

PLANNING & ZBA MEETING MONDAY, MARCH 24,  
2025

MEMBERS PRESENT: PLANNING: CLARA MULLIGAN, CHRISTOPHER  
STERNER, COLLIN HAYES, STEVE CSAPO, LEE  
HANVEY, BRIAN THORN  
ZBA: KITTY BRESSINGTON, CINDY KELLEN, JEFF  
MULLIGAN  
ABSENT: KATHY MANNIX (PLANNING), DIANE ATTEA (ZBA),  
BOB WESTFALL (ZBA)  
OTHERS: BRIAN SHANNON (CEO, AVON), JAMES CAMPBELL  
(TOWN ATTORNEY)  
VISITORS: CHARLENE GASSMAN, GENE ROSENZWEIG, MATT  
EGAN, PENNY ROSENZWEIG, PAT EGAN, DAVID  
SPALLINA, ASHLEY POTTER, NATHAN POTTER,  
BRIAN HARRISON,  
CLERK: KIM MCDOWELL

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Collin Hayes called the meeting to order.

MOTION TO OPEN THE MEETING WAS MADE BY LEE HANVEY; SECONDED BY  
KITTY BRESSINGTON.

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

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

CARRIED 9-0.

The Planning and ZBA Board members, as well as Brian Shannon,  
James Campbell, 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 & PLANNING MOTION TO APPROVE THE MINUTES FROM FEBRUARY 24, 2025, MEETING SUBMITTED WAS MADE BY CHRISTOPHER STERNER; SECONDED BY CLARA MULLIGAN.

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

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

CARRIED 9-0.

EGAN, MATT ACTING AGENT FOR JG HESS PROPERTIES/2625 BRONSON HILL ROAD/TAX MAP#55.-1-21/ZBA - SIDE SETBACK & LOT SIZE VARIANCE - PUBLIC HEARING

Jeff Mulligan stated this application is a public hearing tonight.

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

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

CARRIED 3-0.

Mr. Egan was present and stated they would like to demo the current trailer and build a house. The variances that he needs are for side setbacks as well as, the lot is smaller than allowed in the agricultural zoning.

Jeff Mulligan stated this is a pre-existing nonconforming lot and asked Mr. Egan if they are living there currently. Mr. Egan stated they have tenants, and they would be renting the house as well once it is built.

Jeff Mulligan asked if there were any comments from the public. Jeff Mulligan asked if they could move the position of the house to abide by the setbacks and Mr. Egan stated they would have to shrink the house.

Clara Mulligan asked where the house would be located, and it would be in the same spot as the current trailer.

Steve Csapo asked how close to the lot line would they like, and they would like to be 5 feet from both sides of the parcel.

Brian Thorn asked if the septic would be big enough to accommodate the new house and they are looking into all that once they get approval.

Nate Potter, 2623 Bronson Hill Road, next door to this property, asked what type of home they are building and Mr. Egan stated it would be a cape cod style home.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
JG HESS PROPERTIES  
2625 BRONSON HILL ROAD - TM# 55.-1-21  
AREA VARIANCE APPLICATIONS - SETBACK & ACREAGE

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals (hereinafter referred to as the "Board of Appeals") is considering Area Variance Application to construct a single-family dwelling on the existing parcel. The applicant seeks a variance to maintain a preexisting nonconforming lot, being less than three acres as required for a single-family dwelling in the Agricultural District pursuant to Schedule A of Chapter 130, Zoning, of the Town of Avon Code. The variance application seeks an additional variance for an allowable side setback of 34 feet where 40 feet is required by Schedule A, all as described in the application and discussed at the February 24, 2025, and March 24, 2025, Board of Appeals meetings; 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 § 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 SEQR; 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 Kitty Bressington at a meeting of the Zoning Board of Appeals held on Monday, March 24, 2025. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - AYE  
Cindy Kellen - AYE  
Bob Westfall - ABSENT  
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 March 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 KITTY BRESSINGTON.

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

CARRIED 3-0.

## ***TOWN OF AVON***

OPERA BLOCK BUILDING  
23 GENESEE STREET  
AVON, NEW YORK 14414

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[http://www.avon-ny.org/index\\_town.html](http://www.avon-ny.org/index_town.html)

BUILDING AND ZONING DEPARTMENT

## ZONING BOARD OF APPEALS DECISION SHEET

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Project Name/Number: JG Hess Properties

Hearing Date: March 24, 2025

Subject Property Address: 2625 Bronson Hill Road Zoning District: Agricultural (Ag)

Variance Application: Area Variance

Tax Account #: 45.-1-21

Agenda Item: Construction of a single-family dwelling on a lot less than three acres and an allowable side setback of 34 feet where 40 feet is required.

Motion made by: Cindy Kellen

Seconded by: Kitty Bressington

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

Kim will be in touch with Mr. Egan when all his permits have been approved and processed.

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

Mr. & Mrs. Rosenzweig were present to discuss the information that they sent to the Boards of a simple sketch plan of how the

properties would look with the driveway and lot line adjustment that was discussed at last month's meeting.

The preliminary plan would be to give the neighbor a 6 feet wide strip of their property to put the driveway in, so they will not have a shared driveway which they were told the Town doesn't like to do.

Cindy Kellen stated that at the last meeting when the Board suggested giving the neighbor some property to keep their parcel in compliance, they were not thinking of a strip down the side like they are proposing.

Jeff Mulligan feels the proposed site plan and lot line adjustments do not seem feasible for the ZBA to approve it.

There was much discussion on how Mr. Rosenzweig could change the lot line adjustment so the Boards would be comfortable with possible approval. There was a suggestion of speaking to the neighbor that they already have the easement to use their driveway to get to the property.

There were discussions about the variances that are needed for both properties as well as the lot line adjustments that would need to have a surveyor do. There was also discussion about having a flag lot and the requirements in our code.

Jeff Mulligan reiterated all that was discussed, the new driveway would need a variance since it would be under 60 feet road frontage, lot line adjustment, variance for accessory structure on property before a primary structure, and neighbor would need a variance for frontage.

Jeff Mulligan asked what variances would be needed for the driveway that they already have the easement and Jim Campbell stated you don't need a variance for that, but the Town would want to have a reciprocal maintenance and easement agreement between the two neighbors.

Jeff Mulligan stated the best route for the applicant would be to talk to the neighbors that they have the easement agreement with already and have discussions about a shared driveway.

Jim Campbell also suggested when looking into the shared driveway that he also sees if there is anything that allows them to put lines in for sewer/water as well.

The applicant will investigate everything suggested tonight and the next time they want to come back to the ZBA Board, they will need to apply for the variances.

OAK OPENINGS, LLC/1392 OAK OPENINGS ROAD/TAX MAP#26.-1-22.1 -  
TRANSFER OF SPECIAL USE PERMIT

Jim Campbell and Mr. David Spallina were present to discuss this transfer of ownership.

Jim Campbell stated Spallina Materials is in the process of purchasing the operation from Mr. Dale Twardokus. Mr. Spallina is purchasing Oak Openings, LLC which is the owner of the property that the operation is on.

Mr. Twardokus reached out to the Town to notify them of the transfer, Jim stated they technically didn't need to do it since the land ownership is not being transferred only the operations.

Mr. Spallina has signed an affidavit stating he will abide by the conditions of the Special Use Permit that is currently in place for this parcel. He has read and understands all the conditions given to the property by the Town.

Mr. Spallina introduced himself to all present and gave us some background on his business operations. Mr. Spallina stated that he keeps his business operations very clean, and they do invest in equipment that makes the operations run smoother and with less noise.

Kitty Bressington asked if there was any timeline on the special use permit and Jim said there is no expiration date on it.

Mr. Spallina thanks everyone for their time and stated if there are any questions or concerns to please call him.

There was discussion on some businesses in the Town that are not following their approved site plan, and it was suggested to either send a letter and/or stop in and talk to them.

MOTION TO CLOSE THE MEETING WAS MADE BY CHRISTOPHER STERNER;  
SECONDED BY STEVE CSAPO.

COLLIN HAYES - AYE  
KATHLEEN MANNIX - ABSENT  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE

CHRISTOPHER STERNER - AYE  
STEVE CSAPO - AYE  
LEE HANVEY - AYE

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

CARRIED 9-0. MEETING CLOSED.