

**TOWN OF FARMINGTON PLANNING BOARD**

**January 20, 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  
Meg Godly  
Ron Herendeen  
Scott Makin

Excused: Robert Kleman

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; Peter Vanderwall Jr., 125 Yellow Mills Rd., Palmyra NY 14522; Stephen R. Kornienko, Esq., Syracuse NY; Gary and Debbie Rood, 111 Ellsworth Rd., Palmyra NY 14522; Cheryl Vanderwall, 4589 Turner Rd., Palmyra NY 14522

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

**OPEN MEETING:**

The meeting was called to order at 7:00 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 THREE PRIOR MEETINGS:**

Chairman Degear noted that, because Mr. Kleman was one of the three members present at the December 16<sup>th</sup> meeting, there is not a quorum to approve the Minutes. Mr. Brand said that he discussed this with the Town Attorney today. Mr. Graff explained that the Director of Development could attest to the accuracy of the Minutes since he was present at that meeting. If Chairman Degear accepts this, he can vote for approval.

Mr. Brand attested to the accuracy of the December 16<sup>th</sup> Minutes. Mr. Herendeen moved to approve the Minutes with Ms. Godly seconding. In a voice vote, Ms. Godly, Mr. Herendeen and Mr. Degear voted aye for approval. Mr. Makin abstained because he was excused from that meeting.

Next, Mr. Makin made a motion to approve the December 2<sup>nd</sup> Minutes. Mr. Herendeen seconded the motion. In a voice vote, Mr. Herendeen, Mr. Makin and Mr. Degear voted aye to carry the motion. Ms. Godly abstained because she was excused from that meeting.

Finally, Mr. Makin moved to approve the Minutes of the January 16<sup>th</sup> Board Organizational Meeting. Ms. Godly seconded. All four Board members present voted aye in a voice vote and the motion was carried.

#### **LEGAL NOTICES:**

At the Chairman's request, the Clerk read aloud the legal notices which were published in the December 30, 2009 Daily Messenger.

#### **PUBLIC HEARINGS:**

##### **PB 0101-10, 2 LOT PRELIMINARY SUBDIVISION APPLICATION**

**NAME: PETER VANDERWALL, JR., 125 YELLOW MILLS RD,  
PALMYRA, NY 14522**

**LOCATION: CORNER OF YELLOW MILLS RD & TURNER RD**

**ZONING DISTRICT: A-80**

**REQUEST: To subdivide 14.97 acres into 2 lots. Creating Lot 1 consisting of 12.299 acres as vacant land, Lot 2 will consist of 2 acres with an existing dwelling, and Lot 4, (0.253 acres) will be combined with an existing parcel identified as Lot 3**

Chairman Degear apologized to the applicant for cancelling the last meeting and explained that the Board was unable to transact business without a quorum of the members. Peter Vanderwall Jr. and his attorney, Stephen Kornienko, appeared for this application. Mr. Kornienko explained that the applicant is in the process of settling the estate of his father, Peter Vanderwall Sr.

Mr. Vanderwall put up the plans and said that he is dividing up the property so he can sell the house with two acres of land. He and his son will keep twelve acres and eventually annex 0.253 acres to his sister's property.

When the applicants finished speaking, the Chairman asked for staff comments.

The Code Enforcement Officer (CEO) said that there are two structures on the non-buildable Lot 1 which either have to be removed or the applicant must apply for a variance. He added that the setbacks meet the zoning requirements in the A-80 District.

The Director of Planning and Development commented that there is a flood plain in the northwest corner of the property. The applicants' surveyor, Rocco Venezia, needs to delineate this on the plans. If this is not done, a bank could request flood insurance if the property is ever mortgaged. He also went over the conditions for approval.

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. Gary Rood explained that he owns property next to this one and there is a water problem on Lot #1 which impacts his property. He said he is concerned that any development will add to his water problem. Mr. Brand explained that the Town Engineer will have to review any site plans and make sure that the water does not drain onto neighboring properties.

Mr. Kofahl added that the Board is only considering a subdivision tonight. A site plan will be needed for any site development. Chairman Degear also explained that the applicant would have to return to the Planning Board for any site development and the neighbors will be notified of any such application. Mr. Rood can then return to express his concerns.

In response to the Chairman’s question about his opinion on this application, Mr. Rood said he has no problem with subdividing the property. He only wants to protect his property in case of any future development.

Cheryl Vanderwall spoke next. She explained that, although she is an interested party, she has lived in that area for 33 years. The current wet areas have remained the same for all that time.

When no one else asked to speak, the Chairman asked for a motion to close the public hearing. The motion was made by Mr. Makin and seconded by Ms. Godly. In a voice vote, the four Board members present voted aye to close the public hearing at 7:17 p.m.

Chairman Degear asked for Board comments.

Mr. Herendeen confirmed that there are wet areas on this property. There were no other Board comments.

Ms. Godly moved to waive the reading of the Unlisted Action SEQR with Mr. Herendeen seconding her motion. In a voice vote, the four Board members present voted aye. Then, Mr. Herendeen moved to approve the SEQR. Ms. Godly seconded. The following roll call vote was taken and recorded:

- Meg Godly—aye
- Ron Herendeen—aye
- Robert Kleman—excused
- Scott Makin—aye
- David Degear—aye

The motion was carried by a vote of four ayes. The Chairman signed Part II of the EAF.

At Chairman Degear’s request, Clerk O’Malley read aloud a draft preliminary re-subdivision plat resolution with the following conditions:

1. ***The title of the drawing is to read “Preliminary Subdivision Plat Lots #1 and #2 Vanderwall Subdivision.”***
2. ***There is to be a note added to the Preliminary 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.***
3. ***The approximate boundary of the Zone A Area of Special Flood Hazard on Lot #1, taken from the Flood Insurance Rate Map, is to be identified on the Preliminary Plat and delineated on the Final Plat Map along with reference to this Area of Special Flood Hazard as being an Unnumbered A Zone. This will facilitate both future inquiries regarding the need for National Flood Insurance by any lending institution and a Floodplain Development Permit.***
4. ***The existing shed and play house shown on Lot #1 will either need two area variances from the Zoning Board of Appeals to remain, or they will need to be removed from this lot. The Final Subdivision Plat Map shall not be signed by the Planning Board Chairman until this matter has been resolved. If variances are granted, then the Final Subdivision Plat Map shall identify the File Number and date granted by the Zoning Board of Appeals.***
5. ***The Preliminary Plat Approval is valid for a period of 180 days from today. Once all conditions of Preliminary Plat Approval have been met and shown on***

- the Preliminary Plat the Planning Board Chairperson will sign the Preliminary Plat Map and place it on file in the Town Development Office.*
6. *The Planning Board will not accept an application for Final Subdivision Plat Map until first a Preliminary Plat Map with all conditions of approval shown thereon, including an updated revision box, has been submitted and signed.*
  7. *The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.*
  8. *The Planning Board determines that a Park and Recreation Fee in an amount established by the Town Board resolution is to be paid at the time of the issuance of a Building Permit for Lot #1. A note to this effect is to be placed upon the Final Subdivision Plat Map.*

The applicant said he understood and agreed to the conditions. Mr. Makin made a motion to approve the preliminary plat with Mr. Herendeen seconding. The following roll call vote was taken and recorded:

- Meg Godly—aye
- Ron Herendeen—aye
- Robert Kleman—excused
- Scott Makin—aye
- David Degear—aye

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

**OPEN DISCUSSION:**

**DIRECTOR OF DEVELOPMENT REPORT:**

**Site Design Guidelines:**

Mr. Brand pointed out that the Planning Board can change the site design guidelines in the future if the Board so wishes. Mr. Kofahl commented that they are a good start and will grow as everyone gains more experience. Chairman Degear moved to approve the guidelines for the calendar year 2010 as provided for in Local Law #6 of 2009. Ms. Godly seconded. The following roll call vote was taken and recorded:

- Meg Godly—aye
- Ron Herendeen—aye
- Robert Kleman—excused
- Scott Makin—aye
- David Degear—aye

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

**Rochester Broadway Theater League:**

The Director of Development explained that a recent press release said three sites are now under review: Brighton, Irondequoit and Midtown Plaza. All are in Monroe County in Assemblyman Joe Morelli’s district. Farmington has a shovel-ready site.

**CODE ENFORCEMENT OFFICE REPORT:**

Mr. Kofahl reported that Saratoga Crossing expects to have the community center and two buildings ready for occupancy by the end of April. Park Place Restaurant has scheduled its grand re-opening for February 15<sup>th</sup>. The Town Board will receive the year-end report from the Development Department next week. There were 440 building permit applications in 2009 and an increase in commercial applications.

The CEO also reported on the fire at Farmington Towing. The parts washing equipment was the cause. The intense heat from burning plastic, wood and tires melted the roof bolts and twisted the I-beams. Owner Tom Lay was in Florida and just returned. He is now doing towing work out of a temporary trailer. The insurance company has surveyed the damage.

**CHAIRMAN OF PLANNING BOARD REPORT:**

The Board members agreed that the Town Board resolution about the education requirements for Planning Board members should be attached to the Minutes of the January 20<sup>th</sup> Organizational Meeting.

Chairman Degear announced that Mr. Kleman is recovering at Crest Manor Rehab Center, 6745 Pittsford-Palmyra Road, Fairport NY 14450, and phone: 223-3633.

**PUBLIC COMMENTS:**

There were no public comments.

**ADJOURNMENT:**

The next meeting of the Planning Board is scheduled for Wednesday, February 3, 2010 at 7 p.m. at the Town Hall. To date, there is no agenda.

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 7:35 p.m.

These minutes were taken and respectfully submitted by

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