

TOWN OF PARMA PLANNING BOARD

SEPTEMBER 21, 2009

Members Present:

Chairman
Executive Secretary

Ed Fuierer
Jack Barton
Rick Holden
Tim Harner
Tod Ferguson
Bob Pelkey

Public Present: Edmund Martin (Land Tech), Jim Roose, Nick Montanaro, Bob Prince (Building Dept) and Roger Koss.

Meeting started: 7:02 pm

PUBLIC HEARINGS

Pool Auto Sales - Commercial Site Plan 5503 Ridge Road West
Chairman Ed Fuierer read the Legal Notice.

Ed Martin presented to the Board the revised plans for this application. Mr. Martin stated that the proposed building has been reduced to 9141 sq. ft.

Jack Barton passed out a letter received from Environmental Resource dated 9/18/2009.

Chairman Ed Fuierer read the following correspondence:

1. Monroe County Department of Planning and Development letter dated 7/24/2009.
2. Town Engineer letter dated 7/31/2009 & 7/3/2009.
3. Monroe County Water Authority dated 7/10/2009.

Chairman Ed Fuierer opened the public hearing.

Mr. Martin stated that he has not received any response from the Fire Marshal to date. He does believe that because of the size of the building they will need to have a 30' access lane all around the building and fire walls within the building. Mr. Martin feel that will be a challenge but believes it can be achieved. Mr. Martin also stated that work can be completed without invading the wetlands on the property.

Mr. Prince stated that the fire lane doesn't have to be completely around the building but has to be within 150 feet of the most remote point of the building. A discussion was held on what the Town will be looking for as to the fire protection. Mr. Martin stated that he felt the plans could be modified to meet what is required by the Town.

Pool Auto Continued:

Mr. Montanaro stated that the original subdivision was approved in early 2000. Lot #2 is already developed and is now looking for approval on lot #1. He also stated that he has spoken with the Mo. Co. Water Department and they are ready to sign. The Health Department is looking to see where the three utilities are going to be going, the Preliminary Approval from this Board and the Water Departments signature before they sign the plans.

Chairman Ed Fuierer opened the public hearing.

Public Comments:

None

Board Comments:

Jack Barton stated that the utility easement legal description needs to be provided to be recorded and the Letter of Credit for the Road needs to be provided to Town Engineer for his review and comment to Town Board.

A discussion was held on the Letter of Credit, construction of the road, the fact that the Letter of Credit has to be based on the final product and the road needs to be constructed so that he can hold emergency vehicles.

Mr. Kessler asked if the Road needed to be put in prior to all five homes being built. Mr. Barton stated that he would check the Codes and get back to him. A discussion followed on this.

Conservation Board:

The Conservation Board recommended a negative declaration for this site plan and recommends that it be classified as an unlisted action under SEQR. With the stipulation that all conditions from the referral agencies are satisfied.

A very large discussion was held as to how the road was to be constructed. Chairman Ed Fuierer asked if the parkway road will need to be completely in place with the approval of this lot, Mr. Kessler stated that he has prepared for a parkway road but didn't think he had to pave it till the 4th home was built, Mr. Kessler stated that he wants to wait to pave the road because of the large pond proposed on the last lot and the need for a lot of heavy trucks that will be running over the road, Mr. Kessler then stated that the parkway road is built up to the lot line of lot #3.

Chairman Ed Fuierer stated that he feels the road should not be black topped until lot 4 has been developed. If the Fire Department would like to see black topped spots where the truck would sit, that should be acceptable to the developer. Mr. Barton stated that he would check with the Fire Department. The Board agreed that they would like the Fire Department to look at the plans.

A motion was made by Tod Ferguson and seconded by Tim Harner to recognize that this project is an unlisted action under SEQR and accepted the negative declaration and to

Kessler Subdivision Continued:

grant preliminary approval for this application pending the Fire Departments review and any other base or binder be left off the road until the 4th home is constructed. Motion carried unanimously 5-0.

CONTINUING BUSINESS4659 Ridge Road West

Ed Martin presented the revised change of business for this site to the Board.

Chairman Ed Fuierer stated that this application had been tabled at the last meeting.

Mr. Martin stated that there were a lot of questions raised at the last meeting and that the proposed use for this business was not well defined in the parking spaces required part of the code.

Mr. Martin stated that they had prepared a letter in regards to the parking analysis and reviewed with the Board the letter. Mr. Martin stated that they have determined that the maximum demand for parking for this business would be 45. There are presently 55 legal parking spaces now with 3 handicap spaces. Mr. Martin stated that they had provided the Town with copies of the recorded cross access easement for these properties, that this site is unique because the two buildings share a septic system and the new business will not generate any additional water usage. Mr. Martin stated that he has been to site and has measured between the buildings and there is plenty of room to have two 30' fire lanes and that they can add an additional 17 parking spaces along the west side of the Sail On Carpet building and 7 spaces along the east side of the other building. Mr. Martin showed the Board on the plans where those spots could be added.

Mr. Martin stated that they project a total number of 45 spaces will be needed for these businesses but they can put in up to 83 spots and asked that the Board approve the use of the building as a baseball training center.

Jack Barton stated that the Fire Marshal has not seen any plans for review of this site.

Mr. Martin stated that this was just a site review and was not aware that the Fire Marshal need to see the plan. Mr. Prince stated that they need to make sure that the fire lanes were marked as well as the required spaces.

A lengthy discussion was then held on how the appropriate number of parking spots would be calculated.

The closest related businesses would be Hardware store which would require 18 spots and retail store which would require 34 parking spots. The Board felt that retail does not cover the back space which is going to be used as batting cages. The owner reviewed with the Board how the retail space will be used.

It was stated that the carpet business' busy season and the baseball cages busy season were opposite from each other and there was no fear from the owners that their busy seasons would overlap.

4659 Ridge Road Continued:

Tim Harner stated that he was very concerned that the Board will be setting a precedent with this approval and wanted to make sure that the Board considered all areas and that they spell out exactly how they came to the conclusion that they do. The rest of the Board agreed.

Mr. Holden stated that he felt there was a big issue with the fire lanes and if there was enough room for each building to have a 30' fire lane. The owner stated that he needed to remove the gate to have the access to have two 30' fire lanes and he had no problem doing that.

Chairman Ed Fuierer stated that he felt that there was adequate parking for these two businesses but if the nature of the businesses in either building changes and more parking will be needed it will need to be added.

A discussion was then held on what formula the Board was going to use to come up with the number of parking spaces required.

It was established that the front building will house 4 batting cages, 3 pitching mounds and the back building will hold two batting cages and an open are in the middle which could house two more batting cages.

Mr. Holden stated that he felt that the Board should stick to the required number of spaces for the retail area of this business but come up with a formula for the rear portion of the building.

After a lengthy discussion it was decided that Sail on Carpet needed 36 parking spaces for it's retail space and the building to the west needed 18 spaces for it's retail space in front building and a total of 18 spaces for the batting cages. The formula for the parking required for the back building the Board will require that there be 5 spaces per team and with a maximum of two teams in the building at any time which would then require 10 total parking spots for the back building. For a total of 46 spots for the building to the west.

Rick Holden made a motion, seconded by Tim Harner to grant approval for the change of business/site plan for this parcel based on the following that the two buildings will have cross access parking on each other's parking lots, the Sail on Carpets building requires 34 parking spots and that the batting cage building (building to the west) will require 46 spots, based on the above stated formula, for a total of 80 parking spaces, pending the Fire Department and Fire Marshal's inspection. Motion carried unanimously 5-0.

4618 Ridge Road WestFill Permit

Kris Schultz presented to the Board plans to fill this site. Mr. Schultz explained that Doug Miller had purchased the "Golf Dome" as was going to make it into an indoor soccer complex with outdoor fields where the out door golf range was. Mr. Schultz stated that Mr. Miller has gone to the Town Board to get half of the property re-zoned, which was approved.

Jack Barton passed out a letter from the Town Engineer dated 9/11/2009.

Mr. Schultz reviewed with the Board what Mr. Miller has done to the building to date. He also reviewed that this site is a fly ash fill site and that the DEC has stated that they do not want any of the fly ash disturbed and would like to see at least 2 feet of fill on top of all fly ash. Mr.

4618 Ridge Road Continued:

Schultz stated that Mr. Miller would like to in the future put in a tubing facility for use during the winter, that he will be needing to put in irrigation on the site, and that Mr. Miller has the opportunity to get 50% of the fill needed right now. Mr. Schultz stated that the site has been surveyed and delineated, as there is a wet land on the property, and that they will be leaving that alone except for less than 1/10 of an acre.

A lengthy discussion followed on the proposed use of the property, it's existing amenities and changes that will be needed.

Jack Barton mentioned to the Board that work has been done to the building but no work permits have been issued. That the Town is trying to work with the owner and has requested information from him but still has not received it. The Town would like to see the Board require that building permits be in place before a fill permit is issued.

A lengthy discussion followed on the work that has been done to the building without building permits. Bob Prince stated that the new owner has a great idea for this building but so far has had no cooperation from the new owner and the Town is getting close to issuing a stop work order.

Bob Prince reminded the Board that there is a State variance which states that the maximum number of people for the building is 99 and this has to be addressed because the proposed plans are for more then 99 people.

A review of the Building codes was held.

A motion was made by Tod Ferguson and seconded by Rick Holden to grant a 90 day fill permit per the plans bu that the fill permit should not be issued without the required building permits being issued first.

After the motion was made a lengthy discussion was held on the requirements of the fill permit.

Tim Harner did not feel that the Board should issue the fill permit based on the information presented at this meeting.

Tod Ferguson made a motion to revise the motion to read...to grant a 30 day fill permit and that the owner needs to turn the information required by the Building Department into the Building Department before the issuance of any fill permit. Motion carried 4-1 (Tim Harner opposed).

636 Parma Center Road and 642 Parma Center Road(Quadrini Subdivision)

Jack Barton presented to the Board plans for a subdivision and merger of these properties. The plans show a portion of 636 Parma Center Road (tax account #42.02-1-12.6 (a 160' x 150' parcel)) being split from this parcel and merged with 642 Parma Center Road (tax account #42.02-1-14.1).

The merge will bring 642 Parma Center Road up to 1.363 acres, this lot was a existing non-conforming lot, but with this merge it will make it less non-conforming. 636 Parma Center

Road is a conforming lot and will continue to be conforming.

A motion was made by Bob Pelkey and seconded by Tim Harner to subdivided tax account number 42.02-1-12.6 per the plans and merging that portion of tax account number 42.02-1-12.6 with tax account number 42.02-1-14.1, also approving the re-subdivision of the Quadrini Subdivision. Motion carried unanimously 5-0.

Independence Hill Subdivision, Section II Lot R-5 117 Moul Road

Jack Barton passed out the original plans for this subdivision and stated that the owner is requesting that the Planning Board update their approval. The original plans were approved in 1977. The County Health approval was last updated in 2008 and the water department needs to update their approval.

Motion to update approval was made by Tim Harner and seconded by Bob Pelkey. Motion carried unanimously 5-0.

496 Bennett Road Split

Roger Koss stated that he and the other owner of this property would like to split it down the center line of the creek that runs through the property.

Jack Barton passed out the tax maps for this property. Mr. Koss stated that the property was over 90 acres and would cost a lot of money to be surveyed. Mr. Koss stated that presently the Greenwell's are farming the parcel and that there is no plans to build on the property at this time.

Rick Holden asked if they would be merging these properties with other properties. Mr. Koss did not believe so, he would have to look into that to see if it would be a tax advantage or not.

Mr. Koss stated that they are having an attorney draw the descriptions for the proposed properties.

Tim Harner asked if there was a Town requirement for a survey for a subdivision of a property. Mr. Barton stated that historically they have also supplied a survey map but there is no Town Code.

Mr. Barton stated that as proposed both properties would have enough frontage to be conforming lots.

Rick Holden asked if the Town should look for an easement over the creek. Mr. Barton stated that it is a classified stream and there are no easements but EPOD comes into play if there is ever any development.

Mr. Barton asked the Board if they would consider using the tax map for subdivision or would they require a survey map. A discussion followed and it was decided that the Board would allow the tax map to be used as long as they were supplied with a copy of the descriptions made by the attorney for each property.

A motion was made by Rick Holden and seconded by Tim Harner to approve the minutes of the September 3, 2009 meeting as presented. Motion carried unanimously 3-0 (Ed Fuierer and Bob Pelkey absent from September 3, 2009 meeting).

A motion was made by Tod Ferguson and seconded by Tim Harner to approve the minutes of the August 6, 2009 meeting as presented. Motion carried unanimously 5-0.

Chairman Ed Fuierer reviewed with the Board the Genesee Transportation Council's project pack.

Jack Barton reviewed with the Board the application for 4618 Ridge Road.

There being no further business, **a motion was made by Tim Harner and seconded by Tod Ferguson to end the meeting at 9:45 pm. Motion carried unanimously 5-0.**

Respectively submitted,

Maureen L. Werner
Recording Secretary