

TOWN OF PARMA
ZONING BOARD OF APPEALS
September 15, 2016

Members Present: Dan Melville
Stephen Shelley
Tim Thomas
Jim Zollweg

Members Excused: Veronica Robillard

Others Present: Dennis Scibetta , Kyle Mullen

Public Present: David Krupnicki, Andrea Wallenbeck, Jake Wallenbeck, Kris Schultz, Mary VerHulst, Lara Barco

The meeting was called to Order by Acting Chairperson Thomas at 7:00 p.m. Acting Chairperson Thomas explained the function of the ZBOA and the decision-making process. He also explained that this is a five member board with four members present. A quorum of three is required to pass a motion.

NEW BUSINESS

1. DAVID KRUPNICKI – 1270 HILTON PARMA CORNERS ROAD

The application of David Krupnicki, owner, for two area variances at 1270 Hilton Parma Corners Road. The applicant is proposing to construct a 780 square foot accessory structure on the property that currently has 2,090 square feet of accessory structures, which would bring the total of accessory structures on the property to 2,870 square feet. He is also proposing to erect this structure with a 15 feet side setback. The owner is requesting relief from Town Zoning Article V, subsection 165-31.C.2 which limits the total area of accessory structures to 2,000 square feet and Town Zoning Article V, subsection 165-31-E.1, Schedule 1, which states that the side setback is to be 25 feet. This property is currently zoned Agricultural/Conservation (AC).

David Krupnicki, owner, explained that he would like to build a two car garage. Currently there is a two car garage under the house but when using it fumes get into the living area of the house. Acting Chairperson Thomas asked about the existing portable garage. Dennis Scibetta stated that that square footage for the portable garage is not included in the total square footage. Acting Chairperson Thomas asked why there was a need for the setback on the south side. The applicant stated that when originally staking it out he wanted this structure to be bigger but it would block too much of the backyard so he made the request smaller but would still like to move the structure closer to the lot line so that it will not block the view of the back yard. Acting Chairperson Thomas asked how many acres the yard is. Mr. Krupnicki said it is 3 1/3 acres. Dennis Scibetta explained that this used to be two parcels and the building was built on the one property before 1998 and then the property was merged. Acting Chairperson Thomas stated that the layout shows a couple vehicles and a devalver, which compresses cylinders. The house was built around 1941.

Public Comment:

Jake Wallenbeck, 1274 Hilton Parma Corners Road, stated that he is the neighbor and this building will be close to his driveway and he has no issue with this.

Public Hearing: Closed

There was further discussion about possible scenarios that could happen. One being if the current garage under the house is converted to living space than the garage would become a needed accessory structure and then it is not counted into the overall square footage. If a house does not have a garage than there really is no limit on the size of the garage. In the Town of Parma there is a regulation in the Zoning Code saying there has to be a garage. The applicant stated that he did not know he could do that and he fully intends to make that space a living area once he has a place to park the vehicles. This was discussed with the applicant's builder but was not relayed to the applicant. There would only be a need for a variance for the setback, not

the square footage. It was discussed that it would be up to the building department to make sure that the current garage is turned into living space.

Board Discussion: Dennis Scibetta 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. There were no letters in the file.

Jim Zollweg asked if there will be any septic issues with this. The applicant stated not with the current plans.

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of David Krupnicki, owner, for one area variance at 1270 Hilton Parma Corners Road. The applicant is proposing to erect a new detached garage with a 15 feet side setback. This motion will grant relief from Town Zoning Article V, subsection 165-31-E.1, Schedule 1, which states that the side setback is to be 25 feet. This property is currently zoned Agricultural/Conservation (AC).

In making this motion to approve I applied the balancing test:

- The benefit cannot be achieved by other means feasible to the applicant. Having a twenty five foot setback would degrade the view and appeal of the property and also bring the new structure to close to the septic system.
- There will be no undesirable change in neighborhood character or to nearby properties.
- The request is substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created. 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 to approve (4-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Excused:** Veronica Robillard).

2. MARY VERHULST – 413 WILDER ROAD

The application of Mary VerHulst, contract vendee, for an area variance at 413 Wilder Road. This lot is going to be subdivided and the applicant is proposing to construct a single family dwelling on the newly created parcel with a front setback of 55 feet and is requesting relief from Town Zoning Article V, subsection 165-34.E.1, Schedule 1, which states that the front setback shall be 75 feet. This property is currently zoned High Density Residential (HD).

Kris Schultz, on behalf of the owner, stated that he attended the Planning Board meeting on September 1, 2016 to have them look at the layout. They liked the plan and felt that he should come to the Zoning Board regarding the front setback. Because this is on a county road the recommendation is a 75' setback. He is trying to balance this with the other houses on the street and also allow her to have a backyard. If you look at the neighbors' houses you will see that they will all be in line. The daughter lives directly behind where this house would be. There was discussion about other houses on that road being closer than the 75' recommendation. This is on sanitary sewers so there is no need to place the house further back so that there can be a leach field. They are looking to be back in front of the Planning Board in October 2016 for final approvals.

Board Discussion: Dennis Scibetta 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. There were no letters in the file.

Public Comment: None

Public Hearing: Closed

After discussion, a **Motion** was made by Stephen Shelley to **approve** the application of Mary VerHulst, contract vendee, for an area variance at 413 Wilder Road. This lot is going to be subdivided and the applicant is proposing to construct a single family dwelling on the newly created parcel with a front setback

of 55 feet and is requesting relief from Town Zoning Article V, subsection 165-34.E.1, Schedule 1, which states that the front setback shall be 75 feet. This property is currently zoned High Density Residential (HD). In making this motion:

- The benefit cannot be achieved by other means feasible to the applicant. If they were to follow the zoning requirement of 75' they would be restricted to a very small rear yard.
- There will be no undesirable change in neighborhood character or to nearby properties. Going down the road many of the houses in the area appear to be closer than the 75' setback and this is in fact in line with the two neighboring properties.
- The request is substantial.
- 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 outweighs any detriment to the health, safety and welfare of the community.

Seconded by Jim Zollweg. **Motion carried to approve (4-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Excused:** Veronica Robillard).

MINUTES OF AUGUST 18, 2016

The ZBOA minutes of August 18, 2016 were reviewed. **Motion** was made by Stephen Shelley to **approve** the August 18 minutes as presented. **Seconded** by Jim Zollweg. **Motion carried to approve (4-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Excused:** Veronica Robillard).

OTHER BUSINESS

Jim Zollweg mentioned that during the training in Batavia in August, one of the themes was How to Run A Good Zoning Board Meeting and one of the things that came up was the importance of having very clear and well defined notes from the meeting and the three Board Members that attended agreed that this Board is very lucky.

Kyle Mullen reminded the Board that there is a Flood Smart Training at the Fire Department this Saturday morning.

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville, seconded by Jim Zollweg to adjourn the meeting at 7:43 p.m. **Motion carried to approve (4-0)** (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Dean Snyder; **Excused:** Veronica Robillard).

Respectfully submitted,

Carrie Webster
Recording Secretary