

**MINUTES FOR A MEETING OF THE
VILLAGE OF AVON PLANNING BOARD
TUESDAY, AUGUST 16, 2022
7:00 PM; VILLAGE HALL**

I. ATTENDANCE

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

GUESTS

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

STAFF

Sherman Gittens, MRB Group
Gary Margiotta, Secretary

II. APPROVAL OF THE MINUTES

Motion: Gibson moved for approval of the minutes of the meeting of July 19, 2022, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 5 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 118 Genesee Street

Gregory McMahon, McMahon LaRue Associates PC
Webster

RESUMPTION OF PUBLIC HEARING

A public hearing on the aforementioned subdivision application had been opened at the Planning Board meeting of July 19, 2022. The project had been summarized with McMahon telling Board members Martin wanted to subdivide the 2.82-acre parcel into five 20,000-square-foot lots and a 22,938-square-foot-lot.

Martin, McMahon had told the Board, wanted to build single-family homes with walk-out basements. The homes would be served by public water and sewer and Pole Bridge Road, a dedicated, Town road. The homes would have sidewalks across the front of the lots and would be equipped with 110 cubic foot storm water chambers with roof leaders going into them to ease drainage to the west.

Zoning required single-family homes in an Agricultural (AG) district to sit on 1-acre lots. Martin’s 20,000-square-foot lots were equivalent to about 4.59-acre. If the Village’s Zoning Code required Martin to apply for area variances, McMahon had said they would do that.

The hearing had ended at 7:40 PM, but been left open.

The subdivision application had been forwarded to the Livingston County Planning Department of review and recommendation, but Drozdziel informed Board members the County considered the application as “incomplete” due to the unresolved lot size issue.

B. Area Variance Application

Pole Bridge Road Subdivision #4

Richard M. Martin for Katherine A. Martin

22 River Street 118 Genesee Street

Gregory McMahon, McMahon LaRue Associates PC
Webster

The public hearing would remain open. The Board would not take any action on the subdivision application until the lot size issue was resolved.

McMahon had applied for an area variance August 8, asking to use Martin's 2.82 acres in a way not in compliance with Chapter 30, Section 44, of the Zoning Code. Said chapter and section called for 1-acre lots for single-family dwellings in an Agricultural (AG) district. Martin wished to divide the property into 20,000-square-foot lots.

The Planning Board had been asked to evaluate Martin's area variance application based on five factors set forth in Village Law 7-712 & 7-712-b. Drozdziel asked members if they were prepared to address those five factors.

Village Code had been amended to require 1-acre lots for single-family dwellings in an Agricultural (AG) district in 2019. What Martin was proposing would not have a negative impact on neighboring properties, McMahon contended. The properties adjoining to the south are identical, 20,000-square-foot lots. Likewise, the lots on the east side of Pole Bridge Road were similarly sized.

McMahon's comments addressed the first factor Planning Board members had been asked to consider, Drozdziel said:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?

In evaluating this factor, what Martin was proposing was congruent with the way the surrounding lots had been developed, Hayes pointed out.

Borkhuis and Gibson agreed.

2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

No, Drozdziel asserted.

Probably not, Tonra concurred.

3. Is the requested area variance substantial?

If the area variance application were denied, much larger lots would be required, Drozdziel stated, adding as such, the variance sought was substantial.

But, it wasn't unreasonable, Hayes said.

It was the only use for the land, Martin contended, adding 1-acre lots would throw everything off.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Would Martin's development add to run-off? Drozdziel asked. It did, but Martin had addressed that, the Chairman said, referring to the 110-cubic-foot storm water chambers.

Gibson agreed.

Gittens said he'd like to see a grading plan, the plan would have to be evaluated and Martin would have to follow storm water guidelines.

5. Is the alleged difficulty self-created? This consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

He was not sure how to answer that one, Drozdziel conceded, but summed-up, saying those were the five factors set forth in the statute. The Chairman said he would entertain a motion to give a positive recommendation to the Zoning Board of Appeals.

MOTION: Hayes moved to send a positive recommendation to the Zoning Board of Appeals, seconded by Gibson. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Monday, August 29, was the submission deadline for referrals to the County Planning Board, Gittens noted.

Martin's subdivision application couldn't go the County Planning Board without a variance decision from the Zoning Board of Appeals, Drozdziel remarked.

IV. NEW BUSINESS

Nothing pending

The August 13 Corn Festival had gone well, a few food trucks had cancelled out, Hayes commented.

The Avon Free Library was pursuing grant funding for backyard improvements as well as to the rear parking lot at the neighboring Central Presbyterian Church, Drozdziel mentioned.

Third floor renovations were ongoing at Town Hall, the Chairman continued, they hoped to have larger meetings and public hearings there. All business operations would be on the first floor and they were hoping to enlarged the second floor bathrooms.

V. ADJOURNMENT

MOTION: Borkhuis moved for adjournment at 7:37 PM, seconded by Tonra. Voting in favor were: Drozdziel, Borkhuis, Gibson, Hayes and Tonra. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk