

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, MAY 17, 2016
7:00 PM, VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis
Patrick McCormick
Kevin O'Donoghue
William Wall

Reid Whiting, Village Attorney
Jeffrey L. Turner, Osborn, Reed & Burke, LLP
John Steinmetz, Steinmetz Planning Group
Kurt Rappazzo, Civil Engineer, MRB Group
Anthony Cappello, Code Enforcement Officer
Robert Hayes, Trustee

QUORUM, 5 present, 0 Absent

GUESTS

PathStone, 400 East Avenue, Rochester

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

Passero Associates, 100 Liberty Pole Way, Rochester

Matthew Newcomb, Project Engineer for Country Hill Estates

Others

Heather Arnold, 45 Clinton Street
Robert Austen, 5 Hal Bar Road
Johan Engstrom, 33 Clinton Street
Kathleen Engstrom, 33 Clinton Street
Laurie Glise, 145 Temple Street
Donna L. Lee, 36 Clinton Street
Charles McLaughlin, 46 Clinton Street
Geri McLaughlin, 46 Clinton Street
William Nevin, 45 Hal Bar Road
Kathy Salvati, 219 Commerce Drive
*signed-in

III. OLD BUSINESS

**COUNTRY HILL ESTATES REZONING APPLICATIONS
SIX AREA REVIEW CHECKLIST**

PathStone Development Corporation, Applicant
400 East Avenue, Rochester, NY

Last September, PathStone asked the Village to rezone seven acres of land opposite the Avon Nursing Facility, 215 Clinton Street, from A. Agricultural, to PRDD, Planned Residential Development District. The Planning Board conducted a public hearing on the application March 16, 2016.

The seven acres was part of a 27-acre parcel, owned by Richard E. Martin of 22 River Street (Parcel 3.11-1-65.1). PathStone wanted to build a 60-unit apartment complex, called **Country Hill Estates**, on the site.

Steinmetz had drafted a **PRDD Review Checklist** for Country Hill Estates, Drozdziel began.

The checklist identified six areas of the Village’s Municipal Code and Comprehensive Plan and was intended as a tool to help the Board render a favorable or unfavorable recommendation, Steinmetz explained.

AREA I

The first area, taken from the Municipal Code, was:

- Chapter 30, Zoning
- Article 13, Planned Residential Development District
- Section 134, Application Procedures
- Paragraph C, Review of development plan by Planning Board
- Part 1, a.

Specifically, Part 1, a., said, ***“A favorable report shall be based on the following findings which shall be included as part of the report: a. The proposal implements the goals and policies of the comprehensive plan of the Village of Avon better than can be accomplished with conventional zoning categories.”***

The checklist asked if PathStone’s proposal, Country Hill Estates, would meet the goals of the comprehensive plan better than an apartment complex approved under:

- Chapter 30, Zoning
- Article III, Zoning District Regulations
- Section 33, Multiple-Family Residential District, R-2

The checklist ran down the objectives under key improvement areas in the comprehensive plan:

- Neighborhoods/Residential Living
- Community Resources
- Multimodal Transportation & Connectivity
- Future Land Use

Then, by contrast, the checklist reviewed the requirements of an R-2, Multiple-Family Residential, district.

MOTION: McCormick moved for a “NO” vote, that PathStone’s proposal did not implement the goals and policies of the Village’s comprehensive plan better than could be accomplished with conventional zoning categories. Seconded by O’Donoghue. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

AREA II

The second area on the checklist fell under:

- Chapter 30, Zoning
- Article 13, Planned Residential Development District
- Section 134, Application Procedures
- Paragraph C, Review of Development Plan by Planning Board
- Part 1,b

Specifically, Part 1, b., said, ***“A favorable report shall be based on the following findings which shall be included as part of the report: b. The proposal meets all the general requirements and any of the specific requirements of this article.”***

The checklist reviewed the general requirements:

- That a variety of residential types were proposed
- That accessory uses would be permitted as appropriate
- That the proposal included at least 20 acres or warranted reduction by meeting the objectives of the article (objectives listed)
- Where common property exists, satisfactory arrangements must be made for the improvement, operation & maintenance of such common property & facilities
- Commercial, service or other non-residential uses may be permitted or required where such uses are scaled primarily to serve the residents of the PRDD
- The Village Board shall determine, in each case, the appropriate dwelling unit density for individual projects
- Individual buildings shall be related to each other in design, mass materials, placement & connections to provide a visually & physically integrated development
- Treatment of the sides & rear of all buildings within the PRDD shall be comparable in amenity to provide a visually & physically integrated development
- All buildings shall be arranged so as to be accessible to emergency vehicles
- Each dwelling unit will be located, constructed & served by utilities in such fashion that such dwelling unit may be sold individually as a subdivision lot, condominium unit or in a similar fashion as approved by the Village Board. Dwelling units located in a building common to other dwelling units shall be separated from such dwelling units by a firewall. Such firewall shall extend from the foundation to the roof & shall be unpierced
- Utility lines providing electric, telephone, television or other services shall be installed underground

PathStone had been directed by the Village to go PRDD, Newcomb protested. PRDD was supposed to be a more streamlined process, he added.

I’m not privy to your discussions, Drozdziel responded.

At the conclusion of the Board’s deliberations would there be an opportunity to make the decision a favorable one for PathStone & Passero? Newcomb asked.

MOTION: Wall moved for a “NO” vote on the second area, did the proposal meet all the general requirements & any of the specific requirements of this article. Seconded by O’Donoghue. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall.

CARRIED, 5 Ayes, 0 Nays

AREA III

The third area on the checklist covered:

- Chapter 30, Zoning
- Article 13, Planned Residential Development District
- Section 134, Application procedures
- Paragraph C, Review of development plan by Planning Board
- Part 1, c

Specifically, Part 1, c., said: *A favorable report shall be based on the following findings which shall be included as part of the report. c. The proposal represents a creative approach to the use of land through innovation and flexibility.*

Drozdziel worked in Henrietta and passed Erie Station Village, 290 Hendrix Road, on the way. Erie Station Village was a community of luxury apartments and townhouses. Drozdziel described Erie Station Village as “very creative,” adding he didn’t see the same elements in Country Hill Estates.

Country Hill Estates failed to preserve any of the natural aspects of the land, Borkhuis remarked, adding the trees were being cut down on the site.

PathStone had accomplished many goals, but Steinmetz said he wouldn’t call Country Hill Estates “innovative.”

Drozdziel, who works at RIT, mentioned a \$47 million student housing development project on East River Road being developed by Morgan Management LLC. Passero Associates, which is providing engineering and architectural services to PathStone for Country Hill Estates, is providing those same services to Morgan Management for the student housing development.

That student housing development seemed to have diverse types of housing, Drozdziel observed.

The student housing development also included:

- A 7,500 SF clubhouse with Internet lounge
- An outdoor pool
- A 2,000 SF recreation facility
- Outdoor fields
- Significant green space
- A trail system throughout the site, connecting to nearby properties

Would Country Hill Estates, the Board asked:

- Preserve significant natural or geologic features
- Minimize the need to grade or add fill to the site
- Avoid floodplains, wetlands & other water features
- Foster sustainability (reducing heat blooms, energy consumption, etc.)
- Create public spaces for amenities for residents of the development or the Village
- Maximize natural screens & buffer opportunities
- Extend the sidewalk network
- Create tree-lined streets
- Incorporate traffic-calming devices or roadway designs to slow vehicles
- Increase the connectivity of the street network
- Utilize alleyways to separate vehicles from the pedestrian network & public spaces
- Placement of buildings & features to create vistas and viewsheds
- Utilize landscaping or hardscape features to highlight public or semi-public areas
- Place parking areas behind buildings & screen them from view
- Building facades face the street & entrances connect to the sidewalk
- Architectural features & detailing produce attractive streetscapes
- Propose a mix of land uses
- Propose a mix of residential densities & housing types
- Provide convenient access to local goods & services

MOTION: Drozdziel moved to vote “NO,” Country Hill Estates did not represent a creative approach, seconded by O’Donoghue. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

AREA IV

The fourth area involved the same chapter, article, section and paragraph of the Municipal Code as the others, but delved into part 1, d, asking if Country Hill Estates was conceptually sound in that it met a community need and conformed to accepted design standards in the proposed roadway system, land use configuration, open space system and drainage system.

Steinmetz read the checklist considerations. Did Country Hill Estates:

- Satisfy a community need
- Were road, sidewalk and other transportation facilities properly designed
- Did the proposed site layout conform to accepted standards
- Was the open space properly designed
- Would drainage facilities be adequate

Was Country Hill Estates in conflict with the Village’s comprehensive plan? Drozdziel asked. The community had been projected as stable, non-growth, over the next 10 years. As such, the chairman questioned the need.

On the other hand, high-end housing was needed, but Drozdziel said he had a hard time getting passed that first checklist consideration: would Country Hill Estates satisfy a community need?

Country Hill Estates did cover some of the other checklist considerations, O'Donoghue said.

Except for the first one, McCormick said.

Borkhuis questioned the "open space" consideration as well.

Was there need in the community for 60 rental units? McCormick wondered.

MOTION: Borkhuis felt the answer to this question was "NO," that Country Hill Estates was not conceptually sound, seconded by McCormick. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

AREA V

Area V dealt with the same chapter, article, section and paragraph of the Municipal Code, but with Part 1,e., whether Country Hill Estates had adequate services and utilities available or proposed. The services and utilities on the checklist included: water, sewer, gas, electric, fire safety and telecommunications.

MOTION: McCormick moved for an affirmative vote, "YES," Country Hill Estates had adequate services & utilities available or proposed, seconded by O'Donoghue. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

AREA VI

Again, under the same chapter, article and section, but this time under Paragraph F, the Board took up the question of whether a Planned Residential Development District (PRDD) - on the Clinton Street site PathStone had identified - was proper for the comprehensive and systematic development of the Village of Avon.

Newcomb believed that question would more appropriately be taken-up by the Village Board.

But, had the question been answered by the Board's answers on the five previous areas they'd taken up? Drozdziel asked.

MOTION: Wall moved that a PRDD was "NOT" proper for the comprehensive and systematic development of the Village of Avon, seconded by O'Donoghue. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

FAVORABLE OR UNFAVORABLE REPORT

Based on their PRDD review checklist results, the Board considered the type report to forward to the Board of Trustees and,

MOTION: McCormick moved to forward an “UNFAVORABLE” report to the Board of Trustees based on their checklist votes. Seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

REPORT DELIVERY EXTENSION

MOTION: Drozdziel moved to extend the time to deliver the Board’s findings (the unfavorable report) on PathStone’s rezoning application 60 days, seconded by Wall. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

II APPROVAL OF THE MINUTES

MOTION: Drozdziel moved for approval of the minutes of the meeting of April 19, seconded by McCormick. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

(No one from Avon Gas Way appeared. The item will be removed from the agenda, pending receipt of an application)

IV. NEW BUSINESS

Nothing presented.

V. ADJOURNMENT

MOTION: McCormick moved for adjournment at 8:07 PM, seconded by Wall. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk