

**TOWN OF PARMA
ZONING BOARD OF APPEALS
APRIL 19, 2018**

Members Present: Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg

Members Excused: Veronica Robillard, Dean Snyder

Others Present: Dennis Scibetta, Blake Keller

Public Present: Bob Barnes, Marc Robinson

The meeting was called to Order by Acting Chairperson Thomas at 7:00 p.m. He explained the function of the ZBOA and the decision-making process. He explained that this is a five member board and a quorum of three is required to pass a motion.

NEW BUSINESS

1. VICTOR ROBINSON – 413 TRIMMER ROAD

The application of Victor Robinson, owner, for a Special Permit for an accessory apartment at 413 Trimmer Road. Applicant is proposing to convert an existing porch and sunroom into an accessory apartment. This property is currently zoned Medium Residential (MD) which allows this use with a Special Permit.

Marc Robinson, owner's son, explained that he and his family have moved into his father's home to help care for him. They would like to make a separate living area by converting the porch and sunroom into a small apartment for his dad. It would consist of a bedroom, bathroom and a small kitchenette. There would be a door separating it from the main house. Acting Chairperson Thomas explained that when the need no longer exists it would have to be converted back and there will need to be unhindered access to the rest of the house. Mr. Robinson said he understood that and they will pull the kitchen out.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There were no letters in the file.

Public Comment: None

Public Hearing: Closed

A **Motion** was made by Jim Zollweg to **approve** the application of Victor Robinson, owner, for a Special Permit at 413 Trimmer Road to convert an existing porch and sunroom into an accessory apartment in accordance to Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Victor Robinson and will be renewable two years from the issuance of the C of O. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Seconded by Dan Melville. **Motion carried to approve (4-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Excused:** Veronica Robillard).

It was explained to the applicant that he would have to come back to renew this every two years for as long as it is needed.

2. ROBERT BARNES – 700 WILDER ROAD

Application of Robert Barnes, owner, for an area variance at 700 Wilder Road. The applicant is proposing to construct a 960 square foot pole barn and is requesting relief from Town Zoning Article V, subsection 165-34.C.2 which limits the total area of accessory structures to 400 square feet. This property is currently zoned High Density Residential (HD).

Robert Barnes, owner, explained that he is asking for the variance to build the pole barn because he owns too many vehicles, including a tractor, a quad, a trailer, lawn equipment/furniture and 3 motorcycles and he would like to store them on his property. Jim Zollweg asked where they are currently stored. Mr. Barnes said they are being stored at his place of business during the winter months and he has to bring it back and forth.

Acting Chairperson Thomas asked if this was in a flood plain. Dennis Scibetta said it is right next to the flood plain. This parcel is considered High Density because of the sewer line running through it. The property is over 3 acres. Dan Melville asked what the flooring will be. Mr. Barnes said it will be concrete, which is required for vehicle storage.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There were no letters in the file.

Public Comment: None
Public Hearing: Closed

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of Robert Barnes, owner, for an area variance at 700 Wilder Road. The applicant is proposing to construct a 960 square feet pole barn and is requesting relief from Town Zoning Article V, subsection 165-34.C.2 which limits the total area of accessory structures to 400 square feet. This property is currently zoned High Density Residential (HD). In making this determination using the balancing test:

- The benefit cannot be achieved by other means feasible to the applicant. There is not another way for the applicant to store his materials in a convenient way without having a structure on his own property.
- There will be no undesirable change in neighborhood character or to nearby properties. The location is partially behind the garage and set back below the road in an inconspicuous location. Even though this property is considered High Density Residential, it is a very large property which can easily accommodate a 960 square foot structure.
- The request is substantial because it is larger than what the code calls out.
- There will be no adverse physical or environmental effects. The applicant has assured us that it will be at a proper elevation and will have a cement floor.
- The alleged difficulty is self-created; however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

Seconded by Stephen Shelley. **Motion carried to approve (4-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Excused:** Veronica Robillard).

MINUTES OF FEBRUARY 15, 2018

The ZBOA minutes of February 15, 2018 were reviewed. **Motion** was made by Stephen Shelley to **approve** the February 15, 2018 minutes as amended. **Seconded** by Dan Melville. **Motion carried to approve (3-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas; **Abstain:** Jim Zollweg; **Excused:** Veronica Robillard).

MINUTES OF MARCH 15, 2018

The ZBOA minutes of March 15, 2018 were reviewed. Because there was not a quorum of members at this meeting that were at the March 15, 2018 meeting these will be voted on at the May 2018 meeting.

OTHER BUSINESS

2 Lighthouse Beach – there was discussion by the Board about a letter received from the Town Attorney. She stated that based on her review of the records and minutes the previous Special Permit cannot be

renewed since renewing would imply there is a current permit in effect. The applicant should come back to the Board with a new application for a Special Permit. Her recommendation would be to waive the application fee in good faith and she felt that this would afford the Board the opportunity to address any new developments or changes to the property since the last application. Dennis Scibetta said that he has been in contact with the applicants and they will be bringing in a new application to appear in front of the Board. He would like to move forward with this and keep what has happened in the past in the past.

120 Dunbar Road – there was discussion by the Board about a letter received from Art Fritz, ZEO dated April 19, 2018. A Special Permit was renewed by the Board on January 18, 2018 at the request of the homeowner. However, after the meeting it was brought to the attention of the Zoning Enforcement Officer that the occupant of the accessory apartment had passed away in 2016. Therefore, the Zoning Enforcement Officer has deemed the Special Permit null and void. He informed the owner that if there is another family member in need of assistance, they will have to apply for another Special Permit, if that is not the case than the accessory apartment will have to be converted back. The letter gave the owner 10 days from receipt of the letter to respond to him with their intentions and set up an inspection.

Jim Zollweg – This is his last meeting, he has served on the Board for almost 10 years. On behalf of the Board Tim Thomas said that they appreciate all of his hard work and dedication over the years and that they are sad to see him go.

Joint Meeting – Dennis Scibetta relayed that there is a joint meeting with the Town and Village being held on April 24, 2017 at the Parma Town Hall if anyone was interested in attending. One of the topics will be the Comprehensive Plan and any input from the Board would be appreciated. Some of the areas that need updating will affect this Board including, Accessory Apartments and Outdoor Storage.

ADJOURNMENT

There being no further business, a **Motion** was made by Jim Zollweg, seconded by Dan Melville to adjourn the meeting at 7:45 p.m. **Motion carried to approve (4-0) (Ayes:** Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Excused:** Veronica Robillard).

Respectfully submitted,

Carrie Webster
Recording Secretary