

TOWN OF PARMA
ZONING BOARD OF APPEALS
October 15, 2015

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

Others Present: Dennis Scibetta, Kyle Mullen

Public Present: Robert Yohe, Peg DeRoller, Stacey Cudzilo, Todd D'Angelo

The meeting was called to Order by Chairperson Robillard at 7:00 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.

TABLED 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).

Chairperson Robillard explained that this was tabled to allow the applicant time to provide further information.

Todd D'Angelo, owner, explained the he submitted the requested layout for the proposed buildings. Tim Thomas asked him if he had explored the possibility of reducing the overall square footage because he felt this was a key point and did not see any information on this. The applicant stated that he originally wanted to build bigger than what he is asking for so he felt that this was as small as he could go and felt that he showed that with his drawings. Tim Thomas also asked if he had looked at other options for the location of the carport. The applicant stated he did not because he felt that this is tucked back into the trees in the best spot to not be an eyesore. Chairperson Robillard stated that she does not see any information comparing other accessory structures in the area. There was discussion that this was a suggestion that the applicant could provide but was not required. Chairperson Robillard stated that the drawings did not reflect the size of the vehicles or trailers that will be stored in the structure and that is important information because the drawings do not accurately show the size of these and the measurements would help the board understand the need for the space. Jim Zollweg would have like to have seen a layout of the current workshop. The applicant stated that there is a 2' shelf all around the shop and a 6 foot tall tool box, rolling carts, refrigerator, torches, along with other hand tools and an overhead crane. Dan Melville asked if the applicant pulls cars into this shop. Mr. D'Angelo stated that he can't store vehicles in there but he does pull in motorcycles and ATV's to work on them. Stephen Shelley asked if all of the vehicles are the applicant's. The applicant stated yes.

Tim Thomas felt that all of the information requested in the motion from last month had not been received and that he would support tabling at this time. Stephen Shelley would like to see the extension of the woods and whether the carport could tuck back more into the woods. Mr. D'Angelo stated that there is a pond just past where he would like the carport to sit. Tim Thomas said the applicant should show that on the map. Chairperson Robillard stated that the board needs specific information to justify the application and to remain with the file. Mr. Thomas feels that the need is there and they want to work with the applicant but the board needs the appropriate information in order to move forward.

Public Comment:

Tod Ferguson: owner, 1971 North Union Street, stated that he did check into other accessory structures in the area but they were built prior to 1998 when the code changed. He explained that he referenced this at the last meeting to show that this would not change the character of the neighborhood and this would not be a precedent set by this board.

Public Hearing Closed

Jim Zollweg stated that the board must be convinced that the structure could not be smaller and it is the applicant's duty to convince the board. The applicant stated he understands. Chairperson Robillard asked the applicant if he would be accepting of another tabling or would he like the board to make a determination. The applicant stated that he would like to do what needs to be done to make this right. After some discussion about the total square footage, Chairperson Robillard stated that because there is some confusion about the square footage being requested the board needs accurate information regarding that.

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 November 19, 2015 meeting. In making the motion to table this, the applicant has indicated he is in favor of, this will provide the time required for the applicant to provide the Building Department the following specific requirements by October 30, 2015. The applicant shall provide a much more detailed layout with measurements for the items which will be in the proposed structure and the existing shop so the board will have a meaningful understanding of the use of storage space. Also demonstrate why the square footage of this structure cannot be minimized either to comply with current code or smaller than what is being proposed. The Building Department has indicated that the carport will not be included in the total square footage and therefore not part of the application. Based on this the board needs accurate information provided for the square footage of the existing and proposed building and also pertaining to the carport square footage.

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).

Stacey Cudzilo, owner, explained she provided all of the information she could, but that she called Monroe County to get a final map of the septic system and lines and they did not have one in their files for this property. She was able to obtain from the town a map but not the final. Ms. Cudzilo explained that the sewage pump was replaced in April so they were able to somewhat figure out where the line runs. Dennis Scibetta stated that it is a raised bed in the rear. She left a 12' buffer so that if there were the need to do any repairs to the system it could be done. There is a small retention pond about 62' from the property line.

Public Comment: None

Public Hearing Closed

After discussion, a **Motion** was made by Tim Thomas to **approve** 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). In making the motion to approve the application, it was noted that the applicant did provide the board all of the information that was requested to their satisfaction.

- The benefit cannot be achieved by other means feasible to the applicant. The positioning of the proposed barn being 70' from the property line is actually the only option available to them due to

the pond to the south, the septic line that runs between the proposed barn and the property line and a small retention pond northeast of the barn and the property line. These reasons make this the only feasible place to put the barn.

- There will be no undesirable change in neighborhood character or to nearby properties. The barn is sitting at least 1200 feet from the main roadway and there is vegetation and other natural barriers to obstruct this from the road.
- The request is somewhat substantial because the code does call for 100 feet but this is significantly mitigated by the fact of the ponds and the septic line on the property.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is not self-created because of the aforementioned location of the pond, the septic line and the retention pond. 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 approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

NEW BUSINESS

3. ROBERT YOHE – 129 DUNBAR ROAD

The application of Robert Yohe, owner, for an area variance at 129 Dunbar Road. The property has an existing 80 square foot accessory structure and the applicant is proposing to construct a 1,536 square feet storage building which would bring the total area of accessory structures to 1,616 square feet. He is requesting relief from Town Zoning Article V, subsection 165-33.C.2 which states in part that the total area of accessory structures shall not exceed 600 square feet. This property is currently zoned Medium Density Residential (MD).

Robert Yohe explained that he lives at 113 Dunbar Road which is adjacent to the property at 129 Dunbar Road that he recently purchased. He stated that 129 Dunbar is a little over 3 acres and 113 Dunbar is 3.6 acres. He stated that the 80 square foot metal shed has been removed and he will be removing the barn/garage because it is in poor shape. He would like to extend the driveway back to the proposed building in order to access it. He provided the board with a layout and dimensions of what will be stored inside the building in order to demonstrate the need for the size. There was discussion that if he moved this to where the current barn/garage is he would not need the variance, but then if he ever wanted to add a garage then he would need a variance in the future.

Board Discussion: Dennis Scibetta 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 asked where all the items are stored now. The applicant explained that some of it is stored outside and some is at a friend's house, this would allow him to keep his belongings in one spot and keep them secure. Mr. Yohe also explained that it is costing him more money to place this building further back but he wanted to do that so that it will keep it out of the neighbor's site line. Tim Thomas stated that the information provided was very telling and descriptive. Chairperson Robillard asked if the applicant was going to live in the house at 129 Dunbar. The applicant stated no.

Public Comment:
Public Hearing Closed

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of Robert Yohe, owner, for an area variance at 129 Dunbar Road. The property no longer has an existing 80 square foot accessory structure, so this motion grants relief from Town Zoning Article V, subsection 165-33.C.2 which states in part that the total area of accessory structures shall not exceed 600 square feet. This motion grants a total of 1,536 square feet of accessory storage on this property. This property is currently zoned Medium Density Residential (MD). In making this motion the balancing test was considered.

- The benefit cannot be achieved by other means feasible to the applicant. Based on the information provided to the board which listed and mapped all of the items that will go into the structure, it has been determined that there would be no other means to store these belongings in a smaller structure.
- There will be no undesirable change in neighborhood character or to nearby properties. The applicant has assured us that this location of the new structure will coordinate not conflict with the neighbors and the neighborhood.
- The request is substantial and is larger than the allowable size of 600 square feet.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created; however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community. As part of this application being approved, it was noted that the 80 square foot structure has already been removed and the existing 24.5' x 18.61' structure in poor repair will be removed prior to the installation of the new building.

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

MINUTES OF SEPTEMBER 17, 2015

The ZBOA minutes of September 17, 2015 were reviewed. **Motion** was made by Jim Zollweg to **approve** the September 17, 2015 minutes as presented. **Seconded** by Dan Melville. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, seconded by Jim Zollweg to adjourn the meeting at 8:49 p.m. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

Respectfully submitted,

Carrie Webster
Recording Secretary