

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
MARCH 15, 2023**

**Members Present:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren,

**Others Present:** Mark Lenzi, Dave Ciufu, Jack Barton, Alternate  
Maureen Werner, Town Attorney

**Public Present:** Donald Smith, Terry Smith, Michael Davidson, Teresa Wendorff

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

**MINUTES OF FEBRUARY 15, 2023**

**1. Review Minutes from the February 15, 2023, Zoning Board Meeting**

The ZBOA minutes of February 15, 2023, were reviewed. **Motion** was made by Stephen Shelley to **approve** the February 15, 2023, minutes as amended.

**Seconded** by Spencer Wren

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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

**NEW BUSINESS**

**2. MICHAEL DAVIDSON, OWNER, 240 HAMLIN PARMA TOWN LINE ROAD**

The applicant is requesting relief from Town Zoning Article X, subsection 165-82 (C)(2) for the proposed construction of a 1728 sq. ft. accessory structure with 14' walls for storage. Town Code requires a wall height not to exceed 12 ft. This property is zoned Agricultural Conservation.

**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 feels this is a reasonable request.

Michael Davidson, the owner, said he is looking to construct the accessory structure to store belongings. The reason for the 14' side wall is to accommodate the storage of his camper inside the building which is currently stored outside. The applicant said his property is 8 acres and will sit between 200' – 300' off the road. The applicant stated he will be taking down all other structures currently on the property.

**Public Comment:** NONE

**Public Hearing:** Closed

**A motion** was made by Dan Melville to **approve** the application of Michael Davidson, owner, of 240 Hamlin Parma Town Line Road, for relief from Town Zoning Article X, subsection 165-82 (C)(2) to construct of a 1728 sq. ft. accessory structure with 14' walls for storage. Town Code

requires 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. Storage of the camper requires 14' walls to get the camper in and out of the structure.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is somewhat* substantial; this will sit over 200' off the road and will not obstruct anyone's view. As the applicant stated, all other structures on the property will be removed, excluding the garage.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is somewhat 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 Stephen Shelley

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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

### **3. DON SMITH, OWNER, 74 CLEARVIEW AVENUE**

The applicant is requesting relief from Town Zoning Article V, subsection 165-35 (E)(1), Schedule I for the placement of a standby generator located on the south side of the home with a 5 ft. rear setback. Town Code requires a 10 ft. rear setback. This property is zoned Waterfront 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 feels this is a reasonable request.

Terry Smith, the contractor, said the placement of the generator is due to the layout of the property and other existing structures/additions already on the property. There was discussion about the noise on the property from the generator. The owner said the current generator is manual and is much louder than this will be. Don Smith said he needs this generator because he resides on the lake and has to keep his electricity running to avoid flooding. The placement of the generator will meet all state and national codes.

**Public Comment:** NONE

**Public Hearing:** Closed

A **motion** was made by Stephen Shelley to **approve** the application of Don Smith, owner of 74 Clearview Avenue, for relief from Town Zoning Article V, subsection 165-35 (E)(1), Schedule I for the placement of a standby generator located on the south side of the home with a 5 ft. rear setback from the south side of the generator to the property line; Town Code requires a 10 ft. rear 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. The contractor on behalf of the applicant provided information as to why the generator cannot be located differently.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. Given the decibel amounts, it was not felt noise would be an issue.
- The request *is* substantial.
- 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 Dan Melville

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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

#### **4. GREECE RIDGE STORAGE LLC, OWNER, 4671 RIDGE ROAD WEST**

The applicant is requesting relief from Town Zoning Article VI & XVI, subsection 165-39 (E)(1) & 165-125 Schedule II (165 Attachment 2) for the construction of a 6,000 sq. ft. commercial storage building addition with 10 parking spaces. Town Code requires a 100 ft. front setback and 1 parking space for every 1,000 sq. ft. of gross floor area. This property is zoned General Commercial.

**Board Discussion:** Mark Lenzi reported notifications were in order. This is a local matter. The Planning Board will be lead agent for the application. There were no letters in the file.

Richard Grewal, Landtech, stated that this is the same applicant previously in front of the Board. The time expired prior to permits being pulled so they had to come back and get approval again. This will be a 1 story building to match the current structures on the premises. The current building coverage is 28.2%.

**Public Comment:** NONE

**Public Hearing:** Closed

There was a discussion about SEQR and the Planning Board acting as lead agent.

A **motion** was made by Stephen Shelley to acknowledge the Parma Planning Board as lead agent for this application.

**Seconded** by Ann Williams

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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

A **motion** was made by Ann Williams to **approve** the application of Greece Ridge Storage LLC, owner of 4671 Ridge Road West for relief from Town Zoning Article VI & XVI, subsection 165-39 (E)(1) & 165-125 Schedule II (165 Attachment 2) for the construction of a 6,000 sq. ft. commercial storage building addition at a 68' front setback with 10 parking spaces. Town Code requires a 100 ft. front setback and 1 parking space for every 1,000 sq. ft. of gross floor area.

This property is zoned General Commercial. 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 and will in fact improve with the removal of the house that sits very close to the road.
- The request *is* substantial. This type of business does not require all of the parking that is required under the code.
- 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 is conditioned on the house being removed for the property and the applicant applying and receiving all permits required through the Building Department before any construction begins.*

**Seconded** by Stephen Shelley

There was discussion among the Board and the Town Attorney regarding the advertisement of this application. After further discussion the applicant has space to add two additional parking spaces as required under the code negating the need for approval regarding the parking spaces.

The applicant withdrew the portion of his application pertaining to the parking spaces. Ann Williams withdrew her motion and Stephen Shelley withdrew his 2<sup>nd</sup> on the motion.

**A motion** was made by Ann Williams to **approve** the application of Greece Ridge Storage LLC, owner of 4671 Ridge Road West for relief from Town Zoning Article VI, subsection 165-39 (E)(1) for the construction of a 6,000 sq. ft. commercial storage building with a 68' front setback. The Town Code requires a 100' setback. This property is zoned General Commercial.

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 and will in fact improve with the removal of the house that sits very close to the road.
- The request *is* substantial. The applicant showed there are no other options.
- 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 is conditioned on the house being removed for the property and the applicant applying and receiving all permits required through the Building Department before any construction begins.*

**Seconded** by Stephen Shelley

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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

## SPECIAL PERMIT RENEWALS

### 5. ANGELA STEVENS – 427 WILDER ROAD

Application was received from Angela Stevens, owner, for renewal of a Special Permit at 427 Wilder Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. The property is currently zoned High Density Residential (HD) which allows this use with a Special Permit.

There was discussion about the lateness of renewing this permit. While some of the lateness is due to the Building Department; the applicant did not follow up as stated in their approval. Chairperson Robillard wanted on the record that this issue is not new and has been a chronic issue for many years. Per the Zoning Enforcement Officer, the inspection showed no violations.

After discussion, a **Motion** was made by Ann Williams to **approve** the application of Angela Stevens, the owner, for renewal of a Special Permit at 427 Wilder Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Joanne Leo. **This Special Permit will need to be renewed in March 2025.** This property is currently zoned High Density Residential (HD) which allows this use with a Special Permit.

**Seconded** by Spencer Wren.

**Motion carried to approved (4-1)**

**Ayes:** Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

**Nay:** Dan Melville

### ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:15 p.m.

**Seconded** by Stephen Shelley

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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

Respectfully submitted,

Carrie Fracassi  
Recording Secretary