

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, FEBRUARY 18, 2020  
7:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

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

**GUESTS**

J. Douglas McCarthy  
Elaine McCarthy

**ABSENT**

William Wall

**QUORUM**, 4 Present, 1 Absent

**STAFF**

Lance Brabant, Planning & Environmental Services Director, MRB Group  
Anthony Cappello, Code Enforcement Officer  
Gary Margiotta, Deputy Clerk

**II. APPROVAL OF THE MINUTES**

**MOTION:** Gibson moved for approval of the minutes of the meeting of January 21, 2020, seconded by McCormick. Voting in favor were: Drozdzziel, Borkhuis, Gibson and McCormick. Voting against were: none.

**CARRIED**, 4 Ayes, 0 Nays

**III. OLD BUSINESS**

**A. Special Use Permit Application 19-01**  
Bed & Breakfast at 310 East Main Street  
Charlton Farm

**J. Douglas & Elaine McCarthy**  
310 East Main Street; Avon, NY 14414

The McCarthy's had applied for a special use permit to operate a bed & breakfast at the Charlton Farm, 310 East Main Street, May 29, 2019. The Planning Board had reviewed their application and forwarded a positive recommendation to the Zoning Board of Appeals (ZBA) July 19, 2019. The ZBA had conducted a public hearing August 8, 2020, with no speakers coming forward.

The Village's engineering consulting firm, the MRB Group, had reviewed the application and requested additional information. The Fire Marshal, Code Enforcement Officer, Department of Public Works (DPW) Superintendent and Fire Chief were asked to conduct a follow-up inspection and provide the ZBA with a written account of their findings. Fire Marshal Andy Anderson had indicated their findings were available.

There had been a few changes since the McCarthy's had last been before the Board, Drozdzziel remarked.

Changes had been made to the lights, electric and a bridge on the Charlton, Mrs. McCarthy told Board members, adding Anderson had been by to inspect Tuesday, February 11.

But, the Board didn't have his report and that seemed "pretty unprofessional," McCarthy observed, questioning how it made the Board look and how it made him look.

Drozdziel pointed out the Board had heard nothing from the McCarthy's about pursuing their application after August of last year.

And, Brabant added, the ZBA had conducted a public hearing August 8 then forwarded questions in an August 14 letter. Among other things, the Board had asked the McCarthy's for an updated Statement of Operations. A response had been requested by August 30 or the McCarthy's application might be rejected as incomplete. Their response came in November.

McCarthy forged ahead, saying they had had \$2,000 worth of electrical work done, had trees taken down and had their driveway moved 6-inches to comply with the Village's inspection.

### **Statement of Operations**

#### **Questions Raised**

In their Statement of Operations, the McCarthy's had mentioned the Charlton Farm Bed and Breakfast would be a "part-time" operation, Drozdziel noted.

Well, it would be "full-time," McCarthy countered, but said it would be hard to imagine guests there in December, January, February – maybe even March.

And, Drozdziel followed-up, the maximum number of guests at any one time?

It would be 10, Mrs. McCarthy answered.

The Code said eight adult guests at any one time, Drozdziel responded.

They have five bedrooms at the Charlton, Mrs. McCarthy said. There was a sixth, but that was occupied by a family member.

Aerial views showed a tent area south of the house. Drozdziel asked if the Village required permits for tents.

Cappello said they did not.

How many cars were anticipated? Drozdziel followed-up.

In the 75 to 100 range for weddings, McCarthy answered.

What would you do for bathrooms at such events? McCormick wondered.

They would rent trailers, Mrs. McCarthy answered.

Would there be an employee directing traffic at such events? Brabant asked.

Yes, McCarthy said; they wouldn't want the property damaged, Mrs. McCarthy added.

Do you have two exits in the bed and breakfast? McCormick wondered.

Mrs. McCarthy said they did and McCarthy added they had installed exit and emergency lighting.

Mrs. McCarthy told Board members they had cut down a tree to ensure adequate access over their bridge.

Did they live on-site? Drozdziel inquired.

Yes, they did, Mrs. McCarthy said.

**Application Outcome**

The house to the east of the main house was in “poor shape,” McCarthy told Board members. It had been, but was not now, being used as an apartment.

Should they schedule another public hearing on the application or consider approval based on the McCarthy’s November 1 submissions? Drozdziel asked.

Borkhuis saw no point in another public hearing.

The ZBA had conducted a public hearing August 8, Brabant noted.

“I don’t think we need another public hearing,” McCormick concurred.

Everything has been done and a Certificate of Compliance is ready to be issued, Cappello assured Board members.

The Board would want a letter from Anderson on the inspection and the subsequent re-inspection Village officials had done at Charlton, Brabant said. He asked the McCarthy’s to revise the weddings portion of their Statement of Operations, specifically on the provision of bathrooms.

Future development, such as a craft brewery or tap room, would likely require a traffic study, Drozdziel noted.

Brabant said he would prepare resolutions covering Special Use Permit (SUP) Approval and State Environmental Quality Review (SEQR) regulations. Anderson and Cappello would, meanwhile, prepare a Certificate of Compliance.

**MOTION:** Borkhuis moved for approval of a Special Use Permit for the McCarthy’s, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson and McCormick. Voting against were: none.

**CARRIED, 4 Ayes, 0 Nays**

**Future Development**

**Craft Brewery/Tap Room**

There was a 100-year-old barn on the property, McCarthy told Board members, adding it would be a nice place for a tap room or a craft brewery. Would that be a welcome thing for the Village? he inquired.

McCarthy should contact DPW Superintendent John Barrett to ensure the Wastewater Treatment Plant had sufficient capacity to accommodate a brewery, Brabant advised.

It would be a step-by-step process, Mrs. McCarthy remarked. They would have to bring in an architect for the design then conduct a traffic study.

Drozdziel suggested they may wish to bring in something on the conceptual level, not schematics or designs, just an outline of what they were proposing.

As for food, under the Farm Brewing Act, McCarthy said they would only be required to serve items such as pretzels and cheese, but, if they did go ahead, they anticipated offering food.

And, the tap room might serve coffee by morning and beer by night, Mrs. McCarthy interjected, adding a coffee house was her “thing.” Everything would be in the stables, she said, the brewery, the kitchen and the serving area. She was unsure whether it would operate seasonally or year-round.

The McCarthy’s left at 7:57 PM

**“Change of Use” Signage  
For Public Notification**

The Board had, in the past, discussed posting signs when projects, such as subdivisions, were proposed, giving the public notice beyond a legal advertisement.

Very few people poured over the legals in the Livingston County News (the Village’s legal newspaper), McCormick noted.

Brabant said he could look into where the Village might get signs.

Gibson thought signs would be a good idea, but then asked if the Village would inspect to make sure the signs had been posted – or would the Village put up the signs for applicants?

Beyond those questions, they would also have to look for the verbiage to put on the signs, Drozdziel said.

**IV. NEW BUSINESS**

- A. The Martin-Pole Bridge Road Subdivision, Section 3**  
3-20,000SF building lots  
+ 23.367 acres remaining

**Richard H. Martin**  
22 River Street; Avon, NY 14414

Martin had previously subdivided three 20,000SF building lots from acreage he owned off the west side of Pole Bridge Road (application dated May 16, 2017).

February 13, 2020, Martin applied to subdivide another three 20,000SF building lots off the same acreage, tax map number 34.11-01-65.15.

At what point do you ask the developer for more of a master plan? Drozdziel asked.

There was a sidewalk requirement when you disturbed more than an acre of land, Brabant noted.

Martin’s land bordered: Tom Wahl’s Restaurant, the CVS Pharmacy, the Avon Town Plaza and Hal Bar Road homes.

The Board had seen three lots come (2017) and application made for three more lots (2020), when should the Board ask for drainage improvements? Brabant wondered. The Board may wish to ask Martin to provide a concept plan – not holding him to it.

And, the next step, might be a detention pond, Brabant added.

Would it make sense to send Martin an E-mail, saying the Board wanted an overall, concept plan of his intentions for the remaining 23 acres as well as for drainage? Borkhuis asked.

In 2017, Martin had said some of his remaining 23 acres had been under contract to the PathStone Development Corporation of Rochester. Martin had also said he'd never improve the interior of the property, that it would remain farm land as long as he was alive.

Martin had also said, at the time, his only *concept* was to get another three houses built.

**Miscellaneous**

**A. Vacant Gas Station and J & M Kitchen**  
 425 Wadsworth Avenue, Avon, NY 14414  
 SBL: 34.13-1-21

**Carol Lyttle & Ruby Greer**  
 5256 Avon-East Avon Road  
 Avon, NY 14414

Gibson said he had been by the former J & M Kitchen and gas station next door and it appeared they were putting "more ventilation" into the garage (about one-third of the garage roof had collapsed).

When do they have to do something? Borkhuis asked.

Springtime, Cappello responded (March 19 would be the first day of Spring).

**B. Former Macaroni Factory**  
 234 Rochester Street; Avon, NY 14414  
 John Brooks, resident

**Theresa Baldassare**  
 50 Village Trail  
 Honeoye Falls, NY 14472

There appeared to be more "junk" out front than ever before, McCormick observed.

The building was up for sale, Cappello responded.

**C. Avon Park Theater, LLC**  
 71 Genesee Street; Avon, NY 14414  
 Examination Upcoming

**Ann Younger**  
 93 High Street  
 Avon, NY 14414

The theater was being rehabbed. Cappello said he was supposed to examine it in the near future.

**V. ADJOURNMENT**

**MOTION:** Borkhuis moved for adjournment at 8:53 PM, seconded by McCormick. Voting in favor were: Drozdzial, Borkhuis, Gibson and McCormick. Voting against were: none.

**CARRIED, 4 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk