

TOWN OF PARMA
ZONING BOARD OF APPEALS
October 19, 2022

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

Others Present: Art Fritz, Dave Ciufu

Public Present: Andrew Marron, Andrea Marron, Jerry Santangelo, Sandy Santangelo, Jakob Brickler, Joanne Terhune, Jake Goodenbury

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 five seated members presented. A quorum of three is required to pass a motion.

MINUTES OF SEPTEMBER 21, 2022

1. Review Minutes from the September 21, 2022, Zoning Board Minutes

The ZBOA minutes of September 21, 2022, were reviewed. **Motion** was made by Dan Melville to approve the September 21, 2022, minutes as presented.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

TABLED FROM THE MAY 18, 2022, MEETING

2. PETER McMANN, OWNER, 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. The property is zoned Highway Commercial.

Art Fritz said the Town Board adopted a change to the code to make this an allowable use. The applicant would like to table this matter pending finalization with NYS. After finalization through NYS the applicant will withdrawal the application.

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 the December 2022 Zoning Board of Appeals meeting pending the filing of code changes approved at the Town of Parma Town Board meeting on October 18, 2022, with New York State.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

TABLED FROM THE SEPTEMBER 21, 2022

3. GERARD SANTANGELO, JR., OWNER, 64 E. WAUTOMA (DELAVERGNE DR)

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (C)(7) for the placement of an 8 x 8 storage shed located on the roadside of the property. The shed is proposed to have a 2.5 ft. setback and an 18 ft. setback from the road edge. Town Code requires a 10 ft. side setback and a 25 ft. setback from the street line. This property is zoned Waterfront Residential.

Gerard Santangelo, Jr., owner, apologized for not being able to attend the last meeting due to illness. Mr. Santangelo said he is looking to erect this structure at the right corner of his driveway to store belongings he has in a shed across the street on property he recently sold. Those belongings consist of wood, plywood, and pumps that were used during flooding.

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.

Dan Melville asked about the 2.5ft. setback and NYS requirement that structures be 5ft. from the property line. Art Fritz said if approved the Building Department would make sure the structure is fire rated correctly. Ann Williams asked if they owned the property to the west (66 E. Wautoma). The owner said they do but that property is encumbered by a septic system, leach field, break wall and a drainage pipe. Ann Williams is concerned the building will be located too close to the property line.

Public Comment: None

Public Hearing: Closed

A motion was made by Stephen Shelley to **approve** the application of Gerard Santangelo, Jr., owner of 64 East Wautoma Road for the placement of an 8x8 storage shed located on the roadside of the property with a 2.5 ft. side setback and 18 ft. front setback from the road edge granting relief from Town Zoning Article V, subsection 165-33 (c)(7). Town Code requires a 10 ft. side setback and a 25 ft. front setback from the street line. This property is zoned Waterfront Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. This area is very congested and not many options for locating the shed.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial and mitigated somewhat by the congestion in the neighborhood.
- 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.

The structure will need to meet the requirements of the NYS Fire Code.

Seconded by Dan Melville

Motion carried to approved (4-1)

Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley

Nay: Ann Williams

Ann Williams noted that she felt the lot is too small, the applicant sold the property across the street with a storage structure on it and she has concerns it is going to be too close to the lot line.

4. TYLER KELLY, OWNER, 42 HILL ROAD

The applicant is requesting a Special Permit from the Zoning Board of Appeals in accordance with Town Zoning, Article V, subsection 165-32 (D) (12) for an approximately 525 Sq. Ft. accessory apartment. The special permit request is subject to requirements of Town Zoning Article IX, subsection 165-76. This property is zoned Waterfront Residential.

Art Fritz reported notifications are not in order or mailed in a timely fashion; the application will need to be tabled.

A motion was made by Greg Colavecchia to **table** the application of Tyler Kelly, owner of 42 Hill Road for a Special Permit in accordance with Town Zoning Article V, subsection 165-32 (D) (12) for an approximately 525 Sq. Ft. accessory apartment subject to the requirements of Town Zoning Article IX, subsection 165-76 to the November 2022 Zoning Board of Appeals meeting to allow the applicant time to send notifications out timely.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

5. JAKOB BRICKLER, OWNER, 353 MANITOU ROAD

The applicant is requesting relief from Town Zoning Article V, subsection 165-32 (C)(2) and Article X, subsection 165-82 (C)(3) for the construction of a 2,000 sq. ft. accessory structure with a 12' wall height located in the side yard. The proposed use of the structure is for personal use. Town Code limits accessory structures to 1,500 sq. ft. and requires placement in the rear yard. This property is a corner lot which, by definition has two front yards and two side yards. This property is zoned Rural Residential.

Mr. Brickler said he is looking to build a 2,000 sq. ft. structure on the property. There is no garage on the premises; the age of the structure predates the code. The applicant said the shed on the property will be removed. Items to be stored include a boat, classic car, their personal cars, and other items normally stored inside a garage. There was discussion about whether this is considered a garage or accessory structure, the applicant said he applied for an accessory structure; if it was considered a garage, he would not need a variance.

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.

Public Comment: None

Public Hearing: Closed

A motion was made by Greg Colavecchia to **approve** the application of Jakob Brickler, owner of 353 Manitou Road, for the construction of a 2,000 sq. ft. accessory structure with a 12' wall height located in the side yard granting relief from Town Zoning Article V, subsection 165-32 (C)(2) and Article X, subsection 165-82 (C)(3). Town Code limits accessory structures to 1,500 sq. ft. and requires placement in the rear yard. This property is a corner lot which, by definition has two front yards and two side yards. This property is zoned Rural Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant provided a diagram depicting the layout of items to be stored; the length of the boat (47ft) dictates the size (50ft. length) needed. Relevant to granting placement in the side yard, this is a corner lot and by definition, prior to last night's Town Board meeting where a change was made, the property has two front yards and two side yards, no rear yard.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial but is mitigated by the layout of the lot and testimony provided showing the need.
- 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: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

6. ANDREW & ANDREA MARRON, OWNERS, 19 HUNTERS CROSSING

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (C)(2) for the proposed construction of a 960 Sq. Ft. storage building located in the rear yard. The proposed building will consist of a 600 Sq. Ft. enclosed area and a 360 Sq. Ft. covered porch area. Town Code limits accessory structures to 600 Sq. Ft. in this district. The property is zoned Medium Density Residential.

Andrew Marron, owner, said the structure will be located in the back yard straight back off the driveway; it will match the house and he feels it is similar to other structures in the neighborhood. The structure will be used for storage which will consist of golf carts, recreational vehicles, lawn equipment and outdoor furniture.

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.

Public Comment: None

Public Hearing: Closed

Dan Melville noted that the inside portion of the structure is within the code; the open area makes it larger. He does not see anything wrong with the application.

A motion was made by Dan Melville to **approve** the application of Andrew and Andrea Marron, owners, of 19 Hunters Crossing, for the proposed construction of a 960 Sq. Ft. storage building located in the rear yard. The proposed building will consist of a 600 Sq. Ft. enclosed area and a 360 Sq. Ft. covered porch area granting relief from Town Zoning Article V, subsection 165-33 (C)(2). Town Code limits accessory structures to 600 sq. ft. in this district. This property is currently 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. The applicant provided testimony that he needs the room to store his belongings.
- There will be *no* undesirable change in neighborhood character or to nearby properties. Other structures in the area a similar in size to this application.
- The request *is not* substantial. The enclosed area meets the code; the open area brings it over 600 ft.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created; the applicant kept the indoor portion to 600 ft as required by code. 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: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

7. JOANNE TERHUNE, OWNER, 108 WEST BEACH ROAD

The applicant is requesting relief from Town Zoning Article V, subsection 165-35 (C)(2) for the proposed construction of a 2-story garage. The proposed 2nd floor will be used as storage. Town Code allows a one-story garage in this zoning district. The property is zoned Waterfront Residential.

Chairperson Robillard asked if this project has started construction. The applicant said yes. Chairperson Robillard explained that the Board has to treat this like construction has not started. The applicant said this project started as a roof replacement and there was talk about adding another bay to the garage; however due to flooding in the area in recent years, they decided building up would be safer. There was some confusion when talking to the architect, DEC and it was thought they did not need a variance for the two-story construction because they were not putting permanent stairs in. Ann Williams asked if a building permit was ever applied for. The applicant said no they did not. Art Fritz said he noticed they were building on the property, and the Town issued a stop work order. He stated the applicant stopped work immediately and has been working with the Town.

The height of the roof will be similar to the house; the architect tried to match it. Chairperson Robillard asked if there is any other storage on the property. The applicant stated they only have a crawl space and a trailer on the property currently. The applicant explained it is important to keep the things she is storing dry, include paperwork, tax documents and homeschooling materials. All other setbacks will be in compliance.

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.

Public Comment: None

Chairperson Robillard read a letter from Carol Latta and David McEneaney, neighbor of the applicant, said there is very limited options for storage on the lake and they support the request and encourage the Board to approve.

Public Hearing: Closed

Dan Melville said there are several two-story garages in the area; on the lake the only way to get dry storage is to build up. The applicant had pictures of other ones in the area, one with a similar roof they will be doing.

A **motion** was made by Dan Melville to **approve** the application of Joanne Terhune, owner, of 108 West Beach Road, for the proposed construction of a 2-story garage. The proposed 2nd floor will be used as storage. This grants relief from Town Zoning Article V, subsection 165-35 (C)(2). This property is currently zoned Waterfront Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant has shown the need for dry storage within an area known to flood. Mr. Melville agreed that it will be better to put the belongings up higher with the history of flooding in the area.
- There will be *no* undesirable change in neighborhood character or to nearby properties. There are several two-story structures in the neighborhood with two-story garages.
- The request *is* substantial and is mitigated by the lack of storage and the need to store higher to avoid future flooding.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is somewhat 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: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

8. JAKE GOODENBURY, OWNER, 5 BENNETT ROAD

The applicant is requesting relief from Town Zoning Article V, subsection 165-31 (E)(1) for the construction of a 12'x24' storage structure encroaching into the front setbacks of Huffer Road and Bennett Road. The property is a corner lot which fronts on Huffer Road and Bennett Road. The structure is proposed to be placed approximately 44' from the Huffer Road front property line and approximately 28' from the Bennett Road front property line. Town Code requires a 75' front setback for this zoning district. This property is zoned Agricultural Conservation.

Board Discussion: Art Fritz reported notifications were in order. Comments from Monroe County have not been received to date. This is a local matter and a Type II action; no further review required. There were no letters in the file.

Jake Goodenbury, owner, is hoping the Board will approve this conditioned on receiving the comments from Monroe County. He has waited to order the storage structure for approval but if this is tabled for comments, he will not be able to order and get it placed on the property before the ground is too soft. He gets standing water all around the house, there is also a slope and septic system limiting where he can locate the structure. He would like to place it 4 ft. north of the garage in one of the only dry portions on the property. The applicant said the 12x24 ft. structure will give him enough space to store a classic car he inherited and his belongings.

Jack Barton said the Board has done an approval conditioned on Monroe County comments coming back and all conditions will be met, if any. The applicant said the builder will be matching the roof and color of the house.

Public Comment: None

Public Hearing: Closed

A motion was made by Greg Colavecchia to **approve** the application of Jake Goodenbury, owner, of 5 Bennett Road, for the construction of a 12'x24' storage structure encroaching into the front setbacks of Huffer Road and Bennett Road. The property is a corner lot which fronts on Huffer Road and Bennett Road. The structure is proposed to be placed approximately 44' from the Huffer Road front property line and approximately 28' from the Bennett Road front property line granting relief from Town Zoning Article V, subsection 165-31 (E)(1). Town Code requires a 75' front setback for this zoning district. This property is zoned Agricultural Conservation. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. Based on the layout of the property it is nearly impossible to comply with the code.
- There will be *no* undesirable change in neighborhood character or to nearby properties. The house will sit closer to Bennett Road than this structure will. The structure will match the color and roofing of the house.
- The request *is* substantial but mitigated by the fact there is no way to comply. While looking at placing this structure closer than allowed setback, the house and garage already on the property will be closer to Bennett Road than the storage structure will.
- 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.

County comments to be received and all conditions if any met before building permit issued.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:20 p.m.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Respectfully submitted,

Carrie Fracassi
Recording Secretary