

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
MAY 17, 2023**

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

**Members Excused:** Ann William, Jack Barton, Alternate

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

**Public Present:** Carl Coapman, Esq., Ken Lendeck, Anna Fitch, Sharon Fitch,  
David W. Waldarek, Ron Pitti, Bill Bleier, Tim Hull, Tim Hull,  
Sr., Gunnar Hull, Mike Zillioux, John Ott

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

**MINUTES OF MARCH 17, 2023**

**1. Review Minutes from the March 17, 2023, Zoning Board Meeting**

The ZBOA minutes of March 17, 2023, were reviewed. A **Motion** was made by Dan Melville to **approve** the March 17, 2023, minutes as presented.

**Seconded** by Stephen Shelley

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

**NEW BUSINESS**

**2. KEN LENDECK, OWNER, 46 LAKESIDE BOULEVARD**

The applicant is requesting relief from Town Zoning Article V, subsection 165-35 (E) (1), Schedule I for the placement of an electrical standby generator located on the north side of the home with a 7' side setback. The Town Code requires a 10' side setback. This property is zoned Waterfront Residential.

Ken Lendeck said he wants to install a standby generator on the north side of his house. He said there have been many power outages that lasted up to 6 days and with the new sewer system being put in place he wants to be able to keep the power on.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; unlisted action and no further review required. There were no letters in the file.

**Public Comment:** NONE

**Public Hearing:** Closed

**A motion** was made by Spencer Wren to **approve** the application of Ken Lendeck, owner of 46 Lakeside Boulevard, for relief from Town Zoning Article V, subsection 165-35 (E) (1), Schedule I for the placement of a electrical standby generator located on the north side of the home with a 7 ft. side setback. The 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.
- There will be *no* undesirable change in the neighborhood character or to nearby properties.
- The request *is not* 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 Stephen Shelley

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

### **3. TREVOR OTT, OWNER, 642 PARMA CENTER ROAD**

The applicant is requesting relief from Town Zoning Article V, subsection 165-31 (E)(1), Schedule I for the placement of a Pole Barn located in the rear yard on the northeast side of the home with a 15' side setback. The Town Code requires a 25 ft. side setback. This property is zoned Agricultural Conservation.

John Ott on behalf of the owner, said the application is for a 30x50 pole barn. The request for placement is due to the placement of the residence. Chairperson Robillard asked if it will be in line with the front of the house. The structure will be behind the front of the house.

**Board Discussion:** Arthur Fritz 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.

After further discussion and review, it was determined that this is a request for a rear setback not a side setback as advertised. Because of the error in the publication, the Town will have to readvertise and resend notifications to the neighbors. The Board felt this error was unfortunate for the applicant.

#### **Public Comment:**

Mike Zillioux said he understands the legality of the situation but thinks making the applicant wait on a technicality is very unfortunate. Summer is only so long and now he will have to wait another month to move forward with his project.

Ron Pitti, asked if the Board can act and correct the legal after this meeting. Dan Melville stated unfortunately the Board cannot vote until the application is properly advertised. The Board can only vote on what is advertised.

**Public Hearing: Closed**

**A motion** was made by Dan Melville to **table** the application of Trevor Ott, owner of 642 Parma Center Road, for relief from Town Zoning Article V, subsection 165-31 (E)(1), Schedule I for the placement of a Pole Barn located in the rear yard on the northeast side of the home with a 15' side setback. The Town Code requires a 25 ft. side setback. This property is zoned Agricultural Conservation. This application is tabled to the June 2023 Zoning Board of Appeals meeting to allow proper advertising of the application to reference a **15' rear setback** versus a side setback.

**Seconded** by Stephen Shelley

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

#### **4. TODD BURLEY, OWNER, 1512 HILTON PARMA CORNERS ROAD**

The applicant is proposing to construct a 15'x 60' addition with 14-foot side walls to the existing 3,150 sq. foot accessory structure totaling 4,050 sq. foot in accessory structures. Town Zoning Article V, subsection 165-32.C.2 which states accessory structures shall not exceed 1,500 sq. feet and Article X, subsection 165-82.C.2 which states no detached accessory structure shall exceed 12 ft. in height. This property is zoned Rural Residential.

Carl Coapman, Esq., on behalf of the applicant provided pictures showing Mr. Burleys belongings which have outgrown his available storage and include 7 motor bikes, tractor, trailer, boats, 4 wheelers, camper, work benches and plow.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; unlisted action and no further review required. There were no letters in the file.

Chairperson Robillard said this property is zoned Rural Residential and asked if the belongings are personal or business related. Mr. Coapman said they are all personal. Chairperson Robillard asked why the trailer (camper) is licensed in Maine. Mr. Coapman said it is licensed Maine because it is cheaper and they register it for 10 years, but it is not for a business, it is used to haul the various motor bikes to different events.

Chairperson Robillard and Dan Melville felt that the applicant should provide a layout of the structures and what will be stored inside each of them as they have from previous applicants. The pictures were good to show the equipment, but the layout is standard for these types of requests. Chairperson Robillard asked where the belongings are currently being stored. Mr. Burley said some items are being stored off site at his parents; his parents are looking to downsize so he needs to move those belongings to his property. He does not want the items sitting outside in the elements.

The structure will sit at least 600 ft. off the road.

**Public Comment:**

Timothy Hull said he lives two houses to the south. He said he can clearly see his property and the applicant keeps his property nice and clean and he can see how this will be a benefit to them.

Mike Zillioux said the applicant is a great neighbor and he can see the back portion of the property and feels 900 more sq. ft. is not that much. He said this would be an improvement and clean up any items being stored outside.

Chairperson Robillard noted that a variance goes with the property and the next property owner may not be as responsible as the current applicant and the board has to take that into consideration when making a decision.

Bill Bleier said he understands the applicants need to protect his assets and property from the elements.

Carl Coapman, Esq., feels the application meets the criteria and should be approved.

**Public Hearing: Closed**

Steven Shelley agrees this is a substantial request but feels it is mitigated by the fact it sits over 500 feet from the road on a parcel over 6 acres. Chairperson Robillard would like to remain consistent and ask for a layout of items being stored. Dan Melville agreed that the Board should make that a condition of approval as the Board has in the past tabled applications for this reason.

**A motion** was made by Stephen Shelley to **approve** the application of Todd Burley, owner of 1512 Hilton Parma Corners Road, to construct a 15'x 60' addition with 14-foot side walls to the existing 3,150 sq. foot accessory structure totaling 4,050 sq. foot in accessory structures. Town Zoning Article V, subsection 165-32.C.2 which states accessory structures shall not exceed 1,500 sq. feet and Article X, subsection 165-82.C.2 which states no detached accessory structure shall exceed 12 ft. in height. This property is zoned Rural Residential. Considering the balancing test, the Board finds the following:

*The request for 14-foot walls is due to the height of the camper that will be stored inside the structure. The distance from the road will make it look smaller than 14 feet.*

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant provided a list and pictures of the belongings that will be stored.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. The belongings are being stored on the property and are not visible from the road.
- The request *is* substantial. This will be mitigated by the distance from the road and the size of the property.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created by the applicant acquiring all of the equipment that needs to be stored. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

*The approval is conditioned upon receipt of a layout showing the contents of the current structure and what contents will be stored in the new structure prior to a building permit being issued.*

**Seconded** by Dan Melville

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

#### **5. RON PITTI, OWNER, 1019 MANITOU ROAD**

The applicant is requesting relief from Town Zoning Article X, subsection 165-82 (C) (3) for the placement of a 12'x24' storage shed located on the south side of the home in the side yard. The Town Code requires all detached accessory structures to be in the rear yard. This property is zoned Rural Residential.

Ron Pitti said they are looking to locate the structure on the south side of the property in the side yard because the rear and north side of the property contain a leach field, pool, and a slope towards a swale. Placement on the south side will allow the applicant the ability to access it during the wet months.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; an unlisted action and no further review required. There were no letters in the file.

**Public Comment:** NONE

**Public Hearing:** Closed

**A motion** was made by Dan Melville to **approve** the application of Ron Pitti, owner of 1019 Manitou Road requesting relief from Town Zoning Article X, subsection 165-82 (C) (3) for the placement of a 12'x24' storage shed located on the south side of the home in the side yard. The Town Code requires all detached accessory structures to be in the rear yard. 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. The applicant is unable to locate the shed in a different area because of a pool, swale, and leach field on the property.
- There will be *no* undesirable change in the neighborhood character or to nearby properties.
- The request *is not* 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 Spencer Wren

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

#### **6. WILLIAM BLEIER, OWNER, 1747 HILTON PARMA CORNES 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 1500 sq. foot accessory

structure with 16' walls for storage. The total sq. footage of all accessory structures will be 3,000 sq. feet. The Town Code limits accessory structures to 1500 sq. ft. with a wall height not to exceed 12 feet. This property is zoned Rural Residential.

Dan Melville said there was no diagram provided with the application as to what the contents of the structure would be.

**Board Discussion:** Arthur Fritz 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.

Mr. Bleier said there will be mowers, trailers, and a backhoe, which is why the need for the height.

The Board said they will need to see the layout of the equipment going into the structure before making any decisions. Maureen Werner, Esq., expanded on Chairperson Robillard's explanation to state it should be a drawing of the floor plan that shows where and what will be located in the structure. The applicant stated he understood. Chairperson Robillard also said the equipment cannot be used for business because the property is in Rural Residential zoning.

**Public Comment: NONE**

**Public Hearing: Closed**

**A motion** was made by Dan Melville to **table** the application of William Bleier, owner of 1747 Hilton Parma Corners Road 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 1500 sq. foot accessory structure with 16' walls for storage. The total sq. footage of all accessory structures will be 3,000 sq. feet. The Town Code limits accessory structures to 1500 sq. ft. with a wall height not to exceed 12 feet. This property is zoned Rural Residential. This application is being tabled to June 2023 to allow the applicant time to provide a layout of the contents in the current structure and what the contents of the proposed structure will be and the need for the height.

**Seconded** by Stephen Shelley

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

## **7. DONALD FITCH, OWNER, 157 DEAN ROAD**

The applicant is requesting a modification to a special permit from the Town 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.

David A. Waldarek, on behalf of the applicant, said that the Board approved a Special Permit earlier this year and he is looking to have it modified to remove the language about removing the kitchen/bathroom from the accessory apartment. Mr. Waldarek made changes to the plans which will allow the applicants unhindered access between the apartment and house. The applicant

agreed this will be a much better design and the Board was happy with the revision. The plan will keep the family close with each other while keeping some independence.

**Board Discussion:** Arthur Fritz 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 Spencer Wren to **approve** a modification to a special permit from the Town 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. The occupant will be Sharon Fitch. This property is zoned Rural Residential. The Special Permit will be renewable two years from the issuance of the C of O.

**Seconded** by Dan Melville

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:32 p.m.

**Seconded** by Stephen Shelley

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

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

**Excused:** Ann Williams, Jack Barton, Alternate

Respectfully submitted,

Carrie Fracassi  
Recording Secretary