

**TOWN OF PARMA
ZONING BOARD OF APPEALS
January 17, 2013**

Members Present: Blake Keller
Veronica Robillard
Stephen Shelley
Tim Thomas
Jim Zollweg

Members Absent: Dean Snyder

Others Present: Jack Barton, Gary Comardo

Public Present: Tom Krewer, Roger Odell, Susan Odell, Bruce Coleman, Arda Davey, Pete Yauchzee, Mike Andrews, Kristen Andrews, Greg Perna, Norman Goole.

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

PUBLIC HEARINGS

1. STEVE STRATON – 222 BURRITT ROAD

The application of Steve Straton, owner, for a Special Permit at 222 Burritt Road. The owner is proposing to operate a Home Business primarily focused on the sales of motorcycles and parts via the internet. Home Businesses are allowed with a Special Permit. This property is currently zoned Rural Residential (RR).

Josh Straton, son of the owner, Steve Straton, and resident of 222 Burritt Road explained that this is a 3rd party home based business. Meaning that he is facilitating the process of buying and reselling crashed motorcycles and parts between a buyer and seller over the internet. The shipments would be directly between buyer and seller with the applicant acting as a broker in some cases. Very rarely would the applicant be taking possession of such bikes unless it was something that could be purchased, refurbished and sold. There would be limited deliveries by UPS or FED EX and no large signs. Most of the business will be conducted in the barn with very limited customers at the home unless they are purchasing a refurbished bike from the applicant.

Chairperson Robillard asked what the market is. The applicant replied EBay because it is nationwide. Tim Thomas clarified that there are two scenarios that could happen. Either the bikes will be bought and sold for parts or crashed bikes could be repaired and sold or parted out. Tim Thomas asked if he needed a license from the state to transact these deals. The applicant stated he did not need a license for that; the license they are trying to acquire is a NYS Dealers License so that they can purchase the bikes from auctions and insurance companies. Chairperson Robillard asked if he anticipates any new bikes. The applicant stated no. Chairperson Robillard asked the applicant if he was already engaged in this business. The applicant stated no.

Board Discussion: Jack Barton 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.

Public Comment:

Roger Odell residing at 274 Burritt Road wondered how this will be regulated by the Code Enforcement Officer after the permit is given. Chairperson Robillard explained how the Special Permit process would work and that there would be conditions given with this permit. She explained that it is the duty of the applicant to comply with such conditions. If they choose not too then there would be an impact on the permit and the board could void the permit or choose to not renew in the future. This is not an open ended permit, the applicant would have to come back to the Zoning Board and renew and if there are complaints on file then that would be considered when renewing. Mr. Odell also has concerns about this morphing into a repair shop and retail operation with possible test drives on Burritt Road, which is already overrun with ATV's and cars speeding up and down the road. The applicant explained that a repair license is completely different than a dealer's license and they are not interested in getting involved in repairing motorcycles.

There would not be any test drives either on the property or off the property. Most of these bikes are not test drivable. These bikes would not be insured or registered so they would be unable to test drive.

Tim Thomas asked if the motors would be tested on repaired bikes. The applicant stated he has the capability to test all motors inside his barn so that it would not bother the neighbors. Tim Thomas asked if someone bought a refurbished bike from the applicant, would there be a tractor trailer picking up the bike. The applicant stated that he would transport the bike to a shipping company who would ship the bike. Stephen Shelley asked if they would be obtaining dealers license plates. The applicant said they are not interested in having dealer's plates.

Tom Krewer, 212 Burrirt Road stated that his bedroom is 50' from the barn and he has some concerns over the repair capabilities. He also stated that he does not have an issue with this as long as the noise is not an issue.

Arda Davey, 146 Burrirt Road is concerned with the amount of permits being issued on Burrirt Road. She is afraid that if this permit is issued then more people will want to obtain permits like this one.

Kirsten Andrews, 205 Burrirt Road asked if it could be clarified about the applicant being accountable for himself, she wanted to know if someone in the town would oversee this. Jack Barton explained that the Zoning Code Enforcement Officer would do an inspection before the business is even started and permit issued and before each renewal it is also inspected. If there are any complaints then Code Enforcement would also go out and talk to the applicant and inspect. Jack Barton also explained that if the applicant applies to the state for a repair license, the State notifies the Town.

Ms. Andrews also is concerned with this turning into a bigger commercial business. Jack Barton explained that if there are any changes to this permit then the applicant would have to notify all the neighbors again and there would be another public hearing. Chairperson Robillard explained that the neighbors have to give input and let the Town know if there are issues and the conditions are not being followed.

Roger Odell has concerns that customers will be at the property. The applicant explained that all sales of parts will be done through the internet and that people would only come to the property if buying a refurbished bike, which would not happen very often because it is hard to find a bike that is in the condition that would be able to be fixed and resold. There was also a clarification about the hours of operation.

Tim Thomas asked how many bikes he could physically work on at any given time. The applicant responded 2. Tim Thomas asked about the noise control. The applicant stated the barn is insulated and dry walled and that because of the age it has very dense wood to buffer the noise.

Bruce Coleman, 213 Burrirt Road stated that the applicant takes care of his house and property and has no concerns. He does not feel that they are going to create a mess of the neighborhood. The ATV's and bikes have been driving up and down the street like that for years. Chairperson Robillard asked if there would be any outdoor displays or storage. The applicant responded no, there will be plenty of room in the barn.

Roger Odell stated he thought the goal was to have motor vehicles sold on Ridge Road. Jack Barton stated that is the case for commercial vehicle sales. Chairperson read the part of the code that discusses Home Business.

Stephen Shelley asked when a customer would come to the property. The applicant stated only if they found a bike that could be repaired would a customer possibly come to look at a bike but that that would not happen often.

Chairperson Robillard read a letter from the owner of 190 Burrirt Road, Mr. and Mrs. William DiPasquale. They are against this business because they worry about the property values, noise levels, unwanted traffic and undesirable people coming to the neighborhood.

Mike Andrews, 205 Burrirt Road felt that as long as he is not disrupting the neighborhood that the Town and neighbors should give him a chance.

Tim Thomas wanted to point out that there would be a dealer sign hanging on the barn because that is required by NYS. Jack Barton explained that in the past the Town has not considered this advertisement because it is mandated by the State.

Public Hearing was Closed.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Steve Straton, owner, for a Special Permit at 222 Burritt Road, to operate a Home Business primarily focused on the sales of motorcycle and parts via the internet. Home Businesses are allowed with a Special Permit. This property is currently zoned Rural Residential (RR). In making a motion to approve there will be the following conditions applied to the permit:

- There is a limit of 2 complete motorcycles allowed on the premises being repaired for resale.
- No running of motorcycle engines outside the confines of the barn.
- Parts are to be internet sales only, no onsite purchases of parts are to be allowed.
- No test drives of the motorcycles either on the applicant's property or the public right of way.
- Shipping of whole motorcycles must be taken to the carrier's distribution center.
- Hours as stated in the plan.
- No repair of motorcycles not purchased by the internet. Repairs are only for the motorcycles being prepared for resale.
- Follow all provisions of 165-79.1 Home Business.
- For a period of six months, to be renewable July 18, 2013

This permit is based on the business plan submitted to the Board on January 17, 2013.

Seconded by Stephen Shelley. **Motion carried (5-0)** (Ayes: Blake Keller, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; Absent: Dean Snyder)

MINUTES OF DECEMBER 20 , 2012

The ZBOA minutes of December 20, 2012 were reviewed and the following recommended changes were made: Page 1, under NEW BUSINESS add SPECIAL PERMIT RENEWAL; Page 1, Para 3 line 2 take out the word "only"; Page 3, Para 2, line 7, reverse the words "it has" to "has it"; Page 4, Para 3, line 1 add the word "be" after "There will"; Page 4, Para 3, line 4 add the word "been", after "as this one has"; Page 4, Para 5, line 2 take out the word "small". A **Motion** was made by Jim Zollweg to approve the December 20, 2012 minutes with the recommended changes. Seconded by Tim Thomas. **Motion carried (4-0)** (Ayes: Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; Absent: Dean Snyder; Abstain: Blake Keller).

OTHER BUSINESS

Zoning Revisions – The Town Board held a Public Hearing in December. They held off on making any decisions until the January 15, 2013 Town Board meeting. The Board approved all but one change which they are taking a better look at.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, seconded by Veronica Robillard, to adjourn the meeting at 8:10 p.m. **Motion carried (5-0)** (Ayes: Blake Keller, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; Absent: Dean Snyder).

Respectfully submitted,

Carrie Webster, Recording Secretary