

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
SEPTEMBER 21, 2022**

**Members Present:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams,

**Excused:** Jack Barton, Alternate

**Others Present:** Mark Lenzi, Dave Ciufu

**Public Present:** Brenda Langrazio, Carol Malone, Bill Cranker, Sue Toal, Holly McLaren, David Breslawski, Rebecca Breslawski, Pascal LaBarbera, Matt Beres

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 five seated members presented. A quorum of three is required to pass a motion.

**MINUTES OF AUGUST 21, 2022**

The ZBOA minutes of August 21, 2022, were reviewed. **Motion** was made by Dan Melville to approve the August 21, 2022, minutes as presented.

**Seconded** by Stephen Shelley

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

**TABLED FROM THE JULY 20, 2022, MEETING**

**1. CAROL MALONE, OWNER OF 208 COLLAMER ROAD**

The applicant is requesting relief from Town Zoning, Article VII, subsection 165-41(B) (Permitted Principal Uses), to allow the use of a construction business with an equipment repair shop facility and outdoor storage of materials and equipment. This property is currently zoned Light Industrial.

Chairperson Robillard said this was tabled so the prospective buyer could attend the meeting and provide additional information. Chairperson Robillard noted there was another fire since the meeting, she asked if there was additional damage. Ms. Malone said the damage was minimal and it was ruled an arson, this is the 4<sup>th</sup> arson at the property. She provided pictures of the building damage to the Board. Ms. Malone said the Town started action to have the structure demolished; she does not have the funds to do that, so the cost would be added to her taxes, which she will not be able to pay.

Matthew Beres said he is the prospective buyer, and his goal would be to make this 3-story building a 1 story building; if it is determined it is not safe enough to renovate to a 1 story structure then he will do a complete demo. The engineer he spoke to believes the building is structurally sound enough to renovate into 1 story, the damage is from the roof falling into the

building, not the walls. He understood he will be responsible for either repairing or demolishing the building and understands Code Enforcement action has commenced by the Town. He stated he will initially secure and clean up the property so no one can continue trespassing into the structure. Mr. Lenzi stated the applicant will have to provide an Engineer's Report to the Town. The Town will work with the applicant to get the property secured and up to code.

**Board Discussion:** Mark Lenzi reported notifications were in order. Mark Lenzi said this is not a Type 2 action as stated in the July 20, 2022, minutes. This would be an unlisted action. This is a local matter and no further review from Monroe County is required. There were no new letters in the file. The Building Department feels this is a close use to what is allowed; the prospective buyer's ability to repair the building will be a benefit to the Town and community.

There was discussion with Mr. Beres about his plans for the property. Mr. Beres said he has a construction business, and he wants to store equipment, stone, materials, and tools on the property and in the building. He will eventually fence in the property and add a berm to make the property look nice. He currently owns property on Bennett Road, and he needs to move all of the equipment from that property, and he would like to store it on this property. His equipment includes tractor, trailers, bulldozer, excavator, skid steer and attachments. Mark Lenzi said if this is approved, he will have to go to Planning Board for site plan approval. Greg Colavecchia asked if this will increase traffic in the area. The prospective buyer said traffic depends on the jobs; there may be some random traffic and not every day. This will be mostly quiet.

**Public Comment:**

Sue Toal, 197 Collamer Road, said she is very happy something positive can happen on this property.

Holly McLaren, 193 Collamer Road, feels this is positive for the neighborhood and cannot think of anything else that would be able to be in this location.

**Public Hearing: Closed**

Mark Lenzi read through SEQR Short Environmental Form Parts 1, 2 and 3. The Board reviewed Part 2 of SEQR and answered "no or small impact" to all questions.

**SEQR DETERMINATION**

**A motion** was made by Greg Colavecchia, to designate this an unlisted action under SEQRA; the Zoning Board of the Town of Parma determined there will be no significant adverse impact on the area and declared a negative declaration.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

**A motion** was made by Ann Williams to **approve** the application of Carol Malone, owner of 208 Collamer Road, to allow the use of a construction business with an equipment repair shop facility and outdoor storage of materials and equipment granting relief from Town Zoning, Article VII, subsection 165-41(B) (Permitted Principal Uses). This property is zoned Light Industrial. The Board finds the following:

- The applicant cannot realize a reasonable return and showed this with financial evidence. The applicant showed that she was unable to sell the property in its current condition and has lowered the sale price substantially. Mark Lenzi stated they had several calls for people interested in the property until they found out they could not do what they wanted on the property and no offers were received until this one.
- The alleged hardship is unique and does not apply to substantial portion of district or neighborhood. There are unique circumstances, and the previous use is not applicable in this day and age.
- The requested variance will not alter essential character of the neighborhood. It will in fact positively increase the view to residents in the area and will be a better use while making the premises safer and nicer. There were two neighbors in the audience who stated this will be an improvement to the neighborhood.
- The alleged hardship has not been self-created.
- Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

The following conditions will apply:

1. The hours to be 6 a.m. to 9 p.m.
2. Storage will be limited to the rear of the property with proper screening approved by the Planning Board.
3. Site plan will be approved through the Planning Board.
4. Lighting plan to be approved by the Planning Board as to not be intrusive to the neighbors but will add to the safety and security of the neighborhood. If the lighting is deemed to be intrusive an adjustment can be determined with the Building Department.
5. The applicant must adhere closely to the timeline he provided in his business plan and will be enforced through the Building Department.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

### **NEW BUSINESS**

#### **2. MARK and BRENDA PANGRAZIO, OWNERS OF 1340 HILTON PARMA CRS. RD**

The applicant is requesting relief from Town Zoning Article V, subsection 165-31 (E)(1) for the proposed placement of a 12 x 24 storage structure located in the rear yard. The storage structure is proposed to have a 16' setback from the rear property line. Town Code requires a 25 ft. setback. This property is zoned Agricultural Conservation.

Mark Pangrazio, owner, said he has a 12x16 shed on the property that is in disrepair he will be tearing down; he would like to use the same footprint to erect a 12x24 shed on the property in its place. He cannot move this further due to the leach field and mature trees on the property. The setback will be the same as the current shed and will run parallel to the fence. The second shed on the property is staying.

**Board Discussion:** Mark Lenzi reported notifications were in order. This is a local matter and a Type II action; no further review required. There were no letters in the file.

**Public Comment:** None

**Public Hearing:** Closed

**A motion** was made by Greg Colavecchia to **approve** the application of Mark and Brenda Pangrazio, owner of 1340 Hilton Parma Corners Road for the placement of a 12 x 24 storage structure in the rear yard with a 16 ft. setback from the rear property line granting relief from Town Zoning Article V, subsection 165-31 (E)(1). Town Code requires a 25 ft. setback. This property 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. The shed will sit in the same footprint as the current shed and the applicant is looking to replace with a newer structure. The Board is not looking at the size of the structure; only the setback. The applicant is unable to move the structure because of mature trees and the leach field on the property.
- There will be *no* undesirable change in neighborhood character or to nearby properties. The dilapidated shed will be removed and replaced with a newer structure at the same setback.
- The request *is* substantial. The current shed sits at the same setback as the proposed structure.
- 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. There is no residential housing behind the applicant. Based on review of the survey map the current shed is at a 7.9-foot setback and a setback of 16 ft. will be less of a variance than the previous structure. The Board is approving a 16 ft. setback.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

### **3. GERARD SANTANGELO, JR., OWNER OF 64 E. WAUTOMA (DELAVERGNE DR)**

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (C)(7) for the placement of an 8 x 8 storage shed located on the roadside of the property. The shed is proposed to have a 2.5 ft. setback and an 18 ft. setback from the road edge. Town Code requires a 10 ft. side setback and a 25 ft. setback from the street line. This property is zoned Waterfront Residential.

Mark Lenzi noted the applicant is unable to attend the meeting tonight due to illness.

**A motion** was made by Stephen Shelley to **table** the application of Gerard Santangelo, Jr., owner of 64 E. Wautoma (Delavergne Dr) for the placement of an 8x8 storage shed located on the roadside of the property to the October 2022, Zoning Board meeting without prejudice due to illness.

**Seconded** by Ann Williams

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

**4. REBECCA BRESLAWSKI, OWNER OF 487 NORTH AVENUE**

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (E)(3) for the placement of a 12 x 28 (336 sq. ft.) detached garage located on the property in the side yard. The existing garage is under contract to be converted to living space making this the garage serving the property. Town Code requires a garage in this district to be a minimum of 14 ft. in width and a minimum of 280 sq. ft. This property is zoned Medium Density Residential.

**Board Discussion:** Mark Lenzi reported notifications were in order. This is a local matter and a Type II action; no further review required. There were no letters in the file. Mark Lenzi noted this is unique because code says you need a garage, and his garage is being renovated to living space.

It was clarified among the Board and applicant what sheds are currently on the property. The two sheds to the rear SW side of the property are their sheds; the other sheds are not. The applicant said the shed closer to the house will be removed; that has deteriorated from water runoff on the property. Ann Williams asked why they cannot do a 14 ft width. The applicant said when they ordered it; the largest garage that can be transported is 12 ft. wide and he did not know there was a 14ft. minimum width requirement. If they go any larger it will encroach into the setback. Chairperson Robillard asked if there is a contract in place to renovate the current garage. The applicant said they contracted with Fitch Construction and put the down payment down. Dan Melville asked why not build an attached garage. The applicant stated it is very expensive to do that.

**Public Comment:** None

**Public Hearing:** Closed

**A motion** was made by Ann Williams to **approve** the application of Rebecca Breslawski, owner of 487 North Avenue, for placement of a 12 x 28 (336 sq. ft.) detached garage located in the side yard granting relief from Town Zoning Article V, subsection 165-33 (E)(3). The existing garage is under contract to be converted to living space making this the garage serving the property. Town Code requires a garage in this district to be a minimum of 14 ft. in width and a minimum of 280 sq. ft. This property is zoned Medium Density Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant due to current construction costs.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is definitely* substantial; however, the applicant showed getting the structure transported dictated the size.
- There will be *no* adverse physical or environmental effects.

- The alleged difficulty is self-created but is needed because of the conversion of the current garage to living space. 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 approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

### **5. ALBERT DiPASQUALE, OWNER OF 704 PARMA CENTER ROAD**

The applicant is requesting relief from Town Zoning Article X, subsection 165-82 (C)(2) and Article V, subsection 165-31 (C)(2) for the proposed construction of a 3120 sq. ft. pole barn with 16 ft. tall walls. Town Code allows a one-story accessory structure limited to 2000 sq. ft. with a wall height not to exceed 12 ft. This property is zoned Agricultural Conservation.

Bill Cranker, builder for the applicant said he is asking for a variance for height and size of the accessory structure. Chairperson Robillard asked if there was a primary structure. Mr. Cranker said not yet; building of the primary structure will be starting in a few weeks. The Site Plan for both structures have been approved through Planning Board. The primary structure and the accessory structure will be built at the same time.

**Board Discussion:** Mark Lenzi reported notifications were in order. This is a local matter and a Type II action; no further review required. There were no letters in the file. Mark Lenzi thinks getting the variance and building permit at the same time is okay. The Site Plan has already been approved.

The house will be 1860 sq. ft. and the proposed accessory structure will be 3120 sq. ft. Chairperson Robillard has concerns that the accessory structure will be substantially bigger than the house. Mary Joe Schmidt said part of the square footage included is a lean to and not enclosed. Dan Melville asked why they need the height? The applicant said it is to accommodate their camper which dictates the need of 16' height walls to encompass 14' doors. The vehicles being stored in the structure are all owned by the applicants and include a camper, trailers, two pick up trucks. Ann William asked if they have a business. The applicant said no.

The structure will be 509' from the right of way with 86' side setback on a 10.88-acre lot. The property is tree lined and has farmland around it. Chairperson Robillard asked if the applicant had considered a smaller structure. The builder stated they did but it did not make sense to go smaller.

**Public Comment:**

Pat LaBarbara, 700 Parma Center asked where the pole barn will be on the property. The builder said the north side.

**Public Hearing: Closed**

Ann Williams said ultimately the building is 3120 sq. ft. with a 720 sq. ft. open lean to; the enclosed space will be 2400 sq. ft.

**A motion** was made by Greg Colavecchia to **approve** the application of Albert DiPasquale, owner of 704 Parma Center Road, for the proposed construction of a 3120 sq. ft. pole barn with 16 ft. tall walls granting relief from Town Zoning Article X, subsection 165-82 (C)(2) and Article V, subsection 165-31 (C)(2). Town Code allows a one-story accessory structure limited to 2000 sq. ft. with a wall height not to exceed 12 ft. This property 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. The purpose of the 16 ft. wall height is to facilitate the storage of the camper necessitating 14' tall doors. The layout provided indicates the needs for the size and space in the structure. The equipment being stored are all personal items. The items include tractor and attachments, travel trailer, mower and trailer, personal vehicles, 4-wheelers, snow mobiles, tools, large ladders, and a generator. While 3,120 sq. ft. exceeds the minimum sq. ft. allowed by more than half, this is mitigated by the 720 sq. feet open lean to part of the structure resulting in the enclosed portion being 2400 sq. ft. This will make a difference in appearance and overall size of the building.
- There will be *no* undesirable change in neighborhood character or to nearby properties; the neighbor was present and testified he was okay with the application.
- The request *is* substantial. The lot size is over 10 acres and the structure will not be visible from the road; this would have much more of an undesirable look on a smaller lot.
- 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.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Greg Colavecchia to adjourn the meeting at 8:58 p.m.

**Seconded** by Ann Williams.

**Motion carried to approved (5-0)**

**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams

**Excused:** Jack Barton

Respectfully submitted,

Carrie Fracassi  
Recording Secretary