

**MINUTES FROM A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, NOVEMBER 17, 2020
7:00 PM, VILLAGE HALL**

I. ATTENDANCE

Marilyn Borkhuis, Acting Chairperson
John Gibson
Robert Hayes
William Wall

GUESTS

Douglas Hayes, James H. Missell & Associates

STAFF

Sherman Gittens, Civil Engineer I, MRB Group
Gary Margiotta, Deputy Clerk

ABSENT

Paul M. Drozdziel, Chairman, COVID quarantine
Anthony Cappello, Code Enforcement Officer
Patrick McCormick, Village Board Liaison

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for approval of the minutes of October 20, 2020, seconded by Wall. Voting in favor were: Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

**A. North Avenue Heights Subdivision
Sidewalk Relocation**

**Public Hearing
Opened Tuesday, October 20, 2020**

Village Attorney Jake Whiting had filed the APPLICATION TO VILLAGE PLANNING BOARD at Village Hall. The application noted the Planning Board had the ability to grant variances and waivers from strict compliance with the subdivision regulations contained in Chapter 31 of the Municipal Code.

If the Planning Board found extraordinary and unnecessary hardships could result from strict compliance with the subdivision regulations, the Board could vary the regulations so substantial justice might be achieved and the public interest secured.

The public hearing had been opened at the meeting of October 20, 2020, held open and would resume at the meeting of December 15, 2020, Borkhuis announced.

**B. Wall River Street Subdivision
117 River Street, Avon, NY 14414
Tax Map #34.5-1-4.11
Zoned Agricultural with Special Flood Hazard Overlay**

**William J. & Jill C. Wall
111 River Street, Avon, NY**

Wall's home was on a 106-foot X 202.25-foot parcel, zoned Agricultural with Special Flood Hazard Overlay, at 111 River Street. He owned an adjoining 7.867 acres, likewise zoned Agricultural with Special Flood Overlay, at 117 River Street. Wall had proposed subdividing the 117 River Street parcel into three lots: 4.726 acres, 3.033 acres and 0.680 of an acre.

All persons supporting this application or objecting thereto would be heard. Persons may appear in person or by agent or attorney.

Wall had originally applied for a 2-lot subdivision on the presumption the third lot, roughly 20-feet X 235.1-feet on the south side of his 111 River Street parcel, would simply be a lot line adjustment, but, at the last meeting, Drozdziel had pointed out the Village didn't have administrative lot line adjustments in its Municipal Code. As such, Wall's application and maps should be amended to reflect a 3-lot subdivision.

The Planning Board should look at the revised version of Wall's subdivision map before proceeding with the public hearing, Gittens advised.

The subdivision map showed an asphalt drive and a proposed gravel drive. The existing (asphalt) drive would go to the south lot? Gibson inquired.

There was a bend at the west end of that drive that went around to the north lot, Douglas Hayes noted. That would be removed and there would, ultimately, be separate drives, one for each lot.

The zoning wouldn't change? Robert Hayes asked.

No, Douglas Hayes responded, they would remain Agricultural.

Hearing Opened

No Members of the Public Present

MOTION: Hayes moved to open the public hearing, seconded by Gibson. Voting in favor were: Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

There were no members of the public present. No comments were received.

Hearing Closed

No comment received

MOTION: Gibson moved to close the public hearing, seconded by Wall. Voting in favor were: Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

LEGISLATION

**A. SHORT ENVIRONMENTAL ASSESSMENT FORM
PART 2 – IMPACT ASSESSMENT**

The form asked eleven questions designed to determine if the subdivision would cause a negative impact, Gittens explained. The driveways, he noted, would improve the aesthetic and function of the subdivided lots. The only possible red flag would be, if access to water were denied, but that was not the case, the engineer assured members.

Board members agreed the answer to all eleven questions should be "no."

B. SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION

Hayes offered the following *SEQR Determination of Significance Resolution*, which stated:

WHEREAS, the Board had determined the subdivision plan was an “*Unlisted Action*” under Part 617 of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Board had determined the subdivision was subject to a “*single agency review*” under Part 617.6(b)(4) of SEQR; and the Board had determined it was the most appropriate agency for making the determination of significance under SEQR regulations; and

WHEREAS, the Board had determined it was the most appropriate agency for making the determination of significance thereon under SEQR regulations; and

WHEREAS, the Board had considered the criteria for determining significance in Section 617.7©(1) of SEQR regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Board had also completed Parts 2 and 3 of the Short Environmental Assessment Form (EAF); and

NOW, THEREFORE, BE IT RESOLVED the Board had reasonably concluded the following impacts were expected to result from the subdivision, when compared against the criteria in Section 617.7©:

1. There would not be a substantial, adverse change in air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. There would also not be:
 - A. Large quantities of vegetation or fauna removed from the site or destroyed as a result of the subdivision;
 - B. Substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the subdivision;
 - C. A significant impact upon habitat areas on the site;

There were no known threatened or endangered species of animal or plant or the habitat of such species; or were there any other significant adverse impacts to natural resources on the site.
3. There were no known CRITICAL ENVIRONMENTAL AREAS on the site which would be impaired as the result of the subdivision.
4. The overall density of the site was consistent with the Village’s Comprehensive Plan land use recommendations.
5. There were no known important historical, archeological, architectural or aesthetic resources on the site or would the subdivision impair the community or neighborhood character.
6. There would not be a major change in the use of the quantity or type of energy resulting from the subdivision.
7. There would not be any hazard created to human health.

8. There would not be a substantial change in the use or intensity of use of land including open space or recreational resources or in its capacity to support existing uses.
9. There would not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the subdivision.
10. There would not be created a material demand for other actions that would result in one of the above consequences.
11. There would not be changes in two or more of the elements of the environment that, when considered together, would result in a substantial adverse impact.
12. There were not two or more related actions which would have a significant impact on the environment.

Based on the above information, analysis and supporting documentation, the Board determined the Wall River Street Subdivision WOULD NOT result in any significant adverse environmental impacts:

RESOLVED, the Wall River Street Subdivision would not result in any significant adverse environmental impacts; and

RESOLVED, the Board directed the Chairperson to sign and date Part 2 of the *Short Environmental Assessment Form* and to identify on the form the subdivision would not result in any significant adverse impacts; and

RESOLVED, THE Board direct copies of this determination be filed as provided under SEQR regulations.

Gibson seconded the resolution. Voting in favor were: Borkhuis, Gibson and Hayes, voting against were: none with Wall abstaining.

CARRIED, 3 Ayes, 0 Nays, 1 Abstention

C. SUBDIVISION PLAN APPROVAL RESOLUTION

Gibson offered the following *Subdivision Plan Approval Resolution*, which stated:

WHEREAS, the Planning Board had considered *FINAL SUBDIVISION PLAN APPROVAL* for subdivision of the parent parcel containing 7.867 acres to create:

- A. Lot R1A at 4.726 acres, containing an existing framed barn and gravel driveway
- B. Lot R1B at 3.033 acres
- C. Lot R2 at 0.680 acres

Prepared by James H. Missell and Associates, dated October 2020, revised November 16, 2020, and all other relevant information submitted as of November 17, 2020 (the current application); and

WHEREAS, the Board opened a public hearing and completed a formal review of the subdivision in compliance with the implementing regulations of SEQR; and

WHEREAS, the Board determined the subdivision to be an *Unlisted* action and was subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR regulations; and

WHEREAS, on November 17, 2020, the Board made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

NOW, THEREFORE, BE IT RESOLVED the Board hereby approved the subdivision plan with the following conditions:

1. Subdivision Plan Approval with conditions specified above herein would be valid for a period of 180 days from today. Once all conditions of the Subdivision Plan Approval have been met and shown on revised drawings, including the revision dates, the Planning Board Chairperson will sign the plans.
2. The required application documents would be revised by the applicant to accurately reflect the 3-lot subdivision and the proposed acreage of each lot as represented on the Final Subdivision Plan discussed at the Board meeting held on November 17, 2020. This also includes the Short Environmental Assessment Form Part 1.

Seconded by Hayes. Voting in favor were: Borkhuis, Gibson and Hayes. Voting against were: none with Wall abstaining.

CARRIED, 3 Ayes, 0 Nays, 1 Abstention

*Formal, signed copies of the legislation approved by the Board are attached.

**C. Solar Development in the Village;
Further Discussion**

Drozdzial had raised the prospect of solar development in the Village at the Board’s meeting of October 20, asking members if they felt the subject merited further discussion.

Drozdzial had written to Angela Ellis, Director of the Livingston County Planning Department, and was waiting to hear back from her, Borkhuis related.

**D. Traffic Safety Study
Planning Board may see some issues**

As a heads-up, Gibson told Board members a *Traffic Safety Study* had been presented at the Village Board meeting Monday, November 16. The study took in Routes 5&20. The Planning Board might see some issues coming out of it, Gibson said, signage perhaps. The study had also touched on a possible entrance to Avon Central School off Pole Bridge Road.

**E. North Avenue Heights Subdivision
Sidewalk Relocation**

The Board had conducted a public hearing on relocating sidewalks on D’Angelo Parkway (*the North Avenue Heights Subdivision*) at a meeting October 20. An application from the Village Board to the Planning Board to review the location for the sidewalks selected by the Department of Public Works and the MRB Group (*Village Engineers*) hadn’t been available for public review as the public hearing notice had stated so, the Board kept the public hearing open; the hearing will be resumed at the meeting of December 15.

D'Angelo Parkway is a dedicated street and the Village does have a right-of-way on either side, Gittens noted. Some had suggested putting a walkway in the street rather than in the right-of-way and that could be done, Gittens said, although more safety measures would be required.

The Village Attorney had felt it would be best to leave the hearing open, Borkhuis commented.

Everyone there lived in the Village, Gittens said, so, they were all "stakeholders" as were the residents on D'Angelo Parkway. As indicated, the hearing would resume December 15.

IV. NEW BUSINESS

Nothing pending.

V. ADJOURNMENT

MOTION: Wall moved for adjournment at 7:50 PM, seconded by Gibson. Voting in favor were: Borkhuis, Gibson, Hayes and Wall. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk