

Parma Town Board meeting held on Tuesday, February 03, 2009 at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

**ATTENDANCE**

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

Absent : Councilman Kenneth Blackburn

**OTHERS IN ATTENDANCE**

Richard and Donna LaForce, L. Jacobs, Don Green, Robert Crowley, Roger Williams, Ron Crandall, Bev Crandall, Gene DeMeyer, Scott Copey, F. Przybycien, Christine Laurin, John Chart, Mike Wyant, Tim Thomas, Joyce Stell, Kay Varlan-Britt, Larry Britt, Kevin Haffen, Bruce Clark, Susan McKinney, Don and Roberta Stilson, Brian Sweeney, Greg Eichas, Bob Prince, Jim Cobia, Dave Wright, Todd Dunn, Dave Tomer, Dick Vance, Rick Holden, Jim Zollweg, Richard DeMeyer, Ed Goldblatt, Pat Buskey, Tim and Susan Jennings, Wayne and Esther Railsback, Marilyn DeMeyer, Alex Pirnie, Pam Speer, Nina VanLare, Kris Schultz, John Chasse, Mark Coleman, Don Hornburg, Walt Horylev, Larry Gurslin and other members of the public.

**CALL TO ORDER**

Supervisor Lemcke called the meeting to order at 6:38 p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke noted emergency exit procedures. It was noted that the meeting is being digitally recorded.

**PUBLIC HEARING**

**AGRICULTURAL AND FARMLAND PROTECTION PLAN**

Supervisor Lemcke opened the public hearing at 6:39p.m. Mr. Chart protested that the public forum was not at the beginning of the meeting as he had 3 issues to address. Supervisor Lemcke responded that the meeting would follow the published agenda and that there were 2 public hearings to be held first and then the public forum at which time any member of the public could address the Town Board.

Supervisor Lemcke introduced Barb Johnston, the consultant from Stuart Brown Associates who has assisted the Town in drafting the Agricultural and Farmland Protection Plan. Copies of the plan have been available at the Town Hall, Parma Library and the website. Ms. Johnston noted that the Town received a \$25,000 from New York State to assist municipalities in the development of tools to protect the economic viability of farmland and protect the agricultural landscape of the community. Informational meetings were held in the spring and in December of 2008. The draft plan has received comments from the NYS Agriculture and Markets, Monroe County and other agencies that worked on the plan. It was noted a community survey was done which indicated a high degree of support for farmland and open space. Ms. Johnston noted that the plan includes an inventory of resources, an overview of town policies, analyzed the issues facing landowners and farmers in the Town, identified what the strategies might be and recommends specific actions. The remainder of the presentation reviewed key points and summarized the recommendations made in the plan.

Supervisor Lemcke acknowledged the members of the committee and thanked them for all the time they have put into the plan. He noted that when speaking to John Brennan of NYS Agriculture and Markets, Mr. Brennan stated that of all the farmland plans he has reviewed this was exceptional and a credit to the committee. In addition Bob King, Director of the College of Agriculture and Life Sciences at Monroe Community College has also made recommendations. Other supplemental background information and fine tuning of the rating system were recommended.

Supervisor Lemcke opened the discussion to the public.

Susan McKinney was present to represent family members. Her mother owns farmland in the Town. She presented and read a letter summarizing the family's feelings and asked that it be included in the record. (*See Schedule A at end of the minutes*) She indicated the family was not in favor of losing their right to use their land as they would like. She reviewed specific areas of concern in the plan which she felt would restrict their right to use the land as they want. In particular, she did not agree with page 16 item 3, page 19 item 3a, page 27 item 9 and page 30 under Administrative framework she felt there should be representation on the committee by others who will be affected by the plan.

It was noted that Agriculture is allowed in all zoning districts of the Town and that only property owners who choose to participate would be involved. There was discussion on the survey. It was noted that a 25% response rate was exceptional with 94% responding in favor of preserving farmland and open space. Ms. McKinney did not agree in that 75% were not heard from. It was noted there would be no eminent domain involved. Participants would have their properties appraised and would be compensated for the development rights based on that appraisal but as willing participants.

Robert Crowley felt that all the aspects should be clearly explained to any landowner that decides to participate. He felt that everyone will want to eventually sell their land at some point. It was reiterated that only landowners who are willing will participate.

Supervisor Lemcke explained that the committee will review and decide what changes they will make and present their changes at the next meeting. Supervisor Lemcke asked if there were any other comments from the public. There were none. It was noted the public hearing would continue at the next Town Board meeting on February 17, 2009. A notice for the continuance of the public hearing will be published in the official Town newspaper. The Town Board will be looking to approve the document after all the comments are reviewed at which time they will close SEQR and make a decision on the plan.

### **MONROE COUNTY GREENSPACE INITIATIVE**

Supervisor Lemcke reported that a farmer interested in development rights has been working with the Farmland and Open Space Committee. The Committee is seeking approval from the Town Board to submit an application for a grant through the Monroe County Greenspace Initiative Grant program, approval for a short appraisal for grant application purposes in the amount of \$600 and approval of up to \$300 in costs for the Genesee Land Trust to prepare the grant application. The application is due by next Friday. The request would be used to purchase the development rights.

**RESOLUTION NO. 50-2009** Motion by Councilman Carmestro seconded by Councilman Comardo, to authorize the submission of an application for a Monroe County Greenspace Initiative Grant, approval for up to \$600 for the cost of a short appraisal for grant application purposes and approval of up to \$300 for Genesee Land Trust to prepare the grant application.

Motion carried: Aye 4 Nay 0

Absent-Councilman Blackburn

**PUBLIC HEARING**  
**PLANNED DEVELOPMENT SENIOR RESIDENTIAL**

Supervisor Lemcke opened the public hearing at 7:05 p.m. The following legal notice was reviewed and it was noted that it was published and posted as required. Copies of the proposed zoning overlay district were available at the Parma Town Hall, the Library and on the Town's website.

**Legal Notice**  
**Town of Parma**  
**Public Hearing**  
**Introductory Local Law No. 1-2009**  
**A Local Law to Amend the Town Code of Parma to add Planned Development – Senior Residential District (PD-SR)**

PLEASE TAKE NOTICE that the Town Board of the Town of Parma shall hold and conduct a public hearing to consider the enactment of Introductory Local Law No. 1-2009, a local law establishing an overlay zoning district to be added to the Parma Town Code and called Planned Development – Senior Residential District (PD-SR). The public hearing will be held at the Parma Town Hall, 1300 Hilton Parma Corners Road on the 3<sup>rd</sup> day of February 2009 at 6:30 p.m. and all interested persons shall be heard concerning the subject matter thereof. Upon the enactment of such local law, Planned Development – Senior Residential (PD-SR) will be Chapter 165 Article V Section 165-36.1 of the Town Code of the Town of Parma. A full and complete text of the proposed local law is presently on file in the Town Clerk's office where it may be examined by all interested persons during normal business hours. It is also available on the Town website at [www.parmany.org](http://www.parmany.org) and at the Parma Public Library.

Supervisor Lemcke explained this is an overlay district which can be placed in the Town if certain criteria are met. He reviewed highlights of the proposed zoning overlay and noted changes made by the Town Board after prior informational meetings. He reviewed the process for tonight's public hearing and asked if there was anyone who would like to address the Town Board regarding this matter.

John Chart expressed he was not in favor as it was in direct conflict with a document from 1997 where it addresses that the land to the south and west of the Village of Hilton to be retained for agriculture. The title of the document was not specified. Mr. Chart referenced item 4 of section B which he felt gives the Town the authority to create a series of mini commercial zones. Supervisor Lemcke referred the audience to the section on permitted uses. He reviewed some of the uses that would be allowed and noted items that had been removed from this section. It was noted that the Town is not looking to compete directly with businesses in the Village of Hilton. Mr. Chart inquired as to what the zoning was for the medical office building at the corner of Rt. 259 and Burritt Road. It was noted this is General Commercial. There was discussion on commercial being allowed and that if approved it would fall under a special permitted use. Mr. Chart also asked about the section referring to community buildings and facilities owned and maintained by the Town. It was noted this could be a library or community center.

Kevin Haffen questioned why the Town is looking to create a high density use when the feedback is that the Town wants to maintain its rural character. He cited the provision to "provide for the creative use of land and related physical development that allows orderly transition of land from rural to urban uses" and feels the statement conflicts with the idea of maintaining our rural character.

Supervisor Lemcke responded that the Town of Parma has no senior development type of zoning. He expressed that seniors are an asset and can be welcomed to the community by having this type of zoning available. He cited instances where former residents have returned to the community to be near family, they patronize local businesses and do not put an additional burden on the school system. Mr. Haffen commented that it seemed

like this would apply to a lot of parcels. He felt it was not clear where this type of zoning could actually occur – that there were no clear boundaries. Ms. Johnston responded that an overlay floats over that town and is not applied to any one particular spot until a case is made by a developer and approved by the Town to have this type of district.

Supervisor Lemcke referred to the section on project size, location and ownership in response. It was also noted this document provides for a process to be followed before the overlay can be applied similar to what was done with the Townhouse Residential overlay. Ms. Johnston stated that the criteria are clear enough that the overlay could not be applied just anywhere.

It was noted the 100 parcels that might be eligible were determined on size not with any other criteria. Meeting the criteria would potentially eliminate most parcels. It was also noted the overlay is not being developed for a particular parcel but for the Town overall. There was further discussion on development in the Town and drivers of that development, the need to provide for this type of housing in the community, the impact of this high a density for housing and requirements for green space and buffers.

Bruce Clark inquired who is coming to the Town for this type of development. Supervisor Lemcke responded that developers are looking to build this type of housing as seniors are looking to downsize and be close to families. A recent request occurred for property on Wilder Road. There was discussion that in order for a specific site to be approved the public hearing process would be followed. Planned Development – Senior Residential provides a tool to allow a type of housing that meets the specific needs of seniors. Each proposed site would have to go through its own review process and meet the criteria. Mr. Clark questioned why the density has to be so high. Supervisor Lemcke noted that this is the common standard for seniors. A developer could make a proposal for less but this would be the most.

Pat Buskey clarified that if a specific site were proposed for this type of development there would be another public hearing with standard notices. It was noted the process for this would be the same as any other zoning change where notices would be provided to property owners within 500 feet and notice in the Suburban News.

Mr. Buskey asked why this is not a zoning district rather than an overlay district. Supervisor Lemcke explained that the zoning district would be site specific and the overlay would allow various sites but you would have to come back to the Town Board for approval. It would also allow flexibility to the market and give control at the Town Board level rather than at the Planning Board level for where it occurs. Ms. Johnston explained adoption of the plan would be the half way step with specific site approval being the second half. Mr. Buskey expressed that zoning would be more difficult than getting approval for the overlay. Supervisor Lemcke noted that you cannot have a zoning type unless it is adjacent to an existing type. The overlay allows for flexibility.

Mr. Buskey made the suggestion that if a developer proposed to change land to a higher density would it be possible to have the developer purchase other open space/farmland or add to a fund to keep open space. This was identified as incentive zoning and was noted as something to consider.

John Chart noted that Fairfield Place is zoned for high density development. It was noted that nothing has taken place there and this would create a conflict between Fairfield and other developers. Supervisor Lemcke noted it is not the place of the Town to prevent competition between developers. Developers will compete and it is up to them to sell to the public. This overlay could be used there.

Bob Prince referenced the wording on page 3 item 5 where it states the Planning Board shall conduct a single review. He noted this usually takes several meetings. Supervisor Lemcke clarified that once it gets to the Planning Board it is their review.

Don Hornburg inquired who is responsible for sewer and water capacity. Supervisor Lemcke noted current access would be through the Village of Hilton or the County's

trunk line. The developer would be responsible to tell what usage is expected then it is up to the utility (Monroe County Water Authority, RG&E, etc.) to determine if they can meet that capacity.

David Wright commented that he felt the plan was a good idea but does not feel that offices for accountants, real estate brokers, financial planners and lawyers needs to be in senior residential areas. He felt it would allow access to others rather than residents and does not fit with the character. He also wanted to know who was responsible for the plowing of sidewalks and the roads. Supervisor Lemcke responded the Town would be responsible for plowing streets that have been dedicated to the Town. The homeowner or a homeowner association would be responsible driveways and sidewalks. He also indicated that the Town is not interested in approving businesses that would compete with Village businesses. He did cite a business outgrowing its current location and interested in moving to this kind of location as a possible example. Mr. Wright wanted to know if the Town would have a say in what businesses could go in. It was noted any type of business would have to go before the Zoning Board of Appeals.

James Bauman wanted to know about impact on traffic and pollution if a development like this was to go in just south of the Village of Hilton. Supervisor Lemcke noted this would be addressed at the Planning Board and would be the developer's responsibility to provide traffic information and mitigate any identified problems. There was discussion on who pays for the additional sewer costs. It was explained that the cost of special districts are borne by those using the service.

David Tomer asked what the number of homes per acre would be. He wanted to visualize how dense this actually was. There was discussion on possible numbers.

Bob Prince commented that the 10 units per acre was a maximum and would be in the scenario of a multiple dwelling where for example there could be 4 units on the first floor and 4 units on the second floor. Mr. Prince also noted that a person could have an in home business as a special permitted use. He used the example of a real estate agent or accountant that might move into the community and wanted to continue their business out of their home. This would also have to be approved as a special permitted use.

Robert Crowley noted once the developer turns the sewers over to Pure Waters the developer has to guarantee it for 2 years and make any needed repairs. The system is then turned over to Pure Waters who is responsible for maintenance. Property owners within the district pay fees to Pure Waters to maintain the sewers.

Pat Buskey inquired if this zoning type requires a homeowner association. It was noted it is not a requirement but possible. There was discussion on how to enforce the 55 and older age requirement. It was noted that this is done by the developer through a deed restriction or it is part of a homeowner association agreement. The restriction would also limit the amount of time younger persons could stay in the development.

The question was raised as to how much is still left to be developed in Unionville. It was thought there was one more section.

Supervisor Lemcke reviewed the steps that had been taken thus far including classifying the SEQR action as a Type I and verifying the Parma Town Board as Lead Agency at the December 2, 2008 Town Board meeting. The involved and interested parties have been informed of the Town's Lead Agency status and a response was received from Monroe County Planning and Development. They had no comments.

Pat Buskey asked when you place an overlay district on a parcel(s) will a separate SEQR be needed for approval. The response was yes. The SEQR document for this specifies that because you cannot determine all the possible impacts at this stage.

Kevin Haffen asked if consideration would be given to changing the lot size and or the minimum and maximum density. Supervisor Lemcke responded this reflects what is

common in Monroe County. He also noted that this does not require commercial but that it can be allowed.

Supervisor Lemcke asked if there were any other comments from the public. There were none and the public hearing was closed.

The Town Board proceeded to do the Environmental Assessment Review. It was noted this is a Type I action and the Town Board has recognized Part 1 of the Full Environmental Assessment Review. The Town Board proceeded to answer the questions for Part 2 and they were in agreement with the answers noted.

Supervisor Lemcke noted the project will not result in any large and important impacts and therefore, is one which will not have a significant impact on the environment therefore a negative declaration is prepared. The Town Board was in agreement.

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE**  
**TOWN OF PARMA LOCAL LAW 1-2009**  
**AMENDMENTS TO THE ZONING REGULATIONS**  
**PLANNED DEVELOPMENT-SENIOR RESIDENTIAL**

**RESOLUTION NO. 51-2009** Motion by Councilman Carmestro, seconded by  
Councilman Comardo,

1. In accordance with Section 264 of the Town Law of the State of New York, the Parma Town Board has the authority to enact and amend zoning regulations for the purpose of promoting the health, safety and general welfare of the residents of the Town of Parma.
2. The Parma Town Board has received a final draft of proposed amendments to the Zoning regulations that create a new Planned Development – Senior Residential overlay zoning district and is considering action herewith to adopt said amendments.
4. Appropriate public notice of the proposed amendments to the Zoning regulations has been made, as well as referral to the Monroe County Planning Department for review and comment; and
5. The Parma Town Board has considered comments made by the public and interested agencies at the Public Hearing held on February 3, 2009; and
6. The Parma Town Board, as the only involved agency, has completed the Environmental Review of the adoption of said Zoning amendments and issued a "Negative Declaration" of significance, pursuant to the State Environmental Quality Review (SEQR) regulations; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Parma Town Board hereby adopts the above described amendments to the Town of Parma Zoning regulation by Local Law No.1 -2009 a copy of which is attached hereto and made part of this resolution.
2. The Clerk is directed to notify the Monroe County Planning Department of this action and to file the appropriate notices as required by NYS law.
3. This resolution shall take effect immediately.

Supervisor Lemcke	Aye
Councilman Blackburn	Absent
Councilman Carmestro	Aye
Councilman Smith	Aye
Councilman Comardo	Aye

Motion carried.

*See Schedule B at the end of minutes for wording of Local Law No. 1-2008.*

**RESOLUTION ISSUING THE NEGATIVE DETERMINATION OF  
ENVIRONMENTAL SIGNIFICANCE FOR PROPOSED AMENDMENTS TO  
THE ZONING REGULATIONS**

**RESOLUTION NO. 52-2009**          Motion by Councilman Smith, seconded by  
Councilman Comardo,

WHEREAS:

1.      The Parma Town Board (hereinafter referred to as Town Board) has reviewed the Environmental Assessment Form and narrative for the adoption of amendments to the zoning regulations for the Town of Parma;
2.      The Town Board has considered the Environmental Assessment Form and narrative and the proposed Negative Determination of Environmental Significance.

NOW THEREFORE BE IT RESOLVED THAT:

1.      The Town Board declares that the actions to adopt amendments to the zoning regulations will not have a significant adverse effect on the environment.
2.      The Town Board further declares that the reasons supporting this negative declaration include:
  - a.      Compared with the criteria listed in Section 617.11 of SEQR regulations, all indications are that the proposed action will not cause substantial adverse change in community character, aesthetics, design and natural features; and,
  - b.      Review of the proposed zoning amendments, as well as the Environmental Assessment Form and narrative, has indicated that the proposed zoning amendments will not have a significant adverse impact on the environment of the Town of Parma.
3.      The Supervisor is directed to sign page 1 of the Full Environmental Assessment Form to indicate that a Negative Determination of Environmental Significance has been issued.
4.      The Town Clerk is directed to file a copy of the Negative Determination of Environmental Significance and Attachment thereto in the Town Office and with the NYS Department of Environmental Conservation.

Supervisor Lemcke	Aye
Councilman Blackburn	Absent
Councilman Carmestro	Aye
Councilman Smith	Aye
Councilman Comardo	Aye

Motion carried.

**PUBLIC FORUM**

Supervisor Lemcke asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda.

A recruiter from the U. S. Census Bureau spoke regarding the availability of jobs for the 2010 U. S. Census. There are temporary positions that will start within a few months.

Pay will range from \$13.00 to \$16.50 per hour. He explained the importance of getting our quota of applicants.

John Chart addressed the Town Board regarding his assertion that there is arsenic in the topsoil which is stock piled at the northeast section of the park. Mr. Chart indicated he had taken a soil sample for testing and it came back positive. He presented his results, expressed concern for safety, questioned why the dirt had been there for so long, indicated he had contacted the DEC and indicated he felt the dirt had come from a private individual/developer.

It was noted the stockpiled dirt came from the 2003 Park expansion and was topsoil removed from the areas where the fields were built and the addition of a parking lot. Additional soil came from the new fire hall site. Soil has been used to finish the current soccer fields, was intended for any future fields that might be built, to fill voids and for other future uses in the park as needed.

Mr. Chart asked that the Town Board contact the DEC to have the dirt removed in the proper fashion. Supervisor Lemcke thanked Mr. Chart for bringing this to the Town's attention and indicated the Town would contact a testing company to pull soil samples and complete testing to verify or disprove Mr. Chart's results. Supervisor Lemcke asked the Park Foreman to place no trespassing signs.

Dick Vance stated that to put the amount of arsenic into perspective a dog would have to eat 2.2 lbs. of dirt in order to kill it.

Mr. Chart also addressed the Town Board on what he perceives to be as the perception of a conflict of interest between Supervisor Lemcke and work that R&M Landscaping (lawn care) does for Unionville Station. He felt Mr. Lemcke is a proponent of the proposed North Parma Station which could potentially provide him with future contracts. Mr. Chart felt there was the appearance of impropriety even if there was none. Four members of the audience did not agree with Mr. Chart and felt there was no conflict. Supervisor Lemcke noted his lawn care contract was with the homeowners association at Unionville and that his contract ended in December of 2008. He also stated he would consult the Town's attorney to determine if he should not vote should there ever be a vote on a proposal in the future. In addition he indicated the decision tonight for Planned Development Senior Residential was not site specific.

Pat Buskey asked for an explanation of the cell phone restriction for bringing cell phones into the meeting. Supervisor Lemcke noted it was because court was in session tonight. There was discussion on why this is being required.

James Cobia addressed the Town Board regarding mowing to be done after the grading work done along East Creek. Supt. Speer responded that it did not get done last year but it will be done this year.

There was a 5minute recess at 8:35 p.m.

#### **HUMAN RESOURCES HANDBOOK UPDATE - AMTEK**

The representative from Amtek Management Services Corp., Jeff Traves, was available by conference call to discuss updates needed for the employee manual. He will work with the changes the Town Board would like and provide guidance on changes that have been made to laws. Items noted to be updated included vehicle usage, cell phone usage, part time health benefits, stipend for medical benefits, dental benefits for part time workers and may include additional items identified by the Town Board and department heads. Mr. Traves was asked to work with Mary Gavigan and to submit a proposal for the amount of time that will be involved and the cost.

**RESOLUTION NO. 53-2009** Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Minutes of the January 20, 2009 meeting.

Motion carried: Aye 4 Nay 0 Absent-Councilman Blackburn

### **MINUTES – NOVEMBER 20, 2008 JOINT MEETING**

**RESOLUTION NO. 54-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to accept the Minutes of the November 20, 2008 joint meeting with the Village of Hilton.

Motion carried: Aye 4 Nay 0 Absent-Councilman Blackburn

### **TOWN CLERK REPORT**

The Town Clerk's Monthly Report and the VFW Summary for January has been submitted.

The Town Clerk met with Gail Fisher from NYS Archives, and Janet Surridge, Village Clerk, on Thursday, January 22, 2009 regarding options for joint records management grants. Ms. Fisher encouraged us to apply for a needs assessment grant and Steve Fowler's assistance was enlisted in order to meet the due date of February 1, 2009. This type of grant would cover the services of a consultant to identify the needs for records management and is used as the step-off point for future grant requests. Extra points are awarded for those that have completed this process when requesting future grants. The grant application was sent out last Friday.

A copy of the letter sent to the Sheriff's Department was sent to the residents on Hill Road in response to their concerns regarding snowmobiles.

The January 28, 2009 Monroe County Department of Transportation informational meeting regarding the Wilder Road Bridge Rehabilitation project was cancelled late in the afternoon due to the weather. It has been rescheduled to Monday, February 23, 2009 at 7:00 p.m. at the Parma Town Hall. The Peck Road Bridge Replacement information meeting is scheduled for here at 7:00 p.m. tomorrow night.

Tax collection has picked up considerably this week so far \$1,550,000 has been collected.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported the department has been busy plowing snow. He brought the Town Board up to date on salt usage so far this year. The need estimated last spring for the upcoming season was 4,500 ton. So far this year he has purchased 4,204 ton. He is able to buy up to 120% of the original amount on the state contract before the price would go up an additional 15%. He noted that he has budgeted \$145,000 and so far what has been vouchered and ordered is \$140,000. Depending on how the remaining of the season goes there is potential for this to go over budget.

Supervisor Lemcke made the Town Board aware of a company called Niagara Generation out of Niagara Falls that is buying wood chips, hauling and burning them for free. There is a minimum yardage before they would come out; a location would need to be identified for holding the brush until picked up, there was discussion on the potential to work with the Village on this and there was discussion on other municipalities that are using this company.

## **BUILDING DEPARTMENT REPORT**

Mr. Barton noted that he has provided the Town Board with attendance sheets for Board meetings in 2008. The January Building Department Report has been submitted. He has received the asbestos survey report for the court addition. Caulking around the window in the Judge's office and in spackle of the drywall joints will have to be abated. He will be contacting companies for prices.

Mr. Barton spoke with Bill Van Alst, Larsen Engineers, who suggested that in light of the pending stimulus package which has proposals for funding of water and sewer projects, that the Town consider contacting State and Federal representatives. The Town has needs in these areas, including the Town Hall complex waste water system and areas of the Town that do not have access to public water. Larsen's has offered to assist in drafting information to use in contacting representatives.

## **FEMA FLOOD MAPS**

The building department has received calls from residents who have expressed concerns regarding the FEMA flood maps and being placed in those zones. A resident has requested that a letter be sent from the Town to Senator Schumer informing him that there are residents in the Town of Parma that are facing this problem.

**RESOLUTION NO. 55-2009** Motion by Supervisor Lemcke, seconded by the entire Town Board, to send a letter to Senator Schumer requesting review of the FEMA flood insurance rate maps accuracy as they relate to the Town of Parma and for property adversely affected.

Motion carried: Aye 4 Nay 0 Absent-Councilman Blackburn

Mayor Gurselin shared that there are residents in the Town of Clarkson who are now required to have flood insurance for their homes because the maps indicate they are in a flood plain. They have had to get elevation certificates, which are costly, to prove that the home is not subject to flooding. He also inquired as to the number of building permits the town issued last year. There were 381.

## **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported that the department had met with Mr. Bob Hill of Bob Hill's Golf, Health and Recreation of 2493 East Ridge Road, 14622 to discuss collaboration with the Town to bring his golfing venue to Parma Town Hall Park. This is an idea facilitated last year but not developed into a proposal. Bob Hill's business is one year older and he will be contacting the Town Board to ask for your support for him to come in and present a proposal at a future Town Board meeting. Bob Hill was the gentleman who set up the hole-in-one chip contest at last year's summer celebration.

Mr. Fowler has been in communication with the Monroe County Department of Planning and Development. The Town's Community Development Block Grant application for the \$40,000 Parma Pedestrian Walkway Project has been determined to be a qualifying project and has been submitted to the proper authorities. It is expected we will have a response sometime in May.

## **PARKS DEPARTMENT**

Joe Petricone reported dead trees that had blown over and were damaged in front of the VFW have been removed. The Highway Department was there today to chip the remaining brush. He also reported a water leak at the road which the water authority has repaired.

## **BICENTENNIAL REPORT**

The committee met on Thursday, January 23, 2009. The St. Patrick's Day dinner was cancelled. Discussion centered mostly on the June 20<sup>th</sup> parade. They are working on a budget proposal. A summary on the Antique Show was provided to the Bicentennial Committee. It was reiterated that it was a success. Supervisor Lemcke has spoken with Don Stilson about having interested businesses display pictures of early businesses in the Town. The Town was represented at the Spencerport Area Chamber of Commerce Awards Banquet by the Town Clerk and Ann Adams of the Bicentennial Committee. The Chamber recognized the Town's Bicentennial with a plaque and citation from Assemblyman Reilich.

## **BUSINESS ITEMS**

### **TOWN PARK FIELD LIGHTING AUTHORIZATION TO BID**

Chatfield Engineers has requested the Town Board authorize them to let the Town Park Field Lighting Project for Bids.

**RESOLUTION NO. 56-2009** Motion by Councilman Carmestro, seconded by Supervisor Lemcke, for authorization for the letting of bids and to include a pre-bid conference on February 19, 2009 and the bid opening on February 24, 2009 for the Town of Parma –Town Park Field Lighting Project.

Motion carried: Aye 4 Nay 0 Absent-Councilman Blackburn

### **HIGHWAY EQUIPMENT – NEW TRUCK**

Supervisor Lemcke reopened discussion on the recent purchase of a pick up truck for the Highway Department. Supervisor Lemcke reviewed that the purchase was not made in 2008 and the funds were not encumbered. Based on information provided by the Finance Director the funds were transferred in June of 2008. The funds ultimately were used to pay down the debt. There was further discussion.

A motion was made by Councilman Smith, seconded by Councilman Comardo to authorize a transfer from B Surplus to pay for the newly purchased pickup truck. There was a tie vote with Councilmen Smith and Comardo voting Aye and Supervisor Lemcke and Councilman Carmestro voting Nay. Councilman Blackburn was absent. The notion did not carry.

### **HIGHWAY ISSUE**

Supt. Speer provided a response to the inquiry regarding a Town truck not stopping at a 4 way stop intersection. He noted Highway department vehicles are exempted from the rules of the road and their liability is limited to reckless conduct when engaged in work on the highway. Supt. Speer will provide this information to the resident who made the complaint.

Sup. Speer excused himself from the meeting due to illness.

### **K&K PROPERTY VENTURES**

Kris Schultz, Schultz Associates, spoke on behalf of a potential buyer for the Golf Dome on Ridge Road. The potential buyer would like to be sure the property is zoned correctly for their intended use before buying. Currently the property is zoned Highway commercial for the first 500 feet and Light Industrial for the remaining portion of the property going north. The buyer would like to see the Light Industrial portion rezoned to

Highway Commercial for their intended use of outdoor recreation. There was discussion on what options there might be, the implications of changing to Highway Commercial and timing for when to hold the public hearing. It was determined that an application for rezoning would be submitted and a public hearing date would be set once all the information is received.

### **ACCEPTANCE OF SPECIAL POLICE MEMBER TO FULL STATUS**

**RESOLUTION NO. 57-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to add Stephanie Dickinson to the approved list of members of the Town of Parma Special Police.

Motion carried: Aye 4 Nay 0 Absent-Councilman Blackburn

### **INFORMATIONAL ITEMS**

#### **MISCELLANEOUS**

Supervisor Lemcke noted that representatives of the Hilton Heat Soccer club could not attend this meeting but will be at the next Town Board meeting. Councilman Carmestro indicated that a meeting was scheduled with representatives from the club, Mr. Petricone and himself to further discuss the field use agreement on Wednesday.

#### **LIAISON REPORTS**

\*\*Councilman Smith reported that further research on VFW expenses showed expenses of \$17,797 and revenue of \$10,875. Of that revenue, the town received \$7,287 and the VFW organization received \$3,587. The Town lost \$10,510. Fixed expenses were \$9,400 (utilities and cleaning) and other expenses were \$3,400. Mr. Petricone noted that much of that expense was in resolving fire code issues. Councilman Smith indicated his reason for researching was for the Town Board to consider a review and restructuring of the pricing for 2010. Councilman Carmestro shared that a new roof is going to be needed and suggested that it would be appropriate to sit down with VFW to renegotiate the contract. Mr. Smith reported he had met with Art Fritz. Mr. Fritz has been working on entering information into the computer software program. There are currently 38 open projects around the Town, mostly special use permits. He is now able to generate reports on the status and kinds of code issues.

\*\*Councilman Comardo met with the Assessor for an overview of the assessment process and that department. He attended the Special Police meeting where they reviewed the court procedures document previously adopted by the Board. There is a "Use of Force" addendum, similar to the Monroe County Sheriff Department policy. The Town attorney has reviewed it and suggested a change to the last paragraph. Councilman Carmestro raised concerns regarding taser guns and inquired if a cap on the number of Special Police had been identified last year. Councilman Smith noted that originally 12 had been decided on but the new court security requirements and the availability of current members has raised questions about that. Councilman Carmestro noted that he is looking into staffing and procedures by other similar sized Town's in Monroe County. It was determined that the next steps would be to invite Tod Edenhofer, Chief of the Special Police to the next meeting to discuss the issues, make adjustments if determined they are needed, hold the change suggested by the attorney for now and add the addendum with any revisions to the original document that was adopted.

#### **PURCHASE ID BADGE HARDWARE**

Regarding the acquisition of the ID badge hardware, the price is higher than originally thought. Supervisor Lemcke noted that he talked with Mr. Edenhofer and a new unit could be purchased for about \$699.

**RESOLUTION NO. 58-2009** Motion by Councilman Comardo, seconded by Councilman Carmestro, to authorize the Special Police to spend no more than \$700 on the purchase of new ID badge hardware.

Motion carried: Aye 4 Nay 0 Absent-Councilman Blackburn

Councilman Comardo had attended the first Recreation Commission meeting. The end of year report was reviewed, discussion on commissioner positions and the good intermunicipal relationship between the Town, Village and School district. There was discussion on the Town of Ontario community center. They will be having a float in the June 20th Bicentennial parade and challenged the Town Board for a float.

\*\*Councilman Carmestro reported he attended the Village meeting earlier this evening and a tentative date for the next joint meeting has been set for April 14, 2009 at 6:30 p.m. at the Town Hall. Topics for the agenda should be directed to the Supervisor or the Town Clerk. Councilman Smith noted that a possible topic would be potential wind towers and is the Town going to be on board with payment in lieu of taxes as opposed to an assessed value. There was discussion on why this should be discussed in the early stage of researching this topic.

The Fire Department is not meeting until tomorrow night so there was no update. As noted earlier, there is an upcoming meeting with the Hilton Heat. Councilman Carmestro complimented Barb Johnston on the great job she did with her earlier presentation.

\*\*Councilman Blackburn was not in attendance so there was no report.

\*\*Supervisor Lemcke reported the Library Board is moving cautiously forward. They are obtaining pricing for new carpeting and are going to obtain new bids for the front doors. They thanked Mr. Petricone for work done in the mechanical room.

#### **MISCELLANEOUS - OTHER**

Regarding the overlay district discussed earlier in the meeting, Councilman Smith inquired about the requirement for basements. It was noted that the requirement for basements was removed from the original draft and that many patio homes being built are slab on grade to reduce costs. The Town does not require basements in any other district in the Town. Councilman Smith also raised the issue of starting a senior development and having stub roads that could open up in the future for traffic pass through to another type of development. There was discussion on how this might be addressed or considered as a requirement.

Mr. Petricone inquired who would be doing the soil testing. Supervisor Lemcke noted Paradigm Environmental Services is a well known company for this type of work and will contact them.

There being no further business before the Town Board, Councilman Comardo made a motion to adjourn the meeting at 9:50 p.m., seconded by Councilman Smith.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk

## SCHEDULE A

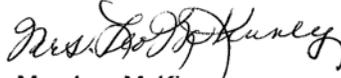
February 2, 2009

To: The Parma Farmland and Open Space Committee and Parma Town Board

As a long time Parma property owner and taxpayer, I'm opposed to any zoning and /or development restrictions on agricultural land. I consider my holdings to be a financial asset for my use as I see fit. People invest in many ways for financial gain. Those who have invested in land should be entitled to the same possibility for financial reward.

I respectfully suggest to the Town of Parma and/or any residents interested in preserving Green Space, open space or land for agricultural use - purchase such land for yourself at market value. Long time property owners should not be singled out for zoning restrictions aimed at preventing or restricting development. Those holding agricultural land should not be expected to shoulder restricted financial possibilities as the town grows. Residents who have located in Parma because of the attractiveness of the rural character cannot expect others to finance their backyard view. Those residents wanting the pleasure of open space and working farms should step forward and secure land with their own money.

Sincerely,



Mrs. Leo McKinney  
(Tax ID#043.03-1-1.111)

## SCHEDULE B

### **§ 165-36.1. Planned Development – Senior Residential (PD-SR) District**

A. Purpose. The purpose of the Planned Development – Senior Residential District is to:

- (1) Provide a variety of senior oriented housing types in an area with public water and sewer services;
- (2) To regulate land use for senior oriented residential development in a manner that provides certain advantages over that which would be obtained under conventional zoning;
- (3) To provide a development framework for senior oriented residential communities that results in land uses and physical site arrangements that are not contemplated under conventional zoning;
- (4) To preserve and enhance natural features of the site.

B. Objectives. The following objectives shall be considered in the development of a PD-SR district:

- (1) Provide for a maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes, and community facilities available to existing and potential residents.
- (2) Provide for usable open space and recreation areas and other facilities serving the community, such as trail ways to neighboring properties, sitting benches, and the like.
- (3) Provide for access to trail ways, open space, and other community services through clearly designated pathways as part of the project development.

- (4) Provide for convenient location of commercial and service areas that are appropriately scaled to serve primarily residents of the senior residential development and to minimize impacts on traffic and neighboring properties.
- (5) Provide for safe and efficient vehicular ingress and egress as well as circulation within the site.
- (6) Provide for safe and convenient pedestrian access to facilities within the District, public transportation facilities and to any existing pedestrian walkways that adjoin the District.
- (7) Provide for auxiliary parking as may be necessary and ensure that such parking areas are treated with appropriate landscaping or structural features to allow a more aesthetic presentation to the entire district.
- (8) Provide for the preservation of trees, outstanding natural topography and geologic features, and the prevention of soil erosion.
- (9) Provide for a creative use of land and related physical development that allows orderly transition of land from rural to urban uses.
- (10) Provide for an efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs.
- (11) Provide for service alleys to allow safe and adequate access to structures in the district for purposes of refuse removal, emergency access, and other public or private services.
- (12) Provide for a development pattern consistent with the objectives of the Comprehensive Plan.
- (13) Provide for special security needs of persons and property within such district as deemed necessary by the nature of the development.
- (14) Provide for a more desirable environment than would be possible through the strict application of other provisions of the Town's zoning regulations.
- (15) Promote community senior housing in a unique setting that is appropriate to the anticipated residents of each such community by utilizing homeowners or condominium associations, deed restrictions, and other regulatory procedures where appropriate.

C. Project size, location and ownership

- (1) Land to be considered for PD-SR zoning must contain a minimum of 15 contiguous acres and may be located in any residential zoning district.
- (2) The tract of land for a project may be owned, leased or controlled either by a single person, a corporation, or by a group of individuals and/or corporations. An application must be filed by the owner or jointly by all the owners of property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

D. Procedures to establish a PD-SR district

- (1) Establishment of PD-SR Districts. The Town Board may, on its own motion or in response to an application, amend the Zoning Map to establish a Planned Development – Senior Residential district. In reaching its decision, the Town Board shall consider this statement of purpose, objectives and general criteria set forth in this chapter as well as the current Comprehensive Plan for the Town.

- (2) Before the consideration of zoning of any property to a PD-SR district can take place by the Town Board, the owner or his authorized agent submit an application for rezoning to PD-SR to the Town Board. Such application shall include a conceptual site plan as described in Article XIII: Site Plan Review. The Town Board shall refer the conceptual site plan to the Planning Board, which shall review it in accordance with the site plan approval procedures established in Article XIII. The Planning Board shall submit a report of its findings to the Town Board.
- (3) Upon receipt of a favorable report from the Planning Board covering the conceptual site plan, or upon its own determination subsequent to an unfavorable report, the Town Board shall set a date for and conduct the public hearings necessary for the purpose of considering PD-SR districting for the applicant's plan in accordance with the procedures established in § 165-7. Amendments.
- (4) Following the public hearing, the Town Board may establish the PD-SR district. PD-SR districting shall be conditional upon securing of final site plan approval by the applicant in accordance with procedures set forth in Article XIII and compliance with all additional conditions and requirements as may be set forth by the Town Board in its resolution granting the PD-SR districting.
- (5) The Planning Board shall conduct a single review that will address the requirements of Site plan review under the provisions of Article XIII: Site Plan Review as well as those for the review of subdivisions under Town Subdivision Regulations, subject to the following conditions:
  - (a) As directed by the Town Planning Board, the developer shall prepare sets of subdivision plats suitable for filing with the office of the Monroe County Clerk, in addition to those drawings required for site plan review.
  - (b) The developer may plat the entire development either as a subdivision or as a single property. Multiple phases of development, if any, shall be identified on the plat. The Planning Board may require that the final site plan/ subdivision review for phases be approved and recorded individually.

E. Permitted uses

- (1) Permitted residential uses.
  - (a) All residential types may be permitted as principal uses, including but not limited to single family dwellings, twin home dwellings, townhouse dwelling units, and multiple residence buildings, provided that the residences are predominantly designed for persons age 55 or older.
- (2) Permitted public and community service uses
  - (a) Recreation and open space uses which are scaled primarily to serve the residents of the PD-SR district.
  - (b) Indoor or outdoor recreational facilities for the private, noncommercial use of the residents of the PD-SR district.
  - (c) Community buildings and facilities, owned and maintained by the Town.
- (3) Permitted commercial and service uses.
  - (a) Offices and clinics of New York State licensed health-care professions including but not limited to dentists, chiropractic, optical, physicians, pharmacists, veterinarians or other health-care professions, excluding

overnight occupancy, provided that there are not more than eight professionals per office or clinic.

- (b) Outpatient medical laboratories.
- (4) Special permitted uses. The following uses may be permitted by the Zoning Board of Appeals according to the requirements of Article IX of this chapter:
  - (a) Hospitals, convalescent homes, homes for the aged, nursing homes or proprietary care facilities.
  - (b) Adult day-care.
  - (c) Offices of accountants, real estate brokers, financial planners, or lawyers.
  - (d) A community center or clubhouse for the private, noncommercial use of the residents of the PD-SR district.
- (5) Permitted accessory uses to residential uses:
  - (a) Decks or porches provided that each serves only a single dwelling unit.
  - (b) Courtyards, gazebos, tennis courts or swimming pools for the private, noncommercial use of the residents of the PD-SR district.
  - (c) Indoor or outdoor recreational facilities for the private, noncommercial use of the residents of the PD-SR district.
  - (d) Garages for the private, noncommercial use of the residents and to store vehicles and equipment used in property maintenance of the PD-SR district.
  - (e) One utility shed per dwelling unit for the private use of the individual household, provided that the structure does not exceed an area of 100 square feet and is located no further than 20 feet from an entrance to the residence to which it is an accessory use.
- (6) Permitted accessory uses to non-residential uses
  - (a) Storage facilities incidental to the principal use, provided that all storage of materials and equipment is enclosed, or otherwise secured from adverse weather.
  - (b) Pharmacies when included within a medical services building.

F. Requirements for residential uses in the Senior Residential (PD-SR) District.

- (1) Dimensional requirements
  - (a) All single family dwelling units within a PD-SR district shall have a living area, excluding the area of porches and auto garages, of not less than the following when computed using the outside dimensions of the dwelling unit:
    - i. One (1) story dwelling with no more than two bedrooms: a ground floor of one thousand and twenty (1,020) square feet.

- ii. One (1) story dwelling with more than two bedrooms: a ground floor of one thousand one hundred twenty (1,120) square feet.
  - iii. Split-level dwelling: one thousand one hundred twenty (1,120) square feet of finished living area above ground.
  - iv. Two (2) story dwelling: one thousand three hundred (1,300) square feet of finished living area total, including both floors.
  - v. Raised-ranch dwelling: one thousand six hundred (1,600) square feet of living area total, with at least nine hundred eighty (980) square feet of finished living area above ground.
- (b) Townhouses, twin home dwellings, and multiple residence buildings.
- i. All multiple residential dwelling units within a PD-RS district shall have a living area computed on the outside dimensions of the dwelling unit based on the following criteria:

**Type of Unit**

**Minimum Unit Size**

Studio:	500 sq ft. (not more than 25% of the total number of units provided shall be studio units).
One-bedroom:	650 sq ft.
Two-bedroom:	800 sq ft.
Three or more bedrooms:	800 sq ft, plus 100 sq ft for each additional bedroom.
Townhouse:	950 sq ft.

- ii. No building shall contain more than eight dwelling units.
- iii. Each dwelling unit shall have its own separate full bathroom.
- iv. All multiple residences, twin home dwellings, and townhouse developments shall provide safe and efficient pedestrian circulation and site lighting.
- v. All multiple residence buildings, twin home dwellings, and townhouse structures shall be served by adequate water supply and sanitary sewage disposal facilities that are owned, operated and maintained by a competent entity. On-site water supply or wastewater disposal facilities intended to serve individual residential units shall not be permitted.
- vi. Each building shall be provided with suitable containers for the storage of recyclable materials and refuse collections. Such containers shall be screened from public view by use of fences or solid walls.
- vii. All multiple residences, twin home dwellings and townhouse developments shall have direct access from the common parking area(s) to a dedicated highway.
- viii. All twin home dwellings and townhouse developments shall provide two (2) parking spaces for each dwelling unit. At least one parking space for each dwelling unit shall be enclosed.

- ix. All multiple residences shall provide one-and-one-half (1.5) parking spaces for each dwelling unit. Each parking space shall have a minimum width of 10 feet, and a minimum length of 20 feet. The Planning Board, at its own discretion, may reduce the required number of spaces upon receipt of sufficient supporting data from the developer. Such data shall clearly and factually state the actual parking requirements of the proposed multiple residence building.
  - x. No multiple residence, twin home dwellings or townhouse development shall have more than two (2) stories or be more than 35 feet in height. Spires, chimneys, cupolas, flagpoles are exempt from this limitation, as are antennae, provided that the antennae are visually integrated into the building lines.
  - xi. No room shall be used for living purposes if more than four feet of its vertical height is below grade.
  - xii. No multiple residence, twin home dwellings, or townhouse building shall be less than 18 feet in width.
  - xiii. No swimming pool shall be located within 40 feet of a multiple residence or townhouse dwelling structure.
- (2) Additional requirements for single family dwellings, twin home dwellings and townhouse buildings are as follows. There shall be:
- (a) A minimum overhang of one foot on the roof on the front and rear of all homes.
  - (b) A minimum of five (5) inches of rake on the gable roof end.
  - (c) A single-car garage with a minimum width of fourteen (14) feet and a minimum area of 280 sq. ft. per dwelling unit, either attached or detached.
  - (d) Two (2) exit doors.
  - (e) An area between the gutter and sidewalk that is paved the full width of the driveway.
  - (f) No more than three (3) single-family detached homes of substantially similar style located on three adjacent lots which front on the same street.
  - (g) For single-family dwelling units, a tree planted for each parcel, except on a corner lot, which shall require two trees to be planted, one on each side of the lot facing the road.
  - (h) Sidewalks installed on at least one side of all interior roadways to accommodate pedestrian circulation
- (3) The total density of residential development within the PD-SR district shall not exceed 10 dwelling units per acre. The calculation of such dwelling unit density shall not include areas designated as open space nor shall it include areas devoted to non-residential uses. The areas used for the calculation of density shall be identified in the conceptual site plan.

G. Requirements for recreation, open space and public and community service uses

- (1) Open space shall comprise at least 25% of the development area unless deemed inappropriate or impractical by the Planning Board in connection with the site

plan approval. No permanent structures shall be allowed on land designated as open space.

- (2) The total amount of land allocated for indoor recreational facilities, structures owned and maintained by the Town or other indoor community service facilities shall comprise not more than 10% of the entire PD-SR district, including space for off-street parking, unless more or less extensive use is deemed appropriate or advisable by the Planning Board in connection with the site plan approval as required herein.

H. Requirements for commercial and service uses, including specially permitted uses

- (1) Permitted commercial and service uses shall be scaled primarily to serve the specific needs of the residents of the district and shall be designed and located so as to facilitate pedestrian as well as vehicular access from the residences within the district.
- (2) Space allocated for such commercial and service uses shall comprise not more than 10% of the entire PD-SR district, including space for off-street parking, unless more or less extensive use is deemed appropriate or advisable by the Planning Board in connection with the site plan approval as required herein.
- (3) Commercial and service uses within a PD-SR district shall be consolidated into a single area within the district.
- (4) Commercial and service uses within a PD-SR district shall adhere to the following requirements:
  - (a) Buildings utilized for approved non-residential use activity within a PD-SR district shall be of similar or complimentary architecture to the approved architectural scheme of the district.
  - (b) Site Plan Review and Planning Board approval shall be required for any additions and/or changes to structures, landscaping, and signage related to a non-residential use within a PD-SR district that are proposed subsequent to the approval of the overall site development plan by the Planning Board.
  - (c) Parking, loading, access, fencing, and site requirements shall be as provided in Article XVI of this chapter.
  - (d) Signs shall be permitted as listed and further regulated in Article XIV of this chapter.
  - (e) Outside storage of waste materials shall be screened from view.
  - (f) Site lighting shall be shielded in such a way that the source light is not visible at the lot line.
  - (g) All customer parking areas shall be hard-surfaced and buffered from any adjacent residential lot.
- (5) In recognition of the unique restrictions and limitations which impact non-residential uses within a PD-SR district, various requirements which are otherwise imposed upon commercial use within the Town may be modified or waived by the Planning Board, upon good cause shown, including but not limited to requirements regarding off-street parking.