

PLANNING & ZBA MEETING  
2024

MONDAY, AUGUST 19,

MEMBERS PRESENT: PLANNING: MEETING CANCELED DUE TO NO AGENDA ITEMS FOR THEM

ZBA: CINDY KELLEN, KITTY BRESSINGTON, BOB WESTFALL

ABSENT: DIANE ATTEA, JEFF MULLIGAN

OTHERS: BRIAN GLISE (CEO, AVON)

VISITORS: JAY BROWN, KATHY & BRETT BENNETT

CLERK: KIM MCDOWELL

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Cindy Kellen called the meeting to order and reviewed the emergency exits to all present

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

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

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

CARRIED 3-0.

ZBA Board members decided to wait until next meeting to approve the June & July meeting minutes.

BRETT & KATHY BENNETT/2021 NORTH LITTLEVILLE ROAD/TAX MAP#34.17-1-49/ZBA VARIANCE - FRONT SETBACK FOR ADDITION

Brett & Kathy Bennett were present to discuss this application.

MOTION TO OPEN PUBLIC HEARING WAS MADE BY KITTY BRESSINGTON; SECONDED BY BOB WESTFALL.

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

CARRIED 3-0.

Cindy asked if the applicant to give a brief overview of the project and their request.

Mr. Bennett stated they would like to add a family room and an enclosed porch at the rear of the house.

The side setback is 60 feet, and the house is currently 15 feet from that the room they are planning on adding is 29.5 feet from the property line.

Kitty asked how far from the other property line will the addition be, and it will be about 36 feet.

Bob Westfall asked if there is any public comment and there was none.

Kitty read the SEQR Resolution to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
BRETT & KATHLEEN BENNETT  
2021 NORTH LITTLEVILLE ROAD - TM# 34.17-1-49  
AREA VARIANCE APPLICATIONS - SETBACK

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 for an addition to be built on to the single-family dwelling located at 2021 North Littleville Road. The variance application is for allowable front setback, as the project proposes a 26.5-foot setback where 60 feet is required for a single-family dwelling on a corner lot in the R-1 District, and as described in the application and discussed at the August 19, 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 Cindy Kellen and seconded by Bob Westfall at a meeting of the Zoning Board of Appeals held on Monday, August 19, 2024. 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 August 19, 2024, meeting.

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

**MOTION TO CLOSE PUBLIC HEARING WAS MADE BY BOB WESTFALL;  
SECONDED BY KITTY BRESSINGTON.**

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

CARRIED 3-0.

Cindy 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 (2), YES (1)
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 read the decision sheet to all present.

**TOWN OF AVON**

**OPERA BLOCK BUILDING  
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**BUILDING AND ZONING DEPARTMENT**

**ZONING BOARD OF APPEALS DECISION SHEET**

**Project Name/Number:** Bennett Area Variance

**Hearing Date:** August 19, 2024

**Subject Property Address:** 2021 North Littleville Rd. **Zoning District:** One-Family Residential District (R-1)

**Variance Application:** Area Variance

**Tax Account #:** 34.17-1-149

**Agenda Item:** Seeking an area variance for a 35.5-foot front setback where 60 feet is required for a single-family dwelling in the R-1 District.

**Motion made by:** Kitty Bressington

**Seconded by:** Cindy Kellen

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		<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.

Brett Bennett will come in and get the permit when the stamped drawings are completed.

Brian Glise gave an overview of new items possibly the Boards will be seeing in the future.

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

JEFF MULLIGAN - ABSENT

CINDY KELLEN- AYE

BOB WESTFALL- AYE

DIANE ATTEA - ABSENT

KITTY BRESSINGTON -AYE

CARRIED 3-0.

MEETING CLOSED.