

**TOWN OF PARMA
PLANNING BOARD
DECEMBER 4, 2008**

Members Present:

Chairman
Executive Secretary

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

Public Present: Adam Freeman (LandTech), Kevin Deal, Nick Montenaro, Doug Flood,
Glenn Thornton, and Gary Comardo (CB).

Meeting started: 7:03 pm

PUBLIC HEARING

4621 Ridge Road West

Commercial Site Plan

Chairman Ed Fuierer read the Legal Notice.

Adam Freeman was present for this application.

Chairman Ed Fuierer read the following comments from the referral agencies:

1. Town Engineer letter dated May 5, 2008 & November 4, 2008
2. Monroe County Department of Planning and Development dated June 6, 2008.

Mr. Freeman stated that they have added the neighboring property owners and existing buildings on neighboring properties to the plans as requested by the Board.

Mr. Freeman reviewed with the Board the lighting contours on the plan and the use of the existing building and septic system.

Mr. Freeman then reviewed with the Board the common driveway and the request made by the referral agencies to combined them into one driveway so that there is only one entrance to the property. Mr. Freeman stated that they two driveways are existing and that there is quite a steep slope between the two.

Jack Barton explained to Mr. Freeman that on another application the DOT had requested the same thing and the applicant refused to combined the driveways. The project did not go through.

Chairman Ed Fuierer asked if the two properties were one tax account number. Mr. Freeman stated that they were. Mr. Freeman then stated that if it is required then they would make one entrance.

Chairman Ed Fuierer asked if they were changing the grade of the existing driveway. Mr. Freeman stated that they were not, they were proposing to use as is.

Mr. Barton asked Chairman Ed Fuierer if the Board will be looking for the State DOT to sign off on these plans before Final Approval. Chairman Ed Fuierer stated that they would.

Mr. Barton wanted to let Mr. Freeman know that there is a Town Code that requires screening between residential properties and commercial properties. There was a small discussion to whether screening will be needed between the cemetery property.

Mr. Barton asked if Mr. Freeman had any idea of the time frame the applicant was looking at to do this project. Mr. Freeman stated that their major concern right now was getting fill and getting this property up and in line with the adjacent property.

Mr. Barton stated that he believes that the area where the proposed building is shown to be constructed already has fill in it and was questioning how the builder was going to have the footings of the building on "virgin soil". A discussion followed on this. It was decided that if a fill permit was applied for an issued prior to building this area was to be staked out so that it did not get any more fill.

A lengthy discussion was then held in regards to the filling of this property and the existing septic system and how they were going to make sure it is not filled over.

Rick Holden stated that before any fill is put in the pipes for the drainage will be installed. He wants to make sure the system is put in prior to filling to prevent any further issues with the drainage in the area.

Mr. Freeman explained that the pond would be installed prior and that should hold quite a bit of the water from the site and how he thought the installation of the drainage would proceed.

Mr. Holden stated that there have been prior issues with the drainage and he does not want to see it get worse.

Mr. Barton asked if Mr. Freeman will be putting in the sequence of events as to how the drainage system and fill will be put in place on site on the plans. A discussion was then held on if a fill permit will be needed and the process of same.

Mr. Holden questioned if the Town didn't want to get a drainage easement over the drainage system. Mr. Barton stated that they are requiring that a maintenance agreement be made regarding the pond. Mr. Holden stated that he felt the Town should have an easement over the entire drainage system so they will be able to regulate the drainage of the site.

Chairman Ed Fuierer opened the Public Hearing.

Public Comments:

Kevin Deal: stated that he owns the residential property to the East (just South of cemetery). He is concerned with the buffer between the two sites, that there is a wetland along the property line and pointed it out on the map. That the owner of 4621 Ridge Road West has been taking trees down right up into the cemetery and has been along the property lines with a "Trojan" cleaning. He pointed out where there were pine trees on the property but stated they were for the benefit of the other neighbor and would like to see some pines along his property line, he is not worried about the portion of the property that is separated by the wet lands, that the wet lands take care of themselves.

Mr. Deal then explained how he felt the drainage runs at the present. The he was concerned that the owner of 4621 Ridge Road West keeps putting in fill and is moving around all that fill when he does not have a fill permit. Mr. Deal was very concerned that the owner has been clearing the property and moving all the fill around on the property when he has no approvals from the Town.

Mr. Deal was also concerned that the owner would not go through with the proposed building that he was just going to use the existing octagon shaped building that is presently on site. Mr. Holden stated that if he does use that building he would have to meet Town Codes to have that building converted to an office.

Mr. Deal stated that he was very concerned with what was going on on this property, that over the years 100 plus cars are being stored on the property, that he felt the owner did what ever he felt like doing with out getting Town approvals and that he wanted his interests protected also.

A discussion was held on what type of screening would be appropriate.

Rick Holden asked if the whole area along the property line was wet land. Mr. Deal stated no and pointed to the wet lands on the property.

Mr. Holden asked if there was enough room to put in a berm with trees on top of it. Mr. Deal stated he was unsure but wondered about drainage and then reviewed the layout of his property.

Mr. Deal stated that he did not feel that the owner would put the drainage in properly, that he does a lot of work on the weekends when no one is around. Chairman Ed Fuierer explained how the inspections system works when you have a fill permit or building permit in the Town of Parma.

A lengthy discussion was held on the drainage.

Mr. Holden stated that the Town Standard Notes were not on the plans and asked Mr. Freeman to place them on the plans. A set of the notes will be emailed to Mr. Freeman.

The Conservation Board recommended a negative declaration for this site plan and that it be classified as an unlisted action under SEQR.

Chairman Ed Fuierer closed the Public Hearing.

Jack Barton noted that the Town Fire Marshal asked what the intentions of the existing building and trailer on the property were. Mr. Freeman stated that he was unsure at this time but the owner has talked of using the existing building until the new building is constructed but was unsure about the trailer. He would ask what the owner intended to do with the trailer.

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 grant preliminary approval for this application with the following notice to the owner of the site: the trailer on site most likely should be removed before a fill permit is issued and that the drainage and pond be installed as soon as possible and before the main parking lot is filled and that the Board will be requiring supplemental engineering “back ups” (ie: “as built” maps) with grades shown as the work is done. Motion carried unanimously 5-0.

CONTINUING BUSINESS

SLEEPY HOLLOW SUBDIVISION 8 LOTS 907 BURRITT ROAD

Glen Thornton and Nick Montenaro were present for this application.

The following signatures were on the plans:

1. Town Engineer: October 29, 2008
2. Town Highway Superintendent: November 2, 2008
3. Monroe County Health Department: August 11, 2008
4. Monroe County Water Authority: July 18, 2008

Mr. Thornton reviewed with the Board the plans and the changes made to the plans per the referral agencies requests.

Jack Barton stated that the Army Corp. Of Engineers had contacted the Town in regards to the wetlands on the South side of lot 8.

Mr. Thornton stated that he has already contacted the DEC and check the Corp. maps. The owner has had the wetlands delineated and found a wetland within lot #8 but not within the area to be disturbed, that they submitted a report to the Corp of Engineers. Mr. Thornton then explained the very complicated process that they have gone through to get the point that they are at now. The DEC has sent them a form stating that they will not need any permits, that they will not be proposing any building in the wetlands and that they have shown the delineated wetlands area on the map.

Mr. Barton stated that the Town had issued an EPOD permit for the wooded lot. And asked if they had completed this work. Mr. Thornton stated that they have not, that it will be done after

final approval. Mr. Barton then stated to Mr. Thornton that that permit had expired.

Mr. Barton stated that the Town has received an executed Easement Agreement for this site and it is currently at the Town Attorney's office, it has not been filed yet but will be and that the Town is all set with the required easement.

Nick Monteraro stated that the owner would now like to do this project in phases. The first phase would be lot #2 and then the reminder lots would be a future phase or phases.

Mr. Monteraro passed out new plans showing the phases. The new map has a note on it stating that Phase One would only be lot #2 and that the remaining lands would be subdivided in the future.

Mr. Holden questioned what was going to happen to the storm management system if the project is phased. Mr. Monteraro stated that the storm management system would be done first and it would be the storm management system for the entire site.

Mr. Monteraro stated that by phasing this project it would not effect the storm management system. Mr. Holden stated that all the proposed storm management system had to be in place prior to any permits being issued for lot #2. Mr. Monteraro stated that he understood.

A discussion was held on how this could be done.

Mr. Monteraro stated that he understands that the Board is granting site plan approval for the overall plans but is only granting subdivision approval for lot #2.

Mr. Barton stated that the Easement will have to be filed with the subdivision plans.

A discussion was held as to whether a Letter of Credit will be required. Mr. Barton stated that inspections need to be done on the storm management system during construction.

A motion was made by Tod Ferguson and seconded by Rick Holden to grant final approval for the overall site plan and final approval fo the subdivision of lot #2 only with the condition that the entire storm management system is in place per the approved site plan before any building permits will be issued for lot #2. Motion carried unanimously 5-0.

Mr. Monteraro is to revise the plans to reflect this and Chairman Ed Fuierer will sign them once that is completed.

MISCELLANEOUS

A motion was made by Tim Harner and seconded by Tod Ferguson to approve the minutes of November 17, 2008, as presented. Motion carried unanimously 5-0.

Rick Holden gave an update on the Open Space Committee.

There being no further business, **a motion was made by Bob Pelkey and seconded by Tod Ferguson to end the meeting at 8:25 pm. Motion carried unanimously 5-0.**

Respectively submitted,

Maureen L. Werner
Recording Secretary