

TOWN OF FARMINGTON PLANNING BOARD

July 15, 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
- Meg Godly
- Ron Herendeen
- Robert Kleman
- Scott Makin

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; James Loughlin, 5670 Martz Road, Farmington; James Crane, 1380 County Rd. 28, Shortsville, NY 14548; James Gray, 4784 Route 96, Shortsville NY 14548; Charles LaPlant, 4909 Route 96, Shortsville NY 14548; John Reese, 643 County Rd. 8, Farmington; Kris Rogers, Edgemere Development; Greg McMahon, McMahon LaRue Associates; Scott Gonyeo, Compass Properties.

OPEN MEETING:

The meeting was called to order at 7:01 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 JULY 1, 2009 MEETING:

Mr. Kleman moved to approve the Minutes of the July 1st meeting with Mr. Herendeen seconding the motion. In a voice vote, Ms. Godly, Mr. Kleman and Mr. Herendeen voted aye. Mr. Degear and Mr. Makin abstained because they were excused from that meeting.

LEGAL NOTICES:

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the July 8, 2009 Daily Messenger.

PUBLIC HEARINGS:

PB 0703-09 PRELIMINARY 3 LOT SUBDIVISION APPLICATION

NAME: JAMES LOUGHLIN, 5670 MARTZ RD, FARMINGTON, NY 14425

LOCATION: WEST SIDE OF COUNTY RD 8, APPROXIMATELY 2,908 FEET SOUTH OF MARTZ RD

ZONING DISTRICT: RR-80

REQUEST: To subdivide 18.948 acres into three parcels. Lot 1 will consist of 2.501 acres, Lot 2 will consist of 2.385 acres, and Lot 3 will consist of 14.062 acres for single family dwellings.

Mr. Loughlin appeared for his application and pinned up a plan. He explained that he wants to sell Lots #1 and 2 but keep #3 to build his own home in the future.

When the applicant finished speaking, Chairman Degear asked for staff comments.

The Director of Development, Mr. Brand, questioned some missing information on the map. The applicant explained that there are two maps and he now has a third one which combines the others but has not given it to the Board. Mr. Brand said that the map on file is the one under consideration tonight. An accurate one must be submitted.

Mr. Kofahl said that he has a second map with some of the needed information except that an emergency vehicle pull off is still required. A single correct map is needed for the Preliminary Plat.

Chairman Degear said, for the record, that the Board wants to get a single, correct map when acting on an application, not several maps with partial information. Ms. Godly agreed with this statement. Mr. Kofahl disagreed, saying that the Board does not always get a single, correct map when acting.

The Town Engineer also needed more information.

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 Ms. Godly and seconded by Mr. Makin. In a voice vote, all Board members present voted aye to close the public hearing at 7:16 p.m.

The Chairman then asked for Board comments.

Mr. Makin said he has no problem with this application but the technical issues need to be resolved.

Ms. Godly agreed with Mr. Makin, adding that the Board needs to see one correct map before acting. She requested that the Board consider postponing action tonight to allow time to study the correct map. Preliminary and Final Plat approval could be done together on the same night.

Mr. Herendeen and Mr. Kleman had no additional comments.

Mr. Makin then moved to waive the reading of the SEQR. Ms. Godly seconded the motion. Mr. Herendeen moved to approve the Unlisted Action SEQR with Mr. Makin seconding. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The SEQR Resolution was adopted by a unanimous aye vote of all five Board members.

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

- 1. The title of the drawing is to read "Preliminary Plat Loughlin Subdivision Lots #1 through #3."***

2. *There is to be a note added to the Preliminary Plat identifying that this map is required to be filed with the Ontario County Clerk's Office as a pre-requisite to the issuance of any Building Permits for the proposed project.*
3. *There is to be a note added to the Preliminary Plat that the site lies entirely within a designated Zone C, an Area of Minimal Flooding identified on the Flood Insurance Rate Map (FIRM), Community Panel #361299, Panel 0010 B of 20, Effective Date: September 30, 1983.*
4. *The Preliminary Plat Map shall show the entire delineation of any tree mass that exists on the site.*
5. *The Preliminary Plat Map shall show a location map.*
6. *The Preliminary Plat Map shall show the right-of-way in this area for County Road 8.*
7. *The Preliminary Plat Map shall show the proposed method of water supply for the proposed dwellings. See Section 144-12.A. (19) of the Town Code.*
8. *The Preliminary Plat Map shall identify the sight distances, both north and south, for the proposed driveways.*
9. *The Easement Line shown on the Map Legend must be shown on the Plat Map to indicate the type of easement and the liber and page documentation. If there are no easements on this property, then remove the Easement Line from the Legend.*
10. *There shall be an emergency vehicle pull-off area located on proposed Lot #3 that is not farther than 500 feet back from County Road 8.*
11. *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 all required signatures are affixed, the Planning Board Chairperson will sign the Preliminary Plat Map and place it on file in the Town Development Office.*
12. *The Planning Board Chairperson is not to sign a Final Plat Map until first a Preliminary Plat Map with all conditions of approval shown thereon has been submitted and signed.*
13. *The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.*
14. *The Planning Board determines that a Park and Recreation Fee in an amount established by a Town Board resolution is to be paid at the time of issuance of building permits.*
15. *All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 165, Section 64 of the Town Code. The Preliminary Plat map shall contain a note to this effect.*

Mr. Brand suggested that the Board members add another condition since the applicant has a different map from the Board:

16. *The title of the drawing prepared by Professional Engineering Group should not be labeled "Loughlin Subdivision Map" and instead be labeled "Utilities Map for the Loughlin Subdivision". A note should be added referencing the Freeland and Parinello Map as the Subdivision Map.*

Mr. Makin moved to approve the Preliminary Plat with the conditions. Mr. Kleman seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—nay
 Ron Herendeen—aye
 Robert Kleman—aye
 Scot Makin—aye
 David Degear—aye

The resolution with the conditions was carried by a vote of four ayes to one nay. The Chairman said he understood Ms. Godly's reasons for voting nay since the Board did not have a correct map.

PB 0705-09 PRELIMINARY 3 LOT SUBDIVISION APPLICATION

**NAME: JAMES CRANE, 1380 COUNTY RD #28, SHORTSVILLE, NY
14548**

**LOCATION: SOUTHWEST CORNER OF NYS ROUTE 96 AND COUNTY
RD #28**

ZONING DISTRICT: PD

REQUEST: To subdivide 6.5 acres into three parcels. Lot 1 will consist of 1.387 acres, Lot 2 will consist of 0.926 acres, and Lot 3 will consist of 5.062 acres.

The applicant was present and pinned up the map. He explained that he is actually only drawing lines on paper because the bank requires it for a mortgage. When his previous mortgage was approved, Canandaigua National Bank allowed a mixed use of a parcel with both business and residential. That is no longer true. He now needs separate business and residential loans for separate tax properties.

In response to a question from Mr. Degear, the applicant said that there is only one business on the site now. Previously there was a second business selling plants. He added that he is not asking for any change in the PD zoning.

The Chairman asked for staff comments when the applicant finished his presentation.

The Code Enforcement Officer (CEO), Mr. Kofahl, said that the original approval was for one PD parcel with two businesses and a residence. This is now being changed since there will be two residential lots. He cited the relevant section of the Farmington Town Code, Section 165-31.E (6) (b):

"Changes in approved final plans and reports may be approved by the Planning Board only upon findings identical to those required for original approval. Other changes shall be approved subject to further amendatory action only."

The CEO said that the Planning Board's challenge lies in the word "identical." Does the Board find this change to be identical? If it is not identical, the Board should change the zoning or allow it to stay PD and get variances. His recommendation is to change the two residential lots to A-80 since they meet the A-80 criteria and allow Lot #3 to remain a PD. In this way, no variances will be needed.

The Director of Development said that PD is a unique situation. The criterion is a parcel being developed as a whole by one developer. This meets it. However, as Mr. Kofahl asked, is this exactly as originally proposed. Mr. Crane says it is. It was not originally subdivided because the bank accepted it with a mixed use.

Mr. Brand went on to say that this situation is similar to Saratoga Crossing where subdivisions had to be drawn on a map because that was the only way the bank would finance the project even though no real changes were being made. This is today's reality. He concluded by asking if there is any real benefit to rezoning.

Mr. Makin asked what would happen if Mr. Crane was to sell one lot in future. Would this cause any difficulty? The CEO explained that the Town Board would have to rezone at that point since the land would no longer have one owner.

Ms. Godly asked for more information on the term "identical" as it applied to this case. Mr. Kofahl said that a one lot PD was originally approved. Ms. Godly asked if everything is the same except for property lines.

The CEO responded that it was not approved as three lots but it is up to the Board to say if the changes are merely lines on a map.

Mr. Herendeen asked if this is comparable to Saratoga Crossing. Mr. Brand explained that Saratoga Crossing is not zoned PD.

Mr. Crane told the Board that he asked the CEO to research the history of the PD zoning. Apparently the wording did not pick up the fact that there is a house on the property.

The Chairman asked for Board input.

Mr. Makin said he has no problem with what the applicant is doing. He expressed concern that gray areas can lead to legal issues. Rezoning might avoid this. Mr. Brand replied that if rezoning is necessary, only Lots #1 and #2 are affected. Lot #3 can stay PD. However, since all three lots are still under the same owner's control, they could stay PD.

Ms. Godly pointed out that they still under one person's control, so they can stay PD unless they are not "identical." This part of the Code needs to be clarified. Mr. Kofahl argued that the original met the PD criteria but subdividing into three lots constitutes a change. The fact that one lot is commercial and two are residential is also a change. The original situation was a commercial lot with an accessory residence. This is a change. He said the application should go to the Town Board for a determination: is a modification or a zoning change needed? Ms. Godly agreed that the term "identical" does not apply in this case. She said it should be up to the applicant whether to request a modification or a zoning change.

Mr. Herendeen also agreed that this does not sound identical.

Mr. Kleman agreed with Ms. Godly. It is not identical—it is up to the applicant how to proceed.

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.

James Gray, Mr. Crane's neighbor, from 4784 Route 96, said he owns the nearby Fresh Ayr Farms. In his opinion, this subdivision is identical to what existed in the past. If the Town made a mistake zoning it PD, don't penalize a business owner. He concluded by saying he understands the bank's request.

The next speaker was Charles LaPlant from 4909 Route 96. He said he is Mr. Crane's next-door neighbor. He pointed out the location of his 13 acres on the map. He expressed concern about an archery range on Mr. Crane's property as both a danger to his grandchildren and something which could lower his property value. Mr. LaPlant said he hoped this application can provide leverage for him to obtain 0.4 acres on the southwestern corner of Mr. Crane's lot which would square off his own property. He also raised the question of spot zoning for the PD parcel. Mr. LaPlant concluded by stressing that he wishes to have good relations with his neighbors. He added that he has also approached Mr. Gray about obtaining some of his land but Mr. Gray wished to wait to see the outcome of this application.

The Chairman thanked the speakers for their input.

Chairman Degear said he agrees with the Board members that they cannot call this the same as the original PD decision. Mr. Crane's request has to go back to the Town Board. The Planning Board members agreed with this. The Chairman asked Mr. Brand for the correct verbiage for a resolution. This application is a change—it is not identical to what was in the original action.

The question arose as to whether to keep the public hearing open or close it. Chairman Degear thought it should be kept open. Mr. Brand asked what purpose it would serve to keep it open. Mr. Degear then agreed that the Board could close the public hearing. He said that the Board will not be taking action tonight on this application but instead will refer it back to the Town Board for a determination of whether this is identical or a change.

Mr. Brand pointed out that, if the Town Board finds this to be identical, the application can come back to the Planning Board for the subdivision process.

Chairman Degear announced again that this is a public hearing and asked if there is anyone present who wishes to speak for or against this application. No one else replied. The Chairman then asked for a motion to close the public hearing. The motion was made by Scott Makin and seconded by Meg Godly. In a voice vote, all Board members present voted aye to close the public hearing at 8:08 p.m.

The Chairman said that the next action would be a referral to the Town Board for a decision. The Director of Development pointed out that the Board is basically making a determination that the action before them is not identical since there will be two residential lots and one commercial lot according to the information that the Board has received tonight. Mr. Degear added that the verbiage in the file is not there to show two residential lots in the original PD although Mr. Crane says that he is not requesting any change, just the drawing of lines on a map. Mr. Brand explained that the Town Board may not have to rezone if they make a determination that this is identical. Chairman Degear concluded by saying that it appears to the Planning Board that this application is a change to the original PD.

Mr. Degear then asked Mr. Crane if is willing to sell the wedge in the southwest corner of his property to Mr. LaPlant. Mr. Crane said no at first because he was considering building a residence for himself there someday but then he reconsidered and said that, if the land remains PD, he might consider selling it. The Chairman asked the two men to work out their differences privately since this is not a Planning Board issue. Keep the lines of communication open, he added, asking that this conversation be entered into the record.

Chairman Degear and Mr. Brand agreed to go with a verbal recommendation to the Town Board and that the Clerk put this into the Minutes. Mr. Kleman made the motion with Mr. Makin seconding it. At the Chairman's request, Clerk O'Malley recorded the following roll call vote:

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

Mr. Degear said let the record show that there are five ayes on a determination to send this matter back to the Town Board.

PB 0503-09, SPECIAL USE PERMIT
PB 0504-09 PRELIMINARY SITE PLAN APPLICATION
PB 0505-09, FINAL SITE PLAN APPLICATION
NAME: JOE CATTALANI, 649 PARK AVE, ROCHESTER, NY 14622
LOCATION: 6089 LOOMIS RD
ZONING DISTRICT: GI
REQUEST: To utilize an existing building for a truck repair service
(CONTINUED)

Chairman Degear noted that the applicant is not present tonight. Mr. Brand pointed out that the Planning Board is still waiting for information needed in order to act on this application. The Development Director added that the applicant has been given ample notification that his request is on tonight's agenda and, as Mr. Kofahl can confirm, he was given that information verbally today by staff.

The CEO also reminded the Board that the application was adjourned until tonight because the applicant agreed to provide the requested information in a timely manner.

Mr. Brand, Mr. Kofahl and all the Board members agreed to deny this application without prejudice on the basis that the applicant has failed to provide the necessary information to permit the Planning Board to conduct a public hearing and to receive input from the public. The applicant can make a new application when all information requested has been provided.

Mr. Makin moved the resolution with Mr. Herendeen seconding. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The resolution was adopted by a unanimous aye vote of all five Board members.

SITE PLAN APPROVAL

PB 0605-09 PRELIMINARY SITE PLAN APPLICATION

PB 0606-09, FINAL SITE PLAN APPLICATION

**NAME: MICHAEL NASELLO, 5 RAILROAD STREET, VICTOR, NY
14564**

LOCATION: 6132 ROUTE 96

ZONING DISTRICT: GB

**REQUEST: To utilize 18,000 square feet of an existing building to provide
urgent care services and the remaining square footage will be used for general offices.**

(CONTINUED)

Mr. Brand reminded the Board members that they requested sidewalks, landscaping and parking for the parcel occupied by the Griffith Building at the July 1st Board meeting. Since then, Mr. Nasello has made a purchase offer for the parcel to the east. With this additional land, he has redesigned the parking and planned only one access point for both parcels. He is moving in the right direction and has met with staff to work out other details. For this reason, staff is recommending continuing the application to the August 19th Board meeting.

Mr. Kofahl pointed out, for the record, that this is not the same as the last application. In this case, the applicant has come in and worked with staff on the changes required for a Preliminary Site Plan. The Board members agreed.

Ms. Godly made the motion to table action and continue the application until the August 19th Board meeting. Mr. Makin seconded the motion. In a voice vote, all five Board members voted aye to carry the motion.

PB 0701-09, TWO LOT FINAL SUBDIVISION APPLICATION

PB 0702-09, FINAL SITE PLAN APPLICATION

NAME: FARMINGTON 332 LLC, 99 RIDGELAND RD, ROCHESTER, NY 14623

LOCATION: NYS ROUTE 332, SOUTH OF NYS ROUTE 96

ZONING DISTRICT: IZ

REQUEST: To subdivide 9.4 acres for the construction of a one - two story, 88 units, 1 – 2 bedroom unit senior living complex

Mr. McMahon, Ms. Rogers and Mr. Gonyeo appeared for this application. Mr. McMahon began by saying that the Preliminary Plat has been signed and filed. The applicants have met with staff in preparing the Final Plat. He reviewed the letter from NYSDOT and said that the necessary paperwork has been done for the DEC. He has gotten comments from the Town Engineer and is working on the items. Mr. McMahon stressed that these pose no problems for the applicants.

Mr. Mahon then read aloud the comments from the Conservation Board. He pinned up an enlargement of the area in question along the creek. He offered to move the sidewalk farther out, if necessary. Chairman Degear said that the blow up shown does make the site easier to see. He requested that the applicants re-align the sidewalk so it is similar to what was done at the intersection of Hathaway Drive and Calm Lake Drive.

When the applicants had no additional comments, Mr. Degear asked for staff comments.

The Director of Development said he has prepared a draft Final Plat Resolution for the Board’s consideration.

The Code Enforcement Officer commented that the enlargement of the Creek area shows no issues in regards to the Conservation Board’s request. He said that he prefers that the sidewalk remain where it is shown on the plans. He had no problems with the Final Plat except to note that he needs the DOT approval for the left turn when it arrives. This should be a condition for approval.

The Town Engineer, Mr. Brabant, said that his comments in his July 7th letter referred to labels, calculations and reports. He has met with the applicants and is confident that all details can be worked out. However, Mr. Brabant warned, the applicants do need to use caution in working around wetlands and the Creek. He would like to see the sidewalk moved farther away from the Creek.

Chairman Degear asked the applicants to work with the CEO and the Town Engineer to find a compromise location for the sidewalk.

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

1. *A Site Development Surety/Bond in the amount approved by the Town Engineer and accepted by the Town Board shall be required prior to obtaining a building permit.*
2. *The title of the drawing is to read "Final Plat, George Mercier Subdivision, Lots #1 and #2."*
3. *A note is to be added to the Final Subdivision Plat to identify the requirement that no building permit may be issued until final site plan approval has been granted and the final site plan signed by the Planning Board Chairperson for any proposed development of Lot #1 or Lot #2.*
4. *The revision box on the Final Subdivision Plat shall be amended to reflect the above condition of approval in #3.*
5. *All conditions of preliminary plat approval granted by the Planning Board on June 17, 2009, have been made and are shown or identified in a note on the Final Plat Map.*
6. *The Final Plat Approval is valid for a period of 180 days from today and shall expire unless extended by the Planning Board at a later date and by separate resolution.*
7. *Once the Planning Board Chairperson's signature is affixed to the Mylar plus four (4) prints, the Final Plat Mylar Map and two (2) paper prints are to be filed with the Ontario County Clerk's Office within 62 days of signing.*
8. *No site development shall be allowed until an official tax map number for the lots has been filed with the Town Assessor's Office.*
9. *All erosion control measures shall be installed and inspected by the Town Code Enforcement Officer or his/her representative prior to any permits being issued. This statement shall be noted on the final plans.*
10. *All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 165, and Section 64 of the Town Code.*
11. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.*
12. *A note should be added that there is no conservation easements associated with Lot #2.*
13. *The final plat shall be signed by the Town Engineer, the Town Highway Superintendent, and the Town Water and Sewer Superintendent prior to the Planning Board Chairman signing it.*
14. *No Building Permit may be issued for any development of Lot #1 or Lot #2 until all approvals have been received and a highway work permit issued by the NYSDOT Regional Office.*
15. *All correspondences from NYSDOT regarding their approval of a left turning lane into the proposed site shall be forwarded to the Town for their files as requested in item #1 in a letter dated July 7, 2009 from James R. Gresens, P.E., at MRB Group P.C.*

The applicants said they understood and agreed to the conditions. Ms. Godly moved the draft resolution with the conditions and Mr. Herendeen seconded her motion.

The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scot makin—aye

David Degear—aye

The resolution was adopted by a unanimous aye vote of all five Board members.

The Board members then discussed a Final Site Plan Resolution presented by Mr. Brand.

Mr. Degear asked about the location and spacing of the street trees. Mr. McMahon showed this on the plans. He explained that they will plant willows, dogwoods, pin oaks, pines and winterberries. They will preserve the natural growth along the Creek. At this time, he said, there are no conservation easements.

Ms. Godly asked about the left turn. Mr. Brand explained that the Town Engineer is waiting for DOT to put their approval in writing. Mr. Makin asked if the left turn is a deal breaker for the project. The applicants said that it is. Mr. Brabant explained that DOT has indicated that they have no objection to it.

Mr. Kofahl asked that a condition about Incentive Zoning enforcement be added.

Mr. McMahon also explained that street trees and lights will be done when Lot #1 is developed.

The Clerk then read aloud the resolution with the conditions which were discussed above and which the applicants had said they understood and accepted:

1. *A Soil Erosion Bond in the amount to be determined by the Town Engineer shall be required prior to obtaining any permits.*
2. *A Landscaping Bond, to include but not limited to bushes, shrubs, trees, flowers, grass and soil stabilization, in the amount to be determined by the Town Engineer shall be required prior to obtaining any permits.*
3. *The title of the drawing is to read "Final Site Plan Farmington 332 LLC Senior Housing".*
4. *Final Site Plan Approval is valid for a period of 365 days from today and shall expire unless the Final Plan(s) have been signed and filed in the Town Development Office; the County Clerk's Office or extended by the Planning Board at a later date and by separate resolution.*
5. *The site plan must be signed by the Town Engineer, the Town Highway & Parks Superintendent, and the Town Water & Sewer Superintendent prior to the Town Planning Chairperson signing the site plan.*
6. *Once all conditions of Final Site Plan Approval have been met, the Planning Board Chairperson's signature must be affixed to the plan map and filed in the Town Development Office.*
7. *The Planning Board determines that parkland is not a condition of Final Site Plan approval for this application.*
8. *The Planning Board determines that a Park and Recreation Fee in the amount established by the Town Board per resolution is to be paid at the time of issuance of building permits.*
9. *The lawn and all landscaping shall be established within 30 days, or not later than June 1st of the following calendar year of the final Certificate of Occupancy being issued. A note to this effect shall be added to the plans.*
10. *The applicant must submit at least three (3) sets of the final site plan to be signed by all required agencies as noted in this resolution.*
11. *All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 165 of the Town Code. There is to be a note added to the Final Plan which reads as follows: "All site lighting shall be compliant with the Town Code Chapter 165".*
12. *All erosion control measures shall be installed and inspected by the Town Code Enforcement Officer or his/her representative prior to any permits being issued. This statement is to be noted on the Final Site Plan.*
13. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.*
14. *Street trees shall be installed 150 feet apart on the south side of Mercier Boulevard.*
15. *Street lighting shall be installed and the intersection of Route 332 and Mercier Boulevard, at the pull off for the maintenance of the two ponds and at the cul-de-sac off Mercier Boulevard to the private road.*

Mr. Makin moved to approve the resolution with the conditions. Ms. Godly seconded. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The Final Site Plan Resolution with the conditions was adopted by a unanimous aye vote of all five Board members.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

Mr. Brand reported that MRB Group is requesting a partial release of \$48,822 (Release #14) from a letter of credit for Auburn Meadows Subdivision Section 2. This leaves a balance of \$175, 459.45 in the letter of credit. All Department heads have signed the necessary paperwork. It is up to the Planning Board whether or not to render a recommendation to the Town Board to honor this requested release. Mr. Makin moved the recommendation. Ms. Godly seconded. All five Board members voted aye in a voice vote.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl reported that QQ Restaurant has been sold. There is no information about the buyer but the CEO was approached recently by a Geneva resident interested in opening a restaurant/bar in Farmington.

The work on Aldi's store is progressing. There is a great deal of fill. Mr. Kofahl thanked the Planning Board for requesting landscaping since it is very visible from Route 332.

Chairman Degear inquired about a completion date for the new road for CVS Plaza. Mr. Kofahl pointed out that the Planning Board did not set a time frame except for saying it must be completed prior to Aldi's Certificate of Occupancy. The CEO expressed surprise that work on it started so soon. At the Planning Board's request, he will speak to the Plaza owners about putting the base down soon since he already has to speak to them about blocking ingress and egress with construction vehicles.

PUBLIC COMMENTS: *There were no public comments.*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, August 5, 2009 at 7 p.m.

Mr. Makin moved to adjourn with Mr. Herendeen seconding. In a voice vote, all five Board members voted aye to adjourn at 9:12 p.m.

These minutes were taken and respectfully submitted by

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