

Parma Town Board meeting held on Tuesday, January 19, 2010 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	Peter McCann
Councilman	Carm Carmestro
Councilman	James Smith
Councilman	Gary Comardo
Councilman	James Roose
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler
Building Inspector	Jack Barton

OTHERS IN ATTENDANCE

Cyla Steger, Helen Ives, Don Green, Carol Kluth, Paul Zarpentine, Daniel Lemcke, Pat Buskey, Nina VanLare, Steve Speer, Carol Ann Zurick, Charles Lissow, Tom Bertrand, John Chart, Gene DeMeyer, Mike Weldon, Bob Prince, Tim Carr, Daryl Carmichael, Larry Speer, Cheryl Beaney, Scott Copey and other members of the public.

CALL TO ORDER

Supervisor McCann called the meeting to order at 6:30 p.m. and lead those present in the Pledge of Allegiance to the Flag. He asked that during the moment of silence we keep the people of Haiti in our thoughts. Supervisor McCann noted emergency exit procedures.

PUBLIC HEARING TO REZONE
NORTHERLY PORTION OF 5112 RIDGE ROAD WEST AND
SOUTHERLY PORTION OF 5114 RIDGE ROAD WEST

Supervisor McCann opened the public hearings at 6:31 p.m. He noted that there are two public hearings for contiguous properties on Ridge Road West. The legal notices were read for the public hearings to rezone from Rural Residential to General Commercial the northerly portion of 5112 Ridge Road West and the southerly portion of 5114 Ridge Road West would be held concurrently. *(See end of minutes- Schedule A)*

A response of no comments was received from the Monroe County Department of Planning and Development. The applicants provided an agreement giving permission to the owner of 5112 Ridge Road West access to use 5114 Ridge Road West as requested by the Town Board. The Attorney for the Town has reviewed the agreement and feels what was provided is not sufficient and requested a license agreement; which also will need to be reviewed by her before being approved. The Clerk noted we have not received anything yet. Mr. Barton provided a memo summarizing the comments of the Planning Board and read that memo with the Town Board. Supervisor McCann asked that they be included in the minutes. *(See Schedule B at end of minutes)*

Supervisor McCann opened the meeting to public comments and it was noted that representatives for the applicants were now present.

Darryl Carmichael, representing Ellen Carr the owner of 5114 Ridge Road West and Timothy Carr, owner of 5112 Ridge Road West was in attendance to present their proposal for the rezoning. Mr. Carr was also in attendance. Mr. Carmichael stated that Mr. Carr would like to have storage for his landscaping materials (mulch and stone) in the back section and have a freestanding structure for salt storage in the winter months. On a map he referred to the areas to be rezoned as where this would take place and noted it was a flat area with some trees and some have been cleared out for this use. Currently

there are a couple of buildings, parking, and an arbor for plant material in summer. They would like to have the back section of the area they are using rezoned so it is combined as one area of zoning. He stated that there were some other areas to the west that have gone beyond the general commercial zoned distance and they are claiming a hardship.

Supervisor McCann asked if the Town Board had any questions.

Councilman Comardo asked if Mr. Carmichael could speak to the code violations. Mr. Carmichael noted that they will be addressed and they are working on them. Supervisor McCann noted there were a number of violations in the building on the front parcel and asked about a timeframe to rectify those violations. Mr. Carmichael reported they have started to address would like approval of the Planning Board and felt it would take a couple of months for the building items to be fixed. He noted issues such as a handicap bathroom; water service to the back; and a checklist for the septic system being addressed with the Monroe County Health Department. There was discussion on the Building Department being informed of the status of the work being done. Mr. Carmichael said they have been notified of their progress. There was discussion on what is currently on the back area and it was noted there is a freestanding building, barriers and dirt areas.

Councilman Comardo noted the need to address the license agreement between the applicants. Mr. Carmichael reported they are working on it. Mr. Carr noted they had just received and has been sent to their attorney.

There was discussion on the need for a continuous easement from Ridge Road back to the second parcel. Mr. Carmichael indicated there is an easement that goes back 500 feet. Mr. Barton stated that the Planning Board would like to see the easement continued north to where the new rural residential line would be if the rezoning was approved. There was discussion on why. Mr. Barton responded the attorney felt the easement would be needed because the agreement to use the front 500 feet of (southerly portion) of 5114 Ridge Road West would give Mr. Carr control of that area and extending the easement to the remaining Rural Residential would provide access to that part of the property. Councilman Smith felt it made sense to have a contract that spells out Mr. Carr rights to use that section and the Town Board would like to see a formal easement in case Mrs. Carr decided to do something else with the back land that would not involve Mr. Carr's business.

Councilman Carmestro asked how long the existing violations have existed. Mr. Barton noted they have existed for years.

Supervisor McCann asked if anyone else wished to comment on this public hearing. There was no response.

Supervisor McCann identified that this would be an unlisted action under SEQR. Part I of the Modified Short Environmental Assessment Form submitted was reviewed. There was a question on the existing structure being on the plan and there being permits for the existing structure and that the zoning should indicate Rural Residential to General Commercial.

Supervisor McCann noted that because there are two public hearings, there are two Part I's completed by the applicants and two Part II's. Supervisor McCann asked if there were any questions on the Part I's. There were none and proceeded to review and answered the questions on the Part II's for both parcels. In completing Part III, it was determined that based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. (*See Schedule C at the end of minutes for copies of both Modified Short Environmental Assessment Forms*)

Supervisor McCann asked if there were any questions on the SEQR review. There was no response.

**SEQR NEGATIVE DETERMINATION – APPLICATION TO REZONE
5112 RIDGE ROAD WEST AND 5114 RIDGE ROAD WEST**

RESOLUTION NO. 34-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, to determine a negative declaration based on there being no significant adverse impacts after review and analysis of the Modified Short Environmental Assessment Form.

Motion carried: Aye 5 Nay 0

Supervisor McCann closed the public hearing at 6:55 p.m. and indicated there would be further discussion by the Town Board.

Councilman Comardo felt no action should be taken until hearing from the attorney on the agreement between the applicants. Councilman Carmestro agreed and felt the ongoing violations should be addressed before granting any permission to move forward with the rezoning. Councilman Smith was also in agreement. He asked Mr. Barton if we could close the public hearing, get the information back and proceed at a later date without reopening the public hearing. Supervisor McCann felt that the proper way to go would be to table this to a later date. He suggested it be extended out so the applicants can address the ongoing violations. Councilman Roose asked how long it would take to fix the current violations. Mr. Carr felt there will be additional items identified. They are progressively working through it. He felt it would be difficult to say how long it will take because he was not clear on whether they have a final list of what needs to be done. Supervisor McCann felt that completing the current list would indicate a good faith effort to resolve the issues. Councilman Carmestro asked if this would put him out of business by not granting tonight. Mr. Carr noted that work started on the salt storage had to be stopped and they are not currently using it. To work on that area, they were advised to seek rezoning and several of the items are ready to be marked off as completed.

Supervisor McCann asked Mr. Barton for clarification on if the Town Board were to table this for the May 4, 2010 meeting and the violations were corrected sooner wouldn't it be possible to go forward with the proper notification. Mr. Barton felt that the Town Board could move forward earlier and noted that because the public hearing has been closed all that would be necessary would be to add it to the agenda. He felt requiring additional notice would be beyond what is needed.

In response to the list of items to be addressed mentioned by Mr. Carr, Mr. Barton noted that the original list of violations was created a number of years ago and the new list is coming from the Planning Board as a result of looking at the site plan and the problems they identified. Mr. Carr stated that if the first list was all that was needed it would be done soon.

There was discussion on wording for a resolution to table a decision. It was felt that if progress was being made in resolving the issues to the satisfaction of the Building Department this could be brought back to the Town Board sooner. If the violations are not rectified the Town does not preclude taking other action.

**REQUEST TO REZONE NORTHERLY PORTION OF 5112 RIDGE ROAD
WEST AND SOUTHERLY PORTION OF 5114 RIDGE ROAD WEST**

RESOLUTION NO. 35-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, to table a decision on the rezoning of northerly portion of 5112 and the southerly portion of 5114 Ridge Road West from Rural Residential to General Commercial to the May 4, 2010 Town Board meeting. This will allow Mr. Carr the opportunity to rectify the current violations by meeting the requirements to the satisfaction of the Building Department. If these requirements are met prior to May 4, 2010 the Town Board will re-entertain the request to rezone.

Motion carried: Aye 5 Nay 0

PUBLIC FORUM

Supervisor McCann asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda. Supervisor McCann requested that the Town Clerk be notified a week ahead of any presentations for Town Board meetings.

Farmland and Open Space Preservation Website – Scott Copey and Patrick Buskey brought the Town Board up to date on work being done in developing their web page. The link will be listed under the Government tab on the Town's website. Items that will be included are the Agricultural and Farmland Protection Plan, milestones of the committee, links for related information, frequently asked questions and the results of the survey taken in 2007. The Town Board was on board with moving forward with the website.

Martin Farm Conservation Easement – John Chart informed the Town Board that based on a consultation with his attorney, he feels that the approval of the Martin Farm Conservation Easement at the December 1, 2009 Town Board meeting was an illegal act which committed taxpayers funds without going through the budget process. He will be sending a transcription of the audio to the New York State Comptrollers Office with a request for a forensic audit going back ten years.

Health Savings Account Contributions - Daniel Lemcke asked the Town Board to advance the remainder of the Town contribution to the Health Savings Account (HSA). A recent visit to the hospital has depleted the first payment into his HSA account. There was discussion on funding semiannually or annually versus quarterly as we are currently doing; what would happen to the funds if an employee were to leave employment; and general discussion on how the plan works. Trustee Speer noted that the Village provides funds on a semi-annual basis and addresses advance payments on a case by case basis. This was done to encourage the health care plan. The Finance Director will be asked to work on the details of what should be done if an employee leaves employment.

A motion was made by Councilman Roose and seconded by Councilman Smith to change the amount paid towards the Health Savings Account to a semiannual payment. There was discussion on changing to one full payment. Councilman Smith withdrew his second. The motion died for lack of a second.

CHANGE SCHEDULE FOR FUNDING THE HEALTH SAVINGS ACCOUNT

RESOLUTION NO. 36-2010 Motion by Councilman Roose, seconded by Councilman Smith, to change the quarterly Health Savings Account (HSA) payment to employees to an all inclusive annual payment for all employees involved in the HSA.

Motion carried: Aye 4 Nay 0

Abstain Councilman Carmestro

MINUTES – DECEMBER 31, 2009

RESOLUTION NO. 37-2010 Motion by Councilman Smith, seconded by Councilman Comardo,

WHEREAS, Councilman Smith and Councilman Comardo were in attendance at the December 31, 2009 Town Board meeting; and

WHEREAS, Councilman Smith and Councilman Comardo have stated that the minutes correctly reflect what took place during the meeting; and

THEREFORE BE IT RESOLVED, that the Minutes of the December 31, 2009 meeting be approved as submitted.

Motion carried: Aye 3 Nay 0

Abstain:

Supervisor McCann
Councilman Carmestro

**MINUTES – JANUARY 5, 2010 AND
CORRECTION TO DECEMBER 15, 2009 MINUTES**

RESOLUTION NO. 38-2010 Motion by Councilman Comardo, seconded by Councilman Carmestro, to change page 10 on the draft to indicate Councilman Roose made the second on Resolution No. 30-2010 not Councilman Carmestro and accept the Minutes of the January 5, 2010 meeting with this change; and to correct the December 15, 2009 Town Board minutes on page 2 as follows: Town Clerk, Donna Curry, also presented a gift to Supervisor Lemcke ~~acknowledging his many years of service as Town Supervisor from his co-workers at the Parma Town Hall.~~ *and noted that since he did not want to receive a gift that it would be a belated birthday present.*

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerks Monthly and Year End Report have been completed. The Records Management Needs Assessment Report has been finalized. The late announcement of grants this year; the uncertainty of whether funding would be available; and just receiving the final report from the consultant has left very little time to evaluate, pick a project and write a grant application for the upcoming February 1, 2010 application deadline. The Village Clerk and Town Clerk assessed what could reasonably put together for a grant this year and determined we could not meet the deadline. It was decided to work on other recommendations made by the consultant and that would not require the use of grant money.

As a follow up to prior discussion on Election Inspector Pay, the Village of Hilton runs their own election. They set their own pay and pick up the entire cost of having the election. Ours is uniformly established with all towns by the local Board of Elections and we are reimbursed for our rent and inspection expenses.

HIGHWAY DEPARTMENT REPORT

Supt. Speer made the Town Board aware that the Intermunicipal Agreement with Monroe County is up for review and the Supervisor will need to sign. He also reported that crews have been working on brush and trim work.

Accident Reported - The Highway Foreman was in an accident in a Town truck and is fine. The truck is drivable and an estimate is being completed for the insurance companies.

DEC Permit – A DEC permit will be required to perform work along Northup Creek at Webster Road. The Monroe County Soil and Water Conservation will assist in getting this permit.

BUILDING DEPARTMENT REPORT

Mr. Barton reported he is attending a 300 level NIMS training class through the end of the week and noted there are other staff that will need to take this class.

Mr. Barton informed the Town Board that a proposal to dedicate Northside Drive will come before the Town Board at the next meeting. The inspection has been completed and the attorney has provided the paperwork.

Councilman Carmestro asked if the house that burnt on West Creek Drive is a hazard. Mr. Barton noted that it has been enclosed by Emergency Enclosures and all first floor area openings have been covered. A letter was sent last week to the property owner about progress on the home. There has been no response yet. There was discussion on further action that might be taken and it was suggested that another letter be sent indicating a deadline.

Councilman Carmestro reported he received complaints regarding a number of cars being parked on Ridge Road at the Sports Dome.

RECREATION DEPARTMENT REPORT

Mr. Fowler reported on the activities available during February break for the kids when they are off from school. The departments 2009 Annual Report has been completed and distributed.

Request was made from a Hilton High School student to coordinate a 5K race at Parma Town Hall Park on Sunday, May 16, 2010. Hilton Central School District will coordinate registration.

REQUEST TO USE CROSS COUNTRY COURSE AND TWO PAVILIONS FOR 5K RACE

Nathan DiMartino has requested use of the cross country course and two pavilions to hold a 5K race on May 16, 2010. This request is to fill his year long Senior Project. Hilton Central will coordinate the registration. Mr. Fowler reported the dates have been penciled in and the paperwork will be filled out. Mr. Fowler will make sure the Park Department is kept informed of what is happening.

RESOLUTION NO. 39-2010 Motion by Councilman Comardo, seconded by Councilman Carmestro, to approve the request of Nathan DiMartino for use of the cross country course and two pavilions for his yearlong Senior Project to organize a 5K race; to be held May 16, 2010; and stipulated that a certificate of insurance indicating the Town of Parma be listed as additional insured; that the event be supervised by Mr. DiMartino's coaches and English teacher or the athletic department.

Motion carried: Aye 5 Nay 0

SUNY Brockport student, John Colapietro from Hamlin began his internship within the Recreation Department. He is expected to work full time through April.

Paperwork was submitted to the Department of Human Resources for the 2009 State Aid allocation for offering free youth programs. The 2009 amount of \$3,934, which is down from the \$4,561 in 2008, and the town received notice that the 2010 funding will again be decreased.

COMMUNITY DEVELOPMENT BLOCK GRANT - PARMA COMMUNITY ACCESSIBILITY PROJECT

The town is a recipient of a Community Development Block Grant allocation for our community accessibility project, for the purchase of a portable modular ramp adjustable to a height of three feet. The funding source will be administered through the Monroe County Department of Planning and Development. The Recreation Department was approached by Village Trustee Lee last summer looking for assistance to make the Village Gazebo accessible during functions. Following a review of additional non conforming structures within the community, it was felt that the purchase of a portable ramp system would facilitate a solution. There was discussion on storing the ramp at the

Village DPW; it would be used by both the Town and the Village for events such as the Apple Fest, function at the gazebo, and Town Hall Park. There was discussion on similarity to the Rotary ramp, how it will stay in place, the shorter length of time to be used and not wanting to have any liability issues.

Part 1 & 2 of the Modified Short Environmental Assessment Form were reviewed and accepted even though there will be no altering of structures, buildings or disruption of land. A resolution was provided for the Town Board to enter into a contract with the County of Monroe for grant funding. The cost will be \$5,800 and will be fully reimbursed.

**SEQR NEGATIVE DETERMINATION - PARMA COMMUNITY
ACCESSIBILITY PROJECT**

RESOLUTION NO. 40-2010 Motion by Councilman Smith, seconded by Councilman Carmestro, to declare this as an unlisted action; accept the Modified Short Environmental Assessment for as reviewed and determined a negative declaration based on the information and review provided and that there will be no significant adverse environmental impacts.

Motion carried: Aye 5 Nay 0

**COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT - PARMA
COMMUNITY ACCESSIBILITY PROJECT**

RESOLUTION NO. 41-2010 Motion by Councilman Roose, seconded by Councilman Comardo,

WHEREAS, the COUNTY has entered into an agreement with the United States of America, Department of Housing and Urban Development (HUD) under the Community Development Grant Program, and

WHEREAS, the Town of Parma desires to enter into contract for CDBG funding for the "Community Accessibility Project"

THEREFORE, with the required environmental reviews completed and communication with SHPO regarding this project proposal.

AND FURTHERMORE, the Parma Town Board understands and accepts all regulations associated with this funding and wishes to support application to the Monroe County Department of Planning and Development for financial assistance with the Parma Community Accessibility Project.

Motion carried: Aye 5 Nay 0

PARKS DEPARTMENT

Joe Petricone reported that a notice will be in the next Suburban News regarding no snowmobiles in the Town Hall Park and dogs must be on leashes. Staff has been working on repairs in the Town Hall building and will be repainting the VFW kitchen. An earlier than expected start for work on the cross country course has begun.

A list of items to be addressed for 2010 was provided. It was noted a welder has been secured for completing the skate park. It was felt the number one priority should be to replace the propane gas line with natural gas for the VFW. An estimate of \$5,000 could be realized and would pay for itself in two years. Highway Department help will be needed in order to complete.

BUSINESS ITEMS

SUMMER CELEBRATION

Mr. Fowler requested specific direction on how the Town Board would like to move forward with the 2010 "Park it in Parma" summer celebration the first weekend in August. The Recreation Department would like to start planning. The cost has run between \$19,000 and \$20,000 for this event and \$17,000 has been budgeted this year. This will be the 21st year for this event. It was noted there have been many positive comments and that the theatre/movie night has received good feedback. The Town Board will share its ideas by the end of February.

DISC GOLF TOURNAMENT -VFW

A request has been received from Ryan Hand, the representative for the Rochester Disc Golf group to waive the fee for the VFW and use the Disc Golf Course for a tournament to be held on February 13, 2010. The proceeds beyond immediate costs will go to the Hilton Food Shelf again this year.

RESOLUTION NO. 42-2010 Motion by Councilman Carmestro, seconded by Councilman Smith, to charge a nonrefundable \$100.00 rental fee for use of the VFW and the \$100.00 security deposit which will be refunded after the Parks Department has approved upon inspection.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

Procurement Policy – When Supervisor McCann and Councilman Comardo attended the recent newly elected officials training it came to their attention that the threshold for capital purchases has been changed from \$25,000 to \$35,000. More research will be done on this change and it will be brought up at a future meeting.

INFORMATIONAL ITEMS

POSTAGE METER LEASE RENEWAL

The Town Clerk researched new machines further, was able to get her questions answered and recommended the Neopost IS-440 postage meter after seeing demonstrations of both the smaller Pitney Bowes and Neopost postage meters. It was determined that there were several positive features to the Neopost machine. There was discussion on what would best serve the Town's mailing needs. An estimated savings of \$885.60 per year is expected.

REPORTING REQUIREMENTS FOR RETIREMENT – ELECTED AND APPOINTED OFFICIALS

Supervisor McCann reported that there are new reporting requirements for elected and appointed officials who participate in the retirement system. Packets have been provided to those that participate, along with several options for recording time worked and timeframes that apply.

LIAISON REPORTS

**Councilman Smith provided copies of a project manager list which noted progress of open items.

Soil Testing Town Hall Park – Councilman Smith updated the Town Board on the status of the scope of work to be done. He noted that Chatfield Engineers drafted the revised scope and provided it to the DEC. After their review it went on to the Monroe County Health Department and the New York State Department of Health. Requested revisions have been made by Chatfield Engineers and have been sent to the State. It is expected that the project list will be approved early in February for sampling in March.

Farmland and Open Space Committee Opening – Councilman Smith shared that he attended the Farmland and Open Space Committee meeting and noted the committee is interested in nominating John Bolton, the hydroponics grower on Huffer Road to fill the open position on the committee. There was discussion on others who might be interested.

**Councilman Carmestro has provided copies of the Hilton Raiders Football and the Hilton Cadets Youth Travel Baseball Agreements. He is expecting the soccer club agreement this week. He also reported that there will be a mass catastrophic incident drill with the Village and the Town being involved. Specifics are not known yet.

**Councilman Comardo reported that the Recreation Commission would be meeting this Thursday and that he attended the Special Police meeting. The Special Police reported 1200 volunteer hours, 500 administrative and training hours. He also made contact with the Spencerport Fire Department and conveyed contact information. Discussion included a high number of false fire alarms, facing appropriate fines, the role of the alarm company and research into what is causing the increase. It was noted that there are minimal false fire alarms in Parma. The Assessor provided him with a schedule of events that provided good background information.

**Councilman Roose noted there should be more information regarding the Dome for next meeting and that the Zoning Board meets next Thursday.

CORRESPONDENCE

Don Stilson, Museum Curator and James Stilson, Assistant Museum Curator	2009 Parma Museum Report summarizing what has been done at the museum, Meeting House and new items obtained.
Art Fritz, Dog Control Officer	2009 Dog Control Report
Maureen Spindler	Resignation form Library Board

ACCEPT LETTER OF RESIGNATION – MAUREEN SPINDLER

RESOLUTION NO. 43-2010 Motion by Councilman Comardo, seconded by Councilman Roose, to accept the resignation of Maureen Spindler from the Library Board.

Motion carried: Aye 5 Nay 0

WARRANT

RESOLUTION NO. 44-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, to approve payment of the warrant as submitted below.

		FUND TOTALS	
AOO	General Fund	\$	21,288.82
BOO	Part Town	\$	2,826.94
DAO	Highway, Townwide	\$	31,252.96
		GRAND TOTAL:	\$ 55,368.72

Motion carried: Aye 5 Nay 0

**COMMUNITY DEVELOPMENT GRANT PROGRAM – PARMA PEDESTRIAN
WALKWAY**

Mr. Fowler noted this request for signature of the contract with Monroe County to receive Community Development Block Grant will allow the Town to collect the \$30,000 funding for the Parma Pedestrian Walkway.

RESOLUTION NO. 45-2010 Motion by Councilman Comardo, seconded by
Councilman Roose,

WHEREAS, the COUNTY has entered into an agreement with the United States of America, Department of Housing and Urban Development (HUD) under the Community Development Grant Program, and

WHEREAS, the Town of Parma desires to enter into contract for CDBG funding for the Parma Pedestrian Walkway project.

NOW THEREFORE, the Parma Town Board understands and accepts all regulations associated with this funding and wishes to support the contract with the Monroe County Department Planning and Development for financial assistance with the Parma Pedestrian Walkway project totaling \$30,000 and furthermore: authorize the Town Supervisor to sign the appropriate contracts.

Motion carried: Aye 5 Nay 0

The next Town Board meeting will be February 2, 2010.

There being no further business before the Town Board, Councilman Smith made a motion to adjourn the meeting at 9:05 p.m., seconded by Councilman Carmestro. All were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

SCHEDULE A

**Legal Notice
Town of Parma**

**Public Hearing
Request to Rezone Northerly Portion of 5112 Ridge Road West**

Please take notice that the Town of Parma will hold a Public Hearing on January 19, 2010 at 6:30 p.m. at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York for the Parma Town Board to consider the request to rezone the northerly portion of 5112 Ridge Road West from Rural Residential to General Commercial.

DESCRIPTION OF THE PORTION OF TAX PARCEL NO. 072.01-146.12
OF WHICH THE NORTHERLY PORTION CONSISTING OF .16 ACRES IS REQUESTED TO BE
REZONED

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN PART OF TOWN LOT 11, SECTION 19,
TOWNSHIP 4, RANGE 1 LOCATED IN THE TOWN OF PARMA, COUNTY OF MONROE, STATE OF NEW

YORK AND MORE IN PARTICULARLY DESCRIBED AS COMMENCING AT A POINT IN THE NORTH STREET LINE OF RIDGE ROAD, SAID POINT BEING AN IRON PIN SITUATED 470.00 FEET EASTERLY OF TOWN LOT 11. THENCE, GOING NORTHERLY WITH AN INTERIOR ANGLE OF $87^{\circ} - 14' - 41''$ AND BEING IN THE NORTHEAST QUADRANT A DISTANCE OF 451.08 FEET TO THE PLACE OR POINT OF BEGINNING (POB); THENCE

- 1.) CONTINUING ON THE ABOVE MENTIONED LINE A DISTANCE OF 49.50 FEET TO A POINT; THENCE
- 2.) CONTINUING EASTERLY WITH AN INTERIOR ANGLE OF $92^{\circ} - 45' - 19''$ A DISTANCE OF 144.59 FEET TO A POINT; THENCE
- 3.) CONTINUING SOUTHERLY WITH AN INTERIOR ANGLE OF $87^{\circ} - 14' - 41''$ A DISTANCE OF 49.50 FEET TO A POINT; THENCE
- 4.) CONTINUING WESTERLY WITH AN INTERIOR ANGLE OF $92^{\circ} - 45' - 19''$ A DISTANCE OF 144.59 FEET TO A POINT OR PLACE OF BEGINNING

ALL AS SHOWN ON A SUBDIVISION MAP ENTITLED CARDINAL LANDSCAPING PREPARED BY ARNOLD E. CARMICHAEL, P.E. & ASSOCIATES DATED DECEMBER - 6, 1991.

Dated: December 29, 2009
Donna K. Curry
Parma Town Clerk

**Legal Notice
Town of Parma**

**Public Hearing
Request to Rezone Southerly Portion of 5114 Ridge Road West**

Please take notice that the Town of Parma will hold a Public Hearing on January 19, 2010 at 6:30 p.m. at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York for the Parma Town Board to consider the request to rezone the southerly portion of 5114 Ridge Road West from Rural Residential to General Commercial.

DESCRIPTION OF THE PORTION OF TAX PARCEL NO. 072.01-1-46.11
OF WHICH THE SOUTHERLY PORTION CONSISTING OF 1.98 ACRES IS REQUESTED TO BE
REZONED

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN PART OF TOWN LOT 11, SECTION 19, TOWNSHIP 4, RANGE 1 LOCATED IN THE TOWN OF PARMA, COUNTY OF MONROE, STATE OF NEW YORK AND MORE IN PARTICULARLY DESCRIBED AS COMMENCING AT A POINT IN THE NORTH STREET LINE OF RIDGE ROAD, SAID POINT BEING AN IRON PIN SITUATED 470.00 FEET EASTERLY OF TOWN LOT 11. THENCE, GOING NORTHERLY WITH AN INTERIOR ANGLE OF $87^{\circ} - 14' - 41''$ AND BEING IN THE NORTHEAST QUADRANT A DISTANCE OF 500.58 FEET TO THE PLACE OR POINT OF BEGINNING (POB); THENCE

- 1.) CONTINUING ON THE ABOVE MENTIONED LINE A DISTANCE OF 369.42 FEET TO A POINT; THENCE
- 2.) CONTINUING WESTERLY WITH AN INTERIOR ANGLE OF $272^{\circ} - 45' - 19''$ A DISTANCE OF 100.00 FEET TO A POINT; THENCE
- 3.) CONTINUING NORTHERLY WITH AN INTERIOR ANGLE OF $87^{\circ} - 14' - 41''$ A DISTANCE OF 130.00 FEET TO A POINT; THENCE
- 4.) CONTINUING EASTERLY WITH AN INTERIOR ANGLE OF $92^{\circ} - 45' - 19''$ A DISTANCE OF 233.50 FEET TO A POINT; THENCE
- 5.) CONTINUING SOUTHERLY WITH AN INTERIOR ANGLE OF $90^{\circ} - 17' - 11''$ A DISTANCE OF 498.85 FEET TO A POINT; THENCE
- 6.) CONTINUING WESTERLY HAVING AN INTERIOR ANGLE OF $89^{\circ} - 42' - 47''$ A DISTANCE OF 160.00 FEET TO A POINT OR PLACE OF BEGINNING

ALL AS SHOWN ON A SUBDIVISION MAP ENTITLED CARDINAL LANDSCAPING, PREPARED BY ARNOLD E. CARMICHAEL; P.E. & ASSOCIATES DATED DECEMBER - 6, 1991.

Dated: December 29, 2009
Donna K. Curry
Parma Town Clerk

SCHEDULE B



TOWN OF PARMA

Building Department

1300 Hilton-Parma Road
P.O. Box 728
Hilton, New York 14468

Office (585) 392-9449
Fax (585) 392-6659
www.parmany.org

January 19, 2010

To: Town of Parma, Town Board

From: Jack D. Barton,
Planning Board Executive Secretary

Re: Application for re-zoning of 5112 and 5114 Ridge Road West from Rural Residential to General Commercial.

The Planning Board reviewed the above referenced application and at their January 18, 2010 meeting, provided the following comments.

The Planning Board received an application for a revised site plan in January, 2009 for review as a result of the Fire Marshal's Office noting violations on the property and several deviations for the previously approved site plan.

The Planning Board noted several discrepancies with the plan some of which are;

- The septic tank for the front building is located under a portion of the building and is not accessible.
- The landscaping surrounding the freestanding sign and the sign itself appear to be too close the front property line.
- A Stormwater Pollution Prevention Plan needs to be prepared for this property to insure that stormwater quality is maintained.
- There are structures shown on the plan that have not obtained Building Permits.
- The parcel known as 5114 Ridge Road West is landlocked and should be provided at minimum an ingress / egress easement for access to the Rural Residentially zoned portion of this property.

The Planning Board while not charged with enforcing Building Codes feels that the violations on the properties need to be addressed prior to continuing our review of the site plan.

The Board reviewed this request and the Town's Master Plan and it is our opinion that the request follows the Master Plan as it calls for the Ridge Road area as an area for commercial development. The portion of the property zoned Rural Residential does not appear to have potential for residential development due to accessibility and poor drainage.

Please contact the Planning Board if you have any questions.

SCHEDULE C

State Environmental Quality Review
 MODIFIED SHORT ENVIRONMENTAL ASSESSMENT FORM
 For Unlisted Actions Only
 Town of Parma, New York

PAGE I - PROJECT INFORMATION
 (To be prepared by Project Sponsor)

Project Name Commercial Landscaping
 Project location (including feet from nearest intersection) 5118 Ridge Road West - east part of Parma Center Rd.
 Applicant/Sponsor Daryl Capricchio
 Is proposed action new expansion? X modification?
 Description of Action For zone of Residential land to Commercial

Does any aspect of the action have a currently valid permit or approval? No. As a result of proposed action, will existing permit/approval require modification?

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

Applicant/Sponsor name Daryl Capricchio
 Date 1/19/10
 Signature [Signature]

PART II - ENVIRONMENTAL ASSESSMENT
 (To be completed by Agency)

Potential drainage problems are regulated by Parma Drainage Regulations.

Potential septic system problems are regulated by Monroe County Health Department regulations.

A. Site Description

Present land use RESIDENTIAL
 Present land use in vicinity of project RESIDENTIAL & COMMERCIAL
 Total acreage of project area 0.16
 Number of lots proposed 1

Approximate acreage	Presently	After completion
meadow or brushland	<u>0</u>	
agricultural	<u>0</u>	
wooded	<u>0</u>	
wetland	<u>0</u>	
roads, buildings, parking	<u>0.16</u>	<u>0.16</u>
other		

Soil drainage 100% well drained 0% moderately well drained 0% poorly drained
 Depth to bedrock 4' E To water table
 Identify streams within or contiguous to project area. N/A
 Identify lakes, ponds and wetlands within or contiguous to project area. N/A
 Will any part of a floodplain, designated wetland or buffer zone be disturbed? No
 Will the site be served by existing public utilities?
 water YES
 sewer NO

Is the site in an agricultural district? NO
 Is the site in a coastal erosion hazard zone? NO
 Does the site contain, or is it contiguous to, a site of local historical interest? NO
 Does the site contain, or is it within 2,000 feet of, a waste site identified by the Monroe County Environmental Management Council? NO
 Is surrounding property owned by project sponsor? NO
 If yes, will it be ultimately developed?

B. Project Description (for nonresidential only)

Number of off-street parking spaces:
 existing 0 proposed 0
 Maximum vehicular trips generated per hour: 10
 Dimensions of proposed structure(s) EXISTING 40' x 120'

C. Zoning and Planning Information

What is the zoning classification of the site? Rural Residential & General Commercial I
 Will proposed project comply with existing zoning or other existing land use restrictions? YES
 Is the proposed action consistent with the recommended uses in adopted local land use plans? YES
 Does the project involve local, state or federal funding? If yes, explain. NO

- List permits and approvals required.
- Town of Parma Planning Board
 - Town of Parma Zoning Board
 - Town of Parma Engineer
 - Monroe County Health Dept.
 - Monroe County Pure Waters
 - Monroe County Water Authority
 - Monroe County Highway Dept.
 - NYS Dept. of Environmental Conservation
 - NYS Dept. of Transportation
 - Other

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.47? If yes, coordinate the review process and use the FULL EAF. Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.47? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly.
 No, the project includes expanding an existing landscaping business that will include new structures and storage areas for materials associated with the landscaping business. No changes are expected to solid waste production or disposal or noise.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly.
 No, the structures on the property are relatively young as they have been constructed over the past 25 years. The land use in the area is currently General Commercial with undeveloped Rural Residential to the rear.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.
 No, there are no streams, ponds or lakes on or near the property. The Town has not been notified of any threatened or endangered species in this area by any State or Federal agency.

C4. A community's existing state or park as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.
 No, the Town's Master Plan identifies Ridge Road as an area for commercial use.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
 No, the growth seen will be associated with business use only.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
 No, none have been identified.

C7. Other impacts (including changes in use of other quantity or type of energy)? Explain briefly.
 No, energy requirements are being satisfied by existing services available. No upgrades for energy supply are foreseen.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No. If Yes, explain briefly.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No. If Yes, explain briefly.

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Parma Town Board January 19, 2010

Name of Lead Agency _____ Date _____
 Peter N. McCann _____ Supervisor _____
 Title of Responsible Officer _____
 Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer) _____

Reset

State Environmental Quality Review
 MODIFIED STATE ENVIRONMENTAL ASSESSMENT FORM
 For Unlisted Actions Only
 Town of Parma, New York

PART I - PROJECT INFORMATION
 (To be prepared by Project Sponsor)

Project Name CARDINAL LANDSCAPING
 Project Location (including feet from nearest intersection)
5114 Ridge Road West 2370' E Parma Corners Rd.
 Applicant/Sponsor Arnold & Carmichael P.C. & Assoc.
 Is proposed action new? NO expansion? NO modification? NO
 Description of Action 2.13 Acres of Vacant Residential
to Commercial for Storage of Landscape Materials

A. Site Description

Present land use VACANT RESIDENTIAL
 Present land use in vicinity of project VACANT RESIDENTIAL & Commercial
 Total acreage of project area 2.13 ACRES
 Number of lots proposed 2
 Approximate acreage Presently After completion
 meadow or brushland .5 _____
 agricultural _____
 wooded _____
 wetland _____
 roads, buildings, parking _____
 other STORAGE 1.63 1.63
 Soil drainage _____ % well drained 100 % moderately well drained
 _____ % poorly drained
 Depth to bedrock N/A To water table N/A
 Identify streams within or contiguous to project area.
N/A
 Identify lakes, ponds and wetlands within or contiguous to project area N/A
 Will any part of a floodplain, designated wetland or buffer zone be disturbed? NO
 Will the site be served by existing public utilities?
 water NO
 sewer NO

Is the site in an agricultural district? NO
 Is the site in a coastal erosion hazard zone? NO
 Does the site contain, or is it contiguous to, a site of local historical interest? NO
 Does the site contain, or is it within 2,000 feet of, a waste site identified by the Monroe County Environmental Management Council? NO
 Is surrounding property owned by project sponsor? NO
 If yes, will it be ultimately developed? _____

B. Project Description (for nonresidential only)

Number of off-street parking spaces:
 existing 0 proposed 0
 Maximum vehicular trips generated per hour: 5-10
 Dimensions of proposed structure(s) 30' x 70' plus for S&CT STORAGE
12' x 12' open sections for other materials: mulch, stone etc.

C. Zoning and Planning Information

What is the zoning classification of the site? Rural Residential to General Commercial
 Will proposed project comply with existing zoning or other existing land use restrictions? NO
 Is the proposed action consistent with the recommended uses in adopted local land use plans? YES
 Does the project involve local, state or federal funding? If yes, explain. NO

List permits and approvals required.

- Town of Parma Planning Board
- Town of Parma Zoning Board
- Town of Parma Engineer
- Monroe County Health Dept. _____
- Monroe County Pure Waters _____
- Monroe County Meter Authority _____
- Monroe County Highway Dept. _____
- NYS Dept. of Environmental Conservation _____
- NYS Dept. of Transportation _____
- Other _____

Does any aspect of the action have a currently valid permit or approval? NO. As a result of proposed action, will existing permit/ approval require modification? NO

D. Verification

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

Applicant/sponsor name Wendy Schalkun (Arnold & Carmichael P.C.)
 Date 12-2-09
 Signature Wendy Schalkun

PART II - ENVIRONMENTAL ASSESSMENT
 (To be completed by Agency)

Potential drainage problems are regulated by Parma Drainage Regulations.

Potential septic system problems are regulated by Monroe County Health Department regulations.

PART III - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be prepared by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING. (Answers may be handwritten, if legible)
 C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly.
 No, the project includes expanding an existing landscaping business that will include new structures and storage areas for materials associated with the landscaping business. No changes are expected to solid waste production or disposal or noise.
 C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly.
 No, the structures on the property are relatively young as they have been constructed over the past 25 years. The land use in the area is currently General Commercial with undeveloped Rural Residential to the rear.
 C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.
 No, there are no streams, ponds or lakes on or near the property. The Town has not been notified of any threatened or endangered species in this area, by any State or Federal agency.
 C4. A community existing area or park as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.
 No, the Town's Master Plan identifies Ridge Road as an area for commercial use.
 C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
 No, the growth seen will be associated with business use only.
 C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
 No, none have been identified.
 C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.
 No, energy requirements are being satisfied by existing services available. No upgrades for energy supply are foreseen.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No. If Yes, explain briefly.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No. If Yes, explain briefly.

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural), (b) probability of occurring, (c) duration, (d) inevitability, (e) geographic scope, and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part I was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and prepare a positive declaration.
 Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Parma Town Board January 19, 2010

Name of Lead Agency _____ Date _____
 Peter N. McClain _____ Supervisor _____
 Title of Responsible Officer _____
 Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer) _____

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