

PLANNING, ZBA & TOWN MEETING MONDAY, MARCH 18, 2024

MEMBERS PRESENT: PLANNING: CLARA MULLIGAN, BRIAN THORN,
CHRISTOPHER STERNER, COLLIN HAYES, THOMAS
MCGOVERN

ZBA: JEFF MULLIGAN, BOB WESTFALL, DIANE
ATTEA, CINDY KELLEN, KITTY BRESSINGTON

ABSENT: KATHY MANNIX (PLANNING BOARD), KATHY COLE
PLANNING BOARD)

OTHERS: BRIAN GLISE (CEO, AVON), MATTHEW SOUSA (MRB
GROUP)

VISITORS: KEVIN O'DONOGHUE, JESSE TEITSWORTH, JAY
BAREFOOT, BRENDAN BRAINARD, REV. MICHELLE
ALLEN

CLERK: KIM MCDOWELL

Jeff Mulligan called the meeting to order.

MOTION TO OPEN THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY
KITTY BRESSINGTON.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

CARRIED 10-0.

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

Jeff Mulligan reviewed the emergency exits for all present.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM FEBRUARY 26,
2024, MEETING SUBMITTED WAS MADE BY CLARA MULLIGAN; SECONDED BY
CINDY KELLAN.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - ABSTAIN
COLLIN HAYES - ABSTAIN
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

CARRIED 8-0.

TEITSWORTH, JESSE/2559 BRONSON HILL ROAD/TAX MAP#45.-1-
50.920/ZBA - HEIGHT VARIANCE FOR POLE BARN

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY TOM MCGOVERN;
SECONDED BY KITTY BRESSINGTON.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

CARRIED 10-0.

Mr. Teitsworth was present to discuss his application.

Jeff Mulligan asked Mr. Teitsworth to give an overview of his application and if there were any changes.

Mr. Teitsworth stated there are no additions to his application. The pole barn is styled to match the house and he is asking for

a 5-foot height variance for the barn, it is behind the house and not near any neighboring property lines or structures.

Jeff Mulligan asked if there were any public comments and there were none.

Collin Hayes asked if the SEQR matched what he is requesting, and Matt will amend to state the accurate variance.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY TOM MCGOVERN; SECONDED BY DIANE ATTEA.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

CARRIED 10-0.

Jeff felt we didn't need to read out loud the SEQR Resolution to all present and just give an overview.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
JESSE TIETSWORTH
2559 BRONSON HILL RD. - TM# 45-1-50.920
AREA VARIANCE APPLICATIONS - HEIGHT

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering Area Variance Application for the construction of a pole barn at 2559 Bronson Hill Road. The variance application is for allowable height as the project proposes a 25-foot height where 20 feet is required and as discussed at the March 18, 2024 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 Bob Westfall and seconded by Cindy Kellen at a meeting of the Zoning Board of Appeals held on Monday, March 18, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - AYE
Cindy Kellen - AYE
Bob Westfall - AYE
Diane Attea - AYE
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 March 18, 2024, meeting.

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

TOWN OF AVON

**OPERA BLOCK BUILDING
23 GENESEE STREET
AVON, NEW YORK 14414
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BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Project Name/Number: Tietsworth Area Variance
Hearing Date: March 18, 2024

Subject Property Address: 2559 Bronson Hill Rd. Zoning District: Agricultural (Ag)

Variance Application: Area Variance

Tax Account #: 45-1-50.920

Agenda Item: Seeking a 5-foot height variance for an accessory structure (pole barn).

Motion made by: Kitty Bressington Seconded by: Diana Attea__

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

Kim will get in touch with Mr. Teitsworth when his building permit has been approved and is ready for pick-up.

BRAINARD, BRENDAN/2086 LAKEVILLE ROAD/TAX MAP#45.-1-4/ZBA - VARIANCE FOR SETBACKS

Mr. Brainard was present to discuss his application. He would like to put an addition (master bedroom and living room) on his current home to make it their forever home.

Jeff Mulligan reiterated you are requesting a side setback variance for your addition and that is correct.

Mr. Brainard said in Agricultural zoning 30 feet is required but the current house is 6 feet from the property line. They would not be getting any closer to the line with the addition.

Mr. Brainard showed exactly where the addition would be on his property and how close he is to the property line for the Board members.

Brian Glise & Jeff Mulligan stated he would need to request a 25-foot variance.

MOTION TO SCHEDULE THE PUBLIC HEARING FOR APRIL 15, 2024 WAS MADE BY CINDY KELLEN; SECONDED BY DIANE ATTEA.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

CARRIED 10-0.

Kim will get in touch with Mr. Brainard for the sign for his public hearing.

AVON RSD LLC (CP WARD)/2569 LAKEVILLE ROAD/TAX MAP#45.-1-80.31/PLANNING - SITE PLAN MODIFICATION

Mr. Jay Barefoot was present to discuss this application. He is here to amend the original site plan that was approved to include an additional parking area for parking and supplies. This falls in with the existing stormwater.

Collin Hayes asked about the cranes being extended and not lowered as previously approved and Mr. Barefoot will investigate but it sometimes means they are being repaired or fueled up.

Brian Glise asked if they combined the lots or is this modification on the other lot; Mr. Barefoot stated they are not combined, and this will be on the other parcel.

Matt Sousa and Brian Glise stated if you decided to build any structure on this other parcel, you will need to combine the properties to stay in compliance.

Brian Thorn asked if there were any concerns from MRB Group and Matt Sousa stated there are just some items that need to be updated. Matt also feels he needs to apply for a special use permit for the additional parking area.

There was discussion on should they combine the parcels, do a lot line adjustment, or a special use permit.

Cindy Kellen asked what exactly they will be storing on this parcel, and it will take many of the items now in the front to behind the building.

Mr. Barefoot also stated they will be doing a permit for a fence in the front of the building, it is on the site plan for illustration purposes now.

Brian Glise also asked about the lighting that wasn't approved in the initial site plan and in our code if the lighting plan is approved by the Planning Board that it is good and he will not make them take it down.

Cindy Kellen asked if there would be more lights added and there will be none.

Matt Sousa stated they need to apply for an amended special use permit as well as the amended site plan. We can then schedule a public hearing for the next meeting for both applications.

MOTION TO SCHEDULE THE PUBLIC HEARING FOR APRIL 15, 2024 WAS MADE BY KITTY BRESSINGTON; SECONDED BY CINDY KELLEN.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE

KITTY BRESSINGTON -AYE

CARRIED 10-0.

The Board members requested that Mr. Barefoot be very descriptive on the special use permit modification application, and he will.

ALLEN , REVEREND MICHELLE/2385 AVON-GENESE0 ROAD/TAX MAP#43.-1-7.13/ZBA - SPECIAL USE PERMIT - AIR B-N-B

Reverend Allen was present to discuss her application for a special use permit for an Air B-N-B.

She lives in the house on the Farview Golf Course, and she would like to Air B-N-B up to 2 bedrooms and bathrooms in her house to supplement her income.

Kitty Bressington asked if the bedrooms are currently being used and they are not.

Diane Attea asked about the driveway needed the potholes repaired and she fills them in every Spring.

Diane Attea asked if she would be putting up any signage, and she would like a sign at the road, she has submitted a building permit for a sign already.

Jeff Mulligan asked if she will be serving breakfast and she will not be offering any food, just rooms and bathrooms.

Bob Westfall asked how many guests at one time, and she feels in the bigger room a small family could stay.

Diane Attea asked about parking and there is plenty of parking.

Jeff Mulligan asked if there was any code regarding Air B-N-B; there is not any currently in the Town of Avon's code, but bed and breakfast is.

Cindy Kellen asked if it will be a short-term rental, and it will.

Brian Glise stated that since the driveway is so long, she may be required to have an emergency vehicle turn around.

Rev. Allen has reached out to Fire Chief Nelson and is waiting for his report.

Matt Sousa asked her to send that report to the Town once she receives it and to show exactly where parking would be on the parcel.

Brian Glise stated a fire inspection will be needed before beginning any rentals.

Matt Sousa asked what the capacity on the septic system is and she will get that information and send it along to the Town as well.

Bob Westfall asked about insurance and the Reverend stated Air B-N-B covers that.

Matt Sousa asked if she will be staying at the house, and she will.

Collin Hayes asked if there would be a special use permit for an illuminated sign and Reverend Allen stated she looked at the code before submitting the building permit and she shouldn't need one.

Brian Thorn asked if she was planning on putting lighting down the driveway and she will not.

Matt Sousa reiterated that she will need to supply the septic capacity for the property along with a more detailed parking layout.

MOTION TO SCHEDULE THE PUBLIC HEARING FOR APRIL 15, 2024 WAS MADE BY BOB WESTFALL; SECONDED BY DIANE ATTEA.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE

DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 10-0.

Kim will get in touch with her for the public hearing sign.

Reverend Allen would like an email with the date and time of the meeting.

MORSCH, STEPHEN & JENNIFER/3929 SOUTH AVON ROAD/TAX MAP#52.-1-6.122/PLANNING - 2 LOT SUBDIVISION

Kevin O'Donoghue was present to discuss this application on behalf of Mr. & Mrs. Morsch.

The Morsch's would like to separate the house to sell to their daughter and then build a house for themselves on the other lot where the accessory building is on.

The Morsch's have applied for the subdivision along with 2 variances, one for an accessory building on a parcel without a primary building and the other for having the accessory building in front of the primary building.

Jeff Mulligan stated to Kevin that there was discussion amongst the Board members regarding the business that is being run on the parcel. The parcel is zoned Agricultural, and the shop is really a commercially run business not Agricultural. Therefore, Mr. Morsch will need to apply for a special use permit to run the business and to get the property in compliance.

Kitty Bressington asked about the fuel tank that is on the property that doesn't have any barriers and Brian Glise stated that is a Code Enforcement issue not with these Boards.

There was also discussion that Mrs. Morsch has gotten a special use permit for a home occupation and this can't fall under that category.

Jeff Mulligan feels the special use permit and site plan may not be approved at the next meeting depending on Board comments. Matt Sousa stated that you can put conditions on the special use permit.

There was much discussion regarding if all applications must be approved at once or if some can be approved and others continued, and it was determined it can happen that way or conditions can be included with approvals.

Brian Thorn asked how they would address the commercial business on this parcel, and it would be done through the special use permit.

Cindy Kellen stated Mrs. Morsch's home business was approved for the current house on her parcel and when they move into the new house, she will need to reapply for that unless she is no longer doing that business.

ZBA MOTION TO SCHEDULE THE PUBLIC HEARING FOR APRIL 15, 2024 CONTINGUENT UPON SUBMISSION OF A SPECIAL USE PERMIT APPLCIATION FOR THE USE OF A COMMERCIAL BUSINESS IN AN AGRICULTURAL DISTRICT, A VARIANCES FOR AN ACCESSORY STRUCTURE WITHOUT A PRIMARY STRUCTURE ON A PARCEL AND A VARIANCE FOR AN ACCESSORY STRUCTURE IN FRONT OF A PRIMARY STRUCTURE WAS MADE BY KITTY BRESSINGTON; SECONDED BY CINDY KELLEN.

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

CARRIED 5-0.

PLANNING MOTION TO SCHEDULE THE PUBLIC HEARING FOR APRIL 15, 2024 FOR A 2 LOT SUBDIVISION WAS MADE BY COLLIN HAYES; SECONDED BY TOM MCGOVERN.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

CARRIED 5-0.

Diane Attea would like to have discussions on Air B-N-B to get that added into our code since it seems to be more prevalent in

Avon now. Matt Sousa has a sample code he will send out to the Board members to start discussions.

Matthew Sousa stated we had a pre-construction meeting for DG Lake Road solar field, and they would like to begin construction in June and be done by December.

Matthew Sousa also stated that the Pole Bridge Road solar has started the construction ahead of schedule and they have until June 2024 to complete it.

MOTION TO CLOSE THE MEETING WAS MADE BY COLLIN HAYES; SECONDED BY CLARA MULLIGAN.

KATHLEEN COLE -ABSENT
THOMAS MCGOVERN - AYE
COLLIN HAYES - AYE
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

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

CARRIED 10-0.

MEETING CLOSED.