

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
MONDAY, OCTOBER 20, 2015
7:00 PM; VILLAGE HALL, CONFERENCE ROOM B**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis, Alternate
Patrick McCormick
Laura Nobles
Kevin O'Donoghue (late arrival)
William Wall

QUORUM: 5 + Alternate present, 0 absent

Anthony J. Cappello, Code Enforcement Officer
Brian Glise, Fire Marshal
Kurt Rappazzo, Civil Engineer MRB Group
Tim Batzel, Trustee

GUESTS:

PathStone, Rochester

Amy Casciani, Sr. Real Estate Developer
Robert B. Cain, Real Estate Developer
Les Kernan, General Counsel

Passero Associates, Engineering & Architecture

Jess Sudol, Site Engineer
Matthew Newcomb, Civil Engineer

SWBR Architects, Rochester

Joseph Gibbons, Architect AIA

PUBLIC:

Robert Austen, 5 Hal Bar Road
Richard Davidson, 41 Hal Bar Road
Dorothy Harness, 142 Temple Street
Veronica Eisenhart, 134 Lake Road
Richard K. Hite, 117 Clinton Street
Durinda LaBarbera, 43 Hal Bar Road
Dominic (Nick) Mazza, 223 Commerce Drive (former Livingston County Administrator)
Lori Mazza, 223 Commerce Drive
Mary Nevin, 45 Hal Bar Road
William Nevin, 45 Hal Bar Road
James Taylor, 10 Carriage Lane
(no sign-in sheet; approximately 10 other, unidentified members of the public attended)

New Member Introduced

Training Opportunity Discussed

Drozdziel introduced Borkhuis as an “alternate” member of the Board. Borkhuis is expected to fill Nobles’ seat next year. Nobles has announced her intention to step down.

Drozdziel next mentioned the annual training required of Planning and Zoning Board of Appeals members. The Genesee/Finger Lakes Regional Planning Council will conduct its “Fall 2015 Regional Local Government Workshop” Friday, November 13, at the Clarion Hotel in Batavia, the Chairman noted. The workshop will include courses on:

- Planning Board Overview
- Site Plan
- Sign Regulation, and
- Economic Development

among others. Drozdziel encouraged members to take advantage of the opportunity. Planning and Zoning Board members are required to take four hours of training annually.

II. APPROVAL OF THE MINUTES

MOTION: Wall moved for approval of the minutes of the September 15, 2015, meeting, seconded by McCormick. Voting in favor were: Drozdziel, McCormick, Nobles and Wall (O’Donoghue had not yet arrived). Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

A. Country Hill Estates

Comment letter

The MRB Group had completed a preliminary review of the plans and supporting documents, prepared by Passero Associates for the Country Hill Estates project, then released a “comment letter” September 22, Rappazzo noted.

MRB had gone through many of the technical aspects of the project and the Municipal Code and requested a written response from Passero. Rappazzo said he’d received that response yesterday, but hadn’t had the opportunity to go through it.

Traffic Study Hours & Clinton Street Extension

Drozdziel asked about the time period for the traffic study.

The majority of traffic would be school-related, Rappazzo said, during the peak hours of 7:00 AM until 9:00 AM and 2:00 PM until 4:00 PM.

Would the study be limited to patterns to the south or take in the north and Routes 5&20 as well? Drozdziel asked.

Clinton Street would likely bear the brunt during school hours, McCormick remarked. They couldn’t count on Clinton Street’s extension to Dream Valley Boulevard and Route 5&20

because they didn't know if it'd be there. PathStone & Passero representatives had previously said the extension depended on grant funding and financial participation from the neighboring "stakeholders," such as CVS and Tom Wahl's.

The new road will be phased-in, Rappazzo claimed.

Minutes from the September 15 meeting mentioned PathStone possibly putting-up a bond to ensure completion of the extension, McCormick recalled.

The developers (PathStone) intend for the road to be there, Rappazzo maintained.

But, Wall said, his recollection of the September 15 meeting was that, if PathStone could not get funding, they would not do the road.

The plan is to provide the road, Sudol assured Board members.

Short Environmental Assessment Form Submitted

Long Form Preferred

PathStone & Passero had submitted the Short Environmental Assessment Form August 24, Nobles noted.

With the change of zoning from A, Agricultural, to PRDD, Planned Residential Development District, that PathStone & Passero requested, Nobles said she would prefer the long form.

That had been one of MRB's comments as well, Rappazzo said, they'd like to see the long form, too.

How did this team come to the conclusion this kind of project was needed? Wall asked.

Market research, Sudol responded, the team had done market research on the entire area: the village, the town, all of northern Livingston County. Furthermore, Sudol said the team had looked at the Village's Comprehensive Plan, which specifically said this area was "appropriate" for multiple family housing.

Not only did the team think they could meet a need, Sudol continued, but they thought they could help with flooding (the project offered two detention ponds), help with the road (the extension of Clinton Street around the east end of the Avon Town Plaza to Dream Valley Boulevard and Routes 5&20) as well as meeting the need for multiple family housing.

School Taxes to be Paid

Estimated at \$35,000

Flooding help and the extension of the road were all well and good, but PathStone & Passero were proposing a \$15 million project (Cain had previously pegged Country Hill Estates at \$13.6 million) and the Village would receive no property taxes out of it, Wall protested.

Not true, Sudol disagreed - PathStone would pay taxes – not as much as if there were 20 homes there, but they would be paying taxes - and all their infrastructure would be private, requiring no maintenance from the Village, he added.

How much in school tax? Borkhuis wondered.

With an assessed value of \$1.5 million, Cain expected PathStone would pay \$61,000 in property taxes. Of that, about \$35,000 would go towards school taxes. At the September 15 meeting, Cain had estimated PathStone might pay \$7,000 to \$9,000 in school taxes.

Conversation Confined to “Nuts & Bolts”

Review Period Extended to December 29

Drozdziel moved to terminate the conversation about taxes and confine themselves to Planning Board issues. They needed to concentrate on the “nuts and bolts” of the project and reserve any tax comments for the public hearing, he advised.

Seeing as how the Village engineer had just gotten PathStone & Passero’s response to MRB’s comment letter, Drozdziel thought it might be best if the Board extended their review period another 60 days.

MOTION: McCormick moved to extend the review period another 60 days, seconded by Wall. Voting in favor were: Drozdziel, McCormick, Nobles, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Passero had requested a Preliminary Site Plan Review and paid the \$50 application and \$45 publication fees under an August 25 cover letter. But, the fees had been paperclipped inside one of the sets of plans and engineering reports. The Village discovered the payments and receipted them September 16.

According to Chapter 30, Section 124, of the Municipal Code:

“The Planning Board shall submit a written report evaluating the preliminary site plan, which may include recommendations of desirable modifications, within forty-five (45) days of the receipt of the application for preliminary site plan approval.”

Forty-five (45) days from the date the fees had been discovered and receipted would be October 30. A 60-day extension from that date would be December 29.

B. Peppermints Addition

Handicapped Accessible Bathrooms

Chris Hetelekides, the proprietor of Peppermints Restaurant, 244 East Main Street, had proposed building a 19-foot, 6-inch X 11-foot addition on the restaurant to accommodate two handicapped accessible bathrooms. Hetelekides had called a day earlier and asked to appear before the Planning Board.

Drozdzziel asked Cappello about the addition and what was needed from the Board.

Nothing was needed from the Board, Cappello responded, adding all that was necessary was his signature on the building permit.

Had Peppermints applied for a building permit? Drozdzziel asked.

No, Cappello responded.

C. McDonalds Update

Addition + Interior Alterations

Any word on McDonald's? Nobles asked.

The McDonalds Restaurant at 250 East Main Street had proposed a 15-feet, 5-inch X 20-feet, 8-inch addition to the back of their building to accommodate a new freezer/cooler in May of 2013. The restaurant would have lost one parking place in the process.

The Board had reviewed their plans April 15, 2014. Besides the addition, Americans with Disability Act (ADA) improvements to the restaurant's vestibule and sidewalks had been suggested. Modifications to the front windows and the color scheme had also been mentioned.

Construction had been anticipated last fall, but the proprietors hadn't followed through and Cappello told Nobles he had no further news on the project.

D. Historic Barns/Party Barns

To Legislate or not to Legislate

Drozdzziel asked if there had been any developments on "historic barns."

The Town of Avon had changed its zoning code to cover the conversion of large barns into party venues. The Board had considered "cutting & pasting" the Town's legislation into the Village's Municipal Code, drafting their own version or not addressing the matter through legislation at all.

Cappello acknowledged there were a couple of potential party barns within the Village, but he had didn't have any recommendation on legislation.

Potential party barns included: Bruce Howlett at 1267 North Avenue, the small barn at the White Oak Bed & Breakfast, 277 Genesee Street, and a working barn belonging to Edward & James Kime at 315 River Street.

IV. NEW BUSINESS

Nothing pending.

V. **ADJOURNMENT**

MOTION: McCormick moved for adjournment at 7:32PM, seconded by Wall. Voting in favor were: Drozdziel, McCormick, Nobles, O'Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk