

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
August 16, 2012**

**Members Present:** Blake Keller  
Veronica Robillard  
Dean Snyder  
Jim Zollweg

**Members Excused:** Stephen Shelley, Tim Thomas

**Others Present:** Jack Barton

**Public Present:** Richard DiCesare, Deborah DiCesare and Gary Comardo.

The meeting was called to Order by Chairperson Robillard at 7:05 p.m. She explained the function of the ZBOA and the decision-making process. She explained that a quorum of three is required to pass a motion.

**NEW BUSINESS**

**1. RICHARD AND DEBORAH DICESARE – 4992 RIDGE ROAD WEST**

The application of Richard and Deborah DiCesare, owners, for an area variance 4992 Ridge Road West. The applicants are proposing to construct an 11'x50' addition to the west side of the existing repair facility with a side setback of 6 feet from the west property line. This property is currently zoned General Commercial (GC) and operates under an existing use variance.

Deborah DiCesare, owner, stated that they would like to do renovations to the property. They would like to add additional lifts, wheel alignment machine, new concrete floor, and an oil separator, which is required by the DEC. There currently is not enough room to fit this additional equipment. The westside of the building would be rebuilt and added to. The facade would be redone with new overhead doors.

Blake Keller inquired why not go to the east. The applicant explained they are unable to go to the east because of the septic system.

Chairperson Robillard asked about the outside storage of tires and the dumpster that she noticed on the property when inspecting. The applicant explained that the supplier picks up the tires when making deliveries and that the dumpster could be moved. There was discussion and review of the original use variance granted in September 2002 and the modification of the use variance granted on May 18, 2006.

Jack Barton asked about the setback. Deborah DiCesare explained that after this hearing, she will need to hire an architect and a surveyor. When speaking to the building department her understanding is that you ask for more than you need so you don't have to come back again. Chairperson Robillard clarified that the board cannot give more than you ask for, they can give less but not more. Deborah DiCesare also explained that her understanding is that they could put up a temporary wall so they could continue working.

Chairperson Robillard clarified with the applicant that he is not selling cars, the applicant stated that he could but that he does not and he would need a dealer's license to do so. He explained that he asked for that in the modification because if something were to happen to him the property is more valuable to a prospective buyer if there is the ability to sell cars.

Dean Snyder stated that he would like to see what the building would look like, where the leech field is relevant to the building currently and that he is concerned with how close the building would be to the lot line. Dean Snyder does not feel that there is enough information for him to vote on this and would rather give the applicant enough time to put the information together then to put it to a vote now. Jack Barton provided the board with a map from Monroe County Private Sewage Disposal System Inspection. The map shows that there is no room to

expand to the east because of the septic system. There was discussion on why the applicant is here if there is no side setback in general commercial.

Dean Snyder stated that he would like something put together and presented to the board showing a sketch of what type of construction this will be and what the building will look like when completed. He clarified that he would like the sketch to show doors and the dimensions from the southwest corner to the lot line. Dean explained that he would like this information because there were two cases in the past where projects were approved without drawings and after the project was completed they were not done the way it was presented to the board and do not look good. Dean Snyder feels that there is a great opportunity to improve this property.

**Board Discussion:** Jack Barton 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.

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

A **Motion** was made by Dean Snyder to table the application of Richard and Deborah DiCesare for an area variance at 4992 Ridge Road West to the September 20, 2012 meeting in order to allow the applicant to provide a further description of the proposed building including a sketch of the west and south face of the new building and also dimensions of the southwest corner of the proposed structure to the property line without prejudice. Seconded by Jim Zollweg. **Motion carried (4-0)** (Ayes: Blake Keller, Veronica Robillard, Dean Snyder, Jim Zollweg; Absent: Stephen Shelley, Tim Thomas).

## 2. GREG PERNA – 67 DELAVERGNE DRIVE

The application of Greg Perna, owner, for four area variances at 67 Delavergne Drive. The applicant is proposing to construct a new single family dwelling on a substandard lot that does not meet preexisting, nonconforming status, with a side setback of 6.5 feet from the east property line, a 10'x10' shed with a side setback of 4 feet from the west property line and is requesting to not construct a garage. Applicant is requesting relief from Town Zoning Article 11, subsection 165-85 A.1.a.1 which states that the minimum lot size shall be 20,000 square feet in area and 110 feet wide, Town Zoning schedule 1 which requires a side setback of 10 feet for a home and an accessory structure and Town Zoning Article 5, subsection 165-35.E.3 which states in part that each dwelling unit shall have a garage with a minimum area of 280 square feet. This property is currently zoned Waterfront Residential (WF).

Jack Barton reported that he received a letter dated August 13, 2012 from Hunt Engineering asking that on behalf of the owner this matter be tabled to the next scheduled meeting in September because there have been modifications to the recently submitted site plan.

A **Motion** was made by Jim Zollweg to table the application of Greg Perna, owner, for four area variances at 67 Delavergne Drive to the September 20, 2012 meeting without prejudice pending a new legal notice and receipt of additional revised materials.

Seconded by Dean Snyder. **Motion carried (4-0)** (Ayes: Blake Keller, Veronica Robillard, Dean Snyder, Jim Zollweg; Absent: Stephen Shelley, Tim Thomas).

## 3. PAUL VINDIGNI – 1920 NORTH UNION STREET

The application of Paul Vindigni, owner, for an area variance at 1920 North Union Street. A lot subdivision is being proposed for this property. The applicant is requesting an area variance for Lot 1 of this subdivision. This lot is proposed to have a width of 140.99 feet and a depth of 158.28 feet. An area variance is also requested for the existing house on this lot that has a front setback of 48.4 feet. Per Town Zoning schedule 1, the minimum lot depth is to be 175 feet and the front setback for the principal structure is to be 75 feet. This property is currently zoned Medium Density Residential (MD).

Jack Barton reported that he received a letter dated August 16, 2012 from Schultz Associates asking, on behalf of their client, that this matter to be adjourned to the next scheduled meeting in September because of a scheduling conflict with the owner.

A **Motion** was made by Jim Zollweg to table the application of Paul Vindigni, owner, for two area variances at 1920 North Union Street to the September 20, 2012 meeting at the request of the applicant without prejudice. Seconded by Blake Keller. **Motion carried (4-0)** (Ayes: Blake Keller, Veronica Robillard, Dean Snyder, Jim Zollweg; Absent: Stephen Shelley, Tim Thomas).

### **MINUTES OF JULY 19, 2012**

The ZBOA minutes of July 19, 2012 were reviewed. A **Motion** was made by Jim Zollweg to approve the July 19, 2012 minutes as submitted. Seconded by Blake Keller. **Motion carried (3-0)** (Ayes: Blake Keller, Veronica Robillard, Jim Zollweg; Abstain: Dean Snyder; Absent: Stephen Shelley, Tim Thomas).

### **OTHER BUSINESS**

The Board had some general discussion of expansions of an existing nonconforming use.

Revisions to the Town Code – Jack said that he is working on changes and would take them to the Town Board and then he would get them to the board for review.

8 Clearview Avenue – Jack Barton let the board know that the owner was in to pick up a new application.

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Dean Snyder, seconded by Jim Zollweg to adjourn the meeting at 8:26 p.m. **Motion carried (4-0)** (Ayes: Blake Keller, Veronica Robillard, Dean Snyder, Jim Zollweg; Absent: Stephen Shelley, Tim Thomas).

Respectfully submitted,

Carrie Webster, Recording Secretary