

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, JULY 19, 2022  
7:00 PM; VILLAGE BOARD**

**I. ATTENDANCE**

Paul M. Drozdziel, Chairman  
Marilyn Borkhuis  
John Gibson  
Kelley Tonra

**GUESTS**

Richard M. Martin, 22 River Street  
Christine Martin, Conesus  
Gregory McMahon, McMahon LaRue Associates PC

**ABSENT**

Robert C. Hayes

**STAFF**

Andy Anderson, Code Enforcement Officer  
Patrick McCormick, Village Board Liaison  
Gary Margiotta, Secretary

**II. APPROVAL OF THE MINUTES**

**MOTION:** Borkhuis moved for approval of the minutes of the June 21, 2022, meeting, seconded by Tonra. Voting in favor were: Drozdziel, Borkhuis, Gibson and Tonra. Voting against were: none.

**CARRIED, 4 Ayes, 0 Nays**

**III. OLD BUSINESS**

**A. Subdivision Application**

Pole Bridge Road Subdivision #4  
34.11.1-65.19, zoned Agricultural (AG)  
6-lot subdivision, 2.82 acres

**Richard M. Martin for Katherine A. Martin**

22 River Street            560 Harvard Street, Rochester, NY  
**Gregory McMahon, McMahon LaRue Associates, PC**  
822 Holt Road, Webster, NY

**PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Village of Avon Planning Board on Tuesday, July 19, 2022, at 7:00 PM in the Whitney Room at Village Hall, 74 Genesee Street, Avon, New York on the following matter:

Review of the subdivision application regarding the Pole Bridge Road property – tax map #34.11-01-65.19 – for division into six lots.

The Planning Board will, at the aforesaid time and place, hear all persons in support of this change or objections thereto. Persons may appear in person or by agent or attorney. A copy of the subdivision application is available for review at the Village Clerk’s office located at 74 Genesee Street, Avon, New York, from 8:00 AM to 4:00 PM Monday through Friday.

Dated July 6, 2022

By Order of the Village of Avon Planning Board.

Drozdziel read the public hearing notice and officially opened the hearing, asking any speakers to state their name and address for the record then to make their comments.

**Project Summary:**

McMahon summarized the project, explaining 2.82 acres on the west side of Pole Bridge Road, beginning 260 south of East Main Street, would be subdivided into six lots with five of the lots being 20,000 square feet each and sixth being roughly 23,000 square feet.

Martin was proposing building single-family homes with sidewalks across the front of the lots and polyethylene storm water chambers with roof leaders going into the chambers.

From a grading standpoint, McMahon said the land sloped from east to the west. All of the houses would have walk-out basements. They would be served by public sewer and water and Pole Bridge Road was a Town road.

How large was the storm water retention? Drozdziel asked.

110 cubic feet of storage or roughly 800 to 850 gallons (a cubic foot was equivalent to 7.48 gallons), McMahon responded, adding the property had good soil.

**Lot Size: 1-Acre or ½-an-acre?**

Tonra was curious about the lot size.

Drozdziel noted the property was zoned Agricultural (AG).

McMahon said the minimum lot area was 20,000-square-feet.

An acre is 43,560-square-feet; 20,000-square-feet would be equivalent to about 4.59-acre.

His understanding was a single-family dwelling in an Agricultural district had to have a minimum of 1-acre, McCormick said.

Chapter 30, Section 44, AGRICULTURAL DISTRICT TABLE specified a 1-acre minimum lot size for a single-family residential dwelling in an Agricultural district. The Village Board had adopted said requirement September 9, 2019.

McMahon said he couldn't comment on that at this point. He had gotten the 20,000-square-foot lot size out of the Village's Municipal Code for Agricultural districts. He would have to research this; 20,000-square-feet matched existing lots, he noted.

The Martin Pole Bridge Road Subdivision #3, just south of the subdivision proposed now, had 20,000-square-foot lots, but it been developed prior to 2019.

The 1-acre minimum lot size appeared to be a "recommendation," Martin remarked. The Village Board would have had to have had public hearings prior to changing the zoning. As such, he said he didn't know what the question was.

The public hearing on the local law amending the Zoning Code had been held September 9, 2019, and the Board, composed of Thomas Freeman, Mayor, Mark McKeown Deputy Mayor and Trustees Tim Batzel, Robert C. Hayes and William Zhe, had voted unanimously in favor of adoption.

Drozdziel confirmed the 1-acre minimum lot size in an Agricultural district that they were looking at had been adopted September 9, 2019.

If the Village's zoning required Martin to apply for area variances for the six lots, they would have to apply for variances, McMahon said, adding he wouldn't recommend applying to rezone the property to Village Residential (VR), noting that that could take months.

An area variance would allow use of land in a way that wasn't permitted by the dimensional or physical requirements of the zoning law. The Planning Board would have to review any area variance application then make a recommendation to the Zoning Board of Appeals.

For the Zoning Board of Appeals to grant such a variance, the Board would have to find the benefits to the applicant outweighed the detriment to the health, safety and welfare of the neighborhood. The Board would have to weigh the benefits against five factors:

1. Would an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created?
2. Could the benefit sought by the applicant be achieved by some method other than an area variance?
3. Is the requested area variance substantial?
4. Would the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
5. Was the alleged difficulty self-created? This consideration should be relevant to the decision of the Zoning Board of Appeals, but should not necessarily preclude the granting of the area variance.

After receiving the recommendation from the Planning Board, the Zoning Board of Appeals would have to conduct public hearings on the area variance applications then make a ruling.

At this point, Martin's subdivision application had been referred to the County Planning Board for review, but the referral was considered incomplete until either area variance or rezoning applications had been received.

The Village Planning Board could take no action until receiving a recommendation from the County, Drozdziel advised.

**Sidewalks: When to Install?**

The Planning Board had talked about sidewalks, but Martin had suggested not installing them until all six lots had been developed.

You had to excavate for sewer and water laterals, Martin explained, adding it would be impossible to make sidewalks look good when that sort of excavation had to be done.

The sidewalks would be destroyed, if they went in while the buildings were being built, McMahon added.

But, Drozdziel said he didn't want a situation where property buyers thought, once they owned the land, they didn't want sidewalks.

The buyer wouldn't receive a certificate of occupancy until the sidewalk was in, McMahon countered. Christine Martin said she was surprised the 1-acre minimum lot size hadn't been brought up when they'd first walked in.

Richard Martin thought sidewalks were a "waste of money," that the Village would have to get an easement from the corner of East Main Street to connect to the first lot of his daughter's Pole Bridge property and those easements would be next to impossible to get, that they'd have to come from the state and utilities.

That's our intention, to have sidewalks from East Main Street south across the six lots in the Martin Pole Bridge Subdivision #4, McCormick said.

Martin said he wasn't adverse to sidewalks, implying his daughter, who owned the property, was not either. Martin recalled how he had installed a sidewalk from the Village View subdivision, further south off Pole Bridge Road, through to the Avon Central School property. The Village had followed-up and continued that sidewalk to the school's parking lot, giving area children an easier route to school.

#### **Concrete vs. Blacktop Driveways**

McCormick asked if Martin had considered installing concrete, instead of blacktop, driveways. Ordering concrete for the driveways, as well as the sidewalks, would likely lower the cost of the concrete.

That would be up to the homeowners (those buying the houses), Christine Martin said.

Concrete driveways would cost three times more than blacktop, McMahon said.

But, they'd last forever, McCormick countered.

If properly installed and treated, McMahon replied.

#### **Hearing Left Open**

Drozdziel ended the hearing at 7:40 PM, but said it would remain open. The Martins and McMahon left.

#### **B. LivCo Walls MuralFest**

The first countywide mural festival in New York State, celebrating nine murals in nine Livingston County villages, began July 9. Ivan Roque from Miami had painted a mural of horses on the south side of Assemblywoman Marjorie Byrnes district office at 79 Genesee Street.

Avon had opened MuralFest celebrations from noon until 9:00 pm Saturday, July 9. There were food and beverage vendors on the street and Bob's Brother's Band played from 5:30 PM until 9:00 PM. Caledonia and Lima had festivals on July 9 as well with Geneseo, Livonia and Leicester following on July 16 and Mt. Morris, Nunda and Dansville slated to finish-up July 23.

Avon's festival went "great," Tonra told Board members. The businesses who had booths did "awesome," she added.

**C. Park Theater  
Solar Project**

The Park Theater, 71 Genesee Street, had applied for a building permit for a roof-mounted, solar project. The Village had a one-year moratorium on solar projects. Gibson, who chaired the Planning Board's solar projects committee, asked where the Village stood on the Theater's application.

The moratorium was enacted October 4, 2021, and pertained to ground-mounted solar projects and battery storage.

Anderson, the Village's Code Officer, said he had the Theater's roof-mounted solar project application and that it was a "book."

Drozdziel said the Board would confirm whether the moratorium pertained to all solar projects or residential only and when it ended.

**D. Potential Property Transactions**

52 West Main Street was up for sale. Drozdziel asked if it were condemned. 52 West Main Street had been a 2-story, 2-family house on a 22-foot X 102-foot lot.

It had been deemed "uninhabitable," Anderson responded, it could be brought back, if it met all state codes, he added. Anderson estimated it would cost \$80,000 to \$90,000 to tear down and that the cost could go up, if the asbestos were found in the building.

72 West Main Street was a pending sale, Anderson continued. 72 West Main Street was a 3-story, brick building that had housed businesses on the first floor and apartments on the second and third floors.

90 West Main Street was under contract for sale. 90 West Main Street had, historically, been a car dealership and, most recently, been home to a charter bus company.

36 Wadsworth Avenue has had some interest shown, Anderson said. 36 Wadsworth Avenue was a 2-story, single family house.

**IV. NEW BUSINESS**

Nothing pending.

**V. ADJOURNMENT**

**MOTION:** Gibson moved for adjournment at 7:47 PM, seconded by Tonra. Voting in favor were: Drozdziel, Borkhuis, Gibson and Tonra. Voting against were: none.

**CARRIED, 4 Ayes, 0 Nays**

Gary Margiotta  
Secretary