

A special meeting of the Town of Avon was held on Thursday, February 3, 2009 at 7:30 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen Donald Cook, James Blye, and Thomas Mairs

ABSENT: Deputy Supervisor Cole

OTHERS: Planning Board Chairman Dr. Robert Tugel, Planning Board Members James Anderson, Thomas McGovern, Malachy Coyne, Kathy Cole and Thomas Moran, Planning Board, Code Enforcement Officer Lee Rodamaker and Deputy Town Clerk Lisa Anderson

VISITORS: Pat Rountree (arrived at 7:38 P.M.), Richard Steen, Austin Wadsworth and Gary Pooler

Supervisor LeFeber called the meeting to order at 7:34 P.M. by reading the following legal notice:

Town of Avon
Legal Notice

RESOLVE to schedule a Special Meeting to attend the Town of Avon Planning Board Meeting on Tuesday, February 3, 2009 for the purpose of discussions on Empire Zone Properties in the Town of Avon and any other business that may come before the Board, to be held at 7:30 P.M., at the Avon Village Hall, 74 Genesee Street, Avon, New York, 14414.

By Order of the Town Board of the Town of Avon, Livingston County, New York

Dated: January 8, 2009

Publish: January 29, 2009

Sharon M. Knight, CMC/RMC

DISCUSSION

MEMO RE: PERSONNEL/ZONING

Supervisor LeFeber passed out the following memo regarding personnel/changes for the Zoning Board of Appeals Board and Clerk. He stated that he had planned on meeting with Pat Rountree first and then passing out the memo, but since Pat's arrival was delayed, he would pass it out first. Supervisor LeFeber stated that any feedback was welcome and the items mentioned in the memo were just his thoughts and ideas and that nothing stated in the memo was anything that the Town Board had voted on as of yet.

February 3, 2009

To: Town Board
Planning Board
Zoning Board of Appeals

DISCUSSION-continued
MEMO RE: PERSONNEL/ZONING

From: David LeFeber

Re: Personnel
Feedback
Subjects for consideration moving forward

In 2009 we will have some personnel changes. Bob Westfall and Cindy Kellen will be new members on the Zoning Board of Appeals. We will also have a new clerk of the Zoning Board of Appeals. The Town has interviewed for this position as well as for the position of attorney for the town. We will choose a ZBA clerk soon and then they will hold an organizational meeting with a representative from the Town Board to ensure that the transition is a smooth one. The Board has a few more candidates to interview for the attorney's position.

Over the past six months I have received feedback both good and bad concerning several topics. I will mention some of these topics, though not in any particular order:

- Please notify your respective clerk if you cannot attend a meeting.
- Name plates or an alternative way for applicants to know the Board members representing the Town.
- Agendas being available for the public and also posted on the Town website prior to a meeting.
- Dress should be professional.
- Clarification is needed for who is responsible to follow up on unanswered questions and need for information – who should provide? (attorney, applicant, clerk, board members) or verifying information provided to the Boards by applicants. The Town Board can provide attorney and engineering support upon request.
- Code enforcement being too flexible – not strictly enforcing the code.
- Clerks and Board members very helpful and professional

Please feel free to add to the following list or make suggestions as to possible actions or topics that could be added or deleted from Town Code or adopted by the Town Board.

- 1) Dark sky compliance text
- 2) The East Avon Gateway Plan and study was never adopted by the Town Board although we did add the two recommended zones to the code along with the used car lot information.
- 3) PUD zoning
- 4) Review Comprehensive Plan and modify to consider community changes since 1995. Councilman Blye to lead this effort.
- 5) Concerns over large parcels and how they are broken up with regard to planning for aesthetics and agricultural efficiency.

DISCUSSION-continued
MEMO RE: PERSONNEL/ZONING

These are some of the ideas that I have heard. Please feel free to make additional suggestions. I am fairly sure that the Town Board supports moving ahead with 1 and 4, the others are ideas for discussion.

In general most feedback is positive. Board members and clerks have received many compliments. My hope is that we do the best job possible for the Town of Avon.

DISCUSSION
EMPIRE ZONING

When Pat Rountree arrived introductions were made. Mr. Rountree stated that Avon is the only Town in Livingston County that has two Empire Zones and that actions should be taken to promote these zones. The two zones are located off of Route 390 at Exits 9 and 10. Mr. Rountree stated the main issues are the need for a plan regarding sewers at Exit 9 and both zoning and storm drainage questions at Exit 10. Suggestions were that the Town of Avon and possibly Livingston County Water Authority should start thinking about a plan for sewer lines at Exit 9. He stated that all of the town's boards should show a joint effort to have a plan in place for sewer lines in case a large company wants to come into this area. Possibly the Town could get together with the County to obtain some engineering services in order come up with a sewer design. Dr. Tugel questioned as to whether the Town was expected to put in the sewer lines and Councilman Mairs responded no, the Town was not expected to do so, but that a plan should be put into place. Supervisor LeFeber stated he understands that a plan should be in place in case a company wants to come in and that currently an income survey of residents, in that area, was being conducted in an effort to possibly get some funding to help with sewers. Also, Supervisor LeFeber has met with the County to discuss issues and to keep communications open with them regarding this issue. Pat Rountree stated that they were not looking for Avon to build the project, but rather to identify the deficiency in the Avon Zones relative to other zones in the County. He expressed that he was pleased that Supervisor LeFeber had met with the County and that he also felt that the Town's Design Review Manual from 2004 was impressive and could possibly be updated to show that there is continued efforts being made by the Town. He also stated that he felt that the Livingston County Sewer and Water Authority and the Town Board needs to sit down and identify which specific types of sewer lines would be most efficient, what the general cost would be and show these on a preliminary design. He stated that the final design/project can take place after a company has purchased the land and is building, but without a preliminary design, Avon is at risk of losing Empire Zoning status.

Gary Pooler stated that he has had several prospects interested in these areas and it is better to give prospects answers to these questions regarding sewer lines at Exit 9 and zoning questions at Exit 10 rather than having them be asked.

Supervisor LeFeber stated that in regards to the zoning at Exit 10, the Town created the districts and that the residents should have a part in helping decide what the zoning will

DISCUSSION-continued
EMPIRE ZONING

be. Pat Rountree stated that there were no real issues with Exit 10 other than determining allowable and non-allowable uses as well as the issue of drainage and that we are in much better shape with that area than we were in 2004 in regards to planning. He suggested that a proposed drainage area would show an effort on the Town's part and that again, some engineering services would be helpful. Supervisor LeFeber referred to his discussion with Livingston County Water & Sewer Authority and stated that they are putting together a memorandum of understanding and that he is hoping that the County will take the lead at exit 9 with regards to sewer.

There was a brief discussion on whether the utilities would be run under or above ground for both locations. Pat Rountree stated that there were negatives and positives with both methods and that the Town could think about it for a while. Gary Poole suggested that if a site is ready it will sell faster.

Pat Rountree stated that the Town should consider advertising these zones to differentiate themselves from the other zones and suggested that if the landowner wants to market the area the Town could offer to help with the cost. He stated that all of the paperwork for plans and zoning should be in place and that if there is citizen opposition it is more likely that a procedural flaw will be found if everything is not in place. He also stated that many Towns are competing for Empire Zones and that the Town needs to compete for them as well. The County will not be making its decision until late in 2009.

Supervisor LeFeber and the Town Board appeared to continue to recognize the need to continue having a cooperative working relationship with the County in keeping the designation of the Empire Zones. Supervisor LeFeber suggested to Dr. Tugel that Pat Rountree be invited to the next Town Planning Board meeting and Dr. Tugel agreed.

Supervisor LeFeber asked for anymore comments or questions and there were none. Pat Rountree left at 8:40 P.M.

DISCUSSION
ASSISTANCE FROM COUNTY

Richard Steen asked the question of whether the Town could now go to the county and ask for them to pay for the engineering costs for planning of Exit 9 sewer and Supervisor LeFeber stated that he hoped so. Supervisor LeFeber stated that an income survey had been completed regarding providing water to residents on and near Route #39 as well as sewer on Route 15 projects and the project was included in a list of projects throughout the County to be a part of a "Stimulus Package" and submitted to Congressman Christopher Lee, but he was unsure of how much money, if any, will be awarded for this. He stated that the projects that have been turned in were the ones that had been investigated and needed immediate attention.

DISCUSSION, PLANNING BOARD
EXTERIOR LIGHTING AT ROYAL SPRINGS DEVELOPMENT

Dr. Tugel stated that the Planning Board was almost ready to take action on the proposed local law on lighting regulations and that he would have Planning Board Clerk Sergeant send the information to the Town Board.

DISCUSSION
REFERRAL TO PLANNING BOARD REGARDING GRAIN STORAGE

Dr. Tugel stated that the issue of grain storage at the Helge Heen Planned Unit District (PUD) is a code enforcement issue. Code Enforcement Officer Rodamaker stated that Code Enforcement Officer Cappello doesn't want to get involved, but that he disagrees and believes that Code Enforcement action should be taken. Councilman Blye stated that he believes that Code Enforcement Officer Cappello is waiting for information on the PUD and that if it wasn't in the PUD then it was zoned as Agricultural.

Dr. Tugel continued, stating that if there is open grain storage then there is likely to be a problem with rats. He also stated that again, it is a Code issue, not a Planning Board issue so it's up to the Town. Supervisor LeFeber stated that he would like to have the issue resolved, when a new town attorney is selected we will try to resolve the issue.

Supervisor LeFeber asked for anymore comments and there were none.

On motion of Supervisor LeFeber, seconded by Councilman Blye, the meeting was adjourned at 9:10 P.M.

Respectfully submitted by, _____
Lisa Anderson, Deputy Town Clerk

and

Sharon M. Knight, CMC/RMC Town Clerk