

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, MARCH 15, 2022
7:00 PM, VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis
John Gibson

ABSENT

Robert C. Hayes
William Wall

STAFF

Lance Brabant, MRB Group
Patrick McCormick, Village Board Liaison
Gary Margiotta, Secretary

GUESTS

Gregory W. McMahon, PE
McMahon LaRue Associates, PC
822 Holt Road; Webster, NY 14580

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for approval of the minutes of the February 15 Planning Board meeting, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

IV. NEW BUSINESS

A. Subdivision Preapplication Meeting

Pole Bridge Road Subdivision 4
2.82 acres; zone Agricultural (AG)
6-lot subdivision

Katherine A. Martin

560 Harvard Street; Rochester, NY 14607

Gregory W. McMahon, PE

McMahon LaRue Associates, PC, Webster

**Owner of the
Property Clarified**

McMahon had sent a letter to the Board February 24, 2022, saying he was preparing a subdivision plat and site plan for property owner, **Richard Martin**, and, when introduced, he said Martin couldn't be there because of ill health.

McMahon had also provided the Board with a subdivision map, printed February 24, 2022, that identified **Richard Martin** as the client, but shortly after the meeting began McMahon said Martin didn't own the property anymore, that his daughter, **Katherine**, had taken ownership.

The property was a 2.82-acre strip, beginning at Aaron's Auto Body, 20 Pole Bridge Road, and continuing south for 622 feet. County property tax records showed Martin had given his daughter the property May 19, 2021.

According to the map McMahon had provided, Martin wanted to divide her 2.82-acre strip into six lots. The first lot, closest to Aaron's Auto Body, would be 122.53 feet X 200 feet. The next five would all be 100-foot X 200-foot or 20,000-square-foot lots.

Sidewalks? Yes or No?

McMahon described the meeting with the Board as a *“concept meeting,”* a subdivision application hadn’t been filed. McMahon had heard the Village would require sidewalks. He asked if the Village preferred sidewalks in the right-of-way or along the frontage with an easement.

In the right-of-way, Brabant responded, but quickly added they should check with the Department of Public Works (DPW) before making any final decisions.

A 5-foot-wide sidewalk then? McMahon asked.

With a 7-foot to 10-foot easement, Brabant added.

Tom Wahl’s Restaurant

Owns 5.836-acres Due West

From a grading standpoint, McMahon noted Martin’s land sloped back towards Tom Wahl’s Restaurant at 283 East Main Street.

Keith Herman of Wahl’s (*aka Bill Gray’s*) had asked to subdivide 5.836-acres from a 24.74 acre parcel Richard Martin owned December 8, 2020. The subdivision was approved February 16, 2021. Martin then gave that land to his daughter, Katherine, March 10, 2021, she, in turn, sold the land to Bill Gray’s March 30, 2021.

The 5.836 acres was behind Tom Wahl’s Restaurant and had a 60-foot-wide access/utility easement onto Pole Bridge Road. The access lane was at the south end of the strip Martin wanted to subdivide.

The front of Martin’s new building lots would be elevated 2 percent above Pole Bridge Road, McMahon went on. The back would remain low and the houses would have walk-out basements, the engineer told Board members.

Drainage Issues

Wahl’s & CVS

Were there drainage issues? McMahon said they had a 12-inch corrugated metal pipe (CMP) culvert at the south end of the property.

But, that culvert was handling significant drainage from the solar field (*on Howlett property east of Pole Bridge Road*), Brabant pointed out, adding the Planning Board would be looking for rain-guarding or dry wells on Martin’s new lots to reduce the run-off impact on Wahl’s property and the next property to the west, CVS Pharmacy at 277 East Main Street.

McMahon raised the prospect of preparing a stormwater/pollution prevention plan (SWPPP).

There were significant drainage issues to the rear of Martin’s property, Brabant pointed out, their goal would be to reduce the quantity of water draining there.

Fifty percent of the water would be draining towards Pole Bridge Road, Drozdziel noted.

With the front of the lots elevated 2 percent above Pole Bridge Road, driveways would be sloped towards Pole Bridge Road, McMahan agreed. There was no swale along the west side of Pole Bridge Road (*in front of Martin's proposed lots*), he noted, but added, there would be swales between the houses.

What sized houses would Martin be building? Drozdziel asked.

Eighteen hundred square feet, 2-story houses with walk-out basements, McMahan answered, adding they could have a ranch in there.

What about a retention pond at the rear of the property? McCormick asked.

That would have to be in someone's backyard, McMahan observed.

I just see water running, uncontrolled, towards Bill Gray's property, McCormick said, adding, where we already have a problem.

Does the ditch between Aaron's Auto Body and Martin's property run down to Wahl's and CVS, too? Gibson asked.

Rain events were becoming more common, McCormick observed, and this was becoming a hot spot. You don't have to put a retention pond in.

Per the regs, McMahan agreed.

Would the subdivision add run-off to the neighbors? Drozdziel asked. The question came back to was there an overall change in the run-off?

There would be because the new houses would increase the area covered by impervious development, McMahan said.

Alternatives Suggested:

Enlarge the Lots, Add Dry Wells

What about the size of the lots? Drozdziel wondered, if you enlarged the lots, you'd have less impervious surface.

If you reduced the subdivision from six lots to five lots and used the sixth lot for drainage, Brabant followed-up.

What's on the subdivision map was per Village Code, McMahan said, adding they weren't there to solve someone else's problems. A 4,000-gallon dry well on each lot would put the cost above what the average homeowner would want to pay.

Any issues with backing out onto Pole Bridge Road? Drozdziel wondered.

Homeowners could put bump-outs in their driveways, although, they'd be relatively short driveways to begin with, McMahan responded.

If someone bought a lot, couldn't they put their house anywhere on the lot they wanted with as long a driveway as they wanted? Borkhuis questioned.

They would have to come to the Village for their building permit, McMahon began, adding a longer driveway would mean going downhill and running water towards the front wall of the house.

Sidewalks: A Must

Sidewalks were *“a must,”* Drozdzial declared. They must be installed during construction as part of the build-out, 5-foot concrete sidewalks, he added. And, Drozdzial continued, he was concerned about drainage, wondering if there was a *“sweet spot.”* Could you drop a house out, go with larger lots and control drainage that way? he asked the engineer.

McMahon left at 7:43 PM.

We do want to see more housing and affordable housing, Gibson stated, but emphasized drainage was a consideration.

They’d received some conflicting information tonight and some of it had been surprising, Drozdzial remarked.

The Board will know more when Martin filed her subdivision application, Brabant said.

III. OLD BUSINESS

A. Solar Projects

Gibson, Committee Chairman

Recommendations taken

From Town of Avon Code

Drozdzial had submitted *“draft recommendations”* for solar legislation for the Village. Much of what he’d given the Board had been plagiarized from the Town of Avon’s Code, the Chairman confessed. Drozdzial was a Town Councilman.

His recommendations had been broken down into *“permitted”* and *“not permitted”* sections, Drozdzial explained.

Gibson had looked over the Town of Lima’s Code and noted Lima had addressed glare from building-mounted solar energy systems.

When talking about *“on-site consumption,”* you’d be limiting the party benefitting from the solar energy system to the private entity that owned the land, Brabant remarked.

And, with roof-mounted solar energy systems, on-site consumption, or credit for on-site consumption, should go to a building, single-family residence, multiple family residence, business or farm, Drozdzial said.

Ground-Mounted Solar:

Yes or No?

Do we want ground-mounted solar in the Village at all? McCormick asked.

You wouldn’t want 15-foot solar panels at the rear of a property, Brabant speculated, adding the Board might want to make ground-mounted solar energy systems subject to site plan review.

How about pole-mounted solar panels? Drozdziel followed-up. Did they want to allow those in someone's backyard?

We might want to consider setback requirements with those kinds of systems, Gibson said.

I could just see yards being riddled with solar panels years down the road, McCormick said.

With roof-mounted solar energy systems, a company typically came in and bought back excess energy, Gibson noted, pointing out all their terminology had been geared towards on-site consumption.

I don't think we want ground-mounted solar in backyards, McCormick said, asking Brabant if he could think of any village that allowed that.

Most ground-mounted solar energy systems were outside villages, Brabant conceded, adding he couldn't think of a single village that allowed them.

Solar technology was going to become more and more efficient, Gibson believed, and solar panels would wind up getting smaller and smaller much the way television dishes had.

Would he want to see ground-mounted solar in his neighbor's yard? Gibson asked. No, but did the Board want to reach the point where they were discouraging solar? Bottom line: there were very few places in the village where you could set-up ground-mounted solar panels.

Towns tended to regulate such systems with site plan review, Brabant said.

Were solar panels worse than a shed or a motor home? Gibson asked.

They didn't seem to be in agreement on ground-mounted solar energy systems, Drozdziel remarked, asking if they were on building-mounted.

Borkhuis said she was.

As for roof-mounted, Drozdziel suggested no solar panels on the street-side of a house. Otherwise, he asked if Board members were ok with roof-mounted panels.

Borkhuis and Gibson said they were.

As for ground-mounted, Drozdziel suggested not allowing ground-mounted panels with the intent of selling power back to the grid. They should word-smith no commercial ground-mounted solar energy systems into their recommendation to the Village Board.

They should edit their document, take a final look at other municipalities' solar legislation then give the Village Board their final outline. Drozdziel encouraged Board members to work on their own.

B. Comprehensive Plan

Drozdziel, Committee Chairman

There was no further discussion on the Board's update of the Village's comprehensive plan.

C. Miscellaneous

“Wheat-to-Bones” Subdivision

Process Complete

The “Wheat-to-Bones” subdivision (*involving Gary Wheat and Francis B. Matusak, Jr.*) at 66-68 Rochester Street had been filed with Livingston County Clerk Andrea Bailey and was considered complete. The subdivision gave a 40-foot X 29-foot parcel at the rear of Wheat’s 66-68 Rochester Street property to Matusak to allow Matusak’s tenants access to the rear of his 64 Rochester Street apartment building, from Cemetery Street.

Crooked Barn Brewery

Municipal Sewer Connection

Brabant had reached out to J. Douglas and Elaine McCarthy, 310 East Main Street, about a municipal sewer connection at the craft brewery they’ve proposed. The McCarthy’s were on a septic system, but Brabant had told them, if they were within 100 feet of a municipal sewer line, they must be connected.

Opera Block

Bid Opening

The Town of Avon planned on renovating the Opera Block (*third floor of Town Hall*) at 23 Genesee Street. The project had been advertised, according to Drozdziel, but the Town had failed to get any mechanical trade bids – only general contractors – that had delayed the intended start of the project.

The Town had re-advertised, bids would be opened at 2:00 PM Wednesday, March 23, in the second floor conference room at Town Hall: plumbing, heating, ventilating and air conditioning and electrical bids had been solicited.

Court Improvements

Suite Area Planned

Town and Village Court were located at Town Hall. A \$54,000 grant had been received, plans called for construction of a suite area for court-related functions on the second floor of Town Hall, Drozdziel said.

V. ADJOURNMENT

MOTION: Borkhuis moved for adjournment at 8:38 PM, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis and Gibson. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Gary Margiotta
Secretary