

**TOWN OF PARMA
ZONING BOARD OF APPEALS
JULY 20, 2022**

Members Present: Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Jack Barton, Alternate

Excused: Greg Colavecchia

Others Present: Mark Lenzi, Dave Ciufio

Public Present: Susan Toal; Kip Finley, Victory Hill Land Co.; Dan Cottom; Karen Cottom; Doug Hedges; Jeane Hedges; Mike Weldon; Holly McLaren; Carol Malone

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. This is a five-member board with 4 seated members and the alternate present. A quorum of three is required to pass a motion.

MINUTES OF JUNE 15, 2022

The ZBOA minutes of June 15, 2022, were reviewed. **Motion** was made by Dan Melville to approve the June 15, 2022, minutes as corrected.

Seconded by Stephen Shelley

Motion carried to approve (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

NEW BUSINESS

1. DOUGLAS HEDGES, OWNER OF 56 BUTCHER ROAD

The applicant is requesting relief from Town Zoning Article X, subsection 165-82 (C) (2) and Article V, subsection 165-32 (C)(2) for the proposed construction of a 1728 sq. foot two-story pole barn with 16 ft. tall walls. Town Code allows a one-story accessory structure limited to 1500 sq. ft. with a wall height not to exceed 12 ft. This property is zoned Rural Residential.

Mark Lenzi noted that there was an error in the legal for this application; the application is for a one-story pole barn not a two-story pole barn.

Board Discussion: Mark Lenzi reported notifications were in order, this is a local matter only. This is a Type II action; no further review required. There was one letter in the file. The Building Department feels this is a reasonable request.

Mr. Hedges said he has four classic cars he will be storing along with equipment to maintain his property in the structure. He needs 16 ft. sidewalls to accommodate 4 ft. tall lifts so he can store his vehicles one above the other to allow for more storage. All of the vehicles are for personal use. Chairperson Robillard asked if the structure could be smaller. The applicant stated going

smaller would limit his door structures and he would only be able to have one door. Dan Melville asked if this will be heated and what kind of flooring. The applicant stated depending on cost he may heat the structure; it will be concrete floors and fully insulated. Jack Barton asked if the other structures on the property will be coming down since the legal only advertised the total amount of sq. footage on the property at the size of this structure. The applicant stated he could take it down if the Board requires it to. There was discussion about the other buildings, the applicant cannot be approved for this building unless those come down or the applicant does another application, so the sq. footage advertised includes all structures. The applicant stated he would take them down if stipulated to do so. Chairperson Robillard asked if there will be living space in the structure. Mr. Hedges said no.

Public Comment:

Chairperson Robillard read a letter from Daniel Murphy, owner of 64 Butcher Road. He stated he has no issue with the application.

Public Hearing Closed

A motion was made by Stephen Shelley to **approve** the application of Douglas Hedges, owner of 56 Butcher Road, to allow the construction of a 1728 sq. ft. one-story pole barn with 16 ft. tall walls granting relief from Town Zoning Article, X, subsection 165-82 (c)(2) and Article V, subsection 165-32 (c)(2). Town Code allows for a one-story accessory storage structure limited to 1500 sq. ft. with a wall height not to exceed 12'. This property is zoned Rural Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant has shown the need to store personal belongings in the requested space; he will be double stacking his vehicles and has plenty of equipment to manage his property to be stored. There are no plans to have a living space in the structure.
- There will be *no* undesirable change in neighborhood character or to nearby properties. There are similar sized buildings on nearby lots. Placement will be far off the road so it will not be noticeable and will be blocked by trees during the summer months.
- The request *is* substantial.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is* self-created because the applicant has accumulated a lot of equipment that has to be stored. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance needed.

This approval is conditioned upon the two existing sheds on the property being removed and was agreed to by the owner.

Seconded by Dan Melville

Motion carried to approve (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

2. DAN AND KAREN COTTOM, OWNERS OF 148 DEAN ROAD

The applicant is requesting a Special Permit from the Zoning Board of Appeals in accordance with Town Zoning, Article V, subsection 165-32 (D) (12) for a 420 sq. ft. accessory apartment. The Special Permit request is subject to the requirements of Town Zoning, Article IX, subsection

165-76. The accessory apartment is proposed to meet the requirements of this section. This property is currently zoned Rural Residential.

Kip Finley, engineer for the project, said the request is only for a Special Permit; all setbacks will comply with the Code. He said the addition will include a small kitchenette, a bedroom, bathroom, and a separate entrance. It will be separated from the existing house by a pocket door. The roof, siding and windows will match the house. When no longer in use, this will be very easy to convert back to living space and part of the main residence. The occupant will be Ellen VanDerKarr, the applicant's mother.

Board Discussion: Mark Lenzi reported notifications were in order, this is a local matter only. This is a Type II action; no further review required. Mark Lenzi said the application was put together very well and the Building Department has no issues. There were 3 letters in the file from Gisela Ford, Michele Feathers and Stephanie Cratty residing at 146 Dean Road; all in favor of this application.

Public Comment:

Sue Toal, 197 Collamer, thinks what the applicant is doing is wonderful and this is a great application.

Carol Malone, 3215 Clarkson Parma Town Line, thinks what they are doing for her mom is beautiful.

Public Hearing Closed

A motion was made by Dan Melville to **approve** the application of Dan and Karen Cottom for a Special Permit at 148 Dean Road, in accordance with Town Zoning Article V, subsection 165-32 (D) (12) for a 420 sq. ft. accessory apartment. This Special Permit is subject to the requirements of Town Zoning Article IX, subsection 176-76. This property is zoned Rural Residential. This approval has the following conditions:

1. The occupant will be Ellen VanDerKarr, the applicant's mom.
2. The Special Permit shall be renewed two years from the issuance of the C of O.

Seconded by Stephen Shelley

Motion carried to approve (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

3. CAROL MALONE, OWNER OF 208 COLLAMER ROAD

The applicant is requesting relief from Town Zoning, Article VII, subsection 165-41 (B) (Permitted Principal Uses), to allow the use of a construction business with an equipment repair shop facility and outdoor storage of materials and equipment. This property is zoned Light Industrial.

Carol Malone explained this is a 5.5-acre parcel that her husband purchased nine years ago; he has since passed away leaving it to her. She has had it on the market for over a year with a beginning price of \$299,000.00; after lowering the price a couple times, she has accepted an offer of \$30,000.00. She showed the property several times over the last year but has had issues with selling because most buyers wanted to use the land for outdoor storage which is not allowed

in Light Industrial. The prospective buyer (Matthew Bereo) owns a construction company, and he intends to use the two-car garage for a repair shop and to park his equipment and have building materials on the lot. He has plans to demo/repair the cold storage building.

Board Discussion: Mark Lenzi reported notifications were in order; this is a local matter only. This is a Type II action; no further review required. There were no letters in the file. Mark Lenzi said he has received several calls from people interested in purchasing the property and asking what they can do with the building and the lot. Potential buyers have walked away from the property when they find out how much it will cost to demolish the structure, due to asbestos, and/or when they find out what uses are allowed on the property. The uses on the property include Manufacturing, Warehouse Storage, Agricultural, and Research. Most were looking to have storage units, apartments, or to use for a business which would include outside storage.

Ann Williams asked why the seller is asking for this and not the Buyer. Mark Lenzi and Jack Barton explained that the buyer would not be able to prove a hardship like the seller can. It was noted the Zoning Board can make reasonable conditions with approval; for example, hours of operation, lighting, fencing. Ann Williams said without the buyer being present the Board does not know what conditions they should set. The Planning Board will also be involved and will have their own conditions. The Town started the condemnation process on the property and that will still be in effect as these discussions take place, even after the buyer takes ownership.

The applicant noted the structure has had two arson fires and been vandalized in recent years and needs someone who can take care of it. She is unable to financially bring the building into a usable condition or demolish the building; this is creating a financial hardship to the applicant.

Steve Shelley is struggling with approving based on the information provided, is not sure it meets the criteria and does not know how the Board can vary from the criteria. Chairperson Robillard feels it is the building preventing the sale of the premises not necessarily the uses. Mark Lenzi said of the potential buyers who called not one of them had an idea that was one of the allowed uses. The applicant acquired the property, has made reasonable attempts to sell it and it is causing a financial hardship to her. Jack Barton said considering the property has been on the market for over 7 months; attempts have been made to sell and rectify the situation; people have called the Town and not purchased based on the allowed uses, and it is dangerous, he feels the Board can vary from the criteria a little.

Public Comment:

Mike Weldon asked what outside storage of materials and equipment include. Mark Lenzi said it would include construction equipment and can include piles of stone, dirt, metal, and other materials.

Sue Toal has no issue with storing equipment on the premises but had questions regarding fencing and lighting. Mark Lenzi said the applicant will go to Planning Board for conceptual approval and there will be a Public Hearing held which will be noticed in the paper and those discussions will be held. Ms. Toal said it has been sad to watch the building go down hill and is concerned because people keep going into it.

Holley McLaren, 193 Collamer, has concerns with noise, traffic and asked if there would be employees in and out of the property.

Jack Barton said it would be nice to have the potential buyer here to answer questions pertaining to the business and his intention with the building and property before the Board makes a motion. Mark Lenzi said he would like to see a detailed written business plan.

It was noted the potential buyer needs to be aware that he will be responsible to tear the building down or repair the building while securing it and making it structurally safe.

There will be a continuance of the Public Hearing dependent upon the forthcoming motion.

A motion was made by Jack Barton to **table** the application of Carol Malone, owner of 208 Collamer Road to allow the use of a construction business with an equipment repair shop facility and outdoor storage of materials and equipment granting relief from Town Zoning Article VII, subsection 165-41 (B) (Permitted Principal Uses) to the August 2022 Zoning Board of Appeals meeting. The tabling is to allow the applicant/prospective buyer time to provide additional information to the Board, including a detailed business plan, which should include information for lighting and screening of the property. The Board is asking the prospective buyer to be present and to include a timeline for when the structure on the premises might be restored or demolished. The Public Hearing will be held open until the August 17, 2022, meeting.

Seconded by Dan Melville

Motion carried to approve (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

OTHER BUSINESS

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:33 p.m.

Seconded by Stephen Shelley

Motion carried to approve (5-0)

Ayes: Jack Barton, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

Excused: Greg Colavecchia

Respectfully submitted,

Carrie Fracassi
Recording Secretary