

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, DECEMBER 16, 2014
7:00 PM; VILLAGE HALL, WHITNEY ROOM**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Patrick McCormick
Laura Nobles
Kevin O’Donoghue
Bonnie Taylor-Davis
William Wall (7:05 PM)
Vacant Seat

OTHERS

Anthony Cappello, Code Enforcement Officer (7:12 PM)
Brian Glise, Fire Marshal
Kurt Rappazzo, MRB Group
James Schillinger, 42 Valley Lane – Subdivision Applicant

QUORUM, 6 Present, 0 Absent

II. APPROVAL OF THE MINUTES

MOTION: Taylor-Davis moved to approve the minutes of the meeting of September 16, 2014, seconded by McCormick. Voting in favor were: Drozdziel, McCormick, Nobles, O’Donoghue and Taylor-Davis. Voting against were: none (Wall had not arrived).

CARRIED, 5 Ayes, 0 Nays

III. OLD BUSINESS

Nothing pending.

IV. NEW BUSINESS

A. Subdivision Application: James Schillinger
42 Valley Lane
Avon, NY 14414

Schillinger proposed dividing a 100-foot X 639-foot parcel, extending west from 75 High Street to 42 Valley Lane, into two lots. The land was zoned One Family Residential (R-1).

Schillinger had purchased the 75 High Street property 20 years ago. He wanted to sell it to his sister while retaining the 42 Valley Lane portion and land in-between on which two out-buildings were located.

O’Donoghue, a long-time Planning Board member and former chairman, had surveyed the property and prepared the preliminary plat for Schillinger. Subdivision applications, such as Schillinger’s, were subject to review and signature by the Code Enforcement Officer.

But, the subdivision Schillinger had proposed would have created an 18,454-square-foot parcel at 75 High Street and a 46,136-square-foot parcel at 42 Valley Lane. Village Code required a minimum lot size of 20,000-square-feet.

As such, the Planning Board could not conduct a public hearing on or rule on Schillinger’s subdivision application.

Drozdziel pointed out the 75 High Street parcel was less than 20,000-square-feet.

O'Donoghue carried on, saying Schillinger wanted to retain a blacktop driveway along the southern border of the 75 High Street property as an ingress/egress easement to the out-buildings he owned between the 75 High Street and 42 Valley Lane houses.

But, from a process standpoint, shouldn't this go to the Zoning Board of Appeals (for an area variance) first? Drozdziel inquired. Schillinger hadn't applied for an area variance.

Board members agreed, if Schillinger did apply for an area variance and if the Zoning Board of Appeals (ZBA) were amenable, they would pursue a joint meeting. The ZBA could conduct their public hearing on Schillinger's area variance application first then the Planning Board could follow-up with their public hearing on his subdivision application.

Allowing time: for Schillinger to submit his area variance application
for ZBA members to be notified
for the Village Attorney to draft the legal advertisements for the public hearings
for the legals to be run in the Village's legal newspaper, the Livingston County News

it was felt the earliest a joint meeting could be scheduled would be 7:00 PM Tuesday, January 20, 2015.

Upon receipt of the area variance application, the Chairman directed the secretary to attempt to arrange the January 20 meeting.

B. Unscheduled Item

Avon Commons – Lot 35

Combination of five tax parcels back into a single lot – Common Owner

This item had not been on the agenda.

Former Avon Commons owner, Lou Masi, had been given permission to divide Lot 35 in the Commons subdivision into five parcels, Cappello told Board members.

The subdivision had recently sold to Morgan Avon Court, LLC, of Pittsford and the new owner wanted the five parcels to revert to a single lot, Cappello continued. Lot 35, he noted, was located just behind the Avon Medical Group offices at 470 Collins Street.

Common ownership was the key, O'Donoghue remarked.

The request should be run by Village Atty. Reid A. Whiting, Nobles cautioned.

There's no down side, McCormick asserted.

Five apartment buildings had been built on Lot 35 and the owners would like to build another seven, Rappazzo told Board members.

Procedurally, I'd want Whiting's input first, Nobles reiterated.

I have no problem with the Lot 35 parcels reverting to a single lot, Taylor-Davis said, but she agreed she'd feel better with input from the Village Attorney.

Combining tax parcels belonging to a common owner, O'Donoghue said he didn't see any action required of the Planning Board.

The Board agreed to seek clarification on proper procedure from Village Atty. Whiting with a response deadline of December 23. Morgan Avon Court, LLC's, request involved common ownership of five parcels with Morgan Avon Court asking the Village's permission to revert to a single lot, members summarized.

C. Unscheduled Item

Property Sale 74-76 West Main Street

Addition of apartment under consideration

The building housing Burroughs & Schillinger Dental Associates and Frankie's Barbershop, 74-76 West Main Street, had sold to the neighboring Platinum Limousine Service of Western New York, 90 West Main Street, Cappello told Board members.

The new owners would like to put an apartment in the second floor space that had formerly been the Odd Fellows Hall, Cappello added.

D. Parcel-based zoning

Paul M. Drozdziel, Chairman

Heather Ferrero of the Livingston County Planning Department had come to the Planning Board with a parcel-based zoning proposal in March, Drozdziel recalled.

The Village needed to transition from its current zoning system to parcel-based zoning to eliminate inconsistencies, Rappazzo had told the Village Board at a meeting in October.

Everyone has looked at the Village's Zoning Map and wondered exactly where district lines fell, Rappazzo told Planning Board members.

Switching to parcel-based zoning would affect about 400 lots, Drozdziel estimated, adding the change could affect property values.

The Village Board was asking the Planning Board to go through the changes, taking into consideration what the comprehensive plan said, Rappazzo continued.

Ferrero had offered to do all the mapping, Rappazzo said. She'd come, the Board would review, she would adjust as needed, he said. The Village Board was looking to the Planning Board to do the legwork on the transition to parcel-based zoning, he added. Many of the adjustments would be no-brainers, Rappazzo said.

The Planning Board needed to get back to the Village Board and let them know they would be getting together with Ferrero, Drozdziel said.

The Village Code doesn't match the Zoning Map, Glise pointed out. The Village would have had to have done something anyways, he added.

The Board would have to knock down the 400 affected parcels one at-a-time, McCormick figured.

Let Ferrero drive the process, Rappazzo suggested, adding it would be her time doing the mapping.

It was important to send a message back to the Village Board so, everyone was on board, Taylor-Davis said.

We could adopt parcel-based zoning as one of our objectives for 2015, Nobles suggested.

That would dovetail with a review of the comprehensive plan, Drozdziel added.

MOTION: Nobles moved to make parcel-based zoning an objective of the Board for 2015, seconded by O'Donoghue. Voting in favor were: Drozdziel, McCormick, Nobles, O'Donoghue, Taylor-Davis and Wall. Voting against were: none.

CARRIED, 6 Ayes, 0 Nays

V. ADJOURNMENT

MOTION: Wall moved for adjournment at 8:20 PM, seconded by Taylor-Davis. Voting in favor were: Drozdziel, McCormick, Nobles, O'Donoghue, Taylor-Davis and Wall. Voting against: none.

CARRIED, 6 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk