

**TOWN OF PARMA
ZONING BOARD OF APPEALS**

Parma Town Zoning Board of Appeals Meeting held on Wednesday, October 18, 2023, at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

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, Steve Trombley, Cathy Bushhouse

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 SEPTEMBER 20, 2023

1. Review Minutes from the September 20, 2023, Zoning Board Meeting

The ZBOA minutes of September 20, 2023, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the September 20, 2023, minutes as amended.

Seconded by Dan Melville

Motion carried to approved (5-0)

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

TABLED FROM SEPTEMBER 20, 2023

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

The applicant is 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).

Chairperson Robillard stated this application had been previously tabled at the July, August, and September 2023 meetings. She explained that it was tabled at the September 2023 meeting because the Board wanted the applicant to provide an alternate plan for size and placement of the sign. She said it does not look like the Board received an alternate plan and the Board made it pretty clear to the applicant’s representative what was needed. The Code Enforcement Officer stated he was unable to get more exact measurements because the applicant was unavailable prior to the meeting tonight.

Mr. Trombley said he is willing to move the sign back, but not beyond the tree line as it would be hard to see. He does not want to alter the size of the sign because he already paid for the current sign and does not want to buy a new sign.

The Board is concerned with the size of the sign and the placement. They have concerns with safety due to the busy road and the posted speed on the road. Chairperson Robillard noted when she went by today, she noticed an additional banner on the already illegal sign. The applicant said he will need to take the sign down if he needs to purchase another sign. He stated he is just starting the farm and he cannot afford to buy another sign at this time and felt the Board is trying to stop small business in the Town.

Ann Williams stated the Board is not trying to stop small businesses in the Town and as a resident of the Town, she supports small businesses; however, the rules in place need to be followed. If a permit for the sign had been applied for and plans reviewed before purchasing the sign, we would not be here tonight. The applicant stated that was his fault and he did not know he needed a permit. Stephen Shelley said the Code was generated by Town residents based on their vision of the Town and that is why the rules are the way they are. Dan Melville and Spencer Wren agreed that 2 sq. ft. is too small; however, what is proposed in the application is too large. Dan Melville said looking at the application it is hard for the applicant to meet the criteria set out and required by New York State. Dan Melville stated a sign should not have been purchased until approval was given.

Steve Trombley asked what size the Board would want the applicant to propose. Town Attorney Werner said the Board cannot tell the applicant what they want; it is up to the applicant to request the minimum size based on need.

Tim Jobses thinks that what the applicant is trying to do is a good thing, but a proposal should have come to the Board first.

Steve Trombley asked if the Board would approve a 20 sq. ft. sign. Attorney Werner said the Board cannot tell the applicant that right now without another application and working through the criteria per NYS Law.

Chairperson Robillard asked if the Building Department had any comments. Art Fritz said if the Board approved the sign, the second sign on the sign cannot advertise specials or events. He also stated that the applicant could withdraw the application if he felt it was not going to go the way he wants it to so that he could come back to the Board with another application in the future. Steve Trombley asked if this would be different if he were in an AG District. Art Fritz said the sign still has to meet the code.

Chairperson Robillard asked the applicant if he would like to move forward with this application or if withdrawing it would be a better option for him. The applicant stated that he would like to withdraw the application for the sign.

NEW BUSINESS

3. MICHAEL & KERRY GEEDY, OWNER, 147 PEASE ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Ordinance Article V, Subsection 165-33 (E)(1) (Schedule 1) for the placement of a shed addition located on the north side of the property in the side yard with a 6-ft side setback, as well as a 5.6-foot side setback for the existing garage. The Town Code requires a 10-foot side setback. This property is zoned Medium Density Residential (MD).

Art Fritz said there was an error in the legal notice so this application will need to be tabled to the next meeting to allow the Town to readvertise the application.

A motion was made by Dan Melville to **table** the application of Michael and Kerry Geedy, owners of 147 Pease Road, requesting an area variance to grant relief from Town Zoning Ordinance Article V, Subsection 165-33 (E)(1) (Schedule 1) for the placement of a shed addition located on the north side of the property in the side yard with a 6-ft side setback, as well as a 5.6-foot side setback for the existing garage to the November 2023 Zoning Board of Appeals meeting so the Town can properly advertise the application.

Seconded by Ann Williams

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

4. CATHY BUSHHOUSE & BRIAN WALSH, OWNER, 197 DUNBAR ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-33 (C)(2) for the proposed construction of a 1200 sq. ft. accessory structure on the west side of the property in the rear yard. Town Code limits accessory structures to 600 sq. ft. This property is zoned Medium Density residential (MD).

Arthur Fritz reported notifications were not in order.

Cathy Bushhouse said the information for notifications was mailed to 197 Dunbar and they are staying at another address while their house is being repaired after a fire. She found out she needed to send notifications too late, she did hand deliver the notifications and had her neighbors sign off on a letter. Town Attorney Werner said if they were notarized signatures, the Board could have considered those but because they were not notarized, the Board cannot use that for proof of proper notification.

Public Comment: None

Public Hearing: Closed

A motion was made by Dan Melville to **table** the application of Cathy Bushhouse and Brian Walsh, owners, 197 Dunbar Road, requesting an area variance to grant relief from Town Zoning

Article V, subsection 165-33 (C)(2) for the proposed construction of a 1200 sq. ft. accessory structure on the west side of the property in the rear yard to the November 2023 Zoning Board of Appeals meeting to allow the applicant time to make proper notifications to the neighbors.

Seconded by Stephen Shelley

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

OTHER BUSINESS

ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville to adjourn the meeting at 7:45 p.m.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

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

Respectfully submitted,

Carrie Fracassi
Recording Secretary