

TOWN OF PARMA
ZONING BOARD OF APPEALS
January 15, 2015

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

Others Present: Dennis Scibetta, Art Fritz, Kyle Mullen

Public Present: Craig Bryce, Jack Barton

The meeting was called to Order by Chairperson Robillard at 7:03 p.m. Chairperson Robillard explained the function of the ZBOA and the decision-making process. She also explained that this is a five member board and a quorum of three is required to pass a motion.

TABLED FROM THE DECEMBER 18, 2014 MEETING

1. CRAIG BRYCE – 645 MANITOU ROAD

The application of Craig Bryce, owner, for an area variance at 645 Manitou Road. The applicant seeking relief from Town Zoning Article V, subsection 165-34.C.2, which limits the total building area of accessory buildings to not exceed 400 square feet. The total square footage of this building is 432 square feet. The total square footage of accessory structures is currently 2,832 square feet. This property is currently zoned High Density Residential (HD).

Chairperson Robillard explained that there had been discussion at the last meeting and this had been opened up to public comment last month and letters in the file (none) and SEQR had been discussed.

Chairperson Robillard further explained that this was tabled to allow the applicant the opportunity to provide the Board with documentation, which could include pictures, layouts, and sketches of how equipment would be laid out and stored in both the new building and existing buildings so that the Board can see the for the additional requested 432 square feet. Mr. Bryce handed out a diagram of the new building to the Board for them to review. Chairperson Robillard said she sees a lot of rakes, hoses, and shovels, which are really small things, and a John Deere Tractor. Mr. Bryce explained that equipment will be stored in there to maintain the land and feels he needs the inside space to store the equipment inside instead of outside and also this space gives him room to work on equipment. Chairperson Robillard asked Mr. Bryce if the major mechanical item is the tractor. Mr. Bryce explained the tractor is but there is also a generator, various materials to work around the property. Chairperson Robillard asked how big the tractor is. Mr. Bryce stated it is a diesel tractor with a mower so from front to back it is approximately 16 feet long.

Tim Thomas asked where the items are stored now. Mr. Bryce said the tractor is being stored at Bryce Marina for the winter but he does not want to keep running that back and forth from the Marina to the property. They discussed that there is a berm on the north side of the property. Chairperson Robillard asked why there is not enough room in the existing 2,832 sq. feet. Applicant stated the concrete building is rented out by David Deconinck, along with the house. These have been rented for 30 years. Dan Melville asked there will be a concrete floor in the structure. Applicant said that it does not now but it will. Chairperson Robillard stated that there was some confusion from the last meeting about leftover materials from a project that would be stored in this. The applicant clarified that the building was constructed out of left over materials from a rehab project that he did. There was also discussion about the antique boat. This boat is stored in the existing attached building, not the new building. The board does not have a map sketching out the existing building. There was discussion from the minutes from the December meeting. The applicant said that the attached building has the antique boat, building materials and windows. Tim Thomas explained that the minutes from last month stated that the documentation the board needed was not only for the

proposed building but also the existing buildings, with pictures, layouts and a sketch showing dimensions. Tim Thomas explained to the applicant that this is important to understand that whether this goes favorable or unfavorable because the property is zoned High Density District and only allowed 400 sq. feet and already have 7 times that amount, the Board needs the specifics because at some point someone will come to the Town and they will ask why or why not this was allowed. Tim Thomas stated that after seeing what will be in this building, is there an opportunity that this equipment could be accommodated in the existing buildings on the property. The applicant stated that that would not be possible because other things would need to be moved out to accomplish that. Jim Zollweg stated that without more information and evidence the Board would not be able to tell that. The board would need drawings to be to scale and more specific per last month's minutes. Tim Thomas felt that the Board will have to be more specific with what they are looking for and Mr. Bryce should get a copy of the meeting minutes. Chairperson Robillard said she is concerned and she does not feel that right now she can justify approving this, this would be approving 8 times the allowed amount. Mr. Bryce stated that all of these buildings were on the property before the zoning on this changed from Rural Residential in 1998. Tim Thomas said that when looking at this the Board has to determine if there are other means feasible to the applicant and one could take the position that even though this lease has been going for 30 years, you could terminate the lease on the current building and use this facility. Tim Thomas felt that there were some other potential options. Jim Zollweg stated that he would like the documents in the packet prior to the meeting not at the meeting to review. Tim Thomas said that if tabled the applicant could look at the impact to the renter if this lease did have to be terminated. Dennis Scibetta said that this property is 12x's the size of the normal lot in High Density zoning and under the old zoning of the property he had the ability to have unlimited structures on the property. Chairperson Robillard stated that that would give the Board the opportunity to grandfather this but they still need to determine if they should extend it since the zoning has changed. Tim Thomas stated that this is very unique piece of property embedded in High Density. Chairperson Robillard stated she is concerned because if given this runs with the land. Chairperson Robillard asked if there were any new letters in the file or comments from the Building Department. Dennis Scibetta said no.

Tim Thomas felt that at this point he could not approve or deny this application with the information provided. He would be more comfortable tabling this and getting all of the information asked for. There was discussion about whether to table this to February or March. Mr. Bryce will be out of town in February and it was felt that tabling to March would be ok so that Mr. Bryce could attend instead of a representative.

Public Comment:

Jack Barton asked if this was a separate building or an addition to the current building and asked which building the boat was being stored in. The applicant said it was attached to a current building and that the boat is in the smaller garage utilized by the applicant. Stephen Shelley clarified with the applicant that the small garage is utilized by Mr. Bryce and the concrete building is used by Mr. Deconinck.

Jim Zollweg asked if the concrete building is being used to capacity and maybe the lease could be modified. The applicant said he could leave the tractor and stuff outside. Chairperson Robillard explained that the board has to look at this building like it does not exist and there are certain criteria that need to be met. Mr. Bryce said that he did not fully understand what the Board was requesting last time and he should have gotten a copy of the minutes so it would have been done correctly.

A **Motion** was made by Tim Thomas to **table** the application of Craig Bryce, owner, for an area variance at 645 Manitou Road to the March 2015 meeting to afford the applicant a second opportunity to provide the Zoning Board of Appeals with the following information by February 27, 2015 so that the information will be in the board packets for the March meeting:

- Detailed drawing or layout with measurements of all equipment in ALL existing accessory buildings AND the proposed building. This should also include any images or pictures that would be appropriate to support this request.
- Relating to the concrete structure. Demonstrate to the Board that this building is either fully utilized or show why the proposed items for the new storage building cannot be accommodated in the

existing block wall structure building. This drawing and layout should also be accompanied with specific measurements and pictures or images as would be appropriate.

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

MINUTES OF DECEMBER 18, 2014

The ZBOA minutes of December 18, 2014 were reviewed. **Motion** was made by Tim Thomas to **approve** the December 18, 2014 as presented. **Seconded** by Jim Zollweg. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

OTHER BUSINESS

July 16, 2015 Meeting – The Hilton Fireman’s Carnival has moved the date of the carnival to July 15 – July 18, 2015. Because of traffic and the Fireman’s Parade and after discussion the Board decided it would make sense to move the date of this meeting to July 23, 2015.

Motion was made by Tim Thomas to give the Building Department approval to discuss with the Town Board and make all legal publications needed to move the meeting from July 16, 2015 to July 23, 2015 due to community events going on. **Seconded** by Jim Zollweg. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

ADJOURNMENT

There being no further business, a **Motion** was made by Stephen Shelley, seconded by Jim Zollweg to adjourn the meeting at 7:45 p.m. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

Respectfully submitted,

Carrie Webster
Recording Secretary