

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, OCTOBER 18, 2022  
7:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

Paul M. Drozdziel  
John Gibson  
Kelley Tonra

**ABSENT**

Marilyn Borkhuis  
Robert C. Hayes

**GUESTS**

Richard Martin, 22 River Street, Avon

**STAFF**

Gary Margiotta, Secretary

**QUORUM:** 3 Present, 2 Absent

**II. APPROVAL OF THE MINUTES**

**MOTION:** Gibson moved for approval of the minutes of the meeting of September 20, 2022, seconded by Tonra. Voting in favor were: Drozdziel, Gibson and Tonra. Voting against were: none.

**CARRIED:** 3 Ayes, 0 Nays

**III. OLD BUSINESS**

**A. Solar Projects**

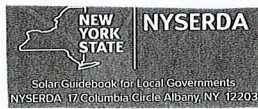
**Gibson, Committee Chairman**

Rob Richardson meeting  
6:00 PM, Monday, October 24, 2022

The Village Board and Planning Board will meet with Rob Richardson at 6:00 PM Monday, October 24, 2022 at Village Hall. Richardson is the Clean Energy Communities Coordinator for the Genesee/Finger Lakes Regional Planning Council in Rochester. He had provided the New York State Energy Research & Development Authority's (NYSERDA) model solar law and unified solar permit as starting points for Monday's discussions.

**Model Solar Energy  
Local Law**

For local governments to utilize when drafting local laws and regulations for solar development.



**PERMIT APPLICATION**

**NY State Unified Solar Permit**

Unified solar permitting is available statewide for eligible solar photovoltaic (PV) installations. Municipal authorities that adopt the unified permit streamline their process while providing consistent and thorough review of solar PV permitting applications and installations. Upon approval of this application and supporting documentation, the authority having jurisdiction (AHJ) will issue a building and/or electrical permit for the solar PV installation described herein.

**IV. NEW BUSINESS**

**A. Rezoning Request**

**Richard Martin**

SBL 34.11-1-65.17

22 River Street; Avon, NY 14414

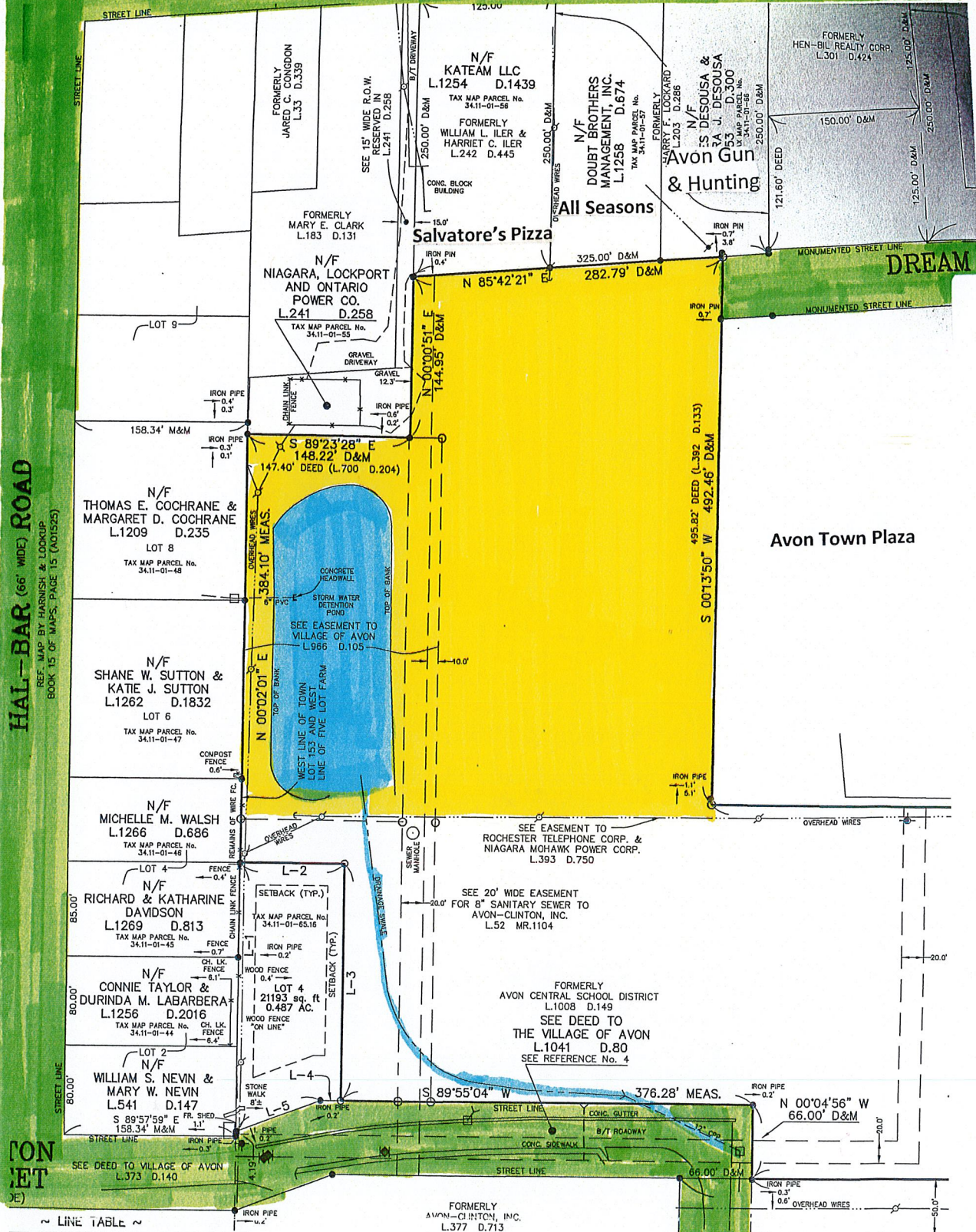
The land Martin was asking to have rezoned was roughly 460-foot wide and 500-foot deep. The land was behind Salvatore's Pizza, All Seasons Wine & Liquor and Avon Gun & Hunting, adjoined by Avon Town Square Plaza to the east and Hal Bar Road homes to the west. The land was accessible by Dream Valley Boulevard, a paved road running behind the Bank of Castile east to CVS Pharmacy.

The land was part of a 16.086-acre parcel that Martin owned. The 460 X 500 segment had been zoned B-2, General Business District, while the remainder of the parcel had been zoned as A, Agricultural prior to 2019.

**HAL-BAR ROAD**  
 (66' WIDE ROAD)

REF. MAP BY HARNISH & LOCKUP  
 BOOK 15 OF MAPS, PAGE 15 (A01525)

**IRON  
 NET**



~ LINE TABLE ~

N 00'02'01" E	240.81' MEAS.
S 89'57'59" E	94.77' MEAS.
N 89'57'59" W	
S 00'02'01" W	212.08' MEAS.
N 00'02'01" E	
S 89'55'04" W	18.74' MEAS.
S 69'21'44" W	81.26' D/M/M

- ~ GENERAL NOTES ~
- 1) ALL ON SITE SANITATION AND WATER FACILITIES SHALL BE DESIGNED TO MEET THE MINIMUM SPECIFICATIONS OF THE STATE HEALTH DEPARTMENT.
  - 2) THE BURIED UTILITY LINES SHOWN HEREON WERE LOCATED FROM SURFACE EVIDENCE ONLY. CONTRACTOR SHALL VERIFY ACTUAL LOCATION BEFORE ANY EXCAVATION
  - 3) OWNER & SUBDIVIDER  
 RICHARD MARTIN  
 22 RIVER STREET  
 AVON, N.Y. 14414

APPROVED BY RESOLUTION OF THE PLANNING BOARD  
 VILLAGE OF AVON, STATE OF NEW YORK, ON  
 DAY OF \_\_\_\_\_, 2021. SUBJECT TO ALL OF THE  
 COMMENTS & CONDITIONS OF SAID RESOLUTION.  
 CHANGE, ERASURE, MODIFICATION OR REVISION

Martin was at a loss to understand how the change had occurred. The 460 X 500 segment had always had a business classification, he exclaimed, and the segment had the plaza to the east and stores to the north. The property had “no value” as Agricultural, Martin contended. He told Board members he just wanted what he’d had before.

Steinmetz had been hired to look at zoning and had come back with recommendations to “clean-up things,” Drozdziel recalled.

Martin said he didn’t know why no one had caught this before.

Martin could have made the argument that the zoning shouldn’t have been changed at the time, Drozdziel pointed out.

**No Plans for the Property  
Might Never Do Anything**

Martin said he wanted to separate the 460 X 500, but, if the Board were asking him what he was going to do there, – he didn’t know, adding he might never do anything.

But, could they have two different zoning classifications on one parcel? Drozdziel wondered.

The Village had thrown the three homes in Martin’s Pole Bridge Road Subdivision #3 (100, 120 and 140 Poe Bridge Road) from conforming to non-conforming use, Martin claimed. What would the property owners have to do if their house burned down, Martin asked, get a variance to rebuild?

*(The property on which the 100, 120 and 140 Pole Bridge Road homes had been built had been Agricultural before they’d been built and that had not changed with the September 9, 2019 map amendment. And, single family dwellings were allowed in Agricultural Districts.)*

**Pursue a Subdivision & Zoning  
Change at the Same Time**

Drozdziel suggested Martin subdivide the 460 X 500 and pursue a zoning change from Agricultural (AG) to General Business (GB) at the same time, wouldn’t that make more sense, he asked?

Another thing that came into play, Martin responded, he didn’t want to get involved with engineers anymore. Couldn’t he just get the area he wanted rezoned, rezoned, then pursue a subdivision later?

Martin said he’d just as soon someone bought the whole parcel, but, for the time being, Martin asked if anyone had any problem with the 460 X 500 segment being rezoned General Business (GB)?

Another oddity with the property, Martin noted the Village had a detention pond on the property he’d been talking about, but there was no apparent right-of-way back to the pond. The Village did have a sewer line running alongside the detention pond, he noted.

Martin left at 7:27 PM, saying he would get together with Surveyor Kevin O’Donoghue about drafting a map for subdivision.

The Board went around the room. No one had anything to add.

V. **ADJOURNMENT**

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

**CARRIED, 3 Ayes, 0 Nays**

Gary Margiotta  
Secretary