

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**SEPTEMBER 15, 2021**

**Members Present:** Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley

**Others Present:** Jack Barton

**Public Present:** Kylie Britt, Bryson Fiscella

The meeting was called to Order by Chairperson Robillard at 7:00 p.m.

Chairperson Robillard explained the function and decision-making process of the Zoning Board of Appeals. She noted this is a five-member board with 4 seated members. A quorum of three is required to pass a motion.

**NEW BUSINESS**

**1. THE GORPON GROUP INC., OWNER OF 5255 RIDGE ROAD WEST**

The applicant is requesting a Special Permit from the Zoning Board of Appeals in accordance with Town Zoning Article VI, subsection 165-40 (D)(3) for the sale of motor vehicles. The Special Permit request is subject to the requirements of Town Zoning Article IX subsection 165-78. The property is zoning Highway Commercial.

Jack Barton reported notifications were mailed 1 day late so this will have to be advertised and notifications mailed for next month. The applicant was told to move the cars on the property to the back of the property and to remove all advertising and pricing from the vehicles until this comes back to the Board; the business should not be operating. He was told that the Board cannot rule on the application if any violations of the code exist.

**A motion** was made by Greg Colavecchia to **table** the application of The Gorpon Group Inc., owner, for a Special Permit at 5255 Ridge Road West for the sale of motor vehicles to the October 2021 Zoning Board of Appeals meeting to afford the applicant time to mail notifications in a timely manner, as they were mailed out one day late. This will be tabled without prejudice.

The motion was **Seconded** by Steve Shelley. **Motion carried to table (4-0) (Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard Stephen Shelley)

**2. BRYSON FISCELLA, 2 LORETTA DRIVE**

The applicant is requesting relief from Town Zoning Article XVI, subsection 165-128 (B)(1) to place a 4' chain-link fence in the front yard. Town Code states fences may be erected up to 4' within the side and rear yards. This property is currently zoned Medium Density Residential.

Bryson Fiscella, owner, moved to the residence recently and they are looking to add 50' of 4 ft. fencing to complete the existing fencing already surrounding the property. This will help keep their golden retriever in the yard and safe from Rt. 104.

**Board Discussion:** Jack Barton reported notifications were in order, the request was returned by Monroe County with comments as a matter of local determination and is a Type II action; no further review required. There are no letters in the file and no comments from the ZEO or Building Department.

**Public Comment:**

**Tom Duchyns** – 4 Loretta Drive, said he supports the applicant has no issue with the application.

**Public Hearing Closed**

Dan Melville said the way the property sits anyone passing by would not see the fence. Stephen Shelley said the fence will look like it is in the backyard.

**A motion** was made by Dan Melville to **approve** the application of Bryson Fiscella, owner of 2 Loretta Drive, and **grant** relief from Town Zoning Article XVI, subsection 165-128 (B)(1) to place a 4' chain-link fence in the front yard. Town Code states fences may be erected up to 4' within the side and rear yards. The property is zoned Medium Density Residential. Using the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant; this will complete the existing fence surrounding the property and keep their golden retriever in the yard.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is somewhat* substantial but will not be very visible from the road.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is somewhat* self-created. 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 (4-0)** (Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard Stephen Shelley).

**MINUTES OF AUGUST 18, 2021**

The ZBOA minutes of August 18, 2021, were reviewed. **Motion** was made by Dan Melville to approve the August 18, 2021, minutes as presented. **Seconded** by Stephen Shelley. **Motion carried to approve (4-0)** (Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard Stephen Shelley).

**INFORMATIONAL**

There was discussion about approving the minutes at the beginning of the meeting versus the end. If there are any tabled items, this would approve previous minutes that might be

referenced before discussion reopens on those applications. Chairperson Robillard would like that added to the agenda as a reminder to do them first.

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 7:23 p.m. **Seconded** by Greg Colavecchia. **Motion carried to approve (4-0)** (**Ayes:** Greg Colavecchia, Dan Melville, Veronica Robillard Stephen Shelley).

Respectfully submitted,

Carrie Fracassi  
Recording Secretary