

TOWN OF FARMINGTON PLANNING BOARD

April 21, 2010

APPROVED MINUTES

The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington’s Planning Board Meeting. .

MEMBERS:

- David Degear, Chair
- Ron Herendeen
- Scott Makin
- Mary Neale
- Excused: Meg Godly

Also present: Town of Farmington Director of Development and Planning, Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; David Matthews, Shelley Associates
 Excused: Town of Farmington Engineer, Lance Brabant, MRB Group, P.C.

Note: The Clerk omitted to bring the tape recorder so the first part of the meeting was recorded from her notes.

OPEN MEETING:

The meeting was called to order at 7:07 p.m. After everyone recited the Pledge of Allegiance, Chairman Degear made the introductions of Planning Board members and staff. He explained the emergency evacuation procedures to those present and said that copies of the evening’s agenda and legal notices are available on a table by the door. Mr. Degear also asked that all present set their cell phones on vibrate.

APPROVAL OF THE MINUTES OF THE APRIL 7, 2010 MEETING:

Mr. Makin moved to approve the Minutes of the April 7th meeting. Mr. Herendeen seconded the motion. In a voice vote, the four Board members present carried the motion with a unanimous aye vote.

LEGAL NOTICES: none required

SITE PLANS:

Since there was no one present to speak for Thomas Lay’s application (PB 0304-10), the Board members agreed to hear the next application on the agenda first.

PB 0302-10, FINAL SITE PLAN APPLICATION

**NAME: JAMES HOLLINGSWORTH, 2355 LAKE RD, ONTARIO, NY
14510**

LOCATION: 6089 LOOMIS RD

ZONING DISTRICT: GI

REQUEST: Site Plan approval to utilize the existing structure to be used as a contractor’s storage facility.

David Matthews from Shelley Associates appeared for this application. He said that, since preliminary approval was granted, they have made changes to the plans at the request of Board members and staff. There is a new landscaping plan displaying colors for all four seasons. The outdoor storage area behind the main building will be screened by trees. The construction sequence is also included on the plans as

well as a note about the easement. The roof leaders are now shown as leading the water away from the building.

The applicant concluded by saying that all issues raised in the April 1st letter from MRB, the Town Engineers, have been addressed.

Chairman Degear requested staff comments.

The Code Enforcement Officer (CEO), Mr. Kofahl, said he is satisfied.

The Director of Planning and Development, Mr. Brand agreed, adding that some final details such as a note on the plans for the date of installation of the landscaping and who will maintain it can be conditions for approval. Mr. Matthews agreed that the landscaping can be completed by October 15, 2010 and will probably be installed much sooner.

Mr. Brand inquired about the liber and page for the easement and was told that it will be coming soon.

Chairman Degear asked if there were any Board comments. The Board members agreed that they were ready to act on the application.

At this point in the meeting, 7:16 p.m., the tape recorder arrived.

At the Chairman's request, Clerk O'Malley read aloud a draft final site plan resolution with the following conditions:

1. *The Planning Board requires that all landscaping shown on the Final Site Plan is to be installed by the applicant on or before October 15, 2010. A note to this effect is to be added to the Final Site Plan prior to signing by the Planning Board Chairperson. The note is to identify that it pertains to species listed in the Landscaping Key. The note is also to identify that said plantings are to be maintained by the owner during the use of this site.*
2. *The Planning Board requires that prior to the issuance of any Certificate of Occupancy for this site that the Liber and Page of the proposed access easement from the parcel of land adjacent to the west of this site shall be recorded and shown on the Final Site Plan. The Easement Note provided upon the Final Site Plan drawings must be completed prior to signing by the Planning Board Chairperson.*
3. *The Final Site Plan Approval is valid for a period of one (1) year from today. Once all conditions of Final Site Plan Approval have been met and shown on a revised Final Site Plan the Planning Board Chairperson is directed to sign the Final Site Plan Map and place it in the property file in the Town Development Office. In addition, the applicant is to provide the Town with a total of five (5) paper prints for signatures.*
4. *No Building Permit or Certificate of Occupancy may be issued until a signed Final Site Plan has been filed in the Town Development Office.*

The applicant said he understood and agreed to the conditions. Mr. Makin moved to approve the final site plan with the conditions and Mr. Herendeen seconded his motion. The following roll call vote was taken and recorded:

Meg Godly—excused
Ron Herendeen—aye
Scott Makin—aye
Mary Neale—aye
David Degear—aye

The motion with the conditions was carried by a vote of four ayes.

PB 0304-10, PRELIMINARY SITE PLAN APPLICATION

NAME: T. LAY PROPERTIES, 1307 CO RD 8, FARMINGTON, NY 14425

LOCATION: SAME AS ABOVE

ZONING DISTRICT: GB

**REQUEST: Site plan approval for a 96 x 56 building for auto/truck repair and towing services
(CONTINUED)**

Since the applicants had not arrived, the Board agreed to proceed with their discussion of this application and continue it to a future meeting.

Mr. Kofahl said that he has spoken with the applicant and his architect. The parking spaces are shown on a new map, there is a design for a privacy fence and there is no change in the sign details. MRB will receive a copy of the stormwater management facilities tomorrow for their review. There will be down lit lights by the doors as required by the State. The CEO also explained that the County Planning Board (CPB) asked for inside storage for unlicensed vehicles but it is possible that they did not understand that this is a replacement for an existing facility.

Mr. Kofahl went on to say that construction has taken longer than expected so the applicant is only providing towing services at present. He was surprised because no one came tonight to speak for this application.

Ms. Neale, a member of the County Planning Board, said that they were concerned about parking on this site located along Route 96. The CPB also wanted landscaping and shielding for the storage area.

Mr. Brand explained that the County was reviewing the original plan and never saw the current version. Since they recommended modification of the plans, the Board will need to override the County when they choose to act on the application or abide by the conditions set forth in the County's referral.

The Chairman asked for Board comments.

Mr. Makin said he wants to see the MRB report and also ask questions of the applicant.

Mr. Herendeen agreed, saying he needs more information before acting.

Ms. Neale also wanted to see the MRB report.

Mr. Degear expressed concern about the County's comments because he is reluctant to override the County's recommendation. He added that he needs information from the applicant on landscaping and the construction sequence. He concluded by reminding the Board that there have been issues with previous applications from this applicant.

The Director of Development asked if the applicant plans to sell vehicles again. Will there be a display area for them? The CEO replied that there is an old approval for auto sales on file for this applicant. He will again sell the occasional vehicle. Chairman Degear commented that this area should be shown on the site plan. Mr. Brand added that the Board needs to know how many vehicles will be on sale at any one time—5, 20?

The Board members agreed to continue this application to the next Board meeting on May 5th. At the Chairman's request, the Clerk read aloud the following draft resolution:

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has continued the above referenced application for tonight's Planning Board Meeting; and

WHEREAS, the Planning Board has reviewed the revised Site Plan, dated 4-2-10 prepared by Raymond Phillips, Architect, identified as Farmington Service; and

WHEREAS, the Planning Board has received information at tonight's meeting that the Town's Engineering Firm, MRB Group, P.C., has not been sent a copy of the revised site plan; and

WHEREAS, the Planning Board has reviewed the Ontario County Planning Board Referral #34-2010 which recommends modification of the original Preliminary Site Plan; and

WHEREAS, the Planning Board has identified, at tonight's meeting, a number of items that are still missing from the submitted revised Preliminary Site Plan that must be added to the drawings, as well as the need for the Town Engineer's review comments in order for the Planning Board to proceed with making a decision upon this application; and

WHEREAS, the Planning Board has polled the members present at tonight's meeting to determine that there is not four of the five members willing to adopt a resolution to over ride the Ontario County Planning Board Referral Recommendation cited above herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table the application and to continue its' review upon said application at the May 5, 2010 Planning Board Meeting.

Ms. Neale moved to approve the resolution with Mr. Herendeen seconding. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion was carried by a vote of four ayes.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

Reply to Town Board on two draft local laws, (LC District & Official Zoning Map)

Chairman Degear asked Mr. Brand to speak about Ms. Godly's concerns regarding the Land Conservation District. The Director of Development referred the Board members to a copy of his response to her questions which they had received. No one had any further questions. The Chairman said he spoke with Ms. Godly today and she is satisfied. Ms. Neale said that the CPB would be very pleased with Mr. Brand's explanation. The Board members agreed that Mr. Degear should sign a memo (a hard copy of it will be attached to the official hard copy of these Minutes) expressing the Planning Board's support for the new Zoning map and the elimination of the Land Conservation District.

Mr. Brand then reported on the drafting of local laws regarding wind energy. The first one deals with it as an accessory use to a principal structure. This is regulated in most Zoning Districts. The energy so generated is for use by the occupants and not for sale to the grid.

The second draft local law deals with wind farms. This will involve rezoning and much documentation. There must be a record of the wind speed for the site over a one year period, no harm to the public, a buyer for the energy and site plan approval procedures. For this, the Director of Development said he did much research across New York State. The County Planning Department provided some of this information for him.

Mr. Brand explained that this work is a start for public discussion.

Mr. Makin said he attended a workshop on wind energy which discussed shadow flickering. What is this? Mr. Brand explained that it is the effect of the turning turbines on adjacent property which creates an annoyance.

Mr. Makin also expressed concern because wind energy usually relies on government subsidies to be profitable. Who will maintain it in the future if these end? Mr. Brand said that the Town is asking for an agreement between the utility and provider on this issue.

Later in the meeting, the Director of Development reported that Passero Associates asked about the deadline for the June meetings for Lot 2 of Saratoga Crossing. Another issue he discussed was an attempt by the State to pass a law changing the definition of "vested rights" to protect applicants from municipal regulations and allowing a six year timeframe for filing the subdivision plat. This would have major implications for the Planning Board. The Planning Federation and Association of Towns are very concerned.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl reported that someone is interested in the Sledgehammer's site for adult entertainment. When the would-be applicant was informed that many variances would be needed, the attorney started looking in the area near Crescent Moon which is zoned for this type of service.

The CEO also said that framing is in progress for the senior housing facility. The utilities will run underground from two poles along Route 332 and can feed future uses for the site. The Board will also soon consider a request for site plan modification for two monument signs.

At the May 5th Board meeting, Mr. Kofahl said, the final plat and preliminary site plan for the Quaker Meeting House will be discussed. This should meet their funding timelines. Mr. Brand reminded the Board that this application will require a coordinated review of the site plan since funding is coming from NYS Parks and Recreation. This can take several weeks to do.

The CEO concluded by saying that Saratoga Crossing has received a certificate of occupancy for the first building and some units have already been rented. He suggested that the Board members go and see it. The Town has received many phone calls praising the appearance. All units are adaptable for the handicapped under ADA regulations.

CHAIRMAN OF PLANNING BOARD REPORT:

Mr. Degear reported that the Beaver Creek subdivision's letter of credit has been approved by M&T Bank.

He also reminded the Board members about the training on May 14th. Four Board members will be attending. Clerk O'Malley added that the Canandaigua Town Board has requested several Planning and Zoning Board training sessions from Ontario County Planning Department. These will be open to other Towns. She will keep the Board members informed.

PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, May 5, 2010 at 7 p.m.

Mr. Makin made a motion to adjourn with Mr. Herendeen seconding it. In a voice vote, the four Board members present voted aye to adjourn at 7:52 p.m.

These minutes were taken and respectfully submitted by

Leslie C. O'Malley, Ph.D.
Clerk of the Board