

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
JUNE 18, 2020**

Due to COVID-19 and the State of Emergency in both New York State and Monroe County this meeting was held via ZOOM.

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

**Others Present:** Dennis Scibetta, Councilperson Judd

**Public Present:** Steve Zajac, Jack Barton, Chad Gerould

The meeting was called to Order by Chairperson Robillard at 7:15 p.m.

*Chairperson Robillard held a moment of silence for one of our Board Members, Dr. Dean Snyder, for his over 20 years of service to the Town of Parma Zoning Board. He contributed a tremendous amount of expertise, knowledge, commitment, conscientiousness, and intelligence. The Board will miss his presence and mourns his loss.*

Chairperson Robillard explained the function and decision-making process of the Zoning Board of Appeals and noted this is a five member board and a quorum of three is required to pass a motion.

**NEW BUSINESS**

**1. JACK & DARCEL BARTON – 1046 CLARKSON PARMA TOWN LINE ROAD**

The application of Jack and Darcel Barton, owners, for an area variance at 1046 Clarkson Parma Town Line Road. The applicants are proposing to erect a 140 sq. foot accessory structure with a rear setback of 10 feet from the east property line and are requesting relief from Town Zoning Article V, subsection 165-32.E.1, Schedule 1 which states that the rear setback is to be 20 feet. This property is currently zoned Rural Residential (RR).

Jack Barton, owner, explained that this structure would be replacing the shed that was in the same place for over 33 years, at that time the setback was 5'. The structure sat at a distance of 10' off the property line. In 1998 the code was changed making the setback 20'. His septic system takes up most of his backyard

so he is unable to locate the shed further off the property line than it already is and he would like to locate it in the same place the other shed was located. Tim Thomas asked how far the leach field sits from the perimeter of the shed. Mr. Barton said it is 15 feet off the south side of the shed and about 4/5 feet from the west.

**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 are no letters in the file.

Dan Melville asked what will be stored in the shed. Mr. Barton said it will be used to store deck/porch furniture and yard and maintenance items, enabling him to park in his garage.

**Public Comment:** None

**Public Hearing:** Closed

A **Motion** was made by Tim Thomas to **approve** application of Jack and Darcel Barton, owners, for an area variance at 1046 Clarkson Parma Town Line Road. The applicants are proposing to erect a 140 sq. foot accessory structure with a rear setback of 10 feet from the east property line requesting relief from Town Zoning Article V, subsection 165-32.E.1, Schedule 1 which states that the rear setback is to be 20 feet. This property is currently zoned Rural Residential (RR). In making this motion to approve:

- The benefit cannot be achieved by other means feasible to the applicant. With the applicants leach field system in place, the shed will be about 4-5 feet off the leach bed to the west and about 15 feet from the leach bed to the south. It is common practice to leave at least a 10' buffer from the leach bed. This would be the only option available for placement.
- There will be no undesirable change in neighborhood character or to nearby properties. The original shed sat in the same location for 33 years and was a part of the fabric of the neighborhood.
- The request is not substantial. The leach bed dictates the placement of the structure.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is not self-created. Using the balancing test, the benefit to the applicant far outweighs any detriment to the health, safety and welfare of the community.

**Seconded** by Dan Melville.

Motion carried to **approve** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

## **2. CHAD AND NICOLE GEROULD – 1 NORTHSIDE DRIVE**

The application of Chad and Nicole Gerould, owners, for 2 area variances at 1 Northside Drive. The applicants are proposing to erect an 800 sq. foot accessory structure in the front yard and are requesting relief from Town Zoning Article V, section 165-33.C.2 which limits the size of an accessory structure to 600 sq. feet and Town Zoning Article X, section 165-82.C.3 which states in part that accessory buildings shall be located in the rear yard. This is a corner lot and is defined by zoning as having 2 front yards, 2 side yards and no rear yard. This property is currently zoned Medium Density Residential (MD).

Chad Gerould stated that he is looking to erect a 20x40 pole barn to match the house. He would be storing things currently stored in the garage so he could park his car in the garage. He would be storing a 36' by 8½' wide boat which is why he needs the length and width. The structure would be on the Northside Drive side of the house, the house faces Curtis Road. Chairperson Robillard asked if he had considered a 600 sq. ft. structure to comply with the code. Mr. Gerould stated that with the size of the boat and storage of a tractor with a loader, a golf cart and having the ability to park his truck in there 600 sq. feet would be too small.

Tim Thomas has concerns with the placement of the structure and would like to see if it can be moved to the west so the structure is not as obtrusive, and if possible he would like them to comply with the code for the size. The applicant stated that his driveway is on the east side of his property and he doesn't want to have to drive over his yard to access the structure.

**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 are no letters in the file.

The Board is concerned with the visual aspect of this as people enter the subdivision. Corinne Zajac feels this is overwhelming for the neighborhood and the lot size. Stephen Shelley feels there are other options that would work. The applicant asked if they can pave on the west side of the property if they put it

there. Mr. Scibetta said there are no restrictions on paving unless there is an easement. Tim Thomas would like to table this so the applicant can consider other options. The applicant stated he would also like to have this tabled so he can come up with another plan relative to size and location.

**Public Comment: None**

**Public Hearing: Closed**

A **Motion** was made by Tim Thomas to **table** application without prejudice of Chad and Nicole Gerould, owners, for 2 area variances at 1 Northside Drive to the July 2020 Zoning Board of Appeals meeting to allow the applicant the opportunity to provide 2 alternate proposals regarding the size and location of the structure that would not be so obtrusive to the neighborhood and more complimentary. This information should be provided to the Building Department no later than July 6, 2020. This property is currently zoned Medium Density Residential (MD).

**Seconded** by Corinne Zajac.

Motion carried to **table** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

### **3. PATRICK & EVELYN LLOYD – 214 HAMLIN PARMA TOWN LINE ROAD**

The application of Patrick and Evelyn Lloyd, owners, for 2 area variances at 214 Hamlin Parma Town Line Road. The applicants are proposing to erect a 4,800 sq. foot accessory structure in the property that has an existing 400 sq. foot accessory structure, which would bring the total square footage of accessory structures to 5,200 sq. feet. They are requesting relief from Town Zoning Article V, section 165-31.C.2 which limits the size of accessory structures to 2,000 sq. feet and Town Zoning which states by definition that accessory structures shall be subordinate in area to the principal building, which is 3,323 sq. feet. This property is currently zoned Agricultural/Conservation (AC).

Chairperson Robillard asked if there was anyone in the audience to speak to the request; there was no answer. Dennis Scibetta noted that there has not been any communication from the applicant to the Building Department.

A **Motion** was made by Stephen Shelley to **table** application of Patrick and Evelyn Lloyd, owners, for 2 area variances at 214 Hamlin Parma Town Line Road to the

July 2020 Zoning Board of Appeals meeting to afford the applicant the opportunity to provide information regarding this request. This property is currently zoned Agricultural/Conservation (AC).

**Seconded** by Dan Melville.

Motion carried to **table** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

Corrine Zajac asked if anyone else knew about the two businesses being run out of the property. No one was aware of this.

#### **TABLED APPLICATIONS FROM FEBRUARY 2020**

##### **4. 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.

Chairperson Robillard noted this was from February originally but the applicant was unable to attend and it was tabled to the March meeting. Dennis Scibetta explained that since the February meeting the applicant has withdrawn the application for renewal of her Special Permit.

##### **5. ROBERT CHRIST – 1060 HILTON PARMA CORNERS ROAD**

The application of Robert Christ, owner, for 3 area variances at 1060 Hilton Parma Corners Road, as well as modification of the existing use variance. The applicant is proposing to erect a 14.2 square foot sign and is requesting relief from Town Zoning Article XIV, section 165-112.F which states in part that a sign may not exceed 2 sq. feet. The applicant is also proposing to construct a 3,600 square feet accessory structure and is requesting relief from Town Zoning Article V, section 165-31.C.2 which limits the size to 2,000 square feet and which also does not allow this structure without a primary structure. The proposed building will be constructed no closer than 350 feet to the road right-of-way. The existing use variance states that the buildings are to be 400' from the road right-of-way. This property is currently zoned Agricultural/Conservation (AC).

Dennis Scibetta noted that the Town is still waiting to get a legal opinion from the Town Attorney for this application.

After discussion, the Board decided the application of Robert Christ is on a continuance pending the receipt of information from the Town Attorney and the applicant. The information should be provided to the Building Department no later than July 6, 2020 in order to be heard at the July 2020 Zoning Board of Appeals meeting.

### SPECIAL PERMIT RENEWALS

#### **6. PATRICK AND EVELYN LLOYD – 214 HAMLIN PARMA TOWN LINE ROAD**

Application of Patrick and Evelyn Lloyd, owners, for renewal of a Special Permit at 214 Hamlin 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 Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz sent a report to the Zoning Board stating that an inspection was completed on March 5, 2020 and no violations or complaints are on file. There has been no change to the Special Permit use. Dennis Scibetta noted that this has not been occupied.

There Board is concerned about renewing a Special Permit that isn't being used. The Board has no information as to who will be living in the accessory apartment and, when they will be occupying it.

A **Motion** was made by Dan Melville to **table** the application of Patrick and Evelyn Lloyd, owners, for renewal of a Special Permit at 214 Hamlin Parma Town Line Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165–76 to the July 2020 Zoning Board of Appeals meeting for further information as to who and when someone will be occupying the accessory apartment. The requested information should be to the Building Department no later than July 6, 2020.

**Seconded** by Tim Thomas.

Motion carried to **table** (5–0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

#### 7. LINDA STATT – 1161 HILTON PARMA CORNERS ROAD

Application of Linda Statt, owner, for renewal of a Special Permit at 1161 Hilton Parma Corners 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 Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz sent a report to the Board stating that an inspection was completed on February 13, 2020. At the time of the inspection there were no violations, no complaints in the file and the Special Permit use has not changed.

A **Motion** was made by Tim Thomas to **approve** the application of Linda Statt, owner, for renewal of a Special Permit at 1161 Hilton Parma Corners Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Linda Statt. This Special Permit will be renewable January 2022. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

**Seconded** by Dan Melville.

Motion carried to **approve** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

#### 8. GREG STAHL PROPERTIES, LLC – 4621 RIDGE ROAD WEST

Application was received from Greg Stahl Properties, owner, for renewal of a Special Permit at 4621 Ridge Road West to display and sell automobiles in accordance with Town Zoning Article 9, subsection 165-78. The property is currently zoned Highway Commercial (HC) which allows this use with a Special Permit.

Dennis Scibetta said the Planning Board is questioning when this Special Permit became a permanent permit. This was originally allowed to be used when work was being done at the dealership across the road but the Planning Board thought it was not a permanent permit. The Planning Board is concerned that cars are being parked on gravel which was not meant to have cars permanently parked there and the number of cars has increased.

Art Fritz sent a report to the Board stating that an inspection was completed on March 6, 2020 and there were no violations of the Special Permit. The Special Permit use has not changed.

The Board questioned whether the conditions of the Special Permit specific to the number of cars on display and the paving of the display areas are being met. It is required by the State Code that paving is required when vehicles are being stored. They would like a re-inspection completed of the property by the Zoning Enforcement Officer using a checklist of the conditions of the Special Permit that need to be met, Mr. Fritz can report back to the Board next month. The Board would also like the applicant to come back in and explain the use.

Following discussion, A **Motion** was made by Tim Thomas to **table** the application of Greg Stahl Properties, owner, for renewal of a Special Permit at 4621 Ridge Road West to display and sell automobiles in accordance with Town Zoning Article 9, subsection 165-78 to the July 2020 Zoning Board of Appeals meeting pending a re-inspection of the property by the Zoning Enforcement Officer to verify that the conditions established in the Special Permit have and continue to be met.

**Seconded** by Dan Melville.

Motion carried to **table** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

Dennis Scibetta would like a conversation to happen between the Planning and Zoning Boards regarding this application.

#### **9. AUTO OUTLETS USA PROPERTIES INC. – 5497 RIDGE ROAD**

The application of Auto Outlets USA Properties Inc., owner, for renewal of a Special Permit to sell automobiles at 5497 Ridge Road West. The applicant is proposing to display 88 vehicles for sale. This property is currently zoned Highway Commercial (HC) and the proposed use is allowed with a Special Permit.

Dennis Scibetta explained that Auto Outlets planned to expand to this property which is why they got the Special Permit but they never completed the expansion and now the property is up for sale. Tim Thomas is not comfortable having a Special Permit out there that is not being used.



Art Fritz sent a report to the Board stating that an inspection was completed on March 6, 2020 and there were no violations of the Special Permit. The Special Permit use has not changed.

The Zoning Board was not provided previous minutes or any paperwork for this application. The Board felt they are unable to make a decision on this application because they have no way to verify what the conditions are that were inspected per Mr. Fritz's letter. They would like Mr. Fritz to provide the Board information for the Special Permit that was not included in the board packet and to re-inspect the premises relevant to the conditions of the Special Permit. They would also like the applicant to come in and discuss the plans for the property and substantiate the need. They were unsure that they should be renewing this if it is no longer needed. Dennis Scibetta said that they have approval from the Planning Board to do this; the only thing the Zoning Board is approving is the number of vehicles on display. There is a concern that if they are going to store vehicles on the property it should be paved. Dennis Scibetta feels that there should be a discussion between the Zoning Board and Planning Board about what was approved with the site plan and maybe a legal interpretation about what the Zoning Board can do. There is a concern that this has elapsed for a year since it should have been renewed and that the Zoning Enforcement Officer is saying he did an inspection and there are no violations when there are clearly issues with the Permit.

A **Motion** was made by Tim Thomas to **table** the application of Robert Sobb, owner, for renewal of a Special Permit to sell automobiles at 5497 Ridge Road West to display 88 vehicles for sale to the July 2020 Zoning Board of Appeals meeting to afford the Zoning Enforcement Officer time to re-inspect the property relevant to the conditions of the Special Permit, detailing that the applicant is meeting all conditions. The Board is also requesting the missing information be provided to the Board with the conditions as they were not in the Board packet. The applicant should attend the meeting to discuss the plans for the property and substantiate a need. The Building Department will get a legal interpretation of the Special Use Permit.

**Seconded** by Dan Melville.

Motion carried to **table** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

#### 10. JIM FITZMAURICE – 614 PECK ROAD

Application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck 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 Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz provided a report to the Zoning Board stating that an inspection was completed on March 6, 2020. There were no violations, no complaints on file and the Special Permit conditions have not changed.

A **Motion** was made by Tim Thomas to **approve** the application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165–76. The accessory apartment will be occupied by his wife's brother Franklin Lewis and this Special Permit will be renewable January 2022. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

**Seconded** by Stephen Shelley.

Motion carried to **approve** (5–0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

#### 11. JEFFREY DERUYTER – 676 OGDEN PARMA TOWN LINE ROAD

Application of Jean and Jeffrey DeRuyter, owners, for renewal of a Special Permit at 676 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.

There was no inspection report for this application.

A **Motion** was made by Tim Thomas to **table** the application of Jean and Jeffrey DeRuyter, owners, for renewal of a Special Permit at 676 Ogden Parma Town Line Road for an accessory apartment in accordance to Town Zoning Article 9, subsection 165–76 pending an inspection of the property by the Zoning Enforcement Officer until the July 2020 Zoning Board of Appeals meeting.

**Seconded** by Dan Melville.

Motion carried to **table** (5–0):

Dan Melville: Aye  
Stephen Shelley: Aye  
Tim Thomas: Aye  
Corinne Zajac: Aye  
Chairperson Robillard: Aye

## 12. ANDREA MACDONALD – 744 PECK ROAD

Application was received from Andrea MacDonald, owner, for renewal of a Special Permit to operate a horse boarding facility at 744 Peck Road. Current zoning of this property is Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz reported that he inspected the property on March 5, 2020 regarding the conditions of the Special Permit and there were no violations of the Special Permit Conditions. There are no complaints in the file and the Special Permit Use has not changed.

A **Motion** was made by Stephen Shelley to **approve** the application of Andrea MacDonald, owner, for renewal of a Special Permit to operate a horse boarding facility at 744 Peck Road, with the following conditions:

1. Number of horses boarded not to exceed 25 horses, regardless if they are owned by the property owner or being boarded.
2. All requirements are to be met in accordance with 165.76.A.-1.
3. Renewable in March 2022.

Seconded by Tim Thomas.

Motion carried to **approval** (5-0):

Dan Melville: Aye  
Stephen Shelley: Aye  
Tim Thomas: Aye  
Corinne Zajac: Aye  
Chairperson Robillard: Aye

## TABLED SPECIAL PERMIT RENEWALS FROM FEBRUARY 2020

### 13. 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).

Mr. Scibetta stated that he received the signed application by Craig Bryce as requested at the February 2020 Zoning Board of Appeals meeting.

After discussion, a **Motion** was made by Dan Melville to **approve** the 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 with the following conditions:

1. No more than 8 pieces of construction equipment.
2. No outside storage of junk, trash, or dismantled vehicles.
3. Hours of operation, Monday through Saturday, 7 am to 8 pm; Sunday, Noon to 5 pm.
4. No sales of any kind.
5. Renewable January 1, 2021.

**Seconded** by Tim Thomas.

Motion carried to **approve** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

#### **14. 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.

The minutes provided to the Board were from 2015; however, this was renewed in 2018 and those minutes were not received by the Board. The 2018 minutes revealed this was to be renewed in March 2019, making this a year overdue. There have been issues in the past trying to get the applicants to renew on time and trying to complete inspections so that is why it was only renewed for one year in 2018.

Following discussion, A **Motion** was made by Stephen Shelley to **table** the application of Good News Community Church, 4797 Ridge Road West, for renewal of a Special Permit to operate a Church to the July 2020 Zoning Board of Appeals meeting. The Board is requesting the applicant and Mr. Fritz attend the July 2020 meeting. There will be no further extensions for this Special Permit.

**Seconded** by Dan Melville.

Motion carried to **table** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

### MINUTES OF JANUARY 16, 2020

The ZBOA minutes of February 20, 2020 were reviewed. **Motion** was made by Dan Melville to approve the February 20, 2020 minutes as amended. **Seconded** by Stephen Shelley.

Motion carried to **approved** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

### ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, **seconded** by Dan Melville to adjourn the meeting at 9:15 p.m.

Motion carried to **approved** (5-0):

Dan Melville: Aye

Stephen Shelley: Aye

Tim Thomas: Aye

Corinne Zajac: Aye

Chairperson Robillard: Aye

Respectfully submitted,

Carrie Fracassi  
Recording Secretary

