages to get projects done. He would like to thank both Town & Village Highway Departments for all their hard work after the flood. He is wondering if there is any consolidation with other Town/Villages for water mitigation because it starts in other areas; and who investigates those areas to make sure nothing is impending the water flow.
- Dan Cochrane, 106 River Street, wanted to share with the Board that the APHS has gotten many compliments on the building and wanted to thank everyone for all their hard work to make this happen.

On motion of Deputy Supervisor Mairs seconded by Councilmen Harrington the meeting was adjourned at 8:30P.M.

Respectfully submitted by:

Kim McDowell, Town Clerk