

**MINUTES FOR A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, JUNE 18, 2019
7:00 PM; VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis
John Gibson
Patrick McCormick

GUESTS

Thomas W. Freeman, Mayor
Malcolm D. LaFever, 59 Maple Street
Rhonda LaFever, 59 Maple Street

ABSENT

William Wall

QUORUM, 4 Present, 1 Absent

STAFF

Lance Brabant, Sr. Planning Associate, MRB Group
Anthony Cappello, Code Enforcement Officer
Robert Hayes, Trustee, Village Board Liaison
Gary Margiotta, Deputy Clerk

II. APPROVAL OF THE MINUTES

MOTION: McCormick moved for approval of the minutes of the regular meeting of May 21, 2019, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson and McCormick. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

A. Zoning Code Update

The Board had reviewed a plan of moving forward at the last meeting, Drozdziel recalled, then asked Trustee Hayes if he could arrange to get that on the agenda for the Village Board's July 1 meeting.

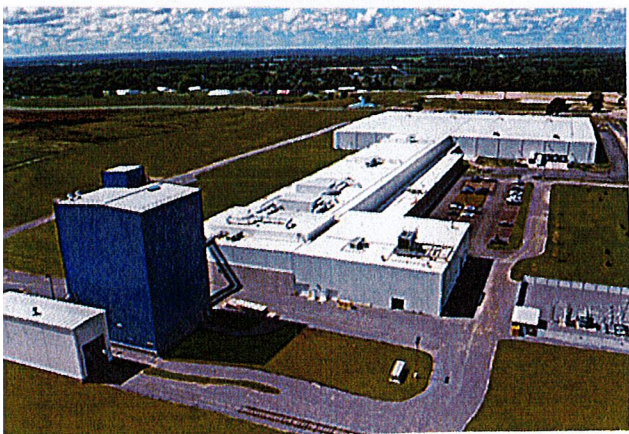
Molly Gaudioso and John Steinmetz from Barton and Loguidice would be attending? Trustee Hayes confirmed. Barton and Loguidice was the Syracuse-based engineering, planning, environmental and landscape architectural firm retained for the update and Gaudioso and Steinmetz would be attending the Village Board meeting.

IV. NEW BUSINESS

A. Noise Abatement

Mayor Thomas W. Freeman

Barilla Pasta, Inc.
100 Horseshoe Blvd; Avon, NY 14414



The Mayor had been down to Barilla the previous week, he told Board members. Rochester Street residents had been complaining about late night sounds associated with unloading semolina (wheat) flour. Barilla unloaded six railroad cars of semolina-a-day and workers had

rubber mallets they used to pound the sides of the cars to get every bit of flour out that they could and cars were coming in 24 hours per day.

Mayor Freeman said he'd walked around the perimeter with Plant Manager Carmine Simone. The Planning Board hadn't had a lot of input when Barilla arrived back in 2007, the Mayor recalled. Berming might be a possible solution, the Mayor suggested.

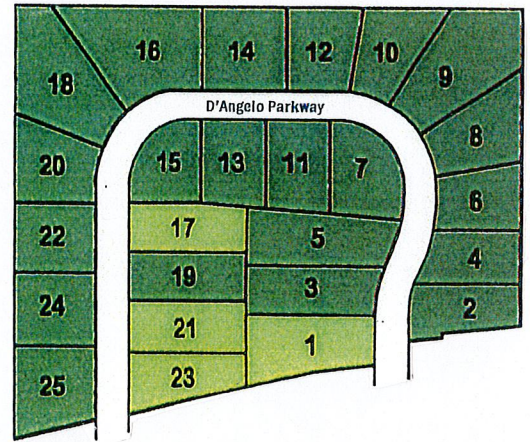
Rochester Street, from Jean Rapone's 391 Rochester Street, down was affected as was Malcolm LaFever's Maple Street neighborhood on the other end. But, Barilla did want to work with the Village, the Mayor stated.

B. North Avenue Heights Sidewalks
 25-Lot Subdivision on D'Angelo Parkway
 Planned in 1997, Dedicated in 2002

Plans for the 25-lot North Avenue Heights subdivision, commonly referred to as D'Angelo Parkway, had been drawn February 12, 1997. The late Samuel D'Angelo, who'd lived at 255 North Avenue, had been the developer. Sidewalks were supposed to go in once the subdivision was 90 percent occupied.

But, there really was no place for sidewalks, Mayor Freeman continued, it was going to cause issues, but the Village was within its rights to say they wanted to grade for sidewalks. The sidewalks could cost Mary J. (Judy) D'Angelo a lot of money and the Mayor doubted she was prepared for it.

Mayor Freeman



The sidewalks would require a lot of earthworks, Mayor Freeman told Board members, adding a berm should have been accomplished early on. Plans for the D'Angelo Park sidewalk have moved from one side of the street to the other – the Village Board had approved that, the Mayor recalled.

The Village could put sidewalks on both sides of the street, they didn't need permission, but they did want a "walkable community," Mayor Freeman asserted.

There had been no sidewalk to Case Park, just south of the subdivision, and that had frustrated him, Mayor Freeman said.

Had a dialogue been started with D'Angelo? Drozdziel asked.

She's been informed, Cappello responded.

The Board had asked Cappello to notify D'Angelo the time had come to install sidewalks December 19, 2013.

They couldn't be shy about it, Mayor Freeman said. The Village had repaved the north end of North Avenue. The south end of Genesee Street had been repaved, too, and speeding tickets were being issued there.

The speed was getting worse on Genesee Street, McCormick, who lived at 252 Genesee Street, remarked.

A public safety conference was being considered for this summer, Mayor Freeman said. The library, at 143 Genesee Street, was a dangerous area, the Mayor continued. There had been talk of making Clinton and Genesee Street a 3-way stop, likewise at Spring and Genesee Street.

What would be the setback for sidewalks around D’Angelo Parkway, Gibson asked, close to the road?

The inside loop, Mayor Freeman responded.

There was an expectation and an edict should be issued to the developer: PUT THE SIDEWALKS IN, Drozdziel said.

As for Barilla, LaFever suggested enclosing the area where the railroad cars were unloaded.

Barilla had agreed to buy some trees, Borkhuis noted.

Barilla was talking about an addition, Cappello said.

C. Kraft-Heinz

Mayor Freeman

140 Spring Street

Shifting gears, McCormick asked if there had been any discussions on Kraft.

Mayor Freeman said it was for sale and that it housed the largest freezer east of the Mississippi. He said he wished someone would buy the plant. Kraft paid a little more than \$48,000 in Village taxes, but, more importantly, \$250,000 in water rents, the Mayor noted.

The property had gone downhill, Drozdziel remarked. He owned a neighboring property, the Mill on Spring Street at 184 Spring Street. The fences were bad, the chairman noted.

D. Area Variance Application

Malcolm & Rhonda LaFever

For 63 Maple Street, Avon, NY 14414

59 Maple Street, Avon, NY 14414

LaFever had purchased the house next door to his, belonging to Patrick Murphy at 63 Maple Street, in March of 2018. The LaFever’s demolished the house in February, 2019. On June 10, they applied for a permit to build a 1,040SF, 1-story, wood frame garage 26-feet wide and 40-feet long.

The property is in an R-1, One Family Residential, district. LaFever proposed building the garage 17-feet back from the front property line and 2-feet in from the side property line. Chapter 30, Section 25, Schedule A, of the Municipal Code, called for a 40-foot front setback and 15-foot side setback.

Parcels were narrow and on an angle on Maple Street, LaFever told Board members. Murphy’s house had come within 1-foot of the side property line. LaFever proposed starting his garage 7-feet from the line, going down to 2-feet, blue steel on the outside with gas heat.

You’re planning on merging the two lots? Drozdziel asked.

That can only be done once a year via an on-line application to the County, LaFever responded.

Can you build an accessory building on a lot with no principal structure? Drozdziel wondered.

Yes, LaFever told him.

Yes, if it's one lot, Cappello countered.

We don't have administrative lot line adjustments in our Municipal Code, Drozdziel pointed out.

Village Atty. Reid Whiting had been in on this and, if you could get it done, thank you, LaFever said.

It would require a subdivision application, Brabant said.

There was a process in our Municipal Code, Drozdziel agreed. As it stood, the Chairman said, LaFever had a property without a house and the question remained, could you build an accessory structure without a primary structure?

That's between the powers that be, LaFever ventured.

You come in, fill out a subdivision application and you're on the agenda for the next meeting, Brabant said.

If LaFever was saying anything to the contrary, he needed to show Drozdziel that's what was in the Code – "all I can go by is what's in the Code," Drozdziel added.

You want to build a "shed," Cappello said, adding he wasn't going to sign the building permit application.

LaFever had discussed consolidation of the parcels with Assessor Tami Snyder. But, McCormick pointed-out, Snyder wasn't part of the process.

We have a "broken process" here in Avon, LaFever charged.

But, Drozdziel encouraged him to start the process, to come in, fill out the application for a subdivision then the Planning Board would review it and conduct a public hearing on it.

You're the authority, LaFever conceded, but said when the Village Attorney had looked at it, told him what he had had to do meanwhile the County and Snyder seemed to be operating under a different set of laws. Snyder, he added, had said she was only accountable to Albany.

Brabant said LaFever had to submit a plat with his subdivision request for a lot line adjustment.

They didn't want to get lawyers involved, LaFever pleaded.

Drozdziel went back to the Municipal Code and said the Village had a subdivision process.

LaFever asked if Drozdziel could see how broken the process seemed to be. He had a builder lined-up and said he was "ready to go" because this endeavor had taken months so far. He suggested he should have left the Murphy house as it was, a "zombie house," and let the Village clean that up.

You cannot build an accessory building on a lot without a house on it, Cappello reiterated.

The Village Attorney had told him, yes, you could have an accessory building on a lot without a house, LaFever disagreed, adding Snyder “didn’t care.”

If you couldn’t, then you would have to have a subdivision, Brabant said.

Mayor Freeman had left the meeting after the Kraft-Heinz discussions. LaFever pulled out his cell phone and told Board members he’d see if the Mayor was still in the area because they had been down this road before.

“We don’t need a subdivision, do we?” LaFever asked the Mayor over the phone, adding, “because that’s what I’m being told.”

Board members maintained they thought the subdivision process in the Municipal Code would work and advised LaFever to follow that.

LaFever left the meeting.

E. Special Use Permit Application
 Chapter 30, Section 61, Article VI – D
 Bed & Breakfast Inns

Douglas & Elaine McCarthy
 310 East Main Street; Avon, NY 14414
 Application No. 19-01

The McCarthys wished to resume bed and breakfast operations at the former Charlton Inn. James and Elizabeth Welch had operated a bed and breakfast there, but their last permit had expired July 1, 2015. The McCarthys submitted a special use permit application with a property map and floor plan. An invitation to the meeting had been sent to them at the 310 East Main Street address they had put on their special use permit application, but letter had been returned.

The Board had intended to review the materials submitted along with inspection reports from Code Enforcement Officer Cappello and Fire Marshal Andrew Anderson then make a recommendation to the Zoning Board of Appeals (ZBA). The ZBA would then conduct a public hearing and hand down a decision.

With the McCarthys absent, Drozdziel suggested the Board table the application.

The Board might better be able to make a recommendation with a “statement of operations” from the McCarthys, something giving hours of operation along with other details, Brabant said.

Margiotta was asked to see if that request could be gotten to the McCarthys along with an invitation for them to attend the July 16 Planning Board meeting.

F. Park Theatre - Jeff & Ann Younger
 71 Genesee Street; Avon, NY 14414

Cappello reported rehabilitation work had begun on the front of the movie theatre. As a historic building, a sprinkler system wouldn’t be required. The only means of egress would be the front door, the Code Officer added.

G. 70 West Main Street

JTS Management, LLC

The former apartment house had been purchased by JTS Management LLC at a Livingston County Foreclosed Real Property Tax Auction July 26, 2018, for \$21,000. JTS Management owned the building to west and had planned on demolishing the former apartment house. Asbestos abatement costs had been a delaying consideration. Cappello told Board members the deadline for demolition was August 1.

V. ADJOURNMENT

MOTION: Borkhuis moved for adjournment at 8:34 PM, seconded by Gibson. Voting in favor were: Drozdzial, Borkhuis, Gibson and McCormick. Voting against were: none.

Gary Margiotta
Deputy Clerk