

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**July 21, 2016**

**Members Present:** Dan Melville  
Veronica Robillard  
Stephen Shelley  
Dean Snyder  
Tim Thomas

**Member Excused:** Jim Zollweg

**Others Present:** Dennis Scibetta, Art Fritz, Kyle Mullen

**Public Present:** Michelle 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.

**TABLED BUSINESS FROM JUNE 16, 2016**

**1. DEREK AND MICHELLE SMITH – 131 UNDERWOOD AVENUE**

The application of Derek and Michelle Smith, owners, for an area variance at 131 Underwood Avenue. The applicants are proposing to construct a 12'x12' shed with a rear setback of 5 feet and are requesting relief from Town Zoning Article V, subsection 165-34.E.1, Schedule 1, which states that the rear setback is to be 10 feet. This property is currently zoned High Density Residential (HD).

Michelle Smith explained that they were not at the last meeting because her husband had to work and she was home with their kids. She explained that because of the neighbor to the rear of her property, who is in the village, they would like to put the shed at this setback to help block the view of the large amount of junk on that property. Chairperson Robillard asked if the shed is already on the property. The applicant stated that it was. She stated that it is sitting on blocks so it can be moved if needed but that the company had to deliver it.

**Board Discussion:** Dennis Scibetta reported that notifications were not 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.

There was discussion about notifications. Because of a misunderstanding between the applicant and the Building Department the applicant in error threw away the proof of mailing. Dennis Scibetta stated that he followed up with 9 of the neighbors and all stated that they had received the notification in the mail. Tim Thomas asked how many notifications there were. There were a total of 38 mailed. Dean Snyder felt that without proof the Board could not rule on this application tonight. Tim Thomas was in agreement because there were so many that had not been followed up on and that there would need to be signatures in the file. There was discussion about allowing the applicant to get signatures from those notified stating that they had received the notification and any signatures she was unable to get would get another certified mailing. The Board felt this would not set a precedent because of the ones that were called all of them had received the notification in the mail. All members were in agreement that the applicant could get signatures and mail to those whose signatures she could not get.

**Public Comment: None**

**Public Hearing: Closed**

Dennis Scibetta stated that he has talked with the village about the condition of this property and it was his understanding that the owner was going to also be putting up a 6' privacy fence as a buffer because he is a commercial property backing up to a residential property but that was two months ago and nothing has started yet.

After discussion, a **Motion** was made by Tim Thomas to **table** the application of Derek and Michelle Smith, owners, for an area variance at 131 Underwood Avenue to the August 2016 Zoning Board meeting without prejudice. This will afford the applicant time to provide proof of notification either by personal signatures or certified mail notification.

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

### **MINUTES OF JUNE 16, 2016**

The ZBOA minutes of June 16, 2016 were reviewed. **Motion** was made by Tim Thomas to **approve** the June 16, 2016 minutes as presented. **Seconded** by Dan Melville. **Motion carried to approve (4-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas; **Abstained:** Dean Snyder; **Excused:** Jim Zollweg).

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Dean Snyder, seconded by Dan Melville to adjourn the meeting at 7:25 p.m. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Dean Snyder; **Excused:** Jim Zollweg).

Respectfully submitted,

Carrie Webster  
Recording Secretary