

**TOWN OF PARMA
ZONING BOARD OF APPEALS**

Parma Town Zoning Board of Appeals Meeting held on Wednesday, December 20, 2023, at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

Members Present: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton, Alternate

Members Excused: Veronica Robillard

Others Present: Arthur Fritz, ZEO
Maureen Werner, Town Attorney

Public Present: Charlie Meagher, Amanda Woodworth-Acito, Frank Acito,
Richard Bausch, Tim Jobs, Robert Hatch, Dick Vance

The meeting was called to Order by Acting Chairperson Melville at 7:00 p.m. Acting Chairperson Melville 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 NOVEMBER 15, 2023

1. Review Minutes from the November 15, 2023, Zoning Board Meeting

The ZBOA minutes of November 15, 2023, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the November 15, 2023, minutes as presented.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton

Excused: Veronica Robillard

NEW BUSINESS

2. JOHN PATTERSON, OWNER, 5325 RIDGE ROAD WEST

The applicant is requesting an expansion of a Non-Conforming Use to erect a storage building on a commercial property that is currently being used as residential Article XII Subsection 165-91. The applicant is also requesting an Area Variance to grant relief from Town Zoning Article VI, Subsection 165-39 (F)(1), Article X, Subsection Section 165-80 B, 165-82 (2), (3) and (k) to allow the storage structure to have 16-foot side walls making the structure taller than the house. To allow the structure to be larger than the house. To allow the structure to be in the front yard fronting Trimmer Road. Town Code requires the Zoning Board of Appeals approval to expand a non-conforming use. Town Code requires all accessory buildings to be located in the rear yard with a wall height not to exceed 12 feet and the building to be subservient to the house. This property is zoned General Commercial (GC).

Board Discussion: Arthur Fritz reported notifications were in order. This is a Type II action; no further review required. There were no comments from the Building Department and no letters in the file.

Dan Melville asked if the Board could hear the application with the moratorium in effect. Town Attorney Werner said even though the property is zoned General Commercial, it has been being used as a residential property and therefore exempted out of the moratorium.

Bob Hatch of Schultz Associates was at the meeting on behalf of the applicant. He stated the applicant is looking to purchase the property and that the purchase is contingent on approval from the Board to building this structure. He is looking to construct a 5,760 sq. ft. structure with 16 ft. sidewalls to store his antique cars; 9 of which he owns and are currently stored in various different locations. The reason to have the 16 ft. sidewalls is so that he can have two lifts inside enabling him to work on the vehicles. Mr. Hatch feels this will not have a negative impact; there are other structures in the area similar to this, including across the street. Mr. Hatch also stated that the covered portion of the structure on the plans will now be enclosed to house his trailers on the property. Mr. Hatch believes this will have a minimal impact because of other General Commercial properties in the area. There would be screening on the property for the neighbors to the south. The lot size dictates that the building has to sit closer to the road, but it will meet all the setbacks and not sit closer to the road than the front of the house. Dan Melville asked if this will be a commercial business and if all of the vehicles are registered. Mr. Hatch said it will not be a commercial business and he was unsure if all of the vehicles are registered/licensed.

Attorney Werner noted that if they will be using this structure as a garage, which is what the Town is now hearing, the applicant will have to conform to all regulations required for a garage. There was discussion about Planning Board thoughts. The Planning Board minutes reflected that they felt the building was too large in size and height. Attorney Werner has concerns about the size of the building and that this will be used as a commercial building not as residential storage.

It was stated that MD Residential allows for 600 sq. ft. in accessory structures. Mr. Hatch said that this property however is General Commercial which allows for more. Attorney Werner said that this application is being exempted out of the moratorium because it is being used as a residence so MD Residential rules are in effect. If the applicant wants to use the General Commercial rules, then the application falls under the moratorium and the Board is unable to hear the application.

Public Comment:

Charlie Meagher, Ridge Road West, stated there are already a number of traffic accidents at the intersection of Ridge Road and Trimmer; the corner is very dangerous. The building facing Trimmer Road and having access will add to the traffic with additional trucks and trailers. Residents facing this property will have to look at a huge commercial building. He asked if the

applicant planned on living there. Mr. Hatch was not sure. Mr. Meagher would have concerns if this became rental property. He felt this sounds like it will be a commercial property.

Amanda Woodworth-Actio, Trimmer Road, is also concerned with traffic. There have been too many accidents, 2 of them fatal in the 14 years they have lived there. Adding a large building would be distracting to people driving by and block the view at the corner. There are also concerns with property values.

Tim Jobs asked if this was one lot or two lots (it is one lot) and said there is a lot to consider because this could end up being something completely different down the road.

Frank Trinca, Trimmer Road, said there are many residential properties on Trimmer Road and how many of them have 9 vehicles with large structures on the property.

Mary Meagher, Ridge Road West, said it seems the representative does not have a lot of answers and asked why the applicant is not at the meeting. She has concerns that the applicant is not going to live there and what will happen after he is done with the property in the future. She feels the Town can do better than this.

Attorney Werner noted that the applicant could take the house down and build the structure under General Commercial but that is under a moratorium right now.

Public Hearing: Closed

Ann Williams was concerned that if approved by the Board down the road the house would come down and it could then be used as a repair garage and the applicant could make it bigger.

Spencer Wren said because this is being used as residential, the structure is limited to 600 sq. ft., and this is too large. Jack Barton said there is not enough information for the Board including information about a second floor, will there be one? Mr. Hatch said he is not sure. Stephen Shelley said the wall height could be lowered by approximately 4 ft. At this point, Mr. Hatch asked that this application be tabled to the January 2024 meeting.

Attorney Werner said looking at the plans, it looks like this is being set up more like a garage and not storage. The Town would need more information from the applicant to answer these questions.

A motion was made by Jack Barton to **table to the January 17, 2024, Zoning Board of Appeals** meeting the application of John Patterson, owner of 5325 Ridge Road West, an expansion of a Non-Conforming Use to erect a storage building on a commercial property that is currently being used as residential Article XII Subsection 165-91. The applicant is also requesting an Area Variance to grant relief from Town Zoning Article VI, Subsection 165-39 (F)(1), Article X, Subsection Section 165-80 B, 165-82 (2), (3) and (k) to allow the storage structure to have 16-foot side walls making the structure taller than the house. To allow the structure to be larger than the house. To allow the structure to be in the front yard fronting

Trimmer Road. Town Code requires the Zoning Board of Appeals approval to expand a non-conforming use. Town Code requires all accessory buildings to be located in the rear yard with a wall height not to exceed 12 feet and the building to be subservient to the house. This property is zoned General Commercial (GC). The applicant should be ready to provide the following:

- The need for the size and height.
- A better explanation of the equipment that will be inside the accessory structure.
- Revised drawings showing the enclosed portion that originally was going to only be covered in previous drawings.
- All information regarding the additional loft/storage area.
- The applicant should be present at the meeting.
- Information regarding whether the applicant will be residing at the property.
- All requested information should be sent to the Building Department prior to the deadline, or the applicant can submit a letter and ask for a tabling if needed.

Seconded by Stephen Shelley

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton

Excused: Veronica Robillard

ADJOURNMENT

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 7:42 p.m.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Jack Barton

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary