

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
OCTOBER 21, 2010**

**Members Present:** Tina Brown  
Veronica Robillard  
Stephen Shelley  
Dean Snyder  
Tim Thomas

**Others Present:** Lara Badain, Esq. (Town Attorney), Jack Barton,  
Jim Roose (board liaison), Jim Zollweg (alternate)

**Public Present:** See attached list

Chairperson Robillard called the meeting to Order at 7:05 p.m. She explained the function of the ZBOA and the decision-making process. She noted that this is a five-member board and a quorum of three is required to pass a motion. She offered hearing aid devices for anyone who required them.

**TABLED PUBLIC HEARING**

**1. DANIEL D'ANGELO – 1835 NORTH UNION STREET**

Application of Daniel D'Angelo, owner, for a use variance at 1835 North Union Street. Applicant is proposing to renovate the second floor of this commercial building and create a 496 square foot studio apartment, a 637 square foot one bedroom apartment and a 724 square foot one bedroom apartment. This property is currently zoned General Commercial (GC) which does not allow apartments as a permitted principal use. This application has been tabled until the November 18, 2010 meeting.

**NEW PUBLIC HEARINGS**

**2. REHEARING OF 1220 HPCR #1LLC AND 1220 HPCR #2LLC – 1220 HILTON PARMA CORNERS ROAD**

A rehearing for the application of 1220 HPCR #1LLC and 1220 HPCR #2LLC, owners, for three area variances at 1220 Hilton Parma Corners Road. Applicants are proposing to construct an addition on the south side of the existing building with a front setback of 57 feet from the Parma Center Road right of way, locate eight parking spaces along Parma Center Road with a 12.9 feet setback from the right of way, locate ten parking spaces along Hilton Parma Corners Road with a 5 feet setback from the right of way and provide a total of 26 parking spaces for the property. Applicants are requesting relief from: (1) Town Zoning Schedule One which requires buildings to have a front setback of 75 feet; (2) Article 16, subsection 165-125-A.9 which requires parking spaces be set back no less than 25 feet from the road right of way; and (3) Schedule Two which based on building size requires 45 parking spaces. This property is currently zoned Highway Commercial (HC).

Mindy Zoghlin, attorney, stated she represented Mr. Colakoglu. She recalled that at the July 15, 2010 ZBOA meeting, the Board granted two of the requested variances for this application but denied two variances. She noted that an undesirable change in the neighborhood character and to nearby properties was the main reason to deny the 8 parking spaces along Parma Center Road with a 12.9 feet setback from the right of way and to locate ten parking spaces along Hilton Parma Corners Road with a feet setback from the right-of-way and provide a total of 26 parking spaces for the property. She referred to the site plan submitted to each board member which

showed the original request and a parchment overlay to help visualize the parking layout. She stated that the requested relief is not going to change the existing asphalt footprint on the west side at all. On the south, the parking is going to be further away from the street and closer to the building than the existing situation. In addition, landscaping is planned along the street. She pointed out the emergency and fire lanes on the site plan. She referred to zoning ordinance 165.22: if a variance is granted, it shall be automatically revoked if all conditions are not met within 6 months and construction is commenced within one year. The building variance that was granted in March of 2009 was automatically revoked because the conditions were not satisfied.

She stated that 45 parking spaces are required for this size building, according to zoning. She addressed the following criteria which the ZBOA uses when considering a variance:

- Will there be an undesirable change? She believes that the requested variance of 5' and 12.9' setbacks will not. We are not going to be changing the asphalt footprint on the west. The south side will be moved away from the street. The requested parking is less than neighboring setbacks. She referred to the July presentation when she documented this. 26 parking spaces rather than the required 45 will not create an undesirable change. 45 spaces are required and 18 parking spaces were given by the Board. Under the circumstances, how many should be Board grant?
- Can the benefit be achieved by other means feasible? The benefit cannot. An increase in the structure and increased parking on this substandard lot is the only way this business can achieve the desired benefit. The 35,409 square feet building is smaller than the required 40,000. The applicant is not trying to overbuild on this lot. The current building plan covers only 12% of the lot. Given the fact that the Board previously granted parking, she believes some relief is warranted here. She stated that there has been consistently 22-26 cars on the lot and this is being used as a benchmark.
- Is the request substantial? West and south are not substantial because the asphalt footprint is not being changed. There is less of an impact on the south. The requested setbacks are further away from the right-of-way than other properties in this area. These are not substantial setbacks when compared to neighboring properties.
- Will there be a negative physical or environmental effect? No adverse impact will result because the setbacks are either within the existing asphalt footprint on the west side and closer to the building on the south.
- Is the alleged difficulty self-created? The variances are requested because it is a substandard lot and the new owners are trying to improve the property.
- Is this the minimum needed? A 5' and 9' setback is the only possible way to provide parking.

Mrs. Zoghlin felt it would be improper for the Board to grant more relief but this is not the case.

Chairperson Robillard stated she would like to address the legal notice, which included the addition on the south side, which was granted in July. Mrs. Zoghlin responded that this portion was granted and she asked that it be regranted. Chairperson Robillard stated that the request is a rehearing and should be reheard and reconsidered at this rehearing. She felt that the public needed to hear the reason for the addition. Chairperson Robillard asked for clarification of the site plan and where the 26 parking spaces were located. Mrs. Zoghlin questioned if the fence should be reconsidered also.

Mrs. Zoghlin stated that the Colakoglu's were the sole owners of the property and shareholders of this business which provided motor vehicle service. She reiterated the information presented at the July meeting. She recalled that the 66' x 42' new building will be connected to the existing structure. She stated that the only way to increase the parking is by moving the parking closer to the lot line. She addressed the reasons for the privacy fence and placement which was recommended by the planning board. She recalled that the addition to the building was granted at the July meeting, along with the fence. However the parking increase to 26 parking spaces were denied. The building setback of 57' is requested again which was granted in July. She referred to

the canopy that was granted by the ZBOA in 1986 for a 35' setback. In 1996 they granted an area variance for K&K. In 2000 they granted a freestanding sign closer to the lot line than they are requesting. The requested setback will not result in an undesirable change in neighborhood character. The two variance requests for the fence, the height and setback variances of 15 feet and 20 feet were granted in July. This change will improve the character of the neighborhood by providing screening.

**Public Comment:**

**Bob Rumiano – 362 Parma Center Road:** Stated he struggles with the request for 26 spaces. He feels there is no need for this with the cars only there 2-3 days. He feels that more bays will create more oil and does not want to see 26 cars parked there.

**Donna Curry – 1083 Hilton Parma Corners Road:** In March 2009, the applicant purchased the property to downsize their existing business in Greece and property maintenance was discussed. They promised the property would be maintained. Since then there have been concerns about lack of property maintenance. They purchased this property knowing that it would not be the size of their previous business. This business is good for the community but it is not being used as their intent stated to use this property. They have options: downsize and change the business plan to a smaller business to fit this lot or relocate their business elsewhere. The number of unlicensed vehicles are back again. The integrity of the statements of the applicants have not been followed through. Every time they have been granted something they have not followed through with their side of the bargain. The analysis of the projected business and required parking spaces should be more than adequate after more than 30 years of business. When the applicants were asked about the problems in the Town of Greece with outside storage and excessive parking violations, she recalled they stated there was a snowstorm which prevented resolving the problem, but that is not the case now. She stated that unlicensed vehicles and cars have been there for over a month. They have not abided by the conditions. She referred to other area properties which do not have cars parked in front of their business, only on the side. It is very disheartening that the applicant has disregarded the conditions that they were to abide by. The owners do not feel this parking situation is excessive. This is a substandard lot which can have 45 parking spaces. 3 or 4 bays with 2 lifts would hold 6 additional cars. Where are additional cars going to go with 26 cars parked there already? When it was a gas station, there were no cars parked there for days, 4 or 5 cars were parked at the most. The cars parked near the road are a visual deterrent. She felt that everyone who stops at this intersection looks at this property. The applicant chose this site to downsize but this site cannot accommodate this large a business. It is the purpose of our zoning to grant relief if they claim a hardship. She objects to this application, in particular the increase in the number of vehicles. She asked that the Board look at the big picture of how this business is run.

Mrs. Zoghlin felt that the statement Donna made were not appropriate and personally attacked the applicants and their integrity. It was pointed out that Donna stated that the applicant's statements lacked integrity, not the applicants themselves.

Dean Snyder asked for a view of the violations in Greece. Donna stated she would provide this list. He reiterated that Donna was referring to the business integrity of the applicants. With 35-36 cars parked on this property, this is more than was granted. Dean Snyder read the numerous number of violations cited by the Town of Greece to the applicants for their business when it was located in that town. Dean reiterated the statement by the applicant during the March 19<sup>th</sup> meeting that they would keep this property and parking better. There has been a habitual lack of keeping with the conditions and a poor business plan has evolved. Dean Snyder asked the applicants to respond to these citations and their reason for not complying. They explained some of their reasons.

Tim Thomas asked how many cars can be stored inside. Mr. Colakoglu stated that 7 cars can be parked inside.

**Will Falcheck – 1215 Hilton Parma Corners Road:** Stated he is the owner of Justice Florist. He bought this property in 1988 which is right across the street from Mr. Colakoglu's business. He is very much pro-business and wants to continue to see as many businesses as possible move into the area. He explained he is very committed to have a business consistent with the premises. When he bought the property, he never needed a variance, only a conditional use permit. He reiterated the Board's concern about no on-street parking and he has off street parking. He planted trees along his parking lot to provide a barrier. An animal shelter was there and now he turned it into Justice Florist. He keeps it "dolled up". He felt that this intersection is the cornerstone of the community. He felt that the proposal tonight is not acceptable. There would be too many cars, too close to the road. When it was a Mobile gas station it was open 24 hours a day and they never had cars parked along the west side of the property. They were parked on the north side close to the building and on the east side close to the building. He contends that this application not be considered because it is not consistent with the previous use. There were just cars in and out of the gas station. Now there is a perpetual number of parked cars. He is so glad the Board considers how these changes affect the neighborhood.

**Doug Flood – 1215 Hilton Parma Corners Road:** Stated his comments are the same as when he spoke at previous meetings. He reiterated this intersection is the gateway to Hilton. This business will affect how people will look at the Town. He referred to the revised structure and the number of cars parked on a long term basis is excessive. He has checked out other similar business and they have less cars parked even if the business is larger. He stated that the Colakoglu's purchased this property to downsize their business and their business plan has changed. Therefore, they need more room from the existing property which will result in being too congested. Mr. Flood stated he has owned his property for many years and at no time has there been any cars parked as this is proposed. The parking lot was essentially empty. Now cars are there all the time and he is concerned about the snow banks and visibility around the intersection. He questioned how do we want our community to look.

**Jim Roose – 196 Pine Hill Road:** Questioned the total number of bays that will result if this is granted. Mr. Colakoglu stated that 7 lifts are planned. He stated that during the night there are not 26 cars parked outside. The additional lifts will help the parking situation of having excessive cars parked on the lot. He states they won't park cars on the corners of the lot. Mr. Colakoglu felt that cars parked on the lot won't make the intersection look worse. Mr. Colakoglu stated that 20 cars on the lot will be the case and additional cars will be inside. Mrs. Colakoglu stated that they receive cars three ways: (1) plan ahead with appointments, (2) breakdowns are brought in, and (3) stop in's for inspection. She stated that 50% of their work is scheduled ahead of time. The transmission work can never be accounted for. They have the cars there "a month because it is hard to get transmissions for some of them." Unlicensed cars are not a violation. Sometimes cars are dropped off for collision work and it takes 2-3 days to get rid of them. Mr. Colakoglu stated he is trying to control the number of cars on the parking lot by turning away customers. He noted that he also has work vehicles on the property. Chairperson Robillard asked if he counts the work vehicles. Mr. Colakoglu stated about 10 extra vehicles that are not cars being work on are parked there, some are personal vehicles and two courtesy cars and custom vehicles. Mrs. Colakoglu stated that they are counting their cars too. She occasionally parks cars in their driveway at home. She felt that their business is 99.9% the same as intended. Mr. Colakoglu stated he gets worried about excess parked cars and he has joked about putting a board on the building with the dates and the number of cars parked. Dean Snyder reiterated the excessive number of cars, up to 36 cars which is 100% over what was granted. Dean stated that it is difficult to get the feeling that if this is approved that the number of cars will be adhered to. Mrs. Colakoglu felt that the number of cars care being regulated better now. Dean Snyder questioned how this has been done in the past. June 17<sup>th</sup> was the last time a violation was listed for 36 cars.

Jim Roose asked when the business is expanded to 7 bays, how many additional employees will be hired. Mr. Colakoglu said none. Jim noted that this constant regulation of the number of cars is very time consuming for the Town zoning enforcement officer.

Doug Flood questioned the violation process. Jack Barton stated that a violation must be corrected. If not, the 3<sup>rd</sup> violation notice requires the owner to go to court and they are fined. Tim Thomas asked what Mr. Colakoglu would do if 18 parking spaces were allowed. Mr. Colakoglu stated he would have to look at the situation.

**Patrick Buske – 24 Hill Road:** He stated the number of cars proposed is excessive for the area. He does not understand why extra parking spaces are necessary. He questioned how he could control the number of cars. He noted that an increase of the number of bays would help move the cars along faster. He stated that with more bays this will allow more cars to be stored inside. 8 additional inside parking spots would satisfy the need for additional parking, without adding to the 18 parking spaces already granted.

Chairperson Robillard questioned if the inside spaces compensate for the need for additional parking. Mr. Colakoglu stated that he needs outside parking too. He stated he needs 26 car spaces outside in addition to the 8 inside spots. Mrs. Colakoglu stated that this discussion is out of control. She stated that even with the additional bays, that 26 spaces are needed for a smooth turnaround of cars.

Lara Baidan (Town Attorney) reported she is not here to take any sides. She referred to the violations cited to this business. She recalled the ZBOA granted 18 parking spaces and it became clear that wasn't going to be adequate to serve the customers. The applicants are asking for more parking spaces and the new building will accommodate more inside parking spaces. If more spaces are granted and the new building has more inside space, what would prevent the business from becoming even larger? The ZEO has been monitoring the property closely and he is trying to keep the number of cars under control. Let's assume the Board grants 26 spaces and the building which will accommodate more cars, if the number of cars exceed the number granted, there will be consequences. Notices of violation will ensue and violations will be enforced. Knowing that, the applicant is going to have to stay in these parameters. The enforcement part of this is tapped off. She stated she sees the Colakoglu's don't want to get to the point of going to court and paying fines. Ms. Baidan referred to the structure and how it is going to look like when it is done, stating with the site plan provided, it is very hard to visualize. The new site plan shows the building will make the property more appealing and more landscaping is planned. She referred to the site plan parking that indicates the configuration of the parking. She asked for more description of the parking after the addition is made. She noted the friction at this meeting. She felt that they have judged by the way it has looked in the past, not how it will look in the future. She noted the strong feelings on both sides.

Mrs. Zoghlin stated she agreed about the enforcement issue and the applicant is looking for the answer to end this strict scrutinizing of their property. They are not looking to push the limit. Mr. Colakoglu referred to the drawing of the proposed building and described where the parking will be. Parking will be in the center of the property with a good flow of traffic in and out. Mrs. Zoghlin noted the planned landscaping. She stated that once everything is in order, it is going to look good.

Patrick Buske: He noted hardship has not been proven. Tim Thomas questioned Mr. Colakoglu what will happen if only 18 spaces are granted. Mrs. Colakoglu stated that no one wants to see that corner empty again.

Donna Curry: Questioned is it possible to approve less than the 26 cars? Chairperson Robillard stated that we can approve less but not more. Donna stated that she felt that 26 may not be the right number.

Will Falcheck: He expressed concern about the setbacks, not only the number. He questioned if this is still being considered. Chairperson Robillard stated this is part of the application being considered.

The public hearing was closed.

**Board Discussion:** Chairperson Robillard reported that notifications were in order. Jack Barton reported that the request was returned by Monroe County as a matter of local determination. Jack reported that this is a Type II SEQR with no further action required.

Tim Thomas questioned if there were any other parking regulations and suggested that another option for parking would be another location.

Chairperson Robillard stated that the Board tonight could reverse, nullify or approve with a unanimous vote. Another motion will be required if a motion is not passed.

Dean Snyder stated that he had many questions that he would like answered. He noted that when snow needs to be removed from the property, there is no place to put it. By enlarging the building, a significant number of increased parking spaces will be relocated. A used car lot would look better than this industrial look with haphazard parking. Adding on an extra row of parking would not look good on this property. He requested the applicant go back and look at changing the parking configuration so there would not be a double row and not have the parking so close to the road. Dean listed several questions that he needed answered.

Chairperson Robillard asked if the Board would consider tabling this application to allow time for the applicant to answer these questions. Chairperson Robillard reiterated concerns regarding snow banks created by plowing the public street and to address safety issues discussed tonight. She polled the Board regarding their position to table:

Tim Thomas: agreed that this application should be tabled to provide time for answers to those questions and to give everyone time to digest the information presented tonight.

Stephen Shelley: Agree to table. If he were to look at this from an engineer's standpoint, the size of the building dictates the parking spaces, and questioned should a building be enlarged more than parking spaces are feasible?

Tina Brown: Agreed to table. She stated she needs more information to make a decision.

Mrs. Zoghlin interjected that some of the questions seemed like planning board issues.

Dean Snyder: Stated that the Board is trying to allow more building with less parking spots. Almost 3,000 square feet of extra building is proposed. Because we are stretching the limits, we feel that there are important issues. It is up to the Board to look at different aspects. The interior and the size of the building has been dictated by the requirement for a handicapped bathroom. We need to see if we can identify an alternative interior layout, noting the overhead doors with one extra bay with no lift seems unusual.

Following discussion, a **Motion** was made by Dean Snyder to table the application of 1220 HPCR #1LLC and 1220 HPCR #2LLC for three area variances at 1220 Hilton Parma Corner Road. In making the motion to table, it is contingent on further information being supplied to the Board in order to allow us to try to make an informed decision. The requested information is listed, as follows:

- 1) What is the applicant's plan for snow removal on the property?
- 2) The Building Department to research the liability of the Town's Highway Department for damage to the property when snowplowing if cars are parked at the requested 5 feet setback.
- 3) Will the applicant consider a reduced design of the building that would require less parking spaces
- 4) Show a layout of the interior of the building with respect to accommodating more cars stored inside. Also alternative locations should be considered for the required handicapped restroom that would require less of a setback for the building.
- 5) Has the owner considered an off-site buffer for parking overflow of cars not being worked on.

The application is tabled until the November 18<sup>th</sup> ZBOA meeting without prejudice. Seconded by Tina Brown. Chairperson Robillard questioned the applicant when this information could be provided in advance of the meeting. Mrs. Zoghlin stated that she was not sure how long the inside layout will take, stating that they will go ahead with the November meeting and if this is not possible then they will request tabling until the December meeting. Dean Snyder noted that a simple drawing or sketch of the interior would be acceptable, that an engineer's drawing is not necessary.

Dean amended his motion by adding that the information from the building department and applicant would be required one week in advance of the meeting. Tina Brown seconded the amended motion. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas)

**A recess was called at 9:55 pm. The meeting reconvened at 10:12 pm.**

### **3. JOHN TACHIN – 403 BURRITT ROAD**

Application of John Tachin, owner, for an area variance at 403 Burritt Road. Applicant is proposing to keep horses in an existing barn on the property. The barn has a side setback of 60 feet from the westerly property line. Applicant is requesting relief from Town Zoning Article 10, subsection 165-82-CC.3 which states in part that any stable shall be set back at least 100 feet from a side boundary line. This property is currently zoned Agricultural/Conservation (AC).

Sue Inzinga stated she was presenting this application for Mr. Tachin, explaining that she has rented this property. She recalled that an area variance for the existing barn to house horses was obtained. The barn was originally built as a horse barn in 1988 and was used for horses until 2003. In 2003, Mr. Tachin purchased the property and planed to use the barn for horses but their daughter's illness prevented this. Now they want horses and the need an area variance because horses have not been kept in the barn since 2003. She noted that horses are common in this area. The barn is 385 feet from the road. Horses were in the barn in the past and nothing has been changed. The barn is equipped with running water and electrical service. She explained that John owns the property but she lives there as a lease to own. John has a prospective buyer for the property now and the sale of the barn is contingent on the use of the barn for horses.

**Public Comment:** None. The public hearing was closed.

**Board Discussion:** Chairperson Robillard reported that notifications were in order. Jack Barton reported that the request was returned by Monroe County as a matter of local determination. Jack reported that this is a Type II SEQR with no further action required.

Dean Snyder referred to the 1995 zoning code and stated that the side setback for barns at that time was 50 feet.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of John Tachin, owner, for an area variance at 403 Burritt Road to keep horses in an existing barn on the property. The barn has a side setback of 60 feet from the westerly property line. This grants relief from Town Zoning Article 10, subsection 165-82-CC.3 which states in part that any stable shall be set back at least 100 feet from a side boundary line. This property is currently zoned Agricultural/Conservation (AC). In making this determination, I believe the benefit cannot be achieved by other means feasible. The structure was built in 1988 at a time when the existing setback was allowed. The structure was built for horses with stalls and has been rented out and is still in the same condition. Horses were not present in the barn from 1998 to 2010. There will be no undesirable change in neighborhood character or to nearby properties. The barn is 380 feet from the right of way and the barn is well hidden from the road. The request is not substantial. The previous code was acceptable for this structure. The change in code impacted this structure. There will be no adverse physical or environmental effect. 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 Stephen Shelley. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas).

#### **4. THOMAS WINTERMUTE – 65 LAKESIDE BOULEVARD**

Application of Thomas Wintemute, owner, for area variances at 65 Lakeside Boulevard. The applicant is proposing to subdivide the property creating a parcel that will maintain the existing width of 80 feet, have a depth of 40 feet, and an area of 5,790 square feet, and is requesting relief from Town Zoning Article 12, subsection 165-89.A which states a non-conforming lot shall not be further reduced in size and Schedule 1 which requires a lot to have a minimum depth of 120 feet and a minimum area of 12,000 square feet. This property is currently zoned Waterfront Residential (WF).

Mr. MacAdam stated that Thomas is looking to subdivide this lakefront property. He only uses this part of his property for a garage structure. He does not use the land behind the garage and would like to join the lakefront property where the house is and the property that has the garage across the street but cannot because it is separated by the public road. Therefore he is proposing to create a separate lot in order to allow his neighbor to merge the remaining portion to his property. It was questioned about the use of the existing structure that is not habitable as a residence. The garage is only used for storage.

**Public Comment:** None. The public hearing was closed.

**Board Discussion:** Chairperson Robillard reported that notifications were in order. Jack Barton reported that the request was returned by Monroe County as a matter of local determination. Jack reported that this is a Type II SEQR with no further action required.

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Thomas Wintemute, owner, for area variances at 65 Lakeside Boulevard to subdivide the property creating a parcel that will maintain the existing width of 80 feet, have a depth of 40 feet, and an area of 5,790 square feet, and this grants relief from Town Zoning Article 12, subsection 165-89.A which states a non-conforming lot shall not be further reduced in size and Schedule 1 which

requires a lot to have a minimum depth of 120 feet and a minimum area of 12,000 square feet. This property is currently zoned Waterfront Residential (WF). In making the determination to approve, the benefit cannot be achieved by other means feasible to the applicant. The applicant wishes to convey the westerly portion of his property to his neighbor. The remaining parcel only has a garage on it with no service to it and it will be maintained by the owner whose primary residence is on the opposite side of the street. There will be no undesirable change in neighborhood character or to nearby properties. This will be unnoticeable by anyone driving by. The request is substantial when compared to the code, however, the majority of lakefront properties are unique, as is Lakeside Boulevard and lakefront properties. It is reasonable to approve this exchange of property. There will be no adverse physical or environmental effects. The alleged difficulty is self-created, but mitigated by this unique lakefront property. This approval is contingent on the merging of the rear portion of 65 Lakeside Boulevard with 63 Lakeside Boulevard be completed this month. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community. Seconded by Stephen Shelley. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas)

#### **MINUTES OF SEPTEMBER 16, 2010**

The September 16, 2010 minutes were provided for review. The following changes/additions were recommended: page 2, Para 2, line 7, change "3 variances" to "2 variances"; line 10 change to "...showed pictures of the neighboring properties with outside storage."; line 21 change to "The south and east will have entrances. Page 4, Para 2, line 6, change to "worked"; page 5, Para 2, line 5, change to "He is proposing an living space in the former detached garage." Last Para, line 9, remove "There are no other possible alternatives." Page 6, line 4, change to "former garage to living space." A **Motion** was made by Stephen Shelley to approve the September 16, 2010 ZBOA minutes with the recommended changes. Seconded by Tim Thomas. Motion unanimously carried (5-0) (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Tim Thomas)

#### **OTHER BUSINESS**

**Zoning Code 165-122:** Jack Barton recalled several recently approved variances where the timeframe was not met and the variance was then null and void, requiring the applicant to reapply to the ZBOA. Jack inquired if the Zoning Board would consider recommending to the Town Board that the timeframe to obtain a building permit and start construction on approved projects be lengthened. He asked the board members to consider past variances that were requested that seem like "rubber stamp" projects that might qualify for an extended timeframe. Following discussion, the Board felt that 9 months would be an appropriate timeframe, instead of the current 6 months for new projects requiring a building permit.

#### **ADJOURNMENT**

There being no further business, a **Motion** was made by Tina Brown, seconded by Stephen Shelley, to adjourn the meeting at 11:25 pm. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas)

Respectfully submitted,

Diane Cook, Recording Secretary