

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

**Members Present:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton, alternate

**Members Excused:** Veronica Robillard

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

**Public Present:** Kris Schultz, Rick Lemcke, Ann Johnson, Helen Gordon

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 four seated members presented. A quorum of three is required to pass a motion. Acting Chairperson Melville introduced members of the Board and side table.

**MINUTES OF NOVEMBER 16, 2022**

**1. Review Minutes from the November 16, 2022, Zoning Board Minutes**

The ZBOA minutes of November 16, 2022, were reviewed. **Motion** was made by Stephen Shelley to **approve** the November 16, 2022, minutes as presented.

**Seconded** by Ann Williams

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

**TABLED FROM THE OCTOBER 19, 2022, MEETING**

**2. PETER McMANN, OWNER, 5412 RIDGE ROAD WEST**

The applicant is requesting relief from Town Zoning, Article VI, subsection 165-40 D, Special Permitted Uses, to allow the use of an animal boarding facility subject to, Article IX, subsection 165-57. Owner is requesting relief from Article IX, subsections 165-57 (A) & (D) to allow the animal boarding facility on a lot with 3.96 acres and with a building located approximately 20' from the road and 30' from the side property line. This property is zoned Highway Commercial.

**The applicant has withdrawn the application.**

**3. DONALD FITCH, OWNER, 157 DEAN ROAD (was Agenda Item 6)**

The applicant is requesting a special permit from the Zoning Board of Appeals in accordance with Town Zoning, Article V, subsection 165-32 (D)(12) for a 782 Sq. Ft., accessory apartment. The special permit request is subject to the requirements of Town Zoning Article IX, subsection 165-76. The accessory apartment is proposed to meet the requirements of this section. This property is zoned Rural Residential.

**Board Discussion:** Mark Lenzi reported notifications were not in order; the applicant is aware and this should be tabled.

A **motion** was made by Jack Barton to **table** the application of Donald Fitch, owner, of 157 Dean Road, for a special permit from the Zoning Board of Appeals in accordance with Town Zoning, Article V, subsection 165-32 (D)(12) for a 782 Sq. Ft., accessory apartment to the January 2023 Zoning Board of Appeals meeting based on notifications not being in order.

**Seconded** by Stephen Shelley

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

#### **4. RICHARD LEMCKE, OWNER, 76 DEAN ROAD**

The applicant is requesting relief from Town Zoning Article V, subsection 165-32 (E)(1) (Schedule I) to have a property split/merged to create a new property with a lot width of 200.89 ft., a depth of 260 ft. and an area of 1.81 acres. Town Code requires a lot width of 260 ft., depth of 300 ft. and an area of 2 acres. This property is zoned Rural Residential.

Kris Schutlz, representing the applicant. This application has been through Planning Board. The applicant will be merging two parcels and splitting off a small piece of a third lot to create a building lot that will more closely be in line with the code. The properties are owned by the same person and are vacant land.

**Board Discussion:** Mark Lenzi reported notifications were in order. Comments were received from Monroe County, and this is an unlisted action. SEQR for the zoning will be reviewed tonight. There were no letters in the file.

#### **Public Comment:**

Kevin Deal, 85 Dean Road said he is good with the application.

#### **Public Hearing: Closed**

Acting Chairperson Melville read through SEQR Part 2. All questions were answered as no, or small impact may occur.

After review, a **motion** was made by Jack Barton to identify this application after an uncoordinated review looking at Zoning Only as an unlisted action. This Board gives a Negative Declaration with no impact to the Zoning.

**Seconded** by Ann Williams

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

**A motion** was made by Ann Williams to **approve** the application of Richard Lemcke, owner, of 76 Dean Road, for relief from Town Zoning Article V, subsection 165-32 (E)(1) (Schedule I) to have a property split/merged to create a new property with a lot width of 200.89 ft., a depth of 260 ft. and an area of 1.81 acres. Town Code requires a lot width of 260 ft., depth of 300 ft. and an area of 2 acres. This 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.
- There will be *no* undesirable change in neighborhood character or to nearby properties. Most of the neighboring lots have a width smaller than what is being proposed here.
- The request *is not* substantial; there is no way to adjust this.
- 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.

This approval will be creating a lot that will be closer in compliance with the code and removing a land locked parcel.

**Seconded** by Stephen Shelley

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

#### **5. SLAVIC PENTECOSTAL CHURCH, OWNER, 4925 RIDGE ROAD WEST**

The applicant is requesting modification to their existing special permit and relief from Town Zoning Article V, subsection 165-33 (C)(2) and Article X, subsection 165-82 (C)(2) for the proposed construction of a 2454 Sq. Ft. Accessory Structure addition with 16.5 ft. walls for storage. The total size of the accessory structure will be 4,118 Sq. Ft. The total of all accessory structures will be approximately 5,728 Sq. Ft. Town Code limits accessory structures to 600 Sq. Ft. total with a wall height not to exceed 12 ft. This property is zoned Medium Density Residential.

Kris Schultz, is looking to amend the special permit because they are looking to make a change to the building on the property. The applicant is asking for approval to add an addition to the barn in the back of the property to store lawn and snow removal equipment. The property is over 12 acres, and it takes a lot to maintain it. This will not be visible from Ridge Road.

**Board Discussion:** Mark Lenzi reported notifications were in order. Comments from the County have not been received; this is an unlisted action. There were no letters in the file. Mark Lenzi feels this is a reasonable request.

**Public Comment:** None

**Public Hearing:** Closed

Dan Melville reviewed SEQR part 2. All questions were answered as no, or small impact may occur.

After review, a **motion** was made by Jack Barton to identify this application after an uncoordinated review as an unlisted action. This Board gives a Negative Declaration with no impact to the Zoning.

**Seconded** by Stephen Shelley

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

A **motion** was made by Stephen Shelley to **approve** the application of Slavic Pentecostal Church, owner, of 4925 Ridge Road West, for modification to their existing special permit and relief from Town Zoning Article V, subsection 165-33 (C)(2) and Article X, subsection 165-82 (C)(2) for the proposed construction of a 2454 Sq. Ft. Accessory Structure addition with 16.5 ft. walls for storage. The total size of the accessory structure will be 4,118 Sq. Ft. The total of all accessory structures will be approximately 5,728 Sq. Ft. Town Code limits accessory structures to 600 Sq. Ft. total with a wall height not to exceed 12 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. The applicant has over 12 acres of land to maintain, and equipment used to maintain the property needs to be stored.
- There will be *no* undesirable change in neighborhood character or to nearby properties. This will be at least 1000 feet from the road and will not be seen.
- The request *is not* substantial because of the size of the property and the placement, it will be unable to be seen.
- 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.

Relevant to the Special Permit portion of the approval, the Special Permit belongs to the applicant only and is not transferable.

**Seconded** by Jack Barton

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

#### **6. HELEN GORDON, OWNER, 11 ALDER BEACH ROAD**

The applicant is requesting relief from Town Zoning Article V, subsection 165-35 (E)(1) (Schedule 1) for the placement of an electrical stand by generator located on the east side of the home with a 5 ft. side setback. Town Code requires a 10 ft. side setback. This property is zoned Waterfront Residential.

Helen Gordon, owner said she wants to put in a standby generator. She said she talked to the neighbor to the east who did not have an issue with the placement. There is no other place for this on the property.

**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 Jack Barton to **approve** the application of Helen Gordon, owner, of 11 Alder Beach Road, for relief from Town Zoning Article V, subsection 165-35 (E)(1) (Schedule 1) for the placement of an electrical stand by generator located on the east side of the home with a 5 ft. side setback. Town Code requires a 10 ft. side setback. This property is zoned Waterfront Residential. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant based on the footprint of the house and the lot size.
- There will be *no* undesirable change in neighborhood character or to nearby properties. The applicant testified the neighbor has no issue with this.
- The request *is not* substantial.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created, based on the need for backup power. 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 (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

### **INFORMATIONAL**

Mark Lenzi said the Town Attorney will be attending all Zoning Board meetings beginning in 2023.

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 7:48 p.m.

**Seconded** by Stephen Shelley

**Motion carried to approved (4-0)**

**Ayes:** Dan Melville, Stephen Shelley, Ann Williams, Jack Barton

**Excused:** Veronica Robillard

Respectfully submitted,

Carrie Fracassi  
Recording Secretary

