

**TOWN OF PARMA
ZONING BOARD OF APPEALS
SPECIAL MEETING
APRIL 5, 2012**

Members Present: Stephen Shelley
Dean Snyder
Tim Thomas
Jim Zollweg

Members Excused: Veronica Robillard

Others Present: Jack Barton

Public Present: Carm Carmestro, Gary Comardo, Andy Lautenbacher and Randy Bebout.

The meeting was called to Order by Acting Chairman, 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. He explained that this Special Meeting was requested by Hess Corporation.

PUBLIC HEARINGS

1. HESS CORPORATION – 5028 RIDGE ROAD WEST

The application of Hess Corporation, lessee, for six area variances at 5028 Ridge Road West. The applicant is proposing to demolish the existing structure and construct a new commercial building with eight fuel dispensing stations. The applicant is proposing to construct the new building with a side setback of 10.5 feet from the northerly property line and is requesting relief from Town Zoning schedule 1 which requires a side setback of 20 feet. The applicant is also proposing four wall mounted signs totaling 121 square feet that will be placed on the building and island canopy and a 22.5 feet high freestanding sign with 128 square feet of signage area. The applicant is requesting relief from Town Zoning Article 14, subsection 165-113.B which limits the number of wall mounted signs to one, the total sign area for the business to 150 square feet, the area of a freestanding sign to 32 square feet and the height of a freestanding sign to 16 feet. This property is currently zoned Highway Commercial (HC).

Randy Bebout, T.Y.Lin. Inc., explained that they had received from the Zoning Board of Appeals the original approval for the project in 2008 but because of the economy the project did not move forward. The company is now ready to move forward with the project. Jack Barton has the current building plans. Since 2008 there are some variances that have been removed. He explained that the first variance is for the side setback of the property; they are requesting 10.5 feet because of the size of the lot. The second and third variance is the number of building signs; they are requesting two signs on the main building and two signs on the canopy over the pumps. The fourth variance is the total area of signage including the canopy, building and pole signs. The fifth variance is the height of the pole sign, they are proposing 22.5 feet. The sixth variance is the area of the pole sign.

Chairperson Thomas asked what the need was for the increased height of the freestanding sign. Mr. Bebout explained that the height size depends on the location and grade. The only change to the project was to the decrease in the amount of signage on the canopy. It was noted that because of the lapse in time from the last approval to now, there is a need for new approval from the ZBOA. Jack Barton explained that there is not an option to extend the original approval. Chairperson Thomas feels that this application is consistent with the other businesses around that area. Stephen Shelley feels that it is very consistent with what is on that corner currently.

Public Comment: None

Board Discussion: Jack Barton reported that notifications were in order. One of the notification letters was returned but the Building Department did contact the power of attorney for the owner and they signed recognizing that the hearing was tonight and they did not have an issue with it moving forward. 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 Stephen Shelley to approve the application of Hess Corporation, lessee, for six area variances at 5028 Ridge Road West to demolish the existing structure and construct a new commercial building with eight fuel dispensing stations. The new building would have a side setback of 10.5 feet from the northerly property line and would grant relief from Town Zoning schedule 1 which requires a side setback of 20 feet, being a corner lot it has two side lots and no rear, and to approve four wall mounted signs totaling 121 square feet that will be placed on the building and island canopy and a 22.5 feet high freestanding sign with 128 square feet of signage area granting relief from Town Zoning Article 14, subsection 165-113.B which limits the number of wall mounted signs to one, the total sign area for the business to 150 square feet, the area of a freestanding sign to 32 square feet and the height of a freestanding sign to 16 feet. This property is currently zoned Highway Commercial (HC). This motion is dependent upon the applicant providing the notification list to the Town of Parma Building Department in a timely manner, for the permit to be issued.

In making this determination:

- I don't believe the benefit can be achieved by other means feasible to the applicant; he believes this placement will provide proper clearance around the building and the gas pumps. The 4 mounted signs, 2 on the main building and 2 on the canopy over the gas pumps are to accommodate the multiple businesses that will be in the building which is different than a typical gas station from the past. The total area of all signs is increased to allow all signs to be legible from a distance. The increase of area and height of the free standing sign is because the 64 square feet per side is the minimum standard size that the Hess Corporation allows. The height is increased giving it a better site line and location and giving traffic better visibility under the sign.
- There will be no undesirable change in neighborhood character or to nearby properties. It will improve the situation with the removal of the house next door.
- The request is 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 far outweighs any detriment to the health, safety and welfare of the community.

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

OTHER BUSINESS

190 Ogden Parma Town Line Road – The applicant is requesting that this matter be tabled from the April 19, 2012 meeting to the May 17, 2012 meeting.

8 Clearview Drive – the applicant will be addressing the Zoning Board of Appeals at the April 19, 2012 meeting.

654 Parma Center Road – There was some discussion over what the Town Attorney felt and further discussion over a moveable structure and the code.

There was discussion about customary Agricultural Operations. There is a resident currently bringing in wood, splitting it and selling it. There have been some noise complaints. The property is currently less than 5 acres. Cannot be approved as a home business if you can see from the road what is going on.

Jack Barton announced that Blake Keller will be the new alternate member of the Zoning Board of Appeals and he will attend the next meeting.

ADJOURNMENT

There being no further business, a **Motion** was made by Dean Snyder, seconded by Stephen Shelley, to adjourn the meeting at 9:50 p.m. **Motion carried (4-0)** (Ayes: Stephen Shelley, Dean Snyder, Tim Thomas, Jim Zollweg; Absent: Veronica Robillard).

Respectfully submitted,

Carrie Webster, Recording Secretary