

**TOWN OF PARMA
ZONING BOARD OF APPEALS**

Parma Town Zoning Board of Appeals Meeting held on Wednesday, July 17, 2024, at the Parma
Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

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

Members Excused: Ann Williams

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

Public Present: Evelyn Church, Tyler Lloyd, Brian Dudley, Luke Basso, John Ott,
Timothy Jobs, Dick Vance, John Jurs, Mark Lenzi

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

MINUTES OF JUNE 12, 2024

1. Review Minutes from the June 12, 2024, Zoning Board Meeting

The ZBOA minutes of June 12, 2024, were reviewed. A **Motion** was made by Don Wells to **approve** the June 12, 2024, minutes as amended.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Abstain: Dan Melville

Excused: Ann Williams

NEW BUSINESS ITEMS

2. BRIAN AND AMANDA DUDLEY, OWNER, 1173 PECK ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31(C), (2), and Article XI, Subsection 165-87 (A) (1) for the placement of two accessory structures, an 8'x 12' shed located on the east side of the property in the rear yard and a 12'x 20' shed located on the west side of the property located in the rear yard with a 10 ft. side setback for a total square footage of all accessory structures on the property of 2,184 sq. ft. Town Code requires a 15.70 ft. side setback and limits accessory structures to 2,000 sq. ft. This property is zoned Agricultural Residential (AC).

Brian Dudley, applicant, said he came to the Board two years ago and after discussion with the Board withdrew the request and created a new plan. He said he removed an 8'x12' shed and is

going to replace that and will also be constructing a 12'x20' shed in the backyard on the west side 10 ft. off the property line. He noted that he owns the vacant wooded lot next to him which is not an approved building lot. Spencer Wren asked why he could not reduce the requested size to fit the code. The applicant said it is just not enough space. The applicant said the items to be stored include a lawn mower/lawn equipment, snow blower, deck/outside furniture and various tools.

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

Public Comment: *NONE*

Public Hearing: Closed

A motion was made by Don Wells to **approve** the application of Brian and Amanda Dudley, owners of 1173 Peck Road for an area variance and grants relief from Town Zoning Article V, subsection 165-31(C), (2), and Article XI, Subsection 165-87 (A) (1) for the placement of two accessory structures, an 8'x 12' shed located on the east side of the property in the rear yard and a 12'x 20' shed located on the west side of the property located in the rear yard with a 10 ft. side setback for a total square footage of all accessory structures on the property of 2,184 sq. ft. Town Code requires a 15.70 ft. side setback and limits accessory structures to 2,000 sq. ft. This property is zoned Agricultural Residential (AC).

Considering the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant. This is a second request by the applicant and after feedback from the Board at that time, the applicant made some changes to the first request.
- There will be no undesirable change in the neighborhood character or to nearby properties.
- The request *is not* 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. This is the minimum variance the Board can grant.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

3. JOHN OTT AND ADRIENNE DANDREA, OWNER, 871 PECK ROAD

The applicant is requesting an area variance to grant relief from Town Zoning, Article 111, Section 165-17, Article V, subsection 165-32 (C)(2), (E)(1) and Article X, subsection 165-82 (C)(3), for the proposed construction of a 2,688 sq. ft. accessory structure including a lean-to in the front yard on the west side of the property with a 25 ft. front setback. The total sq. footage of

all accessory structures on the property will total 2,688 sq. ft. The Town Code limits accessory structures to 1,500 sq. ft., the front setback to be 75 ft. and accessory structures must be in the rear yard and incidental and subordinate to the principal structure. The property is zoned Rural Residential (RR).

John Ott, applicant, explained that the structure will sit 900 ft. from the road; it cannot be placed behind the residence because there is no room. This property is a flag lot and there are two homes in front of his home; the front setback request is due to the lot being a flag lot. Items to be stored include boats, canoes, tractors, lawn and yard maintenance equipment. There was discussion about another accessory structure that is on the property and was not included in the total sq. footage. For advertising purposes, the Board will have to table to readvertise, or the applicant can remove the existing structure, or make this structure smaller by that sq. footage amount. The applicant said he would be willing to remove the existing structure.

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. There are no letters in the file. There are no comments from the Building Department.

Chairperson Robillard is concerned that the size of the structure being requested is more than the size the applicant needs based on the layout provided. Dan Melville asked what the reason for the lean to is. The applicant stated it will allow them to sit by the pond on the property. Dan Melville felt that because a large part of the structure is a lean to, the structure is not that large on this property and in the requested location.

Public Comment: NONE

Public Hearing: Closed

A motion was made by Dan Melville to **approve** the application of John Ott and Adrienne Dandrea, owners, 871 Peck Road for an area variance and grants relief from Town Zoning, Article 111, Section 165-17, Article V, subsection 165-32 (C)(2), (E)(1) and Article X, subsection 165-82 (C)(3), for the proposed construction of a 2,688 sq. ft. accessory structure including a lean-to in the front yard on the west side of the property with a 25 ft. front setback. The total sq. footage of all accessory structures on the property will total 2,688 sq. ft. The Town Code limits accessory structures to 1,500 sq. ft., the front setback to be 75 ft. and accessory structures must be in the rear yard and incidental and subordinate to the principal structure. The property is zoned Rural Residential (RR).

Considering the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant. The size of the property necessitates the need for equipment to maintain the property, which need storage.
- There will be no undesirable change in the neighborhood character or to nearby properties. The structure will sit 900 ft. off the road.

- The request *is* substantial but is mitigated by the size of the property and how far back it sits off the road.
- 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. This is the minimum variance the Board can grant.

This approval is conditioned upon and the applicant agreeing to remove the existing structure on the property.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

4. TYLER LLOYD, OWNER, 5760 RIDGE ROAD

The applicant is requesting a Special Permit under Town Zoning Article IX, subsection 165-79.1 for the purpose of operating a Federal Firearm license out of the residence. The property is zoned Agricultural Residential (AC).

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. There are no letters in the file. There are no comments from the Building Department.

Tyler Lloyd, applicant, said he recently moved to Parma from Penfield, where he had approval to operate a Federal Firearm License out of his residence. In order to update his license to the Parma address, he needs approval from Parma. He stated that all customers are by appointment only and there will not be any signage on the property. Chairperson Robillard said it is hard to find the property and she would like the applicant to make sure the property is clearly labeled for anyone trying to find it.

Public Comment: NONE

Public Hearing: Closed

A motion was made by Dan Melville to **approve** the application of Tyler Lloyd, owners, 5760 Ridge Road granting a Special Permit under Town Zoning Article IX, subsection 165-79.1 for the purpose of operating a Federal Firearm License out of the residence with the following conditions. The property is zoned Agricultural Residential (AC).

- 1.) There is to be no signage pertaining to firearms on the property.
- 2.) All customers are to be by appointment only.
- 3.) The applicant must maintain all federal and state licensing.
- 4.) There is to be no on-street parking.
- 5.) There will be no gun repairs taking place on the property.
- 6.) This Special Permit is issued to the applicant and is not transferable.
- 7.) This Special Permit is renewable in 1 year.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

5. THOMAS & DEBORAH WILSON, OWNER, 194 FERGUSON DRIVE

The applicant is requesting an area variance to grant relief from Town Zoning Ordinance Article V, (E) (1) (schedule 1) to construct an addition on the west side of the property with a front setback of 19.49 ft. Town Code requires a 40 ft. front setback. This property is zoned Waterfront Residential (WD).

Thomas Wilson, the owner, explained they are requesting approval to construct an addition consisting of a master bedroom/bath area, 2nd floor house remodel and a 2-car garage on the south side of the residence with an entranceway. The current structure is 24'x 44' and does not meet the current required setbacks.

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

Public Comment: *NONE*

Public Hearing: Closed

A motion was made by Dan Melville to **approve** the application of Thomas and Deborah Wilson, owners of 194 Ferguson Drive granting relief from Town Zoning Ordinance Article V, (E) (1) (schedule 1) to construct an addition on the west side of the property with a front setback of 19.49 ft. Town Code requires a 40 ft. front setback. 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. Due to the size of the property, the applicant would not be able to have a garage without this variance.
- There will be no undesirable change in the neighborhood character or to nearby properties. A lot of the other properties on the road have the same issue.
- The request *is* substantial but is mitigated because of the lot size.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created because of the size of the property and this being a corner lot. 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 Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

6. BOB YOUST, OWNER, 236 PECK ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-32 (E) (3) for the proposed construction of a 3,825 sq. ft. accessory structure attached to the east side of the house. The applicant has an existing attached garage which is 819 sq. ft. on the west side of the house and is asking for a second garage on the east side of the house. The Town Code requires each principal dwelling to have a garage containing an area not less than 480 sq. ft. This property is zoned Rural Residential (RR).

Bob Youst, the owner, said he is requesting this additional garage on the property to store his classic car collection (30 cars will be stored) at the property. He has been storing them in a facility in Greece and it has been vandalized twice. If they were to be at his property, he could protect them. Other items to be stored include a mini excavator, 7 ATV's, four wheelers, lawn and property maintenance equipment, boat, camper, golf cart and other belongings.

This is a five-acre parcel, and the house will be 5700 sq. ft. after it is completed. This garage will have the same appearance as the house/will look like part of the house with windows, not like a garage.

Board Discussion: Arthur Fritz reported notifications were in order. There were comments from Monroe County. This is a Type II action; no further review required. There is one letter in the file. There are no comments from the Building Department.

Don Wells asked if there would be living space above the garage and if there are any height restrictions. The applicant said it will not have a second floor. Art Fritz said because it is attached to the house, there is no restriction on height. Chairperson Robillard asked if the applicant will be living at the property full time and whether this will be for personal or business use. The applicant stated personal use and they will be living at the property full time.

Public Comment:

Paul Marvin, Peck Road, asked what the dimensions are, he feels this house is already very wide. 45'x 85' are the dimensions and it will be an L-shape addition.

Lucas Basso, Peck Road, said he has no issue with the application.

Richard Vance, Peck Road, feels this stands out and is too big for the area. He stated this will be out of character in the neighborhood and has concerns that after this is done, the applicant will be back to ask for more and bigger.

Chairperson Robillard read a letter from Mr. Vance, stating that he would like the Board to deny the request. He feels the request is well above what is allowed and denying will preserve the character of the neighborhood. He feels this will negatively affect the visual aspect of the area and that this is a self-inflicted situation.

Public Hearing: Closed

It was clarified that the application is only for a second garage on the property. The size and height of the structure is irrelevant because it is attached to the house.

A motion was made by Spencer Wren to **approve** the application of Bob Youst, owner of 236 Peck Road granting relief from Town Zoning Article V, subsection 165-32 (E) (3) for the proposed construction of a 3,825 sq. ft. accessory structure attached to the east side of the house. The applicant has an existing attached garage which is 819 sq. ft. on the west side of the house and is asking for a second garage on the east side of the house. The Town Code requires each principal dwelling to have a garage containing an area not less than 480 sq. ft. This property is zoned Rural Residential (RR).

Considering the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant showed that the garage will be used to store personal belongings not business items and there is a need to store many classic cars and other belongings.
- There will be no undesirable change in the neighborhood character or to nearby properties.
- The request *is* substantial, but this addition will be made in the process of many improvements to the home that are taking place.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created because of all of this belonging he needs to store. 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 Don Wells

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

7. EVELYN CHURCH, OWNER, 78 PEASE ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33 (E) (1), Article XII, subsection 165-91 and schedule 1, for the proposed replacement of an existing 11.9' x 66.1' mobile home with a new mobile home 18'x 80' with a 33.6 ft. front setback and a 9.4 side setback from the south property line. The Town Code requires Zoning Board of Appeals approval for the expansion of a non-conforming use. The Town Code requires the front setback to be 60 ft. and the side setback to be 10 ft. This property is zoned Medium Density residential (MD).

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

Evelyn Church, the owner, said she is looking to increase the size of the mobile home that was on the property. The setbacks will remain the same as before. The previous mobile home has been removed.

Town Attorney Werner said there looks to be an existing frame shed on the property that is out of compliance with the code and will need to either be moved so it sits at least 10 ft. from the property line or removed from the property. The property needs to be brought into compliance in order to get the variance. The applicant stated they will either move it to the required setback or they will remove it from the property.

Public Comment: *NONE*

Public Hearing: Closed

A motion was made by Don Wells to **approve** the application of Evelyn Church, owner of 78 Pease Road granting relief from Town Zoning Article V, subsection 165-33 (E) (1), Article XII, subsection 165-91 and schedule 1, for the proposed replacement of an existing 11.9' x 66.1' mobile home with a new mobile home no greater than 18'x 80' with a 33.6 ft. front setback and a 9.4 side setback from the south property line. The Town Code requires Zoning Board of Appeals approval for the expansion of a non-conforming use. The Town Code requires the front setback to be 60 ft. and the side setback to be 10 ft. This property is zoned Medium Density residential (MD).

Considering the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant because they are updating the mobile home.
- There will be no undesirable change in the neighborhood character or to nearby properties.
- The request *is not* 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. This is the minimum variance the Board can grant.

This approval is conditioned upon the applicant moving the existing shed 10 ft. off the property lines or removing it from the property entirely.

Seconded by Dan Melville

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

8. JOHN JURIS, OWNER, 42 MARJORIE LANE

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-34 (C) (2), Article X, subsection 165-82 (C) (2) for the construction of a 1,280 sq. ft. accessory structure to be located south of the existing home which is considered a front yard. The Town Code limits accessory structures to 400 sq. ft. and is by definition a thru lot with frontage on two streets thereby having two front yards and no rear yard. This property is zoned High Density residential (HD).

John Jurs, the owner, says is looking for approval to construct a structure to store his belongings that are currently stored outside. Items to be stored include a trailer, boats, cars, and other belongings to maintain the property. He stated that he will be removing a 12'x 24' shed that is on the property and constructing a 32'x 40' structure. He added that this will help block his property from road traffic and that he will be landscaping the structure with trees. He stated that he will not be accessing Wilder Road from his property.

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

Public Comment:

Mark Lenzi, Country Village Lane, stated he has concerns about how the property looks; he stated that he sees equipment on the property that is not needed to maintain the property. He feels that this is too large for the area and will be out of character in the neighborhood. He feels the criteria of the balancing act will be hard to meet. He stated that it is annoying to see the belongings stored on the property, however, the building is too large.

There was a discussion about a gazebo on the property. There is no permit on file for the gazebo and that square footage was not calculated into the total square footage amount. It was noted that the application will need to be readvertised for the sq. footage and the additional height if the applicant would like that. The applicant said he can stay with the height of 12 ft. Town Attorney Werner reiterated to the applicant that the driveway has to go through Marjorie Lane not Wilder Road. It was felt the Board has inaccurate and incomplete information.

Mark Lenzi felt that maybe the building could be made smaller, shorter, sit further off of Wilder Road and screened better. Attorney Werner said the applicant is trying to bring the property into code, which is what the Town wants him to do.

Public Hearing: Closed

Don Wells is comfortable with the 12 ft. height and would like the second door removed from the Wilder Roadside.

There was discussion among the Board and the applicant about the options to move forward. The options include the applicant withdrawing the application and coming back with a new plan or the Board could make a motion to approve, table or deny based on the information provided tonight. The applicant would like to talk with the Building Department to review the application and information and then determine if he wants to move forward as is at the next meeting or if he decides to withdraw and start over, he will notify the Town.

A motion was made by Don Wells to **table** the application of John Jurs, owner of 42 Marjorie Lane granting relief from Town Zoning Article V, subsection 165-34 (C) (2), Article X,

subsection 165-82 (C) (2) for the construction of a 1,280 sq. ft. accessory structure to be located south of the existing home which is considered a front yard to the August 2024 Zoning Board of Appeals meeting to allow the applicant time to address the concerns with the height and total square footage of all structures on the property and the door on the Wilder Road side of the building.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

OTHER INFORMATION

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 9:10 p.m.

Seconded by Don Wells

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

Excused: Ann Williams

Respectfully submitted,

Carrie Fracassi
Recording Secretary