

A meeting of the Town of Avon was held on Thursday, January 15, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilmen Donald Cook, and James Blye

ABSENT: Councilman Mairs

OTHERS: Larsen Engineer Timothy Rock, Planning Board Members C. Thomas Moran, Malachy Coyne, Jeffrey Mulligan, Kathy Cole and Chairman Dr. Robert Tugel, Code Enforcement Officer Lee Rodamaker, and Town Clerk Sharon Knight

VISITORS: Professional Planner Don Naetzker II, RLA and Cindy Kellen

Pledge of Allegiance

Supervisor LeFeber called the meeting to order at 7:05 P.M. by reading the following legal notice:

TOWN OF AVON  
LEGAL NOTICE

A meeting has been scheduled for Thursday, January 15<sup>th</sup> at 7:00 P.M. at the Avon Village Hall, 74 Genesee Street, Avon New York 14414 for the purpose of discussion on the Royal Springs Subdivision Phase II and any other business that comes before the Board.

By order of the Town Board of the Town of Avon, Livingston County, New York  
Sharon M. Knight, CMC/RMC, Avon Town Clerk  
Dated: December 15, 2008

RESOLUTION #25  
ACCEPT LETTER OF RESIGNATION – ZONING BOARD OF APPEALS MEMBER SHARON RYAN

On motion of Councilman Cook, second by Councilman Blye the following resolution was

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to accept the resignation of Zoning Board of Appeals Member Sharon Ryan.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	ABSENT
Councilman James Blye	voting	AYE

RESOLUTION #26  
APPOINTMENT OF OPEN POSITION

On motion of Deputy Supervisor Cole, second by Councilman Blye the following resolution was

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to appoint Cindy Kellen to the position of Zoning Board of Appeals, term to expire December 31, 2010.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	ABSENT
Councilman James Blye	voting	AYE

RESOLUTION #27  
APPROVE THE SHARED SERVICE APPLICATION FOR AN INTERMUNICIPAL COOPERATION AGREEMENT

On motion of Councilman Cook, seconded by Deputy Supervisor Cole the following resolution was

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVED:

That David LeFeber, as Supervisor of the Town of Avon, or such person's successor in the office, is hereby authorized and directed to support an application to the New York State Department of State (NYS DOS) under the Local Government Efficiency Grant Program for the 2008-2009 Program Year, as co-applicant; and for purposes of the application, the Town of Lima and Supervisor J. Peter Yendell, or his successor, is designated as the "Lead Applicant Contact Person" to execute all financial and administrative processes related to the grant program; and

Furthermore, it is the Town of Avon's intention to partner with the Towns of Lima, York, Caledonia, Leicester, and Mt. Morris as part of this application and, should funds be awarded, enter into an intermunicipal agreement with the Town of Lima and the other Towns as required by the NYS DOS for the purchase of highway equipment that will be shared by the above mentioned Towns.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	ABSENT
Councilman James Blye	voting	AYE

DISCUSSION  
IMPACTS YOUTH PROGRAM FUNDING

Supervisor LeFeber reported a meeting has been scheduled with the Livingston County Youth Bureau and all programs related to Youth Program Funding. He stated that he would attend the meeting and would check with the Co-Directors of the Youth Board.

A request of the Youth Board Co-Directors was made for a computer and office space. Town Clerk Knight will contact Historian Maureen Kingston to ask her if she would share her computer.

DISCUSSION  
OPEN HEARING – ROYAL SPRINGS DISTRICT

Supervisor LeFeber stated it was the recommendation of Attorney Ingersoll to hire an outside Planner & Landscape Architect to review the application submitted by Royal Springs Developer Peter Kolokouris for the Final Concept and District Extension Map for Planned Unit Development, Lighting and Drainage Districts prepared by Fraser-Willey and Associates, P.C. dated March 17, 2008.

Donald Naetzker addressed those in attendance stating usually these projects are emotional filled and he is going to bring in objectivity. He has worked on both sides of the table including business and government. Our Code certainly is subjective and each one of the board members will need to make subjective decisions. The best proposal is to bring the Town Board, Planning Board, County Planning Board, Town Engineer and the Client to understand all of the issues. He has met with each one and then he worked with Supervisor LeFeber to set-up this work session. The applicant is willing to work with the town but not to step back completely as he is requesting action of the Board of his submitted application.

The following is a portion of the power point presentation provided by Mr. Naetzker:

Phase II, 80 acres is not the only part that is being considered. The outline follows:

- Summary of Work & Meetings
- Review Outline and Format of Proposed Letter
- Overall Concept Plan
- Factors for Consideration
- Agency Recommendations
- Possible Conditions if Tentative Approval
- Additional Questions & Discussion

Summary of Work & Meetings

- Supervisor
- Planning Board Chair

DISCUSSION-continued  
OPEN HEARING – ROYAL SPRINGS DISTRICT

- County Planning Board Representative
- Town Engineer
- Applicant
- Review of Files & Codes
- Application of Current Planning Practice

Outline & Format of Letter

- Spirit of a Planned Unit Development (PUD)
- Completeness of Application
- Consistency with Town Plans & Codes
- Comments and Recommendation from Planning Boards
- Possible Conditions

Overall Concept Plan

- 1992 Concept Plan
- 1992 Concept Plan with Modifications
- 1992 Concept Plan Applying Hamlet Plan Recommendations
- Range of Alternatives In-Between
- Applicant to Prepare, Town to Prepare or Joint Preparation?

Factors for Consideration

- Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
- Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
- Location, arrangement, appearance and sufficiency of off-street parking and loading.
- Areas, to limit the visual impact, allow more on-street parking and reduce the vehicular conflict with pedestrians.
- Location, arrangement, size and design of buildings, lighting and signs.
- Adequacy, type and arrangement of trees, shrubs and other landscaping constituting visual and/or noise deterring buffers between adjacent uses and adjoining lands.
- In the case of multiple-family dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- Adequacy of stormwater and sanitary waste disposal facilities.
- Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.

DISCUSSION-continued  
OPEN HEARING – ROYAL SPRINGS DISTRICT

- Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
- The relationship of the proposed land uses to adjacent land uses and the use of buffer areas and open space to provide a harmonious blending of existing and proposed uses.
- Conformance with other specific recommendations of the Town Board which may have been required in the Town Board's examination of the proposed sketch plan, under Subsection E(3) of this section

Agency Recommendations

- Town of Avon Planning Board
- Livingston County Planning Board
- Town Engineers, Larsen

Possible conditions if tentative approval

- Request an Overall PUD Concept Plan or Statement relative to entire 330 acre as a supporting figure. Require a sufficient level of detail with that Concept Plan to allow the town Board to assess circulation, parking, buffering, landscaping and building configuration intentions.
- Include the comprehensive traffic, sanitary sewer, water and stormwater plans that have been prepared to date, as supporting figures.
- Retain a ROW for a future street connection through the Phase I commercial lot consistent with the Avon – State Routes 5 & 20 Land Use and Access Management Plan.
- Retain and designate ROWs for potential future pedestrian connections to 15A near each of the Phase II stormwater areas
- Show on the plans, or make a note, that underground utilities, street trees and street lighting will match Phase I.
- Consideration may be given to creating an association to own open space interior to lots, rather than public acceptance. Publicly owned open space is more appropriate for publicly accessible lands, lands critical to stormwater management and/or critical natural areas.

There was a review of the 1992 Royal Springs Planned Unit Development:  
Traffic Study Plan dated May 4, 2000  
Avon – State Routes 5 & 20 Land Use and Access Management Plan, dated March 2002.

DISCUSSION-continued  
OPEN HEARING – ROYAL SPRINGS DISTRICT

1992 Overall Concept Plan Similar to Phase I

There was discussion of maps that have not been found including a 1998 larger map plan with larger homes and updated phases from the 1992 overall concept. It is believed that these maps were completed by Frazer Willey & Associates, P.C. – Gary Garfolo and they may still have copies.

The applicant is willing to look at an overall plan, but again would like it to show exactly what the Town would like rather than starting over as that would slow down the process.

Discussion included but was not limited to the following:

Providing the Developer with another plan  
Grant tentative approval of a site plan with specific criteria addressing the spirit of the PUD

The Planning Board addressed a plan that is not similar to the plan reviewed tonight “Entitled 1992 Overall Concept Plan” and this is a major problem. A beginning document has not been determined.

The need to come to a resolve and what the Planning Board is willing to accept.  
The Developer is willing to work on the remaining Phases including Phase III.  
Moderate homes do not bring advantages to the Town of Avon.  
The amount of taxes that would be collected for the un-developed property versus home assessment values.

Un-developed property does not require services such as school.  
Should this development look like the country or look like a village.  
The Comprehensive Plan seem to be dead-on with this plan as it provides affordable housing and is in an appropriate area identified for high density.

The applicant has provided the necessary space as required in the Comprehensive plan for a reserve area thus saving land.

The Plan is suggesting cluster homes, which saves the rural character of the Town. Thus making efficient use of roads, sidewalks, water services and other types of utilities.

There was a review of Town Law and a review of the Town of Avon Comprehensive Plan – Section #5 - Planned Residential on page 4 - Definition of higher density.

The density seems right and it is the place for this type of development which is not recommended throughout the Town.

The quality of plan is important to the quality of the homes and different contractors have been used and the overall quality has improved dramatically.

The developed area looks like a hamlet.

Town Board minutes of November 8, 2001 include identification of the property as 45-1.29.1.

County Planning Board - Staff Report dated February 14, 2002.

DISCUSSION-continued  
OPEN HEARING – ROYAL SPRINGS DISTRICT

Of all the homes in the development there are only three homes that are for sale.

Mr. Naetzker summarized the following:

It's key to having a Concept Plan and there are different ways for the Town to get this plan. An example is to have the Town develop the conditions or have the applicant provide the conditions or to have the request conditions such as requesting the rest of the parcel stays agricultural. There are many options to consider.

This project is not taking advantage of the new urbanism styles such as Erie Village in West Henrietta.

Smart Code Version 9.2 provides pedestrian creativity rather than the current collector road. The straight line of the road to be used for motor vehicles is one of the seven points of the Planning Board.

There was discussion of the following portion of the Avon Town Code:

§ 130-17. Planned unit development (PUD).

Factors for consideration. The Planning Board's review of a preliminary development plan shall include, but is not limited to, the following considerations:

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) Location, arrangement, size and design of buildings, lighting and signs.
- (5) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting visual and/or noise deterring buffers between adjacent uses and adjoining lands.
- (6) In the case of multiple-family dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- (7) Adequacy of stormwater and sanitary waste disposal facilities.
- (8) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- (9) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
- (10) The relationship of the proposed land uses to adjacent land uses and the use of buffer areas and open space to provide a harmonious blending of existing and proposed uses.

DISCUSSION-continued  
OPEN HEARING – ROYAL SPRINGS DISTRICT

(11) Conformance with other specific recommendations of the Town Board which may have been required in the Town Board's examination of the proposed sketch plan, under Subsection E(3) of this section.

The Boards may agree that in a general since it is a good project, it following the Comprehensive Plan and adopted codes and including the fiscal impacts such as affordable housing/finance.

Commercial business in a hamlet follows residential growth unless it's a destination business.

Additional documents may need to be submitted or re-submitted or updated prior to a resubmission including but not limited to the following:

Provide an update possibly changing the density of the plan versus the overall quality of the design.

Storm drainage needs to be a part of this application.

Update of additional lighting

Update sidewalk to include a quarter mile to one-half mile perhaps on both sides of the road.

Safety should be considered such as visibility of a public park.

A letter of recommendation will be provided in the near future by Mr. Donald Naetzker.

Supervisor LeFeber asked for any public comments and there were none.

On motion of Councilman Blye, seconded by Deputy Supervisor Cole, the meeting was adjourned at 9:05 P.M.

Respectfully submitted, \_\_\_\_\_ by  
Sharon M. Knight, CMC/RMC, Town Clerk