

TOWN OF PARMA ZONING BOARD OF APPEALS

Parma Town Zoning Board of Appeals Meeting held on Wednesday, October 16, 2024, at
the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

Members Present: Dan Melville, Stephen Shelley, Spencer Wren, Don Wells
(alternate)

Members Excused: Veronica Robillard

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

Public Present: Ron Garner, Larry Heininger (Marques Associates), Timothy
Johnson, Elaine DelVecchio, Glenn Thornton (Thornton
Engineering), Rosa Loja

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

MINUTES OF SEPTEMBER 18, 2024

1. Review Minutes of September 18, 2024, Zoning Board Meeting

The ZBOA minutes of September 18, 2024, were reviewed. A **Motion** was made by Spencer
Wren to **approve** the September 18, 2024, minutes as amended.

Seconded by Don Wells

Motion carried to approved (4-0)

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

Excused: Veronica Robillard

NEW BUSINESS

2. 5440 RIDGE ROAD LLC, OWNER, 5440 RIDGE ROAD WEST

The applicant is requesting an expansion of a non-conforming use to construct a Pitch
(Soccer Field) on commercial property that is currently being used as residential Article XIII
Subsection 165-91. The applicant is requesting relief from Town Zoning Article VI,
Subsection 165-39 (E)(1), (schedule 1) for an area variance to allow a soccer field at a 5.6 ft.
setback from the north side of the soccer field, with a 23.2 ft. rear setback and a 72 ft. front
setback. To bring the property into compliance the applicant is requesting area variances for
the following existing structures: The house is at a 0 ft. setback and a 31.8 ft. side setback
from the east lot line. The framed barn has a 0 ft. side setback on the west side of the

property and an 18 ft. front setback. The Town Code requires a 100 ft. front setback for all structures and a 50 ft. side setback for principal structures and a 25 ft. side setback for accessory structures. This property is zoned General Commercial (GC).

Larry Heining (Marques Associates) said he is here on behalf of Rosa Loja in this matter. Rosa lives in the house with her family, and they are asking for permission to keep their soccer field that sits on approximately .11 acres of the parcel. It is 5% of a normal soccer field. The plan is to use the field on Sundays with friends and family. He feels the field is no different than adding a pool or basketball court in the backyard. As for the setbacks regarding the house, the NYSDOT has over the years made the road wider causing the house to sit within the setbacks.

Don Wells asked for clarification as to why they had to come to the Board and asked if this was built prior to receiving permission. Art Fritz said because the property is commercial not residential, and they added lights and bleachers. Rosa said this will not be used commercially and the lights (1) are from Home Depot. The field was put in place prior to the Town knowing.

Spencer Wren asked about the barn that is currently over the property line. Town Attorney Werner said the barn was already in place when the house was purchased, those matters are handled at closing and there may already be an agreement in place. That has no bearing on this matter tonight.

Don Wells asked how often the field will be used for events and by how many people. Rosa said on Sundays during the summer and there are approximately 30 to 45 people.

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.

Art Fritz, CEO, said there are concerns with parking for the events since the property is on Ridge Road. People have been parking on Ridge Road and across the street at the restaurant and walking across Ridge Road. The applicants have been building on the property without permits.

Public Comment:

Ron Garner, 5424 Ridge Road, lives next to the above property. They bought the property in 1988 and moved to the property in 2011. They own the largest 4H horse group in the county on their property. Since the applicants moved in, they have had people on their property playing with the toys used by the horses, people unknown to them have approached the horses and tried to take pictures with them, have approached some of the young kids at the 4H events and tried talking to them. The applicants have removed trees

from his property, dumped things into his yard, and added a fence in his yard. With all of this, they have created drainage issues into his yard. These events go on all day and night with drinking and garbage left all over and the garbage ends up in his yard. The police have been called many times by both property owners. He wants compensation for the destruction of his property. He stated that no one would want to live next door to what he is dealing with. Mr. Garner further stated that the applicants continue to build even after the Town has told them to stop, the events are loud, and it creates a disturbance. He feels they are very disrespectful to him and the rules of the Town.

Rosa Loga said they cut a tree down and put it into his property and they put garbage in his yard; they apologized for doing that. There have been issues back and forth.

Dan Melville asked why they needed this. The applicant said they just want to play soccer with their family. Don Wells asked who the owner is, who signed the application. After further discussion it was determined that Rosa Loga is not the owner. The application needs to be signed by the owner or a letter showing he knows and approves of the application; the Board cannot make a change to a property if the owner is unaware of the change.

Mr. Heininger said he worked as Code Enforcement in another Town and understands from tonight there are some issues with this application that need to be worked out.

Public Hearing: Closed

A motion was made by Spencer Wren to **table** the application of 5440 Ridge Road LLC, owner of 5440 Ridge Road West, for an expansion of a non-conforming use to construct a Pitch (Soccer Field) on commercial property that is currently being used as residential Article XIII Subsection 165-91 and also requesting relief from Town Zoning Article VI, Subsection 165-39 (E)(1), (schedule 1) for an area variance to allow a soccer field at a 5.6 ft. setback from the north side of the soccer field, with a 23.2 ft. rear setback and a 72 ft. front setback. To bring the property into compliance the applicant is requesting area variances for the following existing structures: The house is at a 0 ft. setback and a 31.8 ft. side setback from the east lot line. The framed barn has a 0 ft. side setback on the west side of the property and an 18 ft. front setback. The Town Code requires a 100 ft. front setback for all structures and a 50 ft. side setback for principal structures and a 25 ft. side setback for accessory structures. This property is zoned General Commercial (GC).

The application is being tabled to the November 2024 Zoning Board of Appeals meeting so the owner can sign the application and be present or give authorization for someone to speak on their behalf for this application.

Motion carried to approved (4-0)

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

Excused: Veronica Robillard

3. TIM & DENISE JOHNSON, OWNER, 4 HIDDEN ACRES TRAIL

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31 (E) (1) (schedule 1) to create a lot with an acreage of 0.707, a depth of 200 ft. and a width of 154.07 ft. Town code requires a 3-acre parcel with a 300 ft. lot width and a 350 ft. lot depth. This property is zoned Agricultural Residential (AC).

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. The Planning Board has a concern with placement of the driveway, which would depend on whether or not the Town takes dedication of the road. The Town Code dictates only three driveways can front on a nondedicated road. If the Town does not take dedication, the driveway needs to front on Peck Road, or an additional variance would be required. If the Town does take dedication, the driveway can front on Hidden Acres Trail.

Glenn Thornton (Thornton Engineering) said Tim and Denise Johnson own over four acres of land on Hidden Acres Trail and they would like to subdivide the property and create a lot for their daughter to build in the subdivision. This would create a corner lot, and the buildable portion of the lot will be sufficient. There will be no change in the neighborhood; this will be a nice house with no impact on the Town.

Public Comment: None

Public Hearing: Closed

A motion was made by Don Wells to **approve** the application of Tim and Denise Johnson owner of 4 Hidden Acres Trail, for an area variance to grant relief from Town Zoning Article V, subsection 165-31 (E) (1) (schedule 1) to create a lot with an acreage of 0.707 acres, a depth of 200 ft. and a width of 154.07 ft. Town code requires a 3-acre parcel with a 300 ft. lot width and a 350 ft. lot depth. 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.
- There will be no undesirable change in the neighborhood character or to nearby properties. There are other properties on the street that are similar in size or smaller.
- The request *is not* substantial.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created, but this will fit into the existing neighborhood. 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.

Placement of the driveway is dependent on whether or not the road is dedicated to the Town.

Seconded by Stephen Shelley

Motion carried to approved (4-0)

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

OTHER INFORMATION

ADJOURNMENT

There being no further business, a **Motion** was made by Don Wells to adjourn the meeting at 8:05 p.m.

Seconded by Spencer Wren

Motion carried to approved (4-0)

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

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary