

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**September 20, 2023**

**Members Present:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

**Members Excused:** Jack Barton, Alt.

**Others Present:** Arthur Fritz, ZEO  
Maureen Werner, Town Attorney

**Public Present:** Tim Jobes, Jim Synyard, Ron Conte, Pete McCann, Bernie Erbland, Nicole Stickney, Nathaniel Guibord, Michael Castronovo.

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. This is a five-member board with five members present. A quorum of three is required to pass a motion.

**MINUTES OF AUGUST 23, 2023**

**1. Review Minutes from the August 23, 2023, Zoning Board Meeting**

The ZBOA minutes of August 23, 2023, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the August 23, 2023, minutes as presented.

**Seconded** by Spencer Wren

**Motion carried to approved (4-0)**

**Ayes:** Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

**Abstain:** Dan Melville

**TABLED BUSINESS**

**2. STEVE & ALYSSA TROMBLEY, OWNER, 1298 WEST AVENUE**

The applicant is requesting relief from Town Zoning Article V, subsection 165-32 (B)(Permitted Principal Uses), to allow a farm-to-table food truck business and a 30 x 40 ft. parking area. A dining area 30 ft. x 40 ft. adjacent to the food truck. The applicant is also requesting a 4x8 ft. permanent sign with an 18” x 6 ft. open sign attached below the permanent sign totaling 41.6 sq. feet of signage with a 4 ft. setback from the right of way. Town code Article XIV, 165-111 (D) requires a 15 ft. setback from all property lines. Article XIV 165-112 (F) allows a sign not to exceed 2 sq. feet in area. This property is zoned Rural Residential (RR).

Art Fritz provided an email from the applicant withdrawing the portion of the application for a food truck. They want to move forward with the sign.

Nathaniel Guibord said he was here to represent the applicants who are unable to attend tonight. He stated the applicants are looking to replace the current temporary sign with a permanent sign as requested in the application.

Dan Melville asked if there was a picture or drawings of the sign. Art Fritz said they do not have any drawings or renderings of the sign. Mr. Guibord said he can get a drawing of the sign sent to him for the Board. The Board agreed to move this application to the end of the meeting to allow Mr. Guibord time to get the drawings.

Chairperson Robillard said she has seen on social media what is going on at the property and asked what the garage on the premises is being used for. Mr. Guibord said it is being used as a butcher shop/processing facility. Mr. Fritz said the Town will have to look into that.

### **NEW BUSINESS**

#### **3. RONALD CONTE, OWNER, 26 ZELLWEGER BEACH**

The applicant is requesting an area variance to grant relief from Town Zoning Ordinance Article V, (E)(1) (Schedule 1) for the placement of a standby generator located on the west side of the property in the front yard with a 3-foot side setback. The Town Code requires a 10-foot side setback. This property is zoned Waterfront Residential (WD).

Ronald Conte said he wants to place the generator closer to the lot line because of a bay window on the house. He is getting the generator because of the new sewer system being put in along the lake.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; no further review required. There were no comments from the Building Department and no letters in the file.

#### **Public Comment:**

Pete McMann, Zellweger Beach, said he is in favor of this application. He said this will be helpful with the new sewer system being installed and it would not alter the neighborhood; several residents on the street have generators.

#### **Public Hearing: Closed**

**A motion** was made by Dan Melville to **approve** the application of Ronald Conte, owner of 26 Zellweger Beach, requesting an area variance to grant relief from Town Zoning Ordinance Article V (E)(1) (Schedule 1) for the placement of a standby generator located on the west side of the property in the front yard with a 3-foot side setback. The Town Code requires a 10-foot side setback. This property is zoned Waterfront Residential (WD). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The generator would be too close to the bay window if placed at the proper setback.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. Several neighbors have similar generators.
- The request *is* substantial but is created because of the lot size.
- There will be *no* adverse physical or environmental effects.

- The alleged difficulty is not self-created and is created by the lot size of the property. 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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

#### **4. NICOLE STICKNEY, OWNER, 128 LIGHTHOUSE ROAD**

The applicant is requesting an area variance to grant relief from Town Zoning Article X, subsection 165-82 (C)(2), and Subsection (CC) (2) for the proposed construction of a 60' x 140' accessory structure for horses and storage with a 14' x 60' lean-to, totaling 9,240 sq. ft. with a proposed wall height of 16'. The total of all accessory structures will be 10,725 sq. ft. Town Code limits accessory structures to 1500 sq. ft. and structures for housing horses to be no larger than 6,000 sq. ft. with a wall height not to exceed 12 ft. This property is currently zoned Rural Residential (RR).

Nicole Stickney said she owns two horses and wants to construct a structure with 6 stalls and a riding arena. She wants to be able to ride the horses year-round and with the weather she needs indoor space. This is a hobby of hers. Chairperson Robillard asked if they were going to board horses. The applicant said not currently. Art Fritz said if they were looking to do that, she should apply to the County to be placed into an AG District which would allow her the ability to board and train horses. It was clarified that the advertised sq. footage includes the current barn on the property; the applicant will be keeping and fixing up that structure so they can use it for storage.

Ann Williams asked what the need is for 16 ft. sidewalls. Ms. Stickney said it is to accommodate hay storage over the top of the stalls and the ability to ride the horse indoors without hitting their heads. Spencer Wren asked if they will be storing other equipment inside. The applicant said no.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; no further review required. There is no comment from the Building Department and no letters in the file.

**Public Comment:** None

**Public Hearing:** Closed

**A motion** was made by Dan Melville to **approve** the application of Nicole Stickney owner of 128 Lighthouse Road requesting an area variance to grant relief from Town Zoning Article X, subsection 165-82 (C)(2), and Subsection (CC) (2) for the proposed construction of a 60' x 140' accessory structure for horses and storage with a 14' x 60' lean-to, totaling 9,240 sq. ft. with a proposed wall height of 16'. The total of all accessory structures will be 10,725 sq. ft. The Town Code limits accessory structures to 1500 sq. ft. and structures for housing horses to be no larger than 6,000 sq. ft. with a wall height not to exceed 12 ft. This property is currently zoned Rural Residential (RR). Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant demonstrated her need to board her two horses and the height is needed to allow her to ride inside during the winter months and store hay above the stalls.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. The property consists of 18 acres.
- The request *is somewhat* substantial but is mitigated by the need and lot size.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. 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

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

### **5. JAMES SYNYARD, OWNER, 133 FALLWOOD TERRACE**

The applicant is requesting relief from Town Zoning Article V, subsection 165-33 (C)(2), and Article X, subsection 165-82 (C) (2), for the proposed erecting of an 1800 sq. ft. accessory structure with 14' walls for woodworking. The Town Code limits accessory structures to 600 sq. ft. with a wall height not to exceed 12'. This property is zoned Medium Density (MD).

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; no further review required. There were no comments from the Building Department.

Jim Synyard said he is looking to construct a building for his woodworking hobby and storage. His property has a three-car garage, but it is full of vehicles. Chairperson Robillard asked why he needs this large of a structure with a 14 ft. wall height. Mr. Synyard said because he is using large pieces of wood, he needs to manipulate the wood without hitting walls and the ceiling. He felt 14 ft. might not even be tall enough. Ann Williams asked how he would access the structure with large pieces of wood. The applicant said possibly through the back of his garage or around the outside. Art Fritz asked if he holds demonstrations at home. The applicant said they might be online or in person but there are not a lot of people coming over; it is only to show someone how the tools work. He stated people would not be able to see the structure from the road; there is a soybean field behind him and there are other structures in the area similar in size. Stephen Shelley asked how big his property is. The applicant stated .61 acres.

There is concern among the Board due to the large size. This structure would be 3 times the size allowed, and the layout provided looks like the structure will be larger than what is actually needed. Chairperson Robillard explained to the applicant that the Board is charged with approving a request based on need not want. The applicant stated he is willing to work with the Town and adjust the size. Ann Williams is concerned with the height in a residential neighborhood. The applicant said there is a taller one near the premises. The applicant understands if he builds onto the back of the garage he can go as large as he would like but it would cost more. He further stated that there will be no noise generated from the woodworking. Spencer Wren also felt the structure is too large and there seems to be a lot of extra space.

Chairperson Robillard read the following letters:

Luciano Pestilli, Fallwood Terrace, said he is not in favor of this application and stated it is too big for the neighborhood and would be an eyesore.

Gabriel Moore, Fallwood Terrace, is not in favor of the application because it is 3 times the amount allowed. He thinks 14 ft. walls and 1800 sq. ft. is an absurd proposal for the backyard. He also has concerns over noise from the woodshop.

Kathryn Moore, Fallwood Terrace, is not in favor of the application as it will be larger than several houses in the immediate vicinity. She also has a concern about noise from the woodshop.

Christine Wright, Fallwood Terrace, is not in favor of the request because she does not want it to depreciate the value in her home. She does not want to hear noise from the woodshop and believes it takes away from the serenity of the yard around it.

Al Caprino, Fallwood Terrace, is not in favor of the application because it is too large and does not fit into the neighborhood, is worried about property values decreasing and does not want a precedent set potentially swaying others to do the same.

Kevin Butlin, Fallwood Terrace, is not in favor of the variance. He states there is no reason to build a building larger than homes to have a wood working shop and does not want to look at it. He feels 600 sq. ft. is more than sufficient.

**Public Comment:**

Bernie Erbland, Fallwood Terrace, said he is four houses away and agrees with everything stated in the letters, he is opposed to this variance due to the size and seems like this will be used as a business at a later time. The Town Code is in place for a reason. This structure would be larger than his house and will have a negative impact on house values. He feels this would take away from the neighborhood and is worried about possible noise. He also does not want to set a precedent.

Tim Jobes said the structure he is looking to build would be bigger than the room the meeting is being held in tonight in someone's backyard and that is too big of a structure for a yard.

**Public Hearing: Closed**

Mr. Synyard said he understands the concerns and he is not here to try and make anyone upset because they are all his neighbors. He would like to withdraw his application and he will revisit other options available to him. He stated that he wished people had come to him personally instead of sending letters directly to the Town.

The Board acknowledged the applicant's request to withdraw the application.

**Agenda Items #2. STEVE & ALYSSA TROMBLEY, OWNER, 1298 WEST AVENUE..continued**

The applicant provided a picture of the permanent sign. Dan Melville asked if the sign could be moved further back from the road. Mr. Guibord said it would be harder to see the sign if it is moved further back. Chairperson Robillard asked if the sign could be smaller since the request is 16 times what is allowed. Mr. Guibord said the applicant feels it needs to be this large due to the speed limit on the road, making it more visible as cars drive by.

**Board Discussion:** Arthur Fritz reported notifications were in order. This is a local matter; no further review required. There were no letters in the file.

The Board has concerns about the size of the sign and also the placement being so close to the road. Spencer Wren asked if the applicant has a back up plan for size and placement. Mr. Guibord said they will just put it on wheels and roll it in and out. Maureen Werner, Esq. stated that a Building Permit would still be required. Mr. Guibord said they could probably go smaller if needed. Maureen Werner, Esq. stated that the Board needs to consider the placement carefully because of the site distance required for people to safely pull in and out into the road; if there were an accident and the Town approved the placement; the Town could be liable.

Ann Williams is also concerned that if approved the Town is approving a sign advertising a business that is not allowed in a Rural Residential area. Atty. Werner agreed that until the property is approved as an AG District this would be an approval for a sign for a business that is not approved. Mr. Guibord said this sign has been in place since 2021 and that it is Mr. Fritz that came with the complaint. Atty. Werner said it has been in place illegally since then and that is Mr. Fritz job.

Another option would be the Board could approve a smaller sign at a setback further on the property.

Nathaniel Guibord said he would like the Board to table this application at this time to the applicants can be in attendance while talking about other options. The Board members agreed that the applicants should provide another option with revised documents showing new dimensions, placement, and design. It was clarified the sign should be 15' from the right-of-way not the middle of the road.

**A motion** was made by Stephen Shelley to **table** the application of Steve and Alyssa Trombley, owners of 1298 West Avenue requesting relief from Town Zoning Article V, subsection 165-32 (B)(Permitted Principal Uses), to allow a farm-to-table food truck business and a 30 x 40 ft. parking area. A dining area 30 ft. x 40 ft. adjacent to the food truck. The applicant is also requesting a 4x8 ft. permanent sign with an 18" x 6 ft. open sign attached below the permanent sign totaling 41.6 sq. feet of signage with a 4 ft. setback from the right of way. Town code Article XIV, 165-111 (D) requires a 15 ft. setback from all property lines. Article XIV 165-112 (F) allows a sign not to exceed 2 sq. feet in area. This property is zoned Rural Residential (RR). This matter is being tabled to the October 2023 Zoning Board of Appeals meeting to allow the applicant to bring an alternate plan to the Board including a revised design with new dimensions and a different location. All information should be provided to the Building Department before September 22, 2023.

**Seconded** by Dan Melville

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

### **OTHER BUSINESS**

**ADJOURNMENT**

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 8:40 p.m.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Ann Williams, Spencer Wren

Respectfully submitted,

Carrie Fracassi  
Recording Secretary