

**TOWN OF PARMA
ZONING BOARD OF APPEALS
NOVEMBER 15, 2018**

Members Present: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder

Members Excused: Tim Thomas

Others Present: Dennis Scibetta, Blake Keller

Public Present: Peter Beasley, Diane Brickler, David Agostinelli, John Brickler, Laura Chinappi, Stephen Connolly

The meeting was called to Order by Chairperson Robillard at 7:10 p.m. She explained the function and the decision-making process of the Zoning Board of Appeals. She explained that this is a five member board and a quorum of three is required to pass a motion.

CONTINUING BUSINESS FROM OCTOBER 18, 2018

1. JOHN BRICKLER – 52 BAILEY ROAD

The application of John Brickler, owner, for an area variance at 52 Bailey Road. The applicant is proposing to construct a 2,560 square feet accessory building, which would bring the total square footage of accessory structures on this property to 4,560 square feet, and is requesting relief from Town Zoning, Article V, section 165-32.C.2 which limits the total area of accessory structures to 1,500 square feet. This property is currently zoned Rural Residential (RR).

Chairperson Robillard asked if the stored belongings were personal or business related. Her concern is that this is 3 times the allowed amount. Mr. Brickler said that they are mostly personal. He has a boat that he currently pays to store, trucks, equipment, machinery, a wave runner, a snowmobile and one construction trailer.

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is Type II action under SEQR and no further review is required. There are no letters in the file.

Chairperson Robillard said that the diagram the Board received is very hard to read. She asked if the building would be heated or have electric. The applicant stated no that this would be for dry storage only. Chairperson Robillard was concerned because the applicant has an existing 2,000 sq. foot building on the property and now wants another large building. Dan Melville asked what the property size is. Mr. Brickler said it is approximately 6 acres. There was discussion about the storage of vehicles in the building and that there will have to be a concrete floor. The applicant agreed to do this.

Dr. Snyder is concerned by the fact that the Board approved a building in 2007 for the same listed items and now they are being asked to approve a larger building for the same items. This building would be 300% more than what is allowed. The applicant stated there are some additional items he needs to store and he added shelving in the original building to store personal items and now he has no more room in there. Chairperson Robillard asked if he had a Special Permit to operate a business on the property. Mr. Brickler stated he does not, he is not running a business there; he is only storing equipment. Chairperson Robillard stated there were four trucks coming and going when she was there and she asked if there are employees that come to the property. Mr. Brickler stated that he works for himself with his son, there are no additional employees. The trucks being used for the business are also his personal trucks they use every day.

Chairperson Robillard asked if he had considered a smaller size. The applicant stated he actually wanted to go 50'x40' but there was a better package deal on the larger one.

Public Comment:

Laura Chinappi, resident, felt that it is better to have stuff stored inside versus outside for the neighbors to see.

Public Hearing: Closed

Dr. Snyder has an issue with adding a second building on the property, he could understand more if they were looking to extend the current building. He thinks the benefit can be achieved by other means feasible. Business equipment could be stored off site if needed and business equipment can change the character of the neighborhood depending on what it is. Stephen Shelley asked if the applicant would be receptive to an addition to the first building. The applicant stated he would be and could continue the building off the back of the current building. Chairperson Robillard asked if he would scale it down. Mr. Brickler said he would want it to be the same width as the first building and the same length, basically doubling its size.

The options tonight for the Board would be to vote on this as it stands, to withdraw this and come back with a new application, or to table it tonight. Dennis Scibetta said that this would not have to be re-advertised because the application is dealing with the total size only and that was what was advertised.

The Board said that dimension drawings with a lot of detail are very useful with these kinds of applications. The applicant would like this to be tabled to provide the information.

After discussion, a **Motion** was made by Dean Snyder to **table** without prejudice the application of John Brickler, owner, for an area variance at 52 Bailey Road to the December 20, 2018 meeting to afford the applicant the opportunity to revise his plan and needs and to present in more detail what the needs are. Additional information should be to the Building Department no later than December 6, 2018.

Seconded by Dan Melville. **Motion carried to table (4-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused**: Tim Thomas).

2. STEPHEN CONNOLLY – 1235 HILTON PARMA CORNERS ROAD

Application of Stephen Connolly, lessee, for a Special Permit at 1235 Hilton Parma Corners Road. The applicant is proposing to operate an automobile sales business with the ability to display 5 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit.

Laura Chinappi, owner of the property, explained that she provided a site map showing the spots for the sale vehicles, customer vehicles and employee vehicles. They have sent the application to DMV for the licensing but they cannot get the license until the Special Permit is issued based on some issues with a past tenant.

She further explained that there would be no change to the outside lighting. The hours of operation would be 9-5 Monday through Friday and Saturday 10-2. There will be no speakers, fuel storage, or repair work done. The only signage will be a sign already approved by the Town for a previous business.

Board Discussion: Dennis Scibetta reported that notifications were in order.

Public Comment: None

Public Hearing: Closed

Dr. Snyder's concern separate from the Planning Board is making sure they meet the parking codes. One of those under 165-78 states that a minimum of 200 square feet should be provided for each motor vehicles display, each motor vehicle displayed shall be parked parallel to each other and facing the same direction towards the street. The provided site plan does not show dimensions. 165-125 (a) states what is necessary for parking, if adjacent you can share parking as long as the sum of the shared parking meets what is required. So looking at this the Board would need to know what was required for the warehouse parking. The other concern in 165-125 calls out how many spaces are required for customers. There may have to be an area variance to decrease the amount of customer spaces and that would have to be advertised. Another variance might have to be for the cars facing towards the road. Laura Chinappi stated that they would prefer that the cars be in front of the building.

He feels that the plan makes sense but it has to be set up in a manner that fits our code and it would be helpful to know what part of the available parking was committed to the other business on the property. Dr. Snyder stated that it is the applicant's job to provide the information to the Board; while the Building Department may have the information the applicant should be seeking it out to provide it and get it to the Board with enough time to review the information before the meeting. Dennis Scibetta felt that this should go back to the Planning Board to see if this is a Planning Board issue or a Zoning Board issues. The site plan may be able to be amended to accommodate this instead of going

through a variance request. Dennis Scibetta said he will refer this to the Planning Board and ask them to look at the original plan, show them what is being proposed and see if there is a significant enough of a change that they need to amend it or if variances will be required. Dr. Snyder stated that it makes sense for the applicants to have the cars for sale right in front of the building and with more detail the Board might be able to proceed but as presented tonight they are unable to move forward.

A **Motion** was made by Stephen Shelley to **table** the application of Stephen Connolly, lessee, for a Special Permit at 1235 Hilton Parma Corners Road to the January 17, 2019 meeting to afford the applicant time to provide the Zoning Board with a site plan for the proposed use for all business' on the property in accordance with Town Code 165-29 without prejudice. In addition the Building Department will contact the Planning Board to see if they have any information that may allow the Board better opportunities to grant relief. This information should be provided to the Building Department no later than January 3, 2019.

Seconded by **Dan Melville**. **Motion carried to table (4-0)** (**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Tim Thomas).

NEW BUSINESS

3. DAVID AGOSTINELLI – 5021 RIDGE ROAD WEST

The application of David Agostinelli, owner, for a Special Permit at 5021 Ridge Road West. The applicant is proposing to operate an automobile sales business with the ability to display 50 automobiles for sale. This property is currently zoned Highway Commercial (HC) which allows the display and sale of motor vehicles with a Special Permit.

Michael Agostinelli, nephew of the owner, explained that he has his dealer license and is licensed to inspect and repair vehicles. He has a business in the city, has operated it for 19 years and would like to move it out to Parma to his uncle's property which is sitting pretty vacant.

Chairperson Robillard pointed out that while the application is asking for 50 cars there are spots for 39 vehicles when looking at the plan. The applicant stated that 39 is the correct number he does not know where 50 came from. There was further discussion about parking. There would need to be 10 spots designated for customer parking leaving only 29 spaces for vehicles for sale. Dr. Snyder stated that this is another matter that we should have a site plan for. He called out Town Code 165-29 for the applicant to review what is required in order to move forward with this. What was provided was a survey with some information sketched onto it not a site plan. A site plan would show all of the information needed to rule on the application without the needed information there is no way to rule in favor of the applicant. The Planning Board has not reviewed this yet and this is a first for the Town with this being more of a conversion taking place on the property from service orientated to more of a sales orientated business. This application does not fit the Planning Board or Zoning Board perfectly and should have

input from both Boards. The requirements have changed when the code changed since the original special permit. This requires a possible modification of the site plan. Dave Agostinelli, owner, said that he is already zoned for a repair shop so he can go in tomorrow, open up and start doing repairs. Dennis Scibetta said yes he can. He is looking to add to that business. Mr. Scibetta felt that he and the Board thought this was a good plan however; there are requirements that have to be met in order rule in favor of the applicant. This is as much to protect the applicant as it is to protect the Town so that a challenge cannot come up later.

Board Discussion: Dennis Scibetta 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. There are no letters in the file.

Public Comment: None

Public Hearing: Closed

A **Motion** was made by Dean Snyder to **table** the application of David Agostinelli, owner, for a Special Permit at 5021 Ridge Road West to the December 20, 2018 meeting to afford the applicant time to provide the Zoning Board with a site plan for the proposed use in accordance with Town Code 165-29 without prejudice. This information should be provided to the Building Department no later than December 6, 2018.

Seconded by Dan Melville. **Motion carried to table (4-0) (Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Tim Thomas).

There was discussion about storing cars on an adjacent property. Dr. Snyder stated that the Code allows for that, but they will need to provide a site plan for both properties to show that they are sufficient for the needs on each property.

4. PETER BEASLEY –711 BURRITT ROAD

The application of Peter Beasley, owner, for a Special Permit at 711 Burritt Road. The applicant is proposing to operate an in-home business in accordance with Town Zoning Article IX, subsection 165-79.1. This property is currently zoned Agricultural/Conservation (AC).

Board Discussion: Dennis Scibetta reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is an unlisted action under SEQR and no further review is required. This is in an AG District and an AG Data Sheet is on file. There are no letters on file.

Peter Beasley, owner, is looking to obtain the proper licensing to operate an in-home business as a retirement job. The paperwork will probably take about a year to finish through NYS. Most business would occur through the internet. There would be no signage on the property and he intends to keep it very limited to friends, family and acquaintances. He does not want strangers coming to his property. He further explained that there will not be cars there; this isn't going to be retail with open hours. It will be by

appointment only. He has many levels of security on his property including a security system, and motion detectors, etc. Chairperson Robillard asked if there would be deliveries made to the house and if there will be shooting happening at the house. The applicant stated that he did not feel there would be any more deliveries than usual and any shooting would not be business related.

Dr. Snyder stated that anytime there is a home business application per the code the Board needs to see a plan of the house showing the area of the home business to confirm that it is not more than 15% of the total square footage up to a maximum of 500 square feet. All of the other information looks good but without this piece the Board cannot rule on this. The applicant stated that the home is approximately 3600 square feet. The room he is looking to use for the transactional part is approximately 12'x12'.

Dennis Scibetta has a plan of the house and the area in which the business is taking place is approximately 168 square feet which is less than 5% of the house.

There was further discussion about where in the house the business would be taking place and the applicant asked if he could have language that says no more than 15% of the house in the motion so he can use more space if he wants. Dr. Snyder stated that the Board is unable to do that. Chairperson Robillard stated that they would need to locate the specific place in the house and the exact size. It was clarified that the total square footage is any part of the residence being used whether it is for transactions or storage. After further discussion the applicant wanted to table the application so that he can pinpoint where in the residence this business will take place and what the total square footage of where the business will be located.

Public Comment: None

Public Hearing: Closed

A **Motion** was made by Dan Melville to **table** the application of Peter Beasley, owner, for a Special Permit at 711 Burritt Road to the December 20, 2018 meeting to afford the applicant time to provide the Zoning Board with a site plan for the proposed use in accordance with Town Code 165-29 without prejudice. This information should be provided to the Building Department no later than December 6, 2018.

Seconded by Stephen Shelley. **Motion carried to table (4-0) (Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Tim Thomas).

MINUTES OF OCTOBER 18, 2018

The ZBOA minutes of October 18, 2018 were reviewed. **Motion** was made by Dan Melville to **approve** the October 18, 2018 minutes as amended. Seconded by Stephen Shelley. **Motion carried to approve (4-0) (Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Tim Thomas).

OTHER BUSINESS

1228 Clarkson Parma Town Line Road – Art Fritz, Dog Warden, provided a status update.

ADJOURNMENT

There being no further business, a **Motion** was made by Dean Snyder, seconded by Dan Melville to adjourn the meeting at 9:30 p.m. **Motion carried to approve (4-0)** (**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Tim Thomas).

Respectfully submitted,

Carrie Fracassi
Recording Secretary