

**TOWN OF FARMINGTON PLANNING BOARD**

**December 2, 2009**

**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
- Robert Kleman
- Scott Makin
- Excused: Meg Godly

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; Ron Scofero, One Stop Repair Shop; Michael Collins, 579 County Rd. 8

Excused: Town of Farmington Engineer Lance Brabant, MRB Group, P.C.

**OPEN MEETING:**

The meeting was called to order at 7:03 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 NOVEMBER 4<sup>TH</sup> AND NOVEMBER 18<sup>TH</sup> MEETINGS:**

Clerk O’Malley explained that the Board has been asked to amend the approved Minutes of the October 21<sup>st</sup> Board meeting in order to correct the Christopher Stahl application number to PB 1004-09. Mr. Herendeen moved to approve the change. Mr. Kleman seconded the motion. In a voice vote, all four Board members present voted aye.

Next, Mr. Makin made a motion to accept the Minutes of the November 4<sup>th</sup> meeting with Mr. Herendeen seconding the motion. In a voice vote, Mr. Herendeen, Mr. Kleman and Mr. Makin voted aye. Mr. Degear abstained because he was excused from that meeting.

Finally, Mr. Herendeen moved to approve the Minutes of the November 18<sup>th</sup> Special Meeting. Mr. Makin seconded the motion. In a voice vote, Mr. Herendeen, Mr. Kleman and Mr. Makin voted aye. Mr. Degear abstained because he was excused from that meeting.

**LEGAL NOTICES:**

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the November 25, 2009 Daily Messenger.

**PUBLIC HEARING:**

**PB 1201-09, SPECIAL USE PERMIT**

**NAME: ONE STOP REPAIR SHOP, 6070 COLLETT RD.**

**LOCATION: 6070 COLLETT RD.**

**ZONING DISTRICT: GENERAL INDUSTRIAL**

**REQUEST: Request a Special Use Permit to allow a motor vehicle repair station according to Article VI, Chapter 165-78 of the Town of Farmington Codes. The applicant wishes to operate a full service repair and NYS Inspection Station.**

Ron Scofero appeared for his application. He reported that all is going well with his business and there have been no changes since his last application. Copies of a letter from his landlord, K&P Associates, and the applicant are attached.

The Chairman asked for staff comments.

Mr. Kofahl said there are no complaints on file and the fire inspection raised no concerns.

Mr. Brand said that the usual Board practice is to have a two year renewal term for the first renewal and the applicant’s lease goes beyond that period.

Chairman Degear announced that this is a public hearing and asked if there is anyone present who wishes to speak for or against this application. No one replied. He then repeated his question and, again, no one replied. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Mr. Makin and seconded by Mr. Kleman. In a voice vote, all four Board members present voted aye to close the public hearing at 7:10 p.m.

Mr. Degear then asked for Board comments.

Mr. Kleman said he is glad to hear the business is doing well.

Mr. Herendeen pointed out that he drives by this business every day and it looks good.

Mr. Makin had no comments.

Chairman Degear agreed with Mr. Kleman that it is good to hear a local business is succeeding.

The Development Director said that this application requires a Type II Action SEQR. Mr. Makin moved to waive the reading of the SEQR with Mr. Herendeen seconding the motion. All four Board members voted aye in a voice vote. Next, Mr. Kleman made a motion to approve the SEQR and Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Ms. Godly—excused

Mr. Herendeen—aye

Mr. Kleman—aye

Mr. Makin—aye

Mr. Degear—aye

The resolution was adopted by a unanimous aye vote of the four Board members present.

At the Chairman’s request, the Clerk read aloud a draft Special Use Permit (SUP) Resolution with the following conditions:

1. *The application has been determined to be consistent with the provisions of Chapter 165, Section 78, of the Town Code.*
2. *The Special Use Permit: is issued for the operation of a motor vehicle repair station and a New York State Inspection Station from within the Principal Building; is valid for a period of two (2) years and must be renewed on or before December 2, 2011; and, shall be made null and void with any change in either use or site plan components.*
3. *The need for a Final Site Plan is hereby waived based upon the finding that the Special Use Permit is to be conducted entirely from within the existing Principal Building located on the site.*
4. *There shall be no additional building mounted or free-standing commercial speech signage permitted on the property.*
5. *There shall be provisions for off-street parking for any business visitors to the site.*
6. *There shall be no on-street parking for any business visitors to the site.*

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

Ms. Godly—excused

Mr. Herendeen—aye

Mr. Kleman—aye

Mr. Makin—aye

Mr. Degear—aye

The resolution with the conditions was approved by a unanimous aye vote of the four Board members present.

#### **SITE PLAN APPROVAL**

##### **PB 1203-09, FINAL TWO LOT SUBDIVISION APPLICATION**

**NAME: MICHAEL COLLINS, 579 COUNTY ROAD 8**

**LOCATION: 304 SHELDON RD.**

**ZONING DISTRICT: A-80**

**REQUEST: To re-subdivide Lot #8 of Whitetail Subdivision into two parcels, creating Lot 8A consisting of 10.051 acres with an existing dwelling and Lot 8B consisting of 5.203 acres to remain vacant.**

Michael Collins appeared for his application. He presented the Board members with the Final Plat.

Chairman Degear asked for staff comments.

Mr. Kofahl said that he has reviewed the submitted maps and everything complies with the Town Code.

Mr. Brand added that two additional paper prints are needed. The Board members presented their copies for the file.

There was no Board discussion.

The Chairman said, for the record, that there was no intention of further subdividing the Whitetail Subdivision when the Planning Board originally approved it. Although he will support this

application, he stressed that this is an exception to allow the applicant to have some recreational land.

At the Chairman's request, Clerk O'Malley read aloud a draft Final Plat Resolution with the following conditions:

1. *The title of the drawing is to read "Final Re-Subdivision Plat Lots #8 A and #8 B Whitetail Acres Subdivision."*
2. *The note on the Final Plat identifying that this map is required to be signed by the Planning Board Chairperson and filed with the Town Development Office as a pre-requisite to the Planning Board scheduling a public meeting on the Final Subdivision Plat is to be removed.*
3. *The note on the Final Plat Map that reads ... "Flood Plain Note Note:" is to be amended to read "Flood Plain Note:"*
4. *The note on the Final Plat Map that reads ... "Parkland is not a condition of Preliminary Plat Approval is to be removed. Instead there is to be a note added to the Final Plat Map that reads ... "A Park and Recreation Fee in an amount established by the Town Board is to be paid at the time, if ever, of the issuance of a Building Permit for development on Lot #8 B."*
5. *The Revision Box is to be amended to identify the above changes to the Final Plat Map.*
6. *The Final Plat Approval is valid for a period of 180 days from today. Once all conditions of Final Plat Approval have been met and shown on the Final Plat the Planning Board Chairperson will sign the Final Plat Map for the applicant to file in the Ontario County Clerk's Office.*
7. *Once the Planning Board Chairperson has signed the Final Plat Map, the applicant has 62 days to file said Mylar and two prints in the Ontario County Clerk's Office.*

The applicant said he understood and agreed to the conditions. Mr. Kleman asked what needs to happen should the applicant decide to develop the property. Mr. Brand and Mr. Degear assured him that Planning Board approval would be needed. This is noted on the drawing. Mr. Makin made a motion to approve the Final Plat with the conditions. Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Ms. Godly—excused

Mr. Herendeen—aye

Mr. Kleman—aye

Mr. Makin—aye

Mr. Degear—aye

The resolution was adopted by a unanimous aye vote of the four Board members present.

Chairman Degear thanked the staff for their hard work and patience during this challenging application process.

#### **OPEN DISCUSSION:**

#### **DIRECTOR OF DEVELOPMENT REPORT:**

##### **1. Architectural and Landscaping Guidelines:**

Mr. Brand reported that there was some concern expressed by a Town Board member because the Planning Board can amend these guidelines. However, it was decided that these are guidelines which are within the authority of the Planning Board and not Town Law.

##### **2. Local Law discussion:**

Mr. Brand said that some small changes have been made to the sections on home occupations and drop off clothing boxes. The Zoning Schedule has also been changed. Chairman Degear asked if the size of commercial vehicles that can be parked outside residences for a major home occupation has been clarified. The Director of Development said anything larger than a four-wheel truck must be parked in a garage. The Chairman asked if the Code Enforcement Officer will be able to enforce this regulation. Mr. Brand read aloud the relevant Section 9.F (5): “... vehicles larger than a four wheel truck and/or four wheel trailer, unless said vehicle is stored within a completely enclosed building during non-business hours.”

The Chairman then inquired about public donation bins. The Code Enforcement Officer (CEO) summarized the standards set for these including a permit, regulations to prevent items from being left outside the bin and enforcement.

Mr. Makin expressed concern about commercial speech signage allowed for major home occupations. Mr. Brand pointed out that the Planning Board has the authority to decide the conditions for these signs.

Another item raised by the Director of Development was a request by Ernie Ackerman to have the Planning Board review a sketch plan for Lot B of the proposed Beaver Creek development along New Michigan and Town Line Roads. He wants the Planning Board to make a recommendation to the Town Board for approval.

Mr. Brand pointed out that this Incentive Zoning request was presented to the Town Board in 2008 and tabled by them. He met with Mr. Kofahl and the Town Attorney, Jeff Graff, to draw up a letter to Mr. Ackerman saying this issue needs to be considered by the Town Board, not the Planning Board. The Town Board placed conditions on the Incentive Zoning request which the applicant did not meet. The number of lots for single family homes has been increased by 21% while 20 acres of parkland has been deleted. This was the area planned for trails which Town residents requested in the recent recreation survey. What the developer is calling amenities are mitigation measures likely to be Town Board conditions for approval. Any plans submitted to the Development Department will be returned to the applicant.

Mr. Kofahl added that Mr. Ackerman cannot bypass the Town Board—he must follow established application procedures.

Mr. Degear thanked the staff for their assistance in this matter.

Mr. Brand also said there will be a meeting on Friday at 8 a.m. to discuss relocating a contracting business to Farmington. A porta-potty concern is interested in the Loomis Road site now instead of the Collett Road/332 location. He also received a request for information from Pyramid Brokers on the DiPacific Restaurant site. A national restaurant chain is apparently interested. He referred the brokers to Diane Moore as Helen DiPacific’s representative.

The CEO added that the subdivision for the DiPacific property has been approved and filed. However, the building is in poor condition and cannot be used.

The Director of Development concluded by saying that there is a meeting with representatives from RG&E and the Senior Housing project on Thursday at 1:30 p.m. He would like Town staff to attend. The Town wants underground utilities there. Mr. Kleman said he will try to attend. Mr. Makin asked if the Planning Board requested underground utilities. Mr. Brand said that this was not specified as a condition but underground utilities are shown on the maps.

Mr. Kofahl explained that underground utilities are normally done for residences which this structure is. However, the other lots are planned for commercial uses. The Planning Board approved underground utilities on the plans.

The Planning Board members agreed that they do not want overhead lines for this building.

**CODE ENFORCEMENT OFFICER REPORT:**

Mr. Kofahl reported that he has received complaints about the lighting on the Aldi's site. He checked the Planning Board meeting Minutes for March 18, 2008 where lighting was discussed. Since the Town has not signed off on the project, he will speak with the landlord, Jim Stathopoulos. The Board members agreed that lighting is a safety issue for this intersection.

Mr. Brand added that the realignment of the road by the CVS Plaza has resulted in people driving over the grass. Chairman Degear asked if some trees could be planted there.

The CEO commented that the Aldi's project went well and he is satisfied with the additional landscaping. Mr. Degear said that Ms. Godly shopped there and checked that everything was done as promised.

Mr. Kofahl went on to say that Park Place is moving along with a bigger parking lot and more seating. They are aiming to open in mid-January.

The CEO also reported that an application is coming in for the Vander Wall subdivision along County Road 8.

Mr. Kofahl reminded the Board members that an application came in early this year for a tenant to use the Loomis Road site but it was never completed. He later discovered that the firm actually was using the site. It is now closed and red tagged and the landlord, James Hollingsworth, has been informed. The tenants wish to buy the site. However, he warned them that they might not get approval and to apply before buying. The porta-potty operation is also interested in this site.

Other items included in the CEO's report were that the ESL ATM is moving along, bringing the number of area ESL ATMs to six. Saratoga Crossing has six buildings being framed. The footers for the Senior Housing will be installed tomorrow. Finally, Mr. Kofahl said that the stabilization permit has been granted for the Quaker Meeting House but it will be a major project to move the building next year. It will be operated as a museum.

**PUBLIC COMMENTS: *none***

**ADJOURNMENT:**

The next meeting of the Planning Board will be at the Town Hall on Wednesday, December 16, 2009 at 7 p.m.

Mr. Makin made a motion to adjourn with Mr. Kleman seconding it. In a voice vote, all five Board members voted aye to adjourn at 7:58 p.m.

These minutes were taken and respectfully submitted by

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