

**MINUTES FOR A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
WEDNESDAY, FEBRUARY 20, 2013
7:00 PM; VILLAGE HALL, WHITNEY ROOM**

I. ATTENDANCE

Kevin O'Donoghue, Chairman
Paul M. Drozdziel
Malcolm D. LaFever
Richard E. Martin
Laura S. Nobles

GUESTS

Mary Julia D'Angelo
Jean Schoenthal
Richard Rumfola
Daniel J. Holtje, Fingerlakes Land Surveying
Julie Holtje, Fingerlakes Land Surveying

Anthony Cappello, Code Enforcement Officer
Robert Hayes, Trustee

Richard A. Slakes

ABSENT

Bonnie Taylor-Davis
William Wall

QUORUM, 5 Present, 2 Absent

III. OLD BUSINESS

A. Avon Macaroni Plant Subdivision Application
234 Rochester Street; Avon, NY

Mary Julia D'Angelo – applicant
255 North Avenue; Avon, NY

Richard Rumfola – prospective Avon Macaroni Plant buyer
4833 Jones Lane; Avon, NY

Daniel & Julie Holtje, Fingerlakes Land Surveying
3142 Plank Road; Lima, NY

Jean Schoenthal – in support of applicant
254 North Avenue; Avon, NY

BACKGROUND

D'Angelo sought to subdivide the 1.8 acre Avon Macaroni Plant parcel into two lots, the first being a .4 acre lot, occupied by the plant and fronting Rochester Street at 234 Rochester Street, the second being the remaining 1.4 acres of undeveloped land situated behind the plant and extending to the rear of D'Angelo's residential lot at 255 North Avenue.

The Board, on a motion from LaFever and second from Martin, had issued a positive recommendation on D'Angelo's application, with three stipulations, at their January 16 meeting:

1. The plant was located in an R-1 One Family Residential district. The Board asked that the plant lot be of minimum size for R-1, that being 20,000-square-feet or, roughly, 100 feet X 200 feet.

2. That the plant itself be used for INTERNAL storage only so as not to adversely affect the character of neighboring R-1 properties; and,
3. That the 1.4 acre lot to be created to the rear of the plant lot be joined with D'Angelo's residential lot at 255 North Avenue so as not to create a land-locked parcel.

The positive recommendation had passed 4-0 with Drozdziel, LaFever, Martin and Taylor-Davis voting in favor, no one voted against and Nobles, O'Donoghue and Wall were absent.

Fingerlakes Land Surveying had submitted revised maps two weeks prior to the meeting, showing the plant lot at 20,000-square-feet and the undeveloped lot joined with D'Angelo's residential lot. An UNSIGNED letter from Rumfola stipulating to INTERNAL storage only had also been submitted.

PUBLIC HEARING WAIVER REQUEST

If the Board was satisfied that the applicant had met the conditions set forth for approval and with the preliminary plat, the Board would, typically, proceed with a public hearing and then final approval of the subdivision application.

But, Julie Holtje asked the Board to waive the public hearing under Chapter 31 SUBDIVISION REGULATIONS, Article 7 VARIANCES AND WAIVERS, Section 31.71 VARIANCES, of the Village Code which stated:

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the official map, the comprehensive plan, or the zoning ordinance (Chapter 30 of this Code).

The subdivision application wouldn't affect neighbors, Julie Holtje asserted. No buildings were being created and the intent of the SUBDIVISION REGULATIONS was being met. Most towns, she added, made provisions to waive certain procedures.

O'Donoghue said he didn't see anyone showing up for a public hearing on this application, he agreed.

The first sentence of the section Holtje had cited mentioned "extraordinary and unnecessary hardships," Martin noted. Where were these extraordinary and unnecessary hardships? he asked.

The application amounted to a simple lot line adjustment, Holtje responded. The SUBDIVISION REGULATIONS would impose an unnecessary expense of time and money for D'Angelo, she reasoned.

"I can't believe how complicated this is," D'Angelo remarked.

You'd be surprised how much more complicated this would be, if you were across the county line into Monroe County, O'Donoghue said.

Do we agree to move on with this thing? O'Donoghue asked.

I feel comfortable moving forward, LaFever said.

MOTION: LaFever moved for final approval of the subdivision application, seconded by Martin. Voting in favor were: O’Donoghue, Drozdziel, LaFever, Martin and Nobles. Voting against was: no one.

CARRIED, 5 Ayes, 0 Nays

INTERNAL STORAGE ONLY

Concerning the unsigned letter from Rumfola stipulating INTERNAL STORAGE ONLY at the former Macaroni Plant, Rumfola asked the Board: What do you consider internal storage?

Drozdziel pointed out Rumfola had a number of unlicensed and unregistered vehicles parked outside the plant.

The previous tenant had stored vehicles in the same place, D’Angelo pointed out.

Why would he buy the place? Rumfola asked, it wouldn’t be to store hay or cows there – that was his question. Rumfola said he didn’t want to invest in fixing the roof without generating some income there.

If you were servicing vehicles, where would you be storing oil? Cappello asked. How would you be disposing of it? he followed up, pointing out there were 10 vehicles a day stored outside the plant.

The plant had always been a mechanic’s garage, Schoenthal argued.

The Board didn’t know anything about garages, Martin responded, but members had asked for the INTERNAL STORAGE ONLY stipulation because they didn’t want the non-conforming use to expand.

Cars cannot be out there, Cappello put it simply.

Board members agreed, if the plant were to be operated as a mechanic’s garage, such use would be contrary to the Village’s Zoning Code and the operator would first have to go before the Zoning Board of Appeals for a USE VARIANCE.

Rumfola left without signing acknowledgement and consent to INTERNAL STORAGE ONLY letter.

- B. Slakes Area Variance Application
71 Park Place, zoned B-1, Central Business district

Richard A. Slakes – applicant
71 Park Place

SETBACK ISSUE

Slakes had applied for a building permit for a 12-foot X 28-foot, multi-purpose, enclosed equipment storage shed with an open-air, covered firewood storage area January 4. The pavilion-type structure would be attached to an existing garage and would be 3-feet from the rear property line. Cappello had

denied the application January 14, apparently for an insufficient setback, and Slakes had followed up with an area variance application January 16.

NEIGHBORS' COMMENTS/DEBRIS CLEAN-UP

Dr. Robert Hayes, whose 25 East Main Street property adjoined to the rear, had E-mailed the Board stating he had no objection to the pavilion's location. Slakes added he had a letter from Kristen Freeman, whose 23 Temple Street property also adjoined to the rear, saying she had no objection.

Martin cited Chapter 30 ZONING, Article II ZONING DISTRICTS, Section 30.25 ZONING SCHEDULE – the area, lot and bulk regulations schedule for District B-1 - of the Village Code. There were no side and rear yard setbacks specified for accessory buildings on the schedule, Martin pointed out.

AREA, LOT AND BULK REGULATIONS

D I S T R I C T	MIN. YARDS ACCESSORY BUILDING		MAXIMUM BUILDING HEIGHT		MAXIMUM BUILDING COVERAGE		MINIMUM FLOOR AREA
	Side (ft)	Rear (ft)	Prin Bldg (ft)	Acc Bldg (ft)	Prin Bldg % of lot	Acc Bldg % of rear	Area (sq ft)
E-1			35	20			
			35	20			
E-2	10	10	35	20	30		1,600
	10	10	18	18	25		
	10	10					
I-1	20	30	35	20	50		2,500
	20	30	35	20	50		2,500

Slakes property didn't abut a residential district so, Martin believed, Slakes didn't need a variance for setback.

Describing the structure for the Board, Slakes said the open-air portion of the pavilion would have lattice work on the Temple Street side to dress it up, but still allow air flow to dry his firewood. He planned a 7/12 pitch for the roof.

In his E-mail, Dr. Hayes had complained that Slakes dumped debris from walnut trees on the northeast corner of his lot (near Dr. Hayes' property). Slakes told Board members he wanted to get that cleaned up and planned a concrete floor in his pavilion.

NO VARIANCE NEEDED

Seeking confirmation, Martin asked, did Slakes need a variance?

I say, no, LaFever responded.

I say, no, Martin concurred.

Zero setback? O'Donoghue asked rhetorically, answering, I agree.

Martin confirmed they all agreed there were no setbacks required. The next question came under “use,” but Martin said he didn’t see any problem there either.

“I don’t think there’s any action required,” Martin concluded.

“Me either,” O’Donoghue agreed.

Just clean-up the walnut pile, Drozdziel reminded Slakes.

We did a good thing, Martin summed up.

B. NEW BUSINESS

- A. Pole Bridge Road Subdivision Application (pre-application review)
3-lot subdivision north of the farm lane & opposite 1747 Pole Bridge Road
Zoned A-Agricultural district

Richard E. Martin – applicant
14 Five Lot Lane

Kevin O’Donoghue – surveyor
Welch & O’Donoghue, Avon

When they’d started laying out the subdivision, O’Donoghue told Board members they’d looked at zoning on the property Martin had purchased from Linda Postler. That property extended from the rear of Hal Bar Road properties east to Pole Bridge Road and formed an irregular “U” around the Avon Town Plaza.

O’Donoghue said they’d wanted to clean-up the zoning district lines:

- Square-up the B-2 General Business district with the back of the plaza
- Change the A Agricultural district land from the back of the plaza to Clinton Street to R-2 Multiple Family; and,
- Change the first three lots on the west side of Pole Bridge Road from R-1 One Family Residential and Agricultural to B-2

As for the subdivision, O’Donoghue told Board members it would be a minor subdivision, creating three 100-foot X 200-foot lots, each fronting Pole Bridge Road. The land was zoned Agricultural. Responding to a question from Drozdziel, O’Donoghue said there would be no problem with access.

O’Donoghue said he and Martin would present their zoning change proposals to the Village Board at the March 18 Board meeting.

II. APPROVAL OF THE MINUTES

MOTION: Drozdziel moved for approval of the minutes of January 16, 2013, seconded by LaFever. Voting in favor were: O’Donoghue, Drozdziel, LaFever, Martin and Nobles. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

C. ADJOURNMENT

The Board adjourned at 8:27 PM.

Gary Margiotta
Deputy Clerk