

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, FEBRUARY 20, 2018  
6:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

Paul M. Drozdziel, Chairman  
Marilyn Borkhuis  
Patrick McCormick  
Kevin O’Donoghue  
William Wall

**GUESTS**

John E. Steinmetz, Steinmetz Planning Group  
Molly Gaudio, Steinmetz Planning Group

**STAFF**

Lance Brabant, Sr. Planning Associate, MRB Group  
Brian Glise, Fire Marshal  
Robert Hayes, Village Board Liaison  
Gary Margiotta, Deputy Clerk

**ZONING CODE UPDATE  
WORK SESSION – 6:00 PM**

**ARTICLE XIII PLANNED RESIDENTIAL  
DEVELOPMENT DISTRICT (PRDD)**

**PRDD Lot Size:**

Lot size was a consideration, Steinmetz began. St. Michael’s Parish at 869 Clinton Avenue North in Rochester had an assisted living facility on the 2.7 acres behind it so, the 2-acre threshold seemed to work well in Rochester.

There was no easy or logical answer, Steinmetz conceded. Avon’s Village View (5-Lot Farm) subdivision off Pole Bridge Road was just under 24 acres while the Anderson Meadows (Chamber and Commerce Drive) subdivision off Lake Road was 32 acres.

Other examples: Settlers Green, the single-family residential, subdivision in Pittsford was 12.5 acres with its 60- to 70-foot wide lots and, just north of there, the Founders Green subdivision was over eight acres with a drainage area making it about 12 acres overall.

Erie Station Village (apartments and townhouses) was on the other end of the spectrum at 65 acres, Steinmetz noted. Drainage areas would have to be addressed in Avon’s Planned Residential Development District legislation, he said.

But, factoring out the drainage, would the magic number be 15 acres? Drozdziel asked.

A developer could propose all small lots, all large lots or a mixture of both small and large, Steinmetz remarked.

Some of the lot sizes Steinmetz had mentioned seemed too small, Borkhuis commented.

He hadn’t been asking her to live in a smaller lot development, Steinmetz countered.

Borkhuis said she wouldn’t.

You could create a “mixed” character, Steinmetz offered.

Comments? Drozdziel invited.

How many properties in Avon would this legislation affect? Glise asked, questioning whether it was worth it.

How many properties would qualify? McCormick asked, pointing out there would be more if you lowered the PRDD threshold to 10 acres.

If you want a neighborhood feel, Gaudioso told members, they would want a larger area, 10 acres would be too low, she said, adding they wouldn’t get the number of house needed. Gaudioso estimated 12- to 15-acres would be more appropriate.

Twenty is too big, Trustee Hayes ventured.

And, 10 is too small, Drozdziel countered, suggesting the “sweet spot” seemed to be 15 acres.

That’s what was in the back of my mind as we were talking, O’Donoghue concurred.

What’s the easiest to obtain? Brabant asked.

There probably weren’t that many 15+-acre tracts left in the Village, O’Donoghue conceded.

Young people and empty nesters were going for smaller lots, Gaudioso remarked, adding 15 acres put it at a more manageable size.

Drozdziel thought they might have to revisit the size issue, but said it seemed Board members were comfortable reducing the Planned Residential Development District size from 20 acres to 15 acres.

#### **PRDD: Proposed Application Process**

As it stood, an applicant would:

1. Submit his development proposal
2. The Clerk and Code Enforcement Officer would certify the application as complete then forward it to the Village Board
3. The Village Board would accept the application then refer it to the Planning Board
4. The Planning Board would solicit input from various agencies as needed
5. Evaluate the application for adherence to Article XIII of the Code
6. Conduct a public hearing then report back to the Village Board
7. The Village Board would review the application then render a final decision

Under Steinmetz’ proposal, an applicant could:

1. Submit a concept proposal and request a conference
2. The Clerk would forward that to the Village Board
3. The Village Board and, possibly, the Planning Board would conduct a conference

**OR**

4. The applicant could submit his application to the Clerk
5. The Clerk would forward that to the Planning Board

6. The Planning Board would review and request additional materials as needed
7. Conduct a public hearing then refer their findings to the Village Board
8. The Village Board would review the application, conduct a public hearing then render the final decision

**March 6 Meeting: Button It Up or Extend the Moratorium**

Gaudioso encouraged Board members to review Article XIII, the Planned Residential Development District (PRDD), and give their comments and questions on both the PRDD and Article XV, the Mixed Residential District (MRD), at the March 6 meeting.

They had talked about not wanting 8-family dwellings in the MRD, Drozdziel recalled adding 2- and 3-family was the most they had wanted to see. The Chairman confirmed the next meeting would be at 6:00 PM Tuesday, March 6.

The Board should plan on buttoning things up March 6 or extending the Zoning Amendment Moratorium, Steinmetz advised.

**REGULAR MEETING - 7:00 PM**

**I. ATTENDANCE - GUESTS**

Atty. Nathan E. Vander Wal, Nixon Peabody LLP (for Verizon Wireless)  
 Colin Fazio, Pyramid Network Services (for Verizon Wireless)

James Baase, Empire Access  
 Xiang Li, Empire Access

Kurt Zobel, Zion Episcopal Church  
 John Wallin, Zion Episcopal Church

**STAFF**

Anthony Cappello, Code Enforcement Officer

**Verizon Wireless**

Vander Wal had submitted packages, explaining the purpose of each Verizon Wireless project. Verizon proposed erecting 34-foot tall utility poles on the rights-of-way (ROW) fronting 180 Clinton Street and 220 Collins Street. An equipment cabinet would be attached with an antenna on the tops of each pole, raising their overall height to 38-feet, 7-inches.

The poles would be located in “hot spots” or high traffic areas that required more bandwidth. Vander Wal explained. The 180 Clinton Street pole was aimed at emerging usage at and around Avon Central School District while the 220 Collins Street pole was intended to cope with the commercial stretch along Routes 5&20.

Verizon Wireless did have a traditional tower at 4350 Avon-Caledonia Road, the attorney noted. They would require special use permits to erect the aforementioned micro wireless telecommunications facilities on utility poles. They had approached the Planning Board for review, recommendation then referral to the Zoning Board of Appeals for decisions.

The utility poles would be wooden, installed by Empire Telephone of Prattsburgh.

Were there any potential health hazards? Drozdziel asked.

Vander Wal referred Board members to Exhibit I in the package he'd submitted which indicated the proposed micro wireless telecommunications facilities would comply with the Federal Communications Commission (FCC) exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields.

How had the Dream Valley (220 Collins Street) site been selected? Drozdziel followed-up.

The right-of-way had been centrally located, Vander Wal responded.

Brabant asked about the coverage area of the Dream Valley (Collins Street) facility.

Vander Wal referred him to Exhibit E of the package he'd submitted, the exhibit contained colored maps showing the facility would enhance coverage east to Pole Bridge Road, west just beyond Collins Street, north above Ryan Way and south below the Avon Town Plaza.

**Pole Location**

Could the Dream Valley (220 Collins Street) pole be moved west? Drozdziel asked. As proposed, the pole was right on the corner of Collins Street and Dream Valley Boulevard. The 220 Collins Street property was vacant, but, if developed, they would have a utility pole right on the corner of their lot, the Chairman noted.

Each site within Verizon Wireless' network worked with other sites, Vander Wal said. They could consult with their radio frequency analysis.

Was the Village looking at having more of these poles a few years down the road? Borkhuis wondered.

Networks were planned two to three years in advance, Vander Wal said, not committing to anything beyond that.

Would Verizon Wireless need a variance for the height of the pole? Brabant wondered.

No, not according to the telecommunications section of the Village's code, Vander Wal responded.

**Motion**

**MOTION:** Patrick McCormick moved for positive recommendations on the construction and operation of a micro wireless telecommunications facility on a utility pole within the Village-owned right-ow-way near 220 Collins Street with the caveat the pole be moved approximately 75-feet west from the site identified in documents forwarded by Nathan E. Vander Wal, Esq., of Nixon Peabody LLC February 7, 2018.

**A L S O**

. . . on the construction and operation of a micro wireless telecommunications facility on a utility pole within the Village-owned right-ow-way near 180 Clinton Street. Seconded by Kevin O'Donoghue. Voting in favor were: Paul M. Drozdziel, Chairman, and Planning Board members: Marilyn Borkhuis, Patrick McCormick, O'Donoghue and William Wall. Voting against were: none.

Said construction to be undertaken by Empire Telephone and the operation to be undertaken by Verizon Wireless.

**CARRIED, 5 Ayes, 0 Nays**

**III. OLD BUSINESS**

**A. Empire Access**

James Baase, Chief Operating Officer  
 Xiang Li, Empire Access  
 Prattsburgh, NY

**Fiber Optics Cabinet**

Collins & Hosmer Streets within Village ROW  
 10-foot X 10-foot area required  
 3-foot W, 3-foot, 6-inches D, 5-foot, 6-inches H cabinet  
 On concrete pad

Baase said the cabinet would be next to a cabinet owned by ESL Federal Credit Union, 238 East Main Street, but Empire Access' cabinet would be closer to the street, Baase added.

Empire Access is a fiber optic telecommunications provider, locally owned and operated. They were in two states, New York and Pennsylvania, in 10 counties and 25 communities, providing commercial and residential service to more than 15,000 customers. Empire Access offered: telephone (Empire Telephone), internet, digital television, security services, metro Ethernet and dark fiber.

And, the fiber optics cabinet proposed would initially serve commercial customers? McCormick asked.

Empire Access leads with commercial customers then follows-up with residential customers, Baase said. They would start serving commercial customers within a month or two of the cabinet's placement, he added. Residential service would follow next year.

Baase expected Empire Access would serve 1,000 customers within a 12 mile radius of the cabinet, the company shooting for about 30 percent penetration of the market.

Asked about noise, Baase said cabinets did contain fans, but there would be little noise.

Brabant asked about a decommissioning plan – who would be responsible? He requested Empire Access provide a letter outlining decommissioning.

**Motion**

**MOTION:** Marilyn Borkhuis moved for a positive recommendation on the placement of a cabinet for the housing and protection of fiber optic cables to provide high speed internet, video, telecommunications and security services to residential and business customers in the Village of Avon.

Said cabinet would be placed by Empire Access of Prattsburgh, NY, on a concrete pad within a 10-foot X 10-foot easement within the Village-owned right-of-way on the southwest corner of Collins and Hosmer Streets.

In conjunction with this positive recommendation, Empire Access is asked to provide the Village of Avon with a decommissioning letter. Said motion was seconded by Kevin O'Donoghue. Voting in favor were: Paul M. Drozdziel, Chairman, and Planning Board members: Borkhuis, Patrick McCormick, O'Donoghue and William Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**NON-AGENDA ITEM**

**Kurt Zoebel, Zion Episcopal Church  
John Wallin, Zion Episcopal Church**

**Subdivision Request  
Zion Episcopal Church, 10 Park Place &  
Zion House, 33 North Avenue**

The Zion Episcopal Church had not applied for a subdivision and had not asked to be on the agenda.

The Church, Zoebel began, wanted to sell their former rectory at 33 North Avenue to the ARC of Livingston-Wyoming County. The Church and rectory were on a single tax parcel, 34.6-2-57, with 366 feet of frontage X 143-feet deep (1.2 acres).

The former rectory was in a One-Family Residential (R-1) District and situated on a 60-foot x 143-foot lot. The building had been converted to a transitional home for female veterans in November, 2010, but had been closed since May of 2017.

Wallin claimed to have met with a Livingston County official he referred to as "William Miller." According to Wallin, Miller had told him the Planning Board could waive the Village's subdivision requirements with a letter and a survey from the Church then "give" the Church two tax parcels which, he said, would save the Church time and money. Offering further background, Zoebel said the Church had bought the property in 1923 to be a parish house.

The ARC of Livingston-Wyoming County apparently wanted to operate Zion House as a group home. The ARC hadn't submitted a concept plan. Wallin said the ARC would need a special use permit to do that.

Brabant said the land should be surveyed, subdivided, the 60-foot X 143-foot lot sold to the ARC then ARC should obtain a special use permit to operate it as a group home. The subdivision would require a public hearing and Brabant estimated the process would take two months.

Questions were raised, but not answered, about whether Zion House had sufficient parking to be used as a group home. The "William Miller" Wallin had referred to was believed to be William Fuller, Director of Real Property Tax Services.

**V. ADJOURNMENT**

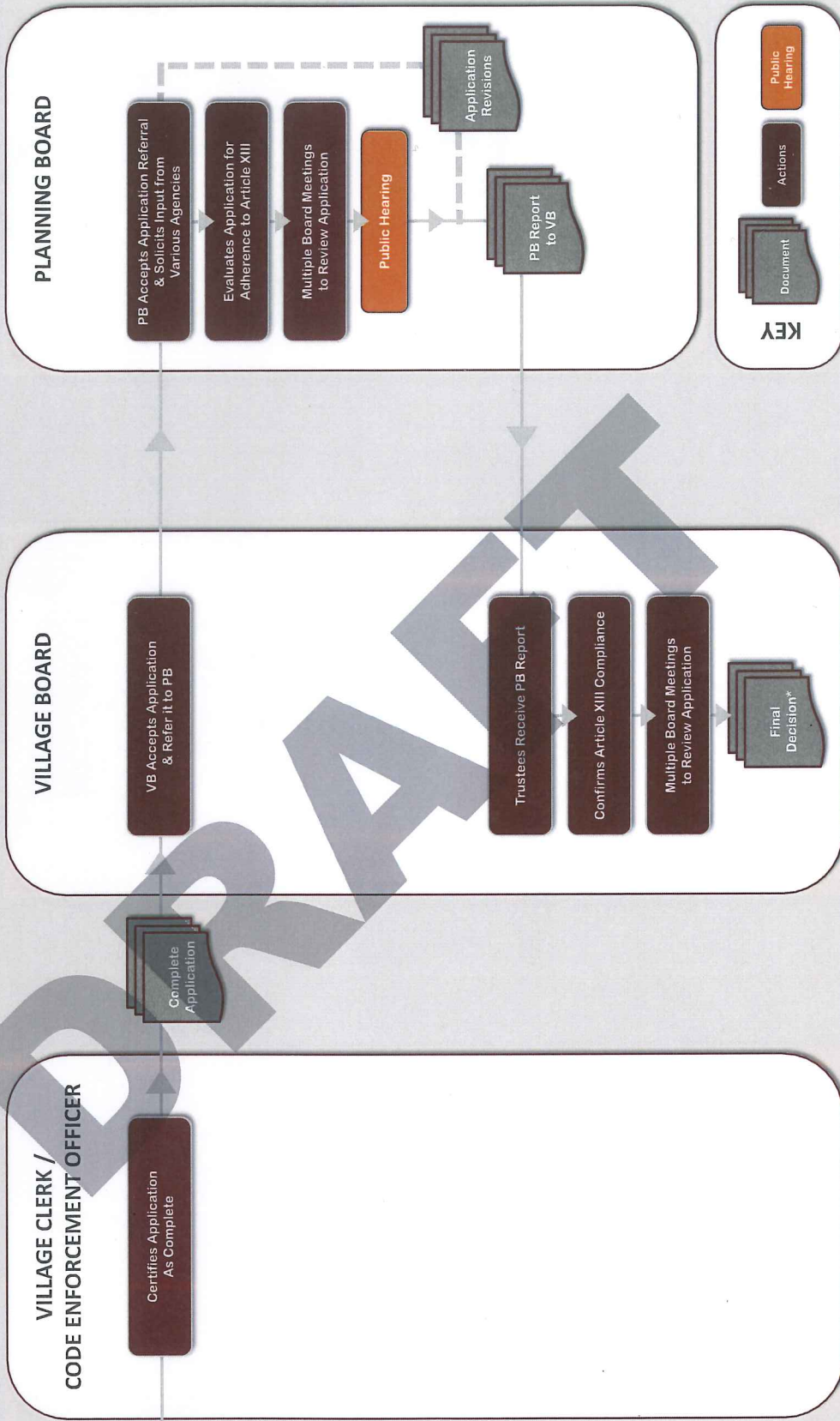
**MOTION:** O'Donoghue moved for adjournment at 8:17 PM, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk

# Village of Avon CURRENT PRDD Rezoning Process

*\*Please note this flowchart is for discussion purposes and not intended to be a comprehensive overview of the Village's Code\**



\*Other procedures that are relevant include Site Plan Review, SEQR, & the County Referral. These actions must be completed prior to Board Action.