

**TOWN OF PARMA
ZONING BOARD OF APPEALS
OCTOBER 19, 2017**

Members Present: Dan Melville
Veronica Robillard
Stephen Shelley
Tim Thomas
Jim Zollweg

Members Excused: Dean Snyder, Alternate

Others Present: Dennis Scibetta, Dan Barlow

Public Present: Steven Lamy, David Lintz, Jacob Ellis, Shaelyn Bopp

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

TABLED BUSINESS

1. MATTHEW FUMIA – 120 MOUL ROAD

The application of Matthew Fumia, owner, for 2 area variances located at 120 Moul Road. The applicant is proposing to keep chickens on a 2.9 acre lot with a chicken coop located at a side setback of 82 feet and is requesting relief from Town Zoning Article X, subsection 165-82.BB which states that except for riding horses, no animals, other than ordinary household pets, shall be kept on an residential lot of three acres or less in any zone district and Town Zoning Article V, subsection 165-32.B.2.a which states in part that no building in which farm animals are kept shall be closer than 100 feet to a side property line. This property is currently zoned Rural Residential (RR).

Chairperson Robillard explained that this matter was tabled from the last meeting to allow the Board time to review additional information the State and other agencies. Dennis Scibetta reported that the applicant has respectfully withdrawn his application; he will be looking to purchase some additional land that will give him the land needed to have the chickens legally and he will be compliant on all requests. Dennis Scibetta further explained that the applicant understood the dilemma he was in and the applicant wanted to thank the Board.

NEW BUSINESS

2. STEVEN LAMY – 240 COLLAMER ROAD

The application of Steven Lamy, owner, for an area variance located at 240 Collamer Road. The applicant is proposing to construct a 720 square feet addition to an existing storage building on this property that is currently being used as a residence. The applicant is requesting this expansion of residential use on an industrial zoned property in accordance with Town Zoning Article 12 subsection 165-91. This property is currently zoned Light Industrial (LI).

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.

Steven Lamy, owner explained that he owns several boats, vehicles, and trailers. He would like to put a 24x30 addition onto the current garage space on the property because there are still too many things stored on the property, he would like the ability to work inside on his vehicles and he would like to store the items at his house instead of paying for off-site storage. All of the items are the applicant's personal possessions. There are mostly fields around him and the properties around him are residential. His property was rezoned to LI ten years ago. Dennis Scibetta stated that this originally went in front of the Planning Board who sent it here. Dennis Scibetta stated that this is an expansion of a pre-existing legal standing building. He provided a layout of the building on the property and what will be inside it with dimensions. There was some confusion with the way the legal was written that people would be living in the storage building. It was explained that the property is being used as residential but the building will not have people living in it. After discussion it was determined that the Board is only approving the expansion.

The applicant stated that the existing building will be sided to match the new building and the roof line will be matched up.

Public Comment: None
Public Hearing: Closed

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of Steven Lamy, owner, for an area variance located at 240 Collamer Road. The applicant is proposing to construct a 720 square feet addition to an existing storage building on this property. The property is currently being used as a residence. The applicant is requesting this expansion of residential use on an industrial zoned property in accordance with Town Zoning Article 12 subsection 165-91. This property is currently zoned Light Industrial (LI).

In making this determination the balancing test was considered:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant has shown he has an inconvenience and cost of storing his items off-site.
- There will be no undesirable change in neighborhood character or to nearby properties. Notably this structure presented will be well constructed and is very far away from the road and other homes.
- The request is not substantial.
- 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.

What is being proposed is identified as an expansion of a pre-existing legal standing building which is a valid request to the Board. This property also borders residential zoned property. This structure will only contain personal registered vehicles and boats.

Seconded by Tim Thomas. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

3. DAVID LINTZ – 875 PARMA CENTER ROAD

The application of David Lintz, owner, for 2 area variances located at 875 Parma Center Road. The applicant is proposing to construct a 3,200 square feet accessory building with a wall height of 14 feet and is requesting relief from Town Zoning Article V, subsection 165-31.C.2 which limits the total area of accessory structures to 2,000 square feet and Town Zoning Article X, subsection 165-82.C.2 which limits the wall height to 12 feet. This property is currently zoned Agricultural/Conservation (AC).

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.

David Lintz, owner stated that originally he was looking at putting up a 2000 square feet building with 10' wings but after looking at the footprint looked bigger. He listed various items to be included in the structure. Including 16 motorcycles, boats, generator, compressor, mini bike, tool box, work bench, utility trailers, trucks, 4 golf carts, a zero turn lawn mower and a Kubota. He currently stores stuff in both Bergen and Fairport and would like to store them all on his property. His property is just shy of two acres with a there is a fenced-in garden. Tim Thomas asked about the green shed. The applicant stated that he is going to remove that shed. Chairperson Robillard asked if he had considered a smaller structure. The applicant felt that this was as small as he can go. Chairperson Robillard asked why the need for a 14' wall height. Mr. Lintz stated that he would like to possibly get a RV at some point. It was determined that that is a want not a need at this point. The applicant stated that there will be a hedgerow all around the building and there are fields and a green house near the house. Tim Thomas asked about the pine trees. Mr. Lintz stated he will have to cut some down. Mr. Lintz purchased the house in August 2017.

There is some concern about the 14' wall height because the need is not currently there. There was discussion among the Board about the wall height and after discussion the applicant stated he wanted to withdraw that part of the application and he will go with a 12' wall height.

Public Comment: None

Public Hearing: Closed

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of David Lintz, owner, for 1 area variance located at 875 Parma Center Road. The applicant is proposing to construct a 3,200 square feet accessory building. This provides relief from Town Zoning Article V, subsection 165-31.C.2 which limits the total area of accessory structures to 2,000 square feet. This property is currently zoned Agricultural/Conservation (AC).

In making this determination the balancing test was considered:

- The benefit cannot be achieved by other means feasible to the applicant. The Board received very complete and convincing evidence of what the applicant plans to store. It is not feasible for the applicant to store all of these items either outdoors or off-site.
- There will be no undesirable change in neighborhood character or to nearby properties.
- The request is substantial. This is 60% more than the allowed limit.
- 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 variance provides for 3,200 square feet total storage so therefore it requires removal of the existing shed.

Seconded by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

MINUTES OF SEPTEMBER 21, 2017

The ZBOA minutes of September 21, 2017 were reviewed. **Motion** was made by Jim Zollweg to **approve** the September 21, 2017 minutes as presented. **Seconded** by Tim Thomas. **Motion carried**

to approve (5-0) (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

ADJOURNMENT

There being no further business, a **Motion** was made by Jim Zollweg, seconded by Dan Melville to adjourn the meeting at 7:55 p.m. **Motion carried to approve (5-0) (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).**

Respectfully submitted,

Carrie Webster
Recording Secretary