

Parma Town Board meeting held on Tuesday, September 5, 2023, at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, NY.

ATTENDANCE

Supervisor
Councilperson
Councilperson
Councilperson
Councilperson

James Roose
Linda Judd
Tina Brown (excused)
Dave Ciufu
Mark Acker

FILED
TOWN CLERK'S OFFICE
9/21/2023
TOWN OF PARMA

Town Clerk
Dir. of Parks and Recreation
Highway Supt.

Carrie Fracassi
Tom Venniro (excused)
Jim Christ

OTHERS IN ATTENDANCE

Amy Hogue, Library Director, Don Sigler, Jack Barton, Dick Yolevich, Joe Indovina, Karen Indovina, Shirley Sage, Cindy Lupinetti, Rick Lupinetti, Tom Furtner, Spencer Wren, Mike Weldon, Randy Montz, Christine Montz, Marilyn DeMeyer, Amanda Grise (Genesee Land Trust), Richard DeMeyer, Aaron Camp, Julie Camp, Kim Phillips, Gary Phillips, John Sage, Bruce Sprague, Kris Schultz, Jerry Goldman, Esq., Ann Williams, and other unidentified members of the public.

CALL TO ORDER

Supervisor Roose called the meeting to order at 6:30 p.m. and led those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exit procedures were noted.

REGULAR MEETING MINUTES – AUGUST 15, 2023

RESOLUTION No. 224-2023 Motion by Councilperson Judd, seconded by Councilperson Acker, to accept the Minutes of the regular meeting held on August 15, 2023, as presented.

Motion carried: Aye 4 (Roose, Judd, Ciufu, Acker)
Nay 0
Excused 1 (Brown)

TOWN CLERK REPORT

The Town Clerk reported the VFW and Town Clerk Report for August have been submitted to the Supervisor's Office. Tax Collection started on September 1, 2023, and the Town Clerk's Office will be open this Saturday to facilitate payment of taxes. The Town Clerk has been in contact with Josh Jensen's office about the State doing traffic studies at Peck Road and Hilton Parma Corners Road and Peck Road at Manitou Road. A report was received from the Sheriff's Office detailing the number of accidents at both intersections and those numbers have been sent to Mr. Jensen's office in the hopes that at a minimum more signage can be placed like was done at Curtis Road and North Avenue.

HIGHWAY DEPARTMENT REPORT

Supt. Christ reported the Department is working on drainage issues and helping surrounding Towns finish up County work, which is revenue for the Town. The road work on Orchard Hills has been completed and they were able to secure grant monies to repair Loretta and Edward Lanes.

PARKS AND RECREATION REPORT

There was no report.

BUILDING DEPARTMENT REPORT

There was no report.

LIBRARY REPORT

Amy Hogue, Library Director, said the door count at the library reached over 4,000 in August and 1,163 patrons attended programs. The Summer Reading program ended, and they are working on Fall programming.

PUBLIC FORUM

Supervisor Roose asked if there were any citizens who would like to address the Town Board with any concerns.

Randy Montz, Hilton Parma Corners Road, asked when the sewer line work will be completed and the properties along the road repaired. Supervisor Roose said they are working on repairs now but are jumping around; they are ending the project at Peck Road. Supt. Christ said he will reach out. Eric Camp said the letter mailed to residents had a phone number to call with any issues. Dick Yolevich said the landscaping company Ledge Creek is doing the repair work.

BUSINESS ITEMS

RESCIND RESOLUTION NO. 189-2023

Attorney Werner explained there was an error in the legal description in Resolution No. 189-2023. The Board will rescind the resolution and will be approving a resolution with the correct legal description.

RESOLUTION NO. 225-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufu, to rescind Resolution No. 189-2023, Resolution and Final Order Establishing Collamer Hills Sanitary Sewer District.

Motion carried: Aye 4 (Roose, Judd, Ciufu, Acker)
Nay 0
Excused 1 (Brown)

COLLAMER HILLS SANITARY SEWER DISTRICT

RESOLUTION AND FINAL ORDER
ESTABLISHING COLLAMER HILLS SANITARY SEWER DISTRICT

RESOLUTION No. 226-2023 Motion by Councilperson Acker, seconded by
Councilperson Ciufu,

WHEREAS, that at a meeting of the Town Board held at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York on the 18th day of July, 2023 at 7:00 p.m. to consider the Petition for the creation of a sanitary sewer district in the Town of Parma, Monroe County, State of New York, to be known as the Collamer Hills Sanitary Sewer District:

WHEREAS, all persons interested in the subject thereof, concerning same were heard at said Town Board Meeting;

WHEREAS, a vote of said Town Board with relation to the said petition was held;

WHEREAS, the Town Board voted and passed resolution 189-2023, creating said Collamer Hills Sanitary Sewer District;

WHEREAS, the sewer district legal description of the sewer district was erroneously described;

WHEREAS, the Town Board wishes to correct the erroneous description;

WHEREAS, the Town Board wishes to rescind resolution 189-2023;

WHEREAS, In the Matter of the Petition for the formation of the Collamer Hills Sanitary Sewer District in the Town of Parma, Monroe County, New York;

WHEREAS, a written Petition in this matter dated June 20, 2023 for the establishment of the District having been duly presented to the Town Board, together with the necessary map and plan attached thereto, and an Order having been adopted by the Town Board on June 20, 2023, calling for a public hearing of all interested persons in the matter on July 18, 2023 at 7:00 p.m. at the Parma Town Hall, and due notice of said hearing having been given by publication and posting, and a hearing by the said Board having been duly held at 7:00 p.m. on July 18, 2023 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York, Town of Parma, and it being duly;

FOUND, ORDERED AND DETERMINED, that (1) Petition herein was signed and acknowledged or proved as required by law and otherwise sufficient; (2) that all property and property owners within the proposed district were benefited thereby; (3) that all property and property owners benefited were included within the limits of the proposed District; and (4) that it is in the public interest to grant in whole the relief sought, and it is further duly;

RESOLVED, ORDERED AND DETERMINED, that the establishment of such District, as proposed, be approved and application to the State Department of Audit and Control are not being required because all costs are to be paid for by the Petitioner, it is hereby;

ORDERED, that a Sewer District be established in the said Town of Parma, Monroe County, New York, to be designated as the Collamer Hills Sanitary Sewer District and to be of the following description and boundaries, to wit:

All that tract or parcel of land situated in part of Town Lot 71, North Section of Braddock Bay Township, Township 4, Range 1, Mill Seat Tract of the Phelps and Gorham Purchase, Town of Parma, County of Monroe, State of New York, and more particularly described as follows:

Beginning at a point being the centerline of West Avenue, State Road 18, and Collamer Road, thence;

1. Northerly along the centerline of Collamer Road a distance of 2,510 feet more or less to a point, said point being the southeast corner of lands now or formerly of Brett Guerrie as recorded in Liber 11433 of deeds, page 4, thence;
2. Westerly on a bearing of S 86°42'20" W along the south line of Guerrie a distance of 33.00 feet to a point being on the west right of way of Collamer Road, thence;
3. Southerly along the west right of way of Collamer Road on a bearing of S 03°15'03" E, a distance of 2,566.19 feet to a point, said point being on the north right of way of West Avenue, thence;
4. Westerly along the north right of way of West Avenue on a bearing of S 87°31'39" W a distance of 200.02 feet to a point, thence,
5. Northerly on a bearing of N 03°15'03" W, a distance of 2,483.34 feet, to a point, thence;
6. Easterly on a bearing of N 86°42'20" E a distance of 200.00 feet to the point, said point being the point and place of beginning.

Intending to describe Collamer Hills Sanitary Sewer District comprising the easterly portion of lands conveyed by deed filed in the Monroe County Clerk's Office in Liber 10957 of deeds, page 100. Said parcel containing frontage of Collamer Road and having a depth of 200 feet from the west right of way of Collamer Road and an area of 11.52 acres more or less;

ORDERED, that within ten (10) days of enactment of this Order by the Town Board of the Town of Parma, a copy of this Order shall be recorded in the Monroe County Clerk's office and a copy shall be filed with the Department of Audit and Control pursuant to Section 195 of the Town Law.

Motion carried: Aye 4 (Roose, Judd, Ciufo, Acker)
Nay 0
Excused 1 (Brown)

GENESEE LAND TRUST SEQR – BURRITT ROAD/PARMA CENTER

RESOLUTION NO. 227-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufu;

WHEREAS, the Town Board of the Town of Parma is considering the purchase the Development Rights, as hereinafter defined, in all that certain plot, piece or parcel of land, situate, lying and being on Burritt Road and Parma Center Road in the Town of Hilton, County of Monroe and State of New York, consisting of approximately 219 acres, and further identified as tax map parcel numbers #043.01-2-17.1, #043.01-2-5, #043.02- 1-19.001, and #032.04-3-2.3; and

WHEREAS, the purchase of Development Rights is subject to SEQR review; and

WHEREAS, the Town has caused to be prepared a short form environmental assessment relating to the purchase of the development rights, in all that certain plot, piece or parcel of land, situate, lying and being on Burritt Road and Parma Center Road in the Town of Parma, County of Monroe and State of New York, consisting of approximately 219 acres, and further identified as tax map parcel numbers #043.01-2-17.1, #043.01-2-5, #043.02-1-19.00 1, and #032.04-3-2.3; and

WHEREAS, that a review of such short form environmental assessment, it appears that the proposed activity is an unlisted action and will not have any significant environmental impact upon the environment; and

NOW, THEREFORE, be it resolved, by the Town Board of the Town of Parma, Monroe County, New York, as follows;

SECTION I: That by the adoption of this resolution the Town Board of the Town of Parma does declare itself to be lead agency, being the only involved agency with respect to such purchase of development rights.

SECTION II: That the Town Board of the Town of Parma finds and determines that the administrative action purchasing development rights is a Type 2 Action under SEQR and as such has no significant adverse environmental impact whatsoever.

SECTION III: That this resolution shall be considered a negative declaration of environmental significance with respect to such rezoning activity and the Town Board may proceed upon such application without further regard to SEQR.

Motion carried: Aye 4 (Roose, Judd, Ciufu, Acker)
Nay 0
Excused 1 (Brown)

GENESEE LAND TRUST SEQR – BUTCHER ROAD/PARMA CENTER

RESOLUTION No. 228-2023 Motion by Councilperson Judd, seconded by Councilperson Acker,

WHEREAS, the Town Board of the Town of Parma is considering the purchase the Development Rights, as hereinafter defined, in all that certain plot, piece or parcel of land, situate, lying and being on Butcher Road and Parma Center Road in the Town of Hilton, County of Monroe and State of New York, consisting of approximately 101 acres, and further identified as tax map parcel numbers 043.02-11 and 043.02-12; and

WHEREAS, the purchase of Development Rights is subject to SEQR review; and

WHEREAS, the Town has caused to be prepared a short form environmental assessment relating to the purchase of the development rights, in all that certain plot, piece or parcel of land, situate, lying and being on Butcher Road and Parma Center Road in the Town of Parma, County of Monroe and State of New York, consisting of approximately 101 acres, and further identified as tax map parcel numbers 043.02-11 and 043.02-12 and

WHEREAS, that a review of such short form environmental assessment, it appears that the proposed activity is an unlisted action and will not have any significant environmental impact upon the environment; and

WHEREAS, the Town Board has conducted a public hearing on the purchase of these development rights and has requested at such public hearing all input from interested citizens concerning the environmental impact, if any, of such proposed local laws and has received no negative response from the public.

NOW, THEREFORE, be it resolved, by the Town Board of the Town of Parma, Momoe County, New York, as follows;

SECTION I: That by the adoption of this resolution the Town Board of the Town of Parma does declare itself to be lead agency, being the only involved agency with respect to such purchase of development rights.

SECTION II: That the Town Board of the Town of Parma finds and determines that the administrative action purchasing development rights is a Type 2 Action under SEQR and as such has no significant adverse environmental impact whatsoever.

SECTION III: That this resolution shall be considered a negative declaration of environmental significance with respect to such rezoning activity and the Town Board may proceed upon such application without further regard to SEQR.

Motion carried: Aye 4 (Roose, Judd, Ciufo, Acker)
Nay 0
Excused 1 (Brown)

GENESEE LAND TRUST PURCHASE AGREEMENTS

RESOLUTION APPROVING “PURCHASE AGREEMENT” BY MARILYN DEMEYER FOR LANDS COMPRISING APPROXIMATELY 101 ACRES AT OR ABOUT PARMA CENTER ROAD AND BUTCHER ROAD

There was discussion about the Agreement. Councilperson Acker has concerns about the process using Genesee Land Grants for this purpose and feels the Town can manage land uses through the Master Plan and asked what the Town gains by approving this. Doing this means the land will not be able to be developed ever in the future, even if at some point that is what residents want. Councilperson Judd said the concern is that without this protection developers can buy up the land to build on it, with this protection, farmers can continue to farm the land and if they are going to sell the property it is affordable to farmers so it will continue to be farmed. Councilperson Acker agrees with the concept but feels the Town can manage this without the Genesee Land Trust. It was clarified that the property does not need to be actively farmed; but needs to be used for Agricultural activities only, keeping Parma rural.

Amanda Greise, representative for the Genesee Land Trust said that this project started in December 2019 and the Town entered into a Memorandum of Understanding to work with the Genesee Land Trust on this and other projects. This Land Trust ensures there are parcels to farm for future generations in each town. This parcel has very viable soil which allows funding from NYS. There was discussion about how potential properties are chosen and not all properties that apply are picked as they have to meet certain criteria.

Marilyn DeMeyer spoke about the benefits of the Land Trust and how it helps farmers. Combining these two properties allows them to save more of the land and keeps it from being sold and developed. There are two other parcels that benefitted from the Genesee Land Trust Grants (Zarpentine Farms and Martin Farms).

RESOLUTION No. 229-2023 Motion by Councilperson Ciufu, seconded by Councilperson Judd,

WHEREAS, Marilyn DeMeyer (“Grantor”) have offered to grant Conservation Easements (the “Conservation Easements”) to the Town of Parma (the “Town”) and the Genesee Land Trust, Inc. (the “Land Trust”) on their lands (the “Land”), consisting of approximately 101 total acres, lying and being on Butcher Road and Parma Center Road in the Town of Parma, in return for payment of \$476,00.00 (the “Purchase Price”) to be paid fully out of NYS grant proceeds as described herein, in order to preserve the use of the Lands for agricultural purposes; and

WHEREAS, a proposed Purchase and Sale Agreement (the “Agreement”), by which the Town and the Land Trust would acquire Conservation Easements in return for the Purchase Price, and the Land Trust would monitor the Conservation Easements, has been presented to the Town Board; and

WHEREAS, in order to pay the Purchase Price and other expenses associated with this transaction, the Town and the Land Trust have obtained a commitment in the form of the New York State Department of Agriculture and Market Farm Protection Implementation Grant, being

State Contract Number C00726GG (hereafter the “Grant”), and the Purchase Price will be paid in full via the proceeds of said Grant; and

WHEREAS, the project is a Type II pursuant to the State Environmental Quality Review Act and is thus not subject to review thereunder.

NOW THEREFORE IT IS RESOLVED that the Agreement, and the associated proposed Conservation Easements, are hereby approved, and the Supervisor is authorized to execute the same, so long as they are in a form acceptable to the Attorney for the Town, and the Town Board accepts the Grant on behalf of the Town, and authorizes execution of such other documentation as may be necessary to acquire the Conservation Easements in the Land.

Motion carried: Aye 3 (Roose, Judd, Ciufo)
Nay 1 (Acker)
Excused 1 (Brown)

PUBLIC HEARING
INTRODUCTORY LOCAL LAW #3-2023

Supervisor Roose read the following Legal Notice and stated the legal notice was published in the Suburban News, placed on the website and the Town Bulletin Board.

LEGAL NOTICE
PUBLIC HEARING
LOCAL LAW #3- 2023
TOWN OF PARMA

TAKE NOTICE, that the Town Board of the Town of PARMA will hold a public hearing at the Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York on September 5, 2023, at 7:00 p.m., on Introductory Local Law No. 3 of the Year 2023, entitled A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN LAND DEVELOPMENT APPLICATIONS THAT ARE PENDING OR MAY SUBSEQUENTLY BE FILED WITH THE TOWN OF PARMA.

The text of this proposed local law is on file in the Office of the Town Clerk and may be inspected during normal business hours.

All interested parties will be given the opportunity to be heard. Dated: August 16, 2023

By order of the Parma Town Board
Carrie Fracassi
Town Clerk

Supervisor Roose opened the Public Hearing at 7:20 p.m.

Joe Indovina, Hilton Parma Corners Road, provided a letter to the Board discussing his reasons for the Town Board to approve the Moratorium. He feels it is important to have the moratorium in place while the Town updates the Comprehensive Plan, the specific issue for him and his neighbors is the property that Dollar General intends to develop. He feels that this location is not good for a Dollar General and goes against the spirit of Parma. The feeling is it will be too close to residential properties. He has concerns about the lack of maintenance (inside and out) at several other Dollar General’s in the area. Mr. Indovina stated that traffic is already very heavy at that corner, and this would make it difficult, especially if someone were to be making a left-hand

turn. He stated while he is not against Dollar General; this is not the proper place for it. He said he spoke to NYS who is saying the Town can change the zoning of a parcel with a simple vote of the Town Board. He provided letters from neighbors that are in favor of making that change to that parcel.

Ann Williams, Sunny Slope Drive, said she does not support the Local Law. The property is zoned correctly for this type of business. Residents in the Town want to be able to do whatever they want on their property but then want to stop this because they do not want it. The plans for this location are very nice and not the typical Dollar General, as long as they follow the rules of Building and Zoning. She has seen it said on social media that people who shop at Dollar General are being called “trash” and “criminals” and she is not either of those, she works every day and has a family. These are all of their neighbors who will be shopping there. She shops at Dollar General because it stretches her dollar. The residents of the Town and Village should have access to these types of stores. Ms. Williams does not think shutting all commercial development down is good for the Town. She said commercial properties are assessed higher and reduce the tax levy on residents. By not allowing commercial business in the Town residents have to pay the levy.

Aaron Camp, Hilton Parma Corners Road, said people are already coming into the Town from the City to commit crime and felt this store would attract more of that. He doesn't think his life should be affected by the Dollar General being across the street. He stated he would gladly pay the extra taxes before having this across the street.

Dick Yolevich, Hilton Parma Corners Road, feels the Dollar General will have a negative impact on house values in the area.

Shirley Sage said she does not agree with Dollar General coming into the Town and said it makes no sense. She has concerns about traffic in the area.

Tom Furtner said he feels this store will increase the crime rate in the area; crime is already an issue in the Town of Parma from people who live in the Town.

Andrew Fetzner, Hilton Parma Corners Road, has concerns with traffic and accidents and said it will be hard for people making a left without a turning lane causing backups.

Randy Montz, Hilton Parma Corners Road, wanted to remind the Board about past information she shared about OSHA fines.

Jerry Goldman, Attorney for the applicant of Dollar General, stated he sent a letter to the Town Board ahead of tonight's meeting for their review. He said he appreciates the comments from the public and while Mr. Indovina stated he is not against Dollar General; it is pretty apparent the rest of the people in attendance are and that is the reason they are here. Mr. Goldman stated that a Moratorium should not be used to stop Dollar General from coming to the Town. He stated the Courts have ruled that to put in place a moratorium there must be a valid public purpose, and the Court does not agree that a valid public purpose is because the neighbors do not want it. Those

would include a general crisis or emergency for ex. a sewer plant or septic system cannot handle the development, a hole in the Comprehensive Plan which does not address something for ex. a Solar Plant. He further stated that this property has been zoned General Commercial for a very long time, it could have been zoned anything else, but it was zoned General Commercial. A lot of the concerns being raised here would be handled by the Planning Board. He stated the Parma Planning Board is very good at their job and protecting the Town. He felt this action is all about Dollar General and would not be an issue if it was anything else and that a moratorium of up to 18 months is unreasonable.

Joe Indovina said he felt there are options, and the Town could make a change to the zoning. Attorney Goldman said that part of the law can only be used if the applicant was making a request to change the zoning. Attorney Werner said Section 265 of NY Town Law would not apply in this situation.

Maureen Werner, Esq., said while all these residents are against Dollar General, the Town is looking at the Moratorium while they review and complete the updated Master Plan. The committee has met several times and they would like the Masterplan in place before allowing further commercial development throughout the Town.

The Public Hearing was closed at 8:56 p.m.

Councilperson Ciufu asked if there were other pending applications this would affect and how long can the moratorium last. He agrees with halting development while the Town goes through the Master Plan process. Supervisor Roose said there is at least one more application at Planning Board that would be affected by this, and the moratorium period will be for 6 months and can be renewed two more times for up to six month each time. Maureen Werner noted the Master Plan Committee could decide to keep that area Commercial, this does not mean that area will be changed.

Jack Barton noted that the last time the Town did a Masterplan update was in 1989 and the Zoning for that update was not completed and in place until 1998. Supervisor Roose felt it would be a much shorter timeframe than that, he stated the Masterplan should be ready in about 6 months, when this would expire.

Attorney Goldman said the Board could opt to allow current applications to go through Planning Board and not accept new applications if they wanted to get these last couple requests through as to not hold up the projects but clarified that this Local Law will shut down all Commercial development for up to 18 months.

Attorneys Goldman and Werner were not in agreement with whether the Board could vote on this tonight as it has not gone to Monroe County Planning and Review. Attorney Werner felt the Board could proceed and Attorney Goldman feels the Board cannot proceed tonight without feedback from MC Planning and Review.

INTRODUCTORY LOCAL LAW #3-2023
A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON
CERTAIN LAND DEVELOPMENT APPLICATIONS THAT ARE
PENDING OR MAY SUBSEQUENTLY BE FILED WITH THE TOWN
OF PARMA.

RESOLUTION No. 230-2023 Motion by Councilperson Judd, seconded by Supervisor
Roose,

WHEREAS, the Town Board of the Town of Parma did heretofore publish Legal Notice to consider the enactment of Introductory Local Law #3-2023 amending Chapter 165 of the Code of the Town of PARMA entitled "Zoning Ordinance of the Town of Parma"; and

WHEREAS, pursuant to Legal Notice duly published, the Town Board of the Town of Parma did hold and conduct a Public Hearing to consider such Introductory Local Law, which public hearing was held and conducted at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York on the 5th day of September 2023 at 7:00 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, after due consideration, the Town Board is desirous of enacting such Local Law;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Parma, Monroe County, New York, as follows:

Section 1. Title of Local Law.

This local law shall be entitled "A Local Law to Establish a Temporary Moratorium on Certain Land Development Applications that are Pending or May be Subsequently Filed with the Town of PARMA."

Section 2. Authorization.

This local law establishes a temporary moratorium on certain land development applications that are pending or may be subsequently filed with the Town of PARMA (this local law shall be referred to herein as the "Moratorium"). This local law is enacted pursuant to Article IX of the NYS Constitution, the authorizations established in the NYS Municipal Home Rule Law, the relevant provisions of the NYS Town Law, and the general police powers vested with the Town of Parma (the "Town") to promote the health, safety, and welfare of all of the residents and property owners in the Town.

Section 3. Purpose.

The Moratorium is intended to ensure that no Development Applications (as defined below) are considered or acted upon in the Moratorium Area (as defined below) until the Town of Parma Town Board (the "Town Board"): (1) prepares and considers revisions to its Zoning Law, Land Subdivision Code, or other pertinent sections of the Town Code, to implement recommendations in the Comprehensive Plan which is currently under revision

and related planning and environmental studies; and (2) completes the process of adoption of an amendment to the Town of Parma Zoning Law.

The Town has recently seen an interest in commercial development in the Town that will conflict with the Town Comprehensive Plan, currently being revised (the "Comprehensive Plan"). Further, the Town Board recognizes that individual parcels of land or contiguous parcels of land under the same ownership, specifically in the Town, could potentially be the subject of commercial development, small and large scale, that will be inconsistent with the goals and objectives of the Town Comprehensive Plan.

The Moratorium is intended to provide a temporary zoning stop-gap that will halt proposed and future Development Applications (defined below) in the Moratorium Area (defined below) while the Town considers updates to its Zoning Law, Land Subdivision Regulations, or other pertinent sections of the Town Code to implement recommendations in the new Comprehensive Plan and related planning studies, and completes the process of formally adopting any amendments which arise from that process.

The following specific justifications support this Moratorium:

1. **Development Pressure:** The Town has experienced growing development pressure in the Moratorium Area (defined below). New commercial projects have been proposed and/or contemplated in the Moratorium Area. If pending or future development continues to proceed or be proposed, it may result in development contrary to the revisions being made to the Comprehensive Plan. Without the proposed Moratorium, the Town risks adverse impacts on the public health, safety, and welfare of the community.
2. **Comprehensive Plan:** The Town's Comprehensive Plan is currently being revised. The current Comprehensive Plan, dated 1989, specifically states that "The Village of Hilton serves as the primary commercial area for the Town" and that "the study and analysis of existing land use within a community is a fundamental element of a comprehensive planning program. Through an understanding of the way development has taken place in the past, future land use can be properly determined. An identification of land use relationship and conflicts assist in problem solving, such as evaluating the Town development regulations, and in the promotion of appropriate development."

By adopting the Moratorium, the Town Board will assess the potential for development in the Town to ensure that the Zoning Law and Subdivision Regulations applicable to those tracts of land are in furtherance of, but not limited to, following the current Comprehensive Plan and the revised Comprehensive Plan principles:

Goal 1: ENHANCE OUR QUALITY OF LIFE & SENSE OF PLACE

Objectives:

- A. Preserve and highlight the Town's heritage by encouraging new and

- mixed-use developments to reflect the Town's historic character.
- B. Enhance the appeal and vibrancy of the Town areas through the development of commercial development and associated development which reflect the rural character of the community, discourage strip commercial development along major roads and in rural or agricultural areas and recognize diverse and sometimes incompatible types of commercial development including office and non-retail, general commercial and highway commercial; develop appropriate locations and regulations for these uses.
 - C. Ensure our provision of public services continues to meet the demands of current and future residents and business owners.
 - D. Explore opportunities for community interaction, recreational uses, and parkland.
 - E. Maintain and enhance access to community traditions, services, and programming to meet the needs of our residents and foster a sense of togetherness.

Relevant Action Items:

- 1. Commercial development and associated development standards should reflect the rural character of the Community.
- 2. Minimize potential traffic hazards through the use of appropriate site design techniques.
- 3. Discourage strip commercial development along major roads and in rural or agricultural areas.
- 4. Recognize diverse and sometimes incompatible types of commercial development including office and non-retail, general commercial and highway commercial; develop appropriate locations and regulations for these uses.
- 5. The Village of Hilton should continue to be the major commercial center of the area.
- 6. Discourage commercial development on small lots with small frontages in recognition of the need to separate individual access points and provide adequate areas for on-site sewage disposal systems.
- 7. New neighborhood commercial areas, also limited in size and buffered from adjacent residential areas, will not be encouraged unless the existing or prospective character of nearby development warrants such consideration.
- 8. Evaluate the areas currently zoned commercial for compatibility with the desired future land use pattern.

See Comprehensive Plan, at 26-27.

Goal 2: SUPPORT SUSTAINABLE GROWTH & DEVELOPMENT

Objectives:

- A. Embrace low-impact development techniques to manage stormwater runoff and protect water quality in the Town.

- B. Focus development at existing neighborhood commercial areas at Parma Center and at Bartlett Corners.
- C. Leverage existing public utilities and services to direct future growth patterns.
- D. Encourage the appropriate mixing of residential, civic, and commercial uses throughout the Town to support them as centers of civic, economic, and cultural growth.
- E. Diversify the Town's housing options in order to retain existing residents, particularly seniors who desire to age in place, while attracting new residents and younger generations

Relevant Action Items:

1. Discourage strip commercial development along major roads and in rural or agricultural areas.
2. Evaluate the areas currently zoned commercial for compatibility with the desired future land use pattern.
3. Establish commercial zoning districts which do not, under normal circumstances, allow residential development in order to avoid future land use conflicts and residential property devaluation, as well as precluding quality commercial development.
4. Promote the location of “clean,” non-nuisance industries in Parma which would complement the character of the community.
5. Areas proposed for industrial development should be located so as to avoid truck traffic within residential areas.
6. Evaluate land areas currently zoned for industrial use and make amendments to reflect industrial growth prospects and appropriate locations.
7. Permitted uses within industrial zoning districts should be limited to compatible industrial uses; residential uses should not be allowed in industrial districts and commercial uses should be limited.

See Comprehensive Plan, at 26-29.

3. Update Zoning Law: The current version of the Town's Zoning Law was adopted on 3/17/1998, and has been amended several times since then, but no significant amendments have been made since the adoption of the 1989 Comprehensive Plan. It is recommended that municipalities periodically review and update, if necessary, their zoning laws to ensure that they are supportive of changing community goals and objectives. The Moratorium will allow the Town time to consider updates to its existing Zoning Law.

For the reasons noted above, the Town Board has determined that this temporary Moratorium is necessary to temporarily halt proposed or future development while the Town considers, and potentially adopts, updates to its Zoning Law, Subdivision Regulations, and other land use laws to ensure that: (1) the Town Zoning Law is in

harmony with the goals and objectives of the Comprehensive Plan, as is required by New York State law; (2) the public health, safety and welfare will be protected to maximum extent possible; and (3) the environment, natural resources, and community character of the Town of Parma are protected and preserved.

Section 4. Definitions.

Unless specified in this local law, terms used herein shall have the same meaning as defined in the Town of Parma, Town Code Chapter 65, Article III, §165-15 and §165-17, "Word Usage" & "Definitions." and in the Town of Parma Development Regulations at §1.1.1 "Definitions". All other terms used herein but not defined in those laws shall be construed to have their common meaning.

Section 5. Affected Properties.

This local law shall be applicable only to the real property in the Town of PARMA located in the proposed zoning districts known as "**Restricted Business, Neighborhood Commercial, General Commercial, Highway Commercial and Light Industrial**", all as shown on the Town of Parma Zoning Map last dated June of 2009, a copy of which is on file with the Town Clerk (the "Moratorium Area").

Section 6. Duration.

The provisions of this local law and Moratorium shall be in effect for a period of six (6) months from the effective date noted below unless earlier repealed, modified, extended, or supplemented by a further local law of the Town of Parma.

This Moratorium may be extended by two (2) additional periods of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

Section 7. Moratorium Scope.

Except as noted below in Section 8, no board, commission, agency, department, officer, employee, consultant, or agent of the Town of Parma shall accept for review, continue to review, hold a hearing or meeting, or make any decision upon any application and/or appeal for a site plan, special permit, area variance, use variance, subdivision, applicant/property owner zoning amendment petition, demolition permit, grading permit, stormwater permit, or building permit (hereinafter referred to "Development Applications") during the time period for which this Moratorium is in effect, whether or not such Development Applications were submitted prior to or after the effective date of this Moratorium.

As discussed in Section 10 below, the New York State statutory and locally enacted time periods for processing and making decisions on all such Development Applications are suspended and stayed while this Moratorium is in effect pursuant to the powers granted to the Town by the New York State Municipal Home Rule Law.

Section 8. Exemptions.

This local law and Moratorium shall not apply to the following situations:

1. Development Applications related to the construction of a single-family dwelling or two-family dwelling house on a parcel in existence at the time that this Moratorium is effective.
2. Agriculture/Farm use as principal use of land but which does not include the sale of products to the public at the property.
3. Residential Accessory uses that are customarily incidental to any Residential principal use permitted by right, and which are themselves permitted by right in the underlying Zoning Districts.
4. An existing valid building permit and substantial construction already completed as of the effective date of this moratorium in reliance upon such valid permit.
5. Development Applications related only to the ordinary repairs, maintenance, and/or interior renovations and rehabilitation of an existing structure.
6. The issuance of a certificate of occupancy in connection with the completion of a structure to which this moratorium would apply, but for which a valid building permit has been issued, and for which substantial construction has already been completed in reliance upon such valid permit as of the effective date of this moratorium.

Section 9. Appeal Procedure.

The Town Board shall have the authority to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary and/or unique hardship affecting a lot. In reviewing such a request, the Town Board may consider:

- I. Whether the variance or waiver will adversely affect the purpose of the Moratorium, the health, safety, or welfare of the Town or will substantially undermine the land-use planning and potential revision process under review.
2. The Town Board may take into account the existing land use in the immediate vicinity of the property, whether the lot is vacant or developed, the impact of the variance or waiver on infrastructure, neighborhood and community character, community planning goals and objectives, natural resources, government services, and other environmental issues.
3. A proposed project must comply with all other applicable provisions of the Town's local laws and Town Code.
4. Whether the Moratorium would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.

Any application for a variance or waiver shall be filed with the Town of Parma Town Clerk and shall include a fee of **five hundred (\$500) dollars** for the processing of such application.

An application for a variance or waiver shall contain the complete details of the proposed project. To the extent that the Town Board requires a consultant to assist it in reviewing such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected at the sole discretion of the Town Board.

In the sole discretion of the Town Board, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board for a recommendation. The Town Board shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Town Board shall render a decision on an application for a variance or waiver of the Moratorium within sixty (60) calendar days of the Town Clerk's receipt of a complete application.

The Town Board shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of the Moratorium. In the event that the Town Board determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Town Board's decision.

Section 10. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any law, ordinance, rule or regulation or parts thereof, including all deadlines for making decisions, interpretations or determinations, is in conflict with the provisions of this local law, including, but not limited to, all provisions of the Town Code, all provisions of Article 16 of the New York State Town Law concerning special use permits, site plans, and subdivisions, including, but not limited to section 276(8) ("default approvals"), as well as building permit and certificate of occupancy procedure and requirements, this Local Law shall control, and such other laws are hereby superseded.

Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes and/or varies the provisions contained in Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency adhere to certain specified timeframes.

Section 11. New York State Environmental Quality Review Act.

This local law constitutes a Type II Action under the State Environmental Quality Review Act because it constitutes the adoption of a moratorium on land development or construction. As such this "action" is not subject to review under the New York State

Environmental Quality Review Act.

Section 12. Severability.

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 13. Effective Date.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Motion carried: Aye 3 (Roose, Judd, Acker)
Nay 0
Abstain 1 (Ciufu)
Excused 1 (Brown)

RESOLUTION APPROVING “PURCHASE AGREEMENT” BY JOHN ADAMS AND MARGARET ADAMS FOR LANDS COMPRISING APPROXIMATELY 219 ACRES AT OR ABOUT PARMA CENTER ROAD AND BURRITT ROAD

RESOLUTION No. 231-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufu,

WHEREAS, John Adams and Margaret Adams (“Grantor”) have offered to grant Conservation Easements (the “Conservation Easements”) to the Town of Parma (the “Town”) and the Genesee Land Trust, Inc. (the “Land Trust”) on their lands (the “Land”), consisting of approximately 219 total acres, lying and being on Burritt Road and Parma Center Road in the Town of Parma, in return for payment of \$637,500.00 (the “Purchase Price”) to be paid fully out of NYS grant proceeds as described herein, in order to preserve the use of the Lands for agricultural purposes; and

WHEREAS, a proposed Purchase and Sale Agreement (the “Agreement”), by which the Town and the Land Trust would acquire Conservation Easements in return for the Purchase Price, and the Land Trust would monitor the Conservation Easements, has been presented to the Town Board; and

WHEREAS, in order to pay the Purchase Price and other expenses associated with this transaction, the Town and the Land Trust have obtained a commitment in the form of the New York State Department of Agriculture and Market Farm Protection Implementation Grant, being State Contract Number C00726GG (hereafter the “Grant”), and the Purchase Price will be paid in full via the proceeds of said Grant; and

WHEREAS, the project is a Type II pursuant to the State Environmental Quality Review Act and is thus not subject to review thereunder.

NOW THEREFORE IT IS RESOLVED that the Agreement, and the associated proposed Conservation Easements, are hereby approved, and the Supervisor is authorized to execute the same, so long as they are in a form acceptable to the Attorney for the Town, and the Town Board accepts the Grant on behalf of the Town, and authorizes execution of such other documentation as may be necessary to acquire the Conservation Easements in the Land.

Motion carried: Aye 3 (Roose, Judd, Ciufio)
Nay 1 (Acker)
Excused 1 (Brown)

Councilperson Acker noted for the record that when doing the Masterplan, the Town consider Management of Land Use for these parcels.

COURT ATTENDANT APPOINTMENT

RESOLUTION No. 232-2023 Motion by Councilperson Ciufio, seconded by Councilperson Acker, to appoint William Connell as a Court Attendant effective October 1, 2023, at the rate set out by the Parma Town Board.

Motion carried: Aye 4 (Roose, Judd, Ciufo, Acker)
Nay 0
Excused 1 (Brown)

RECREATION DRIVER HIRE

RESOLUTION No. 233-2023 Motion by Councilperson Acker, seconded by Councilperson Judd, to hire Jennifer Tollis to the position of part-time Recreation Senior Transport Vehicle Driver at a rate of \$16.25/hour with a start date of September 5, 2023. Background Check and Drug Screening have been completed.

Motion carried: Aye 4 (Roose, Judd, Ciufo, Acker)
Nay 0
Excused 1 (Brown)

BEFORE AND AFTER SCHOOL STAFF RATES

RESOLUTION No. 234-2023 Motion by Councilperson Ciufio, seconded by Councilperson Judd, to approve the Before and After School Staff rates for three returning/current part-time recreation staff effective September 6, 2023.

<u>First Name</u>	<u>POSITION</u>	<u>START/EFFECTIVE DATE</u>	<u>2023 RATE</u>
Haley Jock	Rec. Assistant - Before and After School Staf	6-Sep-23	15.25
Amanda Mousaw	Rec. Assistant - UPK Program Team Member	6-Sep-23	15.75
Kerri Tobey	Rec. Assistant - UPK Program SR Team Membr	6-Sep-23	17.00

Motion carried: Aye 4 (Roose, Judd, Ciufo, Acker)
Nay 0
Excused 1 (Brown)

LIAISON REPORTS

**Councilperson Acker had no report.

**Councilperson Brown had no report.

**Councilperson Judd had no report.

**Councilperson Ciufu reported all applications were approved and one tabled at the last Zoning Board meeting.

There was no further business before the Town Board, Councilperson Acker made a motion to adjourn the meeting at 8:45 p.m., seconded by Councilperson Ciufu and all were in favor.

Respectfully submitted,



Carrie Fracassi
Parma Town Clerk