

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
MAY 18, 2017**

**Members Present:** Dan Melville  
Veronica Robillard  
Stephen Shelley  
Tim Thomas  
Jim Zollweg

**Others Present:** Dennis Scibetta, Art Fritz, Dan Barlow

**Public Present:** Anthony Barco, Lara Barco, Laurie Fillion, Dennis Spangenburg, Brian Dudley, Amanda Dudley, Mary VerHulst

The meeting was called to Order by Chairperson Robillard at 7:01 p.m. Chairperson Robillard explained the function of the ZBOA and the decision-making process. She explained that this is a five member board and a quorum of three is required to pass a motion.

**NEW BUSINESS**

**1. BRIAN DUDLEY – 1173 PECK ROAD**

The application of Brian Dudley, contract vendee, for a Special Permit located at 1173 Peck Road. The applicant is proposing to operate an in-home business (gunsmithing) in a proposed accessory structure, in accordance with Town Zoning Article IX, subsection 165-79.1.E.2. This property is currently zoned Agricultural/Conservation (AC).

Brian Dudley, owner, explained that he is under contract to purchase 1173 Peck Road and would like a Special Permit to operate his in-home business (gunsmithing). He currently owns a home in the Town of Ogden where he has had a Special Permit to operate his business for the past 5 years. He is State and Federally firearms licensed. All operations would be confined to a building he is going to build. The proposed accessory structure would be built in compliance with the code. Tim Thomas asked if this can be looked at before there is a specific place where the business would be operated. Dennis Scibetta stated that the purchase is contingent upon the applicant obtaining this Special Permit. There was discussion about conditions for the Special Permit. The space will also have to be State and Federally inspected to make sure it is up to their standards. The applicant is scheduled to close on June 5<sup>th</sup> and he plans to have the building up and ready to operate by September, when they would move in.

**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 were no letters in the file.

Mr. Dudley explained that he repairs vintage and collectable firearms. There would be no signage, no employees, or sales. Any sales would be at gun shows. The driveway is big enough if someone was to come to the house but it would be by appointment only. There would be no unusual waste, lights, sounds, odors or test firing. Dan Melville asked about storage. The applicant stated that he has a gun safe and this building would be secure. Tim Thomas asked if there would be test firing. Mr. Dudley stated that he has no intention to test fire and he does not think he has the space to do that by law.

**Public Comment:**

**Dennis Spangenburg**, owner of 1163 Peck Road. He wanted to know where on the property this would be located. Mr. Dudley stated it would be on the East side of the property where the driveway ends and would be an L shape structure to the back of the house. He wanted to know how a business can be in this type of a classification. Dennis Scibetta stated that this is an approved in-home business in this District with a Special Permit. Chairperson Robillard explained that a Special Permit is granted for a finite period of time and the applicant would need to come back to renew, if there are violations or issues, it might not happen. He was concerned about the applicant testing guns at random times of the day. The applicant stated that it is not his intent to test the guns and if he did he would go to his gun club. He understands that there are rules about how far from other residences and roads he would need to be to shoot a firearm.

**Laurie Fillion**, owner of 1159 Peck Road, asked what the building will look like. The applicant stated that he was not firm on the color but it will match the color of the house. Chairperson Robillard asked if it would be visible from Peck Road and it was determined that it will not really be visible. The intention is to compliment the primary structure.

**Public Hearing: Closed**

There was discussion about how long a permit is valid after it is pulled. Dennis Scibetta stated that it is valid for 6 months, which can be extended one time for free. There was discussion about when this Special Permit would begin so that the applicant has time to build the building and get his inspections done.

After discussion, a **Motion** was made by Tim Thomas to **approve** the application of Brian Dudley, contract vendee, for a Special Permit located at 1173 Peck Road. The applicant is proposing to operate an in-home business (gunsmithing) in a proposed accessory structure, in accordance with Town Zoning Article IX, subsection 165-79.1.E.2. This property is currently zoned Agricultural/Conservation (AC).

In making the motion to approve the Special Permit it will be conditioned on the following items:

1. The future accessory structure be built in accordance with current Zoning regulations and the Building Permit must be issued within 6 month. The in-home business must meet and pass federal and state inspections.
2. There will be no signage.
3. There will be no annoying sounds, lights or odors that could disturb the neighbors.
4. There will be no employees.
5. There will be no on-street parking.
6. Visitors, if any, will only come to the residence by appointment so as not to disturb neighbors.
7. Deliveries will be limited to UPS, Fed Ex and other companies.
8. This Special Permit will be good for one year from the issuance of the Certificate of Compliance.

Should the purchase of the home become null and void then the Special Permit will become null & void.

**Seconded** by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

**2. ANTHONY AND LARA BARCO – 417 WILDER ROAD**

The application of Anthony and Lara Barco, for an area variance at 417 Wilder Road. The applicants are proposing to construct a 918 square feet accessory structure and are requesting relief

from Town Zoning Article V, subsection 165-34.C.2 which limits the total area of accessory structures to 400 square feet. The property is currently zoned High Density Residential (HD).

Anthony Barco, owner, explained that he would like to build a 27x34 vinyl sided accessory structure on his property to store commercial vehicles and tools. This will not be visible from the road, the house is setback 300 feet and the barn will sit back behind all the trees. Per the layout provided by the applicant, the items to be stored include:

(2) Full Size Commercial Vans with ladder racks

(2) ATV's

(2) Dirt Bikes

Tool boxes

Work benches

Lawn Mower

Parts and job staging area

Table saw and ladders.

Dennis Scibetta explained that in 1998 the Zoning was changed and all these new residential zones were created. The applicant has a 5 acre lot and everyone else before 1998 was able to build structures and barns. In 1998 the size of structures became restricted but he could divide this lot up and create 3 more residences on this property. He feels that this is a good use of this property. Tim Thomas felt that the average person driving by would not know this is HD.

**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 was an email in the file from Dr. Snyder.

Dennis Scibetta read the comments stating that Dr. Snyder supports approving this application for safety reasons. This applicant has repair vans that are required for his job that are a target for desperate thieves looking for quick money. Allowing an accessory building that provides indoor storage is very reasonable given the visually limited location.

Mr. Barco stated that he is going to reduce the size of the storage shed by 192' square feet. The size of the opening will be in compliance.

**Public Comment: None**

**Public Hearing: Closed**

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of Anthony and Lara Barco, for an area variance at 417 Wilder Road. The applicants are proposing to construct a 918 square feet accessory structure and this would grant relief from Town Zoning Article V, subsection 165-34.C.2 which limits the total area of accessory structures to 400 square feet. The property is currently zoned High Density Residential (HD).

In making this determination, I considered the balancing test and its several components:

- The benefit cannot be achieved by other means feasible to the applicant. The benefit the applicant desires is the ability to have appropriate storage for several commercial vehicles that contain valuable equipment. I do not believe that that benefit can be achieved by any other means besides building a structure. The applicant has provided information to us that the vehicles are large commercial type vehicles. A layout of the vehicles and other items was provided to the Board.

- There will be no undesirable change in neighborhood character or to nearby properties. This is sheltered by trees and distance.
- The request is not substantial. This is a very large piece of property and the applicant intends to reduce the size of a current storage shed by 192' square feet which will bring the total amount of storage on the property down.
- There will be no adverse physical or environmental effects added by this structure.
- The alleged difficulty is not 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 Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

### MINUTES OF APRIL 20, 2017

The ZBOA minutes of April 20, 2017 were reviewed. **Motion** was made by Stephen Shelley to **approve** the April 20, 2017 minutes as corrected. Seconded by Tim Thomas. **Motion carried to approve (3-0)** (Ayes: Stephen Shelley, Tim Thomas, Jim Zollweg; **Abstain:** Dan Melville, Veronica Robillard).

### ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville, seconded by Stephen Shelley to adjourn the meeting at 8:01 p.m. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

Respectfully submitted,

Carrie Webster  
Recording Secretary