

MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, MARCH 18, 2014
7:00 PM; VILLAGE HALL, WHITNEY ROOM

I. ATTENDANCE – MEMBERS

Paul M. Drozdzziel
Patrick McCormick
Kevin O’Donoghue
Bonnie Taylor-Davis

ABSENT

Laura Nobles
William Wall

4 PRESENT, 2 ABSENT, 1 SEAT VACANT, Quorum

ATTENDANCE – OTHERS

Thomas W. Freeman, Mayor
Anthony Cappello, Code Enforcement Officer
Trustee Robert Hayes, Village Board Liaison
Atty. Reid Whiting, Village Attorney
Heather Ferrero, County Planner

ATTENDANCE - GUESTS

Richard Martin, 14 Five Lot Lane
William Nevin , 45 Hal Bar Road
Robert Austen, 5 Hal Bar Road
Patrick Driscoll, 188 West Main Street

• MAYOR’S REMARKS

Chairman Malcolm D. LaFever had resigned due to health reasons. Mayor Freeman announced he had selected Drozdzziel to succeed LaFever as chairman. The Mayor went on to note Taylor-Davis had accepted appointment to another term.

Board membership may be reduced from seven to five with one alternate, that was something he was considering, Mayor Freeman told members, or he might leave things as they were, with membership at seven.

II. APPROVAL OF THE MINUTES

MOTION: Taylor-Davis moved for approval of the minutes of the meeting of February 18, 2014, seconded by McCormick. Voting in favor were: Drozdzziel, McCormick, O’Donoghue and Taylor-Davis. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays

IV. NEW BUSINESS

A. Subdivision Application
William & Mary Nevins, 45 Hal Bar Road, Applicants
Richard E. Martin, 14 Five Lot Lane, Owner
Kevin O’Donoghue, Surveyor

Minor subdivision application to cut-off a .487-acre lot, roughly 95-feet X 212-feet from a 25-acre parcel owned by Martin. Said lot was located north of Clinton Street and east of Hal Bar Road, adjoining the applicant's 45 Hal Bar Road property to the rear.

Nevin told Board members he had lived in his home for 30+ years and was concerned about privacy. He was intent on controlling what went on behind his lot. Nevin said he wanted to buy a large enough lot to sell as an asset should he so choose.

Two Hal Bar Road neighbors to the north of Nevin's house would border the subdivided lot, McCormick noted. Were there shrubs, trees or a berm between them and the lot? he followed-up.

One of the neighbors in question had a chain link fence with a gate, but there were no bushes or hedge row, Nevin responded.

Was this actually considered a subdivision? Drozdziel asked, pointing out they would only be creating one building lot.

Chapter 31, Section 21, Paragraph B of the Municipal Code described a "Minor Subdivision" as any subdivision containing not more than four lots fronting on an existing street.

Martin said he could do one more lot after Nevin's.

Should the application be coming from the property owner? Drozdziel followed-up.

They had both signed the application, Martin responded.

It was a joint application, Whiting added.

What was the current zoning on the parcel? Drozdziel asked.

Agricultural, Martin answered.

Were you asking for a zoning change? Drozdziel wondered.

You could do 1-family houses in Agricultural districts so, no, Martin said.

There was no requirement for a public hearing in Chapter 30, Section 31, Agricultural District, A, Whiting said.

Turning to O'Donoghue, Drozdziel said O'Donoghue would have to abstain as the surveyor, leaving the Board with just three voting members, insufficient for action so, they would have to table the matter until the April 15 meeting.

The two properties north of Nevin, the subdivided lot would go behind their houses, did they have any interest in extending their lot lines back? Drozdziel asked.

Nevin said he'd offer the property to them before offering it for sale generally.

Did the size of the proposed subdivided lot meet minimum building lot requirements? Drozdziel asked.

Yes, Cappello confirmed.

It exceeded the minimum requirements, Martin added.

We'll put it on the next agenda, Drozdziel said.

T A B L E D

B. Zoning Clarification

Patrick Driscoll
 188 West Main Street
 SBL: 34.6-1-61 1.2-acre lot

Three-quarters of Driscoll's property was zoned I-2 Special Light Industrial while the remaining quarter was zoned R-1 One Family Residential.

Driscoll's house was on the I-2 portion of the property and he told the Board, if he wanted to put on an addition, he'd have to go before the Zoning Board of Appeals for a use variance. His family had been on that property 180 years and he had five grandchildren coming along behind him, he noted.

Driscoll planned to continue living and working on the property, he said. Along with his residence, he had his electrical business there and the property was unique, one of the few remaining on West Main Street with frontage available on Routes 5&20.

Furthermore, Driscoll had given the Village a sewer right-of-way down the middle of his property and it was conceivable his house could wind up on a corner lot. He was asking the Board for a "multi-zoned" classification, saying he didn't want to contend with variances.

Special Light Industrial doesn't fit your uses? O'Donoghue asked.

It does and it doesn't, Driscoll responded.

How would his house wind-up on a corner lot? O'Donoghue asked. That could only happen if someone continued Doer Avenue north across West Main Street, through Driscoll's property and on to Maple Street.

Speaking of Maple Street, Driscoll said he had a big problem with both Maple Street and Bronson Avenue. Properties on those streets had no drainage, he asserted.

Getting back to Driscoll's request for a "multi-zoned" classification for his property, O'Donoghue said it sounded as if Driscoll was asking the Board to come up with a new zone.

Driscoll said the Village could keep his property as it was, he was very satisfied with Special Light Industrial, but if there were a fire, he wouldn't want to be out of house and home for two years, he'd want to rebuild.

A fire would be a catastrophe, Whiting interjected, adding that would be a classic case of hardship and that would serve as the grounds for a variance which would allow him to rebuild.

Again referring to his property as unique, Driscoll said he wouldn't want to get locked into a use variance. He wouldn't want to have to go through a "nightmare." With his house in an I-2 district, he'd need a variance to add-on or to rebuild in the event of fire. Then, again, if the property were changed to R-1, his barn would be 4-feet too tall for that zoning classification.

Driscoll wasn't facing a nightmare, Drozdziel told him, he was facing a process.

O'Donoghue said he didn't know what would define a "multi-zone" classification.

But, Driscoll claimed the Village already had that sort of classification, they had it downtown with businesses on the first floors and apartments above.

Drozdziel said he didn't think the Board had anything to offer Driscoll.

If there were some pressing need affecting his property, that's when he should come in and apply for what he wanted and what he needed, Whiting said.

Driscoll said he still didn't have any firm documentation as to what his property was. The Village's OFFICIAL ZONING MAP was wrong and so was the county's.

The Board was working on the Village's OFFICIAL ZONING MAP, Taylor-Davis said, and after all the decisions had been made and they were able to come up with a corrected version that would be a huge step.

III. OLD BUSINESS

A. Zoning Code Reform

Zoning Map Corrections & Improvements

Larger Map Showing Parcel Lines as Well as Zoning Districts Desired

Heather Ferrero, Livingston County Planning Department

Ferrero said the county was proposing parcel-based zoning, that that was easier to understand and easier to enforce. She went on to present the Board with visuals showing zoning districts, parcel boundaries and land use, pointing out problem areas along the way.

What was the process for correcting the problem areas? Drozdziel asked.

If the Village were going with parcel-based zoning, they would technically be rezoning and that was something the Village Board would have to authorize, Ferrero said.

Could the county do the mapping? O'Donoghue asked.

Yes, and at no cost to the Village, Ferrero answered.

What comes first? Drozdziel asked.

The last map Ferrero said she'd passed out should clean-up many of the issues at hand.

Board members should be sure they agreed with the tweaks the county had made, Rappazzo said.

Would property owners be affected in any way? Drozdziel asked.

No, Rappazzo said.

Should the Board make a recommendation? Drozdziel asked.

The Board should move forward, but they should take a meeting to review what had been presented, O'Donoghue said.

And, to consult with the Village Board, Rappazzo suggested.

B. McDonald's Improvements

250 East Main Street

Proprietors were considering:

A 14-foot, 8 ½-inch addition to the rear of building to accommodate larger coolers

Removing the building's large front windows

Retaining the seating area with, essentially, the same building footprint

The changes were first brought to the Board's attention May 15, 2013. Drawings were recently submitted to Building Inspector Anthony Cappello. To date no permits have been issued.

The proprietors would like to begin work May 1, Cappello told Board members, adding they'll be at the Board's April 15 meeting to outline what they have in mind.

C. D'Angelo Parkway Sidewalks

North Avenue Heights Subdivision

December 19, 2013, the Board had asked Cappello to notify the developer the time had come to install sidewalks in the subdivision, to ascertain when installation would begin and estimate the time until completion. If a change in location was proposed, the Board asked Cappello to ask the developer to submit a sketch plan, showing the change.

Cappello felt sidewalks should be the topic of a Neighborhood Meeting. The developer had not been put on notice, he added.

The money for the sidewalks had been put in escrow, Whiting noted.

Efforts would be made to bring the approved plan, showing where the sidewalks had originally been intended to go, to the April 15 meeting.

V. ADJOURNMENT

The Board adjourned at 9:08 PM.

Gary Margiotta
Deputy Clerk