

TOWN OF PARMA
ZONING BOARD OF APPEALS
JANUARY 20, 2021

Due to COVID-19 this meeting will also be held via ZOOM.

Members Present: Dan Melville, Veronica Robillard (via Zoom), Stephen Shelley (via Zoom), Tim Thomas, Corinne Zajac (via Zoom), Greg Colavecchia (alternate)

Others Present: Art Fritz

Public Present: Randy DeVos, Lisa DeVos, Eric Basset, Tucker Lamy, Richard Vance

The meeting was called to Order by Acting Chairperson Thomas at 7:00 p.m.

Acting Chairperson Thomas explained the function and decision-making process of the Zoning Board of Appeals and noted this is a five-member board; all members are present, 3 via Zoom. A quorum of three is required to pass a motion.

TABLED FROM DECEMBER 16, 2020 MEETING

1. ERIC BASSET – 466 PECK ROAD

The application of Eric Basset, owner, for four area variances at 466 Peck Road. The owner is proposing to construct a 100' x 120' pole barn with a wall height of 14 feet located in the front yard requesting relief from 1) Town Zoning Article V, subsection 165-31.C.2 which limits the size of accessory structures to 2,000 sq. ft. 2) Town Zoning Article X subsection 165-82.C.2 which limits the wall height to 12 ft., 3) Town Zoning Article X, subsection 165-82.C.3 which states in part that accessory buildings shall be located in the rear yard and 4) Town Zoning which states by definition that accessory structures shall be subordinate in area to the principal building which, in this case, is 3,527 sq. ft. This property is currently zoned Agricultural/Conservation (AC).

Acting Chairperson Thomas noted this was tabled for additional information. Mr. Basset said he submitted an alternate plan with an alternate sized structure along with eleven letters from neighbors in support of the project. The reduced size is 80'x130' or 10,400 sq. feet.

Acting Chairperson Thomas read the following letters from the neighbors: There were seven form letters signed by: Mike and Diane SanFilippo, 458 Peck Road; Stephen Nardone, 450 Peck Road; Thomas R. Bishop, 442 Peck Road; Richard and Barbara Schwartz, 478 Peck Road; David and Margaret Farrell, 482 Peck Road; Anne Schlaffer, 454 Peck Road; and Shannon Newland, 470 Peck Road. The letter stated their support of the proposed pole barn structure to be built on property located at 466 Peck Road. They stated they are aware of and support the size, height, use and location of the structure. They stated the neighborhood has many structures like this of various sizes on both sides of Peck Road.

Most of these existing structures, if not all, sit much closer to Peck Road than the proposed which would be 1,000 ft. off the road. They stated they are also aware the barn will be situated in the front yard of the house behind an existing tree line. They feel that it fits within the character of the neighborhood without any impacts.

Letter from Ryan Billings, 446 Peck Road; stated his rear property line touches Mr. Basset's land. He fully supports the size, height and use of his proposed barn structure. He understands he intends to store heavy equipment inside the barn and not outside as they currently sit. In his opinion it would look much nicer than seeing the exposed equipment. He understands Mr. Basset's concern with having the equipment outdoors in the weather accelerating the deterioration of the equipment prematurely. He himself has many barns, both large and small and feels one more barn will not be out of character for the neighborhood. He has no problem with the proposed location since it will sit approximately 1000 feet behind his property behind a natural tree barrier.

Letter from Steve Bauman, 408 & 412 Peck Road; states he discussed the structure with Mr. Basset and has no issues with this. He fully supports the size, height and use for storing equipment and vehicles. The proposed location is an ideal spot and minimizes the impact on the farming fields. He currently farms the land and has for many years and this location would have the least impact on the farming product. He also owns several structures as do many of the neighbors along both sides of Peck Road extending from Manitou to 259. This structure will blend in well with the existing neighborhood.

Joe Sarrantonio, 462 Peck Road; stated he met with Eric Basset to discuss the proposed structure that he intends to build directly behind his house. He is happy to know this will sit 1000 ft. from his house and behind an existing tree line that has been his view ever since he moved here. Mr. Basset explained that the Town is critical of him putting the structure in the front yard but after seeing where he intends to build, it makes perfect sense and he fully supports the location. He also supports the height, size and use of the structure. He feels it would be better to look at a barn than at the unsightly equipment for the neighborhood. Having a barn behind his house maintains the rural feel and fits within the existing characteristics.

Aaron Allen, 490 Peck Road, states he is the neighbor to the west that wraps around the north property line as well. At the present time, he has no concerns with Mr. Basset building the pole barn structure nor the location where he intends to put it on the property.

Acting Chairperson Thomas noted one of the requests the Board had was to show there would be no impact on future or existing homes, he feels plenty of proof was provided by the applicant with many letters of support from his neighbors. The applicant submitted a smaller plan per the Boards request. Veronica Robillard asked if the structure would eliminate the need for outside storage and if the applicant owns the 10 cars. The applicant stated yes. Acting Chairperson Thomas asked why the need for the 14' wall height. The applicant stated for the height of the equipment. Acting Chairperson Thomas noted this is a 40-acre parcel, and the proposed location will sit 1000 feet off the road.

Public Hearing: None
Public Hearing Closed

Board Discussion: Art Fritz reported notifications were in order, the request was returned by Monroe County as a matter of local determination. There are no letters in the file. Art Fritz asked that the Board clarify in the motion what “no outside storage” will refer to.

A motion was made by Corinne Zajac to **approve** the application of Eric Basset, owner, for four area variances at 466 Peck Road to construct a 80’ x 130’ pole barn with a wall height of 14 feet located in the front yard granting relief from 1) Town Zoning Article V, subsection 165-31.C.2 which limits the size of accessory structures to 2,000 sq. ft. 2) Town Zoning Article X subsection 165-82.C.2 which limits the wall height to 12 ft., 3) Town Zoning Article X, subsection 165-82.C.3 which states in part that accessory buildings shall be located in the rear yard and 4) Town Zoning which states by definition that accessory structures shall be subordinate in area to the principal building which, in this case, is 3,527 sq. ft. This property is currently zoned Agricultural/Conservation (AC). Considering the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant. Storing the equipment inside will protect the applicant’s investment from deteriorating/rusting because of the elements.
- There will be no undesirable change in neighborhood character or to nearby properties. Eleven neighbors wrote letters of support and this will improve the visual appearance because the equipment will be stored inside versus outside.
- The request is substantial.
- 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.

The approval is with the condition that there will be no outside storage of any commercial or construction equipment and/or any unregistered/unlicensed vehicles.

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

2. SCOTT SPICER– 80 WINDING COUNTRY LANE

The application of Scott Spicer, owner, for property located at 80 Winding Country Lane. The applicant is proposing to build a single family home on this property at the end of the road, which would bring the total of dwelling units on the cul-de-sac to 48. The applicant is requesting relief from Parma Town Code Chapter 30, Article IV, subsection 130-15.A.7.b, which states that no cul-de-sac shall be allowed to serve more than 20 dwelling units. This property is currently zoned Medium Density Residential (MD).

Acting Chairperson Thomas noted that a letter was received from Mr. John Sciarabba, L.S. asking this to be tabled to the March 2021 Zoning Board of Appeals meeting.

A motion was made by Dan Melville to **table** the application of Scott Spicer, owner, for property located at 80 Winding Country Lane to the March 2021 Zoning Board of Appeals meeting at the request of the applicant.

Seconded by Corinne Zajac. **Motion carried to table (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac).

3. RANDOLPH & LISA DeVOS – 450 MOUL ROAD

The application of Randolph and Lisa DeVos, owners, for two area variances at 450 Moul Road. The applicants are proposing to construct a 960 square foot horse barn with a side setback of 26.5 feet on property that has 1,536 square feet of existing accessory structures, which would bring the total square footage of accessory structures to 2,496 sq. feet and are requesting relief from Town Zoning Article V, subsection 165-31.C.2 which limits the size of accessory structures to 2,000 sq. feet and 165-31.B.2.a which states in part that no building in which farm animals are kept shall be closer than 100 ft. to a side property line. This property is currently zoned Agricultural/Conservation (AC).

Randolph DeVos, owner, stated he is looking to place this structure in line with the existing barn for aesthetic purposes and to make it easier to run services to it. If he put this 100' from the lot line it would be in the middle of the yard. The structure will be for one horse, storage of hay and other belongings. After discussion it was determined that the current structure is the garage as there is not an attached or detached garage on the premises. Because the first structure is the garage that sq. footage does not get added into the square footage. The total sq. footage of the structure being requested is 960 sq. feet which meets the code and would not need a variance. The Board will ask the applicant to withdraw that portion of the application.

The required 100' setback is meant to keep animal waste away from the property line. The applicant stated he will pick up any waste and have it removed monthly from the property. Dan Melville is not as concerned with the side setback because it is in line with an existing structure.

Public Comment: None

Public Hearing Closed

Board Discussion: Art Fritz reported notifications were in order, the request was returned by Monroe County as a matter of local determination and is an unlisted action. There are no letters in the file.

Veronica Robillard is not sure that aesthetics and electric services is enough of a reason to allow this to be placed at 26.5 sq. feet. She feels there are other way to comply or the applicant can bring this closer in compliance. The Board is charged with giving the least relief possible under the Code.

Lisa DeVos, owner, said if they move the structure over it will be closer to the well, which is in the center of the yard and it would be seen from the road. It was noted that the well is not located on the map provided. Acting Chairperson Thomas said it is hard to vote in favor of this when using the balancing test, it fails on three of the criteria. The Board would like

additional information including where on the property the well located and an alternate location which would make the variance less.

A motion was made by Dan Melville to **table** the application of Randolph and Lisa DeVos, owners, for two area variances at 450 Moul Road to the February 2021 Zoning Board of Appeals meeting to afford the applicant additional time to provide further information regarding the location of the well on the property and an alternate plan for the location of the structure that would be further from the lot line and lessen the variance. The information should be to the Building Department by February 5, 2021. The Board requests the applicant provide a letter asking for the size variance to be withdrawn.

Seconded by Veronica Robillard. **Motion carried to table (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac).

4. TUCKER LAMY – 266 COLLAMER ROAD

The application of Tucker Lamy, owners, for an area variance at 266 Collamer Road. The applicant is proposing to construct a garage addition with a front setback of 41 feet and is requesting relief from Town Zoning Article V, subsection 165-33.E.1, schedule 1, which states that the front setback is to be 60 feet. This property is currently zoned Medium Density Residential (MD).

Tucker Lamy, owner, said his house with the front porch sits 41' from the road; the house itself sits 47.2' from the road. The house was built in the 1920's when houses were built closer to the road. The addition will be in line with the front porch of the house, which is a permanent structure. There was discussion about the small addition to the upstairs bedroom area so he will have access to an egress window. This will also attach the garage to the house. The remaining second floor of the garage will be for storage. The only way he can comply with the setbacks without a variance would be to move the garage and house back on the property. They had discussion about the floor plans and design, however, the Board is only charged with ruling on the setback not the design.

Public Comment: None

Public Hearing Closed

Board Discussion: Art Fritz reported notifications were in order, the request was returned by Monroe County as a matter of local determination and is an unlisted action. There are no letters in the file.

A motion was made by Dan Melville to **approve** the application of Tucker Lamy, owners, for an area variance at 266 Collamer Road to construct a garage addition with a front setback of 41 feet granting relief from Town Zoning Article V, subsection 165-33.E.1, schedule 1, which states that the front setback is to be 60 feet. This property is currently zoned Medium Density Residential (MD).

Using the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant. This approval will keep the addition in line with the front porch of the house.
- There will be no undesirable change in neighborhood character or to nearby properties because it will be in line with the existing porch structure.

- The request is not substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is not self-created because the house predates the current code, and the front porch is already 41' from the road. 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 approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac).

SPECIAL PERMIT RENEWALS

5. RUSS ANGELO – 5200 RIDGE ROAD

Application of Russ Angelo, owner, for renewal of a Special Permit at 5200 Ridge Road to operate an automobile sales business with the ability to display 80 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit.

On January 13, 2021 Arthur Fritz, Jr., ZEO completed an inspection regarding the conditions of the Special Permit. At the time of the inspections there were no violations of the Special Permit conditions. The use has not changed and there are no complaints in the file.

A Motion was made by Dan Melville to **approve** the application of Russ Angelo, Lessee, to renew a Special Permit at 5200 Ridge Road West to operate an automobile sales business with the ability to display 30 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit. This Special Permit will be for a period of 12 months renewable January 2022 with the following conditions:

1. Hours of operation will be Monday – Friday 9 a.m. to 6 p.m.; Saturday 10 a.m. to 4 p.m.; Sunday 10 a.m. to 2 p.m.
2. There will be no street parking and must have adequate parking for customers.
3. All repairs to be performed in the existing structure.
4. Signs to conform to the current Zoning.
5. The other stipulations in the original permit are covered by our current code.

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

6. ERIN BARBETO and THOMAS BARBETO – 1914 NORTH UNION STREET

Application was received from Thomas and Erin Barbeto, owners, for renewal of a Special Permit to operate a home business at 1914 North Union Street in accordance with Town Zoning Article IX, subsection 165-79.1 to operate a pet grooming business in their home. The property is currently zoned Medium Density Residential (MD) which allows this with a Special Permit.

There was an inspection completed on January 8, 2021 by Arthur Fritz, Jr., ZEO. There were no violations of the Special Permit found during the time of the inspection. The use has not changed and there are no complaints on file.

A Motion was made by Stephen Shelley to **approve** the application of Thomas and Erin Barbeto, owners, for renewal of a Special Permit to operate a home business at 1914 North Union Street in accordance with Town Zoning Article 9, subsection 165-79.1. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit with the following conditions:

1. The hours of operation to be consistent with 165-79.1(J).
2. Renewable February 2024.

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

MINUTES OF DECEMBER 16, 2020

The ZBOA minutes of December 16, 2020 were reviewed. **Motion** was made by Veronica Robillard to approve the December 16, 2020 minutes as corrected. **Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac).

OTHER BUSINESS

The Zoning Board acknowledged receiving a letter from Mr. Mee, Peck Road. After quick discussion they determined that there is no action for the Zoning Board to take at this time and they are referring this to the Town Board.

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville **seconded** by Corinne Zajac to adjourn the meeting at 8:30 p.m. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac).

Respectfully submitted,

Carrie Fracassi
Recording Secretary