

TOWN OF PARMA
ZONING BOARD OF APPEALS
September 17, 2020

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

Others Present: Art Fritz, Jack Barton

Public Present: Kris Schutlz, Todd Dunn, Steve Alloco, Milan Townsend, Kiyoko Townsend

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 and noted this is a five member board; all five members are present and a quorum of three is required to pass a motion.

NEW BUSINESS

1. STEPHEN ALLOCO – 50 WINDING COUNTRY LANE

The application of Stephen Alloco, owner, for an area variance at 50 Winding Country Lane. The applicant is proposing to construct a 32' x 48' accessory structure and is requesting relief from Town Zoning Article V, subsection 165-33.C.2 which limits the size of accessory structures to 600 sq. feet. This property is currently zoned Medium Density Residential (MD).

Stephen Alloco, owner, would like to put up a pole barn to store belongings in to get them out of the garage and driveway. Things to be stored include a lawn tractor, boats, cars, pool and patio furniture, a four-wheeler, and snow mobiles. By doing this he can eliminate the two sheds further back on the property and a couple of the trailers. He would like to place it on the NE side of the property to avoid the pool and septic system.

Chairperson Robillard asked if this could be smaller. Based on the diagram there appears to be a lot of extra space. The applicant stated that he probably could but that he will be able to fill the space. Tim Thomas noted that there have been two other variances on this street, one for an addition and the other for a 1200 sq. foot structure, he would like the Board to remain consistent with what has already been approved on the street. Tim Thomas said the location is fine and he sees there is a need so the applicant cannot go down to the allowed size but he would like to see if the applicant could shave a little off the sq. footage.

Board Discussion: Art Fritz reported 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; no further review is required. There are no letters in the file.

Public Comment: None

Public Hearing: Closed

The Board gave the applicant a recess to allow him time to contact the builder to see if they could go smaller and will come back to this Agenda items later in the meeting.

2. MILON AND KIYOKO TOWNSEND – 262 MOUL ROAD

The application of Milon and Kiyoko, owners, for four area variances at 262 Moul Road. The applicants are proposing to subdivide the property into 2 lots. The newly created lot will have a lot width of 207.48 ft. at the road, a lot width of 179' at its narrowest, has an existing barn with a side setback of 19.5' and 2 storage sheds that are located in the front yard with front setbacks of 28.3' and 1.3', respectively. They are also proposing to renovate the barn into living space. They are requesting relief from 1) Town Zoning Article V, subsection 165-32.E.1, schedule 1 which states that the minimum lot width is to be 260' and 2) that the side setback for a principal building is to be 40'. They are also requesting relief from 3) & 4) Town Zoning Article X, subsection 165-82.C.3 which states in part that accessory buildings shall be located in the rear yard and from Town Zoning Article V, subsection 165-32.E.1, Schedule 1 which states that the front setback is to be 75 feet. This property is currently zoned Rural Residential (RR).

Kris Schultz, Engineer on behalf of the owner, explained the property was purchased in 1993 before the current code was in place and lots were 100' x 100'; some of the current structures on the property are over 100 years old. The owners will like to renovate the existing barn into living space and to use as a studio. The property will then be subdivided and the portion with the current house will be sold in the future. There are leach systems for each proposed property and there is an existing driveway. Each property will be a little over 2 acres. Creating this boundary line only impacts the applicants. Two of the sheds at the front of the property will be relocated on the property.

Board Discussion: Art Fritz reported notifications were in order, the request was returned by Monroe County as a matter of local determination and comments were provided and were made a part of the file. There are no letters in the file.

Public Comment: None

Public Hearing: Closed

The Board asked what the timeline for the project is. The applicant plans to do the work over the winter. Art Fritz noted that the applicant has nine months to start the project or variance becomes null and void.

A motion was made by Tim Thomas to **approve** the application of Milon and Kiyoko, owners, for four area variances at 262 Moul Road. The applicants are proposing to subdivide the property into 2 lots. The newly created lot will have a lot width of 207.48 ft. at the road, a lot width of 179' at its narrowest, has an existing barn with a side setback of 19.5' and 2 storage sheds that are located in the front yard with front setbacks of 28.3' and 1.3', respectively. They are also proposing to renovate the barn into living space. They are requesting relief from 1) Town Zoning Article V, subsection 165-32.E.1, schedule 1 which

states that the minimum lot width is to be 260' and 2) that the side setback for a principal building is to be 40'. They are also requesting relief from 3) & 4) Town Zoning Article X, subsection 165-82.C.3 which states in part that accessory buildings shall be located in the rear yard and from Town Zoning Article V, subsection 165-32.E.1, Schedule 1 which states that the front setback is to be 75 feet. This property is currently zoned Rural Residential (RR).

Using the balancing test the Board finds the following in regards to variance #1, lot width of the property:

- The benefit cannot be achieved by other means feasible to the applicant. The engineer of record has tried to subdivide this property the best way possible to optimize the usage for both proposed lots.
- There will be no undesirable change in neighborhood character or to nearby properties. The average person will see no change. The property is over 100 years old and is part of the fabric of the community.
- The request is substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is somewhat self-created; however, there is no other good option available to them. Using the balancing test, the benefit to the applicant far outweighs any detriment to the health, safety and welfare of the community.

Using the balancing test the Board finds the following in regards to variance #2, setback of the principal building:

- The benefit cannot be achieved by other means feasible to the applicant. This barn has been part of the fabric of the community for over 100 years. Moving the barn would be unrealistic and extraordinarily expensive.
- There will be no undesirable change in neighborhood character or to nearby properties. The barn is over 100 years old and is part of the fabric of the community. People expect to see it there and it will not change the character of the neighborhood.
- The request is somewhat 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 far outweighs any detriment to the health, safety and welfare of the community.

The Board was concerned with what would happen if the project did not commence and then a structure would be on a property without a principal structure. This motion is contingent on the barn being converted into a living space and a building permit pulled within 9 months.

Using the balancing test the Board finds the following in regards to variance #3 and #4, accessory structures:

- The benefit cannot be achieved by other means feasible to the applicant. These structures were in place prior to the code change in 1998. They are pre-existing nonconforming. The applicant has indicated the two small sheds bordering the stone drive will be relocated to the rear yard.

- There will be no undesirable change in neighborhood character or to nearby properties. These structures have been on the property for a long period of time.
- The request is not substantial because these were legal options for the sheds when they were erected.
- 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 far outweighs any detriment to the health, safety and welfare of the community.

Seconded by Dan Melville

Motion carried to **approve**: Aye 5 (Melville, Robillard, Shelley, Thomas, Zajac) Nay 0

3. TODD AND SHARON DUNN- 9 WINDING COUNTRY LANE

The application of Todd and Sharon Dunn, owners, for an area variance at 9 Winding Country Lane. The applicants are proposing to construct a 10'x12' accessory structure with a side setback of 5' and are requesting relief from Town Zoning Article V, subsection 165-33.E.1, schedule 1 which states that the side setback is to be 10'. This property is currently zoned Medium Density Residential (MD).

Todd Dunn, owner, explained that he would like to put up a small shed. The request is so he can nestle it among the pine trees where it will be less obtrusive. If this were to conform to the setback it would be interrupt the root structure of the trees. He noted that he spoke with the neighbors who indicated they are fine with the location. The location is approximately 300 feet from the road.

Board Discussion: Art Fritz reported notifications were in order, the request was returned by Monroe County as a matter of local determination and comments were provided and were made a part of the file. There are no letters in the file.

Public Comment: None

Public Hearing: Closed

A motion was made by Tim Thomas to **approve** the application of Todd and Sharon Dunn, owners, for an area variance at 9 Winding Country Lane to construct a 10'x12' accessory structure with a side setback of 5'. This grants relief from Town Zoning Article V, subsection 165-33.E.1, schedule 1 which states that the side setback is to be 10'. 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 location will be less obtrusive, If he were to comply with the setback it would disrupt the root system of at least two trees.
- There will be no undesirable change in neighborhood character or to nearby properties. This will sit at least 300' off of the road in a very heavily wooded area.
- The request is substantial. This is the best option so that the trees will not be affected in the area.
- 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 far outweighs any detriment to the health, safety and welfare of the community.

Seconded by Stephen Shelley.

Motion carried to **approve**: Aye 5 (Melville, Robillard, Shelley, Thomas, Zajac) Nay 0

STEPHEN ALLOCO – 50 WINDING COUNTRY LANE continued:

After a brief recess the applicant came back and said he spoke to the builder and they figured they could take 8' off the length making the structure 1280 sq. feet. The Board felt this size was more consistent with the other structures in the area. Tim Thomas complimented the applicant for working with the Board to make this slightly smaller.

A motion was made by Tim Thomas to **approve** the application of Stephen Alloco, owner, for an area variance at 50 Winding Country Lane to construct a 32' x 40' accessory structure. This grants relief from Town Zoning Article V, subsection 165-33.C.2 which limits the size of accessory structures to 600 sq. 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. The accessory structure that he is proposing is the appropriate size to store the items he indicated on the diagram. This will remove those items from the driveway and yard which will be an improvement. The placement of the structure in the NE corner of the property is the optimum placement.
- There will be no undesirable change in neighborhood character or to nearby properties. This location is optimal placement.
- The request is substantial. It is almost 120% more than what the code allows but it is justified for the items that are going to be stored inside.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant far outweighs any detriment to the health, safety and welfare of the community.

The applicant has indicated that the two existing sheds will be removed from the property.

Seconded by Dan Melville.

Motion carried to **approve**: Aye 5 (Melville, Robillard, Shelley, Thomas, Zajac) Nay 0

OTHER DISCUSSION

MINUTES OF AUGUST 20, 2020

The ZBOA minutes of August 20, 2020 were reviewed. **Motion** was made by Corinne Zajac to approve the August 20, 2020 minutes as amended. **Seconded** by Dan Melville.

Motion carried to **approve**: Aye 5 (Melville, Robillard, Shelley, Thomas, Zajac) Nay 0

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville, **seconded** by Corinne Zajac to adjourn the meeting at 8:05 p.m.
Motion carried to **approve**: Aye 5 (Melville, Robillard, Shelley, Thomas, Zajac) Nay 0

Respectfully submitted,

Carrie Fracassi
Recording Secretary