

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**April 18, 2013**

**Members Present:** Blake Keller  
Stephen Shelley  
Tim Thomas  
Jim Zollweg

**Members Excused:** Veronica Robillard  
Dean Snyder

**Others Present:** Jack Barton, Gary Comardo

**Public Present:** Richard Harris

The meeting was called to Order by Acting Chairperson Thomas at 7:00 p.m. He explained the function of the ZBOA and the decision-making process. He explained that a quorum of three is required to pass a motion.

**PUBLIC HEARINGS**

**1. LAURIE HARRIS – 1213 MANITOU ROAD**

The application of Laurie Harris, owner, for a Special Permit at 1213 Manitou Road. The applicant currently keeps five dogs on this property and is requesting this Special Permit in accordance with Town Zoning Article 10, subchapter 165-82-AA to continue keeping these animals. This property is currently zoned Rural Residential (RR).

Richard Harris, owner, explained that they used to breed dogs for hobby and no longer are breeding dogs but they still have five of the dogs that were used for breeding that range in age from 5 to 10 years old. Jack Barton explained that in August 2011 the Town modified the code to address the fact that the State was getting out of the dog licensing business and putting it down on the Towns and during that same time there was a complaint with the Town against another dog owner. There is currently a December 2014 deadline for owners that had a purebred license at the time the law changed to comply with the three dog rule, because the applicant's did not have a purebred license at that time, they do not have until December 2014 to comply.

Acting Chairperson Thomas asked if all of the dogs were the same breed. Mr. Harris responded that all but the youngest one are the same. He also explained that the dogs stay in the house or the garage and that they also have a fenced in yard. Acting Chairperson Thomas asked if they would be getting anymore dogs. Mr. Harris responded no. Jack Barton explained that this special permit would be only for the current dogs on the premises and not for any new or future dogs and once the owner is down to three dogs than this Special Permit is no longer in effect. Acting Chairperson Thomas also clarified for the applicant that the applicant would not be able to replace a dog that passes away with this Special Permit. There was discussion among the board about the current dog regulations.

**Public Comment:** None. Public Hearing was closed.

**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.

A **Motion** was made by Jim Zollweg to approve the application of Laurie Harris, owner, for a Special Permit at 1213 Manitou Road. The applicant currently keeps five dogs on the property and is requesting the Special Permit to continue to keep those dogs in accordance with Town Zoning Article 10, subchapter 165-82-AA. This property is currently zoned Rural Residential (RR). The current dogs on the property are ages 5, 7, 8, 9, and 10, emphasizing that Section AA, Subsection 3, Subparagraph D indicates that this permit is for those

five dogs exactly with no substitutions allowed. This Special Permit will be for a one-year term, renewable in April 2014.

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

### **SPECIAL PERMIT RENEWALS**

There was discussion among the Board and Jack Barton about inspections for accessory apartments. Currently there are no inspections done on these properties. There was also discussion about adding onto the renewal form a line indicating who is currently living in the accessory apartment to verify that the person has not changed.

#### **2. DAVID and KATHLEEN KEECH – 42 DUNBAR ROAD**

Application was received from David and Kathleen Keech, owners, for renewal of a Special Permit at 42 Dunbar Road for an accessory apartment used as an in-law residence. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file.

A **motion** was made by Jim Zollweg to approve the application of David and Kathleen Keech, owners, for renewal of a Special Permit at 42 Dunbar Road to allow an accessory apartment to be used as an in-law residence for Kathleen's mother, Ethel Monks, be approved in accordance with Zoning Article 9, subsection 165.76.A.-I. This Special Permit will be for a 2 year period, renewable October 2014.

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

#### **3. JOHN VELTRE – 120 DUNBAR ROAD**

Application was received from John Veltre, owner, for renewal of a Special Permit to allow an in-law accessory apartment at 120 Dunbar Road in the 654 square foot addition to the rear of their existing home. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file.

A **motion** was made by Stephen Shelley to approve the application of John Veltre, owner, for renewal of a Special Permit at 120 Dunbar Road to allow an accessory apartment to be used as an in-law residence for his mother, Shirley Kraft, to be compliant with Zoning Article 9, subsection 165.76.A.-I. This Special Permit will be for a 2 year period, renewable February 2015.

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

#### **4. RICHARD STATT – 1161 HILTON PARMA CORNERS ROAD**

Application was received from Richard Statt, owner, for renewal of a Special Permit at 1161 Hilton Parma Corners Road for an accessory apartment used as an in-law residence to the rear of the existing home. This property is currently zoned Agricultural/Conservation (AC) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file.

A **motion** was made by Blake Keller to approve the application of Richard Statt, owner, for renewal of a Special Permit at 1161 Hilton Parma Corners Road to allow an accessory apartment to be used as an in-law

residence for his mother, Linda Statt, be approved in accordance with Zoning Article 9, subsection 165.76.A.-I. This Special Permit will be for a 2 year period, renewable April 2015.

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

#### **5. MARK JANSEN – 675 MANITOU ROAD**

Application was received from Mark Jansen, owner, for renewal of a Special Permit at 675 Manitou Road to allow an accessory apartment for in-law use. This property is currently zoned High Density Residential (HD) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file. There was some discussion regarding the last renewal and renewal timeframe. After discussion it was determined that due to a clerical error the last renewal was missed.

A **motion** was made by Stephen Shelley to approve the application of Mark Jansen, owner, for renewal of a Special Permit at 675 Manitou Road to allow an accessory apartment for in-law use to be occupied by Mr. Jansen's in-law's, Nancy and Ted Bortosch, be approved in accordance with Zoning Article 9, subsection 165.76.A.-I. This Special Permit will be for a 2 year period, renewable April 2015.

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

#### **6. RICHARD AND TAMMY HEFFRON AND MARY ANN ROETHEL – 1429 MANITOU ROAD**

Application was received from Richard and Tammy Heffron and Mary Ann Roethel, owners, for renewal of a Special Permit at 1429 Manitou Road for an accessory apartment used as an in-law residence. This property is currently zoned Rural Residential (RR) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file.

A **motion** was made by Jim Zollweg to approve the application of Richard and Tammy Heffron and Mary Ann Roethel, owners, for renewal of a Special Permit at 1429 Manitou Road to allow an accessory apartment in the existing garage for Tammy's mother, Mary Ann Roethel, which has been converted into an in-law apartment, per Zoning Article 9, subsection 165.76.A.-I. This Special Permit will be for a 2 year period, renewable October 2014.

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

#### **7. JIM FITZMAURICE – 614 PECK ROAD**

Application was received from Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road for an accessory apartment used as an in-law residence. This property is currently zoned Agricultural/Conservation (AC) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file.

A **motion** was made by Blake Keller to approve the application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road to allow an accessory apartment to be used as an in-law residence for his wife's brother, Franklin Lewis, be approved in accordance with Zoning Article 9, subsection 165.76.A.-I. This property is currently zoned Agricultural/Conservation (AC) which allows this use with a Special Permit. This Special Permit will be for a 2 year period, renewable April 2015.

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

## 8. THERESA TROYER – 899 PECK ROAD

Application was received from Theresa Troyer, owner, for renewal of a Special Permit at 899 Peck Road to board up to 8 horses. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file and an inspection on April 11, 2013 by Bob Prince and Arthur Fritz did not identify any violations. There was discussion regarding the last renewal and the renewal timeframe. After discussion it was determined that due to a clerical error the timing for this renewal is off schedule.

A **motion** was made by Jim Zollweg to approve the application of Theresa Troyer, owner, for renewal of a Special Permit at 899 Peck Road to board up to 8 horses with the following conditions:

1. A minimum of four parking spaces to be provided in front of the barn as close to the barn as possible and away from the road.
2. Hours of operation: winter 8am to 8pm; summer 8 am to 9:30 pm, 7 days a week.
3. No outdoor storage of animal waste. Accumulation of manure will not exceed the standard set forth in ordinance 165-57.
4. Any additional lighting shall not shine over the property line.
5. No outdoor storage of feed.
6. No deceased animals buried on the property.
7. No dumpster permitted.
8. Any signage in accordance with Town ordinance and permits.
9. Permit shall be renewed in March 2014.

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

## 9. THERESA TROYER – 893 PECK ROAD

Application was received from Theresa Troyer, owner, for renewal of a Special Permit at 893 Peck Road to allow public boarding of up to 6 horses. This property contains 11.6 acres and is located in a rural residential zone (RR) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file and an inspection on April 11, 2013 by Bob Prince and Arthur Fritz did not identify any violations. There was discussion regarding the last renewal and the renewal timeframe. After discussion it was determined that due to a clerical error the timing for this renewal is off schedule.

A **motion** was made by Stephen Shelley to approve the renewal of a Special Permit to allow Theresa Troyer, owner, to board up to 6 horses at 893 Peck Road with the following conditions:

1. Hours of operation to be 7am to 9:30 pm in the summer, and 8 am to 6:30 pm in the wintertime.
2. No on-street parking.
3. To be renewed in March 2014.

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

## 10. GARY AND SUSAN CARTER – 204 PINE HILL ROAD

Application was received from Gary and Susan Carter, owners, for renewal of a Special Permit to allow an accessory apartment at 204 Pine Hill Road to continue using an addition as an in-law apartment. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Jack Barton reported there were no complaints on file.

A **motion** was made by Blake Keller to approve the application of Gary and Susan Carter, owners, for renewal of a Special Permit to allow an accessory apartment at 204 Pine Hill Road, in a Medium Density Residential zone for an in-law apartment to be occupied by the husband's mother, Marjorie Carter, in accordance with Zoning Article 9, subsection 165.76.A.-I. Approval granted for 2 years, renewable September 2014.

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

### **MINUTES OF MARCH 21, 2013**

The ZBOA minutes of March 21, 2013 were reviewed and the following recommended changes were made: Page 3, Para 5, line 6 change "review" to "reviewed"; Page 3, Para 5, line 7, change "review" to "reviewed."

A **Motion** was made by Stephen Shelley to approve the March 21, 2013 minutes with the recommended changes. Seconded by Jim Zollweg. **Motion carried (3-0)** (Ayes: Stephen Shelley, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard, Dean Snyder; Abstain: Blake Keller).

### **OTHER BUSINESS**

There was discussion regarding the training taking place on Saturday, April 27, 2013.

765 Burritt Road – The attorney for the applicant did appear in front of the Town Board and the Board agreed that they would gather information and look into this matter. The attorney wondered if the applicant would be able to continue work on the project.

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Jim Zollweg, seconded by Stephen Shelley, to adjourn the meeting at 8:21 p.m. **Motion carried (4-0)** (Ayes: Blake Keller, Stephen Shelley, Tim Thomas, Jim Zollweg; Absent, Veronica Robillard, Dean Snyder).

Respectfully submitted,

Carrie Webster, Recording Secretary