

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
JUNE 15, 2022**

**Members Present:** Greg Colavecchia (late), Dan Melville, Veronica Robillard, Stephen Shelley, Jack Barton, Alternate

**Excused:** Ann Williams

**Others Present:** Mark Lenzi, Dave Ciufio

**Public Present:** Brian Dudley, James Burch, Erick LePore, Kevin Brongo

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 4 seated members and the alternate present. A quorum of three is required to pass a motion.

**MINUTES OF MAY 18, 2022**

The ZBOA minutes of May 18, 2022, were reviewed. **Motion** was made by Stephen Shelley to approve the May 18, 2022, minutes as corrected.

**Seconded** by Dan Melville

**Motion carried to approve (4-0)**

**Ayes:** Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley

**Abstain:** Greg Colavecchia

**Excused:** Ann Williams

**TABLED FROM THE MAY 18, 2022 MEETING**

**1. KEVIN BRONGO, OWNER OF 184 PINE HILL ROAD**

The applicant is requesting relief from Town Zoning Article X, subsection 165-33 (E) (1), to allow a 40 ft. front setback for the proposed single-family dwellings on Lots 2 through 21 (all new lots of the subdivision). Town Code requires a front setback for single-family nonfarm dwellings of 60 ft. This property is zoned Medium Density Residential.

This application was tabled for more information at the May 2022 Zoning Board meeting.

Kevin Brongo presented a map showing placement of the pond, an easement, and the septic systems on lot numbers 16, 17, 18, 19, 20, and 21. The lots are the ones Mr. Brongo is looking to have approval of a 40' setback. Chairperson Robillard feels each lot should be looked at as different applications with separate approvals based on need. Mr. Brongo asked if the Town had talked to the Town Attorney.

Mr. Lenzi stated he spoke with Mindy Zoghlin, Esq, on behalf of the Town. He asked her if the Board could do a blanket approval for the request covering all lots. Ms. Zoghlin stated the Board could make one motion if the Board is satisfied that each lot meets the criteria but there should be a separate determination for each lot. He asked her if the applicant should submit separate

applications and paperwork for each lot. Attorney Zoghlin said yes, and the applicant should pay a separate fee. Mark Lenzi did not feel the applicant should pay a separate fee for each; this was advertised already as one application.

Jack Barton said he agrees the Board should go through an application and approval process for each lot. Mr. Barton was not sure the applicant should have to pay a fee for each one; only the Town Board can approve waiving the fee. Mr. Barton and Mr. Lenzi feel there would be no need to readvertise because the original advertisement and notifications were done and covered the whole parcel. Jack Barton said the Board could approve one lot tonight and then the others when the applications come in if the applicant agrees. It was agreed that separate applications and approvals lot by lot would be the best way to handle the application. Kevin Brongo said he is trying to get this in place prior to selling the lots so there is no delay in building because now each lot has to come here. It was explained that the applicant does not need to wait to sell, he could come back next month if he was ready with the remaining applications. It was noted that the applicant has minimized the request since the last meeting by removing the request for lots 2-15.

After further clarification, the applicant stated he understood and asked the Board to withdraw the portion of his application relating to lots 2-15. The Board accepted the withdrawal. It was further requested by the applicant that the Board table the portion of the application relating to lots 16, 17, 18, 20, and 21. The applicant asked to be tabled to August.

**A motion** was made by Dan Melville to **table** the application of Kevin Brongo, owner of 184 Pine Hill Road to allow a 40 ft. front setback for the proposed single-family dwellings on lot 16, 17, 18, 20, and 21 to the August 2022 Zoning Board of Appeals meeting so the applicant can prepare individual applications and information as to need for each lot. This property is zoned Medium Density Residential.

**Seconded** by Jack Barton

**Motion carried to approve (4-0)**

**Ayes:** Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley

**Abstain:** Greg Colavecchia

**Excused:** Ann Williams

***Relevant to Lot No. 19***

Mr. Brongo explained he is seeking a 40' setback for lot #19. The lot requires two front setbacks because it is a corner lot and there is a Town easement on the property to access the infiltration pond. These restrictions push the house further back on the property and reduce the buildable footprint and functional use for the future residence. This lot also has a septic system located in the backyard. Dan Melville noted the corner lot and easement restricts what can be done with this property.

**Board Discussion:** Mark Lenzi 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. The Building Department feels this is a fair request.

**Public Comment:** None

**Public Hearing Closed**

A **motion** was made by Dan Melville to **approve** the application of Kevin Brongo, owner of 184 Pine Hill Road, to allow a 40 ft. front setback for the proposed single-family dwelling on Lot 19. Town Code requires a front setback for single-family nonfarm dwellings of 60 ft. This property is 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. This is a corner lot and by definition has no rear yard. The location of the septic and the easement on the property dictates the location of the house.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial; however, placement of the house is determined by the septic system and easement locations on the lot.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is not* self-created because this is a corner lot and Monroe County Health dictates placement of the septic system. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance needed.

**Seconded** by Steven Shelley

**Motion carried to approve (4-0)**

**Ayes:** Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley

**Abstain:** Greg Colavecchia

**Excused:** Ann Williams

Greg Colavecchia arrived and joined the Board for the remainder of the meeting.

## **NEW BUSINESS**

### **2. SAINT GEORGE'S EPISCOPAL CHURCH, OWNER OF 635 WILDER ROAD**

The applicant is requesting relief from Town Zoning, Article X, subsection 165-82 (C) (3) & Article V subsection 165-34 (C) (2) to allow an 800 sq. ft. pavilion to be constructed forward of the main building and exceeding the total size for accessory structures. The total size of all accessory structures would be 1200 sq. ft. where Town Code allows 400 sq. ft. In addition, Town Code requires accessory structures to be located in the rear yard. This property is located between two streets and on a bend in the road, as a result there is no rear yard. This property is zoned High Density Residential.

Jim Burch explained the church is looking to erect an open pavilion at the front of the property, 80' from the right of way. This would be used for picnics and gatherings.

**Board Discussion:** Mark Lenzi reported notifications were in order, this is a local matter only. This is a Type II action; no further review required. There were no letters in the file. Mark Lenzi said he does not see any location on the property where a variance would not be needed.

Chairperson Robillard asked if it will be on a concrete slab; not enclosed. The applicant said it would be either concrete or gravel, but it has not been determined yet. There will be electric

service to the building; no water. Mark Lenzi asked if there would be lighting. Mr. Burch said there will be minimal overhead lighting. Chairperson Robillard asked what the two sheds on the property are used for. Mr. Burch said those are used for storage of items used to maintain the property and other belongings of the church. Dan Melville said there are no other options on the property because this parcel sits between two roads.

**Public Comment:** None

**Public Hearing Closed**

**A motion** was made by Jack Barton to **approve** the application of Saint George's Episcopal Church, owner of 635 Wilder Road to construct an 800 sq. ft. pavilion forward of the main building and exceeding the total size for accessory structures. The total size of all accessory structures would be 1200 sq. ft.; Town Code allows for 400 sq. ft. Town Code requires accessory structures to be located in the rear yard; this property is located between two streets and on a bend in the road, as a result there is no rear yard. This grants relief from Town Zoning Article X, subsection 165-82 (C) (3) & Article V subsection 165-34 (C) (2). This property is zoned High Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. There is no other location on the property that would not require a variance.
- There will be *no* undesirable change in neighborhood character or to nearby properties. There is a large agricultural operation to the south.
- The request *is not* substantial when you see this is a 10-acre parcel.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is not* 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 Dan Melville

**Motion carried to approve (5-0)**

**Ayes:** Jack Barton, Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley,

**Excused:** Ann Williams

### **3. BRIAN DUDLEY, OWNER OF 1173 PECK ROAD**

The applicant is requesting relief from Town Zoning, Article V, subsection 165-31 (E) (1) and subsection 165-31 (C) (2) to allow the construction of a 432 sq. ft. accessory structure for storage. This structure includes a covered sitting area and is proposed to be located 0.5 ft. from the west property line. The sq. ft. of all accessory structures on the property will total 2280 sq. ft. Town Code requires a minimum of 15.7-foot side setback and the total of all accessory structures is limited to 2000 sq. ft. or less. This property is zoned Agricultural/Conservation.

Brian Dudley, owner, said the structure will be used for storage/garden shed. There was a 115 sq. ft. shed on the property 3 ft. from the property line that he removed and replaced with a flower/rock garden. The new structure would be located right behind that garden and would include inside storage and a covered sitting area. The neighboring property is owned by the applicant and is vacant. The reason for the 6 inches is to keep it in the corner and out of his line

of sight. Chairperson Robillard asked why not move it to the east. The applicant does not want it sticking out into the yard where the fence jogs.

**Board Discussion:** Mark Lenzi reported notifications were in order; this is a local matter only. This is a Type II action; no further review required. There were no letters in the file. Mark Lenzi noted that the Building Department reached out with no return call regarding the side setback. The Building Department is very uncomfortable with building so close to the lot line; there are other options available to the applicant. Mr. Lenzi would prefer at least a 5' setback. He believes the size is reasonable.

There was discussion about other options including rotating the building allowing it to move into the property further away from the lot line; merging the two properties, which the applicant said he is looking into anyways or at a minimum moving the lot line. The applicant said he could move it to a 5' setback but that is not what he wants to do. There were still concerns with it sitting so close to the lot line even at 5'. The Board feels there are other options, it is substantial and is self-created. If the applicant were to merge the properties first this becomes a much cleaner application. Greg Colavecchia said that the impact is negligible as long as the applicant owns the second lot but if it was ever sold the impact would change.

**Public Comment:** None

**Public Hearing Closed**

After further discussion, the applicant asked the Board to withdrawal the application while he looks into merging the property lines starting the process over if any other variances will be needed. The Board accepts the withdrawal.

#### **4. ERIC LePORE, OWNER OF 949 MANITOU ROAD**

The applicant is requesting a special permit in accordance with Town Zoning, Article IX, subsection 165-79.1 (Home Business) and is requesting relief from Article V subsection 165-32 (C) (2) and Article X subsection 165-82 (C) (2) for the construction of a 2,100 sq. ft. accessory structure with 14' wall height. The proposed use of the structure is for the storage of equipment associated with his business. Town Code limits accessory structures to 1,500 sq. ft. with a wall height not to exceed 12'. This property is zoned Rural Residential.

Erick LePore, owner, said he is looking to erect a 30'x70'x14' building to store his concession trailer, catering trailer (seasonally) from September to April, along with other outdoor equipment from his businesses in Greece and Hilton. This will keep them out of the weather and currently he pays \$20,000.00/year in storage fees.

**Board Discussion:** Mark Lenzi reported notifications were in order, this is a local matter. This is a Type II action; no further review required. There was one letter in the file from the neighbor at 957 Manitou Road; he was in support of the application and had no concerns. Mark Lenzi feels this is a reasonable request.

There will be no deliveries to the property or employees on site, this is a family-owned business. The side visible from the road is 30' wide. Vegetation and trees on the property will keep the

structure mostly hidden. He needs 14' sidewalls because he has a trailer that is 10.2' high which requires 12' doors. Access to the building will be by a driveway off the existing driveway. Dan Melville asked if this would eliminate the outside storage. The applicant said there will be no outside storage on the property.

**Public Comment:** None

**Public Hearing Closed**

There was discussion about the need for a Special Permit. The applicant will only be storing equipment on site, they will not be running a business, having deliveries or employees, and will not be making or storing any products on site. The Building Department felt they did need it but that is not a hard decision, and the Zoning Board could decide differently if they choose to. Chairperson Robillard felt it was not a bad idea to have a Special Permit because it gives the Town more oversight. After reviewing the Code and discussion, the Board felt this was not a home business because the applicant is only storing equipment not operating a business, storing, or making product. If the use of the building changes than the applicant would need to apply to the Board for the change.

**A motion** was made by Jack Barton to **approve** the application of Eric LePore, owner of 949 Manitou Road to construct a 2,100 sq. ft. accessory structure with 14' wall height granting relief from Article V subsection 165-32 (C) (2) and Article X subsection 165-82 (C) (2). The proposed use of the structure is for the storage or equipment associated with his business. Town Code limits accessory structures to 1,500 sq. ft. with a wall height not to exceed 12'. 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 footprint of the building and the layout of the contents to be stored.
- There will be *no* undesirable change in neighborhood character or to nearby properties. The maps provided show screening on the sides.
- The request *is* substantial. This is greater than the size allowed per the code, but the applicant has shown the need and the neighbor sent a letter of support.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is* self-created because the applicant needs to store equipment in a structure that exceeds what is allowed. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Included in the motion, the Board determined the applicant's request does not constitute a Home Business therefore a Special Permit is not needed and was not granted. The applicant will only be storing equipment and if he decides to operate a business, the applicant will need to come to the Town for a Special Permit.

**Seconded** by Greg Colavecchia

**Motion carried to approve (5-0)**

**Ayes:** Jack Barton, Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley,

**Excused:** Ann Williams

### **OTHER BUSINESS**

Special Permit Process/Procedure – There was discussion about the new process and the Board agrees with the changes being made; inspections will be made in the first year and then bi-annually. Special Permits for accessory apartments will still be required to come before the Board for approval.

A **motion** was made by Jack Barton that all pre-existing and existing Special Permits will be subject to the new policy for renewal.

**Seconded** by Dan Melville

**Motion carried to approve (5-0)**

**Ayes:** Jack Barton, Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley,

**Excused:** Ann Williams

Dog Daycare/Grooming – Mark Lenzi said the Town Board seemed receptive to allowing this type of business in the Town. He is working with the Town Attorney for the Code change.

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Greg Colavecchia to adjourn the meeting at 9:05 p.m.

**Seconded** by Jack Barton

**Motion carried to approve (5-0)**

**Ayes:** Jack Barton, Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley,

**Excused:** Ann Williams

Respectfully submitted,

Carrie Fracassi  
Recording Secretary