

**Members Present:**

Matthew Griffo, Chair  
Susan Richardson  
Dori Farthing  
David Woods  
Robert Freiburger - Arrived at 4:38PM

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell

**Applicant Present:**

Corrin Strong

**Public Present:**

Amy Carpenter  
Eric Grace

**1. Meeting Opened:**

Chair Griffo opened the meeting at 4:02PM. Chair Griffo welcomed our newest member David Woods. D. Woods has a strong background in planning. D. Woods stated that he had been with the Planning Department for the past twenty-seven years, and recently retired. Chair Griffo noted that D. Woods has also been appointed to the Town Planning Board. The Board welcomed D. Woods.

Chair Griffo wanted to thank former Planning Board Member Chuck Nesbitt for his many years of service. Chair Griffo stated that C. Nesbitt would be missed.

**2. Meeting Minutes:**

The November 19, 2008 minutes were reviewed. D. Farthing moved to approve the November 19, 2008 minutes as presented. S. Richardson seconded the motion and the motion passed with ayes from M. Griffo, S. Richardson and D. Farthing. D. Woods abstained.

**3. 2009 Planning Board Calendar:**

The 2009 Planning Board calendar was reviewed. The calendar included meeting dates, work session dates, and submittal deadlines. Chair Griffo hoped that the 4:00PM start time would be easier for everyone. Discussion followed.

S. Richardson then moved to approve the 2009 Planning Board calendar as presented. D. Woods seconded the motion and the motion passed with ayes from M. Griffo, S. Richardson, D. Farthing, and D. Woods.

**4. Code Enforcement Report:**

November 2008

Building Permits: 3  
Zoning/Sign Permits: 2

December 2008

Building Permits: 7  
Zoning/Sign Permits: 0

Several questions were asked of, and answered by CEO Ron Maxwell

S. Richardson and D. Farthing inquired about the Sign Grant Program. Discussion followed.

CEO Maxwell and Secretary Mack made the Planning Board aware of three applications that have been submitted to the Planning Board.

Nice and Easy Grocery Shoppes have submitted an application for a gas station/convenient store at 39 and 41 East South Street, the former Sunoco station across from the fire hall at the top of center street. CEO Maxwell stated that the recently approved zoning code does not allow for gas stations within 300 feet of a church, the Church of Latter Day Saints is in the process of building at 42 East South Street. CEO Maxwell stated that they might need an area variance. CEO Maxwell stated that they might also need a variance for the size of the building if it is to be considered under the current zoning. Chair Griffo stated that he hopes to have communication with the Zoning Board of Appeals regarding this matter. Further discussion followed as to traffic and the timing of the application.

An application has also been received from TAB Design Architects on behalf of Rocco Dragani for 116 Main Street. Mr. Dragani would like to demolish the existing apartment in the rear of the building and rebuild. Discussion followed as to lot lines and parking.

An application has also been received from Scott Cannon. He would like to use the existing footprint of the building located at 6 University Drive, which is in the rear of his parcel at 28 Main Street, for a two-story apartment building. CEO Maxwell stated that its most recent use was apartments. Discussion followed concerning possible use of the existing building, and its historic significance.

#### **5. Corrin Strong 3-Lot Subdivision, Hartford House property:**

Corrin Strong appeared in front of the Board with a conceptual plan for a three-lot subdivision of his property on Avon Road. C. Strong stated that most of the property has Genesee Valley Conservancy easements. Also noted was his sister Susan Kelley's parcel. C. Strong's property consists of approximately 70 acres.

The parcel starts at the gatehouse, which he would like to subdivide out and has labeled as Lot #1. None of this parcel would be located within the conservancy limits, as currently drawn, the conceptual plan does show that the rear of proposed Lot #1 would be in the conservancy, but C. Strong stated that the line would be redrawn without that.

C. Strong explained that the white areas on the conceptual drawing represents land that the conservancy is not concerned with. On the map they appear to be divided out, but that they are not and only two of them are located within his property lines.

Eric Grace, Executive Director of the Genesee Valley Conservancy appeared with C. Strong, noting that there is an eleven-page conservancy easement that is on file in the County Clerk's Office for this property. The document sets the ground rules for what is allowed or not allowed in the conservancy areas. E. Grace stated that open space and farming are allowed.

Discussion followed concerning shading on the map. One shade is parcel A with 135 acres donated in 1995 and then the other shade is a proposed second conservation easement area donated in 2000, consisting of the Hartford House with approximately 76.1 acres.

C. Strong continued by explaining that proposed Lot #3 is for the Tennis Court and Tennis Club. C. Strong stated that the Zoning Board of Appeals interpreted the tennis court/club as a permitted use under the current zoning code. C. Strong believes the proposed zoning code (that is currently at the State for review) allows for tennis club under the term Athletic Club with a Special Use Permit. CEO Maxwell stated that the Planning Board would review, but that the ZBA would approve. C. Strong stated that he believes that at this time, the tennis court as is, is still allowed under the new zoning, but if in the future he would like to expand he would need to request the Special Use Permit.

C. Strong stated that currently the Club has approximately fifty members at a rate of \$100 per person membership, which at that rate, it would not be able to expand. C. Strong stated it is not clear how the market will hold, therefore, separating out this parcel would allow for future financing, which would not include the main house, which is being proposed as Lot #2. C. Strong also noted that

separating the tennis club parcel out with a possible access to Avon Road makes it more marketable. C. Strong has agreed to conform to the required road frontage (75') for this parcel. C. Strong stated that that would be shown on the preliminary subdivision map.

Questions were raised concerning a new road onto the property within the Conservancy easement. E. Grace said that it was allowable, but it would need to be reviewed in more detail prior to moving ahead. C. Strong noted that the existing driveway is hazardous as it has at least a 15' drop into a creek bed, and is very long and narrow. He stated that his sister runs a stable business on her side of the property that is also accessed through this driveway. There is currently more traffic on that driveway than there would be for one family, therefore believes it would be safer for the Tennis Club parcel to have its own driveway/road cut.

A question was raised concerning if the original estate belonged to Corrin and Corrin's sister, and was that subdivision done legally. C. Strong stated that the estate was settled through deed descriptions, which were filed with the county. CEO Maxwell stated that a legal subdivision map may be needed. C. Strong stated CEO Maxwell is correct and that he and his sister do have an illegal subdivision.

The question was asked if C. Strong would be selling Lot #3 to the Tennis Club. C. Strong stated that he was not sure at this point and that he has four children that might have something to say about it.

C. Strong stated that in the last couple of weeks, another situation has arisen that also makes sense for the Tennis Club to be subdivided out. He stated that he has lost its umbrella insurance coverage. He believes his insurance company got nervous once they learned he was running a tennis club in his backyard.

Concern was raised that proposed Lot #3 extends into the conservancy more than lot #2. C. Strong stated that he and E. Grace have talked about this and he wants to modify the plan some. If the tennis club expands, it will need to expand to the south. C. Strong stated that he and E. Grace have discussed swapping and switching land within the Conservancy easement. It was stated that if the Tennis Club, has any possible plans to expand, make sure there is enough room to do that without having to request a future variance.

(R. Freiburger arrived).

If the Tennis Club does expand, a second tennis court would be built into the hill. It would have a terrace affect and would not be visible from the house, stables or new driveway.

Questions were asked about adding lights to the existing court for night play. C. Strong stated that at this time, he has no plans for that, but that there is sufficient electric supply there for that and if he did want lights, he would ask CEO Maxwell what the process would be before just putting them up. The board then advised C. Strong that he should discuss any proposed improvements to the Tennis Club/court with CEO Maxwell before proceeding.

The question was asked if the three-lot subdivision were approved, would it change the zoning. CEO Maxwell stated that it would not. A question was asked about a proposed driveway (road cut onto Avon road) and whether C. Strong seek approval from NYS DOT for the road cut to Lot #3 before the Planning Board moves ahead. C. Strong stated that it would need to be at least 1000' long, which is not feasible at this time. The board asked if an on-site review could be possible. C. Strong didn't have a problem with this.

The board wondered if subdividing out the tennis club from the original parcel could possibly change the ZBA's earlier determination. CEO R. Maxwell stated that maybe it is a question for the Village's Attorney. Chair Griffio said that he would speak with Zoning Board of Appeals Chair Carolyn Meisel before contacting Village Attorney Reynolds.

C. Strong wondered that if under the new zoning, tennis courts were allowed as part of the open space as they are with the current zoning. CEO Maxwell stated that he was not sure.

It was explained to C. Strong that once the Board gives conceptual approval, charges would begin to be incurred. The Village's engineer would start his review, which would be charged to the Village, and the Village would then ask for reimbursement from C. Strong as per Village Code.

C. Strong was asked to possibly move his proposed lot lines around the driveway entrance/exit to line up with former Balconi building on Avon Road. Noting that if a driveway cut is ever requested, it should line up with the Balconi curb cut. The Board then stated that before the Planning Board gives their final approval, the Conservancy should give their approval.

CEO Maxwell stated that the next map the Planning Board reviews should include deed restrictions, easements and any other pertinent information described in the subdivision criteria. The question was then asked if the Planning Board should proceed with this subdivision request if the original parcel was not subdivided legally. It was then stated that this subdivision could easily be changed to a four-lot subdivision to accommodate the applicant.

The PB board advised C. Strong that at today's meeting, considerable changes have been made to his original proposal. The board would like to now see those changes on paper, and would then consider conceptual approval. C. Strong asked how would the Planning Board now proceed. Chair Griffo stated that considering the discussion we have had, the Board should wait to give conceptual approval. However, when conceptual approval is given, there is the possibility that preliminary approval could also be given at the same meeting.

C. Strong left the meeting with the understanding that the submittal deadline for the February 25<sup>th</sup> Planning Board meeting is Wednesday, February 11<sup>th</sup>, by 4:30PM.

Some discussion took place regarding the Strong property and how it is (was) subdivided. Secretary Mack stated that she would pull the subdivision folder. Chair Griffo stated that he would contact past Chair now Deputy Mayor Sandy Brennan and Attorney Reynolds regarding the issue.

Some discussion took place regarding the new zoning code, the current Code, and the current Land Development Regulations and Public Works Requirements. The Board specifically wondered how the Land Development Regulations and Public Works Requirements would work with the new zoning, and which one would take precedent.

## **6. Meeting Closed:**

With no further discussion, R. Freiburger moved to close the meeting at 5:11PM. D. Farthing seconded the motion and the motion passed with ayes from M. Griffo, R. Freiburger, S. Richardson, D. Farthing and D. Woods.

Aprile S. Mack, Secretary