

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, APRIL 7, 2015  
7:00 PM; VILLAGE HALL, WHITNEY ROOM**

**I. ATTENDANCE**

- Paul M. Drozdziel, Chairman
- Patrick McCormick
- Laura Nobles
- Kevin O'Donoghue (8:10 PM)
- Bonnie Taylor-Davis
- William Wall (7:10 PM)
- 1 seat vacant

**OTHERS**

- James Welch, 310 East Main Street
- Elizabeth Welch, 310 East Main Street
- Heather Ferrero, LC Deputy Planning Director
- Anthony Cappello, Code Enforcement Officer
- Brian Glise, Fire Marshal
- Geri Bruyer, East Avon

**QUORUM, 6 Present, 0 Absent**

**BOARD MEMBERSHIP**

Nobles asked Chairman Drozdziel to look for a replacement for her. Work obligations had necessitated her resignation as soon as a replacement could be found. Nobles had joined the Board in October, 2010, filling a vacancy left by the resignation of Thomas Corrigan. She'd been re-appointed April 1, 2014, to a term, running through March 31, 2021.

Taylor-Davis was attending her last meeting, having resigned effective April 30. Taylor-Davis had been appointed to the Board in April of 2000 and had likewise been reappointed April 1, 2014, to a term, running through March 31, 2021.

Besides Taylor-Davis' departure and Nobles' pending departure, the Board had already been down a member since February of 2014 when then Chairman Malcolm D. LaFever resigned due to ill health.

The Village Board had scheduled a public hearing April 13 on a proposal to reduce the size of the Planning Board from seven to five members.

**III. OLD BUSINESS**

**A Charlton House Subdivision, Phase I Public Hearing**

Drozdziel read the public hearing notice that had appeared in the Livingston County News March 19 and opened the floor to comments. Bruyer was the only member of the public there and she told Board members she had just come to look on.

(notice)

**PLEASE TAKE NOTICE** that a public hearing will be held before the Planning Board of the Village of Avon on this date, Tuesday, April 7, 2015, at 7:00 PM in the Whitney Room at Village Hall, 74 Genesee Street, Avon, New York on the following matter:

**Application of James and Elizabeth Welch for  
Subdivision approval of Charlton House Subdivision,**

**Phase 1, located at 310 East Main Street in the Village of Avon.**

**The subdivision would divide homestead and farm land into two lots, covering 29.971 acres of homestead and 226.629 acres of farm land.**

The Planning Board will, at this time and place, hear all persons in support of this application or objections thereto. Persons may appear in person or by agent or attorney. The revised subdivision map may be reviewed at Village Hall.

Dated: March 4, 2015  
 By Order of: The Planning Board of the Village of Avon

**Questions & Comments**

**#1 Gas well access?**

McCormick noted there was a gas well on Welch’s property. The well was located about 700 feet north of East Main Street on the 92.7-acre parcel that adjoined the Phase I subdivision to the east (in the township). Was there an easement to the well? McCormick wondered.

There was, Welch responded, adding that it showed on the final map.

Was that an “active” gas well? McCormick followed-up.

No, just a transmission line, Welch clarified.

**#2 Two lots or three?**

Did the Phase I subdivision involve two or three lots? Nobles asked.

There would be two lots in the Village and a third in the Town, Welch answered.

(Wall arrived at 7:10 PM)

**MOTION TO APPROVE:** Taylor-Davis moved to approve Charlton House Subdivision, Phase I, as presented. Seconded by Nobles. Voting in favor were: Drozdziel, McCormick, Nobles, Taylor-Davis and Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Drozdziel closed the hearing at 7:13 PM.

(The Welch’s sold 319 acres of farm land for a reported \$8,800 per acre at auction at 5:30 PM Wednesday, April 15, 2015)

**B. Parcel-based zoning**  
**Heather Ferrero, LC Deputy Planning Director**

Zoning districts were established and described in Chapter 30, Article II, of the Village’s Municipal Code. District boundaries bisected some parcels. Ferrero had been asked to help the Village convert to “parcel-based” zoning, which would have zoning districts conform to parcel boundaries.

Parcel-based zoning should make Code enforcement easier and give residents a clearer picture of the zoning classification of their property. Some owners, whose properties had been bisected by district lines, might prefer the flexibility two zones gave them.

Ferrero stressed she wasn’t there to tell Board members how to zone properties, but rather as a mapper. Ferrero began with a list of actions the Board should address.

#1 Establish a zoning district for the annexed parcel north of Barilla America NY, Inc., 100 Horseshoe Boulevard.

The Planning Board had addressed that issue and, on November 18, 2013, had voted 5 Ayes to 0 Nays with two members absent to recommend designating the parcel as Special Light Industrial (I-2). The Board had recommended the Village Board draft and introduce a Local Law to make that designation. A copy of the Board’s recommendation had been forwarded to the County Planning Board.

Overall, Ferrero figured 201 parcels would be affected by the Village’s conversion to parcel-based zoning.

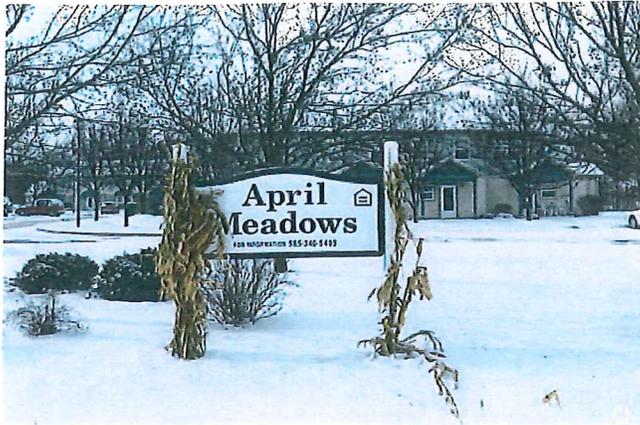
(7:30 PM – Pause)

**PathStone**  
**400 East Avenue**  
**Rochester, NY 14607**  
**Private, nonprofit community development corporation**

**Amy Casciani, Sr. Real Estate Developer**  
**Robert B. Cain, Real Estate Developer**

Casciani and Cain told Board members PathStone developed housing, Livingston County projects

included:	April Meadows 101 April Way Geneseo, NY 14454	24 Low Income Units in-service since 2000 Rural Properties, Inc.
	Creekside Clearing 1400 Orchid Drive Lakeville, NY 14480	32 Assisted Rental Units in-service since 2006 ROI/Creekside Clearing LP
	Clayton Heights Apartments 100 Clayton Heights Geneseo, NY 14454	income-qualified tenants 62-years or older/or disabled Two Plus Four Management



*April Meadows*



*Clayton Heights*

**Location & Size of Development**

PathStone was looking to purchase approximately five acres from Richard E. Martin across from the Avon Nursing Facility, 215 Clinton Street, and behind Tom Wahl’s Restaurant, 283 East Main Street.

PathStone was interested in building 15 to 20 apartments for seniors and 25 to 30 townhouses for families. Casciani described the townhouses as “workforce housing,” the term typically referring to affordable housing for families with an income insufficient to secure quality housing within a reasonable proximity of the workplace.

Have you done a market study? Drozdziel asked.

We’ve reviewed your comprehensive plan and commissioned our own study, Casciani told the Chairman. PathStone had found a need for 80 units, she added, but they’d look to develop 45 units.

**Types of Housing**

Drozdziel asked for more detail on “workplace housing” while McCormick wondered what PathStone considered a “unit.”

Workforce housing was income-based, Casciani explained, with incomes typically in the \$28,000 to \$43,000 range. When she used the term, “unit,” Casciani said she was talking about independent living apartments for seniors or town homes for families.

Had PathStone made a presentation to the Town about eight years ago, McCormick asked, for a site off Pole Bridge Road, partly in the Town and partly in the Village?

They had, Casciani answered.

Who would manage the property and would the manager be on-site? McCormick asked.

Limiting herself to the second half of the question only, Casciani said, yes. She went on to say the senior apartments would likely be 1-story. PathStone didn't own the property at this point, they were just "in concept" at this point.

Has PathStone ever sold off properties? Taylor-Davis asked.

Not typically, Casciani said. PathStone is a developer, they go for tax credits from the state and the state had a 15-year compliance program. PathStone owned 3,000 to 4,000 units, Casciani said, in 40 to 50 developments, Cain added.

What would a typical PathStone family look like? McCormick asked.

4-person, Casciani said, adding "581-a," a reference to the state's Real Property Tax Law, Section 581-a, which, she explained, meant full taxes based on income levels.

In general, Casciani said PathStone had been well-received and tried to be good neighbors where ever they built housing. PathStone had looked at the acreage across from the nursing home because it had been identified in the comprehensive plan as somewhere the Village would like to see multi-family (R-2) development.

Looking at their housing with no garage space started them off with a hurdle, Drozdziel said. And, the Chairman added he'd hate to see 15-year buildings developed, he'd be concerned about that as well versus buildings with a life expectancy of 25, 50 or 100 years.

We build buildings to last 50 years, Casciani said. PathStone didn't want to stand out, they wanted to fit in, she added. PathStone was building a project in Gates, off Lyell Road, she said and Cappello noted he was working in that area and could stop in and take a look.

**Parcel-based zoning**

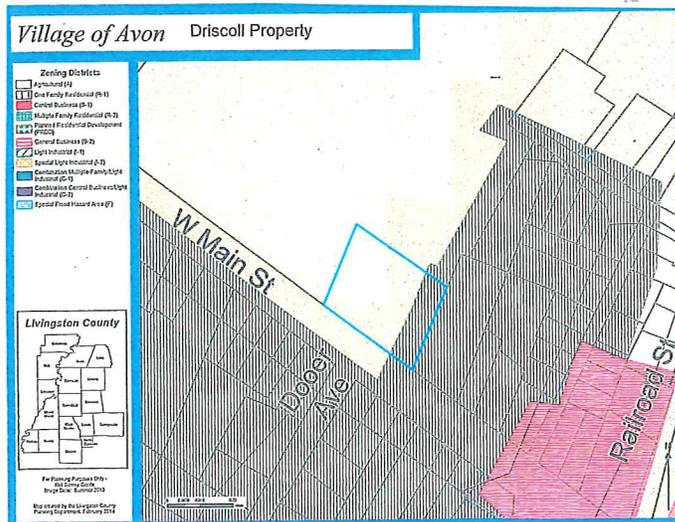
(8:00 PM, Ferrero returned and Nobles left)

**#2 Patrick Driscoll**

**188 West Main Street**

**SBL: 34.06-1-61**

Driscoll owned 1.2 acres at 188 West Main Street. Three-quarters of the property was Special Light Industrial (I-2) while the remaining quarter was One Family Residential (R-1).



Driscoll had his home and electrical business, Driscoll Electric, on the property. Parcels to the east and south were R-1 while parcels to the west and north were I-2. Did the Village wish to keep the I-2 classification on Driscoll's property? Ferrero asked.

Keep it I-2, Drozdziel said.

I concur, McCormick said.

Even as I-2, Driscoll didn't meet setback requirements, Cappello said.

Cleaning up uses was different than cleaning up boundaries, Ferrero noted.

**#3 River Street – Parcels split between R-1 and A**

The front of parcels on the west side of River Street (from West Main Street roughly half way to Spring Street) were R-1 while the back of those same parcels was Agricultural (A).

The only difference between the two classifications, Ferrero told Board members, was mobile home courts and motor vehicle service stations were allowed in an Ag district with a special use permit.

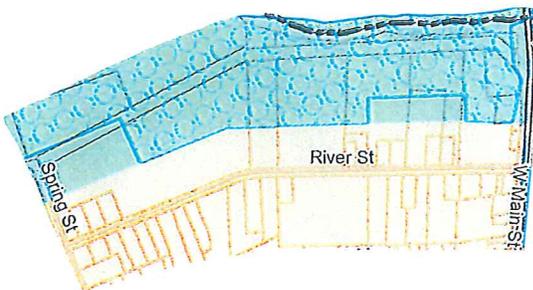
Wall owned 7.91 acres at 117 River Street and said he had 30 pigs coming next week. Would making his entire parcel R-1 mean he'd have to cancel that order?

With five or more acres, virtually any permitted uses in an Ag district (including farms and related farming activities) would be allowed in an R-1 district so, he'd be alright, Ferrero assured him.

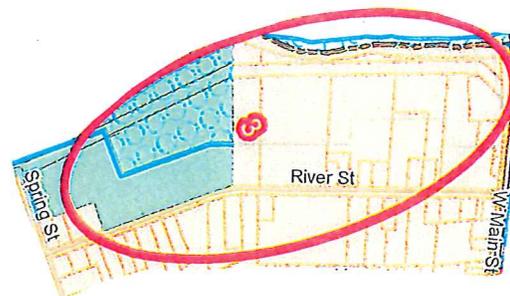
Making the parcels Ferrero had mentioned all R-1 seemed a more realistic view of what was there, McCormick observed.

And, Taylor-Davis said she didn't see any negatives to making them all R-1.

The half-R-1 and half-Ag zoning continued on the lower half of River Street (around Kime Brothers Farm, 323 River Street) as well. Ferrero proposed making parcels there entirely Agricultural.



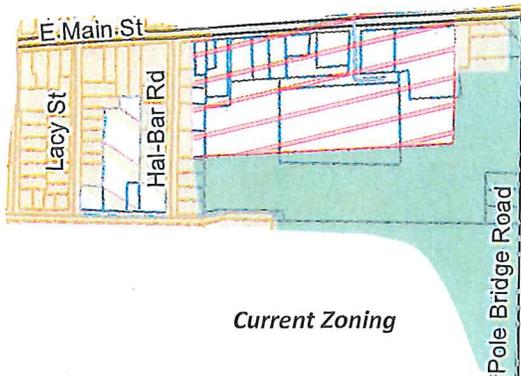
*Current Zoning*



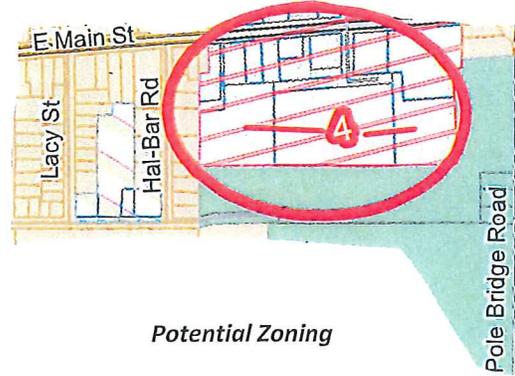
*Potential Zoning*

**#4 B-2 District on the west & east side of Avon Town Plaza**

The General Business (B-2) district bisected lots to the west leaving them half B-2 and half R-1. Ferrero presented a "Potential Zoning District Boundaries and Parcels" map that would extend the B-2 designation to the rear boundaries of the Hal Bar Road R-1 properties.



Current Zoning



Potential Zoning

Likewise, B-2 failed to take in the entire southern boundary of the Plaza. B-2 cut diagonally across the rear of the Plaza property, leaving a sliver of it in an Agricultural District. Her "Potential" map squared off the Plaza property, making it all B-2.

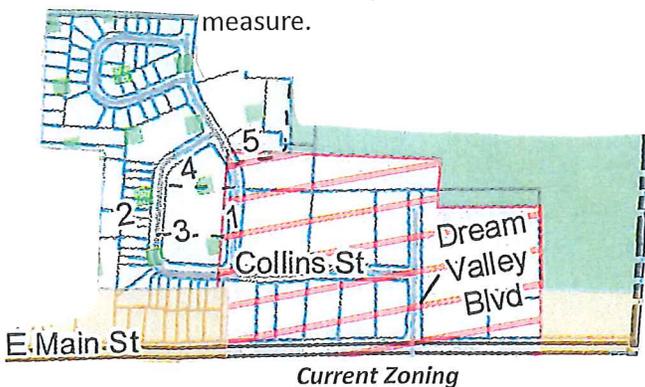
And, finally, the Village's official zoning map sliced some of the properties on the east side of the B-2 district, putting most of the properties in B-2, but leaving slivers in the next zones over, R-1 and Agricultural. Ferrero's "Potential" map squared those properties off as well, making those that were mostly B-2, all B-2.

**#5 Charlton House, 310 East Main Street – Extension of R-1**

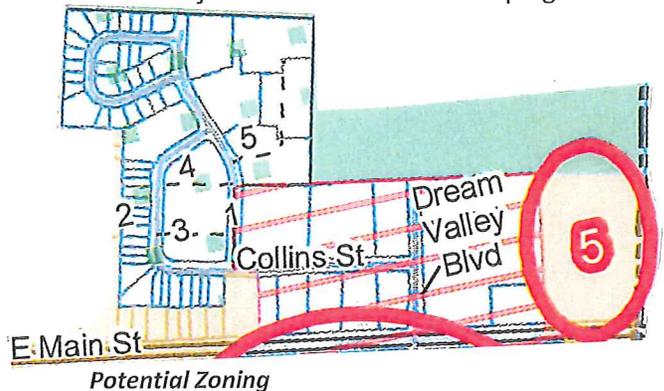
James and Elizabeth Welch owned the 29.971-acre Charlton House parcel at 310 East Main Street, the 30-room Charlton House mansion, a tenant house and barn on the property. The parcel formed an L-shape around TOPS Plaza, 270 East Main Street, the property immediately to the west of Charlton House.

The Village's Official Zoning Map only showed a small portion of Charlton House parcel, bordering East Main Street, as R-1, leaving the rest of the parcel as Agricultural. The 230 acres to the north of the Charlton House parcel was tillable farm land.

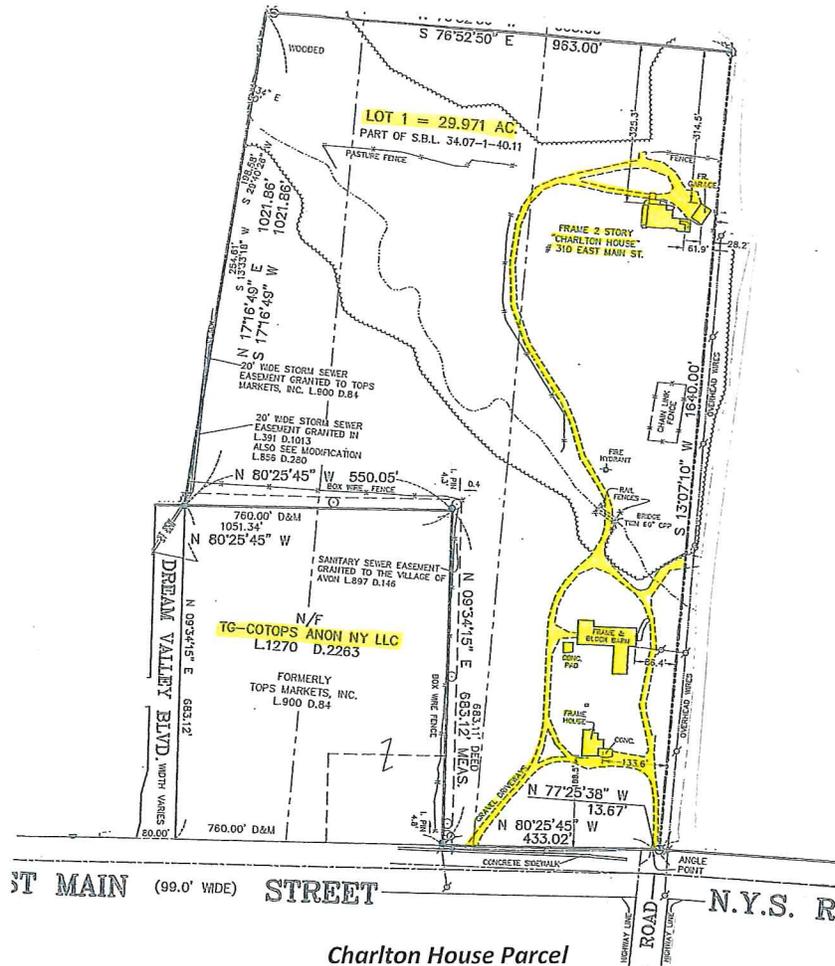
The "Potential Zoning" map Ferrero had brought in squared-off Charlton's R-1 zone with the back boundary of the TOPS Plaza. Ferrero referred to that adjustment as a "housekeeping" measure.



Current Zoning



Potential Zoning



Charlton House Parcel

**#6 Lake Road Parcels Bordering the Alexander Crossing Subdivision**

Approximately 16 Lake Road parcels, bordering the Alexander Crossing subdivision, appeared on the current zoning map as Planned Residential Development District (PRDD), the designation that applied to the subdivision.

Ferrero said that was incorrect, those parcels had appeared on the 2003draft zoning map as Agricultural and she had restored that designation on her "Potential Zoning" map.

**#7 Special Flood Hazard Area Crossing Farmers Road**

The current zoning map showed a finger of Special Flood Hazard Area north of the Village's Wastewater Treatment Facility, crossing Farmers Road, continuing east across Horseshoe Boulevard and culminating about as deeply into the Livingston Industrial Complex as the Barilla plant.

As a flood hazard overlay zone, Ferrero told Board members no buildings could be built there.

Trim it back, Taylor-Davis said.

I agree, McCormick said.

Put the boundary back to where the 100-year flood plain was, O'Donoghue suggested.

The 100-year flood zone was designated by the Federal Emergency Management Agency (FEMA), Ferrero said, while the flood hazard overlay zone was designated by Village Code.

**IV. NEW BUSINESS**

**A. County Planning Board Seat**

Taylor-Davis had resigned from the Village Planning Board effective April 30. Ferrero noted her term on the County Planning Board was also expiring. The County Planning Board met the second Thursday every month.

Drozdziel asked if any other members would like to fill the seat. McCormick, who had been on the County Planning Board before, expressed interest, but said he had other obligations, such as president of the Lion's Club, ahead in the coming year.

Drozdziel left the vacancy on the table until the next meeting.

**B. Training Opportunity**

Flyers on the Genesee/Finger Lakes Regional Planning Council's SPRING 2014 REGIONAL LOCAL GOVERNMENT WORKSHOP were circulated. The workshop was scheduled for Thursday, May 14 at the Burgundy Basin Inn in Pittsford. The Village paid the registration fee and mileage for any Board member who wished to attend.

**II. APPROVAL OF THE MINUTES**

**MOTION:** McCormick moved for approval of the minutes of the meeting of February 17, 2015, seconded by O'Donoghue. Voting in favor were: Drozdziel, McCormick, O'Donoghue, Taylor-Davis and Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**V. ADJOURNMENT**

**MOTION:** McCormick moved for adjournment at 9:09 PM, seconded by Drozdziel. Voting in favor were: Drozdziel, McCormick, O'Donoghue, Taylor-Davis and Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk

MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, MAY 19, 2015  
7:00 PM; VILLAGE HALL, WHITNEY ROOM

I. ATTENDANCE

Paul M. Drozdziel, Chairman  
Patrick McCormick (7:12 PM)  
Laura Nobles  
Kevin O'Donoghue  
William Wall

OTHERS

Sean Garvey , Lakeville  
Leah Trimble, his fiance  
Anthony Cappello, Code Enforcement Officer

II. APPROVAL OF THE MINUTES

Deferred.

III. OLD BUSINESS

A. County Planning Board Vacancy

Deferred.

B. Parcel-based zoning

Deferred.

IV. NEW BUSINESS

A. 203 Rochester Street

Sean Garvey was interested in doing auto-detailing and auto body work at 203 Rochester Street. The property was zoned as Combination Multiple Family/Light Industrial (C-1). Code Enforcement Officer Anthony Cappello had asked Garvey to appear before the Planning Board.

Definitions:

Chapter 30, Section 4, of the Zoning Code defined "Garage, private" as a secondary building, used in conjunction with a primary building, which provided for the storage of motor vehicles and in which no occupation, business or services for profit were carried on.

The same chapter and section defined "Garage, commercial" as a building or structure used for display, storage, repair, rental, sale, inspection and servicing of new and used motor vehicles and for the retail sales of parts, accessories, lubrication, oils and supplies for such vehicles, but not the sale of fuel.

And, "Industry or industrial" as the manufacture, processing, assembly or storage of any item, article or commodity and the conduct of manufacturing as it is usually understood as opposed to the casual preparation, processing or repair of items, articles or commodities in retail businesses.

**Permitted principal & accessory uses**

Chapter 30, Section 40 of the Zoning Code, "Combination Multiple-Family/Light Industrial District, C-1," included private garages as a permitted principal use as well as a permitted accessory use. The chapter and section also allowed light industry as a permitted principal use.

**Discussion**

Garvey told Board members he lived in Lakeville and had been painting cars for 16 years. He had started restoration work and felt the need to own his own company. He wanted to get into paint and light auto-body work. Garvey also informed members he was renting 203 Rochester Street and working under the name, "**Truax Autobody & Customs.**"

**Drozdziel asked about the layout of the property.**

There were two buildings on the property, Garvey responded, a 3-bay building with an apartment at the south end (205 Rochester Street) and a smaller, pole barn, that fit two cars with a parking area, behind (203 Rochester Street). Garvey said he was renting the smaller pole barn at present.

Hadn't there been talk of locating an automobile impound lot on the site in the past? McCormick asked.

Bald Hill Automotive, a towing service from Honeoye, had rented the property, briefly, a few years ago.

**Would there be cars outside? Wall asked.**

Insurance covered what was inside, Garvey responded, adding he would never leave a car outside . . . unless it was his own.

Garvey told Board members he tackled light auto body work, such as a shot in the fender or door, but nothing structural and nothing frame-related. The building he was working out of was 19-feet X 30-feet, he added.

**Would you have a paint booth? Wall asked.**

No, he wouldn't be moving that fast, Garvey answered. He did have an exhaust fan in his shop and the fan discharged on the railroad side of the pole barn.

On a personal note, Garvey said, while he wasn't from Avon, he'd always lived and worked in the Livonia-Lakeville area and had an uncle, Gary Salter, who lived in Avon at 187 Genesee Street.

And, as for the 203 Rochester Street property, Larry Maier had had an automotive business there in the past, Trimble recalled.

**Neighbors**

The Aldon Corporation, at 221 Rochester Street, was located behind the pole barn and there was a house, about 30 feet south of the pole barn at 201 Rochester Street, but Cappello told

Board members he didn't believe Garvey's Truax Autobody & Customs business would hinder anything in the multi-family area.

From a code enforcement standpoint, what was required? Drozdziel wondered. Would Garvey, for instance, be using solvents or working on wiring?

Garvey had a fire extinguisher and would paint in a "lock-up" area, Cappello said.

Air circulation is important, Garvey told Board members.

You're not close enough to (bother) any neighbors? McCormick asked.

No, and I've talked to my neighbors, Garvey responded. He noted he used a 60-gallon compressor in his work.

### **Conclusion**

What do you think, Tony? O'Donoghue asked Cappello.

I'm glad he came to talk to you, I'd have approved it right-off, Cappello responded.

And, what would your hours of operation be? Drozdziel asked.

8:00 AM until 5:00 PM Monday through Saturday, Garvey said, adding he would use sandwich board-type sign advertising. Board members advised Garvey to check with Cappello about code restrictions and permit requirements for signage.

Garvey predicted his business would grow, if he got his name out there. David DeCarlo owned the pole barn, he added.

Was there any state licensing required for the work Garvey proposed doing? Drozdziel asked.

For frame repair work and jobs exceeding \$10,000 in cost, Garvey said he would have to be a registered shop, but, as it stood, Garvey said he wouldn't have to be registered - until he got bigger.

Garvey said he would only do oil changes for family and friends, any others he would send out to Countryman at Avon Gas Way at 337 Wadsworth Avenue.

He reiterated he wouldn't store any vehicles outside the pole barn. The pole barn did have a loft area the same size as the main floor, 19-feet X 30-feet, he noted.

### **Determination**

Drozdziel said there was nothing required from the Planning Board, that it wasn't an "actionable" item and that the Board welcomed new business to the area.

**III. OLD BUSINESS****A. County Planning Board Vacancy**

Meetings were held at the Livingston County Government Center at 6 Court Street, Geneseo, the second Thursday each month, McCormick told Board members. Meetings were just like here, sometimes nothing was going on and the meeting was cancelled, other times you were there until 10:00 PM.

There was much emphasis on the Conesus Lake watershed and much time had been spent on Volunteer Drive and Walmart in Geneseo, he added.

Bonnie Taylor-Davis had resigned from the Village Planning Board effective April 30. She had also sat on the County Planning Board and her term had expired there as well.

**V. ADJOURNMENT**

The Board adjourned at 8:12 PM

(\*The July 21 meeting will be moved to July 28)

Gary Margiotta  
Deputy Clerk