

PARMA PLANNING BOARD
March 6, 2008

Members Present:

Chairman
Executive Secretary

Ed Fuierer
Jack Barton
Rick Holden
Tod Ferguson
Bob Pelkey

Tim
Harner

Public Present:

Gene DeMeyer, Shari Studley, Tim Studley, Stan Hoy, Mike Callahan, Adam Freeman (LandTech) Jeanna Markese, Doug Flood, Glenn Thornton (Thornton Engineering), Carlo Callea, Richard DeMeyer, Gary Comardo (TB), Richard Maier (Maier Land Surveying) Sue Santini, Carm Carmestro (TB) and Dave Almeter

Meeting started:

7:03 p.m.

PUBLIC HEARINGS

196 Hamlin Prama Town Line Road

Site Plan

Chairman Ed Fuierer read the legal notice for this application.

Adam Freeman presented to the Board the plans for this site for their review for preliminary approval.

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

1. Town Engineer: 1/10/2008
2. Monroe County Department of Planning and Development: 12/28/2007
3. Hilton Fire Department 12/4/2007

Chairman Ed Fuierer opened the Public Hearing.

PUBLIC COMMENTS:

None

BOARD COMMENTS:

Chairman Ed Fuierer asked if there are any plans for digging a pond for fill. Mr. Freeman stated that he was not sure, that the client has not said anything about it at this point.

The Conservation Board recommended a negative declaration for this subdivision on January 2, 2008

Chairman Ed Fuierer closed the public hearing.

CONSERVATION BOARD

The Conservation Board recommended a negative declaration for this subdivision.

A discussion was then held on whether this application should be a Type 1 action or an unlisted action under SEQR. The Board agreed that this was an unlisted action.

Chairman Ed Fuierer closed the public hearing.

A motion was made by Tod Ferguson and seconded by Tim Harner to recognize this project as an a unlisted action under SEQR, accepted the negative declaration and to grant preliminary approval on this application. Motion carried unanimously 5-0.

NEW BUSINESS

5017 Ridge Road West

Commercial Site Plan

Adam Freeman presented to the Board plans for this commercial site plan for their consideration of conceptual approval. Mr. Freeman stated that he was looking for a determination from the Board on the joint use parking. Mr. Freeman stated that under the Town Zoning Section 165-125.G it allows joint use of parking providing that the uses will not overlap. Mr. Freeman went on to explain that the owner is looking to put a take out restaurant, business retail space and business/professional office space in the proposed building. That the neighboring property to the west has 47 spaces and is a bar and that the proposed building has 42 spaces. Mr. Freeman stated that they feel that they will be within the parking requirements. Mr. Freeman stated that they have spoken with the owner of the neighboring property and he is agreeable with the joint parking.

Chairman Ed Fuierer asked if the number of parking spaces required would be less if there were only office space available in the proposed building, as the number of spaces are based on the businesses in the building. Mr. Freeman stated that even if there were all office they would still need a few more parking spots and would still need to use the joint parking.

Chairman Ed Fuierer asked if Mr. Freeman knew how large the bar's lunch crowd was. Mr. Freeman stated that he was unaware of the exact number. Carm Carmestro stated that it would all depend on the day. Mr. Freeman stated that he has had a conversation with the owner and that the crowds are large on the weekends.

Rick Holden asked about the proposed restaurant, Mr. Freeman stated that it was "take-out" were there going to be any seating inside? Mr. Freeman stated that there would be no seating.

Mr. Holden asked how big the restaurant is proposed to be. Mr. Freeman stated 1980 sq. ft.

Chairman Ed Fuierer stated that when they had brought these plans in originally for the Boards comments and concerns the Board had asked if they could reduce the size of the proposed building. By looking at the plans, he believes, that the building was shortened in length but the

width looks the same.

Chairman Ed Fuierer asked where the neighbor's leach field was. The neighbor's have a "temporary" easement over this property to have their leach system on this property until such time as sewers become available. Mr. Freeman pointed out on the plans where the septic was.

Tim Harner asked how deliveries would be made to the proposed restaurant. Mr. Freeman stated that he was not sure but it would probably be early in the am and would only take approximately 20 minutes.

Jack Barton stated that he reviewed the first plan that LandTech had brought to the Board and the building is actually bigger, it is 10 feet wider and the same length.

Chairman Ed Fuierer asked if the Zoning Board of Appeals has made a decision as to lowering the number of parking spots required. Mr. Freeman stated that after reviewing the code and after the Town Attorney's review of the code they all felt that the Planning Board was the most appropriate Board for this application to be before.

Jack Barton read Section 125 (G) of the Town Code in which it states that the owner needs to show that there is not an overlap of use and after the Town's Zoning Attorney reviewed the code he felt that the Planning Board was the Board to determine if they meet the criteria.

The Board reviewed the required parking spaces for the proposed usage of the building. They also held a discussion on handi-cap parking spots.

Chairman Ed Fuierer again inquired about the restaurant and if it was only "take-out". Mr. Freeman said yes, maybe a counter but no wait staff.

A discussion was then held on the proposed septic system and the size of the system with or without a restaurant. Mr. Barton stated that the size is also driven by the Health Department and their standards for a septic system to handle a restaurant are quite different.

Chairman Ed Fuierer stated that at the last meeting the Board has discussed with the engineer about making the building smaller and now the plans show a larger building. With the original size you could have added an additional 5 spaces along the east side.

Tod Ferguson asked how the engineer was going to address the ground water quality and retention with all the impervious surfaces. Mr. Freeman stated that they are proposing an underground storage facility.

A discussion was held on whether the Board felt that the applicant had proven that they had met the requirements for joint parking. The Board was concerned with what controls would be in place to make sure that the uses don't overlap.

5017 Ridge Road Continued:

Jack Barton stated that he would contact the Town's Attorney and see if there is any legal language that can be put on the plans so that there is a complete clarification and the Town can enforce.

A discussion was held on what happens when the renters turn over and then the uses may overlap. Mr. Holden stated that his business is in a multi use building with a catering/deli business and at times that parking lot can be out of control with all the comings and going of patrons/deliveries/garbage collectors. Snow removal and storage is also a large problem. Mr. Holden stated that he supports this project but he sees a big problem with snow removal. A discussion was held on the snow removal issue.

A discussion was held on where the septic systems were placed and if there was any way to move the proposed septic system.

Chairman Ed Fuieler asked if the trees shown on the plans were existing. Mr. Freeman stated that they were proposed.

The following were other concerns and comments that the Board had:

1. Size of building
2. Parking, haven't even talked about employee parking and other unknowns.
3. Could they share parking with the Church.
4. Contacting the owner to the South to see if there was a chance of purchasing some of that property.
5. The actual size of the septic system.

Tod Ferguson made a motion, seconded by Bob Pelkey to table this application without prejudice until Mr. Barton could talk to the Town Attorney and the applicant could look into other options. Motion carried unanimously 5-0.

Anthony & Edith Comparato Park

134 & 140 Parma Center Road

Carlo Callea for informational purposes presented to the Board plans for a soccer field park at 134 & 140 Parma Center Road.

Mr. Callea stated that the Cobra Soccer Club was the owner of these properties and that they are proposing a multi-use park while donating 58 acres of the property for open space. The park would be able to accommodate lacrosse/football/soccer games. That they are trying to lessen the car impact with the grass areas and by keeping the driveways/parking areas away from existing homes. That they are proposing to take down two trees and do some mild grading and that the property drains to Black Creek naturally. The plans are to develop approx. 80.1 acres, with 5 to 8 acres as parking with a small maintenance building, 1000 sq. ft., and pavilions that will be open to the public. Mr. Callea stated that it will be similar to what the Town has behind the Town Hall. Mr. Callea stated that this will be a public park paid for with private monies with the benefit of giving the Town part of the property for open space, they are going to develop hiking trails on the property, which will be done in phases.

Comparato Park Continued:

Mr. Callea stated that they are looking to make the project a win win situation. He feels that this is the less intrusive development for the property as it is zoned RR and a housing track could be put in on the property. That the soccer club is a six month club, runs May to July. There may be practices a month earlier or later weather permitting.

Chairman Ed Fuierer asked if the pavilions will be for picnics. Mr. Callea stated they will be similar to the ones the Town has out back.

A discussion was held in regards to the zoning of this property. Mr. Callea stated that the Town's park is on Agriculturally zoned land.

Tim Harner asked if they will be proposing to put up lights or were the fields only going to be used during the day. Mr. Callea said no light only playing during day light hours.

Mr. Harner questioned about parking spots for the parents of the kids and spectators. Mr. Callea stated that they are proposing 28 spot for each field, they are proposing to pave back 300 feet from the entrance and then put down stone and cover it with seed to keep down the dust. Mr. Callea stated that he felt the drainage of the site would be improved with this development.

Tod Ferguson asked how they were going to address public sanitation. Mr. Callea stated that they proposing to have a bathroom in the maintenance building and will use port-a-johns when needed.

Another discussion was held on the zoning of the property and the allowed uses in that zoning. Mr. Barton reviewed with the Board the permitted principal uses in RR are single family use and agricultural, there are 14 uses that require a Special Use Permit among them is a golf course, excluding an indoor recreational facility. Mr. Barton stated that the building department has done an extensive research on this application but have not found where this application would fit in any of these uses. Mr. Barton did state that a similar project was brought in to the Town in the past but it was determined at that time that the property would have to either be re-zoned to Highway Commercial or possibly a Use Variance could be applied for to allow this type of use. That applicant did not returned to pursue that application.

Mr. Callea argued that this application could be similar to a golf course and should fit in under this use.

A discussion was held on what the Board would like to do with this application. The consensus of the Board was to send out the application to the Town Attorney as to give the Board direction as to how they should be dealing with this application. Mr. Barton asked Mr. Callea to get him some information on what they are expecting for traffic flow and usage of these fields so he can supply this information to the Town Attorney to help him.

MISCELLANEOUS

107 & 111 Spencer Road

Property Merge

Jack Barton presented to the Board a request from the land owner to merge property located at 107 Spencer Road and 111 Spencer Road.

By combining the two tax account numbers the Board will be eliminating one non-conforming lot.

A motion was made by Bob Pelkey and seconded by Tim Harner to merge the properties into one tax account number. Motion carried unanimously 5-0.

5086 & 5088 Ridge Road West

Property Split and Merge

Rich Maier presented to the Board a plan showing the splitting of a small part of tax account #72.01-1-43.211 and merging that small parcel with tax account #72.01-1-44.1. Tax account number 72.0-1-43.211 is presently 28.622 acres and after the split and merge will be 28.110 acres. Tax account number 72.01-1-44.1 is presently .495 acres and after the merge will be .971 acres. Mr. Maier stated that the zoning on the properties are General Commercial and Rural Residential and that both lots will be conforming after the split and merger. Mr. Maier reviewed the set backs with the Board.

After reviewing the application **a motion was made by Tod Ferguson and seconded by Rick Holden to split and merge the two tax account numbers TA#072.01-1-43.211 & TA#072.01-1-44.1 as described above. Motion carried unanimously 5-0.**

A motion was made by Rick Holden and seconded by Bob Pelkey to approve the minutes of the February 7, 2008 as presented. Motion carried unanimously 5-0.

There being no further business **a motion was made by Bob Pelkey and seconded by Tim Harner to end the meeting at 9:04 p.m. Motion carried unanimously 5-0.**

Respectfully submitted:

Maureen L. Werner
Recording Secretary.