

**TOWN OF PARMA
ZONING BOARD OF APPEALS
February 19, 2015**

Members Present: Stephen Shelley
Dean Snyder
Tim Thomas
Jim Zollweg

Members Excused: Dan Melville, Veronica Robillard

Others Present: Dennis Scibetta, Art Fritz, Kyle Mullen

Public Present: Patrick Lloyd

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

NEW BUSINESS

1. PATRICK AND EVELYN LLOYD – 214 HAMLIN PARMA TOWN LINE ROAD

The application of Patrick and Evelyn Lloyd, owner, for a Special Permit at 214 Hamlin Parma Town Line Road. The applicant is proposing to construct a 603 square feet addition to be used as an accessory apartment. This property is zoned Agricultural/Conservation (AC) which allows this use with a Special Permit.

Patrick Lloyd, owner explained that he would like to build this addition for his wife's parents to use so that they do not have to keep driving back and forth to Irondequoit since most of the family is now located in the Hilton/Brockport area. They are getting to the age where they are going to need more assistance. They would like to build a small kitchen for them and a bathroom which would be attached to the kitchen/garage portion of their house, on the NW corner. There was discussion about documenting the names of who would be using the addition. The applicant said it would be Helen and Walter Eisenhower. Jim Zollweg explained that there would be rules for the use of this. There was discussion about when this need goes away it needs to be decommissioned or there would need to be unencumbered access.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There are no comments from the Building Department.

Public Comment: None
Public Hearing Closed.

A **Motion** was made by Dean Snyder to **approve** the application of Patrick and Evelyn Lloyd, owners, for a Special Permit at 214 Hamlin Parma Town Line Road to construct a 603 square feet addition to be used as an accessory apartment. The applicant will be required to meet all conditions of Paragraph 165-76; Accessory Apartments within the Parma Zoning Code. This permit will require bi-annual renewals as long as the same conditions are in effect and as long as the property is owned and occupied by the same persons. Helen and Walter Eisenhower will be occupying the accessory apartment.

Seconded by Stephen Shelley. **Motion carried to table (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

SPECIAL PERMIT RENEWALS

2. SHANE PFEFFER – 420 MOUL ROAD

The application of Shane Pfeffer, owner, for renewal of a Special Permit at 420 Moul Road to operate a home business for the sale and transfer of firearms. This property is currently zoned Agricultural/Conservation (AC) which allows Home Business with a Special Permit in accordance with Town Zoning Article 9, subsection 165-79.1.

Art Fritz reported that a Fire and Safety Inspection was conducted on February 12, 2015 and everything was found to be in compliance with the Special Permit regulations. Art Fritz said that there is a request from the applicant to have the renewal time extended to coincide with the renewing of his FFL License in July 2016. Dean Snyder asked why this renewal is 6 months late. Mr. Fritz stated it was due to the process in the Building Department. Acting Chairperson Thomas stated that he is good with the conditions and does not feel that extending the renewal out would be an issue.

A **Motion** was made by Stephen Shelley to approve the application of Shane Pfeffer, owner, for renewal of a Special Permit at 420 Moul Road to operate a home business for the sale and transfer of firearms with the following conditions:

1. Hours of operation: Monday through Saturday, 9 am to 8 pm by appointment only.
2. No signage, external storage or goods on display.
3. Subject to the inspection of the Fire Inspector and the Zoning Enforcement Officer.
4. No on-street parking.
5. Applicant can only have inventory on the premises for 12 government business days.
6. Applicant must maintain a continuous FFL License during the period of the Special Permit.
7. Renewable in July 2016 by request of the applicant so that this will run with the renewing of his FFL License.

Seconded by Jim Zollweg. **Motion carried to approve (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

2. GOOD NEWS COMMUNITY CHURCH – 4797 RIDGE ROAD

Application was received from Good News Community Church, owner, for renewal of a Special Permit at 4797 Ridge Road West to operate a church. Article 5.3.D.2 requires a Special Permit to operate a church in a Medium Density Residential (MD) district.

Art Fritz reported that he has sent two notices and left several messages about the required Fire and Safety inspection and there has been no response back so that inspection has not taken place. Because there has been no inspection the Board cannot act and will have to table this.

A **Motion** was made by Jim Zollweg to table the application of Good News Community Church, owner, for renewal of a Special Permit to operate a church until the March 2015 Zoning Board of Appeals meeting to allow time for the required Fire and Safety inspections to take place.

Seconded by Stephen Shelley. **Motion carried to table (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

3. GARY AND JULIE DIMORA – 74 SUMMERTIME TRAIL

The application of Gary and Julie DiMora, owner, for renewal of a Special Permit for an accessory apartment at 74 Summertime Trail. This property is currently zoned Medium Density Residential (MD).

Acting Chairperson Thomas asked if there were any comments from the Building Department. Art Fritz answered no.

A **Motion** was made by Dean Snyder to approve the renewal of the Special Permit for an accessory apartment at 74 Summertime Trail. The applicant will be required to meet all conditions of Paragraph 165-76, Accessory Apartments within the Parma Zoning Code consistent with that code the permit will be good for a 2 year period, subject to 2 years renewals as long as the same conditions are in effect and as long

as the property is owned by the same person or persons. Frances Kent will be living in the Accessory Apartment.

Seconded by Jim Zollweg. **Motion carried to approve (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

4. KAREN LEONARDI – 1110 OGDEN PARMA TOWN LINE ROAD

The application of Karen Leonardi, owner, for renewal of a Special Permit at 1110 Ogden Parma Town Line Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density Residential (MD).

Acting Chairperson Thomas asked if there were any comments from the Building Department. Art Fritz stated that there are no complaints on file.

A **Motion** was made by Stephen Shelley to approve the application of Karen Leonardi, owner, for renewal of a Special Permit at 1110 Ogden Parma Town Line Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. This accessory apartment will house the applicant's parents, Gary and Judy VanDeViver and this Special Permit will be renewable in two years. At the end of this current occupancy of Mr. and Mrs. VanDeViver this permit will also expire, it is only applicable to these residents. Seconded by Jim Zollweg. **Motion carried to approve (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

5. DAVID and KATHLEEN KEECH – 42 DUNBAR ROAD

Application was received from David and Kathleen Keech, owners, for renewal of a Special Permit at 42 Dunbar Road for an accessory apartment used as an in-law residence. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Art Fritz stated that there are no complaints on file. There was discussion surrounding how the Building Department verifies who is living in the accessory apartment.

A **motion** was made by Jim Zollweg to approve the application of David and Kathleen Keech, owners, for renewal of a Special Permit at 42 Dunbar Road to allow an accessory apartment to be used as an in-law residence for Kathleen's mother, Ethel Monks, be approved in accordance with Zoning Article 9, subsection 165.76.A.-I. This Special Permit will be for a 2 year period, renewable October 2016. Seconded by Dean Snyder. **Motion carried to approve (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

6. 5018 RIDGE ROAD, LLC – 5018 RIDGE ROAD

The application of 5018 Ridge Road, LLC, for renewal of a Special Permit at 5018 Ridge Road West to display and sell motor vehicles, which is allowed with a Special Permit. This property is currently zoned Highway Commercial (HC).

Art Fritz reported that there was a Fire and Safety Inspection conducted on February 19, 2014 and that the property was in compliance with the Special Permit. There were no other comments from the Building Department.

A **Motion** was made by Stephen Shelley to approve the application of 5018 Ridge Road, LLC, for renewal of a Special Permit at 5018 Ridge Road West for the display and sales of motor vehicles which is allowed with a Special Permit. This property is currently zoned Highway Commercial (HC) with the following conditions:

1. That number of parking spaces for display, employee, and customers shall not exceed 74 spaces but is subject to Planning Board approval as to how those spaces should be delegated based on the requirements.
2. The hours of operation shall be 9am to 9pm, Monday through Thursday; 9am to 5:30pm, Friday; 9am to 5pm, Saturday; and Noon to 4 pm on Sunday.
3. No onsite repairs shall take place on this parcel.

4. No outside storage of car parts or any other related materials that could be perceived as a car repair business.
5. Lights shall be directed away from Route 104 and Route 259.
6. There shall be no outside speakers but the permit will allow a paging system for the express purpose of paging employees.
7. For a period of two year, to be renewable November 2016.

Seconded by Dean Snyder. **Motion carried (4-0)** (Ayes: Tim Thomas, Stephen Shelley, Dean Snyder, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

7. 5050 RIDGE ROAD LLC – 5050 RIDGE ROAD WEST

Application was received from 5050 Ridge Road LLC for renewal of a Special Permit to allow the applicant to store vehicles for display and sales at 5050 Ridge Road West.

8. 5050 RIDGE ROAD, LLC – 5052 RIDGE ROAD WEST

Application was received from 5050 Ridge Road, LLC for renewal of a Special Permit to allow the applicant to store vehicles for display and sales at 5052 Ridge Road West.

9. 5050 RIDGE ROAD, LLC – 5044 RIDGE ROAD WEST

Application was received from 5050 Ridge Road, LLC for renewal of a Special Permit to allow the applicant to store vehicles for display and sales at 5044 Ridge Road West.

A **Motion** was made by Stephen Shelley to approve the requests for renewal of Special Permits for 5050 Ridge Road West at the properties of 5050 Ridge Road West, 5052 Ridge Road West and 5044 Ridge Road West for primarily storage of new and used vehicles as per the layout submitted to the Board on September 20, 2012 for a period of 2 years pending inspections by the Building Department. Renewable in October 2016.

Seconded by Dean Snyder. **Motion carried to approve (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

10. DONALD AND NANCY TOWN – 2 LIGHTHOUSE BEACH ROAD

Application was received from Donald and Nancy Town, owners, for renewal of a Special Permit at 2 Lighthouse Beach Road to use their home as a tourist home (bed and breakfast) which is allowed with a Special Permit. This property is currently zoned Waterfront Residential (WF).

Art Fritz explained that while everything has been paid for renewal wise, the applicants are in Florida and will not allow the Building Department to inspect the property until June. This is not being used as an active Bed and Breakfast at this point. Waiting until June would have this Special Permit renewal 7 months late. This Bed and Breakfast was approved for two bedrooms and now is a four bedroom. The Board feels that this should be revoked and the process started all over again. Dean Snyder explained to the Board that he has had some complaints about cars parking on the road making it hard to get through and making it hard if fire trucks had to get through and their website shows wedding and events are possibly taking place which is completely out of scope with what was approved.

A **Motion** was made by Dean Snyder to **deny** the renewal application of Donald and Nancy Town, owners, for a Special Permit at 2 Lighthouse Beach Road to use their home as a tourist home or bed and breakfast because the applicants have not been cooperative with facilitating the Fire and Safety Inspection required by the Town.

Seconded by Jim Zollweg. **Motion carried to deny (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard)

Acting Chairperson Thomas polled the Board for the reason for **denial**:

Dean Snyder: My motion stands for my reason for denial.

Jim Zollweg: I voted to deny this request because the applicants have been uncooperative with allowing the Town to inspect for fire and safety.

Stephen Shelley: I voted to deny for the same reason.

Tim Thomas: My denial is based on the unwillingness of the applicant to allow or schedule the fire and safety inspection.

MINUTES OF JANUARY 15, 2015

The ZBOA minutes of January 15, 2015 were reviewed. **Motion** was made by Jim Zollweg to **approve** the January 15, 2015 minutes as presented. Seconded by Stephen Shelley. **Motion carried (3-0)** (Ayes: Stephen Shelley, Tim Thomas, Jim Zollweg; **Abstain:** Dean Snyder; **Absent:** Dan Melville, Veronica Robillard).

OTHER BUSINESS

ADJOURNMENT

There being no further business, a **Motion** was made by Stephen Shelley, seconded by Jim Zollweg to adjourn the meeting at 7:50 p.m. **Motion carried (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Dan Melville, Veronica Robillard).

Respectfully submitted,

Carrie Webster
Recording Secretary