

# TOWN OF PARMA ZONING BOARD OF APPEALS

Parma Town Zoning Board of Appeals Meeting held on Wednesday, November 15, 2023, at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

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

**Others Present:** Arthur Fritz, ZEO  
Maureen Werner, Town Attorney

**Public Present:** Lucas Basso, Tim Jobes, Michael Geedy, April Synyard, Cathy  
Bushhouse, Dave Almeter, Cheryl Almeter, Terry Smith, Don  
Eichas, Tim McGavern, Janet McGavern, Sharon Campbell, Bill  
Eichas, Art Eichas, Dick Vance, Kris Schultz

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

## MINUTES OF OCTOBER 18, 2023

### **1. Review Minutes from the October 18, 2023, Zoning Board Meeting**

The ZBOA minutes of October 18, 2023, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the October 18, 2023, minutes as presented.

**Seconded** by Dan Melville

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

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

## TABLED FROM OCTOBER 18, 2023

### **2. MICHAEL & KERRY GEEDY, OWNER, 147 PEASE ROAD**

The applicant is requesting an area variance to grant relief from Town Zoning Ordinance Article V, Subsection 165-33 (E)(1) (Schedule 1) for the placement of a shed addition located on the south side of the property in the side yard with a 6-ft side setback, as well as a 5.6-foot side setback for the existing garage. The Town Code requires a 10-foot side setback. This property is zoned Medium Density Residential (MD).

This application was tabled so the Town could advertise the legal notice correctly.

Michael Geedy, the owner, said he wants to build a 16x20 sq. ft. shed on the back of the garage in the same location as the current shed. He plans to remove the current shed (10x20 sq. ft.); the new shed adds an additional 6' for storage. He said he is unable to locate this differently because of a pool in the rear yard.

**Board Discussion:** Arthur Fritz reported notifications were in order. There were no comments from Monroe County. This is a Type II action; no further review required. There were no comments from the Building Department and no letters in the file.

Spencer Wren asked if he would be able to access the shed from inside the garage. The applicant stated he would as he can now with the current shed.

**Public Comment:**

There was none.

**Public Hearing: Closed**

**A motion** was made by Dan Melville to **approve** the application of Michael and Kerry Geedy, owner of 147 Pease Road, requesting an area variance to grant relief from Town Zoning Ordinance Article V, Subsection 165-33 (E)(1) (Schedule 1) for the placement of a shed addition located on the south side of the property in the side yard with a 6-ft side setback, as well as a 5.6-foot side setback for the existing garage. The Town Code requires a 10-foot side setback. This property is zoned Medium Density Residential (MD). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant due to the pool at the rear of the property.
- There will be *no* undesirable change in the neighborhood character or to nearby properties.
- The request *is* substantial; the existing garage is located 5.6 ft. from the property line and 6 ft. from the property line will not be an issue.
- 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. This is the minimum variance the Board can grant.

**The applicant will remove the existing shed on the property.**

**Seconded** by Stephen Shelley

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

**3. CATHY BUSHHOUSE & BRIAN WALSH, OWNER, 197 DUNBAR ROAD**

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33 (C)(2) for the proposed construction of a 1200 sq. ft. accessory structure on the west side of the property in the rear yard. The Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density residential (MD).

This application was tabled to allow the applicant to mail proper notification to neighbors.

Cathy Bushhouse, the owner, said she would like to construct a 1,200 sq. ft. structure off the end of the driveway for storage. The owner plans to remove the current 600 sq. ft. structure that currently sits on the property after this one is completed. Items to be stored include a boat, kayaks, and other belongings.

**Board Discussion:** Arthur Fritz reported notifications were in order. Monroe County had no comments. This is Type II action; no further review required. There were no comments from the Building Department and no letters in the file.

**Public Comment:**

There was none.

**Public Hearing: Closed**

**A motion** was made by Stephen Shelley to **approve** the application of Cathy Bushhouse and Brian Walsh, owner of 197 Dunbar Road, requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33 (C)(2) for the proposed construction of a 1200 sq. ft. accessory structure on the west side of the property in the rear yard. The Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density residential (MD). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant provided a layout of what will be stored in the structure.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. This property is large for the area.
- The request *is somewhat* substantial.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created because they own the belongings needing 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 current 600 ft. structure on the property will be removed.**

**Seconded** by Dan Melville.

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

**NEW BUSINESS**

**4. LUCAS & ANGELA BASSO, OWNER, 252 PECK ROAD**

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-32 (C)(2) and Article X, subsection 165-82 (c)(3) for the proposed erecting of a 960 sq. ft. accessory structure in the front yard on the west side of the property. The total sq. footage of all accessory structures on the property will total 1688 sq. ft. Town code limits accessory structures to 1500 sq. ft. and accessory structures to be in the rear yard. This property is zoned Rural Residential (RR).

Lucas Basso, the owner, would like to construct a 960 sq. ft. pole barn on his property. The property is over 5 acres in size. The structure will sit behind large pine trees/landscaping on a completely wooded lot, and it will not be visible from the road.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a Type II action; no further review required. There were no comments from the Building Department and no letters in the file.

Ann Williams asked why the applicant is constructing this in the front yard. Mr. Basso said there is a septic system and a slope to a creek in the rear yard.

**Public Comment:**

Richard Vance said he lives across the street from this property and when he is driving down his driveway, he will be looking straight at this structure which he feels is too big for the area. He would like a guarantee that this will continue to be blocked by pine trees and landscaping in the future. It was noted that this will actually be located to the west of Mr. Vance's driveway, not directly in line.

**Public Hearing: Closed**

**A motion** was made by Ann Williams to **approve** the application of Lucas and Angela Basso, owner of 252 Peck Road, requesting an area variance to grant relief from Town Zoning Article V, subsection 165-32 (C)(2) and Article X, subsection 165-82 (c)(3) for the proposed erecting of a 960 sq. ft. accessory structure in the front yard on the west side of the property. The total sq. footage of all accessory structures on the property will total 1,688 sq. ft. Town code limits accessory structures to 1,500 sq. ft. and accessory structures to be in the rear yard. This property is zoned Rural Residential (RR). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant due to the septic system and drop off in the rear yard to a creek.
- There will be *no* undesirable change in the neighborhood character or to nearby properties because of the large pine trees/landscaping.
- The request *is not* substantial at only 188 sq. ft. above what was allowed.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is minimally 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

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

**5. DAN WEGMAN, OWNER, 40 LAKESIDE BOULEVARD**

The applicant is requesting an area variance to grant relief from Town Zoning Article V (E)(1) (Schedule 1) for the placement of a standby generator located on the south side of the property in the side yard with a 3.5 ft. side setback and a 37.3 ft. front setback. The Town Code requires a 10 ft. side setback and a 40 ft. front setback. This property is zoned Waterfront Residential (WD).

Terry Smith, Contractor on behalf of the owner, said the applicant is looking to install an emergency backup generator on the east side of the home. The west side of the property has trees and vegetation and a neighbor in close proximity. The applicant would like to install this due to increased power outages in the area and the new sewer system being installed along the lake.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a Type II action; no further review required. There were no comments from the Building Department and no letters in the file.

Dan Melville noted the Board is seeing an increase in these requests because of the new sewer system being put in along the lake.

**Public Comment:**

There was none.

**Public Hearing: Closed**

**A motion** was made by Dan Melville to **approve** the application of Dan Wegman, owner of 40 Lakeside Boulevard, requesting an area variance to grant relief from Town Zoning Article V (E)(1) (Schedule 1) for the placement of a standby generator located on the south side of the property in the side yard with a 3.5 ft. side setback and a 37.3 ft. front setback. The Town Code requires a 10 ft. side setback and a 40 ft. front setback. This property is zoned Waterfront Residential (WD). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant due to the size of the lot.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. Many of the neighbors are doing the same thing.
- The request *is not* substantial. The applicant needs to be able to keep power with the new sewer system.
- 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

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

**6. ROSE CALLEA, OWNER, 79 BAILEY ROAD**

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31 (E)(1) (Schedule 1) for the lot width of 298.08 ft. on the west lot line and 297.99 ft. on the east lot line and a depth of 200 ft. with an area in acreage of 1.368 acres on a pre-existing non-conforming lot. The Town Code requires a 3-acre parcel with a 300 ft. lot width and 350 ft. of depth. This property is zoned Agricultural Conservation (AC).

Kris Schultz, Engineer, was in attendance on behalf of the applicant. The Planning Board referred this application to the Zoning Board for interpretation.

Attorney Maureen Werner said after reviewing the application and code, this property does not need a variance per Section 165-85 of the Town Code. This property was created in 1974 prior to the current code being put into place in 1998. Section 165-85 (a)(1) states “a nonconforming lot of official record existing at the effective date of this chapter may be used for any purpose permitted in the zone district in which it is located, irrespective of its area or width, provided that the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot and provided that the minimum

area and lot width for such lot shall be as follows: Twenty thousand square feet of area and 100 feet of width in residential and industrial districts.

**This lot was created in 1974 and meets all required dimensions per the Town Code; it has been determined by the Zoning Board of Appeals that no variance is needed.**

**7. NOLAN RANSOM, OWNER, 59 PARMA CENTER ROAD**

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-32 (E)(1) (Schedule 1) for the lot width of 100 ft. with an area in acreage of 0.690 acres on a pre-existing non-conforming lot. The applicant is also requesting a setback of 29.5 ft. from the west property line and a 30.8 ft. setback from the east property line. The Town Code requires a 2-acre parcel with a 260 ft. lot width and a 40 ft. side setback. This property is zoned Rural Residential (RR).

The Planning Board referred this application to the Zoning Board for interpretation.

Attorney Maureen Werner said the findings for this application are the same as the previous application and after reviewing the application and code, this property does not need a variance per Section 165-85 of the Town Code. This property was created in the early 70's prior to the current code being put into place in 1998. Section 165-85 (a)(1) states "a nonconforming lot of official record existing at the effective date of this chapter may be used for any purpose permitted in the zone district in which it is located, irrespective of its area or width, provided that the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot and provided that the minimum area and lot width for such lot shall be as follows: Twenty thousand square feet of area and 100 feet of width in residential and industrial districts.

This application also calls out Section 165-87 (A) (2)(3) for side and rear yard setbacks; the application complies with this section of the Town Code.

**This lot was created in the early 70's and meets all required dimensions per the Town Code; it is the determination of the Zoning Board of Appeals that no variance is needed.**

**8. JAMES & APRIL SYNYARD, OWNER, 133 FALLWOOD TERRACE**

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33 (c)(2) for the proposed construction of a 1,260 sq. ft. accessory structure to include two covered porches. The Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density Residential (MD).

April Synyard, the owner, said they have applied for and received a building permit for a 600 sq. ft. accessory structure. The owner is looking for approval to add two covered porches for storage and a BBQ/recreation area near a pool they plan to install in the future. Chairperson Robillard said the applicant should apply for the porch area near the pool when the pool goes in, that area is a want not a need at this time. The Board felt the 600 sq. ft. structure the applicant has

received a building permit for has plenty of room to store their belongings based on the information provided and that is allowed under the Town Code. Dan Melville has concerns about the size and approving something for future use; the Board does not know that will definitely happen. Spencer Wren and Ann Williams agreed with that.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a Type II action; no further review required. There were no comments from Monroe County. There were no comments from the Building Department.

**Public Comment:**

Bernard Erbland, 117 Fallwood Terrace, sent a letter to the Board. Mr. Erbland is opposed to the application. Recently the applicant applied for 1,800 sq. ft. structure and withdrew that request after he realized how many people were opposed and now, he is looking for another large structure and not even mentioning his woodworking hobby which was the premise for the need in his last application. He is concerned woodworking will be more of a business and not a hobby. He reviewed the application and drawings and feels 600 sq. ft. is plenty of room for storage and that the covered porches are unnecessary. He stated the Town Code was put in place for a reason and most people can adhere to it. He feels approving this will negatively impact the area around his home. He is also worried that if approved this will set a precedent for future applications for variances from the Town Code.

Tim Jobes asked what the allowed height is for accessory structures in a neighborhood. Art Fritz said 12 ft. is allowed and no one on the agenda tonight has asked for a wall height over 12 ft.

**Public Hearing: Closed**

The applicant said they are asking for the covered porches now because it will be easier and cheaper to do the construction at one time than to add onto later. Woodworking is not a business, and she felt the larger structure would block the wind for the neighbors coming across the open fields behind them. The applicant stated they would be ok removing one of the porches from the design and doing what the Board was comfortable with.

The Board continued discussions about the size of the structure and the concern that it is too large. There was discussion about removing one of the porches to bring the application more into compliance. The property is .69 acres, and this will look very large on a property that size. It will sit 140 ft. from the front setback. Further discussion was had about different options.

**After further discussion, A motion** was made by Ann Williams to **approve with modifications** the application of James and April Synyard, owner of 133 Fallwood Terrace, requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33 (c)(2) for the construction of a 900 sq. ft. accessory structure to include a 600 sq. ft. enclosed accessory structure and a 300 sq. ft. covered non-enclosed open porch. The Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density Residential (MD). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant provided a layout of items to be stored in the structure.
- There will be *no* undesirable change in the neighborhood character or to nearby properties.
- The request *is* substantial, but the applicant showed the need for the approved sq. footage.
- 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 Stephen Shelley

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

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:29 p.m.

**Seconded** by Spencer Wren

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

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

Respectfully submitted,

Carrie Fracassi  
Recording Secretary