

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, OCTOBER 16, 2018  
7:00 PM, VILLAGE HALL**

**I. ATTENDANCE**

Paul M. Drozdziel, Chairman  
Marilyn Borkhuis  
Patrick McCormick  
Kevin O'Donoghue

**ABSENT**

William Wall

**GUESTS**

Jean Schoenthal, 254 North Avenue

Michael Gleason of Avon Vapes LLC  
2231 State Route 65, Bloomfield, NY 14469

**QUORUM, 4 Present, 1 Absent**

**STAFF**

Anthony Cappello, Code Enforcement Officer  
Gary Margiotta, Deputy Clerk

Schoenthal hadn't been on the agenda.  
She hadn't submitted a description of what she wished to discuss or a concept plan.  
She addressed the Board before the meeting opened.

Schoenthal owned Sunset Drive, an unimproved, undedicated gravel road on the west side of Wadsworth Avenue between Isham Avenue and Spring Street. She owned ranch houses at 3, 5 and 7 Sunset Drive, which she rented out. The three houses were on SBL 34.9-1-38. Schoenthal also owned 139 Wadsworth Avenue, a house just south of Sunset Drive.

Schoenthal told Board members 3, 5 and 7 Sunset Drive sat on 8 acres. She wanted to retain the houses, but sell the land. She had been advised she would not need a dedicated road.

Drozdziel told Schoenthal she would have to subdivide. Schoenthal was provided with a SUBDIVISION CHECKLIST, outlining the Village's process and procedures for subdividing property. The first step was meeting with the Planning Board:

1. Prior to preparing a preliminary plat
2. Discussing plat requirements and the availability of services
3. Determining whether the subdivision would be minor or major

Drozdziel said a survey would be needed and to expect the subdivision process to take about three months. Schoenthal took the checklist and said she would return in November.

**II. APPROVAL OF THE MINUTES**

**MOTION:** O'Donoghue moved to approve the minutes of the meeting of September 18, 2018, seconded by McCormick. Voting in favor were: Drozdziel, Borkhuis, McCormick and O'Donoghue. Voting against were: none.

**CARRIED, 4 Ayes, 0 Nays**

**III. OLD BUSINESS**

- A. Subdivision Application** **On Hold** **Thomas W. & Linda Freeman**  
 28 Hickory Hill, Avon, NY 14414  
 Division of 3.92 acres into two lots  
 At 28 Hickory Hill, zoned R-1, One Family Residential  
 No preliminary plat  
 No application.  
 No application fee  
 No action anticipated

O'Donoghue, who was doing the surveying associated with the subdivision, said the application was on hold.

- B. Subdivision Application** **Withdrawn** **Joseph M. Montesano**  
 PO Box 186; Avon, NY 14414  
 Division of 1.4358 acres into three lots  
 At 142 Rochester Street (owned by Clement J. (Marilyn) Restivo)  
 Zoned R-1, One family Residential

Montesano had intended to buy the property from Restivo, retain the house at 142 Rochester Street, divide the back yard into two lots, sell one to Francis Matusak whose 163 North Avenue property bordered to the east and the second lot to Christopher Best whose 134 Rochester Street property bordered to the south.

O'Donoghue, who would have been doing the surveying associated with the subdivision, told Board members one of the buyers had backed out, resulting in Montesano withdrawing his application.

- C. Sign Regulations Variance Request** **Michael Gleason, Avon Vapes LLC**  
 2231 State Route 65; Bloomfield, NY 14469  
 4-foot X 8-foot wall sign, 1-sided  
 At 259 East Main Street, zoned B-2 General Business District

Cappello announced Gleason had withdrawn his application . . . then Gleason walked in, explaining he had thought the meeting began at 7:30 PM.

Gleason had had a 2-sided, 24-inch X 72-inch, pole sign approved and it had been erected on the northeast corner of the 259 East Main Street property under the Avon Gun & Hunting Supply sign.

Jinger Management, LLC, owed the gun shop and the plaza. The gun shop and two vacant storefronts faced East Main Street, Gleason said. He'd rented a smaller space around the side of the building with an entrance on the west side facing the neighboring Avon Martial Arts Academy at 257 East Main Street.

Because of his side-of-the building entrance, Gleason said his exposure wasn't good so, he thought he could plead hardship and get permission to put a 4-foot X 8-foot sign in one of the vacant storefronts, it was OK with the plaza owner, Gleason claimed.

Why hadn't he just rented one of the vacant storefront up-front? Drozdziel asked.

The two vacant storefronts up-front were 5-times larger than he needed and the rent was about \$2,000 – much more than he could afford, Gleason responded.



Drozdzziel said he wasn't comfortable with a 4-foot X 8-foot sign and asked if Gleason could do a street sign instead.

Could you have a 2-foot X 6-foot sign on one of the vacant storefronts, if the property owner consented? McCormick asked.

Gleason was allowed an A-frame sign, directing patrons to his side-of-the building entrance, but he'd have to put it out every day and bring it in every night, Cappello volunteered.

Gleason could also have a projecting sign (Chapter 30, Section 42, Section C Definitions of Terms and Phrases), extending horizontally from the building, that might flag people to his location, McCormick suggested.

Such as at the Avondale Pub at 37 Genesee Street, Drozdzziel remarked.

Or at Turnbull Heating and Air at 59 Genesee Street, O'Donoghue added.

They'd identify your store entrance better than a sign flat on the building, Drozdzziel reasoned.

By way of background, Gleason said he had vape stores in Fairport, Victor and, now, Avon and that he sold electronic cigarettes, pipes for tobacco and would be bringing in cigars. Patrons had to be 18-years-old to buy. He had partners and one was in each store at all times. Gleason said he had stopped kids at the door.

Gleason claimed electronic cigarettes were far less harmful than regular cigarettes. Asked about reports of exploding batteries, Gleason said that had happened eight years ago, but didn't happen anymore.

Gleason left at 7:35 PM, saying he would stop by the Village Office the next day and pick up an application for a projecting sign.

#### **V. ADJOURNMENT**

The Board adjourned, without motion, at 8:02 PM.

Gary Margiotta  
Deputy Clerk