

**MINUTES FOR A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, JULY 16, 2019
7:00 PM; VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis
John Gibson
Patrick McCormick
William Wall (7:21 PM)

GUESTS

Malcolm D. LaFever, 59 Maple Street
J. Douglas & Elaine McCarthy

QUORUM, 5 Present, 0 Absent

STAFF

Andy Anderson, Fire Marshal
Lance Brabant, Sr. Planning Associate, MRB Group
Gary Margiotta, Deputy Clerk

II. APPROVAL OF THE MINUTES OF JUNE 18, 2019

AMENDMENT: Page 2 of the minutes had given McCormick’s address as 242 Genesee Street. McCormick pointed out his address was 252 Genesee Street.

MOTION: McCormick moved for approval of the minutes of the regular meeting of June 18, 2019, as amended; seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson and McCormick. Voting against were: none (Wall had not yet arrived).

CARRIED, 4 Ayes, 0 Nays

III. OLD BUSINESS

- A. Zoning Code Update**
- County Review August 8**
- Village Board Public Hearing August 12**

John Steinmetz and Molly Gaudioso of Barton & Loguidice, the planning consultants the Village had hired to do the Zoning Code update, had attended the Village Board’s July 1 meeting, Drozdziel reported. Gaudioso made a presentation and everyone seemed pleased with the results, he added. McCormick and Gibson had attended on behalf of the Planning Board.

The update materials had been transmitted to the County Planning Board and would be reviewed at their Thursday, August 8, meeting, Drozdziel continued. The Village Board, he added, would conduct a public hearing on them at their Monday, August 12.

B. Area Variance Application

Garage on vacant parcel at 63 Maple Street
R-1, One Family Residential, District

Malcolm D. & Rhonda LaFever

59 Maple Street

The LaFever wanted to build a 1,040SF garage on a vacant parcel at 63 Maple Street. The garage would be 17 feet back from the front property line and 2 feet in from the west side property line.

Drozdziel confirmed the County had consolidated the 59 and 63 Maple Street parcels. LaFever had forwarded Board members background materials to explain his application.

There were quite a few things in the background packet, LaFever said. There were plans from his construction company, Byler’s Construction, LLC, a survey map and support letters from Frances S. Frew at 71 Maple Street, his neighbor to the west, and another from Kenneth Schafer his neighbor from across the street at 60 Maple Street and his in-laws.

LaFever had purchased the 63 Maple Street property from Patrick Murphy in March, 2018. There had been a house on the property at the time, the house had been characterized as a “zombie home.” LaFever had had it demolished in February, 2019, then had the County consolidate his 59 Maple Street parcel with the 63 Maple Street parcel.

Both Frew and Schafer had said they were happy the zombie house was gone, LaFever continued.

Anderson asked if the garage he wanted to build would have New York State-certified trusses. State-certified trusses had placards on them that fire departments looked for in the event of an emergency. Anderson asked LaFever to contact his office when the trusses arrived to make sure they had the placards.

The garage would be wood framed, but would have metal siding and a metal roof, LaFever continued. It would have gas, electric, water and sewer for a possible in-law quarters, he told Board members. He wasn’t sure he’d have in-law quarters, but wanted to equip the garage with everything now just in case he went that way.

The garage would be 17 feet back from the sidewalk, LaFever said, adding any new structure could be even with existing buildings – he had that right, he told Board members. He might go as far back as 18 to 20 feet so, he could park trucks there, he added.

The west side of the garage would start out 7 feet from the property line and go down to 2 feet at the rear. They’d fixed what they could fix, he remarked.

On the other side, the garage would be 11 feet from his house, LaFever told Board members – enough space to park a camper in between. They’d done the best they could with what they had to work with, he continued.

LaFever said he would have gutters on the garage and water would drain to the south, drainage wouldn’t be a problem, he assured Board members (Wall arrived).

Getting back to the state-certified trusses, Anderson said they should have a reflective sticker on the front and side of the garage in accordance with the 2017 International Fire Code.

His only other concern was with drainage. Did LaFever anticipate ponding? Anderson asked.

In his background materials, LaFever had said the rear of the property was low-lying, which was why he had proposed building at the front of the property, but water was able to flow through the back of the lot and continue on to Patrick Driscoll’s creek lot.

MOTION: McCormick moved for a positive recommendation to the Zoning Board of Appeals (ZBA), seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, Gibson, McCormick and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

C. Special Use Permit Application

Bed & Breakfast at 310 East Main Street
Chapter 30, Section 61, Article VI-D

J. Douglas & Elaine McCarthy

310 East Main Street
R-1, One Family Residential, District

The McCarthy’s wish to resume bed and breakfast operations at the former Charlton Inn, 310 East Main Street. They had bought the property a year and a half ago, McCarthy began, moving here from Penfield.

Had they made any improvements? Drozdziel asked.

What did he want to know? McCarthy asked.

The house had five bedrooms, a living room, library and dining room, Mrs. McCarthy said, adding they lived there.

No physical changes? Drozdziel followed-up.

How many guests could they accommodate? McCormick asked.

Twelve guests, Mrs. McCarthy responded, adding 10 would be normal, they rented five rooms.

They had fire alarms, exits were marked and each room had instructions for evacuation, McCarthy chimed-in.

They’d like to do weddings and they’d also like to set-up a craft brewery in one of the barns, Mrs. McCarthy said.

The house was built in 1894 and they had a barn, built in 1920, and a dairy barn, built in 1950, McCarthy told Board members.

There had been concern about fire equipment being able to get back to the house, Anderson commented. The driveway from East Main Street crossed a concrete, culvert bridge that’s little more than the width of a fire truck, Anderson added, noting the Village’s ladder truck was 13 feet wide.

Perhaps, Village officials should schedule an on-site meeting to ensure fire apparatus can get back there, Brabant suggested – if you had 12 guests, you’d want to be sure emergency vehicles could get back there.

Anderson said he, Code Enforcement Officer Anthony Cappello, Fire Chief Brian Strozewski and Department of Public Works (DPW) Superintendent John Barrett should be included in an inspection tour.

Were there any signs? Brabant asked.

Mrs. McCarthy said she’d like to do a sign.

They didn't have a statement of operations and the McCarthy's should include whatever special events they anticipated in such a statement, Anderson noted. With an event such as a wedding that might take in 150 people, did they have parking for 150 people?

Do you have a plat map? Brabant asked.

Anderson said he had seen a drawing the McCarthy's had submitted.

MOTION: Gibson moved for a positive recommendation to the ZBA contingent on:

- An inspection by the Fire Marshal, the Building Inspector, DPW Supt. and the Fire Chief
- Submission of operational procedures
- Submission of a site map, showing parking

Seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, Gibson, McCormick and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

D. Noise Abatement

Railroad Car Pounding

Barilla Pasta, Inc.

100 Horseshoe Boulevard

Mayor Thomas W. Freeman had raised the issue at the regular meeting of June 18. Complaints had been received from Rochester Street residents.

Barilla had talked about an addition, Drozdziel recalled, suggesting noise abatement might be tied-in with that.

E. North Avenue Heights Sidewalks

25-lot subdivision on D'Angelo Parkway

Mary J. D'Angelo, Developer

253 North Avenue

Mayor Freeman had also raised the issue of sidewalk installation in the North Avenue Heights Subdivision at the regular meeting of June 18. The issue had been before the Planning Board in December 2013. Drozdziel said the sidewalks should be going in in August or September.

F. 70 West Main Street Demolition

Deadline August 1 per Anthony Cappello

JTS Management LLC

600 Fishers Station Drive, Ste. 200
Victor, NY 14564

No new developments.

IV. NEW BUSINESS

**A. Administrative Lot Line Adjustments
Not in the Village's Municipal Code**

**Consolidation of Lots
Covered Under Subdivision Regulations**

The Village did have a provision in its Municipal Code, Drozdziel noted,

(Chapter 31 Subdivision Regulations; Article II, Definitions: Paragraph 12: "Resubdivision" shall mean revision of all or part of an existing filed plat including consolidation of lots.)

consolidation of lots was part of the subdivision process. The Chairman had brought that up with a representative of the County, but the representative didn't have much to say about what was in the Village Code.

We need to “tighten-up,” the Drozdziel reasoned, adding we need to “put another tool in our toolbox.” He asked Brabant to find examples of administrative lot line adjustment legislation elsewhere then the Planning Board could review it and forward something to the Village Board for adoption consideration.

B. Special Use Permit Procedures

Issuing Authority Shift From ZBA to PB

No discussion.

V. ADJOURNMENT

MOTION: Wall moved for adjournment at 8:17 PM, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, Gibson, McCormick and Wall. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk