

**TOWN OF PARMA
ZONING BOARD OF APPEALS
SEPTEMBER 18, 2008**

Members Present: Patrick Buskey
Veronica Robillard
Stephen Shelley
Tim Thomas
Dean Snyder

Members Excused: Mark Kalen (alternate)

Others Present: Jack Barton, Carm Carmestro (Board Liaison), Bob Prince (ZEO)

Public Present: See attached sheet

The meeting was called to Order by Chairperson, Veronica Robillard, at 7:00 p.m. She explained the function of the ZBOA and the decision-making process. She noted that this is a five-member board and that a quorum of three is required to pass a motion. She offered hearing aid devices for those who required it.

TABLED PUBLIC HEARINGS

1. JEFF RODGERS – 238 NORTH AVENUE

Application of Jeff Rodgers, owner, for area variances at 238 North Avenue. Applicant is proposing to raise the roof on the existing home. The existing setbacks, which are a front setback of 18.8 feet, a northerly side setback of 18.1 feet, and a southerly side setback of 26.2 feet, will be maintained. Applicant is requesting relief from Town Zoning schedule 1, which requires a front setback of 75 feet and side setbacks of 50 feet. This property is currently zoned Agricultural Conservation (AC).

Chairperson Robillard recalled that this application was tabled at the August meeting to allow the applicant additional time to provide proof of two missing notifications.

Jeff stated he is looking to raise the roof on his home to provide additional living space. He noted he is going straight up, using the same footprint of the existing home, which was built in the late 1800's-early 1900's.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Jeff Rodgers, owner, for area variances at 238 North Avenue to raise the roof on the existing home. The existing setbacks, which are a front setback of 18.8 feet, a northerly side setback of 18.1 feet, and a southerly side setback of 26.2 feet, will be maintained. This grants relief from Town Zoning schedule 1, which requires a front setback of 75 feet and side setbacks of 50 feet. This property is currently zoned Agricultural Conservation (AC). In making this determination to approve, I do not believe the benefit can be achieved by other means feasible to the applicant. It is evident that this is being done to provide more living space in this home that was built in the late 1800's-early 1900's. There will be no undesirable change in the neighborhood character or to nearby properties. This will be an improvement to the property. The request is somewhat substantial, however, I believe it is heavily mitigated by the fact that this home was built in the late 1800's or

early 1900's. There will be no adverse physical or environmental effect. The alleged difficulty is not self-created. The home was built several decades ago and the owner is proposing to improve the property. 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 unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

NEW PUBLIC HEARINGS

2. ROBERT AND BARBARA THULIN – 18 CLEARVIEW AVENUE

Application of Robert and Barbara Thulin, owners, for a Special Permit at 18 Clearview Avenue. Applicants are proposing to use their home as a tourist home (bed and breakfast) which is allowed with a Special Permit. This property is currently zoned Waterfront Residential (WF).

Robert and Barbara explained that they have been unsuccessful in selling their home. As an alternative to selling, they are looking to use their home as a bed and breakfast business. Barbara stated that a small sign would be put up but no change in the exterior of the house would occur. Chairperson Robillard stated the requirement to comply with fire regulations. Robert stated they understood that fire regulations needed to be met. Chairperson Robillard explained the provisions of a special permit and that a timeframe is granted. If the conditions of the special permit are not met, the special permit could be denied renewal. Robert and Barbara stated they understood this. Barbara stated that at this time, they are looking at 2-3 guest rooms to use for the bed and breakfast. If they decide to expand, they understand that they need to come back to the Zoning Board. Barbara reported that they have ample parking for additional cars.

Public Comment:

Charlie Thomas – 13 Clearview: Stated he lives directly west of 18 Clearview. He questioned the difference between a bed and breakfast and a hotel. It was explained that a hotel is a commercial establishment that provides lodging and other services. He questioned why we are allowing a commercial establishment in a residential district. He expressed concern that this may impact property values. He noted that there is a park next door where children play and he expressed concern about introducing strangers to the neighborhood.

Chairperson Robillard explained that the ZBOA is here to grant relief. Zoning article 165-66 allows a bed and breakfast under a special permit. Barbara stated that they will not allow children under the age of 17 to stay at their home.

James Kesselring – 4 Lighthouse Beach Road: He noted the driveway is gated, which makes it difficult to turn around in the driveway. Robert stated the gate is only a chain and is kept closed to prevent people from turning around in his driveway and going on his lawn. Barbara stated that they may keep the privacy chain up and leave it open when they have a guest.

James asked if the bed and breakfast would be open all year around. Barbara replied that they haven't decided this until they get approval. Barbara explained that depending on the response to their business, they would not run this when they are not in town. Robert reported that bed and breakfast businesses average 40 % occupancy.

Charlie questioned if they would have parties or wedding receptions. Barbara stated they haven't thought of this. Bob Prince reported that Bed and Breakfast businesses are regulated to a specific use and no wedding receptions, parties, etc. are allowed.

Carol Raleigh – 1 Lighthouse Road: Stated she felt this plan is vague and more concrete plans need to be established before coming to the Board.

The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Zoning Articles 165-55 and 165-66 was read and Robert and Barbara stated that they agree to all these conditions. They stated that they would not take their home off the market if this special permit is approved. They stated that they do not have any other potential buyer except for their son, who might take this house over if this business works out.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Robert and Barbara Thulin, owners, for a Special Permit at 18 Clearview Avenue to use their home as a tourist home (bed and breakfast) which is allowed with a Special Permit, per Zoning Articles 165-55 and 165-66. This property is currently zoned Waterfront Residential (WF). This approval is given with the following conditions:

- Maximum of three guest rooms
- The gate location should not preclude safety considerations for local traffic and emergency vehicles. The driveway between the edge of the road and the gate shall be 10' wide and 20' deep.
- For a one year period, renewable in 9/09.

Seconded by Dean Snyder. **Motion carried (4-1)** (Ayes: Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas; Nays: Patrick Buskey)

3. DOUGLAS FLOOD – 907 BURRITT ROAD

Application of Douglas Flood, owner, for an area variance at 907 Burritt Road. Applicant is proposing to subdivide property into an 8 lot subdivision and lot 2 is proposed to be 251.38 feet wide. Applicant is requesting relief from Town Zoning schedule 1 which requires lots to be 300 feet wide. This property is currently zoned Agricultural Conservation (AC). This application was previously approved in 2007 but that approval has expired.

Douglas stated he owns this property on Burritt Road and recalled that lot 2 was approved for a zoning variance in August of 2007. He explained that the project has not been completed in the timeframe requested. In the interim, lot 2 has been made larger and is now proposed to be 5.42 acres, which is 81.4% larger than the minimum required. He stated that this plan was submitted to the Planning Board in 2008. He provided a chronology of events in developing this Sleepy Hollow subdivision. He noted that he has not heard back from Larsen Engineers on the final review comments and presumed that they are waiting for the outcome of this meeting. He stated he is asking, once again, for approval of this variance.

Public Comment: None. The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Dean Snyder asked if this were not granted, would there be a way to have 8 lots. Doug stated, "no." This allows one extra lot. Considering the topography of these 40 acres, the lots are laid out maximizing this land to allow 8. He noted that 23 acres of this land is currently farmed.

A **Motion** was made by Dean Snyder to approve the application of Douglas Flood, owner, for an area variance at 907 Burrirt Road to subdivide property into an 8 lot subdivision and lot 2 is proposed to be 251.38 feet wide. This grants relief from Town Zoning schedule 1 which requires lots to be 300 feet wide. This property is currently zoned Agricultural Conservation (AC). This application was previously approved in 2007 but that approval has expired. In making this determination to approve, I don't believe the benefit can be achieved by other means feasible to the applicant. By not allowing this variance, the applicant would only be allowed to locate 7 lots on this property. With the current layout, 8 lots fit appropriately. There will be no undesirable change in neighborhood character or to nearby properties. As viewed from Burrirt Road, the difference in lot width between 251.38 feet and 300 feet would not be visible. Also the minimum requirement of two acres is exceeded. The request is substantial. There will be no adverse physical or environmental effects. Although the alleged difficulty is 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 unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

4. MIGIRDIC COLAKOGLU, CONTRACT VENDEE – 1220 HILTON PARMA CORNERS ROAD

Application of Migirdic Colakoglu, contract vendee, for area variances at 1220 Hilton Parma Corners Road. Applicant is proposing a 40' x 66' addition to the existing building with proposed side setbacks of 15.3 feet from the easterly property line and 14.3 feet from the northeasterly property line and is requesting relief from Town Zoning schedule 1 which requires a 20 feet side setback. This property is currently zoned Highway Commercial (HC).

Randy LaDieu, surveying engineer, presented this application on behalf of Migirdic. He described the proposed addition to the existing gas station to accommodate a transmission business in the 4000 square feet building. He provided a blueprint and architectural drawing. He noted the access will be reduced by 2 curb cuts farther from the intersection. The canopy and pump stations will be removed. He explained that the integrity of the existing building will be maintained with a roof constructed over the entire building to make it appear as one building, not two. The building will have masonry on the lower part and wood on the top. He stated that if the addition was placed in the front, it would be too close to the road and it is not economically feasible to demolish the existing building and re-build. In response to a question by the Board, Migirdic stated that some unlicensed vehicles may be on the property. He explained that sometimes people purchase cars with problems and don't register them until they are repaired. He stated that at his current business location in Greece, he has 6 unlicensed vehicles. Tim Thomas questioned how the size of the building was determined. Randy replied that the building doors are designed to allow the cars to come in and then go to the right to the lifts. This will keep them away from the entrance. He noted that 4 lifts are being considered. Dean Snyder expressed concern that this looks like a commercial building not a building that would be consistent with a residential area. He questioned if they have looked into ways to soften this design to fit in with this residential neighborhood. Randy replied that the architect has not addressed the façade as yet until the size of the building is approved. Migirdic noted that there is an option to make the outside of the building looking better. Dean stated that he would want to see a more explicit building design. Tim stated that this looks like a great use of the property but he would like to see how the building will actually look architecturally.

Public Comment:

Douglas Flood – 225 Cloverdale Road: Stated he owns the property at 1216 Hilton Parma Town Line Road. He basically owns all around the building. He stated the following reasons for his opposition to this application:

- This will infringe upon the property around and devalue it.
- The intersection of 259 and Parma Center Road is the primary gateway of the Village of Hilton and needs to reflect the Town. The Town of Greece has a similar corner at Maiden Lane and Mt. Read. Do we want this corner to look like Greece? He provided pictures of Mr. Colakoglu's business in Greece, indicating many cars sitting there unregistered for long periods of time, sloppy storage, and a messy lot. He felt we need to be very careful when looking at what is on this corner. He expressed concern about this type of business being located at this intersection.

Shirley K – Stated she lives to the north. She expressed her opposition to this applicant based on pictures she has seen. This would almost block her view.

Peter Anselm – 398 Parma Center Road: Stated he lives 3 houses down from this property. He questioned what type of hours of operation would this type of business have and how it would affect the neighborhood. Stephen Shelly replied that this is a permitted use and does not have any restriction of hours. Jack Barton stated that he did not know of any business hour restrictions in a highway commercial district.

Migirdic stated that this business will be downsized from his business in Greece, with not as many cars. He did not see how his building would impact Shirley's property. He reiterated that they are taking down the canopy and gas pumps, which will make it look better.

The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Jack Barton read the Zoning code for this type of business, which states no unlicensed vehicles, no outside storage and no dismantled vehicles.

Dean Snyder asked the applicant what it would take to modify this building so a variance would not be required. Migirdic replied that the building would need to be made smaller. He noted that one corner of the building will be used as office space. Migirdic stated that he currently has 8 lifts and 5 empty stalls at his current location, which is 10,000 square feet. He stated he does not plan on selling cars at this new location.

Dean Snyder suggested that Chairperson Robillard table this application until the October meeting with the idea that the applicant provide the Board with alternatives to the current request so that a variance would not be needed or decreased, and to give more clarification on the building architectural detail. The applicant stated he wished to table his application.

Following discussion, a **Motion** was made by Dean Snyder to table the application of Migirdic Colakoglu, contract vendee, for area variances at 1220 Hilton Parma Corners Road, without prejudice, until the October ZBOA meeting pending clarification on the building design and visual impact on the neighborhood. Also pending is a diagram of the interior layout sufficient to determine if the requested building dimension is required to meet the applicant's needs. This information is necessary for the ZBOA to determine whether the full dimensions of this variance

are required. Seconded by Tim Thomas. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

The Board recessed at 8:45 pm and reconvened at 8:55 pm.

5. PETER AND NANCY MANCUSO, JR. – 34 WINDING COUNTRY LANE

Application of Peter and Nancy Mancuso, Jr., owners, for a Special Permit to allow a home business at 34 Winding Country Lane. Applicants are also requesting relief from Town Zoning Article 9, subsection 165-79.1.E which limits the floor area of a home business to 500 square feet and subsection 165-79.1.J which limits the hours of operation from 7:00 am to 9:00 pm, Monday through Saturday and 12:00 pm to 5:00 pm on Sunday. The floor area of the home business is 575 square feet and the hours of operation are proposed to run later than 9:00 pm. This property is zoned Medium Density Residential (MD) which allows a home business with a special permit.

Nancy described her home based business, Creative Memories, as part of the Direct Selling Association, which is similar to Tupperware, Avon, etc. She explained that she teaches clients how to organize photographs and has run her business in her home for 9 years. She reported that she has never had a single comment or concern from any of her neighbors regarding this business. She stated she teaches at other people's homes and places where she rents for 2-3 hours. She stated her typical session is once a week. She stated this is not a retail store and there is no signage. She stated that her parties are by invitation only, no stop bys. She stated that she is a full time teacher, so this business is done only during the evenings, usually 7 pm to 10 pm on Friday nights. During a month, she typically has 1-2 events that are longer when people start a project and stay until it is finished. She reported that they recently built an addition onto their home. She plans to use part of this basement addition for her business. This area is larger than allowed. Peter stated that this area is used for family get togethers also. She stated they put in a second driveway to accommodate friends and family who come to visit. This also provides space for clients to park in the driveway. In addition to their own vehicles, 9 total vehicles can fit in their driveways. She stated that even when there is room in the driveway though, her customers prefer to park on the road. Peter stated that although Nancy has done this for 9 years, they are submitting this application to assure that they meet the Town code. Nancy provided a number of letters from neighbors who support this business. She recalled that she sent out an e-mail to past customers announcing the new area to be used in her home addition. Someone took this e-mail and sent it to the Town, asking if this is allowed. They were told they needed a special permit. Nancy reported that she does sell photo organizing material. The DSA does not allow retail space – this business has to be a home-based business. In answer to a question by Tim Thomas, she stated the addition is 28.6' x 26', 895 square feet, with a basement that includes living space and a bathroom, mechanical room, and closets.

Public Comment:

Chairperson Robillard read the following letters from neighbors who live in very close proximity to Nancy, who stated they were in favor of this special permit, as follows:

- Mike and Wanda Callahan – 35 Winding Country Lane
- Robert and Jan Marie Gallagher – 40 Winding Country Lane
- Kecia Sue and Robert Binko – 38 Winding Country Lane
- Jennifer Coykendall – 61 Winding Country Lane
- Rhonda Bates – 47 Winding Country Lane
- Jim Oberlin and Joan DerMarle-Oberlin – 31 Winding Country Lane

John Noon – 32 Winding Country Lane: He stated he lives next door and had no concerns about the type of business but was concerned about the hours of operation.

Craig Perkins – 36 Winding Country Lane: Stated they live across the street and is concerned that the parking will be facing their house. He requested screening of car headlights and restricted hours of operation.

Peter Mancuso – 34 Winding Country Lane: Stated he is a builder who built her addition. He noted that the applicant choose to use her basement and not a free-standing shed. He noted that the lots are very wide on this road.

Rhonda Bates – 47 Winding Country Lane: She stated that this business has been run for 9 years and parking has not been an issue. She stated that the hours run late because most of the woman start this project late after their children are in bed.

Kecia Binko – 38 Winding Country Lane: Stated she lives adjacent to this property. From her house, she looks at the back of Nancy's family addition and can't tell when she is having a party. Her business does not disturb her at all.

Robin Bates – 37 Winding Country Lane: Stated she didn't know anything about this business until she received the anonymous letter. Her only concern is with customers parking on the road.

Joe Bates – 47 Winding Country Lane: Stated he works for the police force and never once has he seen a lane restriction due to parking for this business. He never noted any parking violations.

Marcelline Noon – 32 Country Lane: Stated her driveway is adjacent to Nancy's driveway. She has no objections to the business, except to the hours. She objects to parking on the road, which obstructs her view in and out of her driveway on this winding road.

The public hearing was closed.

Board Discussion: Chairperson Robillard reported that notifications were in order and the request was returned by Monroe County as a matter of local determination. Jack Barton reported this is a Type II SEQR with no further action required.

Dean Snyder refereed to the definition of a home business which confirmed this falls into this category. Discussion was held on the proposed hours of operation, Friday, Saturday, and Sunday from 7:00 pm to 10:00 pm, with 2 times a month 7 to midnight. Peter and Nancy stated that limiting her home business hours would not allow her to run her business and would create a hardship. The majority of her clients have children, and wish to start late after their children are in bed. They would be unable to start earlier.

Following discussion, a **Motion** was made by Dean Snyder to approve the application of Peter and Nancy Mancuso, Jr., owners, for a Special Permit to allow a home business at 34 Winding Country Lane. This also grants relief from Town Zoning Article 9, subsection 165-79.1.E which limits the floor area of a home business to 500 square feet. The floor area of the home business is 575 square feet. This property is zoned Medium Density Residential (MD) which allows a home business with a special permit. This approval with the following conditions:

- No extension of hours will be allowed. Hours are to comply with subsection 165-79.1.J which limits the hours of operation from 7:00 am to 9:00 pm, Monday through Saturday and 12:00 pm to 5:00 pm on Sunday. These hours are listed for a reason in a residential neighborhood.
- A screen is to be provided to prevent car headlights directed to the neighbors from both driveways.
- No on-street parking
- For a period of one year, renewable in 9/09.

In making this determination to approve, I believe the benefit to the applicant can be achieved by other means feasible to the applicant. There will be no undesirable change in the neighborhood character. No signage is planned and the increase in square footage will not be visible from outside the home. The code for home business hours of operation in a residential area is established for a reason and is to be adhered to. The request is not substantial. There will be no adverse physical or environmental effect. Although the difficulty is 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 Tim Thomas. **Motion carried (4-1)** (Ayes: Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas; Nays: Patrick Buskey)

SPECIAL PERMIT RENEWALS

6. DAVID AND KATHLEEN KEECH – 42 DUNBAR ROAD

Application was received from David and Kathleen Keech, owners, for renewal of a Special Permit at 42 Dunbar Road for an accessory apartment used as an in-law residence. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Jack Barton reported no complaints on file.

A **Motion** was made by Dean Snyder that the application of David and Kathleen Keech, owners for renewal of a special permit at 42 Dunbar Road to allow an accessory apartment to be used as an in-law residence be approved in accordance with 165.76.A.-I be reviewed to assure that it meets all the requirements. This special permit will be for a two year period, renewable 10/17/2010. Seconded by Tim Thomas. **Motion Unanimously Carried (5-0)** (Ayes: Patrick Buskey, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas)

7. 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.

Jack Barton report no violations were identified on inspection and there were no complaints on file.

A **Motion** was made by Dean Snyder 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:

- Number of horses boarded not to exceed 25 horses, regardless if they are owned by the property owner or boarded
- In accordance with 165.76.A.-I be reviewed to assure that it meets all the requirements.
- For a period of three years, renewable in March, 2011.

Seconded by Stephen Shelley. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

8. GARY AND SUSAN CARTER – 204 PINE HILL ROAD

Application was received of Gary and Susan Carter, owners, for renewal of a Special Permit to allow an accessory apartment at 204 Pine Hill Road. Applicants are proposing to continue using an addition as an in-law apartment. The property is currently zoned Medium Density Residential (MDR) which allows this as a special permitted use.

Jack Barton reported there were no complaints on file.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Gary and Susan Carter, owners, for renewal of a Special Permit to allow an accessory apartment at 204 Pine Hill Road, in a Medium Density Residential zone for an in-law apartment in accordance with 165.76.A.-I be reviewed to assure that it meets all the requirements. Approval granted for two years, renewable in 9/2010. Seconded by Dean Snyder. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

9. RUSSEL ANGELO – 5200 RIDGE ROAD

Application was received from Russell Angelo for renewal of a special permit to sell automobiles at 5200 Ridge Road West. This property is zoned Highway Commercial (HC) which allows this use with a special permit.

Jack Barton reported no complaints were on file. He referred to Art Fritz's inspection of the property which listed 6 violations. A recent follow up inspection indicated that the applicant is still in the process of correcting several of these violations

A **Motion** was made by Stephen Shelley to approve the application from Russell Angelo for renewal of a special permit to sell automobiles at 5200 Ridge Road West, with the following conditions:

- Contingent on all violations are corrected by September 30, 2008.
- No more than 30 cars to be displayed for sale.
- No on-street parking. There must be adequate space for customer parking.
- Exit and entrance driveways are to be provided.
- All repairs to be performed within the existing structure, not outside.
- Hours of operation: 7:00 am to 8:00 pm, Monday through Sunday.
- Signs to conform to current zoning.
- Lighting to be directed away from the road.
- Special Permit for a period of one year, renewable in April, 2009.

Seconded by Dean Snyder. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

10. ANTHONY CAPUANO – 5248 RIDGE ROAD

Application was received from Anthony Capuano, owner, for renewal of a special permit for the display and sale of used motor vehicles at 5248 Ridge Road West. This display area for these vehicles will be in front of the existing mini-storage units located on the property. This property is currently zoned Highway Commercial (CH) which allows this use with a special permit.

Jack Barton reported no violations were identified on inspection and there were no complaints on file.

A **Motion** was made by Dean Snyder to approve the application of Anthony Capuano, owner, for a special permit for the display and sale of used motor vehicles at 5248 Ridge Road West. The display area for these vehicles will be in front of the existing mini-storage units located on the property. This property is currently zoned Highway Commercial (HC) which allows this use with a special permit. Approval with the same conditions as originally set, as follows:

- Up to, but not to exceed, 26 display vehicles per plan provided.
- No lighting directed towards Ridge Road and away from neighboring properties.
- All signage according to zoning ordinance.
- No on street parking.
- No un-drivable vehicles or repairs on site.
- Hours of operation: Monday through Friday, 9 am to 8 pm; Saturday, 9 am to 5 pm; Sunday by appointment only.
- For a period of two years, renewable in 6/2010.

Seconded by Tim Thomas. **Motion Unanimously Carried (5-0)** (Ayes: Patrick Buskey, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas)

11. ANNE ANDOLINA AND MELISSA VELLA – 26 WEBSTER ROAD

Application was received from Anne Andolina and Melissa Vella, contract vendees, for a special permit to allow an accessory apartment at 26 Webster Road. This property is currently zoned Medium Density Residential (MD) and allows this use with a special permit.

Jack Barton reported no complaints on file.

Following discussion, a **Motion** was made by Tim Thomas to approve the application received from Anne Andolina and Melissa Vella, contract vendees, for a renewal of a special permit to allow an accessory apartment at 26 Webster Road, with no building additions, in accordance with 165.76.A.-I be reviewed to assure that it meets all the requirements. Approval granted for two years, renewable in 7/2010. Seconded by Dean Snyder. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

MINUTES OF AUGUST 14, 2008

The following changes were recommended: page 2, Para 3, line 6, change to "...compliance with the current zoning regulations." last Para, line 1, change "...porch on the front and what size it will be." Page 4, Para 4, line 3: remove "in the paper." Page 6, Para 6, line 3, change to "...wet areas on the west side of his property..." Page 7, Para 2, line 12, change to "...height no higher than 8 feet measured from grade to peak." A **Motion** was made by Stephen Shelley to approve the August 14, 2008 ZBOA minutes with the recommended changes. Seconded by Tim Thomas. **Motion carried (4-0)** (Ayes: Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas; Abstain: Patrick Buskey)

OTHER BUSINESS

Phyllis Contestable – 70 West Beach Road: It was noted that a deck and stairway were not addressed in this application, approved on August 14, 2008. It was determined if the applicant wants to proceed, she needs to contact the Building Department.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas and seconded by Patrick Buskey to Adjourn the meeting at 11:00 p.m. **Motion unanimously carried (5-0)** (Ayes: Patrick Buskey, Dean Snyder, Veronica Robillard, Stephen Shelley, Tim Thomas)

Respectfully submitted,
Diane Grundon, Recording Secretary