

TOWN OF PARMA ZONING BOARD OF APPEALS

Parma Town Zoning Board of Appeals Meeting held on Wednesday, February 21, 2024, at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

Members Present: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton, Alternate

Members Excused: Veronica Robillard

Others Present: Arthur Fritz, ZEO
Maureen Werner, Town Attorney
Dave Ciufu, Town Board Liaison

Public Present: Don Wells, Joe Reinschmidt, Tim Jobes

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. This is a five-member board with five members present. A quorum of three is required to pass a motion.

MINUTES OF JANUARY 17, 2024

1. Review Minutes from the January 17, 2024, Zoning Board Meeting

The ZBOA minutes of January 17, 2024, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the January 17, 2024, minutes as presented.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton

Excused: Veronica Robillard

NEW BUSINESS

2. PHILIP MESITI, OWNER, 56 FOREST RIDGE TRAIL

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33(C)(2) for the proposed construction of a 1545 sq. ft. accessory structure (pool house) on the east side of the property in the rear yard. Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density Residential (MD).

Board Discussion: Arthur Fritz reported notifications were in order. This is a Type II action; no further review required. There were no comments from Monroe County, no comments from the Building Department and no letters in the file.

Philip Mesiti, he is looking for approval to build a pool house in the backyard. They have a large family, and this would give them a place to hold family parties and hang out outside of the main house near the pool they are looking to have installed. There would be a storage in the attic area

of the structure along with a living room, fireplace, kitchen, full bath, office space with heat and air conditioning.

Chris Costanza, architect for the project, said this would be used as a year-round office, not just as a pool house in the summer for family gatherings. The reason for the kitchen and full bath is to eliminate the need to walk to and from the main house from the pool area. The lots in the subdivision are oversized. The structure would consist of 950 sq. ft. of inside space and the rest a covered porch.

Jack Barton said he understands this is large, but the lot is over 2 acres, and it seems it will be positioned well. He said he is not concerned with this application. Stephen Shelley said the houses adjacent to this are much larger, so this would not look out of place. Spencer Wren is concerned that if approved this could be used as a guest house and someone living there.

Public Comment:

Joe Reinschmidt was concerned there would need to be another leach bed installed at the property. Mr. Constanza said that the septic systems installed were oversized to accommodate the large residences in the neighborhood. They will do whatever needs to be done for the project.

Tim Jobes was also concerned about the septic system and parking for large parties.

Attorney Werner said she would be concerned that this could be used as a house. She felt any motion should contain wording that this structure cannot be used as a house, a separate septic tank cannot be installed, the front porch cannot be enclosed and if someone is found to be living in the structure, the kitchen would need to be removed.

Public Hearing: Closed

Ann Williams said she can understand the need for the sink and toilet but was unsure about the need for an indoor shower and office. Spencer Wren said it comes across as a home. Dan Melville would like the office to be removed or made smaller so it cannot accommodate a bedroom setup. Spencer Wren asked if there would be a business run out of the property. Mr. Mesiti said his wife works remotely from home. There was discussion about whether the applicant could reduce the square footage. The applicant said he really could not reduce the size and still do what he is trying to do.

There was discussion about the options available to the applicant moving forward. If the Board were to deny the application, then the applicant could not come back with the same application, there would need to be a change and an additional fee paid. If the application were tabled, the applicant could come back with an alternate plan reducing the size or with answers to questions the Board has. The concern of the Board is that as presented this is like a second house on the property. Attorney Werner said one of the criteria is whether this is substantial or not and this is a substantial request. She stated that the Town Board did not agree to deviate or do the 278 so the Zoning Board must follow the code. The applicant asked that this be tabled to the next meeting.

A motion was made by Jack Barton to **table**, to the application of Philip Mesiti to the March 2024 Zoning Board of Appeals meeting the request for an area variance to grant relief from Town Zoning Article V, subsection 165-33(C)(2) for the proposed construction of a 1545 sq. ft. accessory structure (pool house) on the east side of the property in the rear yard. Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density Residential (MD). The Board is requesting the applicant look at alternate plans reducing the square footage of the structure. All new information must be sent to the Building Department by February 28, 2024, to meet the deadline for the board packets. The applicant can email the Building Department if they are unable to meet the deadline for the March meeting.

Seconded by Stephen Shelley

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton

Excused: Veronica Robillard

OTHER INFORMATION

Jack Barton said changes to the Zoning will begin soon as the Town continues to work on the Master Plan. They are hoping to look at the sections pertaining to accessory structures and making changes there that would limit the number of these applications.

ADJOURNMENT

There being no further business, a **Motion** was made by Stephen Shelley to adjourn the meeting at 7:49 p.m.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary