

TOWN OF PARMA
ZONING BOARD OF APPEALS
September 17, 2015

Members Present: Dan Melville
Veronica Robillard
Tim Thomas
Stephen Shelley
Jim Zollweg

Others Present: Art Fritz, Dean Snyder

Public Present: Tod Ferguson, Todd D'Angelo, Rob Burnside and Richard Vance

The meeting was called to Order by Chairperson Robillard at 7:04 p.m. Chairperson Robillard explained the function of the ZBOA and the decision-making process. She also explained that this is a five member board and a quorum of three is required to pass a motion.

NEW BUSINESS

1. TODD D'ANGELO – 1961 NORTH UNION STREET

The application of Todd D'Angelo, owner, for an area variance at 1961 North Union Street. The applicant is proposing to construct a 24' x 24' carport and an 18' x 24' addition to an existing accessory building, which would bring the total square footage of accessory buildings on this property to 1,472 square feet, and is requesting relief from Town Zoning, Article V, subsection 165-33.C.2 which limits the building area of accessory buildings to 600 square feet. This property is currently zoned Medium Density Residential (MD).

Todd D'Angelo, owner, explained that currently his two car garage stores equipment and vehicles and his shop out back is where he does repair work. His son is in the army and he is storing his car for him and he has a new tractor and accessories that he would like to lock up and protect along with a vintage car. He would like this structure to be a metal permanent structure that would extend off the back of the shop. Chairperson Robillard asked the applicant to explain what will be stored where. The applicant stated that the addition to the building would store his tractor and accessories and the vintage car and his son's jeep. The carport would store his trailers and snow blower. The property is approximately 1.6 acres. There was discussion surrounding what the total square footage will be. After discussion it was determined there would be 1440 square foot of storage, the existing carport is not included in that square footage.

Chairperson Robillard asked why this amount of square footage is needed and if the applicant had any floor plans or layouts. The applicant stated that the length and width of three vehicles shows the need for the size. Tim Thomas stated that he would like to see a layout of how things would be stored to demonstrate the need and it gives the board something to put in the file for future reference. Chairperson Robillard stated that it is the board's job to make sure the need is there.

Board Discussion: Art Fritz reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There are no letters in the file.

Public Comment:

Tod Ferguson – 1971 North Union Street, stated that he is very familiar with the property and that the applicant has two trailers that will take up the carport and then with cars and the tractor he felt that the space would be used. He would rather the stuff be stored inside. He also explained that the house has been vacant next to them for 6 years, there are people wandering the property often and this would secure the property. He did not feel that this would change the character of the neighborhood.

Dean Snyder – 514 North Avenue, felt that there should be a layout of the equipment and where it will be stored and a drawing with the location of the carport plus a reason why the carport should be in the middle of the yard.

Richard Vance – 253 Peck Road, feels that there are too many of these structures and that there is a code to set the standard and those should not change because you buy more things or cars.

Public Hearing Closed

Tim Thomas felt that at a minimum the board needs more information and would support tabling this. He also would like to revisit the location of the carport. Stephen Shelley felt that there have been similar requests in the past and that there should be a sketch showing location and layouts. Jim Zollweg feels the same. Chairperson Robillard stated that the board likes to see the information before the meeting, not at the meeting, so that it can be processed by all members.

After discussion, a **Motion** was made by Tim Thomas to **table** the application of Todd D'Angelo, owner, for an area variance at 1961 North Union Street to the October 15, 2015 meeting. The board is requesting a layout for all of the items that are being proposed to be stored not only in the existing structure but also in the proposed new structures. The purpose is to demonstrate where items will be stored and to justify why the space is needed. Because of the hesitancy of the board to approve this because of its large size, the applicant can also look at reducing the square footage that is being requested. Provide better positioning of the proposed carport with dimensions and setbacks on the map. The applicant should look at more options for the carport than what is currently being proposed and justification why it should be in this spot. As an option the applicant can show other comparable properties in the area with similar structures including the date those structures were built, anything built before 1998 would not be applicable to the current code.

Seconded by Stephen Shelley. **Motion carried to table (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

2. STEPHEN AND STACEY CUDZILO – 135 LIGHTHOUSE ROAD

The application of Stephen and Stacey Cudzilo, owner, for an area variance at 135 Lighthouse Road. The applicants are proposing to construct a 1,152 square foot stable with a side setback of 70 feet from the north property line and are requesting relief from Town Zoning Article V, subsection 165.32.B.2 which states in part that no building in which farm animals are kept shall be closer than 100 feet to a side or rear property line. This property is currently zoned Rural Residential (RR).

Stephen Cudzilo, owner, explained that they just purchased this property and would like to build a stable because they have two horses. This stable would be used for the horses and also to store hay. Because of the layout of the lot and the raised septic system which includes a pipe from the house to the system, they have to be careful to not build over the pipe. They need to build closer to the property line for this reason. Tim Thomas asked for the applicant to show approximately where the pipe is. There is also a pond in the yard.

Board Discussion: Art Fritz reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There are no letters in the file.

Tim Thomas clarified that the barn would be in front of the pond and if the applicant moved the barn 30 feet south it would sit right over the pipe and on the edge of the pond. Stephen Shelley clarified that there will only be horses. Applicant stated yes.

Public Comment:

Dean Snyder – 514 North Avenue, stated that there should be a map showing the septic tank, waste line and leach fields. Also a map with the location of the proposed barn and setbacks and drawings of the barn, that includes design, size and sidewalls. Also he felt that a layout of the inside of the barn should be included.

Public Hearing Closed

Jim Zollweg asked if this will go to the Planning Board, what is the review process and criteria. Art Fritz stated this will not go to Planning Board, the Building Department will review and inspect for code and safety issues. Because this is considered an AG Building she will be getting a Zoning Permit not a Building Permit. Chairperson Robillard is concerned that there are no dimensions or locations on the map. Tim Thomas stated conceptually he can support this but he will need further information to approve this.

After discussion, a **Motion** was made by Tim Thomas to **table** the application of Stephen and Stacey Cudzilo, owner, for an area variance at 135 Lighthouse Road until the October 15, 2015 meeting. This will allow the applicant time to provide the board with a more detailed layout of the barn with setbacks to the adjacent property lines including dimensions, interior layouts, schematic of the barn and what it will look like and a survey map or site plan showing the positioning of the lines from the pump station to the leach bed system.

Seconded by Stephen Shelley. **Motion carried to table (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

MINUTES OF AUGUST 20, 2015

The ZBOA minutes of August 20, 2015 were reviewed. **Motion** was made by Tim Thomas to **approve** the August 20, 2015 minutes as presented. **Seconded** by Stephen Shelley. **Motion carried (4-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, **Abstain**: Jim Zollweg).

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, seconded by Dan Melville to adjourn the meeting at 8:17 p.m. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

Respectfully submitted,

Carrie Webster
Recording Secretary