

**TOWN OF PARMA
ZONING BOARD OF APPEALS
December 15, 2011**

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

Others Present: Jack Barton, Carrie Webster, Jim Zollweg

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 explained that a quorum of three is required to pass a motion.

PUBLIC HEARINGS

1. TONY COLLICHIO – 4768 RIDGE ROAD WEST

The application of Tony Collichio, owner, for an area variance at 4768 Ridge Road West. The applicant is proposing to erect a 32 square feet freestanding sign, west of the driveway and set back zero feet from the Ridge Road right-of-way. The applicant is requesting relief from Town Zoning Article 14, subsection 165-111.D which states in part that all freestanding signs shall be set back a minimum of 15 feet from all property lines. This property is currently zoned general Commercial (GC).

George Collichio described the placement of the proposed sign for the music business. He noted on the sketch map provided that if the sign were to remain where it is now would place it in the new parking lot. Therefore, they are looking to move the sign closer to Ridge Road. He noted if the sign were placed directly in front of the building, in compliance to zoning, it would hit the building. Dean Snyder questioned where the temporary sign is relative to where the proposed sign would be. George referred to the site map. Chairperson Robillard also asked for clarification of the placement and George explained that the new sign will line up with the back of the temporary sign. George explained that the sign will be more in the middle of the grass area and he reported they plan to include new landscaping around it. He stated the existing sign will be removed when the new sign is put up. The new location will put it farther west and on the front lot line, which is 49 ½ feet from the center line of Ridge Road. He provided a picture of the proposed sign, noting it will have exterior lighting which will only be lit when the business is open. Dean Snyder expressed concern that the exterior lighting may cause a glare to traffic. Jack Barton stated that the Town Code addresses this. Tim Thomas referred to the statement on the application that if the sign were moved farther back from the road, it would not be visible from the west. George stated that the proposed location would make it the easiest to see. Dean Snyder noted that even the temporary sign looks like it fits in with other signs in the area and the proposed location will be even farther back from the road than the temporary sign. He stated that clear signage will stop people from hesitating when looking for this business and this could prevent accidents.

Public Comment: Chairperson Robillard read a letter as follows:

John Vicaretti, DDS – 5 Silent Meadows Drive: Submitted a letter stating several concerns he has: He owns two immediate adjacent lots westward of 4768. He is concerned that the sign will obstruct the view of people pulling out of his future parking area when he develops these two lots. This stretch of Ridge Road West has a history of fatal accidents. He is concerned when the time comes for him to apply for a driveway permit from NYS, that with the sign in the proposed

location, they would require him to change his planned driveway location because of the decreased visibility that this new sign will cause. He stated he does not believe people will go for music lessons because of the sign but that the business will be based on recommendations by family and friends, yellow pages, and internet. As far as finding the shop, once people have been there, they could easily find it again. There are no other businesses in the immediate area at this time. The current proposed sign location would make it sit in his parking area, but he can shorten the sign or move his parking area back. He listed other area businesses in the area that have signs, all of which are smaller and are off the road more. He stated that a smaller sign would be more with the rural look.

Dean Snyder referred to the list of businesses in the area with signs and felt that the proposed sign is consistent with others in the area. He noted that Liberty Hollow's sign is only at a 5 feet setback. He felt that the author may see that this sign does not obstruct any view.

Dan Crowley – 4782 Ridge Road West: Stated he lives just west of the property. He asked for clarification of the location of the sign. After reviewing the site map, he stated he was okay with the proposed location.

The 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 SEQR

Following discussion, a **Motion** was made by Dean Snyder to approve the application of Tony Collichio, owner, for an area variance at 4768 Ridge Road West to erect a 32 square feet freestanding sign, west of the driveway and set back zero feet from the Ridge Road right-of-way. This grants relief from Town Zoning Article 14, subsection 165-111.D which states in part that all freestanding signs shall be set back a minimum of 15 feet from all property lines. This property is currently zoned general Commercial (GC). In making the determination to approve,

- I believe the benefit cannot be achieved by other means feasible to the applicant. By moving the sign into an area that meets current zoning would be too restrictive, would decrease visibility of the sign, and add nothing towards the safety of the driveway on Ridge Road West.
- There will be no undesirable change in neighborhood character or to nearby properties. There are several other signs along Ridge Road in the immediate area that have similar setbacks.
- The request is substantial.
- There will be no adverse physical or environmental effects. In the proposed location of the sign, there is sufficient room for a car leaving the driveway to be totally in front of the sign, making it safe to exit with full visibility of Ridge Road. In the proposed location, it makes it very easy for someone driving by to locate the establishment and make a safe exit off Ridge Road without causing safety issues for the vehicles behind it.
- The alleged difficulty is self-created, but using the balancing test, the benefit to the applicant far outweighs any detriment to the health, safety and welfare of the community.

Seconded by Stephen Shelley. **Motion carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas).

2. NICOLE GAVIGAN – 298 HUFFER ROAD

The application of Nicole Gavigan, owner, for area variances at 298 Huffer Road. The applicant is proposing to raise the roof on the two story portion of the home which has a setback of 28 feet from the Huffer Road right-of-way and 70 feet from the North Avenue right-of-way. The

applicant is requesting relief from Town Zoning Schedule 1 which requires a set back of 75 feet from both streets. This property is currently zoned Rural Residential (RR).

Pat, of Highland Construction, stated he was the contractor Nicole hired to raise the roof on her home. He explained that this house was built in the 1880's and the area to be raised is currently an attic area with 2 1/2 feet side walls, The plan is to raise the roof to give the area a full ceiling and provide additional living space. He noted that raising the roof will allow the addition of better insulation and ventilation, providing a more energy efficient home.

Public Comment: None.

The 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 SEQR

Following discussion, a **Motion** was made by Tim Thomas to approve the application of Nicole Gavigan, owner, for area variances at 298 Huffer Road to raise the roof on the two story portion of the home which has a setback of 28 feet from the Huffer Road right-of-way and 70 feet from the North Avenue right-of-way. This grants relief from Town Zoning Schedule 1 which requires a set back of 75 feet from both streets. This property is currently zoned Rural Residential (RR). In making the determination to approve:

- I don't believe the benefit can be achieved by other means feasible to the applicant. The original home was built in the 1880's before current zoning. The footprint of the home will be maintained. This will provide the applicant with more living space and will provide an opportunity to improve the energy efficiency of the home.
- There will be no undesirable change in neighborhood character or to nearby properties. The change in the home will be negligible.
- The request is not substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created, however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

Seconded by Tina Brown. **Motion carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas).

MINUTES OF NOVEMBER 17, 2011

The ZBOA minutes of November 17, 2011 were reviewed and the following recommended changes were made: Page 2, Para 2, Change to "Jack Barton reported that this is not a requirement but was part of the application in 1980."; page 5, last Para, line 12, change "west" to "north"; line 13, change "115 feet off the road" to "315 feet off the road." Page 6, first line, change "Gregory Sullivan 300 Burritt Road to "Jim Allardice 301 Burritt Road."; Page 7, last Para, change "Motion Carried (4-1); page 8, Para 5, add at the end "from the date of this meeting."; Para 6, change to "...but the opportunity to appeal the Board's decision at the Supreme Court level has expired." A **Motion** was made by Dean Snyder to approve the November 17, 2011 minutes with the recommended changes. Seconded by Tina Brown. **Motion carried (4-0)** (Ayes: Tina Brown, Veronica Robillard, Dean Snyder, Tim Thomas; Abstain: Stephen Shelley).

OTHER BUSINESS

Bonnie Thomas - 8 Clearview Avenue: Jack reported that Bonnie informed him that she is considering submitting a new application. She felt that the minutes did not clearly reflect her situation.

Question of expansion of a pre-existing, non-conforming use: Jack Barton opened discussion on a situation where a pre-existing, non-conforming business is considering enclosing an existing open area that is currently used for storage. Once this area is enclosed, it will be used as office space. Jack questioned the Board if this should be considered an expansion of this pre-existing, non-conforming use or constitutes a change in the use. Jack explained that the building is roughly 40 feet long and this enclosed area would add 18 feet of inside space. Discussion was held on whether enclosing this area would change the outside view of the business, such as traffic. For example if the business is located on Ridge Road, it was felt that traffic would not be an issue. Jack Barton encouraged the Board to e-mail him with any questions he can pose to the Town attorney with regard to this issue.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, seconded by Tina Brown, to adjourn the meeting at 8:15 p.m. **Motion unanimously carried (5-0)** (Ayes: Tina Brown, Veronica Robillard, Stephen Shelley, Dean Snyder, Tim Thomas).

Respectfully submitted,

Diane Cook, Recording Secretary