

TOWN OF PARMA
ZONING BOARD OF APPEALS
March 16, 2017

Members Present: Dan Melville
Veronica Robillard
Stephen Shelley
Tim Thomas
Jim Zollweg

Others Present: Dennis Scibetta, Art Fritz, Dan Barlow

Public Present: Mike Greene, Jim Newton, Lon Jacobs, Douglas Warmbrodt, Gary Smith

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

NEW BUSINESS

1. DOUGLAS WARMBRODT – 462 HILL ROAD

The application of Douglas Warmbrodt, located at 462 Hill Road, for a Special Permit. The applicant is proposing to operate an in-home business (gunsmithing) 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).

Douglas Warmbrodt, owner, stated that he does woodworking and would like to do custom engraving on gun stocks and refinishing. As a technicality of the ATF they require that if I he is touching a gun that is not his or intended to be his he needs a gunsmithing license. He stated he is not a machinist and is only interested in working on wood. The whole gun would come to him and he would remove the stock and work on that. He is a manufacturing rep and travels to gun shops in the area. When he sees a gun that he feels he can fix or improve he would get it. He also does fundraising drives and would like to do custom engraving for those auctions or fundraising. There would be no purchasing of an or maintaining an inventory of guns. Tim Thomas asked if people might be dropping off guns. The applicant stated that could happen but he would prefer because he travels so much that he would pick up and drop off from them. Tim Thomas asked if it would be possible that a gun would be delivered by Fed Ex or UPS. Mr. Warmbrodt stated that that would not happen.

Dan Melville asked if he has a current Federal Fire Arms License. Mr. Warmbrodt stated he currently has a Type O3 but in order to do this he would need a gunsmithing license and in New York State to get that you need a State Fire Arms License and to get that he needs a Federal Fire Arms License. To accomplish all that he needs a Type 01, which is a dealer license. Tim Thomas asked if the ATF requires him to secure these in a safe. The applicant stated yes. After approval by the Town the ATF will come and inspect his property. Tim Thomas asked if the other woodworking he does is for sale. Applicant stated no, it is for hobby. Stephen Shelley asked if there would be any kind of sign. The applicant stated no. There would be no employees. Jim Zollweg asked how he would find and communicate with clients. Mr. Warmbrodt stated that he has known a lot of them for many years.

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 were no letters in the file.

Tim Thomas asked if there had been other cases like this. Art Fritz, stated that there have been many, currently there is only 1. Typically there is a one year approval and then they come back to renew. Mr. Fritz also stated that he is looking for this because it is one of the criteria to get his license. Chairperson Robillard

asked if there would be hours of operation. The applicant stated that he would control when people came over and it would be by appointment. He expects that there would be very little if any traffic. This would not be a shop. All business interactions would be conducted during what would be considered normal business hours. Chairperson Robillard asked if there would be any testing of the guns. The applicant stated there would be no testing. He is strictly a woodworker. Art Fritz stated he has a woodworking hobby already and this really isn't adding to it, it is just a step in the process.

Public Comment: None

Public Hearing: Closed

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of Douglas Warmbrodt, located at 462 Hill Road, for a Special Permit. This Special Permit allows him to have an in-home business (gunsmithing) 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 applicant intends to do woodworking on the wood parts of firearms and because of that will technically be handling guns and this permit is required.

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 one year, renewable in March 2018.

Seconded by Dan Melville. **Motion carried to approve (5-0) (Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

2. LAMAR ADVERTISING – 4618 RIDGE ROAD WEST

The application of Lamar Advertising, lessee, for 4 area variances located at 4618 Ridge Road West. The applicant is proposing to erect a 253 square feet changeable electronic freestanding advertising sign with a setback of zero feet from the Ridge Road right-of-way. Applicant is requesting relief from 1) Town Zoning Article XIV, subsection 165-111.B which requires sign to be located on the same site as they identify or advertise, 2) subsection 165-111.D which requires signs to be setback 15 feet from all lot lines, 3) subsection 165-111.F which states in part that no sign shall be animated or flashing and 4) subsection 165-113.4.b which limits the area of freestanding signs to 32 square feet. This property is currently zoned Highway Commercial (HC).

Jim Newton, Lamar Advertising, stated that they do advertising in Buffalo, Syracuse, Albany, Erie and Rochester. They are trying to educate people on the newer digital billboards. When people hear digital billboards people think of NYC or Las Vegas. After looking through the legal, he wanted to state that they will be complying with the setback and the billboard will not be animated or flashing. They had a presentation to show the Board. He felt that things have changed in recent years. When he started at Lamar they did not even have computers and he understands what the ordinance says but maybe that is something the Town would like to change at some point.

Mike Greene gave the slide show presentation. They have been in the area since 1997. 75% of the advertisers are local. They do not want to be in residential areas, they want to be where the traffic is. At 4618 West Ridge Road, it is zoned Highway Commercial and 600 feet from the intersection. All around it are commercial and industrial space, car dealers, motels, retail shops and gas stations. They have received NYS preliminary approvals for the sign. They showed the difference of the billboard and how quick it moves between ads, there is no scrolling or blinking, it is all one solid image. It changes every 8 seconds in

one quick turn. NYSDOT requires 6 seconds. Cars traveling at 45 mph might see two images. He showed similar signs in the area. They explained that they are on a dimmer so that they are not so bright at night compared to during the day. The one side is digital faced and would change images. The backside would be static faced and would remain one image. They also work with law enforcement and can post emergency information, weather updates and Amber Alerts. Malfunctioning sign can be fixed within 24 hours and will go into shut down mode showing only a black screen if necessary.

Dennis Scibetta told the applicant that regardless of the outcome today, they should make a point to go to a Town Board meeting with the same presentation because they are currently looking at making changes to the code regarding signs.

Jim Zollweg asked who would be in control of the content. Jim Newton stated that the advertisement company (Lamar) would be. Tim Thomas stated that it seems that so far these signs have been on major arteries, like 490, 390. He wanted to know if they are working with the Town of Greece because they have more businesses than Parma. Mr. Newton stated that he had a Lessor come to him to ask about this so that is why they are here. They are interested in approaching the Town of Greece also. Tim Thomas asked if there is a tendency to have these lower to the ground. Mr. Newton stated that the bottom of the sign would be 12' if they are lower they can be accessed by people easier. There was discussion about what part of the sign would the setback be from. Mr. Green stated that no part of the sign would overhang the setback.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was sent to Monroe County for comments but they have not received any back yet. This is a Type II action under SEQR but it is a listed action, which means SEQR is required. There were no letters in the file.

Chairperson Robillard asked why they are seeking relief from the Zoning Board instead of going to the Town Board. The Zoning Board has certain criteria they have to meet to grant relief and it seems like this might be a change needed to legislation. Art Fritz said that he is not so sure the Board can even entertain this because 165-111B states that all advertisement signs must be on the site that they are advertising for.

There was discussion about possibly withdrawing this application. Mr. Newton understood that this might be something more for the future and that education might be needed going forward. Tim Thomas stated that if this were denied tonight then in order for them to bring this application back there would have to be a significant change. They could also table this but after discussion it was decided that it might be better to withdraw this because they do not know what the time table would be.

Public Comment: None

Gary Smith, 7 Silent Meadows Drive, his understanding is the Board is supposed to weigh the benefit to the applicant to the detriment to the community. He felt that the size of the sign is substantial and it is not advertising for where it is located that is in contrast to the code. The Town is trying to not have any billboards in the Town of Parma and there are none in the Town of Greece either whether digital or static. He felt that if granted this would be setting a precedent.

Public Hearing: Closed

After discussion about the options the applicant has, the applicant decided and stated that as advertising agent for Lamar they would like to withdraw the application at this time as per the Legal Notice and Agenda. Tim Thomas applauded them for wanting to work with the Town on the change. Mr. Newton stated that they understood before coming here the possibility of this outcome.

MINUTES OF FEBRUARY 16, 2017

The ZBOA minutes of February 16, 2017 were reviewed. **Motion** was made by Tim Thomas to **approve** the February 16, 2017 minutes as presented. Seconded by Stephen Shelley. **Motion carried to approve (4-0)** (**Ayes:** Dan Melville, Stephen Shelley, Tim Thomas, Jim Zollweg; **Abstain:** Veronica Robillard).

OTHER BUSINESS

There was discussion about upcoming Training.

ADJOURNMENT

There being no further business, a **Motion** was made by Jim Zollweg, seconded by Dan Melville to adjourn the meeting at 8:05 p.m. **Motion carried to approve (5-0) (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).**

Respectfully submitted,

Carrie Webster
Recording Secretary