

**TOWN OF PARMA
ZONING BOARD OF APPEALS
NOVEMBER 20, 2019**

Members Present: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corrine Zajac

Members Excused: Dean Snyder

Others Present: Dennis Scibetta

Public Present: Sandy Blonsky, Olivia Smith, Olissa Bruce, Dan Berardicurti

The meeting was called to Order by Chairperson Robillard at 7:00 p.m. She explained the function and decision-making process of the Zoning Board of Appeals and noted this is a five member board. A quorum of three is required to pass a motion.

CONTINUING BUSINESS FROM OCTOBER 17, 2019

1. KEVIN DECONINCK – 5209 RIDGE ROAD WEST

The application of Kevin DeConinck, owner, for a use variance at 5209 Ridge Road West. The applicant is requesting a use variance to allow outside display of sheds for sale. Town Zoning Article 6, subsection 165-39 does not allow this use. This property is currently zoned General Commercial (GC).

Dennis Scibetta noted the Deconinck's have asked to withdraw this application request at this time.

NEW BUSINESS

2. OLIVIA SMITH – 120 DUNBAR ROAD

The application of Olivia Smith, future owner, for a Special Permit at 120 Dunbar Road. The dwelling has an accessory apartment and the current owners have a valid Special Permit. The applicant is proposing to use this apartment for a family member. This property is currently zoned Medium Density Residential (MD).

Olivia Smith explained that she is purchasing the house with the hopes that her college age daughter, Olissa Bruce, could live in the accessory apartment portion of the premises so she can stay at home while she is at school. Chairperson Robillard explained to the applicant that after the use ceases this would have to be reverted back to a single family home. The applicant stated she understood. Tim Thomas noted the Building Department can provide the code defining the rules and restrictions.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination. This is a Type II action under

SEQR and no further review is required. There were no letters in the file. Mr. Scibetta noted that the previous approval for the Special Permit was approved within the last year.

Tim Thomas would like an inspection to take place since there is going to be a change in ownership. Real Estate Agent Sandra Blonsky hoped this could be done soon because the closing is contingent upon the approval of this application and should be happening any day.

Public Comment: None

Public Hearing: Closed

A **Motion** was made by Tim Thomas to **approve** the application of Olivia Smith, future owner, for a Special Permit at 120 Dunbar Road. The dwelling has an accessory apartment and the current owners have a valid Special Permit. The applicant is proposing to use this apartment for a family member. The property is currently zoned Medium Density Residential (MD). This approval is contingent on the successful sale of the property to Olivia Smith and subject to the conditions in the code as it relates to accessory apartments. A Fire Inspection shall be completed because of the ownership change. Olissa Bruce will be the occupant of the accessory apartment. Special Permit is to be renewed in two years from the date of closing.

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

3. DANIEL BERARDICURTI – 1303 MANITOU ROAD

The application of Daniel Berardicurti, owner, for an area variance at 1303 Manitou Road. The applicant is proposing to erect a 1,500 sq. foot accessory structure with a side setback of 10 feet from the south property line and is requesting relief from Town Zoning Article V, subsection 165-32.E.1, Schedule 1 which states that the side setback is to be 20 feet. The existing accessory structure will be removed. This property is currently zoned Rural Residential (RR).

Daniel Berardicurti, owner, explained that he would like to erect this building and remove the current structure that is in bad shape. The requested building will help keep the work flow smooth for his repair shop and also he will allow him to clean up some of the belongings on the property. Having the 10' setback will keep it out of the middle of the yard, be less noticeable from the road and would be sitting at the same distance as the current structure. There was a structure on the property that has been removed that was sitting at an 8' setback.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination. This is a Type II action under SEQR and no further review is required.

Dennis Scibetta read a letter from Pete Wallace, neighbor at 1305 Manitou Road. He stated in his letter that he has no objection to this structure being placed in the requested location and looks forward to it so they can store some of the equipment currently outside inside.

Public Comment: None.

Public Hearing: Closed

A **Motion** was made by Tim Thomas to **approve** application of Daniel Berardicurti, owner, for an area variance at 1303 Manitou Road to erect a 1,500 sq. foot accessory structure with a side setback of 10 feet from the south property line granting relief from Town Zoning Article V, subsection 165-32.E.1, Schedule 1 which states that the side setback is to be 20 feet. The existing accessory structure will be removed. This property is currently zoned Rural Residential (RR). In making this motion to approve:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant operates a lawnmower, snow blower, snow mobile repair and sales shop and the area to the west of the repair shop is a staging area for the equipment to be repaired. Complying with the 20' setback would create a hardship with the workflow of the shop.
- There will be no undesirable change in neighborhood character or to nearby properties. This will be an overall improvement to the neighborhood by reducing the outside storage area that currently exists. A somewhat dilapidated building will be coming down which will be an improvement and there were two structures at 8' and 10' setbacks. To people passing by it will not be noticeable that it is at a 10' setback.
- The request is substantial but is mitigated by the shop owners need have the structure located in this position to conduct his repair business.
- 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 far outweighs any detriment to the health, safety and welfare of the community.

This motion to approve is conditioned upon the applicant removing the garage to the south.

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

AMENDED MINUTES OF AUGUST 15, 2019

The ZBOA amended minutes of August 15, 2019 were reviewed. **Motion** was made by Stephen Shelley to approve the amended August 15, 2019 minutes as presented. **Seconded** by Dan Melville. **Motion carried to approved (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac; **Excused:** Dean Snyder).

MINUTES OF OCTOBER 17, 2019

The ZBOA minutes of October 17, 2019 were reviewed. **Motion** was made by Tim Thomas to approve the October 17, 2019 minutes as amended. **Seconded** by Stephen Shelley.

Motion carried to approved (5-0) (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac; **Excused:** Dean Snyder).

OTHER INFORMATION

There was discussion about a property on Moul Road that is looking to split a lot which will cause one of the lots to have a width which is less than the required size allowed. An application will in front of the Planning Board and may be sent to the Zoning Board for any needed variances.

Tim Thomas asked if there are any Special Permits that are coming due so that they don't get a backlog of them to be approved like last time. Dennis Scibetta stated that he and Elaine Begy have both asked Mr. Fritz if there were any and he has stated there are not any due at this time.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, **seconded** by Dan Melville to adjourn the meeting at 7:51 p.m. **Motion carried to approved (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Corinne Zajac; **Excused:** Dean Snyder).

Respectfully submitted,

Carrie Fracassi
Recording Secretary