

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, JULY 21, 2020  
7:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

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

**ABSENT**

William Wall

**QUORUM:** 4 Present, 1 Absent

**STAFF**

Anthony Cappello, Code Enforcement Officer  
Gary Margiotta, Deputy Clerk

**REMOTE**

John Barrett, DPW Supt.  
Robert Hayes, Village Board Liaison  
Jacob Whiting, Village Attorney

**II. APPROVAL OF THE MINUTES**

**MOTION:** Gibson moved for approval of the minutes of the meeting of February 18, 2020, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, Gibson and McCormick. Voting against were: none.

**CARRIED:** 4 Ayes, 0 Nays

**III. OLD BUSINESS**

Nothing pending.

**IV. NEW BUSINESS**

**A. Craft Brewery**

300 East Main Street, Parcel 34.7-1-40.11  
Avon, NY 14414

**J. Douglas & Elaine McCarthy**

PO Box 204  
Avon, NY 14414

300 East Main Street, Parcel 34.7-1-40.11, was a 29.97 acre parcel in an Agricultural (AG) District. The applicant had proposed converting a barn into a craft brewery. An overview was sought to guide a more detailed zoning and planning evaluation.

Drozdziel said he had spoken with Elaine McCarthy and they weren't prepared to present an overview that evening, but would do so at the August 18 Planning Board meeting.

**POSTPONED**

**B. North Avenue Heights, sidewalks**

D'Angelo Parkway, 25 lot subdivision  
Avon, NY 14414

**Mary Julia (Judy) D'Angelo, Developer**

255 North Avenue  
Avon, NY 14414

The Village Board accepted final dedication of the subdivision September 23, 2002. The developer (originally Samuel D'Angelo) had agreed to install sidewalks when 85 percent (22) of the parcels had sold; that threshold had been reached seven years ago.

### **Public Hearing Planned for August 18<sup>th</sup> Planning Board Meeting**

Cappello said there was no issue, in 2002 the Board had been given the rights to do sidewalks and the matter had been in the Village's hands since then. The Village, he added, had rights-of-way on both sides of the road. The plan was to lay the sidewalk next summer, according to the original site plan, on the west side of the road.

Plans called for a public hearing on the sidewalk at the August 18 Planning Board meeting, but McCormick questioned the purpose of conducting a hearing on a matter that couldn't be disputed.

The Village, Trustee Hayes said, could put the sidewalks wherever they'd best fit.

But, the Village couldn't put the sidewalks on the outside of the D'Angelo Parkway loop because of where the streetlight poles were located, McCormick contended.

Drozdziel wondered what the dimensions of the Village's right-of-way were.

The Planning Board had approved the North Avenue Heights site plan, Whiting recalled. They'd had a location for the sidewalk and a \$40,000 bond from D'Angelo. Then, 18-years after the Village Board accepted final dedication of the subdivision, the bond was still there and so was the planned location of the sidewalk.

The Village Attorney advised the Board to go ahead with the public hearing offering attendees the specific layout of where the sidewalks would go. The hearing, he added, would allow subdivision residents an opportunity to air their grievances. When deviating from a subdivision plan, property owners should have that right, he told Board members.

No one may recall why the D'Angelo's didn't install sidewalks or why the Village hadn't liquidated the bond and put them in, Whiting said.

### **Flyers, Flags and A Drawing**

In addition to the legal advertisement for the public hearing, Barrett suggested the Village put flyers on doors and flags where the sidewalk would be.

It'd be nice to have a drawing, Drozdziel added. He wondered if the Village had engaged their consulting engineers, the MRB Group, to do that. Drozdziel also asked Whiting if he'd ever done anything like this before, come back 20 years later and said sidewalks were going to go through property owners' yards?

Whiting conceded he hadn't and suggested that might be a good reason to jump through the extra hoops. He suggested:

1. Displaying the original subdivision map
2. Displaying the MRB modification, and
3. Laying-out the rationale for the location of the sidewalk

Walkability and causing the least disturbance possible to the landscape should be emphasized and, Whiting added, a public hearing might be the best way to tie-up those loose ends.

Barrett said both he and Cappello had gotten “push-back” when they’d walked around D’Angelo Parkway. Residents up there didn’t want sidewalks – period, he told Board members.

Shifting gears slightly, Whiting said they could have an “informational meeting.” Would everyone be happy? No, but they’d have a better understanding, he reasoned.

What was the overall plan for sidewalks in the area? Drozdziel asked. Would the D’Angelo Parkway sidewalk connect to anything?

There was a sidewalk on North Avenue at the south end of D’Angelo Parkway, Barrett responded.

They might do well to explain the “entire plan” so, it didn’t seem as if they were just singling-out the North Avenue Heights subdivision, Drozdziel said, explain the walkability aspects with the sidewalks on North Avenue.

Good idea, Paul, Trustee Hayes agreed.

Frame their dialogue accordingly, Whiting added. If a subdivision resident complained about the Village putting a sidewalk in his front yard and asked if could they do that, the answer would be, yes.

### **Planned Connectivity With Case Park**

Gibson asked if there were any “planned connectivity” with Case Park south of the North Avenue Heights subdivision on Reed Street.

Barrett said the Village didn’t have any plans to put a sidewalk there, but they did have an easement along Patrick and Catherine Clancy’s property at 127 D’Angelo Parkway.

Borkhuis said she didn’t want to sugar coat anything, she had relatives on D’Angelo Parkway and she knew how they felt about the sidewalk.

They weren’t picking on anyone, Drozdziel responded, adding they did have a plan for a “walkable community.”

To some extent, the Village’s hands were tied – to liquidate D’Angelo’s \$40,000 bond and put the sidewalk in, Whiting said.

When he was up on D’Angelo Parkway years ago, Cappello said he’d had trouble with all the residents.

Conversely, McCormick said it’d be interesting to see how many residents up there were just “dying” for sidewalks.

They might never have a consensus, Drozdziel conceded.

Over the years, several sidewalk plans had been discussed. Barrett said he never understood the notion of putting a sidewalk in for safety, but then having it cross the road twice.

For the sake of continuity and safety, the sidewalk should be on one side of the street, Trustee Hayes asserted. And, as for connectivity to Case Park, the Trustee noted kids walking to school probably cut through to the park then continued south on High Street to the school.

**Get a Drawing First;  
Get in Touch with MRB**

Get the drawing first, McCormick stressed.

Drozdziel agreed, saying the Village should get in touch with MRB.

I'll take care of that, Barrett volunteered.

. . . then hold the informational meeting or public hearing, Drozdziel followed-up, just advertise it or do more outreach, that might be a September or October sort of thing. At what level should we package this, just advertise or send notices? the Chairman asked.

If residents had no choice in the matter, why have a public hearing? Borkhuis asked.

If you didn't have a public hearing, Whiting responded, then someone who'd bought property in the subdivision, and had the Village deviate from the subdivision plan, that property owner might have a cause for action.

We do need a sketch, Drozdziel reiterated then asked if this needed to go before the Livingston County Planning Board.

Whiting said he would look into that.

McCormick got back to Borkhuis' point, suggesting a public hearing might be something of a "tease" if residents felt they could sway the Village's decision on whether or not to put in a sidewalk.

You'll never get a consensus from all those people, Drozdziel reiterated.

If enough residents complained, the Village might be forced back to the drawing board, Whiting suggested, but added a public hearing or informational meeting might offer them some protection against potential litigation.

**Back to the Brewery;  
"Significant Industrial User Permit"**

Barrett had given the McCarthy's the nod for wastewater treatment plant capacity, Drozdziel remarked.

They'll do less than other breweries, Barrett said, still he wanted to know, in writing, the quantity and strength loading, the McCarthy's anticipated. He didn't foresee a problem, but the McCarthy's would need a "significant industrial user permit," he said.

**Demolition Completed;  
Former Gas Station Garage  
At 425 Wadsworth Avenue**

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

Demolition of the former gas station garage at 425 Wadsworth Avenue had been completed, Cappello told Board members.

**V. ADJOURNMENT**

**MOTION:** McCormick moved for adjournment at 7:55 PM, seconded by Gibson. Voting in favor were: Drozdzial, Borkhuis, Gibson and McCormick. Voting against were: none.

**CARRIED:** 4 Ayes, 0 Nays

Gary T. Margiotta  
Deputy Clerk