

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
WEDNESDAY, JUNE 19, 2013
7:00 PM; VILLAGE HALL, WHITNEY ROOM**

I. ATTENDANCE

Malcolm D. LaFever, Chairman
Laura Nobles
Kevin O'Donoghue
William Wall (7:12 PM)

GUESTS

Richard E. Martin
Christine Martin
Kurt Rappazzo, MRB Group
Reid A. Whiting, Village Attorney

ABSENT

Paul M. Drozdziel
Bonnie Taylor-Davis
Vacancy (Richard E. Martin)

Anthony J. Cappello, Code Enforcement Officer

QUORUM, 4 Present, 2 Absent, 1 Vacancy

II. APPROVAL OF THE MINUTES

Of the meeting of May 15, 2013 – no action taken.

III. OLD BUSINESS

<p>A. Subdivision Application Richard E. Martin, Applicant 14 Five Lot Lane Avon, NY 14414</p>	<p>“The Martin-Pole Bridge Road Subdivision, Sect. 1” 3-lot minor subdivision opposite 1737 Pole Bridge Road Zoned A-Agricultural</p>
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Notice of Public Hearing

Richard E. Martin had applied for subdivision approval for three lots on Pole Bridge Road and for rezoning of lands east of Hal-Bar Road and west of Pole Bridge Road, consisting of 26.608 acres and adding lands of his to the R-2 District.

All persons in support of or objecting to this application may appear in person or by agent or attorney.

Drainage Concern

No members of the public attended. Allen Pike of 1747 Pole Bridge Road had called the Village Office. He said he would be working and, as such, be unable to attend the public hearing, but said his one concern was drainage.

The land in question descended from Pole Bridge Road to a valley that flowed towards the CVS Pharmacy at 277 East Main Street. The CVS parking lot had flooded during recent heavy rains. Pike was concerned the subdivision would make matters worse.

Martin responded, saying what he was proposing would make the drainage situation better not worse.

O'Donoghue, who had been retained as the surveyor for the Martin-Pole Bridge Road Subdivision, Sect. 1, explained residential lawns provided better drainage (absorption) than the bare earth present with agricultural lands.

Plat Signature Lines

Martin submitted an Agricultural Data Statement and Short Environmental Assessment Form as required for his subdivision application.

Rappazzo advised Martin and O'Donoghue to have all signature lines called for in the Village Code on the minor subdivision plat.

Hearing Continued

According to Chapter 31, Subdivision Regulations, Article III, Section 32, Paragraph E, the Planning Board shall, within forty-five (45) days from the public hearing on the subdivision plat, approve, modify or disapprove such plat.

O'Donoghue would have had to abstain from voting on the application due to the apparent conflict of interest resulting from his employment as Martin's surveyor on the project. His abstention would have left only three voting members present. Four votes would have been needed for action.

At the outset of the meeting, only LaFever, Nobles and O'Donoghue had been present. Taylor-Davis had said she would be out-of-town and she had offered a phone number for a conference call vote. Such course of action was rejected on the advice of legal counsel.

Phone calls were made to Wall and Drozdziel, who'd previously said he'd had a conflict of interest. Wall came, but Drozdziel said he could not, leaving the Board the one voting member short necessary to rule on Martin's subdivision application.

As such, members agreed to special meeting at 6:00 PM Thursday, June 27, 2013, in the Whitney Room at Village Hall. At such time, the Board intends to conclude the hearing and vote on the subdivision application.

B. Signs

The Board was to consider requiring persons bringing an application before the Board to post the property in question, notifying the public action had been proposed and instructing interested parties to contact the Village Office for additional information. No action was taken.

C. Zoning Code Reform

Recommendations under consideration:

- R-1 front yard parking prohibition
- B-1 & B-2 metal siding prohibition

No action was taken.

IV. NEW BUSINESS

Nothing pending.

V. ADJOURNMENT

The Board adjourned at 7:20 PM.

Gary Margiotta
Deputy Clerk