

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

I. ATTENDANCE

Kevin O'Donoghue
Paul M. Drozdziel
Malcolm D. LaFever
Richard E. Martin
Laura Nobles
William Wall

ABSENT

Bonnie Taylor-Davis

GUESTS

James Harrington, 157 East Main Street
Faye Beshures, 157 East Main Street

Anthony Cappello, Code Enforcement Officer

QUORUM, 6 Present, 1 Absent

II. APPROVAL OF THE MINUTES

MOTION: LaFever moved for approval of the minutes of February 20, 2013, seconded by Martin. Voting in favor were: O'Donoghue, Drozdziel, LaFever, Martin, Nobles and Wall. Voting against were: none.

CARRIED, 6 Ayes, 0 Nays

III. OLD BUSINESS

<p>B. James Harrington 157 East Main Street Avon, NY 14414</p>	<p>Wishing to build a 30-foot X 50-foot garage at 157 East Main Street, an R-1 One Family Residential property with access from Lacy Street</p>
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Harrington had appeared before the Board December 19, 2012 and, at the time:

- Hadn't applied for or paid for a permit
- Hadn't submitted a site plan or sketch
- Hadn't been denied a permit
- Hadn't applied for a variance

Harrington then asked to be on the March 20, 2013, agenda on Friday, March 15, but still:

- Hadn't applied for or paid for a permit
- Hadn't submitted a site plan or sketch
- Hadn't been denied a permit
- Hadn't applied for a variance

Harrington told the Board he had equipment most homeowners didn't, but he didn't want to leave anything outside. He said he would be:

- 17 feet from the east side property line (John Dowd – he had said he would be 50 feet from the east side property line at the December 19 meeting)
- 20 feet from the rear property line (Janet S. Helmuth – he had said he would be 25 feet from the rear property line at the December 19 meeting)

The lot on which Harrington wished to build was owned by Faye Beshures and was slightly irregular in shape, but roughly 135 feet wide and 210 feet deep. The minimum side yard setback for an accessory building on an R-1 lot was 10 feet and the minimum rear yard setback 20 feet, according to Chapter 30, Article II, Section 30.25 of the Zoning Code.

Harrington said he had pushed the garage back to leave room for construction of a porch. He told Board members he could do a smaller porch, but didn't want to go for a variance. He added he would side the garage.

Outstanding Issues

1. Usage

The garage would be 50-feet long, 30-feet wide with a 10 foot wide porch the west side, making the building 40-feet wide overall, 9-feet to the top plate and 16-feet to the peak of the roof.

Usage would be the only question, Cappello remarked, adding it would be alright as long as Beshures said the garage wouldn't be used for commercial purposes.

What's the issue? LaFever asked.

You don't want people coming back and hollering at you, Martin answered.

And the garage would have conventional vinyl siding? Drozdziel interjected.

We need a definition of "commercial usage," LaFever said.

I don't have a business, Harrington told the Board.

No signage proposed? Nobles followed-up.

No, Harrington said.

Then, I don't have a problem with it, Nobles declared.

2. Maximum Allowable Rear Yard Coverage

The garage would be 40-feet wide (with the porch) X 50-feet long, Drozdziel confirmed.

You don't need Board approval, O'Donoghue told Harrington, asking if anyone had an issue.

The maximum height allowed by Code (Chapter 30, Article II, Section 30.25) is 12-feet, Martin stated.

That had been amended to 17-feet, Cappello said.

Harrington said he would plant a row of arbor vitae along the side property line to cut down visibility.

The maximum percentage of the rear yard that an accessory building can take up in R-1 zone is 20 percent, according to Chapter 30, Article II, Section 30.25 of the Zoning Code, Drozdziel noted.

The garage was 2,000-square-feet and the lot was over 25,000-square-feet, Cappello said.

You looked at it and its sufficient? Nobles followed-up.

Yes, Cappello confirmed.

3. Consensus

I don't have any problem with it, LaFever said.

I don't have an issue, Martin concurred.

As far as I'm concerned, he's all set, O'Donoghue said, adding, we don't even have to vote on anything.

Yes, Nobles agreed.

By our definition, Wall said, we have no action on this.

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| <p>A. Richard E. Martin
14 Five Lot Lane
Avon, NY 14414</p> | <p>The Martin-Pole Bridge Subdivision, Section 1
3-lot subdivision application, opposite 1737 Pole Bridge Road
Zoned A-Agricultural</p> |
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The applicant had asked to subdivide Parcel 34.11-1-65.1, cutting approximately 1.5 acres from the whole and creating three 100-foot X 200-foot lots fronting Pole Bridge Road. Martin and Surveyor Kevin O'Donoghue initially brought the application before the Board February 20.

Availability of Services & Minor or Major Subdivision Determination

The preliminary questions to be answered were whether services were available and whether the subdivision should be considered "major" or "minor," O'Donoghue began.

Water, sewer gas and electric services were available all along Pole Bridge Road and, according to Village Code, O'Donoghue contended the subdivision should be considered "minor."

Chapter 31, Subdivision Regulations, Article II, Section 31.21 defined:

- A major subdivision as five or more lots; and,
- A minor subdivision as four or fewer lots

O'Donoghue called for comments, saying Martin would like to move to a public hearing at the April 17 meeting and, barring any objections, get it approved. The subdivision had been named "The Martin-Pole Bridge Road Subdivision, Section 1."

Martin said he'd like to do one house this year.

All the driveways would enter Pole Bridge Road? Wall asked.

Yes, Martin verified.

Any other driveways, Wall followed-up.

Only Aaron's Auto Body, LLC, at 20 Pole Bridge Road, Martin responded.

Any variations in the models (home styles)? Nobles asked.

Generally, 2-story colonials, Martin told her.

What's directly behind these three lots? Wall inquired.

Corn fields and drainage, Martin said.

MOTION: Wall moved for preliminary approval of the 3-lot, minor subdivision known as "The Martin-Pole Bridge Road Subdivision, Section 1." Seconded by LaFever. Voting in favor were: Drozdziel, LaFever, Nobles and Wall. Voting against were: none with O'Donoghue and Martin abstaining.

CARRIED, 4 Ayes, 0 Nays, 2 Abstentions

C. Martin Re-Zoning Proposal

Richard E. Martin

14 Five Lot Lane

Avon, NY 14414

Martin wanted to re-zone:

- The vacant parcel on the southwest corner of East Main Street and Pole Bridge Road, owned by Sandi Irish, from R-1 One Family Residential to B-2 General Business.
- Aaron's Auto Body, LLC, owned by Aaron Smith, at 20 Pole Bridge Road from R-1 to B-2
- 11.02 acres south of the Avon Town Plaza and owned by Martin from A Agricultural to R-2 Multiple Family Residential
- Part of the former William Iler property at 243 East Main Street, now owned by Martin, was R-1 and part of it was B-2. Martin wanted it all B-2.

R-1 also extended beyond the rear boundaries of the Hal Bar Road residential properties east onto vacant land now owned by Martin and, O'Donoghue said, Martin wanted to push the R-1 boundary back to the rear property lines of those Hal Bar Road residential properties.

The land he was talking about had utilities available, Martin noted.

And, the re-zoning proposal fit with the Comprehensive Plan the Village adopted in 2011, LaFever said.

As for the lot south of Aaron’s Auto Body, 20 Pole Bridge Road, that Martin wanted re-zoned from A Agricultural to R-1, Martin explained he wanted that change to transition from commercial use at Aaron’s to residential use.

Cappello said he didn’t see why Aaron’s and Irish’s parcels had become R-1 to begin with.

Martin said he was looking for a positive recommendation from the Planning Board to the Village Board on his re-zoning proposals.

Nobles said she like to see the Village expand its public notification not just for zoning issues and variances, but everything.

MOTION: Wall moved for a positive recommendation from the Planning Board to the Village Board, accepting the zoning changes as presented by Martin and O’Donoghue, seconded by LaFever. Voting in favor were: Drozdziel, LaFever, Nobles and Wall. Voting against were: none with O’Donoghue and Martin abstaining.

CARRIED, 4 Ayes, 0 Nays, 2 Abstentions

As for the public notification Nobles had mentioned, Martin suggested putting signs on properties where action is contemplated. He asked to have that topic put on the agenda for the April 17 meeting.

- D. Zoning Code Reform – Rochester Street under review
No action taken

IV. **NEW BUSINESS**
Nothing pending.

V. **ADJOURNMENT**
The Board adjourned at 8:05 PM.

Gary Margiotta
Deputy Clerk