

TOWN OF PARMA ZONING BOARD OF APPEALS

Parma Town Zoning Board of Appeals Meeting held on Wednesday, March 20, 2024, at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

Members Present: Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams,
Spencer Wren, Don Wells (Alternate)

Others Present: Arthur Fritz, ZEO
Maureen Werner, Town Attorney
Dave Ciufu, Town Board Liaison

Public Present: James Burgio, Phyllis Burgio, Tim Jobes

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 five members present. A quorum of three is required to pass a motion.

MINUTES OF FEBRUARY 21, 2024

1. Review Minutes from the February 21, 2024, Zoning Board Meeting

The ZBOA minutes of February 21, 2024, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the February 21, 2024, minutes as presented.

Seconded by Dan Melville

Motion carried to approved (5-0)

Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren,

TABLED ITEMS

2. PHILIP MESITI, OWNER, 56 FOREST RIDGE TRAIL

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33(C)(2) for the proposed construction of a 1545 sq. ft. accessory structure (pool house) on the east side of the property in the rear yard. Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density Residential (MD).

Art Fritz provided an email received from the applicant on March 20, 2024, withdrawing his application in front of the Board at this time. The Board accepted the withdrawal.

NEW BUSINESS ITEMS

3. JAMES & PHYLLIS BURGIO, OWNER, 76 WEST BEACH DRIVE

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-35(C)(7) for the proposed construction of a 24' x 24' garage on the east side of the property in the front yard with a 2 ft. northeast side setback and a 6 ft. southeast side setback as well as a 10 ft. front setback. The Town Code requires a 10 ft. side setback and a minimum setback of 25 ft. from the street line. This property is zoned waterfront residential (WD).

Board Discussion: Arthur Fritz reported notifications were in order. There were no comments from Monroe County. This is a Type II action; no further review required.

James Burgio, the owner, said he currently has a carport on the property and would like to build a garage. The new garage would sit in the same location as the carport. The reason for the setbacks is because the lots are extremely small at 50' wide. He would like to be able to store his vehicles and belongings inside. He currently pays for offsite storage for a classic car, and he would like to store it at his property. He does not think it will change the appearance of the neighborhood as 40 of the 45 properties on the street have garages.

Chairperson Robillard asked if they had looked at other options for placement. Mr. Burgio said because of the size of the property, the gas lines and sewer lines he would be unable to locate this in a different place. There was discussion about the property across the street. The applicant stated he does not own that property. Art Fritz said that land is owned by the State.

Dan Melville asked about the lot angle. The front of the structure will have a 6 ft. setback and the rear would have a 2 ft. setback. Mr. Burgio said the driveway would have to be angled and moved more into the front yard to line up. He stated he would be able to move this another foot away from the property line. The overhang will not go over the property line. There will be a cement floor and he understood this would have to be fire rated if under 5 ft. from the property line.

There was a letter from the neighbor (Dan Welch) at 74 West Beach Road. He is not in favor of this request for a building this large on a small property. He feels this will be an eye sore on the street and would like the Board to deny the request. Art Fritz noted the owner at 74 West Beach Road came to the Board requesting a similar structure with a 7 ft. front setback and a 3.33 ft. side setback in 2010, and that application was approved.

Public Comment:

Tim Jobses asked if there is a height requirement. Art Fritz said 35 ft. is a traditional height for a garage and the applicant will have to comply with all parts of the code.

Public Hearing: Closed

Dan Melville said this area is going to have setback issues because the lots are so small. Stephen Shelley said this structure will look like the other structures near it. There was discussion about the side setback; where it is measured from (the sidewall not the overhang) and making the approval for a 3 ft. setback as the applicant said he could move it off the property line another foot.

A motion was made by Dan Melville to **approve** the application of James and Phyllis Burgio, owner of 76 West Beach Drive, requesting an area variance to grant relief from Town Zoning Article V, subsection 165-35(C)(7) for the proposed construction of a 24'x 24' garage on the east

side of the property in the front yard with a 3 ft. northeast side setback and a 6 ft. southeast side setback as well as a 10 ft. front setback. The Town Code requires a 10 ft. side setback and a minimum setback of 25 ft. from the street line. This property is zoned waterfront residential (WD). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. Because the lots are extremely small, there are no other options available to the applicant. They do not have the ability to build across the street because the State owns that land.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. There are other properties on the street that have similar structures to this including the neighbor at 74 West Beach Road.
- The request *is* substantial. There are not any other options because of the size of the lots.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created, due to the lot size. 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 the Board can grant.

Seconded by Ann Williams

Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

OTHER INFORMATION

Art Fritz introduced Don Wells as the new alternate member on the Board, taking the place of Jack Barton who stepped down.

ADJOURNMENT

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

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

Respectfully submitted,

Carrie Fracassi
Recording Secretary