

**TOWN OF PARMA
ZONING BOARD OF APPEALS
DECEMBER 19, 2013**

Members Present: Veronica Robillard
Stephen Shelley
Dean Snyder
Tim Thomas
Jim Zollweg

Others Present: Jack Barton, Gary Comardo

Public Present: Richard Ferretti, Daniel Wegman, Sam Cipolla

The meeting was called to Order by Chairperson Robillard at 7:05 p.m. She explained the function of the ZBOA and the decision-making process. She also explained that a quorum of three is required to pass a motion.

TABLED PUBLIC HEARING FROM THE NOVEMBER 21, 2013 MEETING

1. R2F2, INC. – 5570 RIDGE ROAD WEST

The application of R2F2, Inc., owner, for two area variances at 5570 Ridge Road West. The applicant is proposing an addition onto the existing back building with a side setback of 10 feet, 6 inches from the easterly property line and a front setback of 99 feet, 6 inches from the road right-of-way. The applicant is requesting relief from Town Zoning schedule 1 which requires a 20 feet side setback and a 100 feet setback from the road right-of-way. This property is currently zoned Highway Commercial (HC).

Chairperson Robillard explained that this was tabled at the November 21, 2013 meeting because comments from Monroe County were not received. Chairperson Robillard asked the applicant if there was any further information that the applicant would like to share. The applicant responded not unless there are any further questions. There was discussion about the property shape not being rectangular. Tim Thomas asked what the purpose of the addition is. Mr. Ferretti stated it will be used for storage now and possibly used for the business in the future.

Board Discussion: Jack Barton reported in a previous meeting 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 action under SEQR and no further review is required.

Public Comment: None. Public Hearing Closed.

A **Motion** was made by Tim Thomas to approve the application of R2F2, Inc., owner, for two area variances at 5570 Ridge Road West. The applicant is proposing a 50'x50' addition onto the existing back building with a side setback of 10 feet, 6 inches from the easterly property line and a front setback of 99 feet, 6 inches from the road right-of-way. This grants relief from Town Zoning schedule 1 which requires a 20 feet side setback and a 100 feet setback from the road right-of-way. This property is currently zoned Highway Commercial (HC).

In making this motion to approve:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. The survey map indicates the lot is somewhat diagonal shape in nature and the easterly property line as it relates to the building towards the front actually complies at 27.2 feet, it is the rear easterly line that does not. One of the mitigating factors is the unique shape of this parcel.
2. There will be no undesirable change in neighborhood character or to nearby properties. To the casual observer the change in setback will not be noticeable. The structure being proposed will be in sync with the rest of the building and the façade.
3. The request is substantial as it pertains to the side setback but not the front setback.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is somewhat self-created; however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

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

NEW BUSINESS

2. DANIEL WEGMAN – 68 LAKE SIDE BOULEVARD

The application of Daniel Wegman, owner, for area variances at 68 Lake Side Boulevard. The applicant is proposing a 303 square feet addition to the west side of the existing barn that will be setback 4 feet from the northerly property line, 6 feet from the southerly property line and 2.5 feet from the westerly (rear) property line. The proposed addition will increase the storage area on this lot to 2,314 square feet and increase the lot coverage to 44 percent. Applicant is requesting relief from Town Zoning Article 5, subsection 165-35.C.2 which limits accessory storage area to 400 square feet and schedule 1 which requires side and rear setbacks of 10 feet from property lines and limits maximum lot coverage to 30 percent. This property is currently zoned Waterfront Residential (WF).

Daniel Wegman, owner, explained that he would like to build this for additional inside storage to keep things out of the weather, possibly in the future a wood burning stove and storage of wood. He would like to enclose a 10x10 portion of the 10X30 area. It will be used for storage/man cave but it is not for residential use, there is no stove or bathroom. Tim Thomas asked who owns the property to the west. The applicant said it is owned by family to the west and it is vacant land, either his father or his brother. The applicant actually lives directly across the street at 40 Lakeside Boulevard and there are no residences on either side. There was discussion about a wood burning stove being put in this structure but that would be independent of this board. Tim Thomas asked if the pole barn was built all together. Mr. Wegman explained that there was an existing garage and he built an addition onto that.

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 action under SEQR and no further review is required.

Public Comment: None. Public Hearing Closed.

A **Motion** was made by Jim Zollweg to approve the application of Daniel Wegman, owner, for area variances at 68 Lake Side Boulevard. The applicant is proposing a 303 square feet addition to the west side of the existing barn that will be setback 4 feet from the northerly property line, 6 feet from the southerly property line and 2.5 feet from the westerly (rear) property line. The proposed addition will increase the storage area on this lot to 2,314 square feet and increase the lot coverage to 44 percent. This grants relief from Town Zoning Article 5, subsection 165-35.C.2 which limits accessory storage area to 400 square feet and also schedule 1 which requires side and rear setbacks of 10 feet from property lines and limits maximum lot coverage to 30 percent. This property is currently zoned Waterfront Residential (WF).

In making this motion:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. The applicant needs to have additional storage for several items including firewood and there is very little other space on this parcel to store items. The existing house does not have a basement limiting the storage space in the residence.
2. There will be no undesirable change in neighborhood character or to nearby properties. The location of the addition is hidden from the road by the existing structure and it is surrounded by nonresidential areas on all sides.
3. The request is substantial. The addition will be close to property lines and much closer than what the code calls for.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is somewhat self-created; however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

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

3. STEPHEN CUDZILO – 99 MOUL ROAD

The application of Stephen Cudzilo, contract vendee, for an area variance at 99 Moul Road. Applicant is proposing to use an existing barn as a stable area for horses and is requesting relief from Town Zoning Article 10, subsection 165-82.CC.3 which requires a stable to be setback 100 feet from the northerly property line. The existing barn is setback 45 feet from the northerly property line. This property is currently zoned Rural Residential (RR).

Stephen Cudzilo explained that house on Moul Road is currently for sale and they have put an offer on it pending a variance so that they can have their two horses on the property. They would like to be able to put the horses in the barn that already exists and if they put them in the south side of the barn then they would be 100 feet from the lot line, even though part of the barn is not. If they are able to use this barn then they would not have to build another barn on the property. Chairperson Robillard asked if it is currently being used as a barn. The applicant said it has not been, it has been being used as a wood working shop. Dean Snyder asked how wide the barn is. Mr. Cudzilo stated that the realtor has the wall listed as 84 feet. There was a question about a box drawn around the barn on the survey map. Jack Barton explained that there was an addition onto the barn since that map. Chairperson Robillard asked how big the parcel is. Mr. Cudzilo stated it is 10.66 acres. Stephen Shelley asked when that barn was built. Jack Barton stated 1993. Tim Thomas stated that he is assuming the 100 feet setback is for odors and noise from the horses and asked how many horses are allowed on the property. Jack Barton stated there can be one horse per acre.

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 action under SEQR and no further review is required.

Public Comment:

Sam Cipolla owner of 91 Moul Road. He has no objection to the barn being used for horses but would like the storage of waste to be at least at the 100 foot setback because of the odor and flies. The applicant stated that in the winter it would be harder to move the waste but he would move it south and it would be stored on the south side of the property which would keep it over the 100 feet setback. Jack Barton stated that it could state in the motion that the waste should only be stored behind the building not in the front or along the side.

A **Motion** was made by Dean Snyder to approve the application of Stephen Cudzilo, contract vendee, for an area variance at 99 Moul Road to use an existing barn as a stable area for horses and to grant relief from Town Zoning Article 10, subsection 165-82.CC.3 which requires a stable to be setback 100 feet from the northerly property line. The existing barn is setback 45 feet from the northerly property line. This property is currently zoned Rural Residential (RR).

In making this determination:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. The barn is existing; the applicant has assured us that he will be using the southernmost portion of the barn which places the horses approximately 100 feet from the property line.
2. There will be no undesirable change in neighborhood character or to nearby properties. The applicant has assured us that any waste storage will be south of the barn which is approximately 130 feet from the property line.
3. The request is substantial.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is self-created; however, 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 (5-0) (Ayes:** Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg).

The ZBOA minutes of November 21, 2013 were reviewed a **Motion** was made by Tim Thomas to approve the November 21, 2013 minutes as presented. Seconded by Jim Zollweg. **Motion carried (3-0) (Ayes:** Stephen Shelley, Tim Thomas, Jim Zollweg; **Abstain:** Veronica Robillard, Dean Snyder).

ADJOURNMENT

There being no further business, a **Motion** was made by Dean Snyder, seconded by Stephen Shelley to adjourn the meeting at 7:53 p.m. **Motion carried (5-0) (Ayes:** Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg).

Respectfully submitted,

Carrie Webster, Recording Secretary