

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**AUGUST 18, 2021**

**Members Present:** Greg Colavecchia, Dan Melville, Stephen Shelley

**Members Excused:** Veronica Robillard

**Others Present:** Mark Lenzi

**Public Present:** Kris Shultz, Laurie Kelly, Rich Pierce

The meeting was called to Order by Acting Chairperson Melville at 7:00 p.m.

Acting Chairperson Melville explained the function and decision-making process of the Zoning Board of Appeals and introduced the members of the Board. He noted this is a five-member board with 3 members present. A quorum of three is required to pass a motion.

**TABLED FROM THE JULY 21, 2021 MEETING**

**1. 1919 NORTH UNION LLC- 1919 NORTH UNION STREET**

The application of 1919 North Union LLC, owners, for a Special Permit at 1919 North Union Street. The owner is proposing to operate a Child Care facility. This property is currently zoned Medium Density Residential (MD) which allows a child care facility with a Special Permit in accordance with Town Zoning Article V, subsection 165-33.D.6.

This application was tabled at the June meeting because notifications were not mailed out timely.

**Board Discussion:** Mark Lenzi reported notifications were in order, the request was returned by Monroe County with comments as a matter of local determination and is a Type II action. Comments will be in the file. There are no letters in the file and no comments from the ZEO or Building Department.

Kris Shultz, Engineer, on behalf of the applicant explained the applicants have been in business for 30 years operating TLC Daycare. They have two locations in Greece and are looking to place one between Hilton and Spencerport. This location became available and was a good option for them. Reading through the code a day care is allowed in Parma at this location with a Special Permit. He further explained that all Site Plans reviews have been completed and in front of Planning Board where they received final approvals.

He explained the project and placement on the property. The building will sit at the front of the parcel and in the future single-family homes at the rear of the parcel. The main entrance to the facility will face south, will have more parking than required and it will be a dedicated road. There will be plenty of room for buses, vehicles, and town trucks to maneuver. They are adding additional fire hydrants for extra fire protection. This business

will fit in with the neighborhood feel, there are plenty of other businesses and residential properties on that road, and around the location. When reviewing the code, this is an allowed use with a Special Permit; it does not have to be home based. This business will meet all codes, all Special Permit requirements, and all setbacks. The hours of operation will be Monday through Friday 6am to 6pm. There will be no other accessory structures on the property. The signage on the property has been approved by the Planning Board and meets all requirements. They hope to break ground in the spring.

**Public Comment: None**

**Public Hearing Closed**

**A motion** was made by Stephen Shelley to **approve** the application of 1919 North Union LLC, owners, for a Special Permit at 1919 North Union Street to operate a Child Care Facility. This property is currently zoned Medium Density (MD) which allows a child care facility with a Special Permit in accordance with Town Zoning V, subsection 165-33.D.6. The following conditions apply:

1. This Special Permit is *not* transferable.
2. This Special Permit is subject to annual inspections by the Building Department.
3. The hours of operation shall be 6am to 8pm, Monday-Friday.
4. This Special Permit shall be valid for one year from the issuance of a Certificate of Occupancy.

After his review of the code, the motion was **Seconded** by Greg Colavecchia. **Motion carried to approve (3-0)** (**Ayes:** Greg Colavecchia, Dan Melville, Stephen Shelley; **Excused:** Veronica Robillard).

## **NEW BUSINESS**

### **2. LAURIE KELLY, OWNER, 280 LIGHTHOUSE ROAD**

The applicant is requesting relief from Town Zoning Article X, subsection 165-82(C)(2) for the proposed construction of a 1,440 sq. ft. pole barn with a wall height of 14'. Town Code limits accessory structures to 12' wall heights. The property is zoned Rural Residential.

Laurie Kelly, owner, said they is looking to build a structure to store her camper and other equipment. The 14' wall height is needed to accommodate 12' doors so they can get the camper inside the structure. The camper is 10'2" tall without the air conditioning unit that sits on top. The variance request is for the height of the structure only. The building will be built to match the home, have concrete flooring and the other structure (shed) on the premises will be removed.

**Board Discussion:** Mark Lenzi reported notifications were in order, the request was returned by Monroe County as a matter of local determination and is a Type II action, no further review required. There are no letters in the file and no comments from the ZEO or Building Department.

**Public Comment: None.**

**Public Hearing Closed**

**A motion** was made by Greg Colavecchia to **approve** the application of Laurie Kelly, owner, at 280 Lighthouse Road **and grant** relief from Town Zoning Article X, subsection 165-82(C)(2) for the proposed construction of a 1,440 sq. ft. pole barn with a wall height of 14'. Town Code limits accessory structure to 12' wall heights. The purpose of the 14' wall height is to accommodate a 12' door to allow the camper, which has a height of over 10' to be stored inside the structure. The property is zoned Rural Residential. Using the balancing test, the Board finds the following.

- The benefit *cannot* be achieved by other means feasible to the applicant based upon the size of the camper.
- There will be *no* undesirable change in neighborhood character or to nearby properties and will be built to be aesthetically pleasing to match the home.
- The request *is not* substantial. It is only a difference of 2' from what is allowed to the requested height.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is not* self-created, the height of the camper dictates the need for the wall height, storing the camper inside will allow for a longer lifespan of the camper, and this grants the minimum variance necessary. 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 (3-0)** (Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley; **Excused:** Veronica Robillard).

### **MINUTES OF JULY 21, 2021**

The ZBOA minutes of July 21, 2021, were reviewed. **Motion** was made by Stephen Shelley to approve the July 21, 2021, minutes as presented. **Seconded** by Greg Colavecchia. **Motion carried to approve (3-0)** (Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley; **Excused:** Veronica Robillard).

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Stephen Shelley to adjourn the meeting at 7:43 p.m. **Seconded** by Greg Colavecchia. **Motion carried to approve (3-0)** (Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley; **Excused:** Veronica Robillard).

Respectfully submitted,

Carrie Fracassi  
Recording Secretary