

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
MONDAY, MARCH 18, 2024
7:00; VILLAGE BOARD**

I. ATTENDANCE

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

ABSENT

Marilyn Borkhuis

QUORUM, 4 Present. 1 Absent

GUESTS

J. Douglas & Elaine McCarthy, PO Box 204, Avon, NY
James Harrington, 157 East Main Street, Avon, NY

STAFF

Robert Alexander, Fire Marshal
Thomas W. Freeman, Mayor
Sherman Gittens, MRB Group
Gary Margiotta, Secretary
Patrick McCormick, Village Board Liaison

II. APPROVAL OF THE MINUTES

MOTION: Gibson moved for the approval of the minutes of the meeting of February 18, 2024, seconded by Tonra. Voting in favor were: Drozdziel, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

A. Application for a Subdivision

66 & 74 River St, Avon, NY (neighboring)
2-lot minor subdivision; VR zoning classification

Peter L. & Claire Prine

66 River Street, Avon, NY

Drozdziel read the public hearing notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF AVON**

PLEASE TAKE NOTICE that a public hearing will be held before the Planning Board of the Village of Avon on Monday, March 18, 2024, at 7:00 p.m. at Village Hall, 74 Genesee Street, Avon, New York, on the following matter:

Peter and Claire Prine of 66 River Street, Avon, New York wish to subdivide a parcel identified as tax map number 34.5-1-22 into two lots: .56 acre and 1.04 acre.

The Village of Avon Planning Board will, at the aforesaid time and place, hear all persons in support of the subdivision application of objecting thereto. Persons may appear in person or by agent or attorney.

Dated: February 20,2024
By Order of the Planning Board
Of the Village of Avon

Paul M. Drozdziel, Chairman

The Prine's did not attend the hearing. The Board had asked them to provide a stamped survey map, they did not. No comments were received from the public. Drozdziel left the hearing open.

B. Crooked Barn Site Plan Review

310 East Main Street; Avon, NY 14414
29.97 acres; zoned Agricultural (AG)

J. Douglas & Elaine McCarthy

PO Box 204; Avon, NY 14414

The McCarthy's had applied for a special use permit to convert a barn on their property into a craft brewery and coffeehouse on March 13, 2023. A public hearing had been opened April 18, 2023, and closed May 16, 2023. On the motion of Hayes, with a second from Borkhuis, a special use permit was granted May 16.

(parking came up at the April 18, 2023, meeting and Anderson said that would be a site plan review discussion)

(At the July 18, 2023, meeting it was noted the McCarthy's had reached out to Department of Public Works (DPW) Supt. Ken Farrell for a sewer connection. The Board had said the project would require site plan approval.)

At 2:55 that afternoon, Monday, March 18, the McCarthy's followed-up with a 1-page site plan. Chapter 30, Article XII, of the Village's Municipal Code covered site plan review. A checklist was in Section 30.123. Any application developed from the checklist was supposed to have been stamped and signed by a professional, Gittens pointed out.

Among the things the Board would be looking for would be site contours, parking area detail, outdoor storage, lighting and signage, Gittens added.

But, all those things had been provided to the Village's Building Inspector and Code Enforcement Officer Andy Anderson, McCarthy responded. He questioned the need and expense of going to an engineer for the 50-foot X 100-foot gravel parking lot they'd proposed.

The driveway was also shown on their site plan along with a 9-foot X 23-foot gravel, handicapped parking area, McCarthy continued, the 9-foot X 23-foot parking area would be big enough for two handicapped spaces. Their plan had a light pole and a second could be added, if needed.

What the Planning Board needed was an overall site plan, Drozdziel told McCarthy, a plan that showed what they'd be building.

Elaine McCarthy said they weren't going to get an engineer to sign off on this when they weren't adding a building.

And, as far as their driveway went, J. Douglas McCarthy said the State Department of Transportation (DOT) had approved the egress. Anderson, he claimed, had never said they needed a site plan. For that matter, Anderson had said they could have drawn up their plans on a napkin, Elaine McCarthy remarked.

Parts of the brewery/coffeehouse development had been identified as parts needed on a site plan review, Gittens said. It had been understood some things would have to be approved further on.

J. Douglas McCarthy moved on. He said they had anticipated a 6-inch sewer line from the barn to the main. They expected 72-pounds of low-grade waste per month. They'd never been told they might be an industrial user, he added.

Drozdziel noted a site plan review application had been roughed-out for them then he reviewed the preliminary site plan checklist in Section 30.123 of the Municipal Code:

1. Title of drawing, including name and address of applicant and person responsible for preparation of drawing
2. North arrow, scale and date
3. Boundaries of the property plotted to scale
4. Existing watercourses
5. Grading and drainage plan showing existing and proposed contours
6. Location, proposed use and height of all buildings
7. Location, design and construction materials of all parking and truck loading areas showing access and egress
8. Provision for pedestrian access
9. Location of outdoor storage, if any
10. Location, design and construction materials of all existing or proposed site Improvements, including drains, culverts, retaining walls and fences
11. Description of the method of sewage disposal and location, design and Construction materials of such facilities
12. Description of the method of securing public water and location, design and construction materials of such facilities
13. Location of fire and other emergency zones, including location of fire hydrants
14. Location, design and construction materials of any energy distribution facilities including electrical, gas and solar energy
15. Location, size, design and construction materials of all proposed signs
16. Location and proposed development of all buffer areas, including existing vegetative cover
17. Location and design of outdoor lighting facilities
18. Designation of the amount of building area proposed for retail sales or similar commercial activity
19. General landscaping plan and plating schedule; and
20. Other elements integral to the proposed development as considered necessary by the Board of Trustees, including identification of any state or county permits required for the project's execution.

With regards to landscaping, Elaine McCarthy asked why she would have to tell the Planning Board what she might be planting.

Drozdziel suggested the McCarthy's were making a joke of the process.

This is not a joke to us, McCarthy asserted. They were losing money every month they weren't in business. They'd shown where the parking and lighting would be and they had gone to Anderson for the permits they needed. Anderson, she said, had the permits in his car.

It sounded like the McCarthy's had all the pieces to the puzzle, Drozdziel observed, the Board was only asking them to complete the application.

Hayes pointed out the Board had only received the McCarthy's site plan drawing at 4:00 that afternoon.

It would have been nice if they had been told the Board needed a site plan last week, J. Douglas McCarthy responded.

The Planning Board merely makes a recommendation on site plan approval, Drozdziel explained, the Village Board, he added, had final approval.

Would an architect have to stamp their parking lot for \$3,000? Elaine McCarthy wondered, adding they wouldn't have a problem putting in a paved parking area for their two handicapped spots, if necessary, although, she pointed out. Dublin Corners Farm Brewery at 1906 Main Street, Linwood, didn't have a paved parking area.

The Board will ask Anderson if the development the McCarthy's had planned met fire code, Gittens said, adding there were things the Board needed to confirm.

If they did everything on the checklist, would they still have to get a stamp on their parking lot? Elaine McCarthy persisted.

Yes, it was a liability issue, Gittens asserted, adding that was something he would require before he signed off on the site plan.

They may want to "land bank" space for additional parking at some point in the future – Jaguar had done that Drozdziel said. A site plan should be a road map and, as for their special use permit, that was supposed to be reviewed every three years, he noted.

McCarthy's did have a house towards the south end on their property, was that being used for residential? Drozdziel wondered.

It was under repair, Elaine McCarthy said, adding they did use it as an Air B&B. They had a short-term rental in there now.

The site plan should have the size, location, design and construction of their sewer connection, Gittens said. The McCarthy's should also zero in on parking and external access, he added.

They had given the Board stamped plans previously, Elaine McCarthy claimed.

Were they architectural renderings or stamped designs? Drozdziel wondered.

The McCarthy's were showing parking in a different place than they'd previously shown, Gittens pointed out, and grading should be shown as well.

Usually when you engage a licensed engineer, they're used to putting together a site plan, Drozdziel remarked.

Would there be any new curb cuts? Hayes asked.

No, Elaine McCarthy responded.

Would the lighting be dark sky compliant? Hayes followed-up.

Yes, J. Douglas McCarthy said, adding that was the term he had been looking for.

Prine Public Hearing Closed

Lot Line Adjustments in the Works

We're a small community, Drozdziel remarked, adding we're all neighbors. The Board, he said, was working on subdivision amendments, talking verbiage with the Village Attorney, in an effort to simplify things.

On that matter, Gittens said lot line adjustments could be done administratively, the Board should see what the Conty had then work within what they expected.

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

CARRIED, 4 Ayes, 0 Nays

MOTION: Gibson moved to recommend approval of the Prine subdivision contingent upon their submission of a stamped survey map, seconded by Hayes. Voting in favor were: Drozdziel, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

Gittens asked if there were a bill of sale hinging Prine's subdivision application. Board members said there was not. Gittens asked if the Prine's could make the April 16 meeting. Board members confirmed they could. It was tough, Gittens conceded, deciding on a subdivision application when you didn't have everything.

MOTION: Tonra moved to table subdivision application until they'd received a stamped survey map and a written description of where the lot line was and where it would be going, seconded by Gibson. Voting in favor were Drozdziel, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

V. ADJOURNMENT

Mayor Freeman thanked the Board members for their service, noting he was on his "*farewell tour.*" The Mayor would be completing 16-years in office March 31. Gibson had been right; communication was the key. Jaguar had gone flawlessly. Mayor Freeman said he appreciated the Board members patience.

MOTION: Gibson moved for adjournment at 8:25 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