



1220 Hilton Parma Corners Road Continued:

Mr. LaDieu reviewed the changes to the plans. 3200 sq foot addition. The building will all be sided the same so you will not be able to tell the old building from the new building.

Mr. Cokakoglu explained what the building is proposed to look like and what materials they will be using. Colors will be earth tone gray and the bottom will be brick or stone facade, to blend with the other buildings in the area. Reducing to two garage doors on the front and three doors on the side.

Mr. LaDieu stated that the plans have been resubmitted to the Monroe County Health Department and that they are ready to sign. Also, the Town Engineer has sent a letter and think he is all set to sign off also. Have a DOT permit for taking out the two entrances and working in the right of way and you can see where we are enlarging the green area in the right of way. And not appear any different out in the front.

The second comment was that an existing light pole is shown to remain in the west parking area. The light pole will restrict access to the parking spaces. Mr. LaDieu stated that is the existing pole that is holding up the canopy and the owner wanted to use that for the light fixture. Mr. Cokakoglu stated that this location lines up with the office area so backing up out of the garages will not be restricted due to that. A small discussion was held on this.

Tim Harner asked how large of trucks or vehicles that will be using the loading docks. Mr. Cokakoglu stated that the largest delivery truck will be 28 feet. Their largest truck is the tow truck 30 feet long, usually parked. Towing was not their primary business, they just use the two truck to tow vehicles to site to fix. Small discussion was held on this.

Small discussion in regards to notification due Agricultural area.

A discussion was held on the SEQR and whether it was approved by the Zoning Board of Appeals. Mr. Fritz stated that he did not believe it was.

Chairman Ed Fuierer read an email from Mr. Hall at NYSDEC regarding the remediation of the soil because of site being a prior gas station. Discussion followed on whether there will be any soil moved off site.

Chairman Ed Fuierer read the recommendation from the Conservation Board, they recommended a negative declaration.

1220 Hilton Parma Corners Road Continued:

Chairman Ed Fuierer opened the Public Hearing.

## PUBLIC COMMENTS:

Douglas Flood, 1216 Hilton Parma Corners Road:

Concerns are:

1) look at the drawings and to me the project has an industrial appearance and specifically concerned with the amount of open space and landscaping, does not see this as appropriate for that corner, being that this the southern gateway to the Town of Parma and everyone who enters the Town comes through that corner and feels that it is not appropriate.

2) during the remediation process there were hundreds of pages of documents generated one of the things that was outlined is the high ground water levels in the area and the building department has access to this. He referenced a letter from Ground and Environmental incorporated, which did the remediation work for Mobil Exxon, stated that they reported in one report that average depth of water across the site was at 2.5 and that is just barely under the surface. During the remediation process it involved the whole property but the largest was the southeastern portion of the property were a huge hole that was excavated and the material was trucked away and the hole was refilled with pea gravel, to aerate the soil. He has observed this to be a problem. When a heavy rain the underground water supply percolates up and comes up on the surface. Does not know the level of contamination of this water.

3) all surface water on the property flows on to his property, 1220 is higher than 1216, it flows on to my property because the water level is so high there is no opportunity for the water to soak into the ground. The underground water flows in a northeasterly direction.

Stated that water is flowing on to his property both underground and on the surface.

Will follow up with a letter with more detailing.

Small discussion on the portion of the property where the soil was removed and replaced with pea gravel.

Mr. Flood stated that he knows that there is a large amount of water that comes off the site in question on to his property and thinks that is in violation of NYS Law and is certainly not in his best interest.

1220 Hilton Parma Corners Road Continued:

Chairman Ed Fuierer asked if the water ends up in the creek. A discussion followed on the flow of water as described by Mr. Flood. ½ to the creek and ½ back on his property and down the hill.

Mr. Flood stated that the water goes into the creek, that water goes into Lake Ontario and that makes it a concern of the US Army Corp of Engineer and he does not think that has been addressed.

Don Green- 58 West Avenue

Read a letter that he prepared, and submitted a copy to the Board, a copy of which was placed in the file for this application.

Concerns: Over crowded parking area; feel too large of business for the site; today there were over 30 cars in parking lot and they are approved for 23; feels that owners are not keeping within their variances; wants Parma's rural character preserved.

Mr. Green submitted a copy of the 11 point charter that is used per the Code; Article 8, Section 165. Mr. Green went through the points and set out the issues and questions that he felt applied to each point of the Code.

Will Falcheck - 1215 Hilton Parma Corners Road

concern: How intrusive the building is to this corner; not compatible with corner, always had his building blend with other buildings and this appears to be out of place with the rest of the corner.

**BOARD COMMENTS:**

Tod Ferguson:       The pole out in front that use to have sign on it, is that going to come down. Mr. Cokakoglu stated that it was not included in the plans but they have no plans for this pole, so that could come down.

Mr. Cokakoglu stated that as far as the water drainage, the corner on the west side on Parma Center Road will be closed in and that will stop the water from coming from the road on to the properties. Have not seen any pooling of water on east side, this is the lowest side. Does not see water flowing easterly over parking lot and going onto neighboring property, their property is higher. Water will be directed to the drainage ditch once the building is built, obviously everything ends up in Lake Ontario. His property is lower than Route 259.

1220 Hilton Parma Corners Road Continued:

Tod Ferguson: Said siding stone on bottom and sheet metal up top and roof. Mr. Cokakoglu, bottom (3 or 4 foot across front) right now metal facing, will be refaced with new material, brick looking or stone looking facade. Mr. Cokakoglu showed the drawing that he had prepared to show what the finished building will look like. Wants to make building look better.

A discussion as to the outside look of the building.

Mrs. Cokakoglu stated that the neighbors in the area are their customers and our friends, and the florist shop even asks to use their parking lot when their business requires, we are not coming to make enemies or hurt people, we live up the road, we are in community and we want it to look just as nice as everyone else does, they just need to give us a chance when we get to that point they will be really happy.

Mr. Green, the size of building on corner is the issue because of the amount of cars that he takes in, for that size of a lot it just does not look appealing when you go by it, looks like used car lot, not what should be when you enter the town. The size of building is 3261 sq feet, K and K is 1600 sq feet, Stoney's is 1800 sq feet. His building is as big as the other two combined. Zarpentine's is much bigger but he does not recall in the twelve years that he has lived here more than a dozen cars in the lot. Zarpentine's are there using old barns, you can drive by and not notice two of the buildings, they blend in and do not pay attention to them. There are "weight's" that need to be played out here. Big picture guy want to know what it is going to look like in 50 years.

A discussion on what will happen in 50 years was held.

Chairman Ed Fuierer asked how many employees at present. Mr. Cokakoglu stated three. Chairman Ed Fuierer asked if they planned to employ any more. Mr. Cokakoglu stated no they are not planning to hire anymore employees.

Mr. Cokakoglu stated that most of reason for addition, there will be a little more comfortable working area and less car presence outside because internally parked and want to be able to accommodate his customers.

Chairman Ed Fuierer asked how long a particular car is on the lot. Mr. Cokakoglu some cars that sit there for weeks but most are in and out in one day.

1220 Hilton Parma Corners Road Continued:

Tod Ferguson addressed the size of the building, which has already been approved by Zoning Board, variances have already been granted for parking, size of building, we have to work with in the parameters we are given. He is allowed to build a building up to that size and that is already been predetermined by Zoning Board. Understand concerns with size of building and number of parking spaces but that was the venue with which to apply the limits towards.

Tim Harner asked if this site plan is within the parameters of what the Zoning Board approved. Mr. Fritz stated that it was.

Mr. Harner stated that the Statute also gives the Planning Board some considerations for the Planning Board to consider for preliminary site approval but we give great weight to the fact that the Zoning Board took a look at it. He is at the Northern "gateway" to the Town of Parma, and he thinks the building looks good, likes the building and it fits the character of Parma.

A discussion was held on the decrease in the width of building, 15 feet was taken off the original proposed building, the south side. And if the presented plans at tonight's meeting conform to approvals granted by the Zoning Board.

Mr. Harner, wanted to know if there was a final remediation letter from the DEC and if anyone has a copy of this letter and if there were any restrictions on that letter. Asked Mr. Flood if he happened to have a copy of this letter or anyone else. Mr. Flood stated that he felt that should come from the Building Department.

Mrs. Cokakoglu stated that they have all those documents and reviewed what she knows as to what restrictions there may or may not be. She stated that the property has been totally cleared by the DEC, that they had to have that prior to their closing.

Mr. Harner stated that he wants to see this letter and would like to request that the Building Department get a copy for the Board's review. Does not feel comfortable voting on this application without first seeing this letter.

Mr. Harner in regards to the negative declaration, it seems that it is a little unusual that there would not be more review when there has been remediation and the ground water is high and water is flowing off the lot, not sure without careful consideration whether or not we can grant a negative declaration.

Mr. Fritz gave the Board a copy of a SEQR form that was in the file.

1220 Hilton Parma Corners Road Continued:

A discussion was held on what if any restrictions may have been on the DEC letter and/or the DEC email. The Board wants to clarify what exactly is in the letter and if any restrictions were set out in the final letter.

The Board reviewed the email from the DEC email again.

Tod Ferguson asked Mr. LaDieu if he knew anything else about the DEC. Mr. LaDieu stated that he did not they were not part of it.

Mr. Flood again restated that he believed that the applicant had to have approval from the Army Corp of Engineers before any discharge can go into Lake Ontario and he does not feel that this is part of the process that can be ignored.

Chairman Ed Fuierer reviewed the contours of the plans and the drainage of the site, which has been existing for years and the water going across was always there even when the property was used for a gas station.

Mr. Flood stated that the Supreme Court has ruled that regardless of all precedents that the US Army Corp of Engineers is responsible for any discharge into the waters of Lake Ontario.

A large discussion of the existing drainage and the proposed drainage of the property.

Mr. Cokakoglu and Mr. Flood had a discussion on the water drainage of this property and if this application is a major change to the drainage of the property.

Tod Ferguson stated the proposed plan has less impervious surface and will reduce the runoff of this property. Mr. LaDieu reviewed the changes to the plan which will decrease the impervious surface.

Mr. Ferguson explained that run off "wise" they have not changed anything, had they increased the impervious surface then the Planning Board would be looking at that.

Chairman Ed Fuierer asked if Mr. Fritz had a copy of the Conservation Board's minutes when they recommended the negative declaration.

Mr. Harner states that the note received from the Conservation Board states that they recommend a negative declaration for this proposed project and says see our meeting notes. He would like to see the notes to understand their rational.

Mr. Fritz did not have a copy of these notes.

1220 Hilton Parma Corners Road Continued:

Mr. Harner states that it is implicit in the email back from the DEC envision some kind of a role because they say the main concern "WE" have regarding the project would be to insure that any excavated soil is screened for the presence of residual petroleum project prior to the removal from the site.

Board agreed that before they move on to SEQR determination they need to look into requirements of the DEC as to the site.

Tim Harner explained the Board needs to make sure that they are acting properly under law and need to follow the law.

Chairman Ed Fuierer closed the public hearing.

Tim Harner made a motion to table this application until the next meeting so that the Board has time to review the documentation in regards to this application so that they can make the appropriate decisions for this application that are within the Laws of the State and the Town. Tod Ferguson seconded the motion. Motion carried unanimously 3-0 (Bob Pelkey absent).

Steve Aprilano returned to the Board.

## MISCELLANEOUS

Flocco SubdivisionLot R-2157 Dean Road

Lugi Flocco presented to the Board a request for a revision to the approved site plan for this site.

Mr. Fritz explained that the original plans showed the proposed driveway to be 16 feet all the way from the road to the house 700 feet back, with no bump outs.

Mr. Flocco stated that he would like the driveway to be 12 feet wide all the way back.

The Board reviewed the plans and after discussions with Mr. Flocco, the Board pointed out to Mr. Flocco on the plans were they would be requiring "bump outs" on the driveway if they approved the reduction in the width of the driveway. Mr. Flocco agreed with those requirements.

Tod Ferguson mad a motion to allow the reduction of the width of the driveway for this approved site plan from 16 feet in width to 12 feet in width with the addition of a "bump out" at a point between station 500 and 590 on the plans and the

“bump out” to be 10 feet wide and 30 feet long. Motion was seconded by Steve Aprilano. Motion carried unanimously 4-0 (Bob Pelkey absent).

4618 Ridge Road West Fill Permit Extension

Art Fritz stated that Jack Barton did an inspection on the site on August 31, 2011. Mr. Fritz reviewed part of Mr. Barton’s written report, stating that no repair or replacement has been done on the silt fence, fill was beyond the west property line and the Glacier Ridge sign was in violation of Town Code.

Chairman Ed Fuierer read the complete inspection report of Mr. Barton’s August 31, 2011 site visit.

Neither the applicant or his engineer were present at tonight’s meeting.

Chairman Ed Fuierer read a letter dated September 1, 2011, from Schultz Associates in regards to the ponds on the site.

Chairman Ed Fuierer asked if there was still fill being hauled in. Mr. Fritz stated that as of yesterday, yes.

Tod Ferguson stated that he did walk the site, that there was a lot of grading to be done and that one of the soccer field had been sodded.

The Board held a discussion as to the issues of this application and how the Board wanted to proceed.

A discussion was held on the fly ash and if it had been capped as of yet.

Art Fritz stated that he has spoken with Doug Miller who stated that hours after Mr. Barton left on the 31<sup>st</sup> all the items listed in his report were corrected, but this had not been confirmed by any Town of Parma employee.

A motion was made by Tod Ferguson and seconded by Tim Harner to extend the fill permit to September 19, 2011 with the notation that IF THE VIOLATIONS SET OUT IN THE INSPECTION REPORT OF AUGUST 31, 2011 HAVE NOT BEEN CORRECTED THE BOARD WILL NOT RENEW THE FILL PERMIT. Motion carried unanimously 4-0 (Bob Pelkey absent).

A motion was made by Steve Aprilano and seconded by Tod Ferguson to approve the minutes of August 4, 2011, meeting as revised. Motion carried unanimously 4-0. (Bob Pelkey absent for this meeting and the 8/4/2011 meeting).

A motion was made by Tod Ferguson and seconded by Tim Harner to approve the minutes of the August 15, 2011, meeting as presented. Motion carried unanimously 4-0 (Bob Pelkey absent).

Chairman Ed Fuierer passed out the Rural Futures magazine for the Board to review.

Chairman Ed Fuierer reviewed with the Board the NY Zoning Law and Practice report.

There being no further business, a motion was made by Tim Harner and seconded by Steve Aprilano to end the meeting at 9:02 pm. Motion carried unanimously 4-0 (Bob Pelkey absent).

Respectfully submitted,

Maureen L. Werner  
Recording Secretary