

**TOWN OF PARMA
ZONING BOARD OF APPEALS
June 16, 2011**

Members Present: Tina Brown
Dean Snyder
Stephen Shelley
Veronica Robillard
Jim Zollweg (alternate)

Members Excused: Tim Thomas

Others Present: Jack Barton, Jim Roose

Public Present: See attached list

Chairperson Robillard called the meeting to Order at 7:05 p.m. She explained the function of the ZBOA and the decision-making process. She explained that this is a five-member board, with one permanent member absent and the alternate board member present. She explained that a quorum of three is required to pass a motion. She offered hearing aid devices for anyone who required them.

TABLED PUBLIC HEARINGS

1. THOMAS WINTEMUTE – 65 LAKESIDE BOULEVARD

Application of Thomas Wintemute, owner, for area variances at 65 Lakeside Boulevard. The applicant is proposing to subdivide the property creating a parcel that will maintain the existing width of 80 feet, have a depth of 40 feet, and an area of 5,580 square feet and is requesting relief from Town Zoning Article 12, subsection 165-89.A. which states a non-conforming lot shall not be further reduced in size and Schedule 1 which requires a lot to have a minimum depth of 120 feet and a minimum area of 12,000 square feet. This property is currently zoned Waterfront Residential (WF).

Jack Barton recalled this application was tabled at the May meeting due to the absence of the applicant. He read a letter that was sent from the Building Department to the applicant after the May meeting and reported that the applicant has not responded.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Robillard again noted the absence of the applicant at this meeting and called for a Motion.

A **Motion** was made by Dean Snyder to deny, without prejudice, the application of Thomas Wintemute, owner, for area variances at 65 Lakeside Boulevard. The applicant is proposing to subdivide the property creating a parcel that will maintain the existing width of 80 feet, have a depth of 40 feet, and an area of 5,580 square feet and is requesting relief from Town Zoning Article 12, subsection 165-89.A. which states a non-conforming lot shall not be further reduced in size and Schedule 1 which requires a lot to have a minimum depth of 120 feet and a minimum area of 12,000 square feet. This property is currently zoned Waterfront Residential (WF). The reason for this denial is due to the applicant not appearing with information on the application to this meeting or the previous meeting. The Board informed the applicant, via a letter, that a decision would be made at the June 16, 2011 meeting. Seconded by Tina Brown. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Dean Snyder, Stephen Shelley, Veronica Robillard, Jim Zollweg; Absent: Tim Thomas).

NEW PUBLIC HEARINGS

2. BURKE BOUTON – 22 LIGHTHOUSE ROAD

Application of Burke Bouton, owner, for area variances at 22 Lighthouse Road. The applicant is proposing to raze the existing garage and construct a new 30 feet by 30 feet garage in the front yard with a front setback of 3.0 feet from the northerly property line and a 3.5 feet side setback from the easterly property line. Applicant is requesting relief from Town Zoning Article 10, subsection 165-82.C.3 which requires that detached garages be located behind the front building line of the principal building and schedule 1 which requires a side setback of ten feet. This parcel is a corner lot and by definition has two front yards, two side yards, and no rear yard. This property is currently zoned Waterfront Residential (WF).

Bonnie presented a letter from Burke Bouton, the owner, who has given her permission to speak for his application. Bonnie described his plan to tear down the existing garage and build a 30' x 30' garage which will provide storage space. She noted that Bardo Drive on the map is shown but it really isn't there, as it is undeveloped, so Burke's property doesn't appear to be a corner lot. Jack Barton stated that Bardo Drive is a road that is only on paper. The original plan for this development included this road but it never evolved. Bonnie described the house as a small, 2-bedroom ranch. She stated they plan to raze the existing garage which will be replaced in the same location by a new garage. Jack Barton stated that this garage will be required to be constructed with metal.

Public Comment: None. The public hearing was closed.

Board Discussion: Jack Barton 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 SEQR with no further action required.

Following discussion, a **Motion** was made by Jim Zollweg to approve the application of Burke Bouton, owner, for area variances at 22 Lighthouse Road. The applicant is proposing to raze the existing garage and construct a new 30 feet by 30 feet garage in the front yard with a front setback of 3.0 feet from the northerly property line and a 3.5 feet side setback from the easterly property line. This grants relief from Town Zoning Article 10, subsection 165-82.C.3 which requires that detached garages be located behind the front building line of the principal building and schedule 1 which requires a side setback of ten feet. This parcel is a corner lot and by definition has two front yards, two side yards, and no rear yard. This property is currently zoned Waterfront Residential (WF). In making the determination to approve, I referred to the balancing test and based on the size and unique character of waterfront properties:

- The benefit cannot be achieved by other means feasible to the applicant.
- There will be no undesirable change in neighborhood character or the nearby properties. One structure is being replaced by another structure. The applicant is proposing to build a metal structure which is appropriate for this location.
- The request is substantial. The variance is for a 3.0 feet setback from the required 40 feet setback and 3.5 feet setback from the required 10 feet setback. The proposed variance is also less than the required front setback by approximately 40 feet.
- There will be no adverse physical or environmental effects.

The alleged difficulty is self-created, but using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community. This is a very unusual lot described as a corner lot, however, due to the location of an undeveloped Bardo Drive, which on paper defines this as a corner lot, it is very unlikely that Bardo Drive will ever be developed. This property, therefore, is not a true corner lot. Seconded by Stephen Shelley.

Motion unanimously carried (5-0) (Ayes: Tina Brown, Dean Snyder, Stephen Shelley, Veronica Robillard, Jim Zollweg; Absent: Tim Thomas).

SPECIAL PERMIT RENEWALS

DAVE DECONNICK - 645 MANITOU ROAD

Application was received from Dave Deconnick, 645 Manitou Road, for renewal of a special permit allowing outside storage of no more than eight (8) pieces of construction equipment.

Chairperson Robillard recalled that this renewal was tabled at the May meeting to allow time for the inspection report to be presented. Jack Barton reported that the inspection of this property was completed on May 20th and no violations were identified by the ZEO or the fire marshal.

Discussion was held that the applicant's name prior to this request has been under Craig Bryce. It was clarified that Dave is the tenant and he has requested to remain the applicant.

A **Motion** was made by Tina Brown to approve the renewal of a special permit requested by Dave Deconnick to allow outside storage of construction equipment at 645 Manitou Road with the following original conditions:

- No more than 8 pieces of construction equipment stored outside.
- No outside storage of junk, trash, or dismantled vehicles.
- Hours of operation: 7:00 am to 8:00 pm, Monday through Saturday; 12 Noon to 5:00 pm Sunday.
- No sales of any kind.
- Renewable in April, 2012

Seconded by Dean Snyder. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Dean Snyder, Stephen Shelley, Veronica Robillard, Jim Zollweg; Absent: Tim Thomas).

OTHER BUSINESS

Mico Transmissions, Inc. – 1220 Hilton Parma Corners Road: Jack Barton stated that the planning board has reviewed a revised plan for proposed site improvements that incorporates the approved variances. He recalled that they gained 10 feet perpendicular to Parma Center Road. They are proposing to extend the building by 10 feet to the side (easterly property line). In extending the building, the square footage will increase to 10,447, and thereby requiring 3 additional parking spaces. Question: Considering the variances that were obtained in December and the extensive discussion on the parking spaces, which resulted in the Board approving 23 spaces, does the Board want to readvertise and hear this for the 3 additional required parking spaces? They plan to maintain the same number of parking spaces, which is 23. Chairperson Robillard questioned the Board that if we don't rehear this application, will we will meet the applicant's needs and not risk the plan to enlarge the building?.

Chairperson Robillard polled the Board on whether they concur that this is a minor impact to the property, the intent of the variance has not changed, the safety in the parking lot is maintained, and keeping with the 23 parking spaces is appropriate, as approved in December of 2010. She polled the Board whether or not to rehear this application:

Dean Snyder: not necessary to rehear based on the fact that the building will be larger but not encroaching on the parking lot and maintaining the 23 spaces is reasonable.

Tina Brown: agree not to rehear

Stephen Shelley: agree not to rehear

Jim Zollweg: agree not to rehear

Veronica Robillard: agree not to rehear

Chairperson Robillard reported that the ZBOA members have unanimously agreed not to rehear. The spirit of the original variance is upheld and this results in a minimal impact to the property.

MINUTES OF MAY 19, 2011

The ZBOA minutes of May 19, 2011 were reviewed. The following changes were recommended: Page 1, Para 1, change “She” to “He;” Para 3, change to “If the proposed shed were built with the required offset, it...”; line 6, remove” with no front setback in this corner lot.” Line 9, remove: “He noted the western most portion of the shed is located in the eastern most portion of the house.” Page 2, Para 1, second bullet, remove “There will be no change.” Page 4, Para 2, line 5, remove “two story”

A **Motion** was made by Dean Snyder approve the May 19, 2011 ZBOA minutes with the recommended changes. Seconded by Stephen Shelley. **Motion carried (4-0)** (Ayes: Tina Brown, Dean Snyder, Stephen Shelley, Jim Zollweg; Abstain: Veronica Robillard; Absent: Tim Thomas).

ADJOURNMENT

There being no further business, a **Motion** was made by Tina Brown, seconded by Stephen Shelley, to adjourn the meeting at 7:55 p.m. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Dean Snyder, Stephen Shelley, Veronica Robillard, Jim Zollweg; Absent: Tim Thomas).

Respectfully submitted,

Diane Cook, Recording Secretary