

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**JULY 21, 2021**

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

**Others Present:** Mark Lenzi, Councilperson Blake Keller

**Public Present:** Don Smith, Wayne W. Collins, Jr., Joe Barone, Paul Morabito, Dick Vance, Alex Sherbuk, Marina Sherbuk, Gregory Kasap

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; there are 5 members present. A quorum of three is required to pass a motion.

**TABLED FROM THE JUNE 16, 2021 MEETING**

**1. BRENDA INDELICATO – 26 CLEARVIEW AVENUE**

The application of Brenda Indelicato, owner, for an area variance at 26 Clearview Avenue. The owner is proposing to erect a 2,024 square foot detached garage and is requesting relief from Town Zoning Article III, subsection 165-17 which states by definition that accessory structures shall be subordinate in area to the principal building which, in this case, is 1,728 square feet. This property is currently zoned Waterfront Residential (WF).

This application was tabled at the June meeting to afford the applicant time to mail neighborhood notifications.

Paul Morabito, architect for the project, said the applicant is looking to erect the structure to store an RV and 8 vehicles per the layout provided to the Board. The vehicles are currently stored off site. During discussion the architect said the applicant does not own 8 vehicles, she owns 5, but she will also be storing lawn equipment and other maintenance equipment for the property. Dan Melville feels the applicant can make the structure smaller and eliminate the need for the variance since she does not own the 8 vehicles as shown on the layout. Greg Colavecchia asked what the length of the RV is. The architect did not know the exact length but said between 34 and 44 feet. Mr. Colavecchia feels there is not enough evidence to decide tonight. Stephen Shelley said if the applicant took 7' off the width and depth of the structure it would meet the sq. footage allowed. Dan Melville thought the applicant should reconsider the application. The Board does not see the need for the structure with the information provided and the applicant was not present to answer questions by the board.

**Public Comment:**

**Don Smith**, 74 Clearview, states he has concerns with this application, including concerns with the septic system on the property, which he feels has been neglected. The applicant owns several other properties on the street, and he does not understand the need to store lawn/snow removal equipment because she has both plow and lawn care service.

Corinne Zajac is concerned with the number of properties the applicant owns on the street and felt this could turn into storage for all the properties. Greg Colavecchia asked where the vehicles are currently stored and how long they have been stored there. Mr. Morabito did not know.

Greg Colavecchia asked if 26 Clearview is the primary residence of the applicant. Mr. Morabito said it is not, it is a rental. Mr. Colavecchia asked if these are personal vehicles she would be storing. Mr. Morabito said yes.

**Wayne Collins**, 22 Clearview, has concerns with the septic system and water runoff in the area. He is worried about extra noise and concerned with the fact she does not live at the address but owns several rentals up and down the road.

**Public Hearing Closed**

Mark Lenzi stated he was not aware that the applicant did not live at the property. The Building Department would have concerns if this were not her primary residence, she could be using this structure to store belongings from several different properties.

**Board Discussion:** Mark Lenzi reported notifications were in order, the request was returned by Monroe County 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.

Chairperson Robillard said she would not be able to support the application with the current information provided and the criteria the Board must abide by. Joe Barone asked if the applicant agrees to build smaller than the house would she need a variance. He was told no and then the request could be withdrawn.

After a short recess, Mr. Morabito and Mr. Perrone stated they spoke with the applicant and are withdrawing the request on behalf of Brenda Indelicato at 26 Clearview Avenue.

**NEW BUSINESS**

**2. 1919 NORTH UNION LLC- 1919 NORTH UNION STREET**

The application of 1919 North Union LLC, owners, for a Special Permit at 1919 North Union Street. The owner is proposing to operate a Child Care facility. This property is currently zoned Medium Density Residential (MD) which allows a child care facility with a Special Permit in accordance with Town Zoning Article V, subsection 165-33.D.6.

This application is being tabled at the request of the applicant because notifications were not sent out timely.

**A motion** was made by Dan Melville to **table** the application of 1919 North Union LLC, owners, for a Special Permit at 1919 North Union Street to operate a Child Care Facility to the August 2021 Zoning Board of Appeals meeting without prejudice due to the fact notification were not sent out timely.

**Seconded** by Stephen Shelley. **Motion carried to table (5-0)** (Ayes: Greg Colavecchia, Dan Melville, Veronica Robillard, Stephen Shelley, Corinne Zajac).

### **3. SLAVIC PENTECOSTAL CHURCH - 4925 RIDGE ROAD WEST**

The application of Slavic Pentecostal Church, owner, for an area variance at 4925 Ridge Road West. The owner is proposing to erect a 48 square foot illuminated building mounted sign and are requesting relief from Town Zoning Article XIV, subsection 165-112.F which states that only nonilluminated signs not exceeding two square feet in area are allowed. This property is currently zoned Medium Density Residential (MD).

Alex Sherbuk, facility maintenance manager, stated that the church is doing some upgrades to the facility including siding and roofing. They had a request from church members to erect a building mounted illuminated sign. The sign would sit over 600' from Route 104 (West Ridge Road) but they feel that it will make the church easier to identify. Dan Melville asked if they have a freestanding sign at the road. Mr. Sherbuk said they do but it is also in need of repair. Mr. Melville said he has concerns with a sign sitting this far back off Ridge Road and the possibility it could become a distraction if people were trying to read it as they drove by. Steve Shelley felt there would be more of a benefit to the applicant if they repaired the sign by the road.

Stephen Shelley asked if each light would be lit up or a spotlight on the sign. The applicant said the lettering would be LED lights. There was discussion about the hours the sign would be lit. The applicant wanted it on all night but would work with the Town if they wanted a shut off time, they would like the sign to be lit for their later events. The Board felt most services would start before 11pm and would be comfortable with that end time. There was discussion about putting the sign on a timer.

**Board Discussion:** Mark Lenzi reported notifications were in order, the request was returned by Monroe County as a matter of local determination and is a Type II action, no further review required. Mark Lenzi said this is not a residential neighborhood and there are other signs like this in area.

**Public Comment: None.**

**Public Hearing Closed**

The Board has concerns approving the application with the criteria and they do not see a benefit to the applicant. It was felt that refurbishing the freestanding sign at the road would have more of a benefit. Marina Sherbuk wanted to clarify that the sign is not to direct people to the church from Ridge Road it is to remind people that this is a house of prayer, the sign will be on their sanctuary. Mark Lenzi felt that since it is hard to see from Ridge

Road there would be no detriment to the neighborhood. Dan Melville asked if the sign is permanent or changeable. Mr. Sherbuk says the sign will say House of Prayer. It will not be changed.

**A motion** was made by Dan Melville to **approve** the application of Slavic Pentecostal Church, owner, for an area variance at 4925 Ridge Road West to erect a 48 square foot illuminated building mounted sign granting relief from Town Zoning Article XIV, subsection 165-112.F which states that only nonilluminated signs not exceeding two square feet in area are allowed. This property is currently zoned Medium Density Residential (MD). Using the balancing test, the Board finds the following.

*The illumination shall only be lit until 11:00 pm.*

- The benefit *cannot* be achieved by other means feasible to the applicant. This sign will help to find the sanctuary and to let people know this is a house of prayer.
- There will be *no* undesirable change in neighborhood character or to nearby properties.
- The request *is* substantial. The distance from Ridge Road will make the sign less noticeable.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is* self-created but necessary for what they are trying to achieve. 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 (5-0) (Ayes:** Greg Colavecchia, Dan Melville, Stephen Shelley, Veronica Robillard, Corinne Zajac).

## **SPECIAL PERMITS**

### **4. SHANE PFEFFER- 420 MOUL ROAD**

The application of Shane Pfeffer, owner, for renewal of a Special Permit at 420 Moul Road. The owner is proposing to continue operating a home business for the sale and transfer of firearms. This property is currently zoned Agricultural/Conservation (AC) which allows Home Businesses with a Special Permit in accordance with Town Zoning Article 9, subsection 165-79.1.

Mark Lenzi noted Art Fritz completed an inspection on July 1, 2021, and it met the conditions of the Special Permit.

**A motion** was made by Dan Melville to **approve** the application of Shane Pfeffer, owner, for a renewal of a Special Permit at 420 Moul Road to operate a home business for the sale and transfer of firearms. This property is currently zoned Agricultural/Conservation (AC) which allows Home Businesses with a Special Permit in accordance with Town Zoning Article 9, subsection 165-79.1. The following conditions shall apply:

1. Hours of operation: Monday through Saturday, 9a.m. to 8p.m. by appointment only.
2. No signage, external storage, or goods on display.
3. Subject to the inspection of the Fire Inspector and the Zoning Enforcement Officer.
4. No on-street parking.
5. Applicant can have inventory on the premises as per NYS guidelines.

6. Applicant must maintain a continuous FFL License during the period of the Special Permit and provide the current license to the Town.
7. Applicant authorized to have storage in the upstairs for firearms awaiting pick up.
8. If the Special Permit is not renewed by April 2022 the Special Permit will expire.
9. This permit is issued to the applicant only and will not be transferrable.

**Seconded** by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Greg Colavecchia Dan Melville, Veronica Robillard, Stephen Shelley, Corinne Zajac).

### **MINUTES OF JUNE 16, 2021**

The ZBOA minutes of June 16, 2021, were reviewed. **Motion** was made by Stephen Shelley to approve the June 16, 2021, minutes as presented. **Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Veronica Robillard, Corinne Zajac).

Chairperson Robillard thanked Corinne Zajac for her diligent service to the Board and wished her well. Her resignation is certainly a loss for the Board, Town, and Community.

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:45 p.m. **Seconded** by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Veronica Robillard, Corinne Zajac).

Respectfully submitted,

Carrie Fracassi  
Recording Secretary