

**MINUTES FOR A MEETING OF THE  
VILLAGE OF AVON PLANNING BOARD  
TUESDAY, APRIL 17, 2018  
6:00 PM, VILLAGE HALL**

**I. ATTENDANCE**

Paul M. Drozdzziel, Chairman  
Marilyn Borkhuis  
Patrick McCormick (6:30 PM)  
Kevin O’Donoghue  
William Wall

**GUESTS**

John E. Steinmetz, Steinmetz Planning Group  
Molly Gaudioso, Steinmetz Planning Group  
Garrett Wyckoff, Steinmetz Planning Group

**QUORUM, 5 Present, 0 Absent**

**STAFF**

Robert Hayes, Village Board Liaison  
Lance Brabant, Sr. Planning Associate, MRB Group  
Anthony Cappello, Code Enforcement Officer  
Brian Glise, Fire Marshal (6:37 PM)  
Gary Margiotta, Deputy Clerk

**PUBLIC**

Bonnie Taylor-Davis, 410 North Avenue  
Edward Forsythe, 164 Sackett Road  
Richard Martin, 22 River Street  
William Nevin, 45 Hal Bar Road  
Shawn Rooney, Planning Assistant,  
Livingston County Planning Dept.  
Kurt Zobel, 40 Spring Street

**COMMUNITY ZONING WORKSHOP  
2018 ZONING DISTRICT UPDATE**

The Village is updating its zoning district framework to ensure compatibility with current community development preferences and to improve the clarity and understanding of the regulations for all users of the Code. The update is also intended to ensure the Code is consistent with the Village’s 2017 Comprehensive Plan and the community development vision outlined therein. With the workshop, residents will have an opportunity to learn about the update and to offer their input.

And, if you have input, jump in, Gaudioso began. The workshop would be something of a primer, a Zoning 101 course, she said. Zoning had been created to protect public safety, health and welfare, but many of the communities the Steinmetz Planning Group worked with didn’t have zoning, she noted.

In contrast, Avon had established its Zoning Code in 1974 and there had been 48 amendments since then, Gaudioso added. She ran down

**EUCLIDEAN ZONING**

The most common form of land-use regulation was Euclidean zoning in which different land uses were separated: housing in one place, shops in another and factories elsewhere. Euclidean zoning was strong on what you couldn’t do, Gaudioso remarked.

**PERFORMANCE ZONING**

Lane Kendig had developed performance zoning in the 70's and his approach offered greater flexibility while concentrating more on impact than use, Gaudioso continued. Traffic, noise, glare and waste generation were the sorts of impact performance zoning addressed.

**FORM-BASED ZONING**

Form-based zoning focused on the scale, design and placement of buildings rather than their use, Gaudioso said. Communities opting for form-based zoning tended to believe the look and arrangement of buildings more strongly defined their character than the use of the buildings.

**HYBRID APPROACH**

The hybrid approach integrated elements of Euclidean, performance and form-based zoning, it blended design standards, use, set-backs and bulk requirements. The Steinmetz Planning Group hoped to implement its plan of study to:

- Update the obsolete
- Remove barriers
- Improve administrative efficiency, and
- Reflect changing community values

Meanwhile Gaudioso acknowledged the Zoning Code wouldn't address:

- Speed limits
- On-street parking
- Assessment practices, or
- New York State Building Code requirements

**PHASE 1**

The Steinmetz Planning Group had attempted to identify review procedure issues associated with the Village's Planned Residential Development District (PRDD) and had drafted a new zoning classification, the Mixed Residential District, to nudge the Village towards the vision expressed in its 2017 Comprehensive Plan and to be pro-active towards future development needs.

**PHASE 2**

Next, they hoped to draft purpose statements for all the districts in the Village's zoning framework as well as review and revise administrative procedures.

The County had an interest in "parcel-based zoning," Drozdziel remarked, asking if Gaudioso could speak to that.

Heather Ferraro of the County Planning Department had visited the Board March 18, 2014, to address that topic. The idea had been to create a zoning map where district boundaries matched parcel boundaries for ease of zoning enforcement and reducing situations where parcels were split into two or more zoning district.

Discussions were paused when the Village passed a moratorium on changes to the zoning map. The moratorium ended last month. The topic will likely be taken up again with the zoning update.

Elsewhere, Gaudioso noted application procedures were repeated in several places throughout the Code opening the door to potential conflicts. Local law language had also been embedded into the Code over the years and there were inconsistencies between tables and text.

**AGRICULTURAL DISTRICT****WILL THE UPDATE BRING CHANGES?**

Was the Steinmetz Planning Group considering adding or deleting uses to districts, say to the Agricultural District? Martin asked. Martin owned about 27 acres of agricultural property between Pole Bridge and Hal Bar Roads.

Changes to Agricultural District uses were unlikely, Gaudioso responded.

If he owned property in an Agricultural District and didn't want to see usage changes, what rights would he have? Martin asked.

Any changes that might be considered would be based on public input and the public's wishes, Gaudioso said, adding they were trying to make sense of what existed.

The Agricultural classification was less restrictive than residential classifications, Martin asserted, adding he would like someone to talk to him, if any changes were contemplated.

**DESIGN ELEMENTS:****ORNAMENTATION, FENCING & GARAGES**

Shifting gears, Gaudioso noted Shortsville (Ontario County, near Canandaigua, pop. 1,439) had allowed the removal of ornamental features from downtown buildings. How could they nudge design in the right direction?

Fencing opacity – did audience members care? Gaudioso continued. Fences along the street, they could say those fences had to be 30 percent see through. And, how tall should they be, three feet, four feet?

Given a dozen people, you might wind up a dozen answers, Martin responded. Someone might have big dogs and want to keep them confined to the property – that might dictate how tall they thought front fencing should be.

Where should the rules start? Steinmetz asked. What should be the starting point?

If a section of the Code were devoted to fencing, that would be the place to start, Drozdziel ventured.

Moving on, Gaudioso asked about garages, should they be allowed in front of houses or would members of the audience prefer them set behind the primary structure?

**HOME OCCUPATIONS****HOW FAR DO YOU LET THEM GO?**

Home occupations were businesses conducted in residential dwellings that were incidental and subordinate to the primary residential use of the dwelling. Regulation of home occupations usually focused on restrictions to the percentage of the unit that could be used for the occupation, exterior evidence of the business, the amount of parking required and the traffic generated.

Home occupations: how far do you let them go? Gaudioso asked. Should they allow the front yard to be paved over for parking? How about using a barn for vehicle repairs?

That brought Martin back to his original point about residential zoning classifications being too restrictive. He much preferred agricultural for what it would allow him to do with animals as well as with buildings. He could build a building to house a product in an agricultural district, Martin stated, adding he wouldn't be allowed to do that in a residential district.

Where was the demand? Martin asked. There simply wasn't a huge demand for residential houses in Avon, he maintained. Several people had lost a lot of money trying to develop housing – it was just too expensive, Martin contended.

If you developed a subdivision with 50-foot lots, you could deliver a product people could afford, Martin told Board members. People might say they wanted larger lots, but that was wrong. They actually wanted smaller, more economical lots.

A 100-foot X 200-foot lot (20,000 square feet) increased costs \$30,000, Martin said. The market was for houses in the range of \$150,000 to \$250,000. They had had a subdivision fail on Pole Bridge Road (Alexander Crossing) and the Royal Springs subdivision in East Avon wasn't developing any more lots because the Town had said they wanted larger lots.

Getting back to home occupations, O'Donoghue noted the Village didn't allow home occupations in R-1, One Family Residential, districts.

What about hairdressers who didn't want to pay rent downtown so, they ran their business out of their house? Drozdziel asked.

. . . . or Johnson Furniture Restoration which had moved from a I-1, light industrial, property on Spring Street to an R-1 property (behind the proprietor's home) on Wadsworth Avenue in 2011, O'Donoghue mentioned.

Where was the Board going to amass public input on measures such as the height of fences or whether or no solar panels should be allowed on the fronts of houses? Nevin asked.

Public forums, Gaudioso responded.

And, the public hearing before any change in the Code were adopted, Trustee Hayes stated.

## **PRDD & MR**

### **LAND MASS REQUIREMENTS**

When Gaudioso had said she'd like to update the Planned Residential Development District (PRDD) section of the Municipal Code (Chapter 30, Article XIII), Martin pointed out the land mass required for a PRDD was 20 contiguous acres (Section 30.133, paragraph 3).

But, the PRDD draft (Section 30.133, paragraph B) set the PRDD minimum at not less than 15 contiguous acres, Gaudioso said (the original draft had said 10 contiguous acres).

There were only three places in the Village with 15 contiguous acres available, Martin contended, the size requirement should be less.

But, the Mixed Residential (MR) District of which they'd spoken a minimum area of not less than 10 contiguous acres (Section 30.165, paragraph A) Gaudioso pointed out, and, with a PRDD, you could make a case for a smaller area in your application.

And, the lot sizes had been dropped down to 10,000 square feet with a minimum width of 40 to 50 feet in a PRDD, Gaudioso noted.

**REGULAR MEETING**

Drozdziel called the regular meeting to order at 7:20 PM.

**II. APPROVAL OF THE MINUTES**

**MOTION:** O'Donoghue moved for approval of the minutes of March 20, 2018, seconded by Borkhuis. Voting in favor were: Drozdziel, Borkhuis, McCormick, O'Donoghue and Wall. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**III. OLD BUSINESS**

- A. ZION EPISCOPAL CHURCH  
Kurt Zobel, Warden  
John Wallin, Member & Howard Hanna Realtor

**SUBDIVISION APPLICATION**  
Parcel 34.6-2-57  
Includes Church, 10 Park Place & Rectory (Parsonage), 33 North Avenue  
366 feet frontage, 143 feet deep, 1.2 acres

The Episcopal Church was applying to subdivide their parcel, cutting-off 80 feet on the north end. The 80-foot section would extend from 33 North Avenue west to St. Agnes School.

The minimum lot width, according to the Municipal Code, was 100 feet, Drozdziel pointed out.

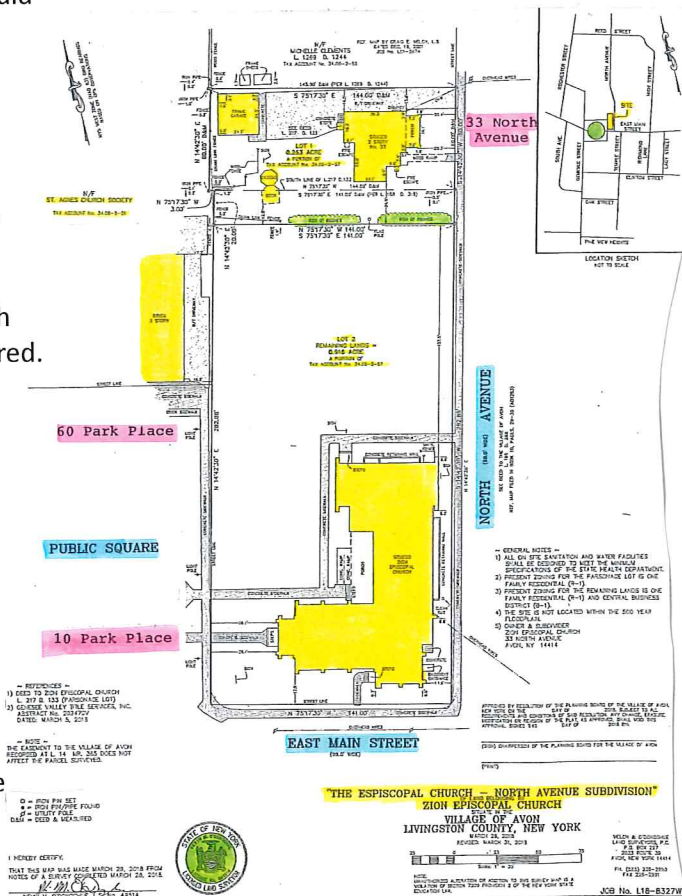
Very few lots in the Village were 100 feet wide, O'Donoghue, who had surveyed the property for the Church, countered.

Not disagreeing with the lot size, but why couldn't the Church have made the parsonage lot 100 feet wide? Brabant wondered.

A hedge separated the Church from the parsonage, Wallin responded. When the Church negotiated the sale of the parsonage to the ARC of Livingston-Wyoming they'd included the hedge – which gave them an additional 20 feet, making the lot 80 feet wide, he said.

The Church had thought they didn't need a subdivision, O'Donoghue said. In 1923, the parsonage had been on a separate lot, but, at some point, it had gotten combined.

In keeping with the parcels that surrounded it, the parsonage had as much, or more, frontage than others, Brabant remarked.



The Church was looking for conditional approval, O'Donoghue said.

The hedge kept privacy, Zobel noted, adding he was unsure what the ARC would do with another 20-feet on the Church's side of the hedge. The sale wasn't a done deal, Zobel added, explaining the Church still had to get approval from the Diocese.

And, the Attorney General had to approve the sale of land from one non-profit agency to another, Wallin noted. The Episcopal Church hadn't received a special use permit when the parsonage was established as a transitional home for female veterans in 2010 (the home had closed in May 2017).

## **GROUP HOME**

### **PARKING REQUIREMENTS**

Was there enough property there? Drozdziel queried.

For a group home? Zobel inquired.

It would be for six residents, Cappello noted.

The Village Board had approved it, Wallin declared.

Not exactly, Brabant interjected, the buyer (the ARC of Livingston-Wyoming) would have to come before the Planning Board for a special use permit.

Getting back to Drozdziel's question about size, Brabant asked how many employees there would be. A statement of operation should be submitted and additional parking might be required.

Have you had this conversation with the ARC, specifically about parking? Drozdziel asked.

The state had had an architect there most of today, Wallin responded. The ARC would need enclosed stairwells as opposed to fire escape ladders, he noted.

There would be additions, the fire ladders would be gone, Cappello said, adding stairways would be added.

A group home would need a certain number of parking spaces for a certain number of residents, Glise said, adding the state's architect should have had that information.

Chapter 30, Article VII PARKING AND LOADING SPACE, Section 71 REQUIREMENTS BY USAGE, paragraph F, called for one parking space for each bedroom for rooming houses and lodging houses and, unless otherwise required by site plan review, one and one-half off-street parking spaces for each employee per work shift.

But, the residents wouldn't be driving, Wallin pointed out, they would be aging people whose parents could no longer care for them. The employees, on the other hand, would have cars.

The Church was just asking for the subdivision, Zobel said. The ARC would have to contend with whatever challenges remained. And, the ARC operated two other houses in Avon now, he added. He had seen as many as four cars parked at the parsonage.

After the subdivision process, the Church would have to apply for an area variance, Drozdziel said.

**MOTION:** Borkhuis moved for a positive recommendation on the Episcopal Church’s subdivision application pending receipt of an area variance from the Zoning Board of Appeals, seconded by Wall. Voting in favor were: Drozdziel, Borkhuis, McCormick and Wall. Voting against were: none. Abstaining was: O’Donoghue.

**CARRIED, 4 Ayes, 0 Nays, 1 Abstention**

A joint meeting between the Zoning Board of Appeals and the Planning Board would be scheduled for 6:00 PM Tuesday, May 15, 2018 at Village Hall beginning with the Zoning Board of Appeals public hearing on the Church’s area variance application and followed by the Planning Board’s public hearing on the Church’s subdivision application.

Zobel and Wallin were advised a short Environmental Assessment Form (EAF) would also be required.

**IV. NEW BUSINESS**

Nothing pending

**V. ADJOURNMENT**

**MOTION:** O’Donoghue moved for adjournment at 7:56 PM, seconded by McCormick. Voting in favor were: Drozdziel, Borkhuis, McCormick, O’Donoghue and Wall. Voting against were: none.

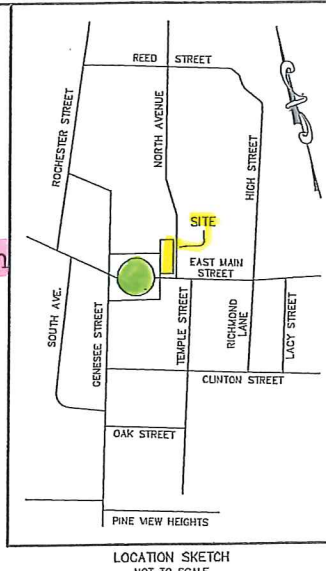
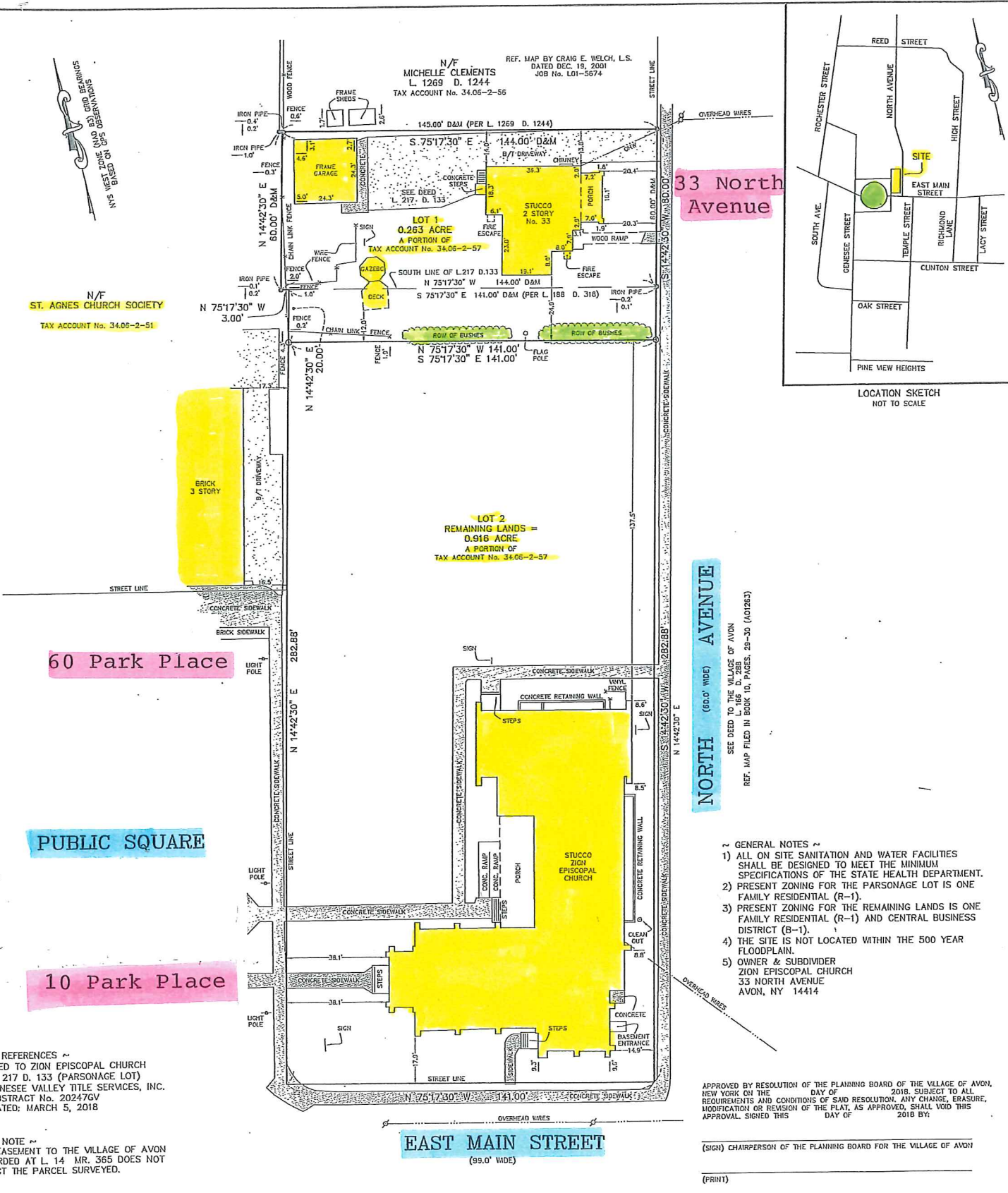
**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk

NYS WEST ZONE ON GPS BEARINGS  
(NAD 83) GPS BEARINGS

N/F MICHELLE CLEMENTS  
L 1269 D. 1244  
TAX ACCOUNT No. 34.05-2-55

REF. MAP BY CRAIG E. WELCH, L.S.  
DATED DEC. 18, 2001  
JOB No. L01-5674



N/F ST. AGNES CHURCH SOCIETY  
TAX ACCOUNT No. 34.05-2-51

LOT 2  
REMAINING LANDS =  
0.916 ACRE  
A PORTION OF  
TAX ACCOUNT No. 34.05-2-57

33 North Avenue

60 Park Place

PUBLIC SQUARE

10 Park Place

NORTH AVENUE (60.0' WIDE)

EAST MAIN STREET  
(99.0' WIDE)

- GENERAL NOTES
- 1) ALL ON SITE SANITATION AND WATER FACILITIES SHALL BE DESIGNED TO MEET THE MINIMUM SPECIFICATIONS OF THE STATE HEALTH DEPARTMENT.
  - 2) PRESENT ZONING FOR THE PARSONAGE LOT IS ONE FAMILY RESIDENTIAL (R-1).
  - 3) PRESENT ZONING FOR THE REMAINING LANDS IS ONE FAMILY RESIDENTIAL (R-1) AND CENTRAL BUSINESS DISTRICT (B-1).
  - 4) THE SITE IS NOT LOCATED WITHIN THE 500 YEAR FLOODPLAIN.
  - 5) OWNER & SUBDIVIDER  
ZION EPISCOPAL CHURCH  
33 NORTH AVENUE  
AVON, NY 14414

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF AVON, NEW YORK ON THE DAY OF 2018, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERRASURE, MODIFICATION OR REVISION OF THE PLAT, AS APPROVED, SHALL VOID THIS APPROVAL. SIGNED THIS DAY OF 2018 BY:

(SIGN) CHAIRPERSON OF THE PLANNING BOARD FOR THE VILLAGE OF AVON

(PRINT)

- REFERENCES
- 1) DEED TO ZION EPISCOPAL CHURCH L. 217 D. 133 (PARSONAGE LOT)
  - 2) GENESEE VALLEY TITLE SERVICES, INC. ABSTRACT No. 20247GV DATED: MARCH 5, 2018

NOTE  
THE EASEMENT TO THE VILLAGE OF AVON RECORDED AT L 14 MR. 365 DOES NOT AFFECT THE PARCEL SURVEYED.

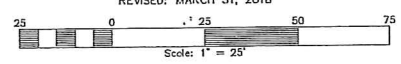
- = IRON PIN SET
- ◊ = IRON PIN/PIPE FOUND
- ∅ = UTILITY POLE
- D&M = DEED & MEASURED



I HEREBY CERTIFY:  
THAT THIS MAP WAS MADE MARCH 29, 2018 FROM NOTES OF A SURVEY COMPLETED MARCH 28, 2018.

KEVIN M. O'DONOGHUE, L.S. No. 49514

"THE EPISCOPAL CHURCH - NORTH AVENUE SUBDIVISION"  
OF LAND BELONGING TO  
ZION EPISCOPAL CHURCH  
SITUATE IN THE  
VILLAGE OF AVON  
LIVINGSTON COUNTY, NEW YORK  
MARCH 29, 2018  
REVISED: MARCH 31, 2018



NOTE:  
UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

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JOB No. L18-8327W