

**TOWN OF PARMA  
ZONING BOARD OF APPEALS**

Parma Town Zoning Board of Appeals Meeting held on Wednesday, May 15, 2024, at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

**Members Present:** Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells (Alternate)

**Members Excused:** Ann Williams

**Others Present:** Arthur Fritz, ZEO  
Maureen Werner, Town Attorney  
Dave Ciufio, Town Board Liaison

**Public Present:** Kris Schultz, Jim Smith

The meeting was called to Order by Chairperson Robillard at 7:02 p.m. Chairperson Robillard 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 APRIL 17, 2024**

**1. Review Minutes from the April 17, 2024, Zoning Board Meeting**

The ZBOA minutes of April 17, 2024, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the April 17, 2024, minutes as presented.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

**Excused:** Ann Williams

**NEW BUSINESS ITEMS**

**2. MARCUS PROPERTIES OF WEST RIDGE ROAD, LLC-GRAHAM MARCUS, OWNER, 5121 RIDGE ROAD WEST**

The applicant is requesting an area variance to grant relief from Town Zoning Article XIV, subsection 165-113(B), (4, B); Article VI, subsection 165-39 (E)(1) (schedule I) Note (4) for the proposed construction of a 123.2 square foot sign with a height of 25.4 ft. Also, allowing the building to be used or signage as stated in Section 165-113 (B, 2). The Town Code limits free standing signs not to exceed 32 square feet in area and no signage on the building when a free-standing sign is used. Accessory structures are not to exceed 20 ft. in height. This property is zoned General Commercial (GC).

Kris Schultz, engineer for the project, said he represents Maddie Motor Sports, and they are looking to place a pedestal sign at 25.4 ft. high and 123.2 sq. ft. He said the sign is helpful because the building sits back on the property due to a creek and is hard to see from the road.

Maddie Sports sells products and does not do repairs. The applicant is planning to do an addition to the building once the moratorium has been lifted in the Town. This business is part of a franchise and adding the signage will make the look of each property consistent with the others. He showed the Board pictures of other requests and approved signs that are similar to this including Doan which was approved for a similar sign in 2013. Mr. Schultz noted that these types of signs are helpful to drivers going by at 55 mph. The sign would be 15 ft. off the ROW and said the ground where the sign would be located is 3.5 ft. lower than by the road. Dan Melville felt the signs cited are not the same; most are smaller.

Kris Schultz said his applicant is willing to work with the Board if they could give some recommendations. Chairperson Robillard said she understands the benefit of the sign, but the burden is not on the Board to negotiate the application. The applicant would need to offer other solutions.

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

Comments from Monroe County include the following:

1. Applicant is encouraged to contact other County Departments and non-county agencies to ensure all permitting requirements for this project have been satisfied.
2. According to NYSDEC and USGSNHD it appears there is a portion of a stream located on a portion of the property. In order to protect the stream corridor and mitigate potential flood impacts downstream the applicant should:
  - a. Maintain a healthy vegetated streamside buffer; preserve trees and shrubs along the edge.
  - b. Limit tree cutting to removal of large branches that fall into the stream and divert the flow and cause erosion.
  - c. Minimize channelized storm flows through the streamside buffer to filter contaminants and reduce erosion.
  - d. Reduce impervious areas near the streamside and where necessary use brick or stone instead of pavement for driveways and walkways.
  - e. Exclude vehicles, livestock, or excessive pedestrian traffic.
  - f. Reduce or eliminate buffer area exposure to fertilizer, herbicides, pesticides, animal waste, household and automotive chemicals, trash, debris and piles of leaves.
  - g. Maintain septic system.

There was a discussion about the code and height requirements. The Town Code states that the height of a sign in a plaza can be 16 ft. with a maximum size of 100 sq. ft. The Board is concerned about the height and size requested. Chairperson Robillard is concerned that at that height drivers would have to look up and take their eyes off the road to see it. Kris Schutlz said

the reason for the heights is so that drivers can see it further down the road so they can be prepared to turn into the drive. He stated that having a sign on the building is not helpful when someone is trying to find a business. Mr. Schutlz noted that if approved, the applicant will remove the signage from the building when the new sign is completed; however, the applicant is looking to add a sign back to the building when they are able to complete the addition. Dan Melville said the portion of the request for the sign on the building should be taken off the table because the addition does not exist yet and there is no information regarding that request. He feels this request is very oversized. Spencer Wren is concerned that the request is more than 25% larger than what is allowed in a shopping mall, also asked if there would be banners attached to the sign.

Chairperson Robillard polled the Board:

Dan Melville said he could approve a 64 sq. ft. sign at a 20 ft. height due to the grading of the property being lower in that area.

Stephen Shelley said he could also approve a 64 sq. ft. sign with a 20 ft. height.

There was discussion about the ability to have a 100 sq. ft. The Code allows that for plazas. A Plaza contains more than one business; this should be not treated as a plaza.

Spencer Wren said he can approve a 64 sq. ft. sign with a 20 ft. height.

Don Wells said he would approve a 20 ft. height and anything under 100 sq. ft. for size.

Chairperson Robillard agrees with the rest of the Board for height and size and asked if the applicant would like to move forward with a resolution after hearing how the Board is leaning. The applicant stated yes, he would like the Board to move forward.

Chairperson Robillard asked about the signage on the building. She stated the Board cannot grant a variance for something that is not there. Maureen Werner, Town Attorney, agreed. Kris Schultz withdrew the part of the application that referenced signage on the building.

**Public Comment: None**

**Public Hearing: Closed**

**A motion** was made by Dan Melville to **approve** the application of Marcus Properties of West Ridge Road, LLC-Graham Marcus, owner of 5121 Ridge Road West, requesting an area variance to grant relief from Town Zoning Article XIV, subsection 165-113(B), (4, B); Article VI, subsection 165-39 (E)(1)(schedule I) Note (4) for the proposed construction of a 64 square foot sign with a height of 20 ft. Town Code limits free standing signs not to exceed 32 square feet in area. This property is zoned General Commercial (GC).

Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant showed the need for the sign due to the multiple manufacturers the business offers products for. The Board agreed to a height of 20 ft. due to the downward slope of 3 ft. where it will be placed.
- There will be *no* undesirable change in the neighborhood character or to nearby properties.
- The request *is* substantial but is needed because of the multiple manufacturers they represent.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance the Board can grant.

*This motion acknowledges the applicant withdrew the part of the application referencing signage on the building. All existing signage on the building will be removed when the new sign is completed.*

**Seconded** by Stephen Shelley

**Motion carried to approved (5-0)**

**Ayes:** Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

**Excused:** Ann Williams

### **3. JOHN VELIERI, OWNER, 301 NORTH AVENUE**

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31(E)(1) (schedule 1) to allow lot 1 to have a lot width of 181 feet. Also, allowing lot 2 to have a width of 141 feet and a lot size of 1.539 acres. The Town Code requires a lot width of 300 ft and the lot size to be 3 acres. This property is zoned Agricultural Conservation (AC).

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

Kris Schultz, engineer for the project, said the owner is looking to subdivide the property and build a larger house on the larger of the two properties. The proposed house would sit over 500 ft. from the road on a 3-acre parcel. There would be a shared driveway for both residences. North Avenue is very densely developed with most lots 100 ft. wide. Both of these lots will be larger than most parcels in the area. The Zoning Board has approved many of these requests, most recently on Bailey Road.

Dan Melville asked if a 16 ft. driveway is big enough. Kris Schultz said there will be bump outs so someone can move over to allow another car to pass by. 16 ft. meets the requirements needed for emergency vehicles.

**Public Comment:**

Jim Smith, North Avenue, is concerned about drainage and whether there could be a proper leach field. It was noted both of those concerns will be handled by the Planning Board.

**Public Hearing: Closed**

**A motion** was made by Dan Melville to **approve** the application of John Velieri, owner, 301 North Avenue, requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31(E)(1) (schedule 1) to allow lot 1 to have a lot width of 181 feet with a lot size of 3 acres. Also, allowing lot 2 to have a width of 141 feet and a lot size of 1.539 acres. The Town Code requires a lot width of 300 ft and the lot size to be 3 acres. This property is zoned Agricultural Conservation (AC).

Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The property owner is dividing the lot to build a larger home for his family.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. Similar lots in the area have smaller lot widths than what is proposed.
- The request *is* substantial for lot 2; subdividing this property fits in the character of the neighborhood.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance the Board can grant.

**Seconded** by Stephen Shelley

**Motion carried to approved (5-0)**

**Ayes:** Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

**Excused:** Ann Williams

**OTHER INFORMATION**

Dan Melville is concerned with the lateness of the packets getting to the Board allowing them time to review and go on site visits. Art Fritz said the Building Secretary was out sick for two weeks and he will have a discussion to review if the packets can get out sooner.

**ADJOURNMENT**

There being no further business, a **Motion** was made by Stephen Shelley to adjourn the meeting at 8:16 p.m.

**Seconded** by Dan Melville

**Motion carried to approved (5-0)**

**Ayes:** Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Don Wells

**Excused:** Ann Williams

Respectfully submitted,

Carrie Fracassi  
Recording Secretary