

PLANNING & ZBA MEETING
2024

MONDAY, JUNE 17,

MEMBERS PRESENT: PLANNING: CLARA MULLIGAN, BRIAN THORN,
CHRISTOPHER STERNER, COLLIN HAYES, KATHY
MANNIX

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

ABSENT: JEFF MULLIGAN

OTHERS: BRIAN GLISE (CEO, AVON)

VISITORS: KIM TUCHRELLO, STEVE TUCHRELLO, JOHN STEELE,
JOHN STELLE III, LILLIAN STEELE, KIRK
LAGANEGRO, KATE MASTRELLA, NANCY MERRETT,
MATTHEW PISTON, CHRIS CORCORAN, DONALD
MASATEN, JAKE SMITH, NICHOLAS DAVIS

CLERK: KIM MCDOWELL

Collin Hayes called the meeting to order.

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

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

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE
VACANT -
VACANT -

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

CARRIED 9-0.

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

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM MAY 20, 2024, MEETING SUBMITTED WAS MADE BY BOB WESTFALL; SECONDED BY CLARA MULLIGAN.

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE
VACANT -
VACANT -

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

CARRIED 9-0.

STEPHEN & KIMBERLY TUCHRELLO, ACTING AGENTS FOR FRANK CSAPO/4928 LAKE ROAD/TAX MAP#34.18-1-12.2/VARIANCE - SIDE SETBACK TO 15 FEET FOR SINGLE FAMILY DWELLING

Mr. & Mrs. Tuchrello were present for this public hearing.

Cindy Kellen gave an overview of the applicant's request which is a 15 feet setback on each side instead of the 20 feet required.

Cindy asked Kim McDowell to read the public notice to all present and she did.

MOTION TO OPEN PUBLIC HEARING WAS MADE BY KITTY BRESSINGTON; SECONDED BY DIANE ATTEA.

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

CARRIED 4-0.

Cindy asked if there were any comments from the Board members and the public present and there were none.

Collin Hayes asked if the Board members have reviewed the application and driven by the property, and they all did.

Cindy Kellen read the SEQR Resolution to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
STEPHEN & KIMBERLY TUCHRELLO
4928 LAKE ROAD - TM# 34.18-1-12.2
AREA VARIANCE APPLICATIONS - SETBACK

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 a home at 4928 Lake Road. The variance application is for allowable side setback as the project proposes a 15-foot side setback where 20 feet is required for a single-family dwelling in the R-1 District, as described in the application and discussed at the **June 17, 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 Kitty Bressington and seconded by Diane Attea at a meeting of the Zoning Board of Appeals held on Monday, **June 17, 2024**. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - Absent
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 **June 17, 2024**, meeting.

Kim McDowell, L.S.

Kim McDowell, Clerk of the Board

MOTION TO CLOSE PUBLIC HEARING WAS MADE BY DIANE ATTEA; SECONDED BY KITTY BRESSINGTON.

JEFF MULLIGAN - ABSENT

CINDY KELLEN- AYE

BOB WESTFALL- AYE

DIANE ATTEA - AYE

KITTY BRESSINGTON -AYE

CARRIED 4-0.

Collin Hayes read the variance questions to the Board.

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

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

BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Project Name/Number: Tuchrello Area Variance

Hearing Date: June 17, 2024

Subject Property Address: 4928 Lake Rd. **Zoning District:** Residential 1 (R-1)

Variance Application: Area Variance

Tax Account #: 34.18-1-12.2

Agenda Item: Seeking an area variance: 15-foot side setback on each side where 20 feet is required for a single-family dwelling.

Motion made by: Bob Westfall Seconded by: Kitty Bressington

Board Members	Present	Motion		Recusal
		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	X	<input checked="" 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.

NANCY MERRIT, EXECUTOR OF ESTATE OF PATRICIA STEELE/1296&1304, 1308 WEST HENRIETTA ROAD/TAX MAP#25.-1-36 & 25.-1-32.1/SUBDIVISION - 6 LOTS

Various members of the Steele family were present for this application.

Kate Mastella spoke on behalf of the family regarding the subdivision and how they came up with the 6 lots and some of the lots will need variances for approval.

There is a primary residence and 2 rental lots that they had based the lot sizes on.

Kate Mastella asked if this was considered a major subdivision because it is 6 lots and what the procedures would be. In our

code 4 lots or under are considered minor subdivisions, so this would be considered a major subdivision.

The Board members had many questions included but not limited to making each lot conforming with 3 acres so there are no variances needed or keeping the variances at a minimum, the non-conforming pre-existing 1.3-acre lot cannot be changed due to the code unless you bring it into compliance, barns having no primary structure on a lot, shared driveways, shared water and a flag lot creation.

The Board has requested they go back to the drawing board to make lots conform to our code and possibly get the subdivision to 4 lots.

JAKE SMITH, ACTING AGENT FOR NICHOLAS DAVIS/6322 NORTH AVON ROAD/TAX MAP#26.-1-21.32/ZBA VARIANCE - SIDE SETBACK FOR ADDITION

Jake Smith and Nicholas Davis were present to discuss this application.

Mr. Davis would like to do a 26x15 addition of a bedroom and bathroom for his father to live with them. The side setback will need to be 22 feet from the line requiring an 18-foot variance.

The lot is currently 2.83 acres which is a pre-existing, non-conforming lot and the house currently sits 37 feet from the lot line.

They have tried to figure out a different spot for the addition but if we go behind the garage there are no utilities there and it would cost more to put those in as well as leach lines. The addition will look normal with the current house if the variance is granted.

The next step would be to schedule the public hearing for next month.

MOTION TO SCHEDULE THE PUBLIC HEARING FOR JULY 15, 2024 WAS MADE BY BOB WESTFALL; SECONDED BY KITTY BRESSINGTON.

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

DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 4-0.

The applicant was made aware the next meeting is July 15, 2024 and the sign will be put in their yard 2 weeks prior to meeting.

Cindy Kellen asked if there was anything else any Board members of Brian would like to discuss.

Brian Glise stated there is a final site inspection on the Pole Bridge Road solar on Thursday morning at 9:30AM. There was some discussion on what would happen if the inspection doesn't pass, would it go into decommissioning or would they need to request another extension.

Collin and a few other Board members went to the Town Board has given them permission to present a short-term rental code for the Town's consideration. The board members discussed the code and had some changes they would like to see implemented (no signs, burning regulations and 90-day approval), which Collin will do.

Kim stated there are 2 residents interested in the vacant positions on the Planning and the Town Board will interview sometime in July.

MOTION TO CLOSE THE MEETING WAS MADE BY CHRISTOPHER STERNER; SECONDED BY BRIAN THORN.

COLLIN HAYES - AYE
KATHLEEN MANNIX - AYE
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE
VACANT -
VACANT -

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

CARRIED 9-0.

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MEETING CLOSED.