

PROPOSED

§ 165-76. Accessory apartments.

The Zoning Board of Appeals may approve a permit for an accessory apartment within the AC Agricultural Conservation, RR Rural Residential, MD Medium Density Residential, HD High Density Residential and WF Waterfront Residential Districts, provided that the following standards and conditions are maintained:

- A. It is the intent of the Town to provide housing opportunities for family members to live in an apartment within the same structure as the occupants of the principal residence or in an accessory building in quarters which are accessory to the principal residence. Should there be a change in the conditions existing at the time of the approval of the special permitted use permit; the permit shall become null and void.
- B. The accessory apartment shall be occupied by a person(s), related either by blood, marriage, adoption or other domestic bond, to the owner(s) residing on the premises and whose name(s) shall be included in the application to the Zoning Board of Appeals.
- C. No significant external change in the appearance of the structure shall be made that would distinguish the premises from a single-family residence or a customary accessory structure.
- D. The accessory apartment shall not exceed 35% of the total floor area of the principal building or 550 square feet, whichever is greater.
- E. The owner of the lot on which the accessory unit is created shall occupy at least one of the dwelling units on the premises.
- F. No less than three off-street parking spaces shall be provided to serve the residents of the principal and accessory residential unit.
- G. No more than one accessory apartment may be created on any single property.
- H. The approval granted by the Zoning Board of Appeals shall be for a two-year period and may be renewed for the same period of time as long as the same conditions are in effect and the property owner continues to reside in one of the residences on the premises. If title to the property changes, if the family member(s) is deceased or no longer occupies the accessory unit, the permit shall not be renewed and the facilities that provide for independent occupancy (i.e., kitchen and bath facilities) shall be removed. As an alternative to the removal of these facilities, the occupant of the principal residential unit shall submit plans to show that there is unhindered internal access to the entire dwelling as a condition of the continuation of the certificate of occupancy.
- I. An accessory apartment is required to be inspected by the Code Enforcement Officer prior to the Town issuing a Special Permit, prior to any approval of a request for renewal by the Zoning Board of Appeals and at the termination of the Special Permit.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

TOWN OF PARMA

ADOPTION OF REVISIONS TO THE PARMA TOWN CODE REGARDING ACCESSORY APARTMENTS

June 2013

The Parma Town Board proposes to adopt amendments to the Parma Town Code provisions that relate to accessory apartments. The proposed amendments would:

- Allow accessory apartments in accessory structures as well as within the principal residential structure.
- Eliminate the requirement that the occupant of the accessory apartment be elderly or infirm

As the proposed action would apply to land in all of the Town's residential zoning districts (AC, RR, MD, HD and WF), it affects 25 or more acres of land and thus qualifies as a Type I action under the State Environmental Quality Review Act (SEQR). The Town Board has prepared the attached Full Environmental Assessment Form (EAF) with the assistance of its municipal planning consultant, Stuart I. Brown Associates, Inc. This documentation presents the environmental review for the adoption of the proposed revisions to the Parma Town Code. Additional site-specific environmental reviews of individual development projects that may be proposed in accordance with these regulations will be required to consider their project-specific environmental impacts.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: the full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potential-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Adoption of revisions to the Parma Town Code regarding Accessory Apartments

Name of Action

Parma Town Board

Name of Lead Agency

Carm Carmestro

Print or Type Name of Responsible Officer in Lead Agency

Supervisor, Town of Parma

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from the responsible officer)

Date

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION		
Adoption of revisions to the Parma Town Code regarding accessory apartments		
LOCATION OF ACTION (include Street Address, Municipality and County)		
Town of Parma		
NAME OF APPLICANT/SPONSOR	BUSINESS TELEPHONE	
Town of Parma	585) 492-4560	
ADDRESS		
P.O. Box 728, 1300 Hilton-Parma Corners Road		
CITY/PO	STATE	ZIP CODE
NAME OF OWNER (if different)		BUSINESS TELEPHONE
ADDRESS		
CITY/PO	STATE	ZIP CODE
Hilton	NY	14468
DESCRIPTION OF ACTION		
<p>The Parma Town Board proposes to amend Town Code provisions relating to accessory apartments. The proposed amendments would allow accessory apartments in accessory structures as well as within the principal residential structure and eliminate the requirement that the occupant of the accessory apartment be elderly or infirm.</p>		

Please Complete Each Question-Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other

2. Total acreage of project 27,650 acres. (approximate) **Entire Town**

APPROXIMATE ACREAGE*	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? HI-Hilton Loam, CI-Collamer Silt Loam; Od-Odesa Silt Loam; Lockport

- a. Soil drainage: Well drained 70 % of site Moderately well drained 20 % of site
 Poorly drained 10 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 90% of Town's land area _____ acres (see 1 NYS CRR 370).

4. Are there bedrock outcroppings on project site? Yes No
 a. What is depth to bedrock? Varies _____ (in feet) **Outside of the Ridge Road corridor, all areas of the Town have depth to bedrock greater than six feet.**

5. Approximate percentage of proposed project site with slopes: 0-10% 95 % 10-15% 4 %
 15% or greater 1
6. Is project substantially contiguous to or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks: Yes No
8. What is the depth of the water table? Varies (In feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to David C. Woodruff, NYSDEC Region 8 (1998)
 Identify each species Black tern, Pirate perch, Lake Chubsucker, Pawpaw
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe Lake Ontario shoreline
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain Active: Town Park and at schools and Village of Hilton facilities.
 Passive: on private lands and along streams and Lake Ontario Shoreline
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous the project area:
 a. Name of Stream and name of River to which it is tributary Major streams: West Creek and Otis Creek tributaries to Salmon Creek, a tributary to Braddock Bay/Lake Ontario; Black Creek and Northrup Creek, tributaries to Long Pond/Lake Ontario; Buttonwood Creek tributary to Braddock Bay/Lake Ontario; East Creek tributary to Lake Ontario
16. Lakes, ponds, wetland areas within or contiguous to project area:
a. Name PM-1 to PM20, OG-1, OG-2, GR-1, Lake Ontario b. Size (in acres) > 500 acres
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?
 Yes No Northwest Agricultural District
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR617?
 Yes No
20. Has the site even been used for the disposal of solid or hazardous wastes? Yes No
 (See Narrative)

B. PROJECT DESCRIPTION

Not Applicable (Project is not site-specific) – See Narrative

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

- a. Total contiguous acreage owned or controlled by project sponsor _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped _____ acres.
- d. Length of project, in miles _____ (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %.
- f. Number of off-street parking spaces: Existing _____ ; Proposed _____
- g. Maximum vehicular trips generated per hour _____ (upon completion of project)?
- h. If residential: Number and type of housing units:
 One-Family Two Family Multiple Family Condominium
 Initially _____
 Ultimately _____
- i. Dimensions (in feet) of largest proposed structure _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? _____ tons/cubic yards.
3. Will disturbed areas be reclaimed? Yes No
 a. If yes, for what intended purpose is the site being reclaimed? _____
 b. Will topsoil be stockpiled for reclamation? Yes No
 c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? _____ acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes No
6. If single phase project: Anticipated period of construction _____ months, (including demolition).
7. If multi-phased:
 a. Total number of phases anticipated _____ (number).
 b. Anticipated date of commencement phase 1 _____ month _____ year (including demolition).
 c. Approximate completion date of final phase _____ month _____ year.
 d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction _____ after project is completed _____
10. Number of jobs eliminated by the project _____
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
 a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
 b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
 Explain _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
 a. If yes, what is the amount per month _____ tons.
 b. If yes, will an existing solid waste facility be used? Yes No
 c. If yes, give name _____, location _____
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
 e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
 a. If yes, what is the anticipated rate of disposal? _____ tons/month.
 b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
 If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.
23. Total anticipated water usage per day _____ gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
 If Yes, explain _____

25. Approval Required:

Submittal

	Yes	No	Type	Date
City, Town, Village Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adoption of Code Revisions	July 2013
City, Town, Village Planning Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, Town Zoning Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, County Health Department	<input type="checkbox"/>	<input type="checkbox"/>		
Other Local Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Other Regional Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Advisory Review per 239-m by County Planning Department	July 2013
State Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Federal Agencies	<input type="checkbox"/>	<input type="checkbox"/>		

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
- What is the zoning classification(s) of the site? AC, RR, MD, HD, & WF,
- What is the maximum potential development of the site if developed as permitted by the present zoning?
N/A Proposed Action is not site specific
- What is the proposed zoning of the site? No changes proposed to zoning classifications of land
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N/A Proposed Action is not site specific
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a 1/4 mile?

- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed?
 a. What is the minimum lot size proposed? _____
- Will proposed action required any authorization(s) for the formation of sewer or water districts? Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Information Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Town of Parma Date _____
 Signature _____ Title: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Environmental Assessment Form

Additional Details

PART 1 - PROJECT INFORMATION

A. Site Description

6. Buildings, Sites, or Districts Listed on the State or National Register of Historic Places

Two cobblestone houses have been listed on the State or National Register of Historic Places. One house is located on Manitou Road south of its intersection with East Parma Center Road; the other is located on Curtis Road east of its intersection with Bennet Road.

10. Hunting, Fishing or Shellfishing Opportunities

Privately held wooded and open parcels of land are used for hunting purposes by residents of the Town of Parma. Fishing opportunities are available along the streams and lakeshore areas, particularly along Salmon Creek.

11. Threatened or Endangered Species

Correspondence from David C. Woodruff, Senior Wildlife Biologist for NYSDEC Region 8, received in conjunction with the environmental review of comprehensive zoning revisions in 1998, indicates the following threatened, endangered or rare species have been identified in the Town: Black Tern, Pirate Perch, Lake Chubsucker, and Pawpaw.

12. Unique or Unusual Land Forms

The Town of Parma contains approximately 3.5 miles of Lake Ontario shoreline. According to The Town of Parma Master Plan Update 1989, the NYS Department of Environmental Conservation has identified this area as a "coastal erosion hazard area" based on the fragile nature of the landforms along the shoreline.

17. Public Utilities

The majority of the Town has public water service. Sanitary sewer services are limited to areas within and immediately adjacent to the Village of Hilton.

20. Disposal Sites

According to the 1989 Master Plan, there are four NYSDEC inactive hazardous waste sites in the Town of Parma. These include:

- Trimmer Road Landfill, an inactive landfill which accepted both municipal and

industrial waste;

- Monarch Sand and Gravel, located on Pine Hill Road, which has been active since 1932 and was used for disposal of construction debris at least through 1989;
- Parma 6, located at 4618 Ridge Road, an inactive site used as a landfill for the disposal of fly ash from Rochester Gas and Electric; and,
- Burritt Road Site, formerly a sand and gravel pit used by a construction company.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

The proposed action would modify the Town's zoning regulations to allow accessory apartments in accessory buildings with a Special Use Permit; existing regulations allow for accessory apartments only within the principal building. The amendment would require that person(s) occupying the accessory apartment must be related to the property owner, who must also reside on the premises. The amendment would remove the requirement that the occupant of an accessory apartment must be elderly or require extended personal care.

The proposed amendment is expected to result in a small increase in the number of accessory apartments in residential neighborhoods. However, it is not expected to significantly increase the overall density of population in any district, as many family members who will occupy the accessory apartments would otherwise reside with the occupant of the property in the principal dwelling.

The revised regulations will retain the existing provisions regarding parking and external appearance that serve to protect the character of residential neighborhoods. Site specific environmental review will continue to be required by the Town for new development that may be proposed in accordance with the revised regulations.