

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, DECEMBER 18, 2018  
7:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

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

**GUESTS**

Molly Gaudioso, Community Planner

**QUORUM**, 5 Present, 0 Absent

**STAFF**

Lance Brabant, Sr. Planning Associate, MRB Group  
Anthony Cappello, Code Enforcement Officer  
Robert Hayes, Village Board Liaison  
Gary Margiotta, Deputy Clerk

**II. APPROVAL OF THE MINUTES**

**MOTION:** O'Donoghue moved for approval of the minutes of the meeting of October 16, 2018, seconded by McCormick. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

**CARRIED**, 5 Ayes, 0 Nays

**III. OLD BUSINESS**

**A. Subdivision**

Division of 8-acres into two lots  
On Sunset Drive  
Zoned R-1, One Family Residential

**Applicant**

Jean Schoenthal  
254 North Avenue  
Avon, NY 14414

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

**I. Pre-application requirements**

Schoenthal had met with the Planning Board October 16, 2018  
Schoenthal had been given a SUBDIVISION CHECKLIST  
The availability of services and plat requirements had been addressed  
The proposed subdivision was determined to be a "minor" subdivision, involving fewer than four lots  
Schoenthal claimed not to be the developer, no one else was named

**II. Preliminary plat approval**

Schoenthal HAD NOT submitted three copies of a preliminary plat  
Schoenthal HAD NOT submitted a subdivision application  
Schoenthal HAD NOT paid the application fee

Schoenthal would like to sell the vacant land, but keep the houses, O'Donoghue told Board members. She didn't understand why she needed a subdivision, O'Donoghue added (Schoenthal had been a member of the Planning Board for several years).

Schoenthal's Sunset Drive property touched 15 or 16 other properties, O'Donoghue continued. Nothing had happened, yet, and nothing would be happening, he said, adding no action was anticipated until after the first of the year.

**IV. NEW BUSINESS**

**A. Anthony Cappello**

Code Enforcement Officer

**McDonald's Restaurant Remodel**

250 East Main Street

Site Plan Approval Request

Cappello had been on the November 20, 2018 meeting agenda, but that meeting had been cancelled. T.Y.Lin International, a Rochester engineering and planning firm, had submitted a site plan review application for a McDonald's Restaurant remodel December 14.

Drozdzial asked what Cappello had wanted to address the Board on and Cappello said it had been on the McDonald's remodel, but that the plans had just come in and he hadn't had the chance to look them over, yet. Drozdzial opened the packet of plans and noted T.Y.Lin had proposed painting the building (Fairview taupe and Iron Mountain red) and removing the mansard roof.

They wouldn't be building an addition and adding a freezer as had been suggested when McDonalds first approached the Village four years ago, the Chairman noted. This time around, they proposed putting the freezer inside the existing building and improving the parking lot.

Where does all this come from? Trustee Hayes wondered, Corporate headquarters in Schaumburg, IL, he followed-up?

Like Target, McDonald's franchises had likely been told this was their new corporate image, these colors, this signage, Brabant postulated. The Farmington-Victor McDonald's had gotten a new look, too, he remarked.

McDonald's appeared to be changing their business model, Drozdzial observed, going with kiosk-ordering and reducing their counter serving area and staff. Did they plan to stay open during the remodel? he wondered.

They may shut-down the interior and rely on the drive-thru while they remodeled the interior - then shut-down the drive-thru and rely on the interior while they were doing the exterior work, Cappello suggested.

There were no landscape enhancements on T.Y.Lin's drawings, Drozdzial remarked, adding he was unsure if they were going to mill the parking lot.

The only landscaping they were showing was existing, O'Donoghue remarked.

Pretty minimal as far as site improvements went, Drozdzial agreed. T.Y.Lin would be in at the Board's January 15 meeting. Brabant would review the signage they had proposed between now and then.

Proposed façade improvements included:

- Removal of the mansard roof

- Installation of new exterior insulation finishing system (EIFS) parapet walls
- New EIFS brand walls
- New trellis system
- Painting of existing split-face block
- Installation of new building signage

Other proposed improvements include:

- Interior Americans with Disabilities Act (ADA) improvements at vestibules and toilet rooms
- Front counter replacement
- New interior dining room décor package
- New drive-thru signage including new digital pre-browse and menu boards
- New ADA compliant sidewalks, ramps, patio and parking
- Painting of existing trash enclosure

T.Y.Lin had submitted and paid for a site plan review application. At the January 15 meeting, the Planning Board should review the sketch plans with the applicant then submit a written report to the Village Board of Trustees, evaluating the plan and recommending desirable modifications, if any.

The Village Board will follow-up with a public hearing on the site plan then hand down a written decision.

**B. ZONNG CODE UPDATE**

Professional Services Agreement  
01/08/2018 – 10/31/2018

**MOLLY B. GAUDIOSO, COMMUNITY PLANNER**

Barton & Loguidice, Syracuse, NY  
(formerly Steinmetz Planning Group)

The Village had contracted with the Steinmetz Planning Group to update its Zoning Code January 8, 2018, with all work to be completed by October 31, 2018. A Community Zoning Workshop had been held April 17, 2018, and had focused on the Village’s amended Planned Residential Development District (PRDD) and a new Mixed Residential (MR) District, but the Board hadn’t met with Steinmetz since then.

The Syracuse-based engineering and planning firm, Barton & Loguidice, had acquired the Steinmetz Planning Group in September. Mayor Thomas Freeman signed an agreement with Barton & Loguidice to continue the Zoning Code update Monday, December 17, 2018. A timetable for completion had yet to be determined.

Gaudioso and the Zoning Code update hadn’t been on the agenda.

Drozdziel asked Gaudioso to address the direction of Steinmetz. She confirmed the company had been acquired by Barton & Loguidice. The task at hand was to determine a timeline for moving forward with the rest of the zoning districts.

The Board’s next regularly scheduled meeting was January 15, Drozdziel noted. But, Gaudioso asked if a separate meeting could be scheduled. Drozdziel suggested Tuesday, January 8. Gaudioso said she could get them material ahead of time then show them where she had gone with amendments at the meeting.

The January 8 meeting might be considered a *refresher*, Drozdziel said. Gaudioso could get Board members material on residential districts and identify areas of change, she said. McCormick suggested they start at 6:00 PM rather than their usual 7:00 PM.

But, Gaudioso said she and John Steinmetz would be in Ossian January 8. She suggested they meet the seventh or ninth instead. Trustee Hayes noted the Village Board would meet January 7 so, Drozdziel settled on a workshop meeting **Wednesday, January 9 at 6:00 PM.**

And, for the meeting on January 15, the Board agreed to begin at 6:00 PM, devote the first hour to the update then move into regular business at 7:00 PM.

**C. SPECIAL USE PERMIT**

Planning Board recommendation required  
Zoning Board of Appeals action required

**J. DOUGLAS McCARTHY**

300 East Main Street (formerly Charlton)  
Avon, NY 14414

J. Douglas McCarthy purchased the former Charlton Bed and Breakfast Inn, 300 East Main Street, from James and Elizabeth Welch, but had never applied for a special use permit to resume bed & breakfast operations there, Cappello noted.

According to Chapter 30, Section 61, Article VI of the Municipal Code, anyone wishing to operate a bed and breakfast should submit a special use permit application, along with a floor plan and survey map, to the Planning Board for study and recommendation. After its study, the Board would make a recommendation to the Zoning Board of Appeals (ZBA).

The Village’s Zoning Code Officer and Fire Marshal should also inspect the bed and breakfast premises and report their findings to the ZBA as well. Then, the Zoning Board of Appeals would review the information and schedule a public hearing.

Before the hearing, the applicant should serve notice pm real property owners within 200 feet of the inn then file affidavits of service with the ZBA. After the hearing, the ZBA would rule on the special use permit application and, if approved, the permit would be good for three (3) years.

To date, McCarthy has not submitted a special use permit application, floor plan or survey map nor has he paid the \$35 application fee or \$45 public hearing publication fee.

**D. ADDITION**

10-foot X 50-foot  
Rear of Avon Mini-Mart  
11 East Main Street

**MEHTA NASREEN**

94 Old Well Road  
Rochester, NY 14618

The Village must be careful how it pushed businesses, Cappello cautioned, because, he explained, there weren’t many businesses left in Avon.

Cappello was referring to the Avon Mini-Mart where a 10-foot X 50-foot beer cold storage addition to the rear of the building had been contemplated. A stamped, engineer’s drawing would have been required and the expense associated with that was thought to have dissuaded the owner.

There must be some element of compliance, Trustee Hayes asserted, asking what the Code said.

We didn't put that Code together, Cappello protested. When you walked at night, businesses were closed. He'd closed his business, Woody's II at 43 Genesee Street, because there simply wasn't any business to be had.

As for the Avon Mini-Mart, there hadn't been any effort on the part of the owner, Drozdziel observed, noting he'd never seen anything from him.

That was because when he told him what he had to do he didn't like it and backed off, Cappello countered. He hadn't wanted to spend the \$3,500 on a stamped engineer's drawing. We have to be more lenient, Cappello argued.

The Avon Mini-Mart was a dump, McCormick contended, adding he didn't think the owner wanted to spend any money anyways.

**D. MISCELLANEOUS**

**70 West Main Street**

Any update on the apartment house at 70 West Main Street? Drozdziel asked. The building had been owned by A&B Equipment, been foreclosed on then auctioned off to JTS Management this past summer.

O'Donoghue believed the new owners planned to demolish the building.

**Duffy's Pub**

When the Pub moved from 17 West Main Street to 100 West Main Street, the Village allowed the new owner of 17 to put in a ground floor apartment - contrary to Municipal Code. But, McCormick noted, there were two more ground floor apartments just east of Duffy's old location now - how had that happened?

**Zombie House Sold - 41 Oak Street**

A long vacant house at 41 Oak Street had sold, new owners were supposed to be moving in that day, Cappello told Board members.

**Platinum Limousine of WNY, 90 West Main Street**

Platinum Limousine of WNY, at 90 West Main Street, seemed curiously inactive, Borkhuis noted. Wall believed the owner had a building, or was building one, in James M. Steele Commerce Park in East Avon.

**Two Zombie Houses Sold on Reed Street**

James Dys of Livonia had renovated 25 and 31 Reed Street and sold them, Borkhuis said. Both houses had been long vacant and considered zombie houses.

**V. ADJOURNMENT**

**MOTION:** McCormick moved for adjournment at 7:58 PM, seconded by O'Donoghue. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk

ARTICLE VI SPECIAL USE PERMITS

30.61 D. Bed and breakfast inns.

1. Definitions.

a. A bed and breakfast inn shall be defined as a residential dwelling occupied by an owner that makes available lodging for not more than ten (10) consecutive days with or without one (1) morning meal each day to transient paying guests.

2. Review of special use permit application by Zoning Board of Appeals.

The Zoning Board of Appeals review of the special use permit application shall include, as appropriate, but is not limited to the following:

- a. Available and adequacy of water and sewer service.
- b. Location and dimensions of sidewalks, walkways and other areas established for pedestrian use.
- c. Location and arrangement of vehicular accessways and the location, size, capacity arrangement and sufficiency of all areas used for off-street parking, loading and unloading.
- d. Design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.
- e. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- f. Fire safety.
- g. Location and design of outdoor lighting facilities.
- h. Adequacy and arrangement of vehicular traffic access and circulation.
- i. Location, design and construction materials of any proposed site improvements.
- j. Other elements integral to the proposed bed and breakfast inn considered necessary by the Zoning Board of Appeals.

3. Procedures for applying for a special use permit.

- a. The application for a special use permit must include:
  - (1) A survey map of the property on which the proposed inn will be located indicating abutting property owners, proposed access and egress routes, unusual land features, buffer areas and screening, parking areas and exterior lighting.
  - (2) A floor plan of the proposed inn including dimensions of all rooms, location of fire extinguishers, smoke detectors, and fire exits and routes.
  - (3) The names and addresses of the owners of the property.

(4) The maximum number of paying guests the inn would accommodate.

b. Payment of an application fee of Thirty-Five Dollars (\$35.00) or such other amount as set by the Board of Trustees by resolution must accompany an application for a special use permit and be filed with the Village Clerk.

c. Planning Board action. The application, floor plan and survey map shall be forwarded to the Planning Board for study and recommendations. The applicant or representative of same may be requested to attend Planning Board meetings. The Planning Board will report its recommendations to the Zoning Board within thirty (30) days after receipt of the application, floor plan and survey map.

d. Zoning Enforcement Officer report. The Zoning Enforcement Officer shall inspect the premises and inn and report to the Zoning Board within thirty (30) days after receipt of the application, floor plan and survey map.

e. Fire Marshall report. The Fire Marshall shall inspect the inn and report to the Zoning Board within thirty (30) days after receipt of the application, floor plan and survey map.

#### 4. Special use permit for operation and maintenance of a bed and breakfast inn.

a. Special use permit. No bed and breakfast inn shall be operated without a special use permit issued by the Zoning Board of Appeals.

b. A special use permit for a bed and breakfast inn shall expire three (3) years after date of issuance unless revoked prior thereto.

c. Renewal. Not less than sixty (60) days prior to the date of expiration of a special use permit an applicant must file for the permit renewal. The Zoning Enforcement Officer may make an inspection of the bed and breakfast inn to determine if there is compliance with the terms of the original permit and all other rules, regulations and codes have been met. After proper examination and notification a renewal permit will be issued by the Zoning Enforcement Officer upon payment of a renewal fee of Thirty-Five Dollars (\$35.00).

d. Transfer of special use permit. A special use permit is transferable only upon written approval by the Zoning Enforcement Officer following an inspection of the bed and breakfast inn.

e. Special use permit conditions. The Zoning Board of Appeals may impose such permit conditions as are deemed necessary to assure public safety, regulate traffic and promote public health. Every special use permit shall contain a condition prohibiting cooking facilities except in the main kitchen of the inn.

f. Public hearing. A special use permit may be granted by the Zoning Board of Appeals only after a public hearing has been held. The applicant shall serve all owners of real property within two hundred (200) feet of the inn with a copy of the notice of public hearing and shall file affidavits of service of all such owners with the Zoning Board of Appeals. Failure to file such affidavits of service prior to the public hearing may result in adjournment of the hearing.

g. The Zoning Enforcement Officer may revoke a special use permit for a bed and breakfast inn if he determines that the inn violates any terms of its permit or any code, rule, regulation or law. [§D Added by Local Law 2 of 1993, filed 2/17/93]

# 2018 VILLAGE OF AVON Tax Receipt

Fiscal Year: 06/01/2018 - 05/31/2019  
 Warrant Date: 05/07/2018  
 State Aid: VILL 105,648

Sequence #: 000704 Tax Bill # 000704

Tax Map #: 242001 34.7-1-40.111  
 Roll Section: 1  
 Dimensions: Acres: 29.97  
 Property Location: 300 East Main St  
 Property Class Code: Field crops  
 School District: Avon  
 Bank Code:  
**McCarthy J. Douglas**  
**300 East Main St**  
**Avon, NY 14414**

**PLEASE RETURN ENTIRE BILL WITH YOUR PAYMENT**

In person, payments can be made at the Avon Village Hall, Monday through Friday, 8:00 AM - 4:00 PM.

(585) 226-8118

**Make Checks Payable to:**  
**VILLAGE OF AVON**

**Mail Payments To:**  
**VILLAGE OF AVON**  
**74 GENESEE ST.**  
**AVON, NY 14414**

**Property Taxpayer's Bill of Rights Information:**

The Total Assessed Value of this property is: \$599,700.00  
 The Assessor estimates the FULL MARKET VALUE of this property as of 7/1/2016 was: \$611,900.00  
 The Uniform Percentage of Value used to establish assessments in your municipality was: 98.00  
 If you feel your assessment is too high, you have the right to seek a reduction in the future. A publication entitled "Contesting your assessment" is available at the assessor's office and online at [www.tax.ny.gov](http://www.tax.ny.gov). Please note that the period for filing complaints on the above assessment has passed.

**Exemption Information:**

Exemption: Value: Tax Purpose: Full Value Estimate: Exemption: Value: Tax Purpose: Full Value Estimate:

**Property Tax Information:**

Tax Description	Tax Levy	% Change from Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
Avon Village Tax	989,130	-4.5	599,700.00	5.852725	3,509.88
Unpaid Water Rents			0.00		276.61
MAY BE SUBJECT TO PAYMENT UNDER AG DIST LAW UNTIL 2024					

**Taxes paid by check are subject to collection. Total Tax Due by July 2, 2018 \$3,786.49**

**Payment Information:**

Payable To: Village Collector (See address above)

Pay By:	Penalty %	Penalty \$	Total \$ Due	Pay By:	Penalty %	Penalty \$	Total \$ Due
07/02/2018	0.0%	\$0.00	\$3,786.49	08/31/2018	6.0%	\$227.19	\$4,013.68
07/31/2018	5.0%	\$189.32	\$3,975.81	10/01/2018	7.0%	\$265.05	\$4,051.54

Contact the County Treasurer (585-243-7050) for the amount due in October and November.  
 Relieved on December 1st (Not payable in December). **\*\*POSTMARK NOT TIMELY\*\***

**IMPORTANT:** If there is ANY change in your address, make correction HERE ==> \_\_\_\_\_

**You may be eligible for a Senior Citizen exemption. Please call or write your Assessor or Village Clerk.**

**Third Party Notification:** If you are either 65 years of age or older or disabled and you own and occupy a 1, 2 or 3 family residence, you may designate a consenting adult third party to receive duplicate copies of your tax bills and notices of unpaid taxes until further notice. Applications may be obtained in person from your tax collecting officer or County Real Property Tax Services, or by mail if you include with your request a self-addressed, stamped envelope. Applications for third party notification must be filed with the tax collecting officer no later than April 2nd.

Paid By: McCarthy J. Douglas Date: 07/05/2018 Received By: \_\_\_\_\_  
 Check #: 3339&149 Amount: \$3,786.49 Card #: \_\_\_\_\_ Amount: \$0.00 Cash Amount: \$0.00



# 2018 VILLAGE OF AVON Tax Receipt

Fiscal Year: 06/01/2018 - 05/31/2019  
 Warrant Date: 05/07/2018  
 State Aid: VILL 105,648

Sequence #: 000734 Tax Bill # 000734

Tax Map #: 242001 34.10-2-12  
 Roll Section: 1  
 Dimensions: Frontage: 63.50 Depth: 132.00  
 Property Location: 11 East Main St  
 Property Class Code: Mini-mart  
 School District: Avon  
 Bank Code:  
**Mehta Nasreen**  
**94 Old Well Rd**  
**Rochester, NY 14618**

**PLEASE RETURN ENTIRE BILL WITH YOUR PAYMENT**

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(585) 226-8118

**Make Checks Payable to:**  
**VILLAGE OF AVON**

**Mail Payments To:**  
**VILLAGE OF AVON**  
**74 GENESEE ST.**  
**AVON, NY 14414**

### Property Taxpayer's Bill of Rights Information:

The Total Assessed Value of this property is: \$133,000.00  
 The Assessor estimates the FULL MARKET VALUE of this property as of 7/1/2016 was: \$135,700.00  
 The Uniform Percentage of Value used to establish assessments in your municipality was: 98.00  
 If you feel your assessment is too high, you have the right to seek a reduction in the future. A publication entitled "Contesting your assessment" is available at the assessor's office and online at [www.tax.ny.gov](http://www.tax.ny.gov). Please note that the period for filing complaints on the above assessment has passed.

### Exemption Information:

Exemption: Value: Tax Purpose: Full Value Estimate: Exemption: Value: Tax Purpose: Full Value Estimate:

### Property Tax Information:

Tax Description	Tax Levy	% Change from Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
Avon Village Tax	989,130	-4.5	133,000.00	5.852725	778.41
Unpaid Sewer Rents			0.00		2.85
Unpaid Water Rents			0.00		3.30

**Taxes paid by check are subject to collection. Total Tax Due by July 2, 2018 \$784.56**

### Payment Information:

Payable To: Village Collector (See address above)

Pay By:	Penalty %	Penalty \$	Total \$ Due	Pay By:	Penalty %	Penalty \$	Total \$ Due
07/02/2018	0.0%	\$0.00	\$784.56	08/31/2018	6.0%	\$47.07	\$831.63
07/31/2018	5.0%	\$39.23	\$823.79	10/01/2018	7.0%	\$54.92	\$839.48

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**Relieved on December 1st (Not payable in December). \*\*POSTMARK NOT TIMELY\*\***

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Paid By: Mehta Nasreen Date: 07/31/2018 Received By: \_\_\_\_\_  
 Check #: 002006 Amount: \$823.79 Card #: \_\_\_\_\_ Amount: \$0.00 Cash Amount: \$0.00