

**MINUTES OF MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
7:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

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

Patrick McCormick, Village Board Liaison  
Andy Anderson, Code Enforcement Officer  
Sherman Gittens, MRB Group  
Gary Margiotta, Secretary  
Village Clerk Heather Randall

**VILLAGE BOARD**

Thomas Freeman, Mayor  
William Zhe, Deputy Mayor  
Tim Batzel  
Amanda Hoffmann  
Patrick McCormick

**GUESTS**

Peter & Claire Prine, 66 River Street  
Sarah Cope, 177 High Street  
Kitty Bressington, 509 Collins Street  
Collin T. Hayes, 2389 Reservoir Road  
Edward Forsythe, 164 Sackett Road  
James Harrington, 157 East Main Street  
David L. Cox, PE, Project Mgr., Passero Associates

The Village and Planning Boards held a joint public hearing on Jaguar Tubulars site plan review application and special use permit application.

State Environmental Quality Review Act (SEQRA) documents had been distributed, Gittens began, adding a 30-day public comment period was necessary.

**RESOLUTION #1:** Trustee Batzel moved to designate the Village Board as the lead agency on SEQRA, seconded by Trustee McCormick. Voting in favor were: Freeman, Zhe, Batzel, Hoffmann and McCormick. Voting against were: none.

**CARRIED**, 5 Ayes, 0 Nays

**RESOLUTION #2:** Trustee Zhe moved for a determination of significance, seconded by Trustee Hoffmann. Voting in favor were: Freeman, Zhe, Batzel, Hoffman and McCormick. Voting against were: none.

**CARRIED**, 5 Ayes, 0 Nays

**NOTICE OF PUBLIC HEARING**

Trustee Zhe read the notice of public hearing:

**PLEASE TAKE NOTICE** that a public hearing will be held before the Village of Avon Board of Trustees and the Village of Avon Planning Board on Monday, January 22, 2024, at 7:00 PM in Conference Room B at Village Hall, 74 Genesee Street, Avon, New York, on the following matters:

1. Review of the site plan application for the 270,000-square-foot steel fabrication Factory Jaguar Tubulars of Newark, DE, has proposed building on Barilla Drive in Livingston Industrial Complex; and
2. Review of the special use permit application for outdoor storage of steel coils, brought in by rail, for the manufacture of steel pipe for customers at the steel fabrication factory Jaguar Tubulars of Newark, DE, has proposed building on Barilla Drive in the Livingston Industrial Complex.

**MOTION #1:** Trustee Hoffmann moved to open the site plan review portion of the public hearing, seconded by Trustee Zhe. Voting in favor were: Freeman, She, Batzel, Hoffmann and McCormick. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**MOTION #2:** Borkhuis moved to open the special use permit portion of the public hearing, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

How many employees would be working at the plant, 80 to 100? Trustee Batzel asked.

Yes, Cox confirmed, adding scrap metal from the plant would go into a roll-off container then be trucked away.

Both public hearings should remain open, Drozdziel said, adding the site plan would have to be approved before the special use permit.

**PUBLIC COMMENT:**

No comments were received from the public on hand.

Clara Mulligan, a Town of Avon representative on the Livingston County Planning Board, did send written comments to the Planning Board, Clerk Randall noted.

Mulligan had suggested planting native trees and shrubs on Jaguar’s building site. Oaks, she said, supported the most insect and bird species of all native trees. Groups of trees planted near each other provided more benefit for birds than single trees spread out in straight rows while also appearing more natural. Native grasses and floral ground cover, where mowing was only seasonal, would also benefit ground nesting birds, Mulligan reasoned.

Lighting, she continued, should have deep enough hoods on the fixtures to ensure the light was contained downward. Softer, warmer light would also be more attractive and less obtrusive in what would otherwise be a naturally dark area. Employee safety could be achieved by using light poles, she noted.

As for the building’s design, the east-west alignment of the 800-foot building allowed for a south facing roof. The roof, Mulligan said, could be required to be built with strength enough to hold a solar panel array. With the consistent loss of good farmland to solar development, this would be a good chance to make use of a building that would be removing 24 acres of river bottom land to house a large array of panels, she concluded.

The hearing concluded and the Planning Board moved to the Whitney Room.

**II. APPROVAL OF THE MINUTES**

**MOTION #3:** Gibson moved for approval of the minutes of the meeting of December 19, 2023, seconded by Hayes. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**III. OLD BUSINESS – Project Mill**

Jaguar Tubulars Special Use Permit Application for Outdoor Stg Jaguar Tubulars  
David L. Cox, Project Manager, Passero Associates 915 Oglestown Road #3331; Newark, DE 19713



Both Jaguar's site plan and special use permit applications had been referred to the Livingston County Planning Board for review, Drozdziel noted. That body had done so at their January 9 meeting and voted to recommend "APPROVAL" with the following advisory comments:

1. The Village should ensure all necessary notifications were completed at least 10-days prior to the public hearing.
2. Jaguar should provide the site plan review application to the Village Engineer and the NYS Dept of Transportation for their review and approval.
3. Jaguar should submit an AGRICULTURAL DATA SHEET for village review.
4. Portions of the construction site were within the 100-year floodplain. The Village should ensure potential damage was reduced.
5. The SEQRA process should be completed before final action was taken.
6. A potential 65,000SF expansion had been suggested; that would need to be submitted to County Planning for approval.
7. Jaguar should ensure its proposed steel fabrication plant was in conformance with the Village's Flood Damage Prevention Law.
8. Jaguar should ensure their proposed steel fabrication plant met with the satisfaction of the Village and Village Engineer, including comments in the engineer's November 28 group letter.
9. Jaguar should provide landscaping details and ensure the landscaping met requirements in the Village Code.
10. Jaguar should provide signage details for review to ensure its compliance with Village Code.
11. County Planning recommended Jaguar consider the roof be constructed with the possibility of adding rooftop solar panels.

### **Signage, Fencing & Vegetation**

There were no "show-stoppers" in County Planning's review, Gittens remarked. Traffic and vegetation were big parts of their advisory comments. The temporary truck parking area had been removed, he noted. The owner would make an area where deliveries could be made during the day.

The County Planning Board and Mulligan had mentioned rooftop solar, but that wasn't required and would be up to the owner.

Plans had been submitted for adding signs that would direct trucks south to Routes 5&20, Cox said. Fences along Barilla Drive would be the same as Barilla's and their chain-link fences would be black.

They would mix up tree species along Barilla Drive, Cox continued, and there would be a 250-gallon water storage tank in the building for cooling

As for future parking areas and the possible 65,000sf expansion, Jaguar would have to come back to the Village and the County Planning Board for those things.

Had lighting in the rear of the building being updated? Gittens inquired.

Cox said it had; he added there had been no new developments as far as coordination with their electrical provider was concerned.

A final comment on Jaguar’s special use permit application, Cox confirmed most finished product was made to order and shipped upon completion.

**HEARING CLOSED**

**MOTION #4:** Hayes moved to close the public hearing on Jaguar’s special use permit application, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gittens confirmed there would be no deliveries or pick-ups at night. He inquired as to a storage height requirement and how long material could be stored in the yard.

Stacking wouldn’t be higher than a truck or rail car, Cox assured, estimating 8-to-10-feet.

Could the Board stipulate materials wouldn’t stay longer than \_\_\_\_\_ and wouldn’t be stored any higher than \_\_\_\_\_? Tonra asked.

Bokhuis wondered who would police such stipulations.

**SPECIAL USE PERMIT APPROVAL**

**MOTION #5:** Tonra moved to grant Jaguar’s special use permit contingent upon the Village Board’s approval of Jaguar’s site plan, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**IV. NEW BUSINESS**

**Subdivision Introductory Meeting**

66 & 74 River Street

2-lot minor subdivision; VR zoning classification

**Peter L. & Claire Prine**

66 River Street; Avon, NY 14414

Claire Prine said she and her husband, Peter, had purchased the home next door to them (*74 River Street*) last April and had since removed nine dumpsters of material from the property. The lot was 110 feet wide and 542 feet deep, 1.6 acres overall. The Prine’s wanted to leave the lot at 110 feet wide, but shorten it to 260 feet deep and keep the back land for themselves for a garden and fruit trees.

The Prine’s would have to fill out an application for a subdivision and a Short Environmental Assessment Form, Part 1; a letter of consent from the adjoining neighbor wouldn’t hurt either, Drozdziel suggested.

The Prine’s could Google the SEQRA form, that would generate some of the information for them and would give them an EAF Mapper Summary Report as well, Gittens advised.

Then, the Board could review that material next month and schedule a public hearing for their March 19 meeting, Drozdziel said.



**MISCELLANEOUS**

**52 West Main Street**

Formerly Jesse R. Driscoll, Jr.  
Zoned Combination Business (CB)

**Livingston County Land Bank**

6 Court St, Rm 305; Geneseo, NY 14454

The Livingston County Land Bank had purchased a derelict 2-story apartment building from Jesse R. Driscoll, Jr., of Littleville Road last year. Anderson reported the property had been officially condemned and was slated for a “wet demolition” due to its asbestos content.

**Robert Alexander**

Anderson introduced Robert Alexander as the Village’s new Fire Marshal. He said Alexander had been through the training and would be able to perform inspections the same as he.

**New Fire Marshal**

**White Horse Sales & Service**

90 West Main Street; Avon, NY 14414

**Chris Bill, proprietor**

sales lot at 5574 East Avon Rd; Avon, NY 14414

Bill owns and operates White Horse Sales & Service at 5574 East Avon Road. He’d purchased 90 West Main Street from JTS Rochester, LLC, of Victor. Located in a Combination Business District (CB), the property has housed: Anytime Coach, Platinum Limousine and the Beikirch Ford and Kaiser-Frazer auto dealerships.

At the Planning Board’s October 17 meeting, Bill said he planned on installing a white, vinyl, privacy fence around the vacant lot north of the building; cars, he assured Board members, wouldn’t be seen from the road.

Bill proposed doing MECHANICAL WORK ONLY at the garage; no collision work, no detailing and no sales. Bill told Board members he would do oil changes and warranty work for customers then would prep low-mileage, newer model cars bought at auction for sale at his East Avon location.

But, Drozdziel had noticed Bill was storing vehicles in the vacant lot north of the building. An apartment house lay beyond the lot. About 14 cars, trucks and trucks with plows had been parked in the lot. Drozdziel noted the Board had just processed a special use permit for outdoor storage for Jaguar Tubulars. Wasn’t this a similar situation?



Vacant lot north of 90 West Main Street.

**Former Gary Cottone House**

184 Rochester Street; Avon, NY 14414

**Guardian Asset Management**

14405 Walters Rd, Ste 500; Houston, TX 77014

Borkhuis asked who owned the former Gary Cottone house at 184 Rochester Street. Cottone had passed away June 15, 2019. Borkhuis noted the rear door was wide-open. Records indicated the house was a 2-family, owned by Guardian Asset Management of Houston, TX, with more than \$1,000 in outstanding sewer and water bills

**Former Casey McLaughlin House**

141 Reed Street; Avon, NY 14414

**Jared Smith – new owner**

5480 Lake Road; Avon, NY 14414

Borkhuis also asked about a long-vacant house at 141 Reed Street. Casey McLaughlin of 224 North Avenue had owned the house and recently sold it to Jared Smith of 5480 Lake Road. The house had vegetation growing out of the porch roof.

**V. ADJOURNMENT**

**MOTION #6:** Tonra moved for adjournment at 8:24 PM, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Secretary