

**MINUTES OF A SPECIAL MEETING OF THE
AVON VILLAGE BOARD & PLANNING BOARD
WEDNESDAY, OCTOBER 13, 2010
7:00 PM; VILLAGE HALL, WHITNEY ROOM**

I. ATTENDANCE

Village Board

Thomas Freeman, Mayor
Timothy Batzel
Mark McKeown
William Zhe

Planning Board

William Korth, Chairman
Paul M. Drozdziel
Malcolm D. LaFever
Laura Noble
Kevin O'Donoghue
Bonnie Taylor-Davis

Guests

Peter Bruckel
Mark Gerhardy
Anthony Cappello

ABSENT

Village Board

Robert Hayes

Planning Board

William Wall

QUORUM, 4 Present, 1 Absent

QUORUM, 6 Present, 1 Absent

II. BUILDING PERMIT APPLICATION

Applicant: PEMM, LLC

1 Wm. J. Bruckel Drive
Avon, NY 14414

Location: Finger Lakes Express

265-273 East Main Street
Avon, NY 14414

Proposal: Remodeling/Addition of Dunkin Donuts Franchise

Shorten/demolish north end of automatic car wash bay
Convert automatic car wash bay to two laser wash bays
Convert two self-serve car wash bays to donut drive-thru lane
Add 10-foot X 28-foot sales area to the front of the building
Consolidate two single front doors to one double-door entrance
Demolish car wash office at the rear of the building
Remove kerosene tank from west end of building
Relocate parking spaces
Relocate Finger Lakes Express sign

Appearing for the applicant were:

Peter Bruckel, PEMM, LLC
Mark Gerhardy, Contractor Services Group of Churchville

Appearing on behalf of the Village was:

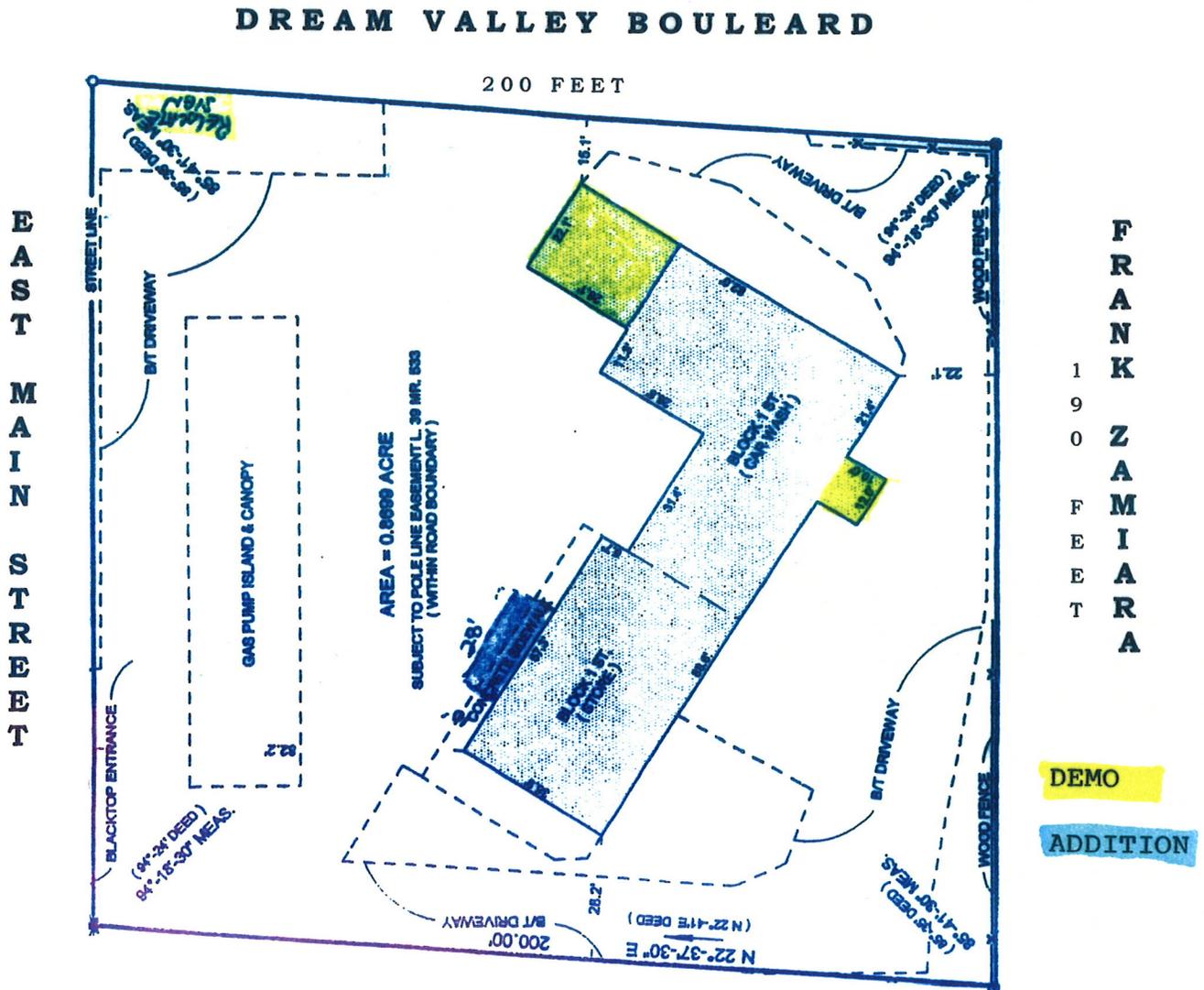
Anthony Cappello, Code Enforcement Officer

PEMM had not applied for a building or a sign permit and Bruckel had only asked to appear before the Village Board late that afternoon.

The question before them, Bruckel began, was did PEMM need to bring their proposal before the Planning Board formally or was this appearance good enough?

PEMM planned to:

- demolish the car wash office at the rear of the building
- convert the single bay, automatic car wash into two laser wash bays
- convert the self-serve car wash bays (2) into a donut drive-thru
- bump-out the front of the store
- add a 10-foot X 28-foot sales area in the bump-out
- reduce the building size by 416-square feet overall



There would be 15 parking spaces, Bruckel continued. The traffic flow would be unchanged. The building would lose a front door; the front entrance would be by a double-door in the new, bump-out sales area. The building would still

have a back door. The Finger Lakes Express sign out front would be moved as well, Bruckel said.

Addressing Cappello, Korth asked what criteria he had used to determine a site plan review wouldn't be needed?

The building would still have front and rear doors and the overall square footage would be reduced by 416-square feet, Cappello answered,

Referring to PEMM's plans, Korth said things such as moving signs was why you had site plan review.

The village had had a controversy with CVS Pharmacy over their sign, the first electronic sign in the village, Trustee McKeown recalled.

Drozdzziel asked how many cars could back up in the enclosed Dunkin Donuts drive-thru, wondering if an exhaust sensor and fan would be necessary.

One and a half cars would fit in the enclosed drive-thru and six more to the corner, Bruckel said, adding the average wait was five cars.

There was room for two lanes across the back of the building, Bruckel said, one for the Dunkin Donuts drive-thru and the other for the laser car wash. They seldom had donut and car wash customers at the same time, Bruckel continued. Donut customers tended to arrive at 6:30 and 7:00 in the morning while car wash customers generally didn't arrive until 11:00 AM or later.

Korth asked Planning Board members for their thoughts.

It wasn't much of a change, O'Donoghue opened.

But, there was, Korth contended, adding site plan review needn't be a long, laborious process.

If moving the sign was the issue, Bruckel said they would not move the sign – period! He said he would come in to the Clerk's office later and get the site plan review process started for the sign, but he wanted to get Dunkin Donuts into the building before January.

PEMM wanted to: change the sign
change the lighting
change the usage; and,
add a business

Korth said, adding he was on the edge, he was ambivalent.

Issue the building permit then conduct a site plan review for the signage and lighting, Mayor Freeman suggested.

They would like to start the building modifications, Bruckel conceded, adding they'd be fighting the weather. He had seen Code Enforcement Officer Lee Rodamaker months ago and Rodamaker had seen little change proposed and no need for a site plan review.

With a site plan review, a specific plan was proposed with sketches submitted then the Planning Board made a recommendation and the Village Board approved or denied the plan, Korth said.

They all wanted to see improvements to the business community, Taylor-Davis said, but they should be talking apples-to-apples and she didn't want to see PEMM getting too far ahead of themselves in the process.

As for the parking, if there wasn't any parking in front of the bump-out Bruckel had proposed, they'd actually be gaining turn-around space at the gas pumps, LaFever pointed out.

The intent was to have no-one parking in front of the bump-out, but how could they ensure that? Drozdziel asked.

Taylor-Davis said she was comfortable with PEMM's proposal and issuing a building permit for the building modifications with some understanding that the applicant would follow-up with a site-plan review.

LaFever said he had no problems with the two lanes behind the building that Bruckel had proposed, the one for the donut drive-thru and the other for car wash customers.

There would be no additional curb cuts, Gerhardy said, specifying no additional curb cuts onto county roads.

Korth said he had heard three things about where the sign would go.

If a site plan review were required, what would PEMM have to do? Gerhardy asked. Would they have to hire an engineer and submit sketches, showing drainage, elevations, sewers and curb cuts? That would be a great expense and all those things had been done before when Cook's Convenience Center had replaced the Rotary Station on the 265-273 East Main Street site years ago.

The Planning Board agreed to have the village issue the building permit without a site plan review, but asked Bruckel to stop by the Clerk's office in the morning and pick up the site plan review application and to go through the requirements list.

Bruckel, Gerhardy and Cappello left at 7:40 PM.

III. COMPREHENSIVE PLAN DRAFT

The Village Board had had Korth in at an October 4 meeting to discuss some things in the Comprehensive Plan Draft, Mayor Freeman began.

The reason they'd invited Korth to the October 4 meeting was the Planning Board's push for approval, the Mayor explained. The consultant, FRA of Rochester, had only given the village five copies of the draft to review, he pointed out. He wondered how many members of the Planning Board members had actually read the plan.

Much of his and the Village Board's concern stemmed from the comments received from town residents, Mayor Freeman said, comments suggesting they eliminate the village's fire and police departments.

How could he go to the Fire Department and say, *Yes, I've voted for the comprehensive plan and it says we should eliminate the Fire Department?* Mayor Freeman asked.

The last draft of the comprehensive plan had been submitted to the Village Board in 2008 and had many of the same suggestions in it, the Mayor noted.

The 2008 plan had been handed-off to the Village Board and there had never been any effort to reach an agreement on it, Korth recalled, adding he agreed with many of the Mayor's comments.

The SWOT (*Strengths, Weaknesses, Opportunities and Threats*) Analysis in the comprehensive plan draft had taken in as much as possible from those attending the meetings plus the data from previous SWOT analyses, Korth continued, adding, *it is what it is.*

Rather than eliminating the village, the draft should be emphasizing cooperation, Korth said, differences such as that were simply a matter of going back through the draft and talking back and forth.

The SWOT wasn't limited to the 18 people on the Comprehensive Plan Steering Committee, Noble said, they had had 50 people at the public meetings.

But, the comments included often boiled down to the angry people who made their voices heard, Korth remarked.

A red flag rose when they had talked about developing a mixed-use area behind TOPS and Peppermint's Restaurant off East Main Street, Mayor Freeman noted.

Rather than reacting to developers' wishes, the behind-TOPS/Peppermints development area was intended to allow the village to be pro-active, Korth responded.

Did the Planning Board members have written comments about the draft? Mayor Freeman wondered.

No, but they could go through it or schedule another meeting, Korth responded.

You wanted to have enough integrity to show what was really said whether they agreed with it or not, Taylor-Davis cautioned.

Was it a question of semantics or were the comments real? Trustee Zhe wondered. If they were real, he was OK with that, but if you said they were just perceptions and not cast in stone . . .

They could have a session where they adjusted wording, Taylor-Davis suggested.

Developing Clinton Street Extension (*from Avon High School to Pole Bridge Road*) had been talked about for years, Mayor Freeman noted, (*and it was mentioned on page 32 of the latest draft*), but Clinton Street residents were concerned about Pole Bridge Road traffic cutting through their neighborhood.

The West Main Street Improvement Area, Clinton Street Extension and the area behind Peppermints/TOPS had been the Planning Board's focus areas, Korth said.

That wasn't to say King Cole Bean, 99 West Main Street, shouldn't be addressed, too, Korth added, but, fixing-up the West Main Street hill might give the village the leverage it needed to address King Cole Bean.

Korth suggested the Planning Board and Village Board set-up a work session and come in prepared to start working on the areas of concern in the draft.

The Village Board hadn't been under the impression the Planning Board wanted a work session, Mayor Freeman said, they'd been told the Planning Board wanted to adopt the comprehensive plan.

Could the Planning Board get Mayor Freeman's notes on the draft? Taylor-Davis asked.

How could they ensure the draft was a workable document? Mayor Freeman asked.

Who was the keeper of the document? Trustee McKeown followed-up. Who would say when it was time to revisit the document?

They should have a time-line in the plan, Taylor-Davis recommended.

How would they peck away at the goals in the plan? Drozdziel asked. The Superintendent of Public Works should be involved, he added.

When the Village Board sat down during budget deliberations, they should also sit down and review the comprehensive plan, Mayor Freeman suggested. This year, for instance, the village had resurfaced River Street and Valley Lane.

The same was true for sidewalks, Korth said.

The Village Board had neighborhood meetings and had met with High Street residents and talked about sidewalks there, the Mayor said, and the residents said they didn't want any more sidewalks, they were a small street.

They, as the Village Board, should review the plan, Trustee Batzel said.

There should be a list of actions derived from the comprehensive plan, Korth said, then it should be decided what you wanted to do YEAR 1. Afterwards, village officials should meet, review what had been done and prioritize what remained to be done.

That process should be made part of the document, Mayor Freeman advised.

IV. CLOSING REMARKS

Drozdziel had been a little put-off by Bruckel's presentation. The Planning Board's ultimate goal was to make the village look better, but any mention of landscaping at Finger Lakes Express had been dusted off – like, *You're going to make us do more?* Well, yeah, maybe they were, Drozdziel added.

Taylor-Davis said she wanted to get information from the Mayor on his concerns over the comprehensive plan.

A maintenance plan should be part of the comprehensive plan, Korth remarked.

V. NEXT MEETING/ADJOURNMENT

The Planning Board will meet next at 5:00 PM Wednesday, November 17, 2010, followed by a joint meeting with the Village Board on the comprehensive plan at 6:00 PM.

The special meeting of the Village and Planning Boards was adjourned at 8:34 PM.



Gary Margiotta
Deputy Clerk