

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
July 20, 2006**

**Members Present:** Patrick Buskey (alternate)  
Frank Lucisano  
Veronica Robillard  
Stephen Shelley  
Tim Thomas

**Members Excused:** Dean Snyder

**Others Present:** Jack Barton

**Public Present:** See attached list

The meeting was called to Order by Chairperson, Veronica Robillard, at 7:00 p.m. She explained the function of the ZBOA and the decision-making process. She stated that this is a five-member board, with one member absent, and alternate Board Member, Patrick Buskey in attendance. She noted that a quorum of three is required to pass a motion. Chairperson Robillard offered hearing aid devices for anyone who required them.

**PUBLIC HEARINGS**

**1. THOMAS BRYANT – 12 NORTH SHORE DRIVE**

Application was received from Thomas Bryant, owner, for area variances at 12 North Shore Drive. Applicant is proposing to erect a 186 linear feet, 5'4" high ornamental metal fence with brick piers in the front yard. The fence will have a 1 foot setback from the easterly and westerly property lines. The brick piers will have a 0 foot setback from easterly and westerly property lines. Applicant is requesting relief from Town Zoning Article 16, subsections 165-128.A.2, which states in part that fences in the front yard shall not be higher than 3 feet and 165-28.B.2, which states in part that open fences up to a height of 6 feet may be permitted for the express purpose of enclosing or screening a swimming pool or patio area and are subject to all setback requirements of the zoning district. This property is currently zoned Waterfront Residential (WF).

Ted Antonucci stated he represented Mr. Bryant as a consultant on the job, per Mr. Bryant's request, as he couldn't attend tonight's meeting. He provided a sketch of the property. He explained Mr. Bryant's original proposal to place an ornamental fence along the front of the property with a 5'4" high ornamental fence brick columns with a height of 6 feet high, with 18 feet of fence between the columns. He noted that Mr. Bryant is revising this plan, and is looking to place this fence at a 2 feet setback, with a 3'6" high fence and 4'6" brick columns. The actual fence will be 3' high, 6" off the ground. He was unsure if the fence will be placed on the face of the column or in the center. No gate is planned where the driveway is located. Mr. Bryant felt that the 2 feet setback would allow sufficient room for maintenance of the fence and yard. He provided a drawing of the fence, which will be open black aluminum posts with brick columns with a stone cap. Ted noted that North Shore Drive has no outlet. The center of the road is 23'6" to the right-of-way, with the fence actually being 10 feet from the road.

**Public Comment:** Chairperson Robillard read a letter, as follows:

**Robert and Janet Allardice – 10 North Shore Road:** Stated they live directly next door to the east. They expressed their support for the variance and any other improvements that the applicant requests.

The public hearing was closed.

**Board Discussion:** Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Following discussion, a **Motion** was made by Tim Thomas to approve the application received from Thomas Bryant, owner, for area variances at 12 North Shore Drive to erect a 186 linear feet, 3'6" high ornamental metal fence with brick piers at a height of 4'6" in the front yard. The fence will have a 3 foot setback from the easterly and westerly property lines. The brick piers will set back 2 feet to the face of the piers from the easterly and westerly property lines. This grants relief from Town Zoning Article 16, subsections 165-128.A.2, which states in part that fences in the front yard shall not be higher than 3 feet and 165-28.B.2, which states in part that open fences up to a height of 6 feet may be permitted for the express purpose of enclosing or screening a swimming pool or patio area and are subject to all setback requirements of the zoning district. This property is currently zoned Waterfront Residential (WF). In making this determination to approve this amended request with new modified dimensions, I don't believe the benefit can be achieved by other means feasible to the applicant. A 3'6" high fence is reasonable with 3' side setbacks to access under and around the fence for maintenance and a 4'6" high column will keep with the style of the fence. There will be no undesirable change in neighborhood character or to nearby properties, in fact, it will enhance the area significantly. The request is somewhat substantial with regard to column height. There will be no adverse physical or environmental effect. Although the alleged difficulty is self-created, in 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 Unanimously Carried (5-0)** (Ayes: Patrick Buskey, Frank Lucisano, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder)

## 2. BRIAN CLARK – 151 FERGUSON DRIVE

Application was received from Brian Clark, owner, for an area variance at 151 Ferguson Drive. Applicant is proposing to construct a pool deck on an existing pool with a side setback of 6 feet from the westerly property line and is requesting relief from Town Zoning schedule 1 which requires a minimum setback of 10 feet. This property is currently zoned Waterfront Residential (WF).

Brian explained that he installed a 12 x 15 feet wood deck by his pool to allow them to put chairs on the deck and watch the kids in the pool. He stated he found out after the deck was built that he needed a permit and a variance. He recalled that the pool has a 2' side setback for which he received a variance. He explained that he chose placement of the deck off center because this is a narrow corner lot and other placement is not feasible. The pool is 54" high and they can not see the kids in the pool without the deck.

**Public Comment:** None. The public hearing was closed.

**Board Discussion:** Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Following discussion, a **Motion** was made by Stephen Shelley to approve the application received from Brian Clark, owner, for an area variance at 151 Ferguson Drive to construct a pool deck on an existing pool with a side setback of 6 feet from the westerly property line and this provides relief from Town Zoning schedule 1 which requires a minimum setback of 10 feet. This property is currently zoned Waterfront Residential (WF). In making this determination, I do not believe the benefit can be achieved by other means feasible to the applicant. For this narrow, corner, waterfront lot, this is a reasonable approach. There will be no undesirable change in neighborhood character or the nearby properties. Waterfront properties are typically narrow. The

request is not substantial. There will be no adverse physical or environmental effect. Although the alleged difficulty is self-created, in using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community. Seconded by Patrick Buskey. **Motion Unanimously Carried** (5-0) (Ayes: Patrick Buskey, Frank Lucisano, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder)

### 3. MICHAEL EISELE – 190 OGDEN PARMA TOWN LINE ROAD

Application was received of Michael Eisele, owner, for an area variance at 190 Ogden Parma Town Line Road. Applicant is proposing an addition to his home with a front setback from the road right-of-way of 29 feet. The proposed addition will have the same setback as the existing home. Applicant is requesting relief from Town Zoning schedule 1 which requires a 75 feet front setback. This property is currently zoned Medium Density Residential (MD).

Mike explained that the house has an existing front setback of 29 feet, so if he placed the proposed addition at the required 75 feet front setback, it would be located in the middle of his back yard. He noted the house was built in 1949. He stated that the addition will have the same front setback as the house. He provided a sketch of the proposed addition.

**Public Comment:** None. The public hearing was closed.

**Board Discussion:** Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Following discussion, a **Motion** was made by Frank Lucisano to approve the application of Michael Eisele, owner, for an area variance at 190 Ogden Parma Town Line Road for an addition to his home with a front setback from the road right-of-way of 29 feet. The proposed addition will have the same setback as the existing home. This provides relief from Town Zoning schedule 1 which requires a 75 feet front setback. This property is currently zoned Medium Density Residential (MD). In making this determination, the benefit can not be achieved by other means feasible to the applicant. There will be no undesirable change in neighborhood character or to nearby properties. The house was built in 1949, with a 29 feet front setback, which preexists current zoning. The alleged request is substantial, but taking into account the front setback for the addition is the same as the existing home, this mitigates this. There will be no adverse physical or environmental effect. Although the alleged difficulty is somewhat self-created, in using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community. Seconded by Tim Thomas. **Motion Unanimously Carried** (5-0) (Ayes: Patrick Buskey, Frank Lucisano, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder)

### 4. RICH IUPPA – 503 PARMA CENTER ROAD

Application was received of Rich Iuppa, owner, for area variances at 503 Parma Center Road. Applicant is constructing a new home and is proposing to construct 40 feet by 50 feet accessory storage building with a rear setback of 5 feet and a side setback of 10 feet from the westerly property line. Applicant is requesting relief from Town Zoning schedule 1 which requires a side setback of 15 feet and a rear setback of 23 feet. This property is currently zoned Agricultural Conservation (AC).

Sam Sapporito explained that he misunderstood what his responsibility was in providing the required notifications. He thought the Town sent them out; consequently they have not been mailed.

A **Motion** was made by Frank Lucisano to table the application of Rich Iuppa, 503 Parma Center Road, without prejudice, until the August ZBOA meeting due to a misunderstanding regarding the notification process. Seconded by Stephen Shelley. **Motion Unanimously Carried** (5-0) (Ayes: Patrick Buskey, Frank Lucisano, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder)

#### **MINUTES OF MAY 18, 2006**

The following changes were recommended: page 2, Para 3, line 4, change “manufactured” to “modular”; page 6, Para 1, change “Use Variance” to “area variance”, Para 2, change “County” to “NYS DEC”. A **Motion** was made by Tim Thomas to approve the May 18, 2006 ZBOA minutes with the recommended changes. Seconded by Patrick Buskey. **Motion Carried** (4-0) (Ayes: Patrick Buskey, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder; Abstain: Frank Lucisano)

#### **MINUTES OF JUNE 15, 2006**

The following changes were recommended: page 1, Para 2, change “Parma Corners Road” to “Hilton Parma Corners Road”; page 2, Para 1, line 3, change to “1350 square feet” and “also granted” to “granting...”; page 3, Para 4, line 1, change “Don Pascarella to “Kessler”; change to “...the adjoining property where his...”; page 7, Para 6, change to “Mark stated that there is an accessory building 12 feet off the property line and complies with zoning. No one realized that the addition was out of compliance.” A **Motion** was made by Stephen Shelley to approve the June 15, 2006 ZBOA minutes with the recommended changes. Seconded by Tim Thomas. **Motion Carried** (4-0) (Ayes: Patrick Buskey, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder; Abstain: Frank Lucisano)

#### **ADJOURNMENT**

There being no further business, a **Motion** was made by Frank Lucisano, seconded by Tim Thomas, to adjourn the meeting at 8:43 pm. **Motion Unanimously Carried** (5-0) (Ayes: Patrick Buskey, Frank Lucisano, Stephen Shelley, Tim Thomas, Veronica Robillard; Absent: Dean Snyder)

Respectfully submitted,  
Diane Grundon, Recording Secretary