

**TOWN OF PARMA**  
**PLANNING BOARD**  
**NOVEMBER 7, 2013**

Members present:

Chairman  
Executive Secretary

Tod Ferguson  
Jack Barton  
Steve Aprilano  
Mark Acker  
Mike Reinschmidt

Member Absent:

Bob Pelkey

Public Present: Kris Schultz (Schultz Associates) Jim Roose(TB), Mike Schaffron (LaBella Associates) and James Smith.

Meeting started at 7:00 p.m.

PUBLIC HEARING

Independence Hill Subdivision

Lot R-5

117 Moul Road

Chairman Ferguson read the public notice.

Kris Schultz stated that the original plans were approved "many years ago" and that the lots on either side of this lot have been built out.

Chairman Ferguson reviewed the following correspondence:

1. Letter from Monroe County Department of Planning and Development dated October 9, 2013.
2. Letter from the Hilton Parma Fire District dated September 30, 2013.
3. Letter from Town Engineer dated September 16, 2013.

Chairman Ferguson stated that the Board had not received comments from the Fire Marshal as of tonight's meeting.

Mr. Schultz stated that the pond on the adjoining lot was constructed too close to the lot line and causing the proposed septic on this lot to have to be moved. The plans show that it has been moved to the east.

Mr. Schultz also stated that the swale on the original plan has been "fixed". The plans now show the ditch in the back has been intercepted, directing the water to the west and thru the pond.

Independence Hill Subdivision Continued:

Mr. Schultz reviewed the additional following items with the Board:

-A driveway cut permit needs to be obtained from Monroe County Highway Department.

-A modified leach system is proposed for this site, with the site being moved east from the original placement. Better percs were obtained by moving the system to the east.

-In regards to the area to the east of the lot, Mr. Schultz is speaking with the neighbor to grant a "grading release letter" for the owner of this lot to be able to go onto their property during construction to re-grade and define the swale. He said after speaking with them they were happy to have the swale corrected and are working with Mr. Schultz.

-that he will obtain a letter from the neighbors stating that the "grading release letter" will be good until such time as this lot has been developed.

Jack Barton asked if there will be a description of where the swale will be constructed in this "grading release letter". Mr. Schultz stated no, that he letter will reference the approved plans.

-sight distances were added to the plans

-driveway culvert was lowered per comments.

-that the SHPO mapping now shows that this property is located in a historical site.

-that the notes on the plans have been conformed to the new Town Standards.

Chairman Ferguson noted that the lot width does not conform to the current zoning and asked Mr. Barton if this lot was a pre-existing non-conforming lot and Mr. Barton stated it was.

Chairman Ferguson opened the public hearing.

Public Comments: None

Chairman Ferguson closed the public hearing.

Steve Aprilano asked if Mr. Schultz had spoken with the neighbor to the west in regards to getting some type of easement to allow the water from this site to flow onto their property to flow through the pond. Mr. Schultz stated he did not, as the present flow of the drainage from this site naturally flows that way.

Independence Hill Subdivision Continued:

Mr. Aprilano stated that he was just concerned with this because it seems that in the past once construction starts on a site like this, a problem seems to arise and he wants to make sure that this is not the case with this lot.

Mark Acker asked if the owner plans to construct a pond on this lot. Mr. Schultz stated that there are no plans for a pond on this lot.

Chairman Ferguson questioned if part of the proposed drainage will pull water to the road side ditch and away from the direction of the pond. Mr. Schultz stated that it will.

Mr. Barton asked if the County had any comments on the proposed drainage. Mr. Schultz stated that they did not.

The Board then reviewed SEQR for this site:

Using information from Part 1, the Planning Board answered questions 1 through 11 on Part 2. The Board determined that this proposal is an unlisted action under the SEQR requirements.

Using the Part 2 tools, the Planning Board determined that there would be no impact to the environmental resources evaluated in Questions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. These were all checked as "no or small impact may occur" on Part 2.

As a result of the project design the Planning Board has determined that significant adverse impacts are unlikely to occur and will not require preparation of an environmental impact statement.

Conservation Board:

Mr. Barton stated that after their review the Conservation Board recommended that the Planning Board grant a negative declaration for this application.

*Mike Reinschmidt made the following motion; that after reviewing the project under the standards set out by Section 617 of the New York State Environmental Quality Review I make a motion to classify this application as an UNLISTED action under SEQR. Steve Aprilano seconded the motion. Motion carried unanimously 4-0 (Bob Pelkey absent).*

*Mike Reinschmidt made the following motion; Upon completion of part II of the Short Environmental Assessment Form as set out by 6 NYCRR Part 617, State Environmental Quality Review, the Board has determined that this project will not result in any significant adverse environmental impacts and make a motion*

Independence Hill Subdivision Continued:

*to grant a negative declaration for this project. Steve Aprilano seconded the motion. Motion carried unanimously 4-0 (Bob Pelkey absent).*

*A motion was made by Steve Aprilano and seconded by Mike Reinschmidt to grant preliminary approval for this application. Motion carried unanimously 4-0 (Bob Pelkey absent).*

167 Parma Center Road

Site plan

Chairman Ferguson read the public notice.

Kris Schultz reviewed the plans with the Board, stating that this is a pre-existing lot and that the Town's agricultural note has been added to the plans.

Chairman Ferguson reviewed the following correspondence:

1. Letter from Monroe County Department of Planning and Development dated October 9, 2013.
2. Letter from Town Engineer dated September 16, 2013.

Chairman Ferguson asked if the proposed plans would be disturbing more than one acre of land. Mr. Schultz stated that only .8 acres of land will be disturbed.

Mr. Schultz then stated that a driveway permit will be needed from the New York State Department of Transportation and that fill be brought on site from off site.

Chairman Ferguson asked if this lot was a pre-existing non-conforming lot. Mr. Schultz stated that it was.

Chairman Ferguson opened the public hearing.

Public comments:

Art Eichas stated that the lot has to meet minimum depth and it does not. Chairman Ferguson reviewed Town standards for non-conforming pre-existing lots.

Mr. Eichas also stated that the septic has to meet the minimum setbacks, as set by Monroe County Health Department, and this septic does not meet the 100 feet set back requirements. Mr. Schultz stated that those requirements are for a "full" system and that is not the system being proposed for this site.

Mr. Schultz then stated that the plans show an accessory building to be built on site, being set back 25 from side and back lot lines, meeting zoning requirements, that the standard notes have been placed on plans, and silt fences have been added to plans.

Mr. Schultz then went on to say that there is a title issue in regards to the south property line of this property. There was an error in the description when the state took property to construct the road. And if you take a strict interpretation of the description the south property line would be 17 feet north of the south property line.

Mr. Schultz stated that the foot print for the proposed home conforms to the proper setbacks but if the property line issue is not cleared up the home will be smaller so as to conform to the setback requirements.

Chairman Tod Ferguson stated that he would like to see this issue reflected on the plans, showing both line. Mr. Schultz stated that prior to the plans being presented to the Board for final approval this issue will be cleared up either way.

Chairman Tod Ferguson stated that there appears to be a lot of shedding of water to the east that is not being contained and questioned where this water goes. Mr. Schultz stated that currently everything flows southeast, that the property is very flat and that there is not a lot of runoff.

Mr. Eichas stated:

-that the grade of the ditch by the road is the same level as the property, it is very flat. Stating that the reason for the property being so flat is because the parcel was used for a storage area for paving when the road was redone.

-that he has to question how the septic can be put in, the numbers do not add up.

-that the property has been too small to build on for the past 45 years.

-drainage right now flows to farm land.

-what are the pole barn elevations.

-whole plan does not take care of drainage, pushing off to land that is farm land and will always be farmed.

-Monroe County right-of-way 40 feet away from proposed septic.

-feels the septic needs to be 100 feet from back lot line and proposed septic is only 75 feet.

-lot is too small to build on

-questioned if there were new standards for building on this lot.

167 Parma Center Road Continued:

Chairman Ferguson reviewed what pre-existing non-conforming meant.

-soil map shows type 4 soils on the property and he does not believe that the lot will perc.

Chairman Ferguson showed on the plans were the County has verified the perc times. A lengthy discussion followed on how perc times were verified by the County.

-that there was only a half hour of rain last night and the lot has standing water on it today.

-that all the run off of this property goes on to farm land.

Mike Reinschmidt questioned if anyone had tried to get this property approved before. Mr. Barton stated that there were no application that he was aware of. Mr. Schultz stated that he found nothing in the County records showing that the lot was ever approved.

Chairman Ferguson stated that he is concerned with the fact that the water sheds off property and nothing is contained.

Mr. Schultz stated that he was happy to look at this issue and would discuss with the Town Engineer, the County has looked at the setbacks and approved the same, and that he feels that these are legitimate concerns which he will look into what can be done to catch the water on the property.

Mike Reinschmidt questioned if a 1000 sq. ft. pole barn will fit in the zoning for this area for accessory structures. Mr. Barton stated that in an agricultural zoned district, an accessory structure can be 2000 sq. ft. Mr. Barton did state that the structure does have to be in the rear yard and this proposed barn appears to be in the side yard. Mr. Schultz stated he will adjust this.

Mr. Eichas again questioned the south property line and questioned the town tax map and stated that his deed shows the south property line to be "inside."

Mr. Schultz discussed with Mr. Eichas how he came up with the south property line.

A lengthy discussion followed on the history of the property, how the Monroe County Health Department verifies the soils and the perc tests, the standards for building on the lot, the requirements for the proposed septic system, and if the site was ever used as storage area for roadway construction.

Mr. Barton asked what Mr. Schultz felt the time frame would be for the drainage review. Mr. Schultz stated that he would "double back" with the Town Engineer to tighten up the drainage and that he would have this taken care of by the time the

South lot line issue is resolved.

Chairman Ferguson requested that the final plans that are brought in show the resolved placement of the south lot line. Mr. Schultz stated that they will.

Mr. Eichas questioned what was going to be done with the drainage. Chairman Ferguson went over the Town standard that no more water can leave the site after the construction that presently leaves the site and that Mr. Schultz has already stated that he will confirm with the Town Engineer that the plans conform to this standard.

Mr. Eichas again questioned the proposed septic and he cannot believe that this site perked, not in Parma.

Chairman Ferguson again reviewed how the County verifies the results and Mr. Schultz explained that the proposed system is a raised bed, not an in ground system.

Chairman Ferguson closed the public hearing.

Mr. Barton stated that the Fire Marshal has reviewed the plans and has no comments.

The Board then reviewed SEQR for this site:

Using information from Part 1, the Planning Board answered questions 1 through 11 on Part 2. The Board determined that this proposed site is listed as an unlisted action under the SEQR requirements.

Using the Part 2 tools, the Planning Board determined that there would be no impact to the environmental resources evaluated in Questions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. These were all checked as "no or small impact may occur" on Part 2.

As a result of the project design the Planning Board has determined that significant adverse impacts are unlikely to occur and will not require preparation of an environmental impact statement.

*Mike Reinschmidt made the following motion; that after reviewing the project under the standards set out by Section 617 of the New York State Environmental Quality Review I make a motion to classify this application as an UNLISTED action under SEQR. Steve Aprilano seconded the motion. Motion carried unanimously 4-0 (Bob Pelkey absent).*

*Mike Reinschmidt made the following motion; Upon completion of part II of the Short Environmental Assessment Form as set out by 6 NYCRR Part 617, State Environmental Quality Review, the Board has determined that this project will not result in any significant adverse environmental impacts and make a motion*

167 Parma Center Road Continued:

*to grant a negative declaration for this project. Steve Aprilano seconded the motion. Motion carried unanimously 4-0 (Bob Pelkey absent).*

*A motion was made by Steve Aprilano and seconded by Mike Reinschmidt to grant preliminary approval for this application. Motion carried unanimously 4-0 (Bob Pelkey absent).*

NEW BUSINESS

1880 North Union Street

Commercial Site Plan

Mike Schaffron presented to the Board plans to build a truck storage building within the existing fenced in area at this property.

Mr. Schaffron stated:

- this site is an outpost to support distribution in work area.
- currently the trucks are parked outside.
- the proposed building is 70' x 110'.
- the building will help to keep the wear and tear down on the trucks.
- keeping the trucks there will decrease the response time to emergencies.
- there will be no additional traffic load
- that they will be replacing pavement with a roof so there will be no increased runoff from the site.
- they will be disturbing less than one acre.
- that the property to the north, south and east are heavily wooded.

Mike Reinschmidt asked if they were just proposing to put the building over the existing pavement. Mr. Schaffron stated that they will be putting in a foundation and changing the grading. He went on to state that the water sheets from the road and they will be grading the west edge of the pavement to allow the water to run around the building.

Chairman Ferguson asked if any of the lighting poles on site will be moved, as there is a problem currently with the lighting from this site "flooding" the surrounding area.



1880 Union Street Continued:

Mr. Schaffron stated that he has looked at the site several times and he does not feel that any of the light from the site "escapes."

Chairman Ferguson also stated that there appears to be no retention/detention on the site, this would be a good time to look at this.

A discussion followed as to taking care of the water that sheets off the property. Mr. Schaffron stated that the ditch has been cleared out and that check dams have been put in. A discussion followed on how the drainage of this site works.

Mr. Barton stated that there have been several complaints by the neighbors to the north and east that their properties are getting flooded. Mr. Barton showed Mr. Schaffron on the map, the areas which get flooded out. A lengthy discussion followed on this. And Mr. Schaffron asked Mr. Barton to give him additional information on the ditch and pipe that may be on site. Mr. Schaffron stated he would look into the drainage of this site and the flooding issue and will bring back some suggestions on how to take care of.

A lengthy discussion was held on the lighting for this site. The Board stated that the lighting of the site is fine but the lights need to be blocked so that the light does not "spill off" the site.

Mike Reinschmidt asked if there will be any additional lighting with the proposed building. Mr. Schaffron stated that there will be lights in the ceiling of the building.

Mike Reinschmidt asked if any maintenance will be done in this building. Mr. Schaffron stated no.

The Board agreed to have the plans sent to the referral agencies for their comments.

Mr. Barton stated that the applicants were going before the Zoning Board of Appeals later this month for a special use permit.

#### MISCELLANEOUS

254 North Avenue and 324 North Avenue Property Merge  
James Smith presented to the Board plans to merge 254 North Avenue and 324 North Avenue into one tax account number.

Mr. Smith stated that 254 North Avenue was "cut out" from 324 North Avenue years ago for family use. That he has recently purchased 254 North Avenue and would like to get the property merged back into one property.

254 North Avenue is 88.6 acres. 324 North Avenue is 2.44 acres and is a

non-conforming lot. By merging these two properties the Board will be eliminating one non-conforming lot.

*After review, a motion was made by Mike Reinschmidt and seconded by Steve Aprilano to approve the merger of 254 North Avenue and 324 North Avenue into one tax account number. Motion carried unanimously 4-0 (Bob Pelkey absent).*

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*A motion was made by Mike Reinschmidt and seconded by Mark Acker to approve the October 21, 2013 meeting minutes as presented. Motion carried unanimously 4-0 (Bob Pelkey absent).*

Jack Barton reviewed with Board the following:

-5570 Ridge Road West, the owners have made an application for an addition to existing building. Mr. Barton reviewed the application and stated that the application will need to be referred to the Zoning Board of Appeals for variances. After reviewing the application the Board agreed to have the application referred to Zoning Board of Appeals.

-He will be sending links to each of the Board members for the DEC website for the SEQR form. The hyperlinks will provide additional information as to what is needed for preparation of SEQR forms.

A discussion was held on Walnut Grove Estates application.

*There being no further business, a motion was made by Mark Acker and seconded by Steve Aprilano to end the meeting at 7:45 pm. Motion carried unanimously 4-0 (Bob Pelkey absent).*

Respectfully submitted,

Maureen L. Werner,  
Recording Secretary