

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, SEPTEMBER 21, 2021
7:00 PM; VILLAGE HALL**

I. ATTENDANCE

Paul M. Drozdziel, Chairman
Marilyn Borkhuis
Robert C. Hayes

STAFF

Anthony Cappello, Code Enforcement Officer
Andy Anderson, Fire Marshal
Gary Margiotta, Secretary

ABSENT

John Gibson
William Wall

Quorum: 3 Present, 2 Absent

II. APPROVAL OF THE MINUTES

Motion: Borkhuis moved for approval of the minutes of August 17, 2021, seconded by Hayes. Voting in favor were Drozdziel, Borkhuis and Hayes; voting against were: none.

CARRIED, 3 Ayes, 0 Nays

III. OLD BUSINESS

A. Crooked Barn Craft Brewery & Coffee House

310 East Main Street, Parcel 34.7-1-40.11
Avon, NY 14414 – Agricultural District

J. Douglas & Elaine McCarthy

PO Box 204
Avon, NY 14414

August 17, the Planning Board had recommended the passage of a local law amending Chapter 30, Article VI, Special Use Regulations, of the Municipal Code. Said local law would add “microbrewery, farm brewery and craft brewery” as a permitted use within the Agricultural District subject to the issuance of a special use permit.

The Board of Trustees had scheduled a public hearing on local law at 7:00 PM Monday, October 4, 2021, at Village Hall. Approval would allow consideration of McCarthy’s proposal.

B. Solar Projects: 1-year moratorium on “ground-mounted” solar projects & battery storage recommended

August 17, the Planning Board had recommended a 1-year moratorium on “ground-mounted” solar projects and battery storage. Drozdziel said he had not heard anything back from the Village Board. There were no solar project applications pending before the Planning Board.

C. Area Variance Application

Side yard setback relief sought
5 feet from the line, VR District

Ryan Marciniak

31 Linden Street
Avon, NY 14414

Marciniak would like to erect a 12-foot X 21-foot, manufactured, hobby shed on the north side of his property, 25 feet from the front property line and 5 feet from the north, side property line. The property is in a Village Residential (VR) District and the VR District Table, Chapter 30, Section 23, calls for a 10-foot side yard setback.

The Planning Board had been asked to review the application and make a recommendation to the Zoning Board of Appeals (ZBA). The ZBA would then conduct a public hearing and hand down a ruling. On August 17, the Planning Board had tabled action on this matter to afford members the opportunity to inspect the property.

Borkhuis said she had forgotten and not driven by the property. Hayes likewise said he had not driven by the property. Board members did have a photo and a sketch of the property. Drozdziel reiterated the Municipal Code's 10-foot side yard setback requirement in VR Districts.

Why not put the shed in the back yard? Drozdziel asked.

Marciniak has four kids and wants to keep the back yard open for them, Anderson explained, adding Marciniak didn't have a garage.

From the sketch of Marciniak's property, Borkhuis noted Marciniak had a fence from the back of the house to the side property line. Yet, the sketch showed he had an out-building at the back of his property. How did he get to that out-building? Borkhuis wondered.

He has a gate, Anderson answered.

What does his neighbor have to say? Borkhuis wondered.

Joseph and Kristin Webb lived at 27 Linden Street, the property to the north of Marciniak. Anderson said he had talked with Webb and he didn't have a problem with the shed Marciniak wanted.

I guess I don't have a problem, if the neighbor doesn't have a problem, Borkhuis responded.

How far would the shed be away from the house? Cappello inquired.

Anderson didn't have an exact distance, but said the shed would be on the other side of the driveway from the house so, he estimated it at 15 feet.

Drozdziel said he was most concerned about the side yard setback, noting that was supposed to be 10 feet. He asked Hayes if he had any thoughts to share.

The north side property line was tree-lined, Hayes pointed out, adding if the neighbor on that side didn't have a problem with Marciniak's shed, he didn't either.

MOTION: Hayes moved to forward Marciniak's application to the ZBA with a positive recommendation, seconded by Borkhuis. Voting in favor were: Hayes and Borkhuis. Voting against was: Drozdziel.

NO ACTION VOTE, 2 Ayes, 1 Nay

TABLED: Three votes for or against were needed for action. Marciniak's application was tabled until the October 19 Planning Board meeting when it was hoped more members would be present.

IV. NEW BUSINESS
Nothing pending.

MISCELLANEOUS:

A. 141 Reed Street; Auction Notice

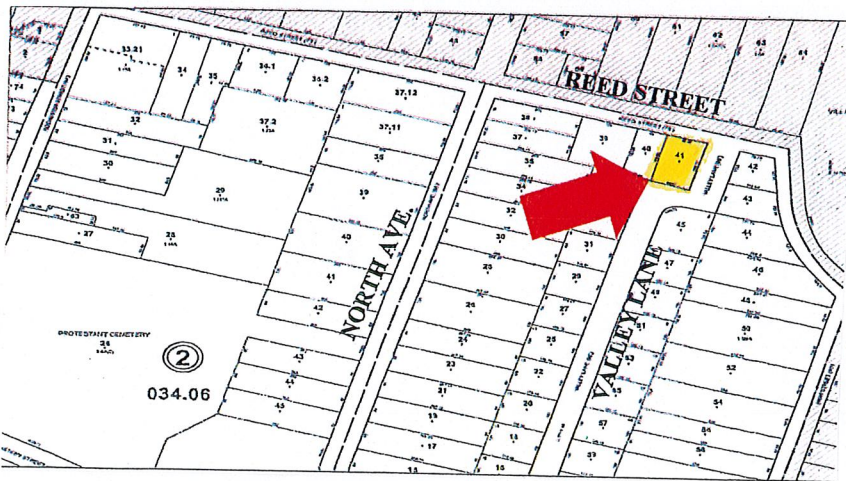
Long vacant house

The 1,628-square-foot, 2-story, wood frame house was on the corner of Reed Street and Valley Lane; it had last sold September 7, 2007, for \$87,500. The house had been built in 1910 and sat on .31 acres of land.

Vacant for several years, the house had appeared in a Livingston County Tax Auction Notice that had run in the September 17 edition of the Genesee Valley Penny Saver, Borkhuis told Board members. The tax auction was scheduled for 6:00 PM Thursday, October 28, 2021, at the County Highway Facility at 4389 Gypsy Lane, Mt. Morris.

William & Rachel Lamb

Owners per 2021 Tax Roll



TAX#: 34.6-3-41
 ADDRESS: 141 REED STREET
 TOWN/VILLAGE: VILLAGE OF AVON
 ASSESSMENT: \$108,700.00
 LOT SIZE/ACRES: 98'X139' / 0.31 ACRES (APPROXIMATE)
 PROPERTY CLASS: 210 SINGLE FAMILY RESIDENCE
 DESCRIPTION: 3 BEDROOM, 1.5 BATH, 2-STORY HOME
 DIRECTIONS: TAKE ROUTE 5&20 WEST IN AVON TO ROCHESTER ST. PROPERTY ON THE RIGHT SIDE.

B. Anytime Coach Lines; weed complaint

90 West Main Street
 Avon, NY 14414

Gregory Graves

192 Wadsworth Avenue
 Avon, NY 14414

Graves operated Anytime Coach Lines and rented space at 90 West Main Street from JTS Rochester, LLC. The property was the former Beikirch Ford garage, located on the corner of West Main and Rochester Streets. Graves had three charter buses parked behind the building, off Rochester Street, and two more parked in front of the building, off West Main Street.

Of the three buses parked off the Rochester Street side of the building, Drozdziel told Board members one hadn't moved all summer and the other two hadn't moved "in awhile." Weeds were beginning to grow up around those buses, he indicated.

JTS Rochester, LLC, also owned properties at 70 and 72 West Main Street. Board members noted the 72 West Main Street property had been put up for sale.

C. Code Enforcement Officer Retiring

21 years of service

Anthony J. Cappello

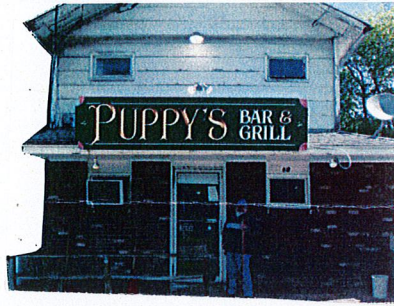
170 Rochester Street, Avon, NY 14414

Cappello announced he would be retiring, at the end of the month, after 21 years of service with the Village. Drozdziel thanked him for those years of service and Anderson congratulated him.

D. Puppy's Bar & Grill – new sign installed

58 West Main Street
Avon, NY 14414

Driscoll had purchased the former Street and had been remodeling improvement had been fascia sign, 32 inches high and permit for the sign in May. had recently gone up.



Jesse R. Driscoll

91 Wadsworth Avenue
Avon, NY 14414

Fat Sam's bar and grill at 58 West Main and repairing the interior. The latest installation of a single-sided, V-carved, 144-inches wide. Driscoll had gotten a Board members remarked the new sign

E. Avon Free Library – handicapped accessibility improvements

143 Genesee Street
Avon, NY 14414

The Avon Free Library had applied for grant funding to improve the handicapped accessibility of the front entrance and book-drop, Drozdziel reported, adding a decision was anticipated in November.

Paul M. Drozdziel

F. Avon Town Hall – Opera Block Grant Application

23 Genesee Street
Avon, NY 14414

Paul M. Drozdziel

Town Councilman



The Town had submitted a concept plan to the State Historic Preservation Office (SHPO), Drozdziel told Board members. The State had 30-days to respond. The plan involved third floor renovations to the 1876 Opera Block.

The Court System also had a grant opportunity, Drozdziel continued. The Town could apply for \$30,000 and the Village could apply for another \$30,000.

The money would go towards technology improvements, a sound system and a video monitor. The Court would also like to reconfigure their office space to allow for a Judge's chambers and an attorneys' conference room. The application deadline, Drozdziel said, would be October 7.

With the third floor, or Opera Block, renovations, Cappello noted there weren't any bathrooms on the third floor of the building and historical considerations prevented the Town from adding them.

The plan was to use the second floor bathrooms, Drozdziel responded.

Cappello had talked to the Avon Springs Lodge #570 of the Free masons, who have the adjoining building, and it would have been possible to cut through the wall and use their third-floor bathrooms.

But, Drozdziel pointed out, the Free Masons building was private property and the Town couldn't rely on private property for bathrooms. The first floor of Town Hall would have been too far to ask people to go, but the second-floor bathrooms would be an acceptable solution, he said.

The Town would go out to bid by the end of the year, Drozdziel continued. There was a great deal of clean-up and mechanical work to do as well as building a second means of egress, a second stairwell down to the first floor.

G. North Avenue Heights – sidewalks rejected

Paul Drozdziel

D'Angelo Parkway – money to be refunded

The Village Board had decided not to put sidewalks in the North Avenue Heights (*D'Angelo Parkway*) subdivision that the late Sam D'Angelo had developed in the 1990's. The Village Board had also approved returning the money the developer had put in escrow for sidewalks, plus interest (\$41,524.66), to D'Angelo's widow, Mary J. D'Angelo.

V. ADJOURNMENT

MOTION: Borkhuis moved for adjournment at 7:30 PM, seconded by Hayes. Voting in favor were: Drozdziel, Borkhuis and Hayes. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Gary Margiotta
Secretary