

**TOWN OF PARMA
ZONING BOARD OF APPEALS
JANUARY 16, 2020**

Members Present: Dan Melville, Stephen Shelley, Tim Thomas, Corrine Zajac

Members Excused: Veronica Robillard, Dean Snyder

Others Present: Dennis Scibetta, Councilperson Judd

Public Present: D'Angelo Carabello, Russ Angelo, Kris Schultz

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

SPECIAL PERMIT RENEWALS

1. KAREN LEONARDI – 1110 OGDEN PARMA TOWN LINE ROAD

Application of Karen Leonardi, owner, for renewal of a Special Permit at 1110 Ogden Parma Town Line Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Dennis Scibetta received an email from the applicant this morning which he read to the Board. Ms. Leonardi indicated that she did not receive notice about the need to attend this meeting until a letter was put in her mailbox today. She received two voicemails to call the office one on January 9, 2020 and one January 16, 2020 but neither voicemail indicated the need to attend the meeting. She would like to reschedule this to the next Zoning Board meeting if there is still a need for her to attend because she is working out of town and does not think having less than 24 hours' notice is reasonable to request her presence. Nothing has changed with regard to the Special Permit except that her parents are rarely even up here living in the accessory apartment. Mr. Fritz was asked to send a letter to the applicant telling her she needed to come to the meeting; it was not done until yesterday. Mr. Scibetta felt there is blame on both parties and she should be able to come in next month to discuss this.

The concern of the Board is that this Special Permit expired in February 2019 and there have been ongoing issues trying to get this Special Permit renewed timely. While the Town sends letters to the applicant, the Board does not feel it is up to the Town to chase the applicants of the Special Permit for their renewals. The applicants agree at the time the original Special Permit is approved that they will come back timely for their renewals. Dennis Scibetta would like to look at the history of this Special Permit before the next meeting. There was discussion among the Board that if the Special Permit

expires then the applicant should have to start the process over and reapply for the Special Permit.

A **Motion** was made by Corrine Zajac to **table** the application of Karen Leonardi, owner, for renewal of a Special Permit at 1110 Ogden Parma Town Line Road for an accessory apartment to the February 2020 meeting. The applicant must appear before the Board to substantiate the need for the Special Permit and to explain why the permit was allowed to lapse for 1 year past the renew date without prejudice. The Board would also like the history relative to communications with the applicant during the renewal process from the time expired until recent from the Building Department. Failure to respond will result in revoking the Special Permit. **Seconded** by Stephen Shelley.

Motion carried to table (4-0) (Ayes: Dan Melville, Tim Thomas, Stephen Shelley, Corrine Zajac; **Excused:** Veronica Robillard, Dean Snyder).

2. RUSS ANGELO – 5200 RIDGE ROAD

Application of Russ Angelo, owner, for renewal of a Special Permit at 5200 Ridge Road to operate an automobile sales business with the ability to display 80 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit.

Acting Chairperson Thomas noted that this renewal is late also. Kris Schultz, on behalf of the applicant handed out plans for the Board to look at. These plans are not different than what has been provided in the past. Mr. Schultz said that Mr. Angelo is in the process of buying the property from the County and then would be looking to make some changes to the premises but tonight's purpose is to renew the Special Permit as it stands now. They understand that any changes to the property would need to go through the Planning Board for approval.

On January 9, 2020 Arthur Fritz, Jr., ZEO completed an inspection regarding the conditions of the Special Permit. At the time of the inspections there were no violations of the Special Permit conditions. There were 26 vehicles on the property and two employee vehicles in the parking lot. At the time of the inspection there were no parts or tires in open storage and there are no complaints in the file.

Dan Melville asked the applicant if he received any renewal letters for this Special Permit. Mr. Angelo said that he never received any letters; a couple weeks ago Mr. Angelo contacted the office and talked to Mr. Fritz who indicated that he could not find the file so he came in and paid for the renewal. The Board wanted to know why a letter did not go out on this matter; however, Mr. Melville told the applicant that it is still his responsibility even if he did not get a letter.

Mr. Scibetta confirmed with the applicant that he cannot have the advertising on the van sitting down the street. The applicant stated that as soon as he was notified about that he moved it.

There was discussion about the timing of the next renewal because this is 6 months late. There is a need to get control of the outstanding Special Permits. The Board felt that Mr. Angelo was very responsive once he realized this had lapsed and was comfortable doing a year from this meeting on this. Dennis explained the process to renew a Special Permit. The applicant asked if they could come in a month early so that they are not late going forward. The Board felt that would be ok, better to be early than late on these.

The Board confirmed with the applicant that the conditions of the Special Permit are the same.

A **Motion** was made by Dan Melville to **approve** the application of Russ Angelo, Lessee, to renew a Special Permit at 5200 Ridge Road West to operate an automobile sales business with the ability to display 30 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit. This Special Permit will be for a period of 12 months renewable January 2021 with the following conditions:

1. Hours of operation will be Monday – Friday 9 a.m. to 6 p.m.; Saturday 10 a.m. to 4 p.m.; Sunday 10 a.m. to 2 p.m.
2. There will be no street parking and must have adequate parking for customers.
3. All repairs to be performed in the existing structure.
4. Signs to conform to the current Zoning.
5. The other stipulations in the original permit are covered by our current code.

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

3. CRAIG BRYCE – 645 MANITOU ROAD

Application of Craig Bryce, owner, for renewal of a Special Permit at 645 Manitou Road, pursuant to Town Zoning Article 9, subsection 165-79.1 (Home Businesses), to allow the outside storage of eight pieces of construction equipment and the repair of the equipment in the existing garage. This property is currently zoned Rural Residential (RR).

It was clarified that Craig Bryce is the owner of the property and Dave DeConinck is the owner of the business requesting the Special Permit and resides on the premises. The permit was due for renewal in January 2019. There was a discussion about the expiration date and getting a process in place so this does not continue to happen. There was discussion about sending a blanket letter to all Special Permit holders stating that it is their responsibility to make sure they renew their Special Permits on time. The Town should not have to chase the applicants to come in. The Town needs to look at their process and keep it consistent for all applicants.

On January 10, 2020 Arthur Fritz, Jr., ZEO completed an inspection regarding the conditions of the Special Permit. At the time of the inspections there were no violations

of the Special Permit conditions. There were 6 pieces of construction equipment on the property the day of the inspection, 8 are allowed. There are no complaints on file.

There is concern among the Board that the property owner has not signed the application for renewal. The feeling is that the legal owner of the property should be signing for renewals. It looks like throughout the years Mr. Bryce would sign or Mr. DeConinck would sign. The property owner would be liable if something happened on the property due to the activities happening during the Special Permit use. Acting Chairperson Thomas asked Mr. Scibetta to contact the attorney to see if it is reasonable that the property owner apply and sign for all Special Permits and renewals. The consensus was that this should be tabled to allow the Town the opportunity to clarify who should be signing for renewals and applications, owner of property or the person requesting a Special Permit.

A **Motion** was made by Dan Melville to **table** the application of Craig Bryce, owner, for renewal of a Special Permit at 645 Manitou Road to the February 2020 Zoning Board of Appeals meeting pending the signature of the property owner on the Special Permit Renewal Form.

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

OTHER INFORMATION

5255 Ridge Road West

Dennis Scibetta read a letter to Chuck Cannioto, property owner, from Arthur Fritz, Zoning Enforcement Officer, pertaining to the Special Permit issued to the Tenant, Andrew Zguta, on March 15, 2018 allowing the display and sale of vehicles at 5255 Ridge Road West. The letter states the following in summary:

Three letters for renewal of the Special Permit were sent to Mr. Zguta and two posted on the front door of the structure with no response. The Special Permit has expired and is now null and void; therefore, you must cease all vehicle sales and remove all unlicensed vehicles and any parts that may be scattered around the property both in the front and rear of the building. They have 10 days to bring the property into compliance. At the end of the 10 day period there will be an inspection for zoning compliance. If at that time there are any violations cited, further enforcement action will be taken. In order to continue the use, you must reapply to the Zoning Board of Appeals with an entirely new application; however, the property must be in compliance before you can make application.

MINUTES OF DECEMBER 18, 2019

The ZBOA minutes of December 18, 2019 were reviewed. **Motion** was made by Corrine Zajac to approve the December 18, 2019 minutes as amended. **Seconded** by Stephen Shelley.

Motion carried to approved (4-0) (Ayes: Dan Melville, Stephen Shelley, Tim Thomas, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder).

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville, **seconded** by Corrine Zajac to adjourn the meeting at 8:06 p.m. **Motion carried to approved (4-0) Ayes:** Dan Melville, Stephen Shelley, Tim Thomas, Corinne Zajac; **Excused:** Veronica Robillard, Dean Snyder).

Respectfully submitted,

Carrie Fracassi
Recording Secretary