

**TOWN OF PARMA
ZONING BOARD OF APPEALS
January 20, 2011**

Members Present: Tina Brown
Veronica Robillard
Stephen Shelley
Tim Thomas
Jim Zollweg (alternate)

Members Excused: Dean Snyder

Others Present: Jack Barton, Jim Roose (board liaison)

Public Present: See attached list

Chairperson Robillard called the meeting to Order at 7:05 p.m. She explained the function of the ZBOA and the decision-making process. She noted that this is a five-member board, with four Board members present and an alternate board member. She explained that a quorum of three is required to pass a motion. She offered hearing aid devices for anyone who required them.

TABLED PUBLIC HEARING

1. LAURA DENNISON – 4945 RIDGE ROAD WEST

Application of Laura Dennison, lessee, for an area variance at 4945 Ridge Road West. Applicant is proposing to use an existing free standing sign for business. The existing sign is considered abandoned by zoning because the previous business activity has been discontinued for a period of 90 days. The sign has a setback of 6 feet from the road right-of-way and relief is requested from Town Zoning Article 14, subsection 165-111.D which states in part that all free-standing signs shall be set back a minimum of 15 feet from all lot lines. This property is currently zoned General Commercial (GC).

Chairperson Robillard recalled that this application was tabled at the December ZBOA meeting due to the lack of notifications.

Tim DeRycke explained that the existing sign has been there for over 20 years. The last business occupying this building was Roses Bridal Shop. He described their current business which is a bottle and can redemption center. They wish to use this existing sign, which is 48 ½” wide x 35 ½” long, with a 1.5” aluminum border and reface it for their business. He noted the existing sign is in violation of current zoning because it is too close to the road. Jack Barton reported that prior to 1998 the requirement was a 5 feet setback, and then it was changed to a 15 feet setback. Tim noted the building is also too close to the road. He stated that if the sign were moved back to be in compliance, it would require it to be placed inside the building. He provided a sketch of the proposed free-standing sign, which will be illuminated from the inside.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order. Jack Barton reported that the request was returned by Monroe County as a matter of local determination. Jack reported that 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 Laura Dennison, lessee, for an area variance at 4945 Ridge Road West to use an existing free standing sign for business. The existing sign is considered abandoned by zoning because the previous business activity has been discontinued for a period of 90 days. The sign has a setback of 6 feet from the road right-of-way and this grants relief from Town Zoning Article 14, subsection 165-111.D which states in part that all free-standing signs shall be set back a minimum of 15 feet from all lot lines. This property is currently zoned General Commercial (GC). In making the determination to approve:

- I don't believe the benefit can be achieved by other means feasible to the applicant. As stated by the building department, the sign was in compliance when it was constructed prior to 1998. To relocate the sign to come into compliance would not allow effective advertising for this business.
- There will be no undesirable change in the neighborhood character or to nearby properties. As stated, the sign has been in place for at least 20+ years and has had no negative impact. The sign is to be illuminated from the inside.
- The request is not substantial. It was constructed prior to 1998 when the required setback was 5 feet.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is not really self-created because it is a reactivation of the sign that has been in place since 1998. In using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

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

2. GREG STAHL PROPERTIES, LLC – 4621 RIDGE ROAD WEST

Application of Greg Stahl Properties, LLC, owners, for area variances at 4621 Ridge Road West. Applicants are proposing to construct a commercial building and place 3 signs on the building and erect 1 free-standing sign. Total area of signage for the business will be 177.2 square feet. Applicants are requesting relief from Town Zoning Article 14, subsection 165-113.B.2 which states in part that each business shall be permitted 1 business sign on the building and the total area of signage shall not exceed 150 square feet. This property is currently zoned Highway Commercial (HC).

Chairperson Robillard recalled that this application was tabled at the December meeting due to the absence of the applicant.

John Love stated he is a business partner with Greg Stahl for their COMIDA business, Websmart auto, which will be located on this property. He noted that he mixed up the planning board meeting date with the zoning board meeting date, and thus missed the December ZBOA meeting.

He provided a written description and a picture of the proposed commercial building, a description of their business and pictures and description of the proposed signs. He noted that this building will be over 250 feet off the road and roughly 10 feet below road grade. He stated that this signage is critical for visibility from the road because of this. He noted the design of the building and the separation of the signage into one primary and two secondary signs which provides a more balanced look. He referred to neighboring businesses, such as the Mazda store, that has no less than 6 signs on the front of the building and multiple pole mounted and free standing signs. He felt that signage is critical in this highly competitive business of a full service automotive facility, with sales and service provided. He referred to the sketches of the proposed sign, which is a "halo" style that provides a finished look with a softer light. The letter signs on either end of the building are smaller and he felt fits well with the overall image. If all the signs were together, it would create too much light and make it difficult to clearly see the lettering at night. He referred to the 27 square feet freestanding road sign which will be internally lit.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order. Jack Barton reported that the request was returned by Monroe County as a matter of local determination. Jack reported that 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 Greg Stahl Properties, LLC, owners, for area variances at 4621 Ridge Road West to construct a commercial building and place 3 signs on the building and erect 1 free-standing sign. Total area of signage for the business will be 177.2 square feet. This grants relief from Town Zoning Article 14, subsection 165-113.B.2 which states in part that each business shall be permitted 1 business sign on the building and the total area of signage shall not exceed 150 square feet. This property is currently zoned Highway Commercial (HC). In making this determination to approve:

- I don't believe the benefit can be achieved by other means feasible to the applicant. The design and sizes of the signs will be conducive to the building layout and are consistent in nature with other dealerships in Greece and Parma on Ridge Road West and other applications for private and franchised dealerships.
- The area of signage is never insignificant, but this certainly will not create an undesirable change to the neighborhood character or to nearby properties. It is consistent with other dealerships on Ridge Road West and will allow the owners to effectively advertise their business without being overbearing or obtrusive.
- The request is not substantial. The total square feet is similar to other neighboring businesses.
- There will be no adverse physical or environmental effect.
- Although 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.

This approval with the condition that the illumination of the signs will be as per the documentation provided by the applicant.

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

MINUTES OF DECEMBER 16, 2010

The ZBOA minutes of December 16, 2010 were reviewed. The following changes were recommended: page 2, Para 3, line 12, change to "Dean questioned if the parking approved is adequate for the building proposed for this gateway to the community."; last Para, line 2, change to "...into a 25 feet long bay on the west side." Several "typos" were noted.

A **Motion** was made by Stephen Shelly to approve the December 16, 2010 ZBOA meeting minutes with the recommended changes. Seconded by Tim Thomas. **Motion carried (4-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Tim Thomas; Absent: Dean Snyder; Abstain: Jim Zollweg).

OTHER

2011 ZBOA meeting dates: The 2011 meetings dates submitted at the November meeting required one date change. The July meeting will be held one week earlier, July 14, 2011.

Meeting length: Discussion was held on the duration of ZBOA meetings over the past several months, one of which did not end until 1:20 a.m. The Board members agreed to bring their ideas to circumvent these late meetings to the February meeting.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, seconded by Tina Brown, to adjourn the meeting at 8:04 p.m. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; Absent: Dean Snyder).

Respectfully submitted,

Diane Cook, Recording Secretary