

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

I. ATTENDANCE

Paul M. Drozdzziel, Chairman
John Gibson
Kelley Tonra

ABSENT

Marilyn Borkhuis
Robert C. Hayes

GUESTS

Richard Martin, 22 River Street, Avon, NY 14414

STAFF

Patrick McCormick, Village Board Liaison
Gary Margiotta, Secretary

QUORUM, 3 Present, 2 Absent

II. APPROVAL OF THE MINUTES

MOTION: Tonra moved for approval of the minutes of the meeting of October 18, 2022, seconded by Gibson. Voting in favor were: Drozdzziel, Gibson and Tonra. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

MOTION: Gibson moved for approval of the minutes of the special meeting of October 24, 2022, seconded by Tonra. Voting in favor were: Drozdzziel, Gibson and Tonra. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

III. OLD BUSINESS

A. Solar Projects

Gibson, Committee Chairman

Rob Richardson, Clean Energy Communities Coordinator for the Genesee/Finger Lakes Regional Planning Council in Rochester, had met with the Village Board and Planning Board Monday, October 24, 2022 at Village Hall.

Tonra began, saying she had liked the conversation, adding it had been good to have someone come in and talk with everyone.

Gibson said he'd gleaned a little bit of information here and there. Solar was going to happen so, Village officials should set up some guidelines to make it happen.

McCormick said he still wasn't a fan of ground-mounted solar and advised they "tread lightly."

Martin believed solar projects belonged on "crappy land" not in the middle of the village.

Avon Central School District has an approximately 8-acre, ground-mounted solar field, just off Clinton Street near property Martin owns and near the middle of the Village.

McCormick said he didn't have a problem with people having solar panels on their roofs.

With storage units, people could put solar panels on those roofs, Martin observed.

McCormick said he wouldn't have a problem with solar panels on "every" roof.

Of course, cost was a consideration, the estimate for installing solar panels on the roof of the 10,000-square-foot Avon Fitness Center had been \$130,000, Martin noted, his family owned the Fitness Center.

IV. NEW BUSINESS

A. Martin Subdivision #2

SBL 34.11-1-85.14; Zoned Agricultural (AG)
 Rear of 243 East Main Street & Hal Bar Road
 Lot #1: 11+ acres; Lot #2: 4+ acres

Richard Martin
22 River Street
Avon, NY 14414

The land had originally been zoned "commercial," Martin claimed.

(Lot #1 in his proposed subdivision had been Agricultural (AG) while Lot #2, which adjoined Avon Town Plaza, had been zoned as General Business (B-2)).

Martin said he didn't know what Village officials had been thinking when they changed the zoning to Agricultural. That land simply wasn't suitable for Agricultural, he contended, pointing out Lot #2 had commercial property on three sides.

Lot #2 was approximately 4.2 acres, Martin told Board members, adding, with a half-acre of that "wasted" on a detention pond.

And you're also asking for a change in the zoning? Drozdziel ascertained. Martin had indicated he, indeed, planned to follow up his subdivision application with a request to have the Village rezone the land from Agricultural (AG) to General Business (GB).

You don't want commercial and agricultural mixed on the same parcel? Martin asked.

Any intention of what you wanted to do with the property? Drozdziel inquired.

"No, no plans at all," Martin responded, reiterating, "No, I got no plans."

The Village owned a strip of undeveloped land, fronting Avon Town Plaza and running behind Quicklee's, Tompkins Bank of Castile and the Avon Gun Shop. On the map, the land was identified as "Dream Valley Boulevard."

Had it been Martin's intention to take Dream Valley Boulevard south to Clinton Street? Drozdziel wondered.

No, Dream Valley Boulevard had been intended to provide rear access so Tom Wahl's and CVS customers wouldn't have to exit onto Routes 5&20, Martin explained.

You're not acting on the zoning question at this point, you're simply talking about dividing the parcel into two lots, Drozdziel sought to confirm.

Martin agreed but said when he first came to the Planning Board he had only been interested in zoning.

The Village had a 20-foot-wide right-of-way through Martin's property to the detention pond, Drozdziel noted.

The Village was required to mow the lawn as part of a maintenance agreement, Martin followed-up. The Village's engineering firm, the MRB Group, had been put in charge of the detention pond project and the Village had stripped the topsoil to build the pond.

The Village had lied to Linda Postler, Martin claimed, Mrs. Postler had owned the property prior to Martin and, according to Martin, Mrs. Postler believed her husband had committed suicide because of his dealings with the Village. Mrs. Postler had always blamed the Village for her husband's death, Martin told Board members.

Dedicated Road Accessibility?

Maybe We Should Go Take a Look

Did Board members want to check out the site before proceeding with a public hearing? Drozdziel asked.

A question on the application raised the issue:

Any new lot created by this subdivision must be accessible by a dedicated road. Is this (are these) lot(s) accessible by a dedicated road? If not, who will be responsible for constructing the road?

Martin had answered that question, "yes."

But Drozdziel pointed out Dream Valley Boulevard wasn't a "built-out" road, the only paved portion was behind CVS Pharmacy at 277 East Main Street.

And, with the question of access having been raised on the form, Tonra suggested Board members go up and look.

The application did ask the question, Drozdziel acknowledged, and he wondered if that would put the onus on the Village to build a road for Martin if the application were approved?

Martin noted he owned land north to East Main Street and south to Clinton Street. He could change his preliminary plat and get access to the lots another way.

Drozdziel said he wasn't going to schedule a public hearing on Martin's application until the Board got clarification on what they had in front of them and what it meant.

"I'm trying to make this simple," Martin declared.

Trustee McCormick agreed with Drozdziel to take a pause until they got some clarification.

Detention Pond:

A Gift to the Village?

"I'd like to rid myself of that pond," Martin remarked, referring to the detention pond behind the Hal Bar Road.

Have you tried to push that and give the pond to the Village? Drozdziel asked.

Trustee McCormick didn't have a "laundry list," but said there were questions.

Martin didn't want his daughter, Katherine, to be saddled with the pond, he explained to Board members.

Table the Application.

Application Withdrawn Nov. 21

Drozdziel suggested tabling Martin's subdivision application until Board members had had the opportunity to visit the site and consider the accessibility issue.

A parting comment, Martin said the Village should own ponds not private citizens. Martin left the meeting at 8:03 PM.

Martin came to the Village office Monday, November 21, withdrew his subdivision application and asked that his \$70 application fee be refunded. The Village Board met that night, Martin was in attendance and the check for his application fee was returned.

V. ADJOURNMENT

MOTION: Gibson moved for adjournment at 8:21 PM, seconded by Tonra. Voting in favor were: Drozdziel, Gibson and Tonra. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk