

**MINUTES OF WORK SESSION OF THE
AVON PLANNING BOARD
THURSDAY, FEBRUARY 7, 2019
6:00 PM; VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdzziel, Chairman
Marilyn Borkhuis

ABSENT

Patrick McCormick
Kevin O’Donoghue
William Wall

NO QUORUM, 2 Present, 3 Absent

STAFF

Lance Brabant, Senior Planning Associate, MRB Group
Anthony Cappello, Code Enforcement Officer
Gary Margiotta, Deputy Clerk

GUESTS

Molly B. Gaudio, Barton & Loguidice
John Steinmetz, Barton & Loguidice

II. ZONING CODE UPDATE

Article VI Special Use Regulations

MOLLY B. GAUDIOSO, COMMUNITY PLANNER

Barton & Loguidice

Article VI was intended to provide for the review and approval of uses with a higher potential for incompatibility with adjacent uses of lesser intensity such as single family residential dwellings.

Through these regulations, the Village hoped to promote public health, general safety and to preserve the character of the immediate neighborhood and larger community.

The Light Industrial (LI) District would be removed from the Code (Article IIB, Industrial Districts, Article 30.35), Gaudio noted.

If the Code permitted a use, that use would not require review, but must conform to the standards of Article VI. Specially permitted uses (SP) would require a permit from the Zoning Board of Appeals (ZBA). The property or building owner, an agent, lessee, purchaser or tenant – with written permission from the owner – would have to apply for the permit.

Applications would have to be submitted to the ZBA Secretary two weeks before they were considered and would have to be accompanied by the filing fee. The ZBA Secretary would certify the application’s acceptance. The Planning Board would conduct a sketch plan conference before the ZBA issued a permit, Gaudio added.

The ZBA would conduct a public hearing before rendering a decision on a special use permit application. The applicant would have to serve real property owners within 200 feet of the subject property with a copy of the public hearing notice and file an affidavit of service with the ZBA.

30.68 Regulations by Use

- Uses included:
- A. Accessory Dwelling Units
 - B. Accessory Structures & Uses
 - C. Adult Uses
 - D. Bed & Breakfasts (B&Bs)
 - E. Car Washes
 - F. Day Care Facilities
 - G. Drive-Throughs
 - H. Gasoline Service Stations
 - I. Home Occupations
 - J. Outdoor Sales & Displays
 - K. Outdoor Storage
 - L. Public Utilities
 - M. Vehicle Sales
 - N. Vehicle Service or Repair Shops
 - O. Telecommunications Towers

Agricultural (A) Districts allowed agricultural operations, but would also allow mobile homes and mobile home parks with a special permit, Gaudioso told members. The Planning Board, she stated, would have to review mobile home and mobile park applications then recommend for-or-against to the Zoning Board of Appeals.

Chapter 30, Section 38, of the current Code prohibited mobile homes in the Village of Avon - except within the confines of a licensed mobile home park or court.

Chapter 30, Section 61, Paragraph C of the current Code went on to say mobile home parks or courts would only be permitted in Agricultural Districts.

C. Adult Uses

An adult use was a business that provided sexual entertainment or services to customers. Adult uses included: X-rated video shops and bookstores, live or video peep shows, topless or fully-nude dancing establishments, combination book/video and "marital aid" stores, non-medical massage parlors, hot oil salons, nude modeling studios, hourly motels, body painting studios, swingers clubs, X-rated movie theaters, escort service clubs and combinations thereof.

Were such uses addressed in the Village's Municipal Code? Gaudioso asked. If they were, the update should reference the Chapter and Section. If not, Board members might want to pick out an appropriate area for them then spell-out the restrictions that would apply. Language was available; did members want it?

MULTI-FAMILY CONVERSIONS

Requirements included:

- Minimum dwelling size of 1500-square-feet (SF)
- Minimum unit size of 400-square-feet (SF)
- On-site parking requirements: driveway, front-yard, side-yard or rear-yard
- Maintenance of residential character

Do we have more control with this? Drozdziel inquired, also expressing concern over the minimum unit size of 400SF.

It had been 500SF, Gaudioso noted.

Make it 500SF, Drozdziel recommended, adding he thought it had been 700SF or 720SF.

30.65 SPECIAL USE PERMIT REVIEW PROCEDURES

Section C, Item 3., stated:

“The ZBA may seek the opinion of any legal, engineer, design or other professional to aid in the review of an application. Any such costs incurred as a result of seeking professional aid shall be reimbursed by the applicant.”

Put that in bold, all caps, Drozdziel requested.

It was more explicit than anything the Village currently had in its Code, Gaudioso remarked.

30.68 REGULATIONS BY USE

A. Accessory Dwelling Units

What’s the difference between an accessory dwelling unit and a multi-family conversion? Drozdziel wondered. When we’re talking about a multi-family conversion, we’re talking about minimum square footages but, with an accessory dwelling unit, we’re OK with any size?

With an accessory dwelling unit, the owner has to live there, Gaudioso explained, adding accessory dwelling units were not intended to become income properties.

The Board reviewed 30.68 B. Accessory Structures & Uses, which included:

- A. Decks, patios or terraces
- B. Garages, carports, enclosed storage structures
- C. Playgrounds or playhouses
- D. Noncommercial nurseries, gardens or greenhouses
- E. Fire escapes, other health & welfare structures
- F. Ramps, lifts, other accessibility structures
- G. Radio or dish antennae limited to a meter or less
- H. Home solar energy systems, rain barrels, rain gardens or bioswales
- I. Personal or home electric vehicle-charging stations
- J. Off-street parking areas for 2-family or multi-family dwellings
- K. Other uses or structures deemed similar in nature by the Code Enforcement Officer

C. Adult Uses

Gaudioso said she would add language.

The Board followed-up, reviewing Bed & Breakfasts (B&Bs), Car Washes and Day Care Facilities. Day Care Facilities needed to be licensed and must conform to setback requirements, Gaudioso stated. F. Day Care Facilities, 1., made reference, in error, to “Monroe County.” Gaudioso said she would correct that to Livingston County.

H. Gasoline Service Stations was in the Village’s current Code, Gaudioso noted. That followed with Home Occupations and Outdoor Sales & Display. Gaudioso underscored the latter should not exceed 10 percent of the gross floor area of the primary structure.

Under K. Outdoor Storage, Gaudioso pointed out #5 stated the storage of contractor material and equipment must maintain a setback of **at least 200** feet from any adjacent residential use or district. That restriction particularly affected VanMaaren Properties, Inc., at 144 Wadsworth Avenue, the former Niagara Mohawk property.

Public Utilities, Vehicle Sales and Vehicle Service or Repair Shops followed.

30.68 O. TELECOMMUNICATIONS TOWERS

None of the regulations under Telecommunications Towers had been changed, Gaudioso noted.

Was “tower” defined in this section? Drozdziel asked. Would a fiber optics box be considered a “tower,” for instance.

Gaudioso directed Drozdziel’s attention to #2:

“As used in this section, a telecommunications tower shall be considered any structure greater than 35 feet in height which is capable of receiving and/or transmitting wireless signals for the purpose of communications.”

Empire Access of Prattsburgh was in the process of expanding their service area to include Avon and was installing fiber optics equipment for telephone, internet, cable television and security applications.

Question was raised over whether the ZBA or Planning Board should consider telecommunications tower applications.

OPEN HOUSE SCHEDULED

Gaudioso requested comments by Friday, February 15, on revising zoning districts, the zoning map and use regulations.

The Board agreed to conduct an open house on the Zoning Code update from 5:00 PM until 7:00 PM Wednesday, March 13, 2019 in Conference Room B of Village Hall. A flyer would be distributed and advertised in the Penny Saver in advance of the event.

III. ADJOURNMENT

The Board adjourned at 7:33 PM.

Gary Margiotta
Deputy Clerk