

**TOWN OF PARMA
ZONING BOARD OF APPEALS
FEBRUARY 15, 2023**

Members Present: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton, Alternate

Members Excused: Veronica Robillard

Others Present: Mark Lenzi, Dave Ciufu
Maureen Werner, Town Attorney

Public Present: John Goodman

The meeting was called to Order by Acting Chairperson Melville at 7:00 p.m. Acting Chairperson Melville explained the function and decision-making process of the Zoning Board of Appeals. This is a five-member board with five members presented. A quorum of three is required to pass a motion. Acting Chairperson Melville introduced members of the Board and side table.

MINUTES OF JANUARY 18, 2023

1. Review Minutes from the January 18, 2023, Zoning Board Meeting

The ZBOA minutes of January 18, 2023, were reviewed. **Motion** was made by Jack Barton to **approve** the January 18, 2023, minutes as amended.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

NEW BUSINESS

2. ROBERT KANALEY, OWNER, 363 NORTH AVENUE

The applicant is requesting relief from Town Zoning Article V, subsection 165-31 (E)(1) (schedule I) and Article XI, subsection 165-87 (A) (1) for the placement of an electrical standby generator located on the north side of the home with a 6 ft. side setback. Town Code requires a 25 ft. side setback or a 10 ft. side setback using the 10% of the lot width reduction as allowed by section 165-87 (A) (1), This property is zoned Agricultural Conservation.

Board Discussion: Mark Lenzi reported notifications were in order. This is a local matter and a Type II action; no further review required. There were no letters in the file.

John Goodman, contractor on behalf of the applicant, explained that the applicant is looking to place a generator on the north side of the house. He stated the reason for this placement is due to landscaping, a deck, windows, and an addition to the house previously done. The code states that a generator can sit 18” from the house; however, he prefers to go 2 ft. from the house to allow for

proper air flow and maintenance around the generator. The neighbors to the north have a generator also so this will not have an impact on the closest neighbor.

Public Comment: NONE

Public Hearing: Closed

A motion was made by Jack Barton to **approve** the application of Robert Kanaley, owner, of 363 North Avenue, for relief from Town Zoning Article V, subsection 165-31 (E)(1) (Schedule I) and Article XI, subsection 165-87 (A) (1) for the placement of an electrical standby generator located on the north side of the home with a 6 ft. side setback. Town Code requires a 25 ft. side setback or a 10 ft. side setback using the 10% of the lot width reduction as allowed by section 165-87 (A) (1). This property is zoned Agricultural Conservation. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. As the contractor showed the generator cannot be placed in a different location due to existing structures and landscaping on the property.
- There will be *no* undesirable change in neighborhood character or to nearby properties. The neighbor has a generator sitting close to where this generator will be located.
- The request *is* substantial, but there is no other option for placement.
- 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 approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

ACCESSORY APARTMENT SPECIAL PERMIT RENEWALS

Dan Melville has some concerns with the lateness of these renewals and a discussion about the lateness of the following Accessory Apartment Renewals followed. Mark Lenzi noted that there was a lot of things going on in the Department over the last couple of years including COVID and staffing issues that contributed to some of the delay with renewing these. Some of the delays were caused by applicants not responding to have the required inspections done or to the letters from the Department about renewing. It was discussed that while the Building Department contributed to some of the delays, it is up to the applicant to make sure their renewals are done timely. Mr. Lenzi reported that going forward if the applicants do not respond to the letter from the Building Department or schedule their required inspections, the Special Permit will be revoked meaning, the applicant will have to reapply for a new Special Permit and pay the fees again.

3. MARK JANSEN – 675 MANITOU ROAD

Application was received from Mark Jansen, owner, for renewal of a Special Permit at 675 Manitou Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. The property is currently zoned High Density Residential (HD) which allows this use with a Special Permit.

After discussion, a **Motion** was made by Jack Barton to **approve** the application of Mark Jansen, owner, for renewal of a Special Permit at 675 Manitou Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Mr. Jansen's in-laws, Nancy and Ted Bortosch and this Special Permit will be renewable in February 2025. This property is currently zoned High Density Residential (HD) which allows this use with a Special Permit.

Seconded by Spencer Wren.

Motion carried to approved (4-1)

Ayes: Jack Barton, Stephen Shelley, Ann Williams, Spencer Wren

Nay: Dan Melville

Excused: Veronica Robillard

4. JIM FITZMAURICE – 614 PECK ROAD

Application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

A **Motion** was made by Stephen Shelley to **approve** the application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by his wife's brother Franklin Lewis and this Special Permit will be renewable February 2025. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

Seconded by Jack Barton.

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

5. DONALD & BETTY SMITH – 74 CLEARVIEW AVENUE

Application of Donald and Betty Smith, owners, for renewal of a Special Permit at 614 Peck Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article IX, subsection 165-76. This property is currently zoned Waterfront Residential (WF) which allows this use with a Special Permit.

A **Motion** was made by Spencer Wren to **approve** application of Donald and Betty Smith, owners, for a Special Permit at 74 Clearview Avenue for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Joe Longford and this Special Permit will be renewable in February 2025. This property is currently zoned Waterfront Residential (WF) which allows this use with a Special Permit.

Motion carried to approved (4-1)

Ayes: Jack Barton, Stephen Shelley, Ann Williams, Spencer Wren

Nay: Dan Melville

Excused: Veronica Robillard

6. GARY AND JULIE DIMORA – 74 SUMMERTIME TRAIL

Application of Gary and Julie DiMora, owners, for renewal of a Special Permit at 74 Summertime Trail for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density (MD) which allows this use with a Special Permit.

A **Motion** was made by Jack Barton to **approve** the application of Gary and Julie DiMora, owners, for renewal of a Special Permit at 74 Summertime Trail for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Francis Kent and this Special Permit will be renewable February 2025. This property is currently zoned Medium Density (MD) which allows this use with a Special Permit.

Seconded by Stephen Shelley.

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

7. VICTOR ROBINSON – 413 TRIMMER ROAD

The application of Victor Robinson, owner, for renewal of a Special Permit for an accessory apartment at 413 Trimmer Road in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Residential (MD) which allows this use with a Special Permit.

A **Motion** was made by Jack Barton to **approve** the application of Victor Robinson, owner, for renewal of a Special Permit at 413 Trimmer Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Victor Robinson. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit. This Special Permit is renewable in February 2025.

Seconded by Ann Williams

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

8. ERIC BASSET – 466 PECK ROAD

The application of Eric Basset, owner, for renewal of a Special Permit for an accessory apartment at 466 Peck Road in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Agricultural/Conservation (AC) which allows this use with a Special Permit.

Following discussion, a **Motion** was made by Stephen Shelley to **approve** the application of Eric Basset, owner, for renewal of a Special Permit for an accessory apartment at 466 Peck Road in accordance with Town Zoning Article 9, subsection 165-76 and is renewable in February 2025. The applicant's in-laws John and Kathy Guagliardo will be living in the Accessory Apartment. This property is currently zoned Agricultural/Conservation (AC) which allows this use with a Special Permit.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

ADJOURNMENT

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 7:38 p.m.

Seconded by Jack Barton

Motion carried to approved (5-0)

Ayes: Jack Barton, Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary