

TOWN OF FARMINGTON PLANNING BOARD

August 19, 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 Code Enforcement Officer, Floyd Kofahl; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Ernie Ackerman, A&D Development; Walt Baker, DSB Engineers and Architects; David Reidman, 45 East Ave., Rochester NY 14604; James Crane, Crane Subdivision; Carol Rudolph, 6016 Calm Lake Dr. ; Mike Nasello, 16 Great Garland Rise, Fairport NY 14450; John Sciarabba, LandTech Surveying and Planning; James T. (Tim) Loughlin, 5670 Martz Rd.; Joseph Burkart, Marathon Engineering for ESL FCU

Excused: Town of Farmington Director of Development and Planning Ron Brand

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 AUGUST 5, 2009 MEETING:

Ms. Godly moved to approve the Minutes of the August 5th Board meeting. Mr. Makin seconded her motion. All five Board members voted aye in a voice vote.

LEGAL NOTICES: *none*

PUBLIC HEARINGS:

PB 0302 –09 PRELIMINARY 63 LOT SUBDIVISION APPLICATION
NAME: A & D DEVELOPMENT, 22 WHITESTONE LANE, ROCHESTER, NY 14618
LOCATION: ESTATE OF BEAVER CREEK. EAST SIDE OF NEW MICHIGAN ROAD AND ON THE NORTH SIDE OF TOWNLINE RD
ZONING DISTRICT: RR-80 DISTRICT/ TL278 CLUSTER
REQUEST: Request a 63 lot subdivision approval for the purpose of cluster development (TL278) for single family homes. CONTINUED

Mr. Ackerman and Mr. Baker appeared for this application. Mr. Baker put up the plans and explained that the State Office of Historic Preservation (SHPO) has issued a finding that this project will have no impact on cultural resources in or eligible for inclusion in the State and National Registers of Historic Preservation. He also added the Town Engineer's comments to the preliminary plat. The 63-lot project, he said, will be done in two or three sections with 19 lots in Section 1.

Chairman Degear then asked for staff comments.

The Code Enforcement Officer (CEO) said he is satisfied from a Code standpoint. It will be a cluster development.

The Town Engineer, Mr. Brabant, said all points in his April 23rd letter have been addressed and all requested information is shown on the plans.

The Sewer and Water Superintendent, Jim Crane, was in the audience and confirmed that he has no concerns.

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. Herendeen and seconded by Mr. Makin. In a voice vote, all five Board members voted aye to close the public hearing at 7:08 p.m.

There were no Board comments.

Chairman Degear requested that Clerk O'Malley read aloud a resolution for the Planning Board to declare itself the lead agency in the SEQR process. Ms. Godly moved to approve the resolution and Mr. Kleman seconded her motion. The Clerk recorded the following roll call vote:
Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The resolution was unanimously approved.

Next, the Clerk read aloud a draft Unlisted Action SEQR Resolution. Mr. Herendeen moved the resolution. Mr. Makin seconded. The following roll call vote was recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The Unlisted Action SEQR was approved by a vote of five ayes.

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

1. ***The title of the drawing is to read "The Estates at Beaver Creek Preliminary Plat Subdivision."***

2. *There is to be a note added to the Preliminary Plat identifying that the Final Plat 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 any of the proposed single family dwellings.*
3. *There is to be a note added to the Preliminary Plat identifying that the Planning Board has determined the need for parkland as part of this Preliminary Plat Approval. The Applicant is directed to formally offer the identified Parkland to the Town Board for acceptance prior to submission of Final Plat Maps.*
4. *There is to be a note added to the Preliminary Plat that a portion of the site lies within an Area of Special Flood Hazard, identified as Zone C, on the Flood Insurance Rate Map (FIRM), Community Panel Number 361299, Map Panel 0014 B of 20, Effective Date: September 30, 1983.*
5. *The Preliminary Plat Map shall show the delineation of any tree mass that exists on the site.*
6. *The Planning Board determines that a Park & Recreation Fee, in the prevailing amount established by the Town Board, is to be a pre-requisite to the issuance of building permits for any of the lots in this subdivision.*
7. *All of the comments identified by Involved and Interested Agencies that pertain to the design and layout of this site are to be addressed on a revised Preliminary Plat Map which is to be signed-off on by the Town Highway & Parks Superintendent, the Town Water & Sewer Superintendent and the Town Engineer prior to the Planning Board Chairperson signature.*
8. *The Final Plat Map shall show two street trees, each tree to have a 3-inch caliper, fronting along all streets. A note to the effect that these trees are to be planted prior to the issuance of the Certificate of Occupancy for each lot shall be placed on the Final Plat Map. Said trees are to be located by the Town Engineer so as to avoid all utilities and line of sight matters. Said trees are to be planted either before the issuance of the Certificate of Occupancy, if weather conditions permit, or before June first of the year following the Certificate of Occupancy.*
9. *There is to be a note added to the Preliminary Plat that the street access and sidewalk into the future park site is to be constructed as part of the construction of the road in this section of the subdivision tract.*
10. *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.*
11. *The Planning Board will not entertain a Final Subdivision Plat Application and 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, signed and filed in the Town Development Office.*
12. *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.*

The applicants said they understood and agreed to the conditions. Mr. Kleman moved the resolution with the conditions. Ms. Godly seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The resolution with the conditions was approved by a unanimous vote of all five Board members.

SITE PLAN APPROVAL

PB 0502-09 FINAL SITE PLAN APPLICATION

NAME: DAVID REIDMAN 45 EAST AVE, ROCHESTER, NY 14604
LOCATION: 6299 NYS ROUTE 96
ZONING DISTRICT: GB
REQUEST: To construct a 1,420 square foot office addition

Mr. Reidman appeared for his application. He handed out a colored rendition of the building's exterior and pinned up the plans for all to see. The applicant told the Board members that the Zoning Board of Appeals (ZBA) has granted the necessary side setback variance at their last meeting. He went on to say that his engineers, BME Associates, have reviewed the Town Engineer's comments and will add them to the plans. There will be building-mounted coach lamps and lights in the soffits which will shine down.

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

Mr. Kofahl, the CEO, confirmed that all necessary variances have been granted and asked that these be noted on the plans.

Mr. Brabant said that the planned lighting meets Town standards and needs to be noted on the plans. In addition, the storm water improvements should also be noted. He requested copies of the variances for the files.

Chairman Degear asked if additional parking is needed. The CEO said no but the applicant can add more parking if necessary. Mr. Reidman pointed out both the existing and banked parking spaces. The existing spaces will be paved and striped, he said. Since customers will usually arrive by appointment, four spaces should be sufficient.

Mr. Crane said he has provided comments and has approved the re-routing of the sanitary sewer.

The Chairman asked for Board comments.

Mr. Makin and Mr. Herendeen had no comments.

Ms. Godly asked for the hours of operation. Mr. Reidman said 8 a.m. to 5 p.m. on Monday through Friday and noon to 5 p.m. on weekends. She also asked the number of employees and was told one. Ms. Godly's final question was about signage. The applicant said he will return with that information in a separate application.

Mr. Kleman said he has a concern that it is a very tight site but the ZBA has granted the necessary variances.

Mr. Degear stressed the need for property maintenance.

At the Chairman's request, the Clerk read aloud a draft Final Site Plan resolution with the following conditions:

1. ***The title of the drawing is to read "Final Site Plan Farmington Self Storage Office Building Addition."***
2. ***The Final Site Plan shall contain a note that identifies the Front and Side Setback Area Variances granted by the Town Zoning Board of Appeals in their File # ZB 0501-09.***

3. *The Town Engineer comments #2, #3 and #4 contained in their August 11, 2009 letter to the Director of Planning & Development are to be addressed to the Town Engineer's satisfaction prior to their signing the Final Site Plan.*
4. *Street Identification Numbers, at least four inches in height are to be permanently attached to the building near the main entrance. In addition, in accordance with Section 165-41 A. (11) of the Town Code a street identification sign post in accordance with the specifications contained in said section shall be placed within 10 feet of the site's access point. Both Street Identification signs are to be shown on the Final Building Elevation and Site Plan drawings.*
5. *All landscaping shall be installed and maintained in accordance with the landscaping plan submitted. Said landscaping shall be installed within 30 days of the issuance of the Certificate of Occupancy unless said date occurs after the accepted fall planting period. In this instance, the landscaping shall be installed on or before June first of the following year.*
6. *Final Site Plan Approval is valid for a period of 90 days from today and shall expire unless the Final Plan(s) have been signed and filed in the Town Development Office or extended by the Planning Board at a later date and by separate resolution.*
7. *The site plan must be signed by the Town Water & Sewer Superintendent and the Town Engineer prior to the Town Planning Chairperson signing the Final Site Plan. The Town Highway Superintendent is not a required signature for this Site Plan. These three signature blocks are to be provided on the Final Site Plan.*
8. *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. One (1) additional signed copy is to be filed with the Town Water & Sewer Department.*
9. *All erosion control measures shall be installed and inspected by the Town Code Enforcement Officer or his representative prior to any permits being issued. This statement is to be noted on the Final Site Plan.*
10. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer, a note to this effect is to be placed on the Final Site Plan.*
11. *Parking for the facility shall include: four (4) spaces outside the existing fence and four (4) spaces behind the fence for a total of eight (8) parking spaces. One (1) of these shall be a handicapped parking space. These spaces shall be shown on the Final Site Plan.*

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

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

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

PB 0605-09 PRELIMINARY 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. Nasello and his engineer, Mr. Sciarabba, appeared for this application. Mr. Sciarabba explained that the plans have been changed since their last appearance before the Board. They have also hired an architect to improve the building's exterior. As the Board requested, they changed the driveway over to the eastern property line. Since Mr. Nasello will be purchasing the lot to the east, both lots can share the driveway.

Mr. Sciarabba said he is working with the Town Engineer to save as many trees as possible as well as most of the hedgerow. In response to a question from Ms. Godly, Mr. Sciarabba said the trees will be two-inch caliper honey locusts.

The engineer went on to say that a total of 90 parking spaces are possible: 73 on this site and 17 to the east. The parking lot will be resurfaced in phases. There will be nine parking spaces in front and eight on the side of the building. Employee parking is planned for the front area although this can be changed.

Mr. Kofahl pointed out that the Code requires 197 spaces for this two story building, although many of these can be banked for the future. Mr. Sciarabba explained that they will only use 3500 square feet of the building and will probably only use 25 spaces. They are seeking a tenant for the rest of the space but the economy makes this difficult. It will be easier to attract medical tenants once the urgent care facility is open.

An access easement between the two parcels will be filed, the applicants explained. A sidewalk is also planned for the present lot with paved and striped pedestrian access to the building. They can install sidewalks around the building, too.

In regards to drainage issues, Mr. Sciarabba said the grading will be unchanged and the internal working roof leaders will remain. The stormwater flows east to a future pond on the next lot. The applicants promised to work with the Town Engineer on storm water management. There will be less than ½ acre disturbance to the site, mainly from the removal of some paving.

Mr. Brabant pointed out that they plan paving for future parking on the parcel to the east which also has to control storm water for both lots. He asked for a proposal on how they would manage storm water after a full build out on both lots. Mr. Sciarabba replied that they only need 25 parking spaces, based on similar urgent care operations elsewhere. Even with 90 spaces, there will be room for a storm water control facility. Chairman Degear asked that this discussion be entered into the record to show that the Planning Board did due diligence on this issue. Mr. Sciarabba reminded the Board that new storm water regulations go into effect next year and his client will have to meet them.

The applicants said they will submit lighting cut sheets. There will be four new poles as well as wall sconces. All fixtures will be dark sky compliant. The dumpster area will be lighted.

Ms. Godly explained that the Board did not receive copies of the Preliminary Site Plans so she must, in all conscience, abstain from voting. Mr. Kofahl checked and discovered that the plans arrived in the Development Department last week and were no longer in the file. Chairman Degear said the cause must be an internal staff problem. The applicants explained that

preliminary approval is needed tonight both to secure financing by the September 2nd bank deadline and to close on the property since the owner is anxious.

Although this was not a public hearing, Chairman Degear allowed Carol Rudolph, a member of the audience, to address the Board. She explained that Farmington needs this urgent care center. She has worked at the one on Corporate Drive and knows the need. She also commended the applicants for lighting the dumpster area since she has had to carry trash out in the dark in other locations. It is a concern especially for female employees.

Ms. Godly asked the hours of operation. Mr. Nasello said 9 a.m. to 9 p.m. Monday through Friday and 9 a.m. to 5 p.m. on weekends.

Chairman Degear asked for staff comments.

Mr. Kofahl said he would like to see at least 32 parking spots based on the Geneva facility's needs for both employee and client parking. He requested more handicapped parking. The CEO also asked them to provide a sidewalk and crosswalk extending from the building and employee parking area to the proposed sidewalk along the frontage of the parcel for pedestrian access since this is a legal requirement. Mr. Sciarabba replied that they plan to have 90 spaces when they open. He agreed to make the other changes on the plans.

The Town Engineer referred to MRB's August 11th letter which said that it is unclear what is being proposed now and what is in the future. He asked that the design engineer consider providing a site plan depicting what is being proposed now including landscaping, utilities, grading, pavement improvements etc. , as well as a future site plan depicting in bold all future improvements.

Mr. Brabant expressed concern that the proposed project and the future improvement area to the east will ultimately disturb over an acre, which is the threshold requiring water quality and quantity mitigation. Furthermore, the proposed project suggests a disturbance area of about 0.5 acres and a total impervious area (existing plus proposed) exceeding one acre. He requested that the design engineer should ensure that a sufficient area is available for a future stormwater mitigation facility by completing a preliminary analysis.

The Town Engineer also asked that storm water runoff be directed away from the dumpster, building areas and neighboring properties.

The Chairman asked for Board comments.

Mr. Makin pointed out that drainage information is needed for final approval and said he is willing to do preliminary approval tonight.

Mr. Sciarabba argued that he is only disturbing about 0.30 acres now so the east-flowing stormwater is not a problem. Mr. Brabant explained that, although they do not meet the one acre threshold, he is concerned that more than one acre will be disturbed when they develop the lot to the east. He wants assurance that the two sites can meet that requirement in the future. Current drainage is adequate for this site use, but they will have to meet State regulations later. This is why he is asking for a conceptual plan as part of preliminary approval.

Ms. Godly agreed that an urgent care facility is necessary in Farmington but she still wants to see the plans before voting. She looks forward to seeing them.

Mr. Herendeen said that the applicants have a good plan from what he has seen tonight. He would like to do preliminary approval now, if possible.

Mr. Kleman said he is willing to act on preliminary approval, too.

Mr. Degear pointed out that it is not the applicant's fault that the Board did not receive the plans prior to the meeting. Not acting tonight could jeopardize this important project.

There was a discussion of the best way to expedite approval of this application. Given the unusual circumstances, Ms. Godly suggested having a special Board meeting on Monday, August 24th and Clerk O'Malley offered to deliver the plans on Thursday, August 20th. Chairman Degear told the applicants that the Board members know the applicants' need for quick action and support their application. However, it would depend upon how quickly the CEO could locate the missing plans.

Mr. Sciarabba offered to meet with the Town Engineer on Monday to go over the concept plans for future storm water management which Mr. Brabant requested. The Chairman asked the Board members if they would agree to conditional approval. All agreed except Ms. Godly. Mr. Degear said he understood her reasons. Mr. Kofahl then explained the deadlines for the applicants to be on the October 7th agenda for final approval.

Ms. Godly moved to waive the reading of the Unlisted Action SEQR with Mr. Makin seconding her motion. In a voice vote, all five Board members voted aye. Next, Mr. Makin moved to approve the SEQR. Mr. Kleman seconded.

The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The 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 Site Plan resolution with the following conditions:

1. ***The title of the drawing is to read "Preliminary Site Plan Urgent Care Facility 6132 State Route 96".***
2. ***The Applicant shall comply with all comments made by the Director of Planning & Development in his August 10, 2009 Memorandum to the Town Planning Board that require modifications to be made to the Preliminary Site Plan.***
3. ***The Applicant shall comply with all comments made by the Town Engineer, MRB Group, P.C., in their August 11, 2009 Letter to the Director of Planning & Development that require modifications to be made to the Preliminary Site Plan.***
4. ***Prior to the submission of a Final Site Plan, the Applicant shall make application to the New York State Department of Transportation (DOT) for a highway work permit to close-off the westerly driveway to Route 96 and to construct a new shared driveway facility to be located at the east end of the subject parcel. A copy of the DOT application is to be submitted to the Town Development Office for filing with this application.***

5. *Preliminary Site Plan Approval is valid for a period of 180 days from today and shall expire unless the Final Site Plan(s) have been signed by the Town Engineer, the Town Water & Sewer Superintendent and filed in the Town Development Office.*
6. *Once all conditions of Preliminary Site Plan Approval have been met, the Planning Board Chairperson's signature must be affixed to the preliminary site plan map and filed in the Town Development Office.*
7. *The Planning Board determines that parkland is not a condition of Preliminary Site Plan approval for this application.*
8. *All site lighting shall be complaint with the Town's Lighting Regulations, Chapter 165, of the Town Code. There is to be a note added to the Final Site Plan which reads as follows: "All site lighting shall be compliant with the Town Code Chapter 165".*
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 is to be noted on the Final Site Plan.*
10. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.*
11. *The revision box shall be amended to reflect all conditions of preliminary approval.*
12. *A copy of this resolution, along with the Director of Development's Memorandum and the Town Engineer's Letter cited above herein, are to be sent to Greg Trost, P.E., NYSDOT Ontario County Resident Engineer, Parrish Street, Canandaigua, New York 14424.*
13. *This approval is subject to a meeting being held on August 24, 2009 between the Town Engineer and the applicant to discuss future drainage plans. The Planning Board Chairperson will not sign the Preliminary Site Plans until this matter is satisfactorily resolved.*

The applicants said they understood and agreed to the conditions. Mr. Makin made a motion to approve the Preliminary Site Plan with the conditions and Mr. Herendeen seconded his motion. Clerk O'Malley recorded the following roll call vote:

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

The resolution was approved by a vote of four ayes to one abstention.

Ms. Godly was excused from the meeting at 8:45 p.m.

PB 0704-09 FINAL 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. He stated that he has met the conditions for preliminary approval and is seeking final subdivision approval tonight.

Chairman Degear asked for staff comments.

Mr. Kofahl confirmed that all conditions for preliminary approval have been met and are shown on the final plat for action tonight.

Mr. Brabant had no comments.

The Chairman asked for Board comments.

Mr. Herendeen told the Board members that this site has well-drained gravel soil so the septic system should work well. The applicant said that it perked well.

There were no other Board comments.

At the Chairman's request, the Clerk read aloud a draft Final Subdivision resolution with the following conditions:

1. ***The title of the drawing is to read "Final Plat Lots 1, 2 and 3 Loughlin Subdivision."***
2. ***A note is to be added to the Final Subdivision Plat to identify the requirement that no Building Permit may be issued until the Final Plat Map has been signed by the Planning Board Chairperson and filed in the Ontario County Clerk's Office.***
3. ***All conditions of preliminary plat approval granted by the Planning Board on July 15, 2009 have been made and are shown or identified in a note on the Final Plat Map.***
4. ***The revision box on the Final Subdivision Plat Map shall be amended to reflect the above conditions of approval.***
5. ***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.***
6. ***Once the Planning Board Chairperson's signature is affixed to the Final Subdivision Plat 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.***
7. ***No site development shall be allowed until an official tax map number for the lot(s) has been filed with the Town Assessor's Office.***
8. ***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.***
9. ***Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.***

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

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The Final Plat was approved by a vote of four ayes.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

Although Mr. Brand was excused from this meeting, he provided the Board members with several draft resolutions for their consideration.

1. Letter of Credit release #1, Section 3, Auburn Meadows

At Chairman Degear's request, the Clerk read aloud a draft resolution recommending to the Town Board the release of \$54, 172.85 from this Letter of Credit. Mr. Brabant confirmed that the haul road for Section 3 is under construction. Mr. Makin offered the resolution with Mr. Herendeen seconding. The motion was approved by a voice vote of four ayes.

2. Local Law ESL PD Site

Mr. Kofahl explained the procedures necessary to amend local laws. In this case and in the next one, prior local laws establishing PDDs (Planned Development Districts) need to be amended to allow changes for an ATM machine for the ESL site and to subdivide the James Crane site.

Mr. Makin referred to his email asking if action could be taken in future to avoid the need to amend the PD each time something new is added. Chairman Degear said that this could be done at the same time as changes to the Comprehensive Plan and the Town Code. Mr. Kofahl pointed out that this area should be zoned Industrial since the rest of the area is. This requires legal action by the Town Board. The Chairman agreed and asked that the Board's comments be noted in the Minutes for future consideration.

Clerk O'Malley then read aloud the draft resolution:

WHEREAS, the Town of Farmington Planning Board, (hereinafter referred to as Planning Board) has reviewed a draft local law to amend Local Law #3 of 1983, prepared by the Town Director of Planning and Development; and

WHEREAS, the Planning Board has considered the requirement of Chapter 165, Section 31. E. of the Farmington Town Code; and

WHEREAS, the Planning Board has deliberated the merits of this draft local law in a public meeting; and

WHEREAS, the Planning Board has reviewed the public record on said Action, NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the action before them would adequately address the proposed accessory structure/use of this PD zoned land in a manner that would complement the other parcels of land comprising the Farmington Industrial Park, Collett Road and State Route 332 IDA.

BE IT FINALLY RESOLVED that the Planning Board does hereby direct the Clerk of the Board to provide a copy of this resolution to the Town Board for its consideration and action as provided for under the Town Code Section referenced above herein.

Mr. Degear made a motion to approve the resolution. Mr. Herendeen seconded. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The motion was approved by a vote of four ayes.

3. Local Law Crane PD Site

The Clerk read aloud the following draft resolution to the Town Board:

WHEREAS, the Town of Farmington Planning Board, (hereinafter referred to as Planning Board) has reviewed a draft local law, to amend Local Law #4 of 1988, prepared by the Town Director of Planning and Development; and

WHEREAS, the Planning Board has considered the requirement of Chapter 165, Section 31. E. of the Farmington Town Code; and

WHEREAS, the Planning Board has deliberated the merits of this draft local law in a public meeting; and

WHEREAS, the Planning Board has reviewed the public record on said Action, NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the action before them would adequately address the proposed accessory structure/use of this PD zoned land in a manner that would complement the original intent of the James Crane PD Planned Development District Official Map, and

BE IT FINALLY RESOLVED that the Planning Board does hereby direct the Clerk of the Board to provide a copy of this resolution to the Town Board for its consideration and action as provided for under the Town Code Section referenced above herein.

Mr. Kleman offered the resolution which Mr. Herendeen seconded. . The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The motion was approved by a vote of four ayes.

BOARD COMMENTS:

Mr. Makin asked about the architectural standards. He recalled that in a spring training class which he and Mr. Herendeen attended, there was a discussion about the problems of recycling “signature buildings.” Chairman Degear reported that the draft architectural standards went to the Town Attorney for comments. The committee should meet again to discuss these changes. Their Chairman, Rudy VanderVelden, is leaving the Town Board so they will need a new Chairperson.

PUBLIC COMMENTS: none

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, September 2, 2009 at 7 p.m.

Mr. Herendeen made a motion to adjourn with Mr. Kleman seconding it. In a voice vote, all four Board members voted aye to adjourn at 9:05 p.m.

These minutes were taken and respectfully submitted by

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