

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
SEPTEMBER 20, 2018**

**Members Present:** Veronica Robillard, Stephen Shelley, Dean Snyder

**Members Excused:** Dan Melville, Tim Thomas

**Others Present:** Art Fritz, Supervisor Barton

**Public Present:** Joanne Knapp, Mary Wake, Channing Goulette, Debbie Montralloy, David Matt, Michael Sciortino

The meeting was called to Order by Chairperson Robillard at 7 p.m. She explained the function of the ZBOA and the decision-making process. She explained that this is a five member board with three seated members tonight and a quorum of three is required to pass a motion. She stated that if any applicant feels uncomfortable and would like to have a full Board present they should let the Chairperson know and the Board can look to table the application to another meeting.

**CONTINUING BUSINESS**

**1. 1228 CLARKSON PARMA TOWN LINE ROAD**

Application of Paul and Debra Acito, owners, for a Special Permit at 1228 Clarkson Parma Town Line Road. The applicants currently have 9 dogs on this property and are requesting a Special Permit in accordance with Town Zoning Article 10, subsection 165-82.AA.3. A Special Permit is required to have more than three dogs on a property. This property is currently zoned Agricultural/Conservation (AC).

Chairperson Robillard explained that this was originally tabled to the September meeting and the applicants have since requested that this be tabled to the October 2018 meeting.

After discussion, a **Motion** was made by Dean Snyder to accept the applicants request to **table** the Special Permit at 1228 Clarkson Parma Town Line Road without prejudice to the October 2018 meeting.

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

**2. MICHAEL SCIORTINO – 523 MOUL ROAD**

The application of Michael Sciortino, owner, for 3 area variances at 523 Moul Road. The applicant is proposing to construct a 4,800 square foot accessory structure on this vacant parcel and locate it in the front yard. He is requesting relief from Town Zoning Article 5, subsection 165-31.C.2 which limits the size of accessory structures to 2,000 square feet and which requires a principle permitted use (residence) before an accessory structure can be constructed. The applicant is also requesting relief from Town Zoning Article 10, subsection 165-82.C.3 which

states in part that all accessory buildings shall be located in the rear yard. This property is currently zoned Agricultural/Conservation (AC).

David Matt, Schultz Associates, explained that the applicant went to the Planning Board earlier in the year and received site plan approval for the house and storage barn. Since then the applicant has purchased some additional land out front and merged them together creating a 10.7 acre parcel. They are here to ask for some variances for the barn they would like in front of the house. When looking at the property there is very little visual access to where the structures will sit because of all of the trees. The house will be approximately 900' off the road and that will leave approximately 150' of land behind the house in front of more trees. He would like to place the horse barn in front of the house because if it is behind the house it will go into the tree line and those would have to be removed, which they would like to avoid doing. The horse barn will sit about 625' off the road. The proposed horse barn would be 4800 square feet and this will be for his horses. The applicant does understand that if he ever desires to board anyone else's horses he will need to come back for a Special Permit.

Mr. Matt explained that inside the barn will be stalls for his horses as well as an indoor exercise area for the horses. He would like to build the horse barn before the house for security reasons. They will be storing equipment and material in there when they are building the house. As soon the barn goes up they will begin building the house.

**Board Discussion:** Art Fritz reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is an unlisted action under SEQR and no further review is required. There are no letters in the file.

Art Fritz asked if the building will strictly be for the horses or will there be personal stuff in there. Mr. Matt stated that this will be only for horses, farm equipment and anything needed to care for the horses. The storage barn behind the house will be for personal belongings. Art Fritz stated that because this is strictly for horses there is no need to have the variance for the size because you can have up to 6000 square feet for an AG Building. Dean Snyder stated that because it is has been determined that this is a horse barn and it is under the allowed size for a horse barn the Board does not need to give a variance for this request. The Board determined that this is a horse barn only and not an accessory structure as was advertised.

There was discussion about the applicant applying for the AG Exemption and/or applying to be in an AG District. Michael Sciortino, applicant, explained that he has applied to get an AG Exemption but has not applied to be in an AG District.

Stephen Shelley asked if the legal is accurate. Dean Snyder stated that when the motion is made it can be dealt with because they are asking for less than what was advertised for. If the applicant was asking for more than what was advertised then the Board could not deal with it.

Chairperson Robillard asked if there was a timeline between when the barn would be completed and when the house would be started. Mr. Matt stated that it would depend on when the barn is started but the house will be started shortly after the barn is completed. Dean Snyder asked if he anticipated this would take less than two year. Mr. Matt stated he did. Chairperson Robillard

asked if they were going to keep the trees. Mr. Matt said that they are putting the driveway through an opening in the trees and the applicant would like to keep them all. Chairperson Robillard asked what the water source will be for the horse barn. Mr. Matt stated they are on well water which will supply both the house and the barn.

**Public Comment:**

**Mary Wake**, 527 Moul Road, asked if there was a limit to the amount of horses the applicant can have. Art Fritz stated he could have one horse per acre. Mr. Sciortino stated he would not have 10 horses. Ms. Wake is also concerned with losing the trees. Mr. Sciortino and Ms. Wake approached the table to look at the larger map. Mr. Sciortino explained that he bought the additional property so that the driveway will come in the far side and around the back instead of the driveway being right next to Ms. Wakes property and cutting down all of the trees in that area. He would like to preserve both his neighbors and his own privacy with the trees. He will be putting a culvert over the creek.

**Channing Goulette**, 263 North Avenue, is concerned with the odor coming from the horse barn. Dean Snyder said that the code spells out the requirements very clearly when it comes to the storage of manure and what is accepted and what is not.

**Public Hearing: Closed**

Supervisor Barton wanted the applicant to make sure when it is staked out they allow room because 100' off the lot line is the minimum allowed.

After discussion, a **Motion** was made by Dean Snyder to **approve** the application of Michael Sciortino, owner, for 3 area variances at 523 Moul Road who is proposing to construct a 4,800 square feet horse barn on this vacant parcel and to locate it in the front yard. The current code requires a principal building be constructed before an accessory structure is. This will give relief from Town Zoning Article 5, subsection 165-31.C.2 which requires a principle permitted use (residence) before an accessory structure can be constructed and from Town Zoning Article 10, subsection 165-82.C.3 which states in part that all accessory buildings shall be located in the rear yard. This property is currently zoned Agricultural/Conservation (AC).

In making this determination:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant has looked at the contour and the location of the trees in respect to the neighbor's property and has modified his plan to minimize any impact either visual, sound or odor on the neighbors.
- There will be no undesirable change in neighborhood character or to nearby properties.
- The request is substantial.
- 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.

In allowing the horse barn to be built before the primary structure the applicant has proposed that the house will be built in two years. If that does not take place the applicant will need to come before the Board again and potentially have to remove the barn.

The accessory building is 4800 square feet; however, since its intended use is to house horses and agricultural equipment the 4800 sq. ft. is less than the maximum 6000 sq. ft. allowed by the Town therefore, it does not require a variance.

**Seconded** by Stephen Shelley. **Motion carried to approve (3-0)** (Ayes: Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Dan Melville, Tim Thomas).

Art Fritz conveyed to the applicant that the building permit should be pulled by 9 months from today.

### **NEW BUSINESS**

#### **3. JOHN SHARPE –44 LAKE SIDE BOULEVARD**

The application of John Sharpe, owner, for an area variance at 44 Lake Side Boulevard. The applicant is proposing to install a generator with a side setback of 8 feet and is requesting relief from Town Zoning Schedule 1 which states that the side setback is to be 10 feet. This property is currently zoned Waterfront Residential (WF).

Art Fritz reported that the daughter of the applicant has asked to table this item until October because of a miscommunication the notifications were not mailed. They expect to be able to go forward at the next meeting.

**Public Comment: None**

**Public Hearing: Closed**

After discussion, a **Motion** was made by Stephen Shelley to **table** the application of John Sharpe, owner, for an area variance at 44 Lake Side Boulevard to afford the applicant time to get notifications in order without prejudice.

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

#### **4. JOHN AND CAROL VELTRE – 120 DUNBAR ROAD**

Application of John and Carol Veltre, owners, for a Special Permit at 120 Dunbar Road. The applicants have an accessory apartment and they are proposing to use this apartment for a different family member than for whom the Special Permit was originally granted. This property is currently zoned Medium Density Residential (MD).

Debbie Montrallos spoke on behalf of the Veltre's who are currently out of town. They are looking to continue the Special Permit based on family need. They intend to uphold the expectations that are set forth in the code. The previous Special Permit was for Carol's mother who is deceased. Chairperson Robillard asked what the need was. Ms. Montrallos explained that there are two boys currently living at the house and one son in that apartment. Dean Snyder stated that he believes the code changed and whereas before you needed to establish a need it now states that it has to be a family member.

**Board Discussion:** Art Fritz 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.

Dean Snyder cited 165-76 paragraphs A and B from the code.

- A. It is the intent of the Town to provide housing opportunities for family members to live in an apartment within the same structure as occupants of the principal residence or an accessory building which is accessible to the principal residence. Should there be a change in the conditions existing at the time of the approval of the Special Permit; the Permit shall be null and void.
- B. The accessory apartment shall be occupied by a person related either by blood, marriage, adoption or other domestic bond to the owner residing on the premises and whose name shall be included in the application to the Zoning Board of Appeals.

There was a note that Ms. Kagel called and stated that she has no objections to this Special Permit. Chairperson Robillard asked what the name will be of who is living in the accessory apartment. Ms. Montrallo stated it will be Peter Pellett, Carol Veltre's son.

Chairperson Robillard asked her to make the applicant's aware that they will need to have an inspection because this is a new application and before each renewal period.

**Public Comment: None**  
**Public Hearing: Closed**

A **Motion** was made by Dean Snyder to **approve** the application of John and Carol Veltre, owners, for a Special Permit at 120 Dunbar Road for an accessory apartment consistent with the Town Code 165-76. The occupant of the accessory apartment will be Peter Pellett. This property is currently zoned Medium Density Residential (MD). **Seconded** by Stephen Shelley. **Motion carried to approve (3-0) (Ayes:** Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Dan Melville, Tim Thomas).

## SPECIAL PERMIT RENEWALS

### **5. ARTHUR FRITZ – 206 MOUL ROAD**

Application was received from Arthur J. Fritz, Jr. for renewal of a Special Permit allowing a taxidermy studio at 206 Moul Road.

On September 19, 2018 Dennis Scibetta inspected the property regarding the conditions of the Special Permit. At the time of the inspection, there were no violations of the Special Permit conditions. There are no complaints in the file.

A **Motion** was made by Dean Snyder to approve the request for renewal of a Special Permit for Arthur Fritz, Jr. to allow a taxidermy studio at 206 Moul Road with the following conditions:

1. No outside storage for the business.
2. No chemicals will be used.
3. There will be no other employees.

4. Renewable in September 2023.

**Seconded** by Stephen Shelley. **Motion carried to approve (3-0)** (Ayes: Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused**: Dan Melville, Tim Thomas).

#### **6. SALVATORE CAMMARATA – 5520 RIDGE ROAD WEST**

Application was received from Salvatore Cammarata, owner, for renewal of a Special Permit at 5520 Ridge Road West to display and sell automobiles in accordance with Town Zoning Article 9, subsection 165-78. The property is currently zoned Highway Commercial (HC) which allows this use with a Special Permit and site plan approval.

There was discussion about the change in ownership. The current owner was previously renting the space from Susan Ras and has since purchased the property from Ms. Ras. The business is the exact same business that has been on the premises, the only change is that they have since bought the property and own it.

There was an inspection by Arthur Fritz on September 20, 2018 regarding the conditions of the Special Permit. At the time of the inspection, there were no violations of the Special Permit conditions and there are no complaints on file. There were 32 cars for sale, which is under the allowed amount, and they keep it very neat.

Following discussion, A **Motion** was made by Stephen Shelley to **approve** the application of Salvatore Cammarata, owner, for renewal of a Special Permit at 5520 Ridge Road West to display and sell automobiles in accordance with Town Zoning Article 9, subsection 165-78 with the following conditions as listed in the original Special Permit application:

1. Not to exceed 35 display cars.
2. Hours of operation: Monday through Sunday, 8am to 10pm.
3. No outside speakers.
4. Renewable May 2020.

**Seconded** by Dean Snyder. **Motion carried to table (3-0)** (Ayes: Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused**: Tim Thomas).

### **MINUTES OF AUGUST 16, 2018**

The ZBOA minutes of August 16, 2018 will be voted on at the next meeting when a quorum of members at that meeting will be present. There was discussion about talking with the Town Attorney to find out if the minutes can be approved even if the members voting were not present at the meeting.

### **OTHER BUSINESS**

42 Dunbar Road – Applicant is looking to keep the accessory structure in place rather than remove it like it states in the minutes when approved. Mr. Fritz wanted to let the Board know that he may be bringing an application in to the Zoning Board to ask to keep this structure. \_

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## **ADJOURNMENT**

There being no further business, a **Motion** was made by Stephen Shelley, seconded by Dean Snyder to adjourn the meeting at 8:25 p.m. **Motion carried to approve (3-0) (Ayes:** Veronica Robillard, Stephen Shelley, Dean Snyder; **Excused:** Tim Thomas).

Respectfully submitted,

Carrie Fracassi  
Recording Secretary