

**TOWN OF PARMA
ZONING BOARD OF APPEALS
AUGUST 17, 2022**

Members Present: Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Jack Barton, Alternate

Excused: Greg Colavecchia

Others Present: Art Fritz, Dave Ciufu

Public Present: Kevin Brongo, Stacy Edgecombe

The meeting was called to Order by Chairperson Robillard at 7:00 p.m. Chairperson Robillard explained the function and decision-making process of the Zoning Board of Appeals. This is a five-member board with 4 seated members and the alternate present. A quorum of three is required to pass a motion.

MINUTES OF JULY 20, 2022

The ZBOA minutes of July 20, 2022, were reviewed. **Motion** was made by Jack Barton to approve the July 20, 2022, minutes as presented.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

TABLED FROM THE MAY 18, 2022, MEETING

1. PETER McMANN, OWNER OF 5412 RIDGE ROAD WEST

The applicant is requesting relief from Town Zoning Article VI, subsection 165-40 D, Special Permitted Uses, to allow the use of an animal boarding facility subject to, Article IX, subsection 165-57. Owner is requesting relief from Article IX, subsections 165-57 (A) & (D) to allow the animal boarding facility on a lot with 3.96 acres and with a building located approximately 20' from the road and 30' from the side property line. This property is zoned Highway Commercial.

The applicant, through Dan Schum, Esq., has requested to have this application tabled to the October 2022 Zoning Board of Appeals meeting. The Town Board is in the process of adopting amendments to the Town of Parma Code and the applicant would like the Board's determination before proceeding with the request.

A motion was made by Dan Melville to **table** the application of Peter McMann, owner of 5412 Ridge Road West to allow the use of an animal boarding facility subject to Article IX, subsection 165-57 to October 2022 at the request of the applicant to allow the Town Board additional time to review the Town Code to consider allowing this type of business in Highway Commercial.

This tabling is at the request of the applicant.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

TABLED FROM THE JULY 20, 2022, MEETING

2. CAROL MALONE, OWNERS OF 208 COLLAMER ROAD

The applicant is requesting relief from Town Zoning, Article VII, subsection 165-41 (B), Permitted Principal Uses, to allow the use of a construction business with an equipment repair shop facility and outdoor storage of materials and equipment. This property is currently zoned Light Industrial.

The applicant sent an email requesting to have this application tabled to the September 2022 Zoning Board of Appeals meeting. Some of the parties the Board requested to appear are out of Town for the August meeting.

A motion was made by Stephen Shelley to **table** the application of Carol Malone, owner of 208 Collamer Road to allow the use of a construction business with an equipment repair shop facility and outdoor storage of materials and equipment granting relief from Town Zoning Article VII, subsection 165-41 (B), Permitted Principal Uses, to the September 2022 Zoning Board of Appeals meeting due to the fact that some of the parties the Board requested to appear are out of Town for tonight's meeting. This tabling is at the request of the applicant.

Seconded by Dan Melville

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

NEW BUSINESS

3. KEVIN BRONGO, OWNER OF 5 SAND DUNES TRAIL (PINE HILL SUBD. Lot 21)

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (E)(1) to allow a 40-foot front setback for the proposed single-family dwelling. Town Code requires a front setback for single-family – nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential.

Board Discussion: Board Discussions occurred at a previous meeting.

Kevin Brongo, owner, explained he is looking for approval for a 40 ft. front setback to accommodate placement of the septic system, which placement is dictated by Monroe County, and a Town Easement for infiltration on the property.

Public Comment: None

Public Hearing Closed

A motion was made by Ann Williams to **approve** the application of Kevin Brongo, owner of 5 Sand Dunes Trail (Lot 21), to allow a 40 ft. front setback for the proposed single-family dwelling granting relief from Town Zoning Article V, subsection 165-33 (E)(1). Town Code requires a

front setback for single-family nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial; however, the applicant showed the 40 ft. setback is needed to accommodate placement of the septic system and the easement on the property.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Jack Barton

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

4. KEVIN BRONGO, OWNER OF 11 SAND DUNES TRAIL (PINE HILL SUBD. Lot 20)

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (E)(1) to allow a 40-foot front setback for the proposed single-family dwelling. Town Code requires a front setback for single-family – nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential.

Board Discussion: Board Discussions occurred at a previous meeting.

Kevin Brongo, owner, explained he is looking for approval for a 40 ft. front setback to accommodate placement of the septic system, which placement is dictated by Monroe County, and a Town Easement for infiltration on the property.

Public Comment: None

Public Hearing Closed

A motion was made by Dan Melville to **approve** the application of Kevin Brongo, owner of 5 Sand Dunes Trail (Lot 20), to allow a 40 ft. front setback for the proposed single-family dwelling granting relief from Town Zoning Article V, subsection 165-33 (E)(1). Town Code requires a front setback for single-family nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial; however, the applicant showed the 40 ft. setback is needed to accommodate placement of the septic system and the easement on the property.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. 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 approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

5. KEVIN BRONGO, OWNER OF 51 SAND DUNES TRAIL (PINE HILL SUBD. Lot 18)

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (E)(1) to allow a 40-foot front setback for the proposed single-family dwelling. Town Code requires a front setback for single-family – nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential.

Board Discussion: Board Discussions occurred at a previous meeting.

Kevin Brongo, owner, explained he is looking for approval for a 40 ft. front setback to accommodate placement of the septic system, which placement is dictated by Monroe County, and a Town Easement for infiltration on the property.

Public Comment: None

Public Hearing Closed

A motion was made by Stephen Shelley to **approve** the application of Kevin Brongo, owner of 51 Sand Dunes Trail (Lot 18), to allow a 40 ft. front setback for the proposed single-family dwelling granting relief from Town Zoning Article V, subsection 165-33 (E)(1). Town Code requires a front setback for single-family nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial; however, the applicant showed the 40 ft. setback is needed to accommodate placement of the septic system and the easement on the property.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Dan Melville

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

6. KEVIN BRONGO, OWNER OF 55 SAND DUNES TRAIL (PINE HILL SUBD. Lot 17))

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (E)(1) to allow a 40-foot front setback for the proposed single-family dwelling. Town Code requires a front setback for single-family – nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential.

Board Discussion: Board Discussions occurred at a previous meeting.

Kevin Brongo, owner, explained he is looking for approval for a 40 ft. front setback to accommodate placement of the septic system, which placement is dictated by Monroe County, and a Town Easement for infiltration on the property.

Public Comment: None

Public Hearing Closed

A motion was made by Jack Barton to **approve** the application of Kevin Brongo, owner of 5 Sand Dunes Trail (Lot 17), to allow a 40 ft. front setback for the proposed single-family dwelling granting relief from Town Zoning Article V, subsection 165-33 (E)(1). Town Code requires a front setback for single-family nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant.
- There will be *no* undesirable change in neighborhood character or to nearby properties; this is a new subdivision.
- The request *is* substantial as the setback will be 33% less than what is required; however, the applicant has shown a need for the 40 ft. setback.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

7. KEVIN BRONGO, OWNER OF 59 SAND DUNES TRAIL (PINE HILL SUBD. Lot 16)

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (E)(1) to allow a 40-foot front setback for the proposed single-family dwelling. Town Code requires a front setback for single-family – nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential.

Board Discussion: Board Discussions occurred at a previous meeting.

Kevin Brongo, owner, explained he is looking for approval for a 40 ft. front setback to accommodate placement of the septic system, which placement is dictated by Monroe County, and a Town Easement for infiltration on the property. This parcel is on a cul-de-sac which greatly reduces the usable space on the lot.

Public Comment: None

Public Hearing Closed

A motion was made by Dan Melville to **approve** the application of Kevin Brongo, owner of 5 Sand Dunes Trail (Lot 21), to allow a 40 ft. front setback for the proposed single-family dwelling granting relief from Town Zoning Article V, subsection 165-33 (E)(1). Town Code requires a front setback for single-family nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial; however, the applicant showed the 40 ft. setback is needed to accommodate placement of the septic system and the easement on the property.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Jack Barton

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

8. STACY EDGEcombe, OWNER OF 141 PAYNE BEACH ROAD

The applicant is requesting relief from Town Zoning Article XVI, subsection 165-128 (B)(1) & (3) to allow 64 linear feet of 6-foot-tall fencing to be constructed in the rear yard on a 2.55-acre lot. In this zoning district Town Code allows fences up to 4 ft. tall on lots 2 acres or more in size. This property is zoned Rural Residential.

Board Discussion: Art Fritz reported notifications were in order. This is a local matter and a Type II action; no further review required. There were no letters in the file.

Stacy Edgecombe said she is looking to construct a dog kennel with three sides fenced and the fourth side would be the side of the pole barn. She is looking to have 6 ft. sides because she is a board member for Paw Rescue, a dog rescue non-profit organization. The 6 ft. walls are better for rescue dogs who are nervous dogs and tend to be a flight risk in new surroundings. She does not want to put them in cages because that is where most of them are coming from and are scared. She cannot put them in her house because you do not know until they are evaluated how they will react to other people, kids, or pets. Dan Melville asked if a Special Permit is needed for this operation. Art Fritz said this operation could go either way.

Public Comment: None

Public Hearing Closed

A motion was made by Jack Barton to **approve** the application of Stacy Edgecombe, owner of 141 Payne Beach Road, to allow 64 linear feet of 6-foot-tall fencing to be constructed in the rear yard on a 2.55-acre lot granting relief from Town Zoning Article XVI, subsection 165-128 (B)(1) & (3). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. It will be screened on all sides except for a very small section off Moul Road.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is not* substantial; it is only 14' more than what is allowed by code.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is* self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance needed.

Seconded by Dan Melville

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

OTHER BUSINESS

There was none.

ADJOURNMENT

There being no further business, a **Motion** was made by Jack Barton to adjourn the meeting at 7:50 p.m.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

Respectfully submitted,

Carrie Fracassi
Recording Secretary