

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, AUGUST 18, 2015  
7:00 PM; VILLAGE HALL, CONFERENCE ROOM B**

**I. ATTENDANCE**

Paul M. Drozdziel, Chairman  
Patrick McCormick  
Kevin O'Donoghue

**ABSENT**

Laura Nobles  
William Wall

**QUORUM, 3 Present, 2 Absent**

Anthony J. Cappello, Code Enforcement Officer  
Brian Glise, Fire Inspector  
Robert Hayes, Village Trustee

**II. APPROVAL OF THE MINUTES**

**MOTION:** O'Donoghue moved to approve the minutes of the July 28 meeting, seconded by McCormick.

During the question portion of PathStone's July 28 presentation on the Country Hill Estates work force housing development they wished to build off Clinton Street, McCormick recalled he'd asked about the laundry hanging on the line and the motorcycle, bicycles and children's toys on the sidewalks at PathStone's Creekside Clearing development at 1400 Orchid Drive in Lakeville.

Kathryn Bryan, PathStone's Sr. Vice President for Property Management, had asked where the pictures showing those conditions had come from then explained the site manager at Creekside had been out sick that week and that residents were routinely cited for such violations.

McCormick asked that that exchange be added to the July 28 minutes. With that amendment, the minutes were moved. Voting in favor were: Drozdziel, McCormick and O'Donoghue. Voting against were: none.

**CARRIED, 3 Ayes, 0 Nays**

**III. OLD BUSINESS**

**A. McDonalds Improvements**

250 East Main Street  
Avon, NY 14414

In May 2013, the McDonald's Restaurant had proposed a 14-foot, 8 ½-inch addition to the rear of their building to accommodate a larger cooler and removing the building's large front windows, but retaining the seating area. Plans were reviewed at the April 15, 2014, meeting, but nothing had been heard since then.

Drozdziel asked Cappello for an update.



I'm not dead-set against Country Hill Estates, but slow down . . . slow down, McCormick urged.

#### **Zoning change required**

To make the project work, they would need the zoning changed from A, Agricultural, to PRDD, Planned Residential Development District, Drozdziel said, adding, there's a whole process for that.

Reviewing the new conceptual drawing with 60 units, the road rounding the plaza to Dream Valley Boulevard and the second detention pond, McCormick remarked, "this isn't what we looked at (at the July 28 meeting)."

Is it still conceptually accurate? Hayes asked.

Is this a 10-acre site now, Drozdziel wondered. July 28 PathStone had talked about developing a 7-acre site. Would they have enough parking now? he followed up, adding he would have to be looking for more to come.

Where would the water from the detention ponds go? Hayes wondered.

If there were a water main running across the Country Hill Estate site from Clinton Street top the plaza wouldn't it show up here? McCormick asked.

No, this isn't a site plan, it's a conceptual plan, Drozdziel responded.

Chapter 30, Section 133, Paragraph 3 of the Village Municipal Code said:

***"Under normal circumstances, the minimum area requirement to qualify for a Planned Residential Development District shall be twenty (20) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, projects with less acreage will be considered."***

Glise noted the 20-acre minimum cited in the code.

If a water main ran across the Country Hill Estates site, PathStone would have to re-route that, O'Donoghue said, adding PathStone did plan on installing all new sanitary sewer lines.

#### **C. Avon Commons**

Kurt Rappazzo, the village's engineering consultant from the MRB Group, had forwarded a planting schedule for Avon Commons, 597 Collins Street, Drozdziel said.

Property owners there, Morgan Avon Court, LLC, planned to build seven apartment buildings on Lot 35 – behind the Avon Medical Group offices at 470 Collins Street and, Drozdziel said, they apparently planned on planting many more trees behind the lot as screening as the property transitions from their mowed lawns into the neighboring property's farm field.

They had a unique situation with the utility lines that came through the farmer's property, the chairman noted.

**D. Board vacancy**

Laura Nobles had indicated her intent to resign from the Board as soon as a replacement could be found. The position had been advertised in the August 7 edition of the Penny Saver. Hayes indicated there were three potential applicants.

**E. Drainage, Main Street grant money and miscellaneous**

Survey work on the drainage east of Pole Bridge Road was due to be submitted in the next few weeks, Hayes told Board members.

The 2.2-million-gallon detention pond the village had dug south of Avon Central High School was almost done, Hayes continued, there were custom-constructed catch basins left to go in there.

How about the village's Main Street grant award? Drozdziel asked. Was the money gone?

The village was in the process of doing another renewal, Hayes responded.

Someone had approached him on the A B Equipment Company property at 80 Prospect Place, Drozdziel related

Were there rules on public participation at meetings? Drozdziel asked.

The Open Meetings Law,

*“ . . . provides the public with the right to attend meetings of public bodies, but it is silent concerning the ability of members of the public to speak or otherwise participate. Although public bodies are not required to permit the public to speak at their meetings, many have chosen to do so. In those instances, it has been advised that a public body should do so by adopting reasonable rules that treat members of the public equally.”*

McCormick asked when the Board could close a meeting. The Open Meetings Law offered eight circumstances:

- Matters that would imperil public safety, if disclosed
- Matters that would disclose the identity of a law enforcement agency or informer
- Information relating to current or future investigations or the prosecution of a criminal offense which would imperil effective law enforcement if disclosed
- Discussion regarding proposed, pending or current legislation
- Collective bargaining negotiations
- Medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, discipline, suspension, dismissal or removal of a particular person or corporation
- Preparation, grading or administration of examinations; and
- The proposed acquisition, sale or lease of real property, the proposed acquisition of securities, the sale or exchange of securities when publicity would substantially affect the value thereof

**Party barns**

The Town of Avon had changed its zoning code for “party barns,” Glise noted “Antique barns” could be used for parties. Glise didn’t know if the village would be interested in cutting the Town’s new code on party barns and pasting it into the village’s code book.

What barns in the village might be considered “antique barns?”

- The White Oak Bed & Breakfast barn at 277 Genesee Street
- The Bruce Howlett barn at 1267 North Avenue and Rochester Street
- The Edward & James Kime barn at 315 River Street



White Oak Bed & Breakfast, 277 Genesee Street

*Potential Party Barns*



Edward & James Kime, 315 River Street



Bruce Howlett, 1267 North Avenue

The Livingston Industrial Complex (the former Eric & Lilly Guttman farm) at 240 West Main Street was also mentioned, but it is believed the large barn there had been demolished.

There were two in the town, Glise said, and a third possible on Oaks Opening Road, Cappello added.

Drozdziel asked that party barns be put on the agenda for September’s meeting.

**IV. NEW BUSINESS**

No new business introduced.

**V. ADJOURNMENT**

**MOTION:** O'Donoghue moved for adjournment at 7:53 PM, seconded by McCormick. Voting in favor were Drozdziel, McCormick and O'Donoghue. Voting against were: none.

**CARRIED, 3 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk

**B. Sidewalk & roadway improvements**

From a pedestrian standpoint, Drozdziel said he would like to see more sidewalks. The school children had created a path from the school through the Country Hills Estate site to Dollar General, CVS Pharmacy, Tom Wahl's and TOPS. PathStone's sketch plan didn't show any access through their site to the plaza or beyond.

The sidewalk thing would be easy enough to accomplish, Sudol conceded, but the roadway would be more difficult. A 7-acre, 45-unit development couldn't afford to take a roadway all the way through to Dream Valley Boulevard, the site engineer protested.

Perhaps the owner of Tom Wahl's might be willing to participate in the expansion of Dream Valley Boulevard, Drozdziel speculated.

PathStone would need the involvement of other stakeholders, Sudol said, reiterating a 7-acre, 45-unit development couldn't sustain the cost of extending the roadway through the plaza to Dream Valley Boulevard.

**C. Drainage and lights**

Drozdziel moved on to drainage, telling Sudol he had concerns about it.

We'll improve what's there now (with the regional stormwater facility), Sudol said, but conceded that wouldn't solve everything. PathStone would maintain the stormwater facility they installed, he noted.

As for lighting, Sudol said they planned 14-foot-tall light poles – not 20 or 30 feet. The lights would be LED, focused on their parking lots and "dark sky" compliant, he assured Board members.

How about curbing, Drozdziel asked, concrete or granite?

They hadn't gotten into that, Sudol confessed, but said he had been thinking concrete.

**D. Storage**

What about storage? Drozdziel asked. He couldn't fit his car into his garage with all the things stored there. Why no garages at Country Hill Estates?

DHCR wouldn't allow (fund) garages, Gibbons responded, but said they might be able to work out some sort of bike storage.

Would PathStone go with vinyl siding or cement board siding? Drozdziel asked. They'd built a nice community building in Monticello, were they going to build that sort of building here?

Yes, Gibbons stated.

The backs of some buildings would be facing Clinton Street and the Avon Nursing Facility and the back of the units would have small patios? McCormick asked.

Six-foot X 8-foot, Gibbons said.

With dividers? McCormick followed up.

Yes, Gibbons said.

**E. Handicapped accessible apartments**

How many of Country Hill Estates' apartments would be ADA (Americans with Disabilities Act) accessible? Drozdziel asked.

Three, Gibbons said.

Seemed like a small percentage, Drozdziel remarked.

The 1-bedroom units didn't have exterior or interior stairs, Sudol pointed out.

And the bathrooms, Gibbons noted, could be equipped with grab bars.

How many school-aged children did PathStone anticipate living at Country Hill Estates? McCormick wondered.

PathStone was proposing 45 units for Country Hill Estates. By comparison, Creekside Clearing in Lakeville had 32 units. There were 46 male and 54 female residents there, presenters responded. Ten were 55-years-old or older and there were 25 to 30 school-aged children.

Would the units have central air? Drozdziel asked.

Presenters indicated they would.

**Laundry, motorcycles, bicycles & toys**

Photos of the PathStone's Creekside Clearing, April Meadows and Clayton Heights Apartments developments had been included in the agenda.

Pictures of Creekside Clearing showed laundry hanging on the line, a motorcycle on a sidewalk and bicycles and other children's toys in the shrubs and on sidewalks. Pictures of April Meadows showed similar conditions and the Clayton Heights pictures showed doors to a Dumpster enclosure, in front of the buildings, open with the Dumpsters visible to parking lot and street traffic.

McCormick asked if such conditions were typical and if they were allowed.

Bryan asked where the pictures had come from (they'd been taken by a Village employee) then she explained the site manager at Creekside had been out sick the week the pictures had been taken, but that residents were routinely cited for such development rules violations.

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**Closing remarks**

The village did need apartments – if they were done right, O’Donoghue said.

From the village’s standpoint, the number one concern was the continuation of Country Hill Estates’ dedicated road to a signalized light, Drozdziel asserted.

Would smoking be allowed? Glise asked.

The trend had been towards no smoking, Bryan responded, but she said she would like to talk with the village’s fire chief about that.

Unsprinklered buildings? Glise followed-up.

Yes, Bryan said.

Hard-wired smoke detectors? Glise asked.

Yes, Bryan said.

The dedicated road would have to be built to village standards, Rappazzo said, the same width as Clinton Street with sidewalks on both sides, he explained.

There would have to be water and sewer service and fire stops between each unit, Rappazzo added. And the village would want PathStone to own and maintain the regional stormwater facility.

Thomas Bartolini of 73 Temple Street said he had lost his driveway due to flooding last August. People might be familiar with his house, it was the one with the pumps and sand bags around it.

Bartolini said he looked at PathStone’s proposal as “an opportunity.” He wasn’t against growth, but stressed he liked the rural life and was worried about the Fire Department, Ambulance Service and Police Department responding to partying at Country Hill Estates. Bartolini wanted the area to be safe.

If PathStone settled on Clinton Street, Bartolini wanted them to do the right thing. He was looking for progress and liked the questions Board members had asked.

We’ve been doing this a long time, Casciani told Bartolini. Once a project was up and running, it benefitted the community and PathStone. They tried to be good neighbors, she said.

**V. ADJOURNMENT**

The meeting was adjourned at 9:10 PM.

Gary Margiotta  
Deputy Clerk