

**TOWN OF PARMA
ZONING BOARD OF APPEALS
OCTOBER 20, 2021**

Members Present: Dan Melville, Veronica Robillard, Stephen Shelley

Members Excused: Greg Colavecchia

Others Present: Mark Lenzi, Dave Ciufu

Public Present: Michael Progno, Terrence Moss, Courtney Infantino

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 with 3 seated members. A quorum of three is required to pass a motion.

MINUTES OF SEPTEMBER 15, 2021

The ZBOA minutes of September 15, 2021, were reviewed. **Motion** was made by Dan Melville to approve the September 15, 2021, minutes as presented. **Seconded** by Stephen Shelley. **Motion carried to approve (3-0)** (Ayes: Dan Melville, Veronica Robillard Stephen Shelley; **Excused:** Greg Colavecchia).

TABLED FROM SEPTEMBER 15, 2021

1. THE GORPON GROUP INC., OWNER OF 5255 RIDGE ROAD WEST

The applicant is requesting a Special Permit from the Zoning Board of Appeals in accordance with Town Zoning Article VI, subsection 165-40 (D)(3) for the sale of motor vehicles. The Special Permit request is subject to the requirements of Town Zoning Article IX subsection 165-78. The property is zoned Highway Commercial.

Mark Lenzi said this application was tabled because notifications were not in order, but they have been completed prior to this meeting on time. The Monroe County Health Department and Monroe County Planning had no comment. A Special Permit with the same request was approved under a different owner in 2018. There will be no changes made to the site or business. Planning Board had no comment. The applicant states he agrees with the information provided.

Chairperson Robillard asked if there will be lights or sound systems. The applicant stated there is a single light pole for security purposes he will be using, no sound. The lights will be directed towards the building and used dusk to dawn.

Dan Melville asked if there would be repair work done on site. Mr. Prognos said no. Chairperson Robillard asked if the structure would be used only for office space. The applicant stated yes. There will be no outside speakers.

Public Comment: None

Public Hearing Closed

Board Discussion: This is a Type II action; no further review required. There are no letters in the file. Mark Lenzi noted that this request is the same Special Permit granted to the previous owner. The Planning Board had no comment and there will be no changes from the last approved Special Permit.

Mark Lenzi told the applicant to make sure he follows the conditions of the Special Permit, so it is not revoked and to make sure the renewals are done timely. The applicant understood.

A motion was made by Dan Melville to **approve** the application of The Gorpon Group Inc., owner, for a Special Permit at 5255 Ridge Road West for the sale of motor vehicles in accordance with Town Zoning Article VI, subsection 165-40 (D)(3). The Special Permit is subject to the requirements of Town Zoning Article IX, subsection 165-78. The property is zoned Highway Commercial. This Special Permit is approved with the following conditions:

1. No more than 35 cars for sale or display.
2. No onsite repair work.
3. Hours of operation will be Monday – Friday, 9am to 6pm; Saturday, 10am to 4pm; Sunday, Closed or by Appointment Only.
4. No vehicles parked in the right-of-way.
5. Building to be used as office space only.
6. Single light for security should be directed at the building from dusk to dawn.
7. No outside speakers.
8. This Special Permit is issued to the applicant only and is not transferable.
9. The Special Permit is renewable October 2022.

The motion was **seconded** by Stephen Shelley. **Motion carried to approve (3-0) (Ayes: Dan Melville, Veronica Robillard Stephen Shelley; Excused: Greg Colavecchia)**

NEW BUSINESS

2. COURTNEY INFANTINO, OWNER OF 410 HILL ROAD

The applicant is requesting relief from Town Zoning, Article XVI, subsection 165-128(B)(2) to place a 5' fence and a 6' tall gate in the front yard. Town Code states fences may be erected up to 4' within the side and rear yards and up to 3' in the front yard. The property is zoned Agricultural Conservation.

Courtney Infantino, owner said they are making many home improvements and they would like to add a decorative fence at the front of the property to block the driveway. She feels this will make the house look good while adding an extra layer of protection to her dogs,

kids, and family. People speed on Hill Road; there have been instances of cars unable to negotiate the turn ending up in their property. She did not feel that 3' is high enough and will not look as nice. It would only fence in the front portion of the property. The remaining yard is blocked off with trees. Chairperson Robillard said that the ends would still be open so this will not contain animals or children.

Board Discussion: Mark Lenzi reported notifications were in order, the request was returned by Monroe County with no comment. This 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 the legal advertised the height at 5' and the applicant is requesting 5.6' height which they would be unable to grant unless this is readvertised, or if the applicant decided to go with a 5' height. Ms. Infantino said they would not be able to get the fence shorter without it being custom made which would cost a lot more. Chairperson Robillard is concerned this is more aesthetic and not relief based on need. Dan Melville concurred that this would have to be tabled to the next meeting to readvertise. They did not feel that installing this would hurt the neighborhood. The Board was concerned with approving this request when they have turned down so many fence applications for 6' fences; however, the Board feels this is not really a fence application but more of a decorative entrance way to the property because it will not fully enclose the property or even run the full distance of the front yard.

Public Comment: None

Public Hearing Closed

There was more discussion about the need to table for readvertising. The applicant understood that was necessary.

A motion was made by Stephen Shelley to **table** the application of Courtney Infantino, owner of 410 Hill Road, to place a 5' fence and a 6' tall gate in the front yard to the November 2021 Zoning Board of Appeals meeting so the Town can readvertise the legal notice with the correct height. This property is zoned Agricultural Conservation.

Seconded by Dan Melville. **Motion carried to table (3-0)** (Ayes: Dan Melville, Veronica Robillard Stephen Shelley; **Excused:** Greg Colavecchia).

3. ELLEN CARR, OWNER OF 5110 RIDGE ROAD WEST

The applicant is requesting a Special Permit from the Zoning Board of Appeals in accordance with Town Zoning Article VI, subsection 165-39 (D)(4) for the operation of an after school/childcare program as an extension of the Brick Lab business. The Special Permit request is subject to the requirements of Town Zoning Article IX subsection 165-64. The property is zoned General Commercial.

Terry Moss, owner of the business, says he has been operating out of this location for 3-4 years as the Lego Learning Center. He is a former Special Ed Teacher/Stay at Home dad, and he would like to start an After School Program. He is working with the Office of Family and Child Services to become a registered after school program and one of the last things is to get the Special Permit which would allow busses to drop off children at the facility. The program itself will operate between the hours of 3-6pm, Monday thru Friday when school is in session. The business will still operate outside of program hours during normal hours of operation.

Board Discussion: Mark Lenzi reported notifications were in order. Comments were not returned by Monroe County prior to the meeting. If granted this would have to be contingent on receiving comments for Monroe County. Mark Lenzi feels Monroe County will not have any comments since there will be no changes to the site. Planning Board had a concern with the busses turning around but they left that decision up to the school districts to determine. There were no letters in the file. Mark Lenzi thinks this is a good service, the impact will be minimal. There is a concern with the back stairwell and Mr. Lenzi would like that fixed, but it does not play into this because the front doors offer an exit at the numbers allowed.

Public Comment: None

Public Hearing Closed

A motion was made by Stephen Shelley to **approve** the application of Ellen Carr, owner, for a Special Permit at 5110 Ridge Road West for the operation of an after school/childcare program as an extension of the existing Brick Lab business in accordance with Town Zoning Article VI, subsection 165-39 (D)(4). The Special Permit is subject to the requirements of Town Zoning Article IX, subsection 165-64 paragraphs A-F, this is an existing structure with no changes to site or structure. The property is zoned General Commercial. This Special Permit is approved with the following conditions:

1. Hours of operation are after school and will be overseen by the Licensing Agency.
2. There will be no changes to the building or premises.
3. The applicant is to maintain all local, county and state licenses and permit all required inspections.
4. The Special Permit is renewable October 2022.
5. This Special Permit is issued to Terry Moss, Director of the afterschool program, and is not transferable.

The motion was **seconded** by Dan Melville. **Motion carried to approve (3-0) (Ayes: Dan Melville, Veronica Robillard Stephen Shelley; Excused: Greg Colavecchia)**

INFORMATIONAL

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 8:20 p.m. **Seconded** by Stephen Shelley. **Motion carried to approve (3-0)** (**Ayes:** Dan Melville, Veronica Robillard Stephen Shelley; **Excused:** Greg Colavecchia).

Respectfully submitted,

Carrie Fracassi
Recording Secretary