

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, SEPTEMBER 20, 2022
7:00 PM; VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
John Gibson
Robert C. Hayes
Kelley Tonra

ABSENT

Marilyn Borkhuis

QUORUM, 4 Present, 1 Absent

GUESTS

Richard M. Martin, 22 River Street, Avon, NY
Gregory McMahon, McMahon LaRue Associates, PC

STAFF

Lance Brabant, Village Engineering Consultant
Gary Margiotta, Secretary
Patrick McCormick, Village Board Liaison

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for approval of the minutes of the meeting of August 16, 2022, seconded by Hayes. Voting in favor were: Drozdziel, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

A. Subdivision Application

Pole Bridge Road Subdivision #4
34.11-1-65.19 zoned Agricultural (AG)
6-lot subdivision, 2.82 acres

Richard M. Martin for Katherine A. Martin
22 River St, Avon, NY 118 Genesee St, Avon, NY
Gregory McMahon, McMahon LaRue Associates PC
822 Holt Rd, Webster, NY

RESUMPTION OF PUBLIC HEARING

A public hearing on the aforementioned subdivision application had been opened at the Planning Board meeting of July 19, 2022. The project had been summarized with McMahon telling the Board Martin wanted to subdivide the 2.82 acre parcel into five 20,000-square-foot lots and a 22,938-square-foot lot.

Martin wanted to build single-family homes with walk-out basements. The homes would be served by public water and sewer and Pole Bridge Road was a dedicated, Town road. The homes would have sidewalks across the front of the lots and be equipped with 110 cubic foot storm water chambers with the roof leaders going into the chambers.

Martin had received an area variance from the Village of Avon’s Zoning Board of Appeals (01-22) on August 29, 2022, allowing single family homes on lots less than 1-acre in an Agricultural district (.459-acre each for lots 6 through 10 and .527-acre for lot 11).

Drozdziel noted the hearing had been left open July 19 and was still open. He called for comments from the public. No members of the public were present. Neither the Board nor the secretary had received any written comments, Drozdziel added.

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

CARRIED, 4 Ayes, 0 Nays

Brabant, CPESC with the Village's engineering consulting firm, the MRB Group, had submitted a comment letter September 16.

SUBDIVISION PLAT:

- 1. Sidewalk Easement:** The comment letter stated a sidewalk easement should be provided along the front of all lots, starting at the right-of-way and extending **10-feet** inward. Maybe only 5-feet would be needed, Brabant suggested, noting the easement was a "just in case" scenario in the event all of the sidewalks couldn't be in the right-of-way.
- 2. Variance Approvals:** All variance approvals should be detailed on the subdivision plan with what the variance was for, the date of approval and any associated conditions of approval – they should also be included on the site plan.

The Zoning Board of Appeals had granted Martin an area variance August 29, allowing lots smaller than 1-acre in an Agricultural District, Brabant said.

SITE PLAN:

- 5. Town Approval:** An approval from the Town of Avon would be required for all work proposed within the Town right-of-way.
- 6. 5-foot sidewalks:** The proposed sidewalk should be 5-foot wide.

According to Municipal Code, the site plan component should be referred to the Village Board with a recommendation from the Planning Board, Brabant said.

The site plan showed culverts between lots 6 and 7 and along lot 11. Brabant said easements should be provided.

- 11. CONSTRUCTION SEQUENCE:** A site/project-specific sequence of construction should be added to the plans for any overall work and a sequence for the individual lots. The construction sequence should be updated and more detail provided, Brabant advised.
- 12. ROCK DAMS – PERMANENT OR TEMPORARY?** The side yard swales should be reduced, if feasible, as they may interfere with the sidewalk easement. Also, are the proposed rock dams permanent or temporary? This should be noted on the plans. If the swales cannot be reduced in length, additional temporary check dams would be required to comply with State Department of Environmental Conservation (DEC) standards.
- 13. LOT PLANS:** A site-specific, typical lot plan should be provided for erosion and sediment controls. This should include construction staging areas, construction entrances, concrete washout areas and topsoil stockpiles fully encompassed by silt fence.

An additional typical lot plan detail should also be provided for utilities/laterals and should note separation requirements between water services and sanitary/storm laterals, locations of cleanouts, curb stops and any other relevant information.

Since the combined disturbance of Martin’s subdivision was less than five acres and since his project involved single-family residential lots, post construction stormwater management practices would not be required as part of the stormwater pollution prevention plan (SWPPP), Brabant told Board members.

Neither Martin nor McMahon anticipated having to bring fill in.

(A copy of the MRB comments letter is attached for reference purposes.)

SHORT ENVIRONMENTAL ASSESSMENT FORM

PART 2 – IMPACT ASSESSMENT

In consideration of questions one through 11, no, or small, impact would likely result from the scale and context of Katherine Martin’s Pole Bridge Road Subdivision #4 *(copy of the form attached)*.

SHORT ENVIRONMENTAL ASSESSMENT FORM

PART 3 - DETERMINATION OF SIGNIFICANCE

The proposed action, Katherine Martin’s Pole Bridge Road Subdivision #4, is consistent with the character of the surrounding neighborhood. The proposed action WILL NOT have a significant traffic, energy use, water supplies, aesthetic resources, natural resources, flooding or drainage or human health effect *(copy of form attached)*.

INTRO R-1

SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION – WHEREAS, at a regularly scheduled meeting of the Village of Avon Planning Board September 20, 2022, Robert C. Hayes offered the aforementioned resolution for adoption *(copy attached)*, seconded by John Gibson. Following discussion, the following voice vote was recorded:

John Gibson	-	Aye
Robert C. Hayes	-	Aye
Kelley Tonra	-	Aye
Marilyn Borkhuis	-	ABSENT
Paul M. Drozdziel	-	Aye

CARRIED, 4 Ayes, 0 Nays

INTRO R-2

SUBDIVISION PLAN APPROVAL RESOLUTION – WHEREAS, at a regularly scheduled meeting of the Village of Avon Planning Board September 20, 2022, John Gibson offered the aforementioned resolution for adoption *(copy attached)*, seconded by Kelley Tonra. Following discussion, the following voice vote was recorded:

John Gibson	-	Aye
Robert C. Hayes	-	Aye
Kelley Tonra	-	Aye
Marilyn Borkhuis	-	ABSENT
Paul M. Drozdziel	-	Aye

CARRIED, 4 Ayes, 0 Nays

POSITIVE RECOMMENDATION ON SITE PLAN: WHEREAS, at a regularly scheduled meeting of the Village of Avon Planning Board September 20, 2022, Robert C. Hayes offered a positive recommendation on the site plan for Katherine Martin’s Pole Bridge Road Subdivision #4 with the aforementioned comments and modifications specified in the MRB comment letter and moved its adoption, seconded by Kelley Tonra. Following discussion, the following voice vote was recorded:

John Gibson	-	Aye
Robert C. Hayes	-	Aye
Kelley Tonra	-	Aye
Marilyn Borkhuis	-	ABSENT
Paul M. Drozdziel	-	Aye

CARRIED, 4 Ayes, 0 Nays

IV. NEW BUSINESS

Drozdziel reported the Avon Free Library had submitted a \$265,000 grant application to the state for:

- Rear parking lot improvements
- Secondary and primary entrance improvements
- Road signage
- Programming space (amphitheater) expansion

Drozdziel told Board members the improvements were part of a \$534,000 project. A decision on the grant application would likely take a year, he added.

V. ADJOURNMENT

MOTION: Gibson moved for adjournment at 8:05 PM, seconded by Tonra. Voting in favor were: Drozdziel, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

Gary Margiotta
Secretary

September 16, 2022

Mr. Paul M. Drozdziel, Planning Board Chairman
Village of Avon
74 Genesee Street
Avon, New York 14414

**RE: MARTIN SUBDIVISION – POLE BRIDGE ROAD
SUBDIVISION & SITE PLAN REVIEW
MRB GROUP PROJECT NO. 0110.10003.000 – PHASE 018**

Dear Mr. Drozdziel,

MRB has completed a review of the submitted Subdivision Plat and Site Plans for the above referenced project, dated June 23, 2022, prepared by McMahon LaRue Associates, P.C. and received by MRB on August 16, 2022. We offer the following comments for the Planning Board's consideration.

Subdivision Plat

1. A sidewalk easement to the Village of Avon should be provided along the frontage of all proposed lots, lots 6-11, starting at the right of way line and extending 10' inward. This easements should also be depicted on the site plans.
2. All variance approvals should be detailed on the subdivision plan with what the variance was for, the date of approval, and any associated conditions of approval. This should also be included on the site plans.

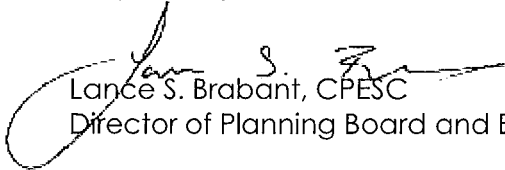
Site Plan

3. The second approval signature line should be for the Village Engineer.
4. Multiple lot labels are shown for each lot, and all are shown overlapping other text. Please clean up the labels and text on the plans.
5. An approval from the Town of Avon will be required for all work proposed within the Town R.O.W.
6. The proposed sidewalk should be 5' wide. Please update the plans accordingly.
7. The site plans and subdivision plat are to be both stamped and signed by a licensed professional.
8. Drainage easements should be provided to the Village of Avon at the following locations: centered on the lot line shared by lots 6 and 7, and along the northern lot line of lot 11, both extending from the front lot line to the rear lot line.

9. The Village Board should consider requiring a condition of Site Plan approval that the developer be required to extend the 12" culvert near lot 11 in a manner satisfactory to the Village and Town of Avon, so as to ensure that it is feasible to continue sidewalk further north along Pole Bridge Road.
10. The slope of the proposed 12" CMP should be noted on the plans. The minimum slope of the 6" HDPE downspout collectors should also be indicated on the plans.
11. A site/project-specific sequence of construction should be added to the plans for any overall work, and a sequence for the individual lots. Also, the erosion control sequence on the plans includes numerous references to features/proposed work not a part of the current project (i.e. pond, storage building).
12. The side yard swales should be reduced if feasible as it may interfere with the sidewalk easement. Also, are the proposed rock dams permanent or temporary? This should be noted on the plans. If the swales cannot be reduced in length, additional temporary check dams would be required to comply with NYSDEC standards.
13. A site-specific typical lot plan should be provided for erosion and sediment controls. This should include construction staging areas, construction entrances, concrete washout areas, and topsoil stockpiles fully encompassed by silt fence. An additional typical lot plan detail should also be provided for utilities/laterals, and should note separation requirements between water services and sanitary/storm laterals, locations of cleanouts and curb stops, and any other relevant information.
14. Sizing calculations should be provided for the proposed stormwater management practices. Has infiltration testing and soil exploration been performed in accordance with the NYSDEC Stormwater Management Design Manual requirements? If so, please provide the results. If not, this will need to occur.
15. The concrete washout area detail should indicate that the minimum dimensions are 8' by 8' by 2', and that the liner shall be replaced whenever the washout is emptied.
16. A typical water service detail should be provided.
17. Please note that as the combined disturbances of this project as part of a larger common plan of development or sale, the project will be required to obtain coverage under the NYS SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. This will also require the preparation of an erosion-control SWFiP. As the combined disturbances are under 5-acres, and as the project is single family residential, post-construction stormwater management practices are not required as part of this SWPPP.

Please feel free to contact our office with any comments or questions you may have in this regard. Thank you.

Respectfully submitted,



Lance S. Brabant, CPESC
Director of Planning Board and Environmental Services

c: Thomas Freeman, Village Mayor
Heather Randall, Village Clerk
Planning Board Members
Ken Farrell, Superintendent of Public Works
Andy Anderson, Fire Marshall

Project: Martin Subdivision

Date: September 20, 2022

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

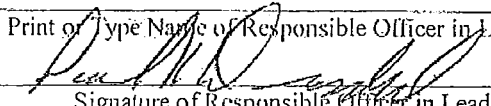
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Martin Subdivision
Date: September 20, 2022

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is consistent with character of the surrounding neighborhood. The proposed action WILL NOT have a significant traffic, energy use, water supplies, aesthetic resources, natural resources, flooding or drainage, or human health. See Attached SEQR Resolution – Determination of Significance

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Village of Avon Planning Board	September 20, 2022
Name of Lead Agency	Date
Paul Drozdzial	Chairperson
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	MRB Group
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

VILLAGE OF AVON PLANNING BOARD RESOLUTION
MARTIN SUBDIVISION – POLE BRIDGE ROAD
6 LOT SUBDIVISION – AGRICULTURAL DISTRICT
SUBDIVISION PLAN APPROVAL

SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION

WHEREAS, the Village of Avon Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Subdivision Plan (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as lead agency for the proposed development above herein; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing 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;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the site is consistent with the Village's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will 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;

VILLAGE OF AVON PLANNING BOARD RESOLUTION
MARTIN SUBDIVISION – POLE BRIDGE ROAD
6 LOT SUBDIVISION – AGRICULTURAL DISTRICT
SUBDIVISION PLAN APPROVAL

SEQR DETERMINATION OF SIGNIFICANCE RESOLUTION

- (ix) there will 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 action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action **WILL NOT** result in any significant adverse environmental impacts.


BE IT FURTHER RESOLVED that the Planning Board directs the Planning Board Chairman to sign and date Part 2 of the Short Environmental Assessment Form and to identify on the Form that the proposed Action will not result in any significant adverse impacts.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

The above Resolution was offered by Robert Hayes and seconded by John Gibson at a regular scheduled Planning Board meeting held on September 20, 2022. Following discussion, a voice vote was recorded:

John Gibson -	AYE
Robert Hayes -	AYE
Kelly Tonra -	AYE
Marilyn Borkhuis -	ABSENT
Paul Drozdziel -	AYE

I, Gary Margiotta, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Village of Avon Planning Board for the September 20, 2022 meeting.

 _____ L. S.
Gary Margiotta, Secretary of the Board

VILLAGE OF AVON PLANNING BOARD RESOLUTION
MARTIN SUBDIVISION – POLE BRIDGE ROAD
6 LOT SUBDIVISION – AGRICULTURAL DISTRICT
SUBDIVISION PLAN APPROVAL

SUBDIVISION PLAN APPROVAL RESOLUTION

WHEREAS, the Village of Avon Planning Board (hereinafter referred to as Planning Board) is considering Subdivision Plan Approval for the subdivision of the parent parcel containing ± 2.822 acres, to create 6 new lots, with Lot 6 at 0.459 acres, Lot 7 at 0.459 acres, Lot 8 at 0.459 acres, Lot 9 at 0.459 acres, Lot 10 at 0.459 acres, and Lot 11 at 0.527 acres as shown on the Subdivision Plan titled “Martin Subdivision” prepared by McMahon LaRue Associates, P.C. dated June 23, 2022 and all other relevant information submitted as of September 20, 2022 (the current application); and

WHEREAS, the Planning Board opened a Public Hearing and completed a formal review of the proposed subdivision in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board has determined the proposed development to be an Unlisted action and is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on August 16, 2022 the Planning Board made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

WHEREAS, the Zoning Board of Appeals approved the requested variance at the August 29th meeting.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby Approves without Conditions; Approves with the following Conditions; or Denies the application for the following reasons:

1. Subdivision Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the plans.
2. The surveyor certification statement is to be signed by the licensed land surveyor prior to submitting the plat for signatures.
3. All variances granted by the Zoning Board of Appeals are to be noted on the subdivision plat.
4. The comments within the Village Engineer’s review letter dated September 16, 2022, are to be addressed prior to signatures.
5. The 5 foot wide sidewalk easement along the fronts of all lots (6-11) is to be identified on the plat prior to signatures.
6. The easement maps, legal descriptions, and boundary descriptions are to be prepared and forwarded to Village Attorney for review and approval.
7. The signed subdivision plat shall be filed with the County Clerk, and proof of filing provided to the Village Clerk, prior to the Final Site Plans receiving signatures.


VILLAGE OF AVON PLANNING BOARD RESOLUTION
MARTIN SUBDIVISION – POLE BRIDGE ROAD
6 LOT SUBDIVISION – AGRICULTURAL DISTRICT
SUBDIVISION PLAN APPROVAL

SUBDIVISION PLAN APPROVAL RESOLUTION

The above Resolution was offered by John Gibson and seconded by Kelly Tonra at a regular scheduled Planning Board meeting held on September 20, 2022. Following discussion, a voice vote was recorded:

John Gibson -	AYE
Robert Hayes -	AYE
Kelly Tonra -	AYE
Marilyn Borkhuis -	ABSENT
Paul Drozdziel -	AYE

I, Gary Margiotta, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Village of Avon Planning Board for the September 20, 2022 meeting.

 _____ L. S.
Gary Margiotta, Secretary of the Board