

**TOWN OF PARMA
ZONING BOARD OF APPEALS
FEBRUARY 21, 2019**

Members Present: Dan Melville, Stephen Shelley, Corinne Zajac

Members Excused: Veronica Robillard, Dean Snyder, Tim Thomas

Others Present: Dennis Scibetta, Blake Keller

Public Present: Bill Littleboy, Marge Littleboy, Ron Zarpentine, John Kierecki, Sandra Kierecki, Stephen Connolly

The meeting was called to Order by Acting Chairperson Melville at 7:00 p.m. He introduced the members present on the Board and the side table. He further explained the function and decision-making process of the Zoning Board of Appeals. He noted this is a five member board with three members present and a quorum of three is required to pass a motion. He stated that if anyone was uncomfortable with that they can ask the Board to table it to the next meeting.

CONTINUING BUSINESS FROM JANUARY 17, 2019

1. STEPHEN CONNOLLY – 1235 HILTON PARMA CORNERS ROAD

Application of Stephen Connolly, lessee, for a Special Permit at 1235 Hilton Parma Corners Road. The applicant is proposing to operate an automobile sales business with the ability to display 5 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit.

Board Discussion: Dennis Scibetta noted the request was returned by Monroe County as a matter of local determination. This is a Type II action under SEQR and no further review is required. There were no letters in the file.

Stephen Connolly stated that while he asked to display five vehicles he is really only looking to have three cars on display at the property. He showed pictures of the lot to the Board. He stated that he ran an auto business for over 20 years in Greece and he does not want this to be an eye sore. The cars he will have on display will be nicer high end cars not old beat up vehicles. There would be no repairs done on site and he would like to have the hours be 4-9p.m. during the week, and 10-4p.m. on the weekends.

Acting Chairperson Melville asked if this needed Planning Board approval. Mr. Scibetta said he took it to the Planning Board and they did not have any concerns with the application.

Public Hearing: None
Public Hearing Closed

A **Motion** was made by Stephen Shelley to **approve** the application of Stephen Connolly, lessee, for a Special Permit at 1235 Hilton Parma Corners Road to operate an automobile sales business with the ability to display 4 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sales of motor vehicles with a Special Permit. Conditions of the Special Permit are:

1. Any signage shall meet the Parma Town Code.
2. Hours of operation shall be 4p.m. to 9p.m. Monday-Friday; and 10a.m. to 4p.m. Saturday and Sunday.
3. Special Permit shall be renewed in March 2021.

Seconded by Corinne Zajac. **Motion carried to approve (3-0)** (**Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder, Tim Thomas).

2. WILLIAM & MARGARET LITTLEBOY – 1442 HILTON PARMA CORNERS ROAD

The application of William and Margaret Littleboy, owners, for a Special Permit at 1442 Hilton Parma Corners Road. The applicants are requesting to have 6 dogs on this property and are requesting a Special Permit in accordance with Town Zoning Article 10, subsection 165-82.AA.3. A Special Permit is required to have more than three dogs on a property. This property is currently zoned Rural Residential (RR).

William Littleboy, owner, would like to get approval to have up to 6 dogs on the property. They currently have two of their own dogs and they took in two dogs for someone who was unable to care for them. Since application one of the dogs passed and they currently have three dogs. They are asking for 6 dogs because of a neighbor complaint and since an incident between them and the neighbors they are looking to get a guard dog.

Acting Chairperson Melville noted that because the applicants are currently in compliance the Board does not normally approve these Special Permits before they are out of compliance. He also explained that the Special Permit is only good for the listed dogs and as they pass they cannot be replaced with other dogs. Art Fritz asked if they plan on getting another dog to replace the fourth one soon. The applicant stated they did want to. Stephen Shelley asked how old the dogs are. The applicant stated they are 10, 10, and 13. It was felt that this should be tabled until the applicants obtain another dog.

Public Hearing:

John Kierecki, 571 Peck Road, stated that he is concerned with someone getting a dog to be trained as a guard dog. He has little children running around and would worry if the dog got loose. He is also concerned with the noise if there are 5 or 6 dogs together.

Sandra Kierecki, 571 Peck Road, has the same concerns. She does not want 5 or 6 dogs living nearby.

Ron Zarpentine, Burritt Road, stated that two of the dogs were his friend's dogs and the Littleboy's stepped up to help care for the dogs. He is confused as to why you cannot get a permit to have more dogs before you are out of compliance.

Public Hearing Closed

Art Fritz explained that applicants cannot come to the Board and ask for the extra dogs because they are not in violation of the ordinance and the Board cannot issue a Special Permit on something you do not have. The dogs covered in the Special Permit are named.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination. There are no letters in the file.

A **Motion** was made by Stephen Shelley to **table** the application of William and Margaret Littleboy, owners, for a Special Permit at 1442 Hilton Parma Corners Road to the March 2019 meeting without prejudice so they can determine the name and details of the fourth dog.

Seconded by Corinne Zajac. **Motion carried to table (3-0) (Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder, Tim Thomas).

Acting Chairperson Melville told the applicants to contact the Building Department if they need to postpone further.

3. STEVEN BUBEL –160 FERGUSON DRIVE

The application of Steven Bubel, owner, for an area variance at 160 Ferguson Drive. The owner has constructed a garage with a front setback of 12 feet and is requesting relief from Town Zoning Article V, subsection 165-35.C.7 which states that the front setback is to be 25 feet. This property is currently zoned Waterfront Residential (WF).

There was no one in the audience for this application. The Board felt that they could continue with the application based on the information received at the last meeting and other information provided tonight about the septic system.

Dennis Scibetta noted that there was no further information at the County regarding the location of the septic system. At the last meeting the neighbors stated they did not want this moved back further. There were no neighbors here tonight to speak on this. The front setback is the only variance being sought, not height or size. It was noted that there are other buildings at that same setback or closer on the road.

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

Public Comment: None
Public Hearing: Closed

A **Motion** was made by Corinne Zajac to **approve** the application of Steven Bubel, owner, for an area variance at 160 Ferguson Drive. The owner has constructed a garage with a front setback of 12 feet and is requesting relief from Town Zoning Article V, subsection 165-35.C.7 which states that the front setback is to be 25 feet. This property is currently zoned Waterfront Residential (WF).

Using the balancing test:

- The benefit cannot be achieved by other means feasible to the applicant.
- There will be no undesirable change in neighborhood character or to nearby properties. Based on comments from the neighbors moving back the structure would create more of an undesirable change than leaving it in its current position. There are other structures at that set back or closer on this road. There would be a financial burden on the applicant if he is required to move this back into compliance.
- The request is substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is not self-created due to an error in measurement by the Building Department. 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 carried to approve (3-0) (Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Stephen Shelley, Tim Thomas).

SPECIAL PERMIT RENEWALS

4. DOUGLAS WARMBRODT – 462 HILL ROAD

The application of Douglas Warmbrodt, owner, to renew a Special Permit at 462 Hill Road, for renewal of a Special Permit to operate an in home business in the basement of his dwelling in accordance with Town Zoning Article IX, subsection 165-79.1. This property is currently zoned Agricultural/Conservation (AC) which allows this use with a Special Permit.

On February 14, 2019 Arthur J. Fritz, ZEO, inspected the property regarding conditions of the Special Permit and at the time of the inspection there were no violations of the Special Permit conditions. There are no complaints on file.

The Board questioned why this renewal is so late and if this was Town error, this was originally issued in March 2017 for one year, making this renewal a year late. Art Fritz said the business has not started yet as the State License has just been issued and the applicant was not aware he had to come back for that reason. Mr. Fritz asked if the Board could make this conditioned on a time period from when all licensing is in place.

After discussion, a **Motion** was made by Stephen Shelley to **approve** the application of Douglas Warmbrodt, located at 462 Hill Road, for renewal of a Special Permit to allow

him to have an in-home business in the basement of the dwelling in accordance with Town Zoning Article IX, subsection 165-79.1. The property is currently zoned Agricultural/Conservation (AC).

The provisions of this permit are as follow:

1. Visitors, if any, will only come to the residence by appointment and during normal business hours so as not to disturb neighbors. There will not be a sales office.
2. There will be no signage.
3. There will be no annoying sounds, lights or odors that could disturb the neighbors.
4. There will be no employees.
5. There will be no commercial deliveries.
6. There will be no sales on site.
7. The business will only be cosmetic work not operational to the weapon.
8. There will be no parking on the street.
9. This Special Permit will be good for two years from when the Federal and State Licenses are in place.

Seconded by Corinne Zajac. **Motion carried to approve (3-0) (Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder, Tim Thomas).

5. ERIN BARBETO and THOMAS 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 IX, subsection 165-79.1 to operate a pet grooming business in their home. The property is currently zoned Medium Density Residential (MD) which allows this with a Special Permit.

There was an inspection completed on February 1, 2019 by Arthur Fritz, Jr., ZEO. There were no violations of the Special Permit found during the time of the inspection. There are no complaints on file.

After discussion, 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. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit with the following conditions:

1. The hours of operation to be consistent with 165-79.1(J).
2. Renewable February 2021.

Seconded by Corinne Zajac. **Motion carried to approve (3-0) (Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder, Tim Thomas)

MINUTES OF JANUARY 17, 2019

The ZBOA minutes of January 17, 2019 were reviewed. **Motion** was made by Corinne Zajac to approve the January 17, 2019 minutes as presented. **Seconded** by Stephen

Shelley. **Motion carried to approve (3-0) (Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder, Tim Thomas).

OTHER INFORMATION

There was discussion about training at the Town for Planning, Zoning, Village and Town Boards sometime in May on a Saturday. This would be special training and include training for the new SEQR rules. This will give each member at least 4 training credits.

ADJOURNMENT

There being no further business, a **Motion** was made by Corinne Zajac, seconded by Stephen Shelley to adjourn the meeting at 8:10 p.m. **Motion carried (3-0) (Ayes:** Dan Melville, Stephen Shelley, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder, Tim Thomas).

Respectfully submitted,

Carrie Fracassi
Recording Secretary