

**TOWN OF PARMA
ZONING BOARD OF APPEALS
FEBRUARY 19, 2009**

Members Present: Tina Brown
Stephen Shelley
Dean Snyder
Tim Thomas
Jim Zollweg (alternate)

Members Excused: Veronica Robillard

Others Present: Jack Barton

Public Present: See attached list

The meeting was called to Order by Acting Chairperson, Tim Thomas, at 7:00 p.m. He explained the function of the ZBOA and the decision-making process. He noted that this is a five-member board with a quorum of three required to pass a motion.

Chairperson Thomas offered hearing aid devices for anyone who required them.

PUBLIC HEARINGS

1. KRISTOPHER OAKS – 202 HINKLEYVILLE ROAD

Application of Kristopher Oaks, owner, for an area variance at 202 Hinkleyville Road. Applicant is proposing to construct a 2,268 square feet detached garage and is requesting relief from Town Zoning which states by definition that accessory structures shall be subordinate in area to the principal building, which is 1,562 square feet. This property is currently zoned Medium Density Residential (MD).

Kristopher referred to zoning code 165.17 and the definition of an Accessory Building or Structures and asked for an interpretation of the code. He stated his opinion that with his interpretation, the area variance he is requesting is not needed. Jack Barton responded that the Building Department's interpretation is that he needs a variance. Chairperson Thomas noted that the zoning code states that a garage in a MD district, theoretically, can be as large as you want, but not larger than the principal structure, which is the case with Mr. Oaks, and therefore requires a variance.

Kristopher explained that he needs this detached garage for "stuff." He stated that he wants to park his truck and trailer, which are 45 feet long, that he uses for his siding business in this garage. Chairperson Thomas asked about the back hoe that was on the property. Kristopher stated he uses the backhoe for his own personal use. Kristopher noted he does not have an attached garage on this 1.43 acre lot. He described the following items would be stored in this 3-bay garage: 45' truck and trailer in one bay, another vehicle in the second bay, and the back hoe in the third bay. Kristopher stated that the esthetics of the proposed building would look good and would be better looking than a long and narrow building. He noted that if his house were 1,000 square feet larger, he could have this size garage with no variance. He noted a neighbor who has an accessory structure that is similar.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Thomas 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.

Dean Snyder questioned the lot coverage with this proposed garage. Jack Barton reported that 20% lot coverage is the maximum allowed, and this does not come close to that.

The alternative of a smaller garage was discussed. Parking the backhoe in the back of the building and backing the truck and trailer in would leave enough room for another vehicle, thus accommodating all three items. It was noted that a building 54' long and 21' wide would allow 3 vehicles with the backhoe parked in the rear. This application is for a garage that would be 38% larger than estimated to meet his needs. Kris responded that he preferred the larger size.

Following discussion, a **Motion** was made by Dean Snyder to deny the application of Kristopher Oaks, owner, for an area variance at 202 Hinkleyville Road to construct a 2,268 square feet detached garage and this denies relief from Town Zoning which states by definition that accessory structures shall be subordinate in area to the principal building, which is 1,562 square feet. This property is currently zoned Medium Density Residential (MD). In making this determination to deny, I believe the benefit can be achieved by other means feasible to the applicant. In reviewing the needs presented by the applicant, the equipment can be stored in a much smaller building. The equipment could be stored in a building that does not exceed the primary structure which is 1,562 square feet. I believe that this would cause an undesirable change in neighborhood character and to nearby properties. This is a relatively small lot, less than 1 ½ acres, and the application to build a large structure that would exceed the maximum of the code would be undesirable in that location. The request is substantial. The requested building is 2,268 square feet and the code allows a 1,562 square feet detached garage. There will be no adverse physical or environmental effects. The alleged difficulty is self-created. In using the balancing test, the benefit to the applicant is outweighed by the detriment to the health, safety and welfare of the community. Seconded by Stephen Shelley. **Motion to deny (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

Chairperson Thomas polled the Board to explain their reason for denying this application:

Dean Snyder: Stated his motion stands.

Tina Brown: Stated she concurs with Dean Snyder's motion.

Tim Thomas: Stated Dean Snyder's motion supports the reasons for denying the application.

Stephen Shelley: Stated primarily the request was substantially greater than allowed and felt it would create an undesirable change in the neighborhood character.

Jim Zollweg: Referred to the balancing test. The benefit can be achieved by other means feasible, it is substantial, and it is a self-created difficulty.

2. GREGG AND CHERYL PACELLI – 125 CURTIS ROAD

Application of Gregg and Cheryl Pacelli, owners, for an area variance at 125 Curtis Road. Applicants are proposing a 720 square feet addition to an existing 1,200 square feet storage building bringing the total area of accessory structures to 1,920 square feet. Applicants are requesting relief from Town Zoning Article 5, subsection 165-32.C.2 which limits accessory structures to 1,500 square feet. This property is currently zoned Rural Residential (RR).

Gregg stated that he owns two parcels totaling 43 acres. The lot his house is on is 25 acres. He explained he is proposing an addition to his existing pole barn. He noted that the size of the addition is based on the existing poles and explained that the poles are placed at a set distance and this dictates the size of the addition. The addition will be 20 feet from the east property line. He stated he needs more storage room for expensive farm equipment, which includes: a Mason tractor and wagon, an International brush cutter, a wheel sprayer, and a Woods finish mower. He stated that all these items are currently being stored outdoors under tarps. He also has tools and other equipment to maintain the property. He explained that he rents part of his property, which is farmed. He noted that part of his property is a nature preserve and this requires maintenance also.

He stated he does not farm for income, but helps his tenant with haying and other farm chores. The tenant farms the other lot and grows wheat, hay and other things.

Public Comment:

Jeff Kelly - 426 Lighthouse Road: Stated he lives around the corner from Gregg. He stated his opinion that giving Gregg this variance will set a precedent for other neighbors requesting 2,000 square feet of accessory buildings. He stated he just built a 1,500 square foot accessory building and felt that Gregg should also adhere to the zoning code. He questioned giving a larger barn to someone who isn't a farmer and questioned if he really has this equipment.

The Board members noted on their on-site visit of Gregg's property that the farm equipment was there.

The public hearing was closed.

Board Discussion: Chairperson Thomas 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 Dean Snyder to approve the application of Gregg and Cheryl Pacelli, owners, for an area variance at 125 Curtis Road for a 720 square foot addition to an existing 1,200 square foot storage building, bringing the total area of accessory structures to 1,920 square feet. This grants relief from Town Zoning Article 5, subsection 165-32.C.2 which limits accessory structures to 1,500 square feet. This property is currently zoned Rural Residential (RR). In making this determination to approve, the benefit cannot be achieved by other means feasible to the applicant. The applicant has several large pieces of equipment currently stored outside which is essential to the maintenance of this property, including a Mason farm tractor and wagon, brush cutter, wheel sprayer, and Woods finish mower. This will not cause an undesirable change in neighborhood character or the nearby properties. This is a large 25 acre property with additional acres for a total of 43 acres. The location of this addition will be on the south side of the existing building making it nearly imperceptible to anyone driving by. The request is substantial. There will be no adverse physical or environmental effects. Although the alleged difficulty is self-created, using the balancing test, the benefit to the applicant far outweighs any detriment to the health, safety and welfare of the community. Seconded by Jim Zollweg. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

3. 1220 HILTON PARMA CORNERS ROAD #1 AND 1220 HPCR #2, LLC

Application of 1220 HPCR #1, LLC and 1220 HPCR #2, LLC, owners, for 3 area variances at 1220 Hilton Parma Corners Road. Applicants are proposing to construct a 2,884 square foot addition on the south side of the existing building with a front setback of 61.9 feet from the Parma Center Road right-of-way, 8 parking spaces along Parma Center Road with a 17.4 feet setback and provide a total of 18 parking spaces for the property. Applicants are requesting relief from: (1) Town Zoning schedule 1, which requires buildings to have a front setback of 75 feet; (2) Article 16, subsection 165-125.A.9 which requires parking spaces be set back no less than 25 feet from the Parma Center Road right-of-way, and (3) schedule 2 which, based on building size, requires 44 parking spaces. This property is currently zoned Highway Commercial (HC).

Chairperson Thomas recalled that an application for this property was denied at the January meeting based on the applicant's failure to provide additional information to the ZBOA which was requested at the October, 2008, meeting. It was the consensus of the ZBOA that this application was substantially different from the original application.

Chairperson Thomas referred to a recent inspection which identified several violations. Jack Barton reported that he was unsure if all the violations have been corrected but this does not affect the hearing of this application for area variances, as it would for a special permit application.

Randy LaDieu, surveying and engineering land planning representative, and Migirdic (Mike) Colakoglu provided blueprints of the proposed building. Randy noted the existing building has a flat roof, but the proposed building will have a gable roof on the addition and the existing building, which will give it the appearance of one building when completed. He explained the intent is to put in three bays in the new building and put two bays in the original building. The office area in the existing building will be a work area. The new addition will have an office in the west side facing Hilton Parma Corners Road, where the windows are. Randy noted that if the addition were put on the east side, this would have required a 15 feet variance off the property line. He explained that he changed the configuration and made the addition to the south of the existing building, keeping the building off of the 30' property line and meeting the code. A variance for setback off Parma Center Road for 61.9 feet is required, as the requirement is a 75 feet setback. He described the façade of the entire structure will be redone to look the same along with the same gable roof. The existing building will be kept on the interior. He stated that there will be 18 parking spaces, which is all they feel they need for this type of operation. No one sits there and waits for a transmission to be replaced. Vehicles are dropped off for repair and then picked up when repaired. He noted zoning requires one parking space for each 100 square feet of building, but this would require 40 parking spaces, which is not required for this type of business. Randy noted that 17 feet of landscaped area is in the plan, instead of the required 25 feet, in order to provide 18 parking spaces. Randy stated that this proposal minimizes the impact to the neighbors but requires more variances from the Town. Randy stated the proposed addition is longer than the existing building to provide room to lift the cars in order to remove and replace transmissions. He stated they have not planned for signage yet. Mike stated he would like a sign on the building. Nancy Colakoglu, in answer to a question, stated there will be 3 employees plus Mike and an office manager. In addition to transmission repair, they will also do minor and major car repairs.

Jack Barton emphasized that all activity must be done inside the building and no outside storage of cars or other items is allowed. Also, no dismantled cars are to be on the property. Mike responded that 99% of the time cars are kept inside until repaired. There might be a car on the outside with the hood up in the parking lot, perhaps to check the oil. He asked if this would be allowed. Jack responded that this would be okay. Jack noted that no vehicles are to be for sale. Mike stated they don't sell cars. He stated that he might have some cars with no license plates that would be there for repair, but not junked cars. Randy explained that sometimes cars are towed there for repair and then towed away for sale. Dean Snyder asked for clarification of a situation when a car is taken in for repair, the transmission removed, and then the car sits in the parking lot waiting for the transmission, would that be okay. Jack Barton stated that this would be a visual thing that the ZEO could act on, if warranted.

Public Comment:

Doug Flood – 225 Cloverdale Road: Stated he owns 1216 Hilton Parma Corners Road, which wraps around the property, and is open land. He stated does not live in Parma. He asked for clarification that no unlicensed vehicles will be allowed on the property. Jack Barton reiterated that no outside storage of unlicensed vehicles will be allowed. Doug stated he took pictures of Mr. Colakaglu's business in the Town of Greece which shows there were 16-20 vehicles on site with no license plates. He stated that this is a significant difference for the building look but not for the basic business. He recalled that Mr. Colakoglu is requesting 5 bays in this application and he had 6 bays in the Greece business, which is not much difference. He questioned the septic

system. Tim Thomas explained that the septic system is an issue that would be addressed by the DOH and the planning board.

Will Falcheck – 817 Parma Center Road: He stated he owns property across the street from this proposed business where he runs his florist business. He explained that he has tried to keep his property looking nice and expressed his concern about Mr. Colakoglu's existing business in Greece and its history of not being kept up. He was very concerned that if this business is approved, it will ruin the look of Parma Corners. He asked that the ZBOA take into consideration what things will look like if this is approved. He noted at the business in Greece, they even had a boat stored outside there. He questioned why this application was denied previously. Tim Thomas explained the original application was denied because of the delays and lack of information that was requested from the applicant. Will referred to the parking spaces required, which is tight due to the square footage of the building. He stated that even if the customers' parking needs are limited for this business, what if this business fails and another business wants to utilize this building and the parking is inadequate for a different type of business. He suggested that the Board place conditions on what can be stored outside. He stated he has owned the property across the street for 20 years and has kept his property up and does not want to see the area downgraded with a business similar to the applicant's business in Greece. He expressed his main concern that there will be abandoned, left-over vehicles on the property.

Mike responded that he has run his business on Mt. Read for many years in a 10,000 square foot building with 8 lifts and a service station. He stated he is downsizing the business. He stated that he doesn't feel that his business will make this corner look any worse than it looks now. He reported that all the cars that were on Mt. Read are now in storage. He stated that there probably will be some unlicensed vehicles on the property but he doesn't plan to have a junkyard. He had 55 parking spaces on Mt. Read.

Chris Wallace – 678 Parma Center Road: She asked for clarification that they had 10 employees with 55 parking spaces in Greece and the proposed business in Parma will have 5 employees and 18 parking spaces.

Nancy Colakoglu stated that they will have 3 to 4 employees plus her husband and herself. 6 parking spaces will be for employees with the remainder of spaces used for licensed vehicles that are waiting for repair or for pick up. She explained that their business does not run on employee per parking space. They will have some unlicensed vehicles parked outside but no dismantled vehicles.

Gene DeMeyer – 182 Butcher Road: He questioned how long the cars will sit on the lot. Mike replied that a car will be on the lot for 2-3 days. Gene asked if they had a way to mark when the cars arrive, such as marking the tire, to assure they do not sit there for more than 2 weeks. Chairperson Thomas stated that the Town has zoning codes which are enforced by the ZEO. He explained that there are tools in the code to deal with the concern about abandoned vehicles.

The public hearing was closed.

A 10 minute recess was called at 8:50 p.m. The meeting reconvened at 9:00 p.m.

Board Discussion: Chairperson Thomas 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.

Discussion was held on the concerns expressed by the neighbors and the lack of required parking spaces for the building size. Also discussed were the concerns expressed by the neighbors regarding the negative impact on the surrounding properties and the encroachment on setbacks.

Referring to schedule 2, it was noted that a commercial area requires one parking space per 100 square feet of building. This applicant is proposing a huge discrepancy in the parking requirement, which the applicant has justified but still raises the question whether this building is appropriate for this corner lot. Chairperson Thomas noted that the size of the building is dictated by the required setbacks and parking spaces. It was noted that this building would need to be significantly smaller to meet these requirements. It was discussed that this business has an industrial flavor with the size of the building in relation to the size of the lot.

Chairperson Thomas addressed the applicant and asked if they would consider reducing the building to be more compliant with the setbacks and parking requirements. Mr. LaDieu replied that one parking space for each 100 square feet of building is not needed for a car repair business. He noted that many of these types of business do not have many parking spaces and stated his opinion that the code is wrong. Nancy Colakoglu stated that they need the larger size building to accommodate their business. She stated they plan to continue this business for 10 to 15 more years at the most, and they have no one to take over this business. They want to make this business comfortable and are downsizing.

Mr. LaDieu and Mr. Colakoglu stated their wish to table their application to consider the Board's recommendations.

Following discussion, a **Motion** was made by Tina Brown to table the application of 1220 HPCR #1, LLC and 1220 HPCR #2, LLC, owners, for 3 area variances at 1220 Hilton Parma Corners Road, without prejudice, to the March 19, 2009 ZBOA meeting to provide the applicant additional time to consider the recommendations of the ZBOA as discussed at this meeting. Seconded by Jim Zollweg. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

4. MARIE MAVILIO – 675 PARMA CENTER ROAD

Application of Marie Mavilio, owner, for a use variance at 675 Parma Center Road. Applicant is requesting that the existing home be allowed to continue as a 2 family dwelling. Applicant is requesting relief from Town Zoning Article 5, subsection 165-31.B which states that single family dwellings and customary agricultural operations are the only permitted principal uses. This property is currently zoned Agricultural/conservation (AC).

Dante Prioa stated he is the husband of the owner. He stated that this property was a double in 1975 and at that time you could put doubles up there. He stated they have leases written up for 1988. He noted that 300 feet away on Spencer Road there are 3-4 doubles, two doubles were there and one was converted this winter. He stated they are trying to sell this property as an In-law situation but can't get approval for a double. Jack Barton stated that an electrical certificate was brought in by the owner. She stated the conversion to a double was in 1984. Chairperson Thomas stated that in the late 70's to early 80's, doubles were not allowed. The zoning changed since then but doubles still are not allowed. Chairperson Thomas explained that a use variance has very strict criteria, all of which needs to be satisfied in order to be considered for approval. Jack Barton noted that Spencer Road in the past did allow doubles but zoning has never allowed doubles on Parma Center Road. Tina Brown asked Mr. Prioa what the difference in price would be if he sold this property as an in-law versus a double. Mr. Prioa replied it would probably sell for the same price.

Public Comment:

Chris Wallace – 678 Parma Center Road: Stated her house was a double but assumes the previous owner had to revert it to a single. She stated her preference to see it as a single family

home. She also noted that economically, renting this as a double would only be beneficial if it was rented all the time.

The public hearing was closed.

Board Discussion: Chairperson Thomas 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.

Jack Barton stated that the only document that indicates when this was converted to a double was the electrical certificate dated 1984. He noted that prior to 1941, this house could have been a double, prior to the Town of Parma's zoning code, but there are no documents to substantiate this.

Following discussion, a **Motion** was made by Stephen Shelley to deny the application of Marie Mavilio, owner, for a use variance at 675 Parma Center Road to allow the existing home to continue as a 2 family dwelling. This denies relief from Town Zoning Article 5, subsection 165-31.B which states that single family dwellings and customary agricultural operations are the only permitted principal uses. This property is currently zoned Agricultural/conservation (AC). To allow a use not otherwise allowed in zoning for this AC district, an applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes all of the following for each and every permitted use: (1) cannot realize a reasonable return, which does not apply to this residence; (2) alleged hardship is unique and does not apply to substantial portion of the district or neighborhood, which has not been demonstrated; (3) the requested variance will not alter the essential character of the neighborhood. This district is for single family homes, and even though this is a pre-existing condition, this does not fit in with the neighborhood, and (4) the applicant must prove that the alleged hardship has not been self-created. The hardship was unknowingly self-created. This application for a use variance does not meet all four criteria, and therefore is denied. Seconded by Dean Snyder. **Motion to deny (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

Chairperson Thomas polled the Board to provide their reason for denying this application:

Jim Zollweg: I denied this application because in my opinion at least two criteria for approving an area variance were not met: (1) cannot realize a reasonable return. There is no evidence presented that proves this and the property can be sold as an in-law at the same price as a double; and (4) it is a self-created difficulty. To approve a use variance, all 4 criteria must be satisfied, therefore, I cannot approve the application.

Stephen Shelley: Stated his motion stands.

Tim Thomas: The approval hinged on criteria 1 and 4: (1) there was no competent financial evidence presented. The applicant indicates that the selling price for the house would be the same if sold as a single or a double; and (4) the hardship was certainly self-created. The denial is warranted.

Tina Brown: Stated she concurs with Stephen Shelley's motion, based on the applicant's inability to show a lack of reasonable return and it is a self-created hardship.

Dean Snyder: Stated criteria 1 and 4 were not satisfied: (1) the applicant mentioned that the home might sell better as a single home rather than a double. No competent financial evidence was presented; and (4) the hardship is self-created, although unknowingly.

Jack Barton noted that with this motion to deny, one of the tenants has to be vacated. He also informed the applicant that if sold as an in-law situation, the new owner has to obtain a special permit.

SPECIAL PERMIT RENEWALS

5. JOHN AND TRACY SONOGA, JR. – 5760 RIDGE ROAD WEST

Application was received from John and Tracy Sonoga, Jr., contract vendees, for renewal of a special permit at 5760 Ridge Road West to allow an accessory apartment as part of their proposed new home. This property is currently zoned Agricultural/Conservation (AC).

Jack Barton reported there were no complaints on file.

Following discussion, a **Motion** was made by Stephen Shelley to approve the application received from John and Tracy Sonoga, Jr., contract vendees, for renewal of a special permit at 5760 Ridge Road West to allow an accessory apartment as part of their home, as per Zoning Article 9, subsection 165-76.E, for a period of two years, renewable 11/16/2010. This property is currently zoned Agricultural/Conservation (AC). Seconded by Dean Snyder. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

6. SUZANNE DINICOLA – 4621 RIDGE ROAD WEST

Application was received from Suzanne DiNicola, owner, for renewal of a Special Permit at 4621 Ridge Road West to construct a sales and showroom building and expand the area of outside display vehicles east of existing display area. This property is currently zoned Highway Commercial (HC) which allows this use with a Special Permit.

Jack Barton reported that a recent fire safety inspection identified violations, which are being rectified, but do not pertain to this special permit. Jack reported there were no complaints on file.

Following discussion, A **Motion** was made by Dean Snyder to approve the application of Suzanne DiNicola, owner, for renewal of the Special Permit at 4621 Ridge Road West, with the following conditions set forth that apply to properties, the eastern portion of 4615 Ridge Road West, now known as 4621, and the western portion of 4621 Ridge Road West, as follows:

- No more than 140 display spaces total
- All display areas will be paved
- No repairs or storage of junk cars
- No outside speakers
- No on-street parking
- Lighting to be directed away from Ridge Road West and neighboring properties
- Hours of operation: Monday through Friday, 9 am – 9 pm, Saturday, 9 am to 5 pm, no Sunday hours
- For a period of one year, to be renewable 12/20/2009.

Seconded by Stephen Shelley. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

7. FRANK AND LUIGI SANTONASTASO – 5070 RIDGE ROAD

Application was received from Frank and Luigi Santonastaso, owners, for renewal of a special permit at 5070 Ridge Road West to operate an auto sales and repair service. This property is currently zoned Highway Commercial (HC) which allows this use with a special permit.

Jack Barton reported that a recent inspection identified several violations. The owner has applied for the required building permits to resolve these violations. The number of cars on display was

compliant. He noted that the violations are not pertinent to this special permit. Jack reported there were no complaints on file.

Following discussion, a **Motion** was made by Jim Zollweg to approve the application received from Frank and Luigi Santonastaso, owners, for renewal of a special permit at 5070 Ridge Road West, to operate an auto sales and repair service. This property is currently zoned Highway Commercial (HC) which allows this use with a special permit. This approval is given with the original conditions, as follows:

- Hours of operation: Monday through Friday, 9 am to 7 pm; Saturday, 9 am to 5 pm; Sunday, 11 am to 4 pm.
- The fire marshal to inspect and approve the waste removal.
- Signs per zoning ordinance.
- No outside speakers.
- Lighting to be directed away from Ridge Road West.
- No junk cars on the premises.

For a period of one year, to be considered for renewal in January, 2010. Seconded by Stephen Shelley. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

8. KEN SIKORSKI – 96 DUNBAR ROAD

Application was received from Ken Sikorski, 96 Dunbar Road, for renewal of his Special Permit allowing the sales, service, and repair of legal firearms, golf clubs, snow skis, and related items.

Jack Barton reported no complaints were on file and a recent inspection by the ZEO reported this permit was in compliance. He noted that the applicant has requested a 5 year renewal period.

Following discussion, a **Motion** was made by Dean Snyder to renew the Special Permit for Ken Sikorski to allow the sales, service and repair of firearms, golf clubs, snow skis, and related items at 96 Dunbar Road with the following conditions:

- The operation be located exclusively to the rear storage building.
- Hours of operation, Monday through Friday, 6:00 pm to 9:00 pm; Saturday, 8:00 am to 9:00 pm by appointment only.
- No on-street parking.
- Signage to comply with zoning regulations.
- Upon fire marshal and zoning enforcement officer inspection and approval of property.
- Based on packet of information presented at the original application hearing on 2/16/95.
- To be renewed in five years, on 2/9/2014.

Seconded by Tina Brown. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

9. THOMAS AND ERIN BARBETO – 1914 NORTH UNION STREET

Application was received from Thomas and Erin Barbeto, owners, for renewal of a special permit to operate a home business at 1914 North Union Street in accordance with Town Zoning Article 9 subsection 165.79.1. The applicants are proposing to operate a pet grooming business in their home. This property is currently zoned Medium Density Residential (MDR) which allows this use with a special permit.

Jack Barton reported there were no complaints on file and a recent inspection did not identify any violations.

A **Motion** was made by Stephen Shelley to approve the application of Thomas and Erin Barbeto, owners, for renewal of a special permit to operate a home business at 1914 North Union Street in accordance with Town Zoning Article 9 subsection 165.79.1, to allow them to operate a pet grooming business in their home, with the hours of operation to be consistent with current zoning laws. Contingent on inspection and approval by the fire marshal. To be renewable in two years, February 15, 2011. Seconded by Tina Brown. **Motion unanimously approved (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

MINUTES OF JANUARY 15, 2009

The January 15, 2009 ZBOA minutes were reviewed. There being no additions or changes, a Motion was made by Dean Snyder to approve the January 15, 2009 ZBOA meeting minutes as submitted. Seconded by Stephen Shelley. **Motion to approve (3-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas; Abstain: Tina Brown, Jim Zollweg; Absent: Veronica Robillard)

ADJOURNMENT

There being no further business, a **Motion** was made by Dean Snyder and seconded by Jim Zollweg to Adjourn the meeting at 10:25 p.m. **Motion to approve (5-0)** (Ayes: Tina Brown, Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard)

Respectfully submitted,
Diane Grundon, Recording Secretary