

**TOWN OF FARMINGTON PLANNING BOARD**

**March 4, 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.; Farmington Fire Association Assistant Chief Phil Robinson; press representative Steven Poyzer, Victor Herald; Robert Topping, Topping Engineering; Ernie Ackerman, A&D Development; Walt Baker, D.S.B. Engineers and Architects P.C.; Reginald Neale, 6032 County Road 41.

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

**OPEN MEETING:**

The meeting was called to order at 7:01p.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 FEBRUARY 18, 2009 MEETING:**

Ms. Godly moved to approve the Minutes without changes. Mr. Makin seconded the motion. In a voice vote, Ms. Godly, Mr. Herendeen, Mr. Kleman and Mr. Makin voted aye to approve. 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 February 25, 2009 Daily Messenger.

*In the interest of saving the applicant’s time, Chairman Degear asked Mr. Ackerman and Mr. Baker if they would allow Mr. Neale to go first on the agenda. They agreed.*

**PUBLIC HEARINGS:**

**PB 0301 –09 SPEICAL USE PERMIT RENEWAL**  
**NAME:** REGINALD NEALE, 6032 COUNTY RD 41, FARMINGTON, NY  
14425

**LOCATION:** SAME AS ABOVE

**ZONING DISTRICT:** zone R-2 District

**REQUEST:** Request to renew a special use permit to continue a home occupation according to Article VI, Chapter 165-72 of the Town of Farmington Codes. The applicant wishes to continue a consulting business from the home.

Chairman Degear read Mr. Neale's letter of application into the record:

*"Per your recent request, this is my letter of intent concerning the renewal of my special use permit for the operation of a part-time engineering consulting business from my residence at the above address.*

*I have not transacted any business during the time that this permit has been in effect. However, I would like to renew it.*

*I do not expect any changes in traffic or appearance related to this special use."*

Mr. Neale said he had no additional information.

The Chairman asked for staff comments.

Code Enforcement Officer (CEO) Kofahl said there are no issues on file.

The Town Engineer and the Fire Chief had no comments.

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 Ms. Godly. 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 public hearing was closed by Board vote at 7:07 p.m.

Next, the Chairman asked for Board comments.

Mr. Makin had no comments.

Ms. Godly said she could approve a three year renewal.

Mr. Herendeen and Mr. Kleman had no comments.

Chairman Degear agreed with a three year renewal.

At the Chairman's request, the Clerk read aloud a draft Special Use Permit renewal resolution with the following conditions:

- 1. The application has been determined to be consistent with the provisions of Chapter 165 of the Town Code.***
- 2. This Special Use Permit is valid for a period of three years and shall expire on***

- March 4, 2012 or prior to any change in either use or site plan components.*
- 3. There shall be no commercial speech signage permitted on the property.*
  - 4. There shall be no regular hours of operation advertised.*
  - 5. There shall be no more than one employee allowed on the premises.*
  - 6. There shall be provisions provided for off-street parking for any business visitors to the property.*
  - 7. There shall be no outdoor storage or display associated with this Special Use Permit.*

The applicant said he understood and agreed to the conditions. 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.

**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.

**REQUEST:** Request a 63 lot subdivision approval for the purpose of cluster development (TL278)) for single family homes.

Mr. Ackerman and Mr. Baker appeared for this application. Mr. Baker explained that they wish to construct a 63-lot subdivision under the cluster development Code. He reminded the Board that they had previously presented a concept plan and a request to divide a larger parcel into two lots. This subdivision will be on one of those lots.

The engineer described the subdivision which will contain 12 acres of parkland to be dedicated to the Town. Public water and sewer will be brought in from Auburn Meadows. Mr. Baker pointed out that they have addressed the Town Engineer’s comments and revised their plans accordingly.

Chairman Degear asked the applicants for more information on lot sizes. He was told that these would be shown on the final plans. Ms. Godly asked them to refresh her memory as to the range of lot sizes. Mr. Baker said 24,000 to 55,000 square feet.

Mr. Degear asked that the number of lots of each size be shown on the final plans. The Board members agreed. The Chairman also asked when the applicants plan to start construction. Mr. Ackerman said in the spring. He also explained that this is not another Ryan development like Auburn Meadows. They will be large, custom homes designed by a different firm.

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

Mr. Kofahl explained that there will be 64 lots with the parkland since dedicated parkland counts as a lot with its own tax number.

Mr. Brabant referred to his letter of February 24. He said there needs to be a drawing with one overall preliminary plat of Parcel A and Parcel B showing their division. It should also identify the neighboring Bowerman property along with its utilities. Mr. Ackerman commented that this property did not have utilities. The Town Engineer continued by saying that they also need to identify the offsite sewer connection and the haul road.

Chairman Degear commented that they need more information on the location of the haul road. Mr. Baker showed how Section 1 with its 19 lots connects with the Auburn Meadows maintenance road for the sewer. The haul road will be on the main road but it will not be topped. Chairman Degear said they would return to this topic later in the meeting.

When Mr. Baker finished speaking, the Chairman asked for staff comments.

The Town Engineer said that he has raised some questions on Mr. Baker's last point in his February 24<sup>th</sup> memo. The following need to be addressed:

*#23. The proposed offsite sanitary sewer connection within Auburn Meadows Subdivision should be depicted on the plans.*

*#35. As requested by the Water and Sewer Superintendent, a haul road is to be provided along the proposed sanitary sewer location extending from the existing haul road located within the Auburn Meadows Subdivision to the limits of proposed Section 1 within Beaver Creek Subdivision.*

He also raised a question from this same memo about storm water treatment:

*#33. A temporary diversion swale rerouting the treated stormwater discharge from the existing stormwater management facility (pond #9) located within Auburn Meadows Section 2, around the proposed stormwater management facility behind lots 25-28 to its ultimate discharge point is to be provided on the plans.*

He asked where the clean treated water goes during construction. This needs to be identified on the plans. In addition, he referred to another point raised in his memo about stormwater:

*#34. The proposed stormwater management facility located behind lots 25-28 extends offsite into future lots of Auburn Meadows Subdivision and will require an access and utility easement to be provided to the Town of Farmington. Please note that a storm and utility easement to the Town of Farmington over the stormwater management facility (pond #9) and drainage route located within Auburn Meadows Section 2 and future lots of the subdivision already exists; however, it does not include the proposed facility. Therefore, the existing easement is to be abandoned and a new access and utility easement to the Town of Farmington over the existing and proposed pond is to be provided in its place. Please revise the plan accordingly.*

Mr. Brabant said that expanding the impervious area means more water treatment is needed. As he pointed out in his February 24<sup>th</sup> memo:

*#45. The design engineer should consider and mitigate any water quality and quantity impacts due to the increase of impervious area and channelization of runoff associated with the section of proposed road between drainage area 6S and Townline Road.*

Mr. Baker replied that he has added a pond and picked up the Townline Road drainage too.

Mr. Robinson commented that retention ponds attract children. The Fire Association is not set up for a water rescue. How deep are these ponds? Mr. Baker responded that they will be four to six feet deep and meet DEC (Department of Environmental Conservation) regulations. Mr. Brabant added that some have a two foot quality bench around the edges. Mr. Baker pointed out that there is a gradual slope.

Chairman Degear asked for Board comments.

Mr. Makin said the applicants have done a nice job.

Ms. Godly said she would like to recheck the drawings after they are revised.

Chairman Degear pointed out that the Town needs to be the lead agency under SEQR for this application but he wanted to have a public hearing on it first. There are several involved or interested agencies and the Ontario County Planning Board must also make a recommendation on it.

Mr. Herendeen and Mr. Kleman had no comments at this time.

Mr. Degear said it is nice to see a different developer and mix of houses.

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. At the Chairman's request, the Clerk read aloud a draft resolution to continue action on this application until the April 15, 2009 Board meeting. The motion was made by Ms. Godly and seconded by Mr. Herendeen. 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.

Mr. Baker asked if final subdivision approval could also be considered at the April 15<sup>th</sup> meeting. Mr. Kofahl advised him that he must meet Development Department due dates with his corrections. Chairman Degear explained that Board and staff are trying to streamline the application process so that the applicant does not have to keep coming back several times.

**PB0203-09 FINAL SUBDIVISION APPLICATION**

**NAME:** MR. & MRS. KEN FRIEDMAN, P.O. BOX 25037,  
FARMINGTON, NY 14425

**LOCATION:** 1654 NEW MICHIGAN RD

**ZONING DISTRICT:** RR-80

**REQUEST:** Site plan approval for a buildable lot, amend parcel #2 of  
Mandrino's Final Subdivision

Mr. Topping, the applicants' engineer, appeared for this application. He pinned up the plans, explaining that the applicants wish to construct a small house on the west side of

New Michigan Road. The property extends back to the Mud Creek flood plain. It is a wooded site. There is no house on the property at present, only farm buildings which the applicants plan to use for their horses. There is an existing well.

When Mr. Topping finished his presentation, Chairman Degear asked for staff comments.

The CEO reminded the Board that they already approved the Preliminary Subdivision. He has a draft for a Final Subdivision Resolution tonight. On February 23<sup>rd</sup>, the Zoning Board of Appeals approved a variance because the farm buildings extend further into the roadway than the house.

The Town Engineer and the Fire Association Chief had no comments.

The Chairman asked if there are any Board comments. There were none.

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

1. *The title of the drawing is to read "Final Plat Kenneth Friedman 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 February 24, 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.*
10. *The variance received on February 23, 2009 from the Town of Farmington Zoning Board of Appeals shall be noted on the Final Site Plan map.*

Mr. Topping said he understood and agreed to the conditions. Then, Mr. Makin moved the resolution with the conditions and Ms. Godly seconded his 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.

**DISCUSSION:**

**OPEN DISCUSSION:**

Chairman Degear referred to a February 24<sup>th</sup> memo from Mr. Brabant about the haul road extension for Auburn Meadows Subdivision and pointed out that Mr. Ackerman already left the meeting although he knew this topic would be discussed. This memo states in part:

*“Per the request of the Town Highway Superintendent to avoid construction vehicles/traffic accessing future sections of Auburn Meadows on dedicated Town Subdivision Roads (Spartan Drive and Amber Drive), the applicant/developer is to create a Haul Road Extension Plan depicting a new construction entrance to the Haul Road through a future Section of Auburn Meadows. The Haul Road is to be used as a construction road for all future Sections of the Auburn Meadows Subdivision and The Estates at Beaver Creek Subdivision, future Phase II (north portion). Thus the Town could save the additional wear and tear of the Subdivision Road due to heavy construction vehicle traffic and improve vehicle/pedestrian safety within Auburn Meadows. The Haul Road Extension Plan is to be provided to the Town for review and approval with the next proposed Section of Auburn Meadows Subdivision.”*

Mr. Brabant provided a summary of the issue which came up at the last PRC (Project Review Committee) meeting. Mr. McLaughlin, the Highway Superintendent, expressed concern because a dedicated Town road is being used to access a construction road intended for the maintenance of the sewer. The construction of Auburn Meadows and The Estates at Beaver Creek Subdivisions could go on for years. The Town has both public safety and maintenance issues. The next section of Auburn Meadows will have a new entrance point for the haul road to be submitted for review. The construction entrance will be used until there is a full build out of Auburn Meadows and the north section of Beaver Creek.

Mr. Degear asked for a written plan of these haul roads to be submitted to the Planning Board for review. Once they agree, the plan should be given to Mr. Kofahl to enforce. He repeated his comment that construction traffic and school buses should not use the same road. Children are in danger.

Mr. Kofahl referred to Mr. Baker's comment about using Town roads and then black topping them later. He said that these vehicles are heavy earth movers, not small trucks. They can do considerable damage to a road. For this reason, a separate haul road is needed.

The Board members agreed that the Town Engineer should request a haul road phasing plan from the developer.

Chairman Degear also reported that he spoke with Jim Gresens from MRB about the bridge design for Auburn Meadows. The project is on-going.

The Chairman also expressed concern because he heard about Jim Peet's retirement. Mr.

Brabant explained that Mr. Peet will be working part time on his current projects

**Reports:**

**Code Enforcement Officer:**

Mr. Kofahl reported that Wendy's has withdrawn its application to take over the KFC space on Route 332. The owner of the site must now fill in the potholes.

He also said that Beale's has withdrawn its U-Haul application.

The CEO concluded by saying that Boom Towne will be in a foreclosure auction in May. It is still operating under bankruptcy protection. The sidewalk in front of it will be done by whoever takes it over.

**Chairman of the Planning Board:**

Chairman Degear reminded the Board members that both Monroe County Planning Department and Ontario County are offering training.

**PUBLIC COMMENTS:** *none*

**ADJOURNMENT OF THE MEETING:**

Chairman Degear announced that the next Meeting date will be on Wednesday, March 18, 2009 at 7 p.m. at the Farmington Town Hall.

Ms. Godly made a motion to adjourn and Mr. Makin seconded her motion. All five Board members voted aye in a voice vote. The Planning Board adjourned at 8:05 p.m.

These minutes were taken and respectfully submitted by

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