

PLANNING & ZBA MEETING,  
2021

MONDAY, JUNE 28,

ZBA MEMBERS PRESENT: CINDY KELLEN, DIANE ATTEA, JEFF MULLIGAN,  
BOB WESTFALL

ZBA MEMBERS ABSENT: JEFF PASSARELL

PLANNING MEMBERS PRESENT: KATHY COLE, RANDY KOZLOWSKI,  
CHRISTOPHER STERNER, BRIAN THORN, CLARA  
MULLIGAN

PLANNING BOARD MEMBERS ABSENT: KATHY MANNIX

OTHERS: CEO BRIAN GLISE

VISITORS: JIM ANDERSON

CLERK: KIM MCDOWELL

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MOTION TO OPEN THE MEETING WAS MADE BY BOB; SECONDED BY CINDY.

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

KATHLEEN COLE -AYE  
VACANCY -  
RANDY KOZLOWSKI - AYE  
KATHLEEN MANNIX - ABSENT  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE

CARRIED 9-0.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM THE MAY 24,  
2021 MEETING SUBMITTED WAS MADE BY KATHY COLE; SECONDED BY BOB.

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

KATHLEEN COLE -AYE  
VACANCY -  
RANDY KOZLOWSKI - AYE  
KATHLEEN MANNIX - ABSENT

CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE

CARRIED 9-0.

ANDERSON, JAMES/2411 POLE BRIDGE ROAD/TAX PARCEL #44.-1-20.1-BED  
& BREAKFAST - SPECIAL USE PERMIT - PUBLIC HEARING

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY CINDY; SECONDED BY CLARA.

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

KATHLEEN COLE -AYE  
VACANCY -  
RANDY KOZLOWSKI - AYE  
KATHLEEN MANNIX - ABSENT  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE

CARRIED 9-0.

Mr. Anderson was present to answer any questions regarding this application.

Kathy Cole asked how big the septic system is and what is the capacity, Mr. Anderson stated it is 1500 gallons and there is no parking near the septic system.

Brian Glise also stated that the septic inspection will indicate what it can handle. Mr. Anderson will forward a copy of the inspection to the Code office for our files.

Brian Glise also stated that the Board can determine if this Special Use Permit is approved, they can determine the length of time before it is renewed.

Mr. Anderson stated there is an above ground swimming pool on property that has a deck with a locked gate and is currently empty. The pool is not for guest use.

Bob Westfall asked if the Code Enforcement Officer has gone and done a fire code inspection and if it passed. CEO Brian Glise stated he has done an inspection and it has passed. Brian stated there will be emergency lights in the hallways and there is no generator on premise.

Kathy Cole asked if the total maximum number of guests would be 12 since there are 6 rooms with 2 guests in each room and Mr. Anderson stated that is correct.

Kathy Cole asked if any of the other Planning Board members had any comments, and they did not. Kathy asked Mr. Anderson to mark on his site plan where the septic system is located and where the parking areas are, which he did.

PLANNING BOARD MOTION TO APPROVE SITE PLAN WAS MADE BY RANDY;  
SECONDED BY CLARA.

KATHLEEN COLE -AYE  
VACANCY -  
RANDY KOZLOWSKI - AYE  
KATHLEEN MANNIX - ABSENT  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE

CARRIED 5-0.

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY CINDY; SECONDED BY DIANE.

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

KATHLEEN COLE -AYE  
VACANCY -  
RANDY KOZLOWSKI - AYE  
KATHLEEN MANNIX - ABSENT  
CLARA MULLIGAN - AYE

**BRIAN THORN - AYE**  
**CHRISTOPHER STERNER - AYE**

**CARRIED 9-0.**

**Jeff Mulligan read SEQR resolution to all present.**

**TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION**  
**JAMES ANDERSON – BED AND BREAKFAST**  
**2411 POLE BRIDGE ROAD – AGRICULTURAL ZONING DISTRICT**  
**TM # 44-1-20.1**

**SEQR RESOLUTION – TYPE II ACTION**

**WHEREAS**, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering an application for Special Use Permit Approval to allow a bed and breakfast use within an existing farm house structure located at 2411 Pole Bridge Road, within the AG zoning district, and as detailed on the site plans, and all other relevant information submitted as of June 28, 2021; 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 Kelly and seconded by Diane Attea at a meeting of the Board of Appeals held on Monday, June 28, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Jeffery Mulligan - Aye  
Jeff Passarell - Absent  
Cindy Kellen - Aye  
Bob Westfall - Aye  
Diane Attea - 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 Board of Appeals for the June 28, 2021 meeting.

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

Jeff Mulligan read the Special Use Permit Approval Resolution to all present.

Bob Westfall asked if breakfast was going to be offered and it is not, he then questioned whether it could be called a Bed - n - Breakfast. There was discussion about the definition in our code and it was determined that the Special Use Permit and conditions overrides that definition.

Jeff Mulligan had some reservations regarding condition #1 and he questioned if there should be a time limit for a renewal and change in ownership.

Bob Westfall and Diane Attea both felt 5-year renewal was a good condition to have on the Special Use Permit.

The Board also agreed to the term as well as any change in ownership of the property will require a new Special Use Permit.

**TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
JAMES ANDERSON – BED AND BREAKFAST  
2411 POLE BRIDGE ROAD – AGRICULTURAL ZONING DISTRICT  
TM # 44-1-20.1**

**SPECIAL USE PERMIT APPROVAL RESOLUTION**

**WHEREAS**, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Zoning Board) is considering an application for Special Use Permit Approval to allow a bed and breakfast use within an existing farm house structure located at 2411 Pole Bridge Road, within the AG zoning district, and as detailed on the site plans, and all other relevant information submitted as of June 28, 2021 (the current application); and

**WHEREAS**, the Zoning Board has classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations thereby completing the environmental review; and

**WHEREAS**, the application was forwarded to the Planning Board for review and recommendation regarding the Site Plan; and

**WHEREAS**, the Planning Board at their meeting on June 28, 2021 completed their review of the Site Plans and made a recommendation of approval and;

**NOW, THEREFORE, BE IT RESOLVED**, the Zoning Board hereby  **Approves without Conditions**;  **Approves with the following Conditions**; or  **Denies the application for the following reasons**:

1. The special use permit shall remain in effect for a period of five (5) years for the current owner of the premises provided the use remains in compliance with the conditions of approval and Town Code and will expire if not renewed by the owner.
2. The Special Use Permit is not transferrable and will require a review and approval by the Planning Board and Zoning Board of Appeals.
3. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to insure that the Special Use Permit is being operated in accordance with the conditions specified by the Zoning Board.
4. In the event of any complaints about the Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Zoning Board.
5. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
6. The Special Use Permit shall be operated in accordance with the provided Statement of Operations dated May 23, 2021, prepared by the Applicant, and in accordance with all applicable sections of the Town of Avon Town Code.
7. A separate signage application for all proposed ground and building signage is to be provided to the Town Building and Zoning Office for review and approval.
8. Prior to issuance of the SUP by the Town CEO, the existing onsite wastewater treatment system is to be located on the site plan and inspected/ approved to be in good condition capable of handling the proposed use.

The above Resolution was offered by Cindy Kellen and seconded by Bob Westfall at a regular scheduled Planning Board meeting held on June 28, 2021. Following discussion, a voice vote was recorded:

Jeffery Mulligan - Aye  
Jeff Passarell - Absent  
Cindy Kellen - Aye  
Bob Westfall - Aye  
Diane Attea - 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 June 28, 2021 meeting.

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Kim McDowell, L. S.

Kim McDowell, Clerk of the Board

MOTION TO CLOSE THE MEETING WAS MADE BY DIANE; SECONDED BY KATHY COLE.

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

KATHLEEN COLE -AYE  
VACANCY -  
RANDY KOZLOWSKI - AYE  
KATHLEEN MANNIX - ABSENT  
CLARA MULLIGAN - AYE  
BRIAN THORN - AYE  
CHRISTOPHER STERNER - AYE

CARRIED 9-0.

MEETING CLOSED.