

Town of Parma  
 Planning Board Meeting Minutes  
 July 15, 2024

Members Present:

Chairman: Daryl Maslanka

Executive Secretary: Luke McGrath

Jack Wade

Ray Wenzel

Mark Lenzi

Nick Lukomskiy, Alt.

Tod Ferguson -Town Board Liaison

Members Absent:

Mike Reinschmidt

Public Present: Kris Schultz, Dawn Yaeger, Nancy Geisler, Larry Heininger, Rosa Loja, Alex Castro

The meeting was called to order at 7 pm by Chairman Maslanka.

The meeting minutes from July 1, 2024, were presented for approval. Mark Lenzi requested a change on page 3 in the 5<sup>th</sup> paragraph down from the top to change it to “limited disturbance” from “no disturbance” to the flood zone.

Being no further questions regarding the minutes. **Jack Wade made a motion to approve the meeting minutes from July 1, 2024, as presented. Seconded by Mark Lenzi. Motion carried unanimously 5-0.**

**Public Hearing**

Site Plan 2-Lot Subdivision and Site Plan 301 North Ave

Kris Shultz from Schultz Associates presented preliminary plans for a 2-lot subdivision with a single lot site plan. The 2 lots went to the zoning board to get variances for lot sizes. During the plan review the question came up about what is going to be done about sanitation. They are proposing access to the existing force main on North Ave. MRB Group is going to have to investigate the capacity of the force main and the Town Board will have to figure out how they want to handle that. The site plan and subdivision are currently on hold until they figure out the sanitation. Kris Schultz continued to explain that he could go with a leech system, but Monroe County won’t approve it if there is sewer available.

Jack Wade would like to know if the ability to join the sewer main has been touched on the Master Plan. Chairman Maslanka stated that they are still in the process of updating the Master Plan.

The Board discussed the sewer main capacity. The Board stated that it will be up to the town engineer and the Town Board to come up with a resolution on connecting to the new sewer main.

Kris Schultz would like to wait and see if there is a possibility of joining the force main before continuing the site plan and would like to do the public hearing.

Chairman Maslanka read the legal notice at 7:14 pm and opened the Public Hearing at that time. There were no questions, comments or concerns from the public present. The hearing was closed at 7:16 pm.

There being no further discussion, comments or concerns, **Ray Wenzel made a motion to table the 2-lot Subdivision and Site plan. Motion seconded by Jack Wade, carried unanimously 5-0.**

**Continuing Business**

Site Plan 1 Lot 1209 Peck Rd

Kris Schultz from Schultz Associates presented the revised plans for the single lot site plan. Kris explained to the board that the town engineers’ comments were updated on the current plans. The barn has been downsized and raised 2’ above the flood zone. Kris said he discussed with Luke that the property is not in an agricultural district. Kris added that the exact distance from the fire hydrant to the corner of the house has been added to the plans.

The Board discussed the horse barn being included as a farm. According to the code, the homeowner would be allowed at least 8 horses, and it was determined they plan to have 3 horses. In addition, they would not be allowed to exceed 6,000 sq ft in size of the horse barn. The homeowner would be in compliance with the town code.

Mark Lenzi asked how it’s determined that the structure is 2 feet above the base flood elevation. Kris Schultz said that they take advance of the digital image of the FEMA floodplain and then superimpose it on the site plans. Kris added that he will also add a note on the plans stating the structure is raised 2’ above the flood elevation.

Chairman Maslanka continued the Public Hearing at 7:30pm.

Dawn Yaeger, owner of 1221 Peck Rd, would like to know where the house is going. Kris Shultz said that the house would be around the same spot as the old house but pushed back to make room for the leech field. Dawn expressed concern about the pole barn and if the homeowner had plans to run his business out of it. Kris Schultz said the Town has very strict rules about running commercial businesses in residential areas. Luke McGrath added that he has spoken with the homeowner, and he knows that he can’t run his business out of the pole barn.

Dawn Yaeger expressed that she thought trees in a wet area were not allowed to be cut down. She is concerned about more flooding because her basement and all the neighbors around the property experience flooding inside their homes. Kris Schultz said the trees that were cut down are nowhere near the creek and there will be no impact on the flood plain. Dawn asked what the owner plans on doing with the land on the backside of the creek because she heard that he had plans to build a bridge. Kris said he doesn’t know of any plans for that land right now. Mark Lenzi said that if any construction in the floodway is proposed in the future, the owner will have to get approval from the DEC.

Nancy Geisler, owner of 1223 Peck Rd, asked where all the horse manure goes because she is concerned about it going into the creek and the smell. Dawn Yeager added that their grandkids like to fish and play in the creek. Mark Lenzi said that the owner can’t store horse manure within 100-150 feet of the property line.

Mark Lenzi suggests that Luke talks with the owner about the building being used as a home occupation, so that it doesn’t become an issue. Luke McGrath agreed and said he has made him aware that it’s not the intended use of the property.

Dawn Yaeger states that she is only looking out for her and the neighbors. Mark Lenzi says that staying in touch with Luke and the building department is key, so that if anything happens in the future, the Building Department can address any problems.

Nancy Geisler asked when the house is going to be built. Kris Schultz said there is no exact date in place for building the house, but he said he thinks it is possible in the Spring next year. Dawn Yaeger asked if they had to build up to put in the septic system. Kris Schultz said it does need to be built up and the drainage will all blend in.

The public had no further comments or questions, Chairman Maslanka closed the public hearing at 7:44pm.

Chairman Maslanka reviewed SEQR part 2. All questions 1-11 were answered no or small. The board had no further comments or questions. **Ray Wenzel made a motion to declare a Negative Declaration for the unlisted action single dwelling site plan at 1209 Peck Rd. Seconded by Jack Wade. Motion carried unanimously 5-0.**

Mark Lenzi would like the hydrant distance clearer on the site plans. Kris Schultz agreed to take care of that on the plans.

There being no further discussion, comments or concerns. **Mark Lenzi made a motion to grant Preliminary approval to the Single Dwelling site plan with the condition that the distance of the hydrant get added. Motion seconded by Ray Wenzel, carried unanimously 5-0.**

Fill Permit 4925 West Ridge Rd

Kris Schultz from Shultz Associates presented the updated plans for the extension of the parking lot and fill plans. Kris Shultz also presented a note from the town engineer stating that he is satisfied with the revised plans.

Mark Lenzi stated that he would like the site plan to get approved on the condition that the site lighting is viewed and approved by the code enforcement officer. Luke McGrath agrees with those conditions.

There being no further discussion, comments or concerns, **Jack Wade made a motion to approve the 90-day fill permit with the condition that the site lighting is viewed and approved by Code Enforcement. Motion seconded by Ray Wenzel, carried unanimously 5-0.**

**New Business**

Fill Permit 273 Dean Rd

Kris Schultz from Schultz Associates presented fill permit plans to fill and level the yard and add two berms for privacy. The dirt is planned to come from the Helfrich property at 4741 West Ridge Rd.

Mark Lenzi asked if the plan works with the floodplain. Kris Schultz said that this will have a negative impact on the floodplain.

Kris Schultz stated that the town engineer sent comments dated 7.15.24. Chairman Maslanka asked Kris to elaborate on the comments given about the floodplain development permit needed. Kris Schultz said that the permit is needed if leveling an area in the floodplain and this is outside of the floodway. Kris stated the

owner will be applying for the floodplain development permit. The Engineers comments also mentioned the EPOD on site. Kris stated that the EPOD was on the original site plans for the house and may need the board to give approval to do work in the EPOD again.

Chairman Maslanka asked Tod Ferguson if the 90-day fill permit would need to be held off until there is an approval to work in the EPOD.

The board discussed the EPOD drawn on the site plans. There are 2 different lines depicted on the map and the EPOD tick mark doesn't match up.

Tod Ferguson said if the floodplain is marked on the plans and it shows the work is outside the floodway, there is no need to set aside the fill permit application. The board will need to acknowledge the EPOD as depicted in the records are slightly incorrect and the board is going to go off the line with the tick marks. The Board would like Kris Schultz to label the EPOD when the Fill Permit is needed.

Mark Lenzi expressed his concerns about work being done in the flood zone and creating problems in the future. Kris Schultz explains that the owner is taking out trees and bringing in dirt to make the lawn. Kris said the grade is not changing at all.

There being no further discussion, comments or concerns, **Nick Lukomskiy made a motion to approve the 90-day fill permit with the acknowledgement that the markings of the EPOD are on the plans. Motion seconded by Jack Wade, carried unanimously 5-0.**

Commercial Site Plan

1 Lot

5440 West Ridge Rd

Larry Heininger from Marques and Associates presented site plans for a soccer field on a residential property. Larry explains an artificial turf field was put down for Sunday events with Family and Friends to play 4 on 4 games. A 4' high fence was proposed for the east side of the field to keep the ball from rolling in the woods. On the property, there is a house that the tenants live in, a garage foundation and there is an old frame barn that is no longer in use. Larry asked what needs to be done at this point to move forward.

Luke McGrath said that the property is currently zoned as General Commercial, and this would be considered as an expansion of a non-conforming lot. Luke said that the turf field will need to comply with setbacks and drainage issues need to be addressed. Mark Lenzi agreed that it's an expansion of non-conforming use and would need to go to the Zoning Board. Mark explained the process to apply for the expansion of a non-conforming lot with the Zoning Board.

Chairman Maslanka said the board will look at how this may impact the community and if there are any safety concerns. Jack Wade asked how many people would come to the event and the plans are for parking. Rosa Lajo said they have space for more than 10 cars in the driveway on the property. Rosa stated they are only asking for permission to play and nothing more. She mentioned there are other properties that sell beverages along with playing soccer. The board understood the circumstances and stated that they will give their comments so she can apply to the zoning board.

Chairman Maslanka asked for the comments that will be given to the zoning board for this property. **The Planning Board comments are stated below:**

- 1. There must be no off-street parking.**
- 2. The field should be for family use only.**
- 3. There must be no stands, lighting or PA systems.**

**4. Drainage information is needed on the site plan.**

Chairman Maslanka acknowledges that this is an expansion of a non-conforming lot and will need to go through the Zoning Board. The Board all agrees.

**MISCELLANEOUS**

Chairman Maslanka read the last thing on the agenda, which is 78 Pease Rd. Luke McGrath said he talked to the town attorney, and she said this property is not an expansion of a non-conforming lot and there is no need for planning board comments.

There being no further business to discuss, Jack Wade made a motion to adjourn the meeting at 8:42 pm. Seconded by Ray Wenzel. Motion carried unanimously 5-0.

Respectfully submitted,

Christen Mensing, recording secretary,

Town of Parma Planning Board