

**TOWN OF PARMA
ZONING BOARD OF APPEALS
MARCH 20, 2008**

Members Present: Patrick Buskey
Veronica Robillard
Dean Snyder
Stephen Shelley
Tim Thomas

Others Present: Jack Barton, Carm Carmestro (Board Liaison), Mark Kalen (Alternate)

Public Present: See attached list

The meeting was called to Order by Chairperson, Veronica Robillard, at 7:05 p.m. She explained the function of the ZBOA and the decision-making process. She stated that this is a five-member board, with a quorum of three required to pass a motion. Chairperson Robillard offered hearing aid devices for anyone who required them.

PUBLIC HEARINGS

1. GATTI ENTERPRISES, LLC – 5017 RIDGE ROAD WEST

Application of Gatti Enterprises, LLC, owner, for an area variance at 5017 Ridge Road West. Applicant is proposing to develop site, construct a 7,920 square feet commercial building and create 39 parking spaces and is requesting relief from Town Zoning schedule 2 which requires 60 spaces. This property is currently zoned General Commercial (GC).

Chairperson Robillard recalled that this application was tabled at the February ZBOA meeting so it could be referred back to the Planning Board to address the shared parking access as stated in Section 165-125.G. Jack Barton reported this is still being reviewed by the Planning Board. They are looking at alternatives, including the applicant purchasing additional land. Jack suggested that the Board table this application again until a determination is made for joint use of the parking. Jack noted that the next Planning Board meeting is scheduled for April 3rd.

Following discussion a **Motion** was made by Stephen Shelley to table the application of Gatti Enterprises, LLC, owner, for an area variance at 5017 Ridge Road West, without prejudice, until the April ZBOA meeting to review recommendations by the Planning Board, which is still pending. Seconded by Tim Thomas. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

NEW BUSINESS

2. DANNIC HOLDINGS – 1799 HILTON PARMA CORNERS ROAD

Application of Dannic Holdings, owner, for an area variance at 1799 Hilton Parma Corners Road. The applicant is proposing to subdivide the property which will create a rear setback of 11.5 feet from the existing pole barn to the new property line and is requesting relief from Town Zoning schedule 1 which requires a 20 feet rear setback. This property is currently zoned Highway Commercial (HC).

Daniel Schum, attorney, stated he once again was presenting an application for Dannic Holdings. He recalled at the February meeting, Dannic Holdings received approval from the ZBOA for area variances for lot depth and a side setback of 10.5 feet from the northerly property line, which is necessary for the applicant to re-subdivide the properties at 5028 Ridge Road West and 1799 Hilton Parma Corners Road, demolish an existing structure and construct a new commercial

building with 8 fuel dispensing stations for a new Hess station. He reported that one rear setback was overlooked when this application was presented. He noted on the site plan the additional variance of 11.5 feet from the existing steel building to the new property line. He noted the location of the septic system. He stated that the only alternative would be to take down the existing building, but the benefit derived by leaving this building intact greatly outweighs any detriment to the neighborhood. He stated there will be no physical appearance change.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Dannie Holdings, owner, for an area variance at 1799 Hilton Parma Corners Road to subdivide the property which will create a rear setback of 11.5 feet from the existing pole barn to the new property line and this grants relief from Town Zoning schedule 1 which requires a 20 foot rear setback. This property is currently zoned Highway Commercial (HC). In making this determination to approve, I believe the benefit can not be achieved by other means feasible to the applicant. There will be no undesirable change in neighborhood character or to nearby properties. The pole barn will back up to the proposed septic system. The request is somewhat substantial but I believe that being in a highly commercial zone mitigates this. There will be no adverse physical or environmental effect. The alleged difficulty is somewhat self-created, however, 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 unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

MINUTES OF FEBRUARY 28, 2008

The February 28, 2008 minutes were reviewed. There being no changes or additions, a **Motion** was made by Tim Thomas to approve the February 28, 2008 minutes as submitted. Seconded by Stephen Shelley. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

OTHER BUSINESS

Workshop Discussion: Jack Barton provided copies of upcoming workshops that would allow the ZBOA members to achieve the required 4 hours of continuing education credits.

Chairperson Robillard requested that Jack Barton investigate the possibility of having a work shop held at the Town of Parma location on a Saturday. Jack agreed to look into this and report back to the Board.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas and seconded by Stephen Shelley to Adjourn the meeting at 7:29 p.m.

Respectfully submitted,
Diane Grundon, Recording Secretary