

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, APRIL 15, 2014
7:00 PM; VILLAGE HALL, WHITNEY ROOM**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Patrick McCormick
Laura Nobles
Kevin O’Donoghue
Bonnie Taylor-Davis
William Wall (7:25 PM)

OTHERS

Robert Austen, 5 Hal-Bar Road
Jack Buholtz, T-Y-LIN International
Anthony Cappello, Code Enforcement Officer
Richard E. Martin, 14 Five Lot Lane
Kurt Rappazzo, MRB Group
Richard Steen, 5957 South Lima Road

QUORUM, 6 Present, 0 Absent

II. APPROVAL OF THE MINUTES

MOTION: Taylor-Davis moved for approval of the minutes of the meeting of March 18, 2014, seconded by O’Donoghue. Voting in favor were: Drozdziel, McCormick, Nobles, O’Donoghue and Taylor- Davis (Wall hadn’t yet arrived). Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

III. OLD BUSINESS

A. Subdivision Application (7:00 PM) – NEVIN SUBDIVISION
William & Mary Nevin, 45 Hal Bar Road, Applicants
Richard E. Martin, 14 Five Lot Lane, Owner
Kevin O’Donoghue, Surveyor

Minor subdivision application to cut-off .487-acre lot, roughly 95-feet X 212-feet, from a 25-acre parcel owned by Richard E. Martin. Said lot was located north of Clinton Street and east of Hal Bar Road, adjoining the applicant’s 45 Hal Bar Road property to the rear.

Will the land remain vacant? Nobles wondered.

Yes, Nevin responded, but he noted the lot was buildable and that he could get sewer and electric service there.

Austen said he had concerns with the area in general. There was a retention pond, built by the Village, just north of the lot in question. Water tended to go around the pond and flood the three residential lots on East Main Street between Hal Bar Road and Salvatore’s Pizzeria, 243 East Main Street.

It was becoming a quality of life issue, Austen continued. Before there was any real development, that area should be studied and it should be studied while it was wet. Austen said he didn’t want to see development making the problem worse.

Was the design of the pond wrong or defective? McCormick asked.

I'm not an engineer, Austen responded, but said there was water running out driveways onto Route 5&20.

I've got standing water in my back yard and I'm on the high end of the street, Nevin agreed.

Subdividing the lot has nothing to do with the water issue, Taylor-Davis asserted, adding it was a separate issue.

The water wasn't coming from the lot, Nevin concurred.

The Village built the pond, Martin recalled. They were going to put drainage underground, but ran out of time. The water was coming from the school's property, he contended, adding the pond wasn't put in deep enough.

Austen thought the water was coming from the woods, east of the retention pond, but said the whole area should be studied.

The Village had all the easements, Martin said.

Drozdziel asked Rappazzo if he had any insights.

No, Rappazzo responded, adding he had driven back there and he'd seen the drains coming from the school. Before any massive development were undertaken, they should study ground water.

Austen said he got water 3 to 4-inches deep on his property and the two or three houses east of him got it worse.

Was this a maintenance issue? Drozdziel inquired.

Yes, Rappazzo said, maintenance was needed.

A wall had caved-in at Thomas Cochrane's, 25 Hal Bar Road property, Austen said, adding there was no storm sewer on Hal Bar Road.

As for the retention pond, Austen pointed out it was 3-sided . Water backed-up and ran out the sluiceway to the south, he said, adding the pond should have banks all the way around.

Why didn't the school build their own retention pond? Martin wondered, on the 40-acres they owned.

Could the Planning Board recommend the Village Board find the original plans for the retention pond and have the Village's engineering firm review them? Nobles asked. They had many points of view about from where the water was coming, she noted.

(7:25 PM – Wall arrived)

Questions should be answered, Drozdziel stated. Was the pond completed and has the necessary maintenance been performed? Shifting back to the subdivision, the chairman said he'd entertain a motion for a positive recommendation for approval.

MOTION FOR APPROVAL: McCormick moved for approval of the NEVIN SUBDIVISION, seconded by Taylor-Davis. Voting in favor were: Drozdziel, McCormick, Nobles, Taylor-Davis and Wall. Voting against were: none. Abstaining was: O'Donoghue.

CARRIED, 5 Ayes, 0 Nays, 1 Abstention

O'Donoghue told Drozdziel he would bring him a Mylar copy of the subdivision map to sign then deliver the Mylar copy to the County.

Austen had mentioned he had drafted a letter to the Village Board concerning the ground water problems. Rappazzo encouraged him to follow-through with the letter then let the Village Board decide on how to proceed.

The letter was written, it was just a matter of getting the neighbors to sign, Austen said.

- B. Zoning Code Reform
Zoning Map Corrections & Improvements (Parcel-Based Zoning)
Topic postponed

IV. NEW BUSINESS

- A. McDonald's Improvements, 250 East Main Street
McDonald's USA, LLC, Major Remodel Program
T-Y-LIN International
Jack Buholtz, Sr. Project Manager

Their objective was to get whatever approvals were necessary, Buholtz began.

The improvements amounted to a remodeling job, Cappello said, McDonald's would be adding 15-feet, 5-inches X 20-feet, 8-inches to the back of their building to accommodate a new freezer/cooler.

Would the patio out front remain? Nobles asked.

Yes, Buholtz responded. They would be moving the drive-thru slightly, but it would remain a single-lane drive-thru.

Would there be any changes to the site lighting? Drozdziel asked.

No, Buholtz answered. They would be losing one parking space and there would be no real change to the dumpster area, he added.

McDonald's wouldn't close during the remodeling, Buholtz continued. There would be Americans with Disability Act (ADA) improvements to the vestibule and sidewalks, but they wouldn't be adding automatic doors, he told members.

With such basic changes Rappazzo said he'd recommend a "modified site plan." McDonald's and T-Y-LIN should come back with whatever details board members would like to see.

The sidewalks seemed to be going through a planting bed and the patio seemed important to members, Rappazzo continued, adding the Board would like to see more detail on the patio.

The area between McDonald's and Peppermints Restaurant, 244 East Main Street, seemed "bleak," McCormick remarked.

For myself, Nobles said, I'd like to see a landscape plan.

The Board would like to see exactly what the building was going to look like, McCormick said, color-wise and landscaping-wise.

Specifically, if any landscaping improvements could be made between McDonald's and Peppermints, Drozdziel added.

Will we need to go through the State Environmental Review Act (SEQRA)? Buholtz asked.

The Planning Board would just make a recommendation to the Village Board then they, in turn, would likely issue a negative declaration on SEQRA and approve McDonald's modified site plan, O'Donoghue said.

T-Y-LIN hadn't proposed any changes to drainage or utilities. Board members agreed a special meeting could be arranged when they'd put together the information Board members were seeking on landscaping and the restaurant's new color scheme.

SPECIAL MEETING TO BE CALLED

- B. Special Use Permit Request
 - Richard Steen, 5957 South Lima Road
 - Former Avon Macaroni Factory, 232-234 Rochester Street

Steen had a dealer's license at 2120 Sackett Road. The license was good for another 16 months and Steen hoped to relocate the license to the former Avon Macaroni Factory, 232-234 Rochester Street. He had no intention of renewing the license, he assured Board members.

You were asking to use the property to repair and sell vehicles – no display? McCormick inquired.

An office and repair shop only, Steen confirmed.

Nothing out front for sale, just repairs inside, Drozdziel asked.

Steen said he'd repair vehicles then take them to auction to sell.

If the Planning Board approved Steen's request, they'll have established that use for that property, Nobles said. Someone else could follow him with another dealer's license and they might not be as good as Steen.

The Board could recommend a special use permit for a year, Steen suggested (special use permits are authorized by the Village Board).

Do we have to ask the neighbors what they think? Nobles asked.

SPECIAL USE PERMIT APPLICATION REQUESTED OF STEEN - TO BE TURNED OVER TO VILLAGE ATTY. REID WHITING FOR A LEGAL OPINION WHEN RECEIVED

- C. North Avenue Heights Subdivision – Sidewalk Installation
 D'Angelo Parkway – Mary Julia (Judy) D'Angelo, Developer
 When 22 of 25 lots had been sold, sidewalks were to be installed

So, who's the developer? Taylor-Davis asked, adding Judy D'Angelo had money in escrow for installation of the sidewalks.

Judy D'Angelo owns it, she's the developer, Cappello responded. Referring to a subdivision map posted in the Board room, Cappello said the red line on the north side of southern loop had been the original sidewalk path, but the yellow line on the south side of the loop had been the path ultimately approved by the Planning Board.

The change had been made to save old-growth trees, that was why the sidewalk's path had been moved, McCormick remarked.

Looking at the path of the sidewalk, which changed from one side of the street to the other after a short distance, Drozdziel asked, is this optimal? You have to change sides of the street to continue on the sidewalk.

Someone will have to champion the yellow line path of the sidewalk and get it approved, Rappazzo said.

The Village had easements for sidewalks on either side of the road, Cappello said, adding the Village Board would be meeting at 6:00 PM Monday, April 21, and he would lay it out for Trustees then.

Find out what the latest approved plan is and stick with it, Rappazzo advised. My only concern, he added, was that the Village had the ammo that it needed, that the sidewalks were being installed according to an "approved" plan.

August 18, 2003, there had been a public hearing on the North Avenue Heights Subdivision sidewalks, Cappello said, looking at some file materials, and everyone had voted yes.

D. Training Opportunities

Spring 2014 Regional Local Government Workshop
Genesee/Finger Lakes Regional Planning Council
Thursday, May 15, 2014
Burgundy Basin Inn, Pittsford, NY 14534

McCormick and Nobles mentioned difficulty in getting time off work to attend training sessions such as the Regional Local Government Workshop. McCormick said he would speak with County Planner Heather Ferrero about conducting an evening training session perhaps at a Board meeting with a light agenda.

V. **ADJOURNMENT**

The Board adjourned at 8:35 PM.

Gary Margiotta
Deputy Clerk