

PLANNING & ZBA MEETING MONDAY, FEBRUARY 24,
2025

MEMBERS PRESENT: PLANNING: CLARA MULLIGAN, CHRISTOPHER
STERNER, COLLIN HAYES, KATHY MANNIX, STEVE
CSAPO, LEE HANVEY
ZBA: KITTY BRESSINGTON, CINDY KELLEN, BOB
WESTFALL
ABSENT: BRIAN THORN, (PLANNING), DIANE ATTEA (ZBA),
JEFF MULLIGAN (ZBA)
OTHERS: BRIAN SHANNON (CEO, AVON)
VISITORS: TAMMY COX, GARY COX, CHARLENE GASSMAN, GENE
ROSENZWEIG, MATT EGAN, PENNY ROSENZWEIG,
CAROLE FARR
CLERK: KIM MCDOWELL

Collin Hayes called the meeting to order.

MOTION TO OPEN THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY
CLARA MULLIGAN.

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - ABSENT
CHRISTOPHER STERNER - AYE
STEVE CSAPO - AYE
LEE HANVEY - AYE

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 9-0.

The Planning and ZBA Board members, as well as Brian Shannon and
Kim McDowell introduced themselves to those present.

Collin Hayes reviewed meeting and public hearing etiquette along
with the emergency exits to all present.

ZBA MOTION TO ADOPT THE PROCEDURES AND POLICIES FOR THE 2025
MEETINGS WAS MADE BY BOB WESTFALL; SECONDED BY CINDY KELLEN.

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

PLANNING MOTION TO ADOPT THE PROCEDURES AND POLICIES FOR THE
2025 MEETINGS WAS MADE BY STEVE CSAPO; SECONDED BY LEE HANVEY.

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - ABSENT
CHRISTOPHER STERNER - AYE
STEVE CSAPO - AYE
LEE HANVEY - AYE

CARRIED 6-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM OCTOBER 21,
2024, MEETING SUBMITTED WAS MADE BY KITTY BRESSINGTON; SECONDED
BY CHRISTOPHER STERNER.

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - ABSENT
CHRISTOPHER STERNER - AYE
STEVE CSAPO - AYE
LEE HANVEY - AYE

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 9-0.

COX, GARY & TAMMY/2464 GARDEN STREET/TAX MAP#45.-1-50.112/ZBA -
VARIANCE FOR ACCESSORY BUILDING IN FRONT OF PRIMARY STRUCTURE -
PUBLIC HEARING

Gary & Tammy Cox were present to answer any questions on this application.

Mr. Cox stated they are converting their existing garage into living space and need a place to store their cars, campers, and other stuff. The pole barn will be is surrounded by pine trees and it wouldn't be visible to the road.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY CINDY KELLEN; SECONDED BY KITTY BRESSINGTON.

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

Collin Hayes asked if there were any questions from the Board members.

Mrs. Cox stated that it is closer to the road than the house, but it isn't in front of the house per say and the other residents on the street do have similar pole barn placement.

Mrs. Cox also stated that some neighbors came and asked her about it and none of them voiced any concerns.

Cindy Kellen asked Brian Shannon if there were any other concerns from a code perspective and there were none.

There were no other comments from the public.

Kitty Bressington began the approval process by reading the SEQR Resolution to all present.

TOWN OF AVON PLANNING BOARD RESOLUTION
COX AREA VARIANCE
2464 GARDEN STREET
AGRICULTURAL (A) - ZONING DISTRICT
TM# 45.-1-50.112

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering a Variance Application to allow for an accessory structure to be located in

front of a primary structure at 2464 Garden Street, as described in the application and discussed at the February 24, 2025 ZBA meeting; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Appeals does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Board of Appeals in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Cindy Kellen and seconded by Bob Westfall at a meeting of the Zoning Board of Appeals held on Monday, February 24, 2025. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - ABSENT
Cindy Kellen - AYE
Bob Westfall - AYE
Diane Attea - ABSENT
Kitty Bressington - AYE

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Zoning Board of Appeals for the February 24, 2025, meeting.

Kim McDowell, L.S.
Kim McDowell, Clerk of the Board

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY CINDY KELLEN;
SECONDED BY BOB WESTFALL.

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON - AYE

CARRIED 3-0.

Kitty Bressington read the five variance questions to all present and the ZBA answered them.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance - NO
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance - NO
3. Whether the requested area variance is substantial - NO
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district - NO
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance - YES

Kitty Bressington read the ZBA Decision Sheet to all present.

TOWN OF AVON

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BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Project Name/Number: Gary Cox & Tammy Westfall-Cox
Hearing Date: February 24, 2025

Subject Property Address: 2464 Garden Street Zoning District: Agricultural (Ag)

Variance Application: Area Variance Tax Account #: 45.-1-50.112

Agenda Item: Allow an accessory structure to be located in front of a primary structure at 2464 Garden Street.

Motion made by: Cindy Kellen Seconded by Bob Westfall

Board Members	Present	Motion	Recusal
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		Aye	Nye	
1. Jeffery Mulligan, Chairman		<input type="checkbox"/>	<input type="checkbox"/>	
2. Cindy Kellen	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Bob Westfall	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Diane Attea		<input type="checkbox"/>	<input type="checkbox"/>	
5. Kitty Bressington	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Alternate: _____		<input type="checkbox"/>	<input type="checkbox"/>	

Approved: ☒

Denied: ☐

Conditions:

1. Commencement of the project is to occur within one (1) year from the approval date or the variance will be deemed null and void.
2. Any modification to the plans, variance, and/or project will require the application to be re-reviewed by the Zoning Board of Appeals and any prior approvals granted be deemed null and void.

ROSENZWEIG, GENE & PENNY/5639 EAST AVON-LIMA ROAD/TAX MAP#35.10-1-6.2/PRELIMINARY DISCUSSION ON BUILDING HOUSE ON THIS PROPERTY

Mr. & Mrs. Rosenzweig were present to discuss what they would like to do with this property. He is in the process of purchasing the property from a relative from his wife's family, because she would like to move back to Avon.

There has been no formal application submitted since they are not sure what if any variances are required to make this happen.

Mr. Rozenzweig stated that this parcel is behind 5645 & 5635 East Avon-Lima Road with an easement to use the driveway at 5635 to access the property.

He stated the owner of 5645 East Avon-Lima Road is willing to sell them a piece of her property to give them their own driveway.

He will be removing the sheds that are currently on the property, and he would like to build a new house and pole barn. He would like to build the pole barn first and then build the house.

There was much discussion on what the best process is for them to move forward. The parcels are in the R-1 zoning which requires the lot size to be a minimum of 20,000 square feet and

they will need 60 feet frontage for each parcel as well. If the neighbor gave them some land for a driveway, they would need a variance for less than 60 feet frontage.

Collin Hayes stated there is a possibility for the ZBA to grant a variance for 5639 East Avon-Lima Road for having less than 60 feet frontage, but they can't give you property for a driveway since that would make that parcel even more nonconforming.

Mr. Rozenzweig would like to build their retirement home of 2 bedrooms, 2 baths, 2 car garage, and then a pole barn.

Mr. Rozenzweig will return next month with some of the ideas given tonight and submit what he would like to apply for.

EGAN, MATT ACTING AGENT FOR JG HESS PROPERTIES/2625 BRONSON HILL ROAD/TAX MAP#55.-1-21/PRELIMINARY DISCUSSION ON BUILDING HOUSE ON THIS PROPERTY

Mr. Egan was present to discuss what he would like to do with this property, which currently has a mobile home on it making it pre-existing, nonconforming.

Mr. Egan would like to tear down the mobile home and replace it with a single-family dwelling. The lot has a 100 feet road frontage, the home will be a cape cod 30x40 and the front and rear setbacks will be met, it is the side setbacks that will require a variance as well as the lot size being less than 3 acres.

Collin Hayes stated 40 feet is required for the side setbacks and you will need a 6 feet variance on both sides.

MOTION TO SCHEDULE THE PUBLIC HEARING FOR MARCH 24, 2025 WAS MADE BY CINDY KELLEN; SECONDED BY KITTY BRESSINGTON.

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

FARR, CAROLE/1914 LAKEVILLE ROAD/TAX MAP#35.13-1-1/PRELIMINARY DISCUSSION ON EXPANDING THEIR HOUSE TOWARDS THE ROAD

Mrs. Farr was present to discuss the concept of pushing the front of the house out 8 feet to expand their dining room and this parcel is currently pre-existing nonconforming in the B-1 zoning district.

Since this is located on a state road, Collin stated this will require an additional 15 feet front setback from what the state requires.

There was much discussion on what options Mrs. Farr can do to accomplish the expansion and they determined she needs to come back with some drawings with different alternatives for the Board to determine the best course of action.

Mrs. Farr will be in touch when she is ready to return.

Cindy Kellen asked to look at the East Avon Lima Road properties again and there was more discussion on the width of the properties. Brian Shannon also stated that since the property is on a state road, they will need to get permits for the driveway through the State.

There was a short discussion on granting variances for all applications received and Collin Hayes stated that the Board doesn't need to approve every variance that is submitted.

Kim let the Board know that the gravel pit is being sold, and they will be coming to a meeting to transfer the Special Use Permit possibly in March.

MOTION TO CLOSE THE MEETING WAS MADE BY CHRISTOPHER STERNER; SECONDED BY KITTY BRESSINGTON.

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - ABSENT
CHRISTOPHER STERNER - AYE
STEVE CSAPO - AYE
LEE HANVEY - AYE

JEFF MULLIGAN - ABSENT
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - ABSENT
KITTY BRESSINGTON - AYE

CARRIED 9-0. MEETING CLOSED.