

**MINUTES FOR A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, JANUARY 19, 2016  
7:00 PM, VILLAGE HALL, CONFERENCE ROOM B**

**I. ATTENDANCE**

Paul M. Drozdziel, Chairman  
Marilyn Borkhuis  
Patrick McCormick  
Laura Nobles

**OTHERS**

Anthony Cappello, Code Enforcement Officer  
Kurt Rappazzo, MRB Group  
Trustee Robert Hayes  
Reid Whiting, Village Attorney  
John Steinmetz, Planning Consultant

**ABSENT**

Kevin O'Donoghue  
William Wall

**QUORUM, 4 Present, 2 Absent**

**GUESTS**

**Tom Wahl's**

Keith Herman, Vice President  
Robert Bringley, Marathon Engineering, Rochester

**PathStone**

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

**Passero Associates, Rochester (PathStone)**

Mathew Newcomb, Civil Engineer

**Public**

Katharine Davidson, 41 Hal Bar Road  
Richard Davidson, 41 Hal Bar Road  
Kenneth Greenwood, 355 Genesee Street  
Barbara Herman, 277 Genesee Street  
William Nevin, 45 Hal Bar Road  
Kathy Salvati, 219 Commerce Drive

**II. APPROVAL OF THE MINUTES**

**MOTION:** Borkhuis moved for approval of the minutes, seconded by McCormick. Voting in favor were: Drozdziel, Borkhuis, McCormick and Nobles. Voting against were: none.

**CARRIED, 4 Ayes, 0 Nays**

Drozdziel opened the meeting, welcomed the guests and introduced Steinmetz of the Steinmetz Planning Group as a consultant added to the Village's team.

**III. OLD BUSINESS**

**A. Tom Wahl’s Restaurant – parking lot expansion**

283- 293 East Main Street

Wahl’s had introduced a concept plan November 17, 2015, to:

1. Expand their parking lot capacity to the south and east of the existing lot
2. Add 37 parking spaces, including six RV spaces
3. Add a 24-foot wide driveway, connecting the parking lot to Dream Valley Boulevard
4. Move the dumpster enclosure approximately 30 feet west
5. Dig a storm water detention pond to collect parking area runoff

The Board had reviewed the plan December 15, 2015, and wanted:

1. The easement from Dream Valley Blvd to the Wahl property confirmed
2. Assurances the grade from the parking lot to the detention pond could handle the runoff

Wahl’s would coordinate with PathStone on drainage, Bringley began. Runoff would go into the detention pond south of Wahl’s parking lot and into the right-of-way between Wahl’s and the CVS Pharmacy. New piping would be installed in the R-O-W going out to Routes 5&20, Bringley continued.

As for the easement for their driveway to Dream Valley Boulevard, Bringley said Wahl’s wouldn’t need an easement afterall, if PathStone extended Clinton Street to Dream Valley Boulevard as they had said they would. Wahl’s long-term goal, he added, was to gain access to the traffic light at Dream Valley Boulevard and Routes 5&20 to make it easier for exiting patrons who wanted to turn left onto Routes 5&20.

Overall, Bringley said Wahl’s wanted to upgrade their site and improve drainage. They were hoping for a referral from the Planning Board that night so they could move their project on to the Village Board’s agenda in February.

**Landscaping**

Wahl’s didn’t plan additional landscaping, Nobles noted then asked, nothing to buffer the parking lot to the rear?

And, Bringley had mentioned coordinating with PathStone, but could Wahl’s project stand alone? Drozdziel wondered.

CVS owned the swale between the Pharmacy and Wahl’s and the owner had committed to an “access easement” so Wahl’s could improve the storm water runoff situation, Bringley said.

As it stood, McCormick characterized the swale as “a mess.”

There was a 12-inch culvert in the swale, running north to Routes 5&20, Bringley said. Storm water runoff from Wahl’s parking lot went into a drain near the pavilion then into the swale between CVS and Wahl’s then into the 12-inch culvert.

The drainage point where the runoff was going was a concern, Drozdziel said. He wasn't sure that 12-inch pipe was adequate.

The pipe would be adequate with the improvements Wahl's was proposing, Bringley said. And, with the detention pond, they hoped to slow down drainage from the south. They hoped to mitigate runoff from the 37 new parking spaces as well as existing parking, Bringley said.

Were the new parking spaces intended to accommodate for Wahl's popular Tuesday night, summertime, concert series? Nobles asked.

They were intended for business in general, for the RV's that stopped at the restaurant and to improve circulation, Bringley explained.

But, the whole area was a sea of asphalt, Nobles observed, again expressing a desire for some green.

Asphalt covered less than 50 percent of Wahl's property and that was less than what was allowed, Bringley added.

But, Nobles persisted, saying she'd still like to see some sort of landscaping - she didn't know how everyone else felt about it.

#### **Referral not happening**

Getting back to Bringley's hopes for a referral to the Village Board that night, Drozdziel pointed out they hadn't received Wahl's engineering report until late last week and the Village's engineer hadn't had time to review it so, Wahl's wouldn't be leaving with a referral.

Rappazzo concurred with the timing, confirming MRB had gotten Wahl's plan a week ago, but just received the engineering report on Friday.

And, Drozdziel reiterated, Wahl's project should be able to stand alone. PathStone was still a pending project. As it stood, Wahl's was asking to add 37 parking spaces and six RV spaces - with no additional access, there was still just one way in and one way out.

McCormick agreed, Wahl's parking lot expansion plans increased safety concerns, without a secondary access.

The expansion was a "convenience thing," Bringley contended, the additional parking wouldn't add to Wahl's business. Furthermore, it seemed, the Village would want to work with Tom Wahl's to make this happen.

The Board wasn't saying it wouldn't, McCormick said.

That was the first time he was hearing that, Bringley remarked.

Was there an overgrowth of vegetation in the swale between CVS and Wahl's, Whiting asked, did it need to be brush-hogged?

CVS hadn't maintained the swale, Bringley said, adding it had, indeed, gotten overgrown and silted-in.

Had Wahl's put a bug in CVS' ear? Whiting followed-up.

The answer was no, Bringley said.

Hayes suggested that might be something the Village could do.

The site improvements Wahl's was proposing would help CVS with their flooding situation, Bringley said.

Does this Board recommend what is best for the community? Nobles asked.

Wahl's could add trees, Bringley offered.

Nobles' "sea of asphalt" comment was a great one, Rappazzo remarked, asking what she would do about it.

Nobles suggested converting the overgrown swale between Wahl's and CVS into a "bioswale." Bioswales were landscape elements designed to remove silt and pollution from surface runoff water. They consisted of a swaled drainage course with gently sloping sides, filled with vegetation, compost or riprap. Bioswales were frequently used around parking lots.

Some plantings might help as well, Nobles said.

Bringley offered trees along the southern and eastern borders of the new parking area.

A bioswale would require more maintenance, Drozdziel noted.

Who would maintain the detention pond? McCormick wondered.

The pond and drainage links to it would all be on Wahl's property, Bringley pointed out.

Drozdziel asked Bringley to work with Rappazzo on these issues and Bringley said he would.

**B. Country Hill Estates, 205 Clinton Street**

**PathStone & Passero**

60-unit apartment/townhouse complex

North side of Clinton Street across from the Avon High School access road

**Drainage** - The eastern detention pond had been made deeper and would now hold a 100-year storm, Newcomb began.

**Dumpsters** - They were moving the dumpster farther to the east and out of the line-of-sight of the main entrance, he continued. Newcomb had referred to a waste management program that had suggested an 8-yard dumpster would be sufficient for a development the size of Country Hill

Estates, but their plans provided for a dumpster on either end of the complex and they'd made them larger, he said.

**Snow storage** – They'd removed the curb at the southeast end of the complex so they could push snow there, Newcomb told Board members.

**No sidewalk to west end of the Plaza** – That wouldn't work, Newcomb conceded, laying a sidewalk alongside their western storm water detention facility and through a wooded area to the Avon Town Plaza would create an unacceptable liability exposure.

**No sidewalk bike lanes** – Sidewalks along other streets didn't have a bike lane and Passero had designed Country Hill Estates like other streets in the Village.

Would Country Hill Estates be tying in to the drainage in the swale between CVS and Tom Wahl's? Drozdziel wondered.

There were two catch basins in the right-of-way, Newcomb pointed-out.

But, would that create a bottleneck? Drozdziel asked Rappazzo.

That depended on how much the flow was reduced, Rappazzo responded, adding the Village was very much concerned about drainage. The Village had gotten 4-inches of rain over Mother's Day last year and 2 ½-inches over a half-hour the following Monday.

**No single car garages** – Storage was still a concern, McCormick reminded Newcomb.

Newcomb had previously said Country Hill Estates' 1-bedroom units would have 280-cubic-foot storage closets while their 2- and 3-bedroom apartments would have 400-cubic-foot closets.

But, PathStone & Passero weren't offering anything creative, no small storage units, Drozdziel pointed-out.

They'd met what the Code asked for, Newcomb contended.

The Board appreciated PathStone & Passero taking storage to the minimum, but they weren't satisfied with that.

Newcomb reiterated the cubic feet of storage per unit they'd be providing, adding they did have a maintenance building and had increased storage space in the club house. What was the Board looking for?

Single-car garages, Drozdziel responded.

We can't do single-car garages, Casciani returned.

Your architect is more than adequate to design storage buildings, Drozdziel said.

And the Board was also concerned with what Country Hill Estates would look like from Clinton Street, Drozdziel continued, explaining, as it was, passers-by would be looking at the backs of buildings, that didn't fit with the character of the Village, he said.

Newcomb had placed illustrations of how Country Hill Estates buildings might look along the back wall. An illustration on the left showed an apartment building fronted by a large expanse of lawn.

But that apartment building faced into the complex, McCormick pointed out, adding Country Hill Estates would actually offer very minimal green space.

The artists may have taken liberties with that illustration, Newcomb conceded, saying there would be just 10 feet from the outer most portion of the building to the curb.

How did Country Hill Estates fit-in with the future uses of the land by landowner, Richard E. Martin? McCormick asked. There would be a lot of land left to develop. This project only took up about eight of a 27-acre parcel.

That was hard for them to answer, Newcomb said, adding he wasn't really sure what Martin's intentions were.

#### **Infrastructure**

PathStone would be installing a great deal of infrastructure, but was it sufficient for future needs? Drozdziel wondered.

In other words, it was good for PathStone's parcel, but what about the rest? McCormick questioned.

PathStone would install an 8-inch sanitary sewer – there was no issue with that, Newcomb ventured, and they would be looping the water main back to Routes 5&20, although he was unsure of the size of the line.

As for drainage, Martin would have to develop his own storm water facility, Newcomb continued.

#### **Continue the review process**

The apartment building illustration, showing three front doors and a front yard was in keeping with the character of the Village, Steinmetz said. But, the two "C" buildings on the bend of Clinton Street Extension - with their rear patios 12- to 14-feet down from street level - certainly wasn't.

Drozdziel called for a motion to continue the review process to address issues such as storage, the Board wanted to go beyond the minimum called for in the Code, and the view of the backs of Country Hill Estates buildings wasn't in keeping with the character of the Village.

**MOTION:** Nobles moved to extend the review period 120 days, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, McCormick and Nobles. Voting against were: none.

**CARRIED,** 4 Ayes, 0 Nays

**IV. NEW BUSINESS - MISCELLANEOUS**

**1. Peppermints Restaurant – 11-foot X 20-foot addition**

244 East Main Street

Peppermints Restaurant was building an 11-foot X 20-foot addition on to the west side of the building, Cappello told Board members. The addition was intended to accommodate two handicapped accessible bathrooms. The contractor had submitted a sketch plan that showed the addition would leave room for the driveway on the west side of the building, Cappello noted.

**2. Miniature Horse in an R-1 District**

**Susan Ware, 173 East Main Street**

Ware had asked if she could keep a miniature horse on her 173 East Main Street property, zoned R-1, One-Family Residential.

Chapter 54, Animal and Dog Control; Section 1, Keeping of certain animals restricted, of the Municipal Code said:

*“No person shall permit, keep or maintain sheep, horses, cows, goats, skunks, pigs, foxes, poultry, chickens, ducks, geese or any other animal or fowl, except animals commonly used or knowns as ‘household pets,’ such as cats, dogs, birds, fish and the like in any building or on any property within the Village of Avon except in the agricultural district and except that horses may continue to be kept, subject to the provisions of this chapter, if they were kept prior to the date of the adoption of this local law.”*

Ware had contended the miniature horse was as small as her German shepherd, but Cappello had pointed out the Code didn’t differentiate according to size, that it prohibited the keeping of horses in anything but an agricultural district, as such, he had denied the request.

**V. ADJOURNMENT**

The Board adjourned at 8:30 PM.

Gary Margiotta  
Deputy Clerk