

TOWN OF FARMINGTON PLANNING BOARD

April 1, 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:

Meg Godly
Ron Herendeen
Robert Kleman
Scott Makin, Acting Chairperson
Excused: David Degear, Chairperson; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; Assistant Fire Chief Phil Robinson; Mark Porretta, 4414 Latting Rd., Canandaigua.

OPEN MEETING:

The meeting was called to order at 7:00 p.m. After everyone recited the Pledge of Allegiance, Acting Chairperson Makin explained that Chairperson Degear has been necessarily excused this evening. He then 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. Makin also asked that all present set their cell phones on vibrate.

APPROVAL OF THE MINUTES OF THE MARCH 18, 2009 MEETING:

Mr. Herendeen moved to approve the Minutes of the March 18th meeting without corrections. Mr. Kleman seconded the motion. In a voice vote, Mr. Makin, Mr. Herendeen and Mr. Kleman voted aye. Ms. Godly abstained because she was excused from that meeting.

LEGAL NOTICES:

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

PUBLIC HEARINGS:

PB0401-09 SPECIAL USE PERMIT RENEWAL
NAME: MARK PORRETTA, 4414 LATTING RD, CANANDAIGUA, NY 14424
LOCATION: SAME AS ABOVE
ZONING DISTRICT: A-80
REQUEST To continue a contracting company home business using the site for parking equipment.

Mr. Porretta was present to speak for his application. Chairperson Makin read his letter of application into the record (see attached).

Mr. Porretta said he simply parks his contracting “stuff” into a pole barn. There have been no other changes to the site.

When he finished speaking, the Chairperson asked for staff comments.

Director of Planning and Development Brand asked for more information about the “stuff” stored in the pole barn. The applicant said a dump truck and trailer, a back hoe, two excavators and a bulldozer for his excavation business. There are no signs displayed, he added. During the summer months, he said, he parks the truck and trailer in his driveway.

Mr. Brand said that this Special Use Permit (SUP) was last renewed in May, 2006. He read aloud the conditions for approval at that time. Mr. Porretta responded that he has no other employees or business visitors coming to the site. He does have some deliveries.

Code Enforcement Officer (CEO) Kofahl spoke next. He said that he visited the site and reviewed the file. He found several problems and informed the applicant. In 1999-2000, Mr. Porretta received a variance for the barn’s being located in front of the house. At that time, there was a condition prohibiting any outside display of materials and equipment. Today, his truck, trailer and some excavating materials including dirt and gravel piles were outside.

The CEO continued by saying that the applicant also has a shed on the property without a permit. A bigger issue is an outdoor wood-burning stove without a permit. Since he is located on a corner property, he will need a variance for it. Because his property borders on Manchester and Canandaigua, his application will have to be reviewed by the County Planning Board. He explained to the applicant that, although the stove was installed during a moratorium on wood burning stoves, the moratorium has ended and a permit is needed.

Mr. Kofahl concluded by pointing out that there are also two outstanding building permits for Mr. Operetta’s residence. The applicant protested that these permits have been resolved but admitted that he does not have this in writing.

For the above reasons, the CEO asked the Board to consider continuing this application to allow time to resolve these matters.

The Development Director added that the September 15, 1999 site plan on file shows the storage barn and driveway but no outside storage so this site plan needs to be amended. He asked the Board to take this into consideration.

Mr. Kofahl commented that the outside storage is not visible to anyone driving by but he is concerned because the neighbor to the west may be able to see it. He told the Board members that there are no complaints on file.

Fire Chief Robinson had no comments.

Acting Chairperson Makin 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. He then asked for Board comments.

Mr. Kleman said he would like to continue this application until the issues are cleared up.

Ms. Godly said she would like to see a plan in place to correct the conditions and amend the site plan. She commended the applicant for coming in one month early to renew his SUP since many applicants come in late. She concluded by asking the applicant to work out his problems together with staff and Board.

Mr. Herendeen agreed with Ms. Godly and Mr. Kleman.

The Chairperson said it is a good idea to update the site plan and get everything taken care of before the Board decides. He pointed out that nothing can be done until the County acts.

Mr. Brand agreed. He said the timelines need to be worked out and recommended continuing the application until the April 15th Board meeting to allow time for staff to make a list of actions to be taken and update the file. The Board's policy has been not to approve a Special Use Permit where violations exist.

Mr. Porretta asked about the open building permits. Mr. Kofahl said there needed to be a latch on the door to the swimming pool. The applicant protested that both Mr. O'Bine and Mr. Best promised to close this out and did not do so.

Chairperson Makin told the applicant that these issues are beyond the Board's authority. He needs to work with staff to get them resolved. This is how the system works.

The applicant protested that he was being painted as "a bad guy." The Development Director denied this and explained that he cannot sell the property with open permits and violations. It is in his interest to resolve the problems and get a certificate of compliance. This is simply part of a process.

Mr. Makin agreed with Mr. Brand, adding that resolving these problems is to everyone's advantage.

At the Chairperson's request, Clerk O'Malley read aloud a draft resolution to continue the public hearing until the April 15th meeting for the following reasons:

WHEREAS, the Planning Board is aware of the need for additional site information and the details concerning outstanding permits that need to be closed out; and

WHEREAS, the Planning Board cannot take action to renew the Special Use Permit until all outstanding issues have been resolved; and

WHEREAS, the Planning Board has been informed by staff that this information will be available to the Board at the next meeting on April 15, 2009.

Ms. Godly 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

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

Next, the Clerk read aloud a draft resolution to table action on the application until the April 15th Board meeting. Mr. Kleman moved the resolution with Ms. Godly seconding. The following roll call vote was taken and recorded:

Meg Godly—aye
Ron Herendeen—aye
Robert Kleman—aye
Scot Makin—aye

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

Ms. Godly raised the issue of why these matters were not addressed earlier by staff. Mr. Kofahl explained that he had a family emergency. Ms. Godly replied that she understood his situation. Mr. Kofahl also pointed out that the Minutes for the May 2006 meeting when this SUP was last renewed showed that some of these conditions were noted at that time and should have been addressed.

Ms. Godly mentioned that she did not see these problems when she did her site drive-by. The CEO explained that the trees hide most of the site from the neighbors.

Mr. Kofahl asked the Board if he might consult the Town Attorney about this application. The Board members agreed that he should do so.

OPEN DISCUSSION:

STAFF REPORTS:

Director of Development:

Mr. Brand said that the Town Board is considering a moratorium on wind generators for individual sites. There have been three recent inquiries. This might lead to a law to protect the Town's drumlins.

The Development Director also reported that a questionnaire on the Comprehensive Plan and the Parks and Recreation Plan will be mailed out around April 20th. It will be sent to random homes in each school district serving Farmington to get a cross section of concerns and issues. Ms. Godly suggested that some type of incentive might get a better than usual response. Mr. Brand said they are hoping for 90%. Ms. Godly said 20% is the norm.

Mr. Brand said that the Genesee Transportation Council is interested in conceptual planning for trails. We want to connect County Road 41 with Townline Road. Canandaigua is interested in continuing the trail and going in for a joint grant application with us. If this is successful, the trail system will connect with Geneva.

Code Enforcement Officer:

Auburn Meadows Phase 3 will be on the Board's April 15th agenda. The culvert issues have been resolved to the satisfaction of the Town's engineers and the Highway Superintendent.

Chairperson of Planning Board:

Mr. Makin commented that he and Mr. Brand attended a workshop at MCC on community designs for a healthy environment. He passed out information for everyone. The Acting Chairperson pointed out that a review of the Comprehensive Plan is coming up. There will be more development in the Town soon. We need to consider issues of community design, he said, and referred to Architectural Review Standards under consideration. Mr. Herendeen said he has a CD of the session if anyone wants to borrow it.

Mr. Makin said he received a phone call from a reporter asking about using the stimulus money for the planned water park. He referred the caller to Ron Brand.

PUBLIC COMMENTS: *none*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, April 15, 2009 at 7 p.m.

Mr. Kleman made a motion to adjourn with Mr. Herendeen seconding it. In a voice vote, all four Board members present voted aye to adjourn at 7:44 p.m.

These minutes were taken and respectfully submitted by

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

