

**TOWN OF PARMA
ZONING BOARD OF APPEALS
FEBRUARY 16, 2022**

Members Present: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams, Jack Barton, Alternate

Members Excused: Veronica Robillard

Others Present: Mark Lenzi, Dave Ciufu

Public Present: Dave Inclema, Ryan Stephens, Jack Edmond, Gina Edmond

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 and noted notice of the meeting was published in the Suburban News, on the Town Bulletin Board, and on the Town website. Residents within 500 feet of an application were notified in writing. He noted this is a five-member board with 5 seated members. A quorum of three is required to pass a motion. He introduced the members of the Board, Secretary and Executive Secretary.

MINUTES OF JANUARY 19, 2022

The ZBOA minutes of January 19, 2022, were reviewed. **Motion** was made by Stephen Shelley to approve the January 19, 2022, minutes as presented. **Seconded** by Greg Colavecchia. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

Abstain: Jack Barton

NEW BUSINESS

1. FRANK SURACE, OWNER OF 102 CRIMSON WOODS

The applicant is requesting relief from Town Zoning, Article X, subsection 165-82(C)(3) to allow the placement of an electrical standby generator located in the front yard on the Manitou Road side of the property. Town code allows for a generator to be placed in the side and rear yards. This property is a corner lot and is zoned Rural Residential.

Board Discussion: Mark Lenzi reported notifications were not in order as required and this will be tabled to the next meeting.

A motion was made by Greg Colavecchia to **table** the application of Frank Surace, owner of 102 Crimson Woods to the March 2022 Zoning Board of Appeals meeting so neighborhood notifications can be mailed timely.

Seconded by Jack Barton. **Motion carried to approve (5-0)**

Ayes: Jack Barton, Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

2. JACK EDMOND, OWNER OF 1074 CLARKSON PARMA TOWN LINE ROAD

The applicant is requesting relief from Town Zoning, Article X, subsection 165-82(C)(3) to allow the construction of a 40' x 48' detached garage located in the front yard on the Burritt Road side of the property. Town Code allows for a detached garage to be placed in the side and rear yards. This property is a corner lot and is zoned Agricultural Conservation.

Board Discussion: Mark Lenzi reported notifications were in order, the request was returned by Monroe County with no comment. This is a Type II action; no further review required. There were no letters in the file.

Jack Edmond, owner, explained that he is demolishing the current dilapidated garage on the property and looking to replace the structure. It will have the same footprint only slightly bigger than before. This is a corner lot, and the location is considered the front yard even though it looks like it is in the side and rear. It was clarified by the Board that the applicant is not here for the size of the structure just the placement.

Public Comment: None

Public Hearing Closed

A motion was made by Jack Barton to **approve** the application of Jack Edmond, owner of 1074 Clarkson Parma Town Line Road, to allow the construction of a 40' x 48' detached garage located in the front yard on the Burritt Road side of the property **granting** relief from Town Zoning Article X, subsection 165-82(C)(3). Town Code allows for a detached garage to be placed in the side and rear yards. This property is a corner lot and is zoned Agricultural Conservation. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. This is a replacement of the existing garage and will be located in the same place.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial, but the applicant has shown the need with his submittals.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is not* self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Greg Colavecchia. **Motion carried to approve (5-0)**

Ayes: Jack Barton, Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

3. DAVID INCLEMA JR., OWNER OF 160 TRIMMER ROAD

The applicant is requesting relief from Town Zoning, Article V, subsection 165-32(C)(2) and Article X, subsection 165-82(C)(2) for the proposed construction of a 3680 sq. ft. pole

barn with a wall height of 16ft. Town Code limits accessory structures to 1500 sq. ft. with a maximum wall height of 12'. The property is zoned Rural Residential.

Board Discussion: Mark Lenzi reported notifications were in order, the request was returned by Monroe County with no comment. This is a Type II action; no further review required. There were no letters in the file.

David Inclema, owner, explained the building will be to store equipment to maintain his property inside. Acting Chairperson Melville asked where the equipment is currently stored. The applicant said the equipment is being stored at his friends' houses. Acting Chairperson Melville asked what kind of business he runs. The applicant stated a concrete business. It was asked if he uses the equipment being stored for his business. He said no, he uses the equipment on his property only. Acting Chairperson Melville asked if there would be electric and concrete floor. The applicant stated yes, eventually.

Jack Barton asked what the setback would be. The applicant said it will be 150' from the road and surrounded by woods. Jack Barton asked why the height. The applicant said his camper is 13'4" so he needs 14' doors necessitating the 16' height. Acting Chairperson Melville is concerned with the size of this and asked if the applicant could go smaller. The applicant stated he did not want to make it smaller, so he did not need to come back in the future if he did not have enough room and he does not want to leave items outside. Ann Williams asked if he owned property next to this or behind him. He said he did. The applicant stated that all vehicles are for personal use not for a business, they are registered and insured.

The structure will be built to match the house and orientated so the gable end (46') will be facing the road, there would be no doors on the gable end. Ann Williams asked if there would be a driveway for access. The applicant said there would be a separate driveway that would access the south side of the building.

Mark Lenzi feels this is a reasonable request. Storing the equipment inside will keep the equipment safe and in good condition. Allowing this will help there from being outside storage issues with the Town and Code Enforcement and looks nicer to people passing by. Jack Barton feels even though this is substantial in size it is nicer to have the stuff stored inside. Stephen Shelley feels it is not unreasonable given the orientation.

Greg Colavecchia asked if the house has a garage. The applicant said it is a two-car garage.

Public Comment: None
Public Hearing Closed

A motion was made by Jack Barton to **approve** the application of David Inclema Jr., owner of 160 Trimmer Road for the proposed construction of a 3680 sq. ft. pole barn with a wall

height of 16ft. **granting** relief from Town Zoning, Article V, subsection 165-32(C)(2) and Article X, subsection 165-82(C)(2). Town Code limits accessory structures to 1500 sq. ft. with a maximum wall height of 12'. The property is zoned Rural Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant showed the need for the size of the building with a scaled layout provided to the Board. The equipment has been stored at different locations and this will allow the applicant to bring the equipment to his property and keep it safe and looking nice.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is definitely* substantial; however, the applicant showed the need to keep the equipment inside on his property.
- 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.

It was noted that this will sit at least 150' from the right of way with the 46' gable end facing the road. The applicant stated tonight that this is not for commercial use and it was explained to the applicant that it cannot be used commercially.

Seconded by Stephen Shelley.

Greg Colavecchia feels this property is unique with the size of the property and location of the structure. The applicant showed the need with a detailed layout, and he does not feel limiting the size will be helpful and would only leave equipment outside in the elements and in view of people passing by.

Motion carried to approve (4-1)

Ayes: Jack Barton, Greg Colavecchia, Stephen Shelley, Ann Williams

Nay: Dan Melville

Excused: Veronica Robillard

ADJOURNMENT

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 7:42 p.m. **Seconded** by Greg Colavecchia. **Motion carried to approve (5-0)**

Ayes: Jack Barton, Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary