

TOWN OF FARMINGTON PLANNING BOARD

June 17, 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
- Excused: 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.; Greg McMahon and Dave LaRue, McMahon LaRue Associates; Kristina Rogers, Edgemere Development; Scott Gonyeo, Farmington Senior Housing; Ellen Edler, 195 Bowerman Rd.

OPEN MEETING:

The meeting was called to order at 7:04 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 JUNE 3, 2009 MEETING:

Mr. Kleman moved to approve the June 3rd Minutes with Mr. Herendeen seconding the motion. In a voice vote, Mr. Herendeen, Mr. Kleman and Mr. Degear voted aye to approve the Minutes without changes. 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 June 10, 2009 edition of the Daily Messenger.

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

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

The Development Director explained that, as part of the Coordinated Review for SEQR, the State Office of Parks, Recreation and Historic Preservation has requested a Phase I Environmental Audit. The Planning Board must wait for a determination on the findings of this audit before being designated Lead Agency and making the required determination of significance on this action. He recommended continuing the public hearing and tabling action on the application until the July 1st meeting.

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 continue the public hearing and table action on the application until the July 1, 2009 Planning Board meeting at 7 p.m. at the Town Hall. The motion was made by Ms. Godly and seconded by Mr. Herendeen. The Clerk recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—excused

David Degear—aye

The motion passed unanimously.

PB 0607-09 SPECIAL USE PERMIT RENEWAL

NAME: ELLEN EDLER

LOCATION: 195 BOWERMAN RD., FARMINGTON

ZONING DISTRICT: RS-25

REQUEST: To renew a Special Use Permit to continue a home occupation. The applicant wishes to continue to operate a home candy business from the home.

Chairman Degear read the applicant's letter of application into the record (see attached). The applicant said that she had no changes since the last Special Use Permit (SUP) and that business has been good in spite of the economy.

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

The Code Enforcement Officer said that there are no complaints on file.

Mr. Brand said that this will be a Type II Action SEQR. He recommended a three year renewal and asked that she provide a copy of her Food Processing License renewal next May or the SUP will be null and void. The applicant agreed.

The Town Engineer 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. In a voice vote, all four Board members present voted aye to close the public hearing at 7:16 p.m.

The Chairman asked for Board comments.

Ms. Godly said that she is glad the business is a success and that a three year renewal was acceptable to her.

Mr. Herendeen said that he, too, is glad the business is a success and has no problem with a three year renewal.

Mr. Kleman agreed with the other Board members.

Mr. Degear expressed great pleasure that the business is doing so well and offered to help her find a commercial building if she needs to expand in the future.

Mr. Herendeen moved to waive the reading of the Type II Action SEQR with Ms. Godly seconding his motion. In a voice vote, all four Board members voted aye. Next, Mr. Kleman moved to approve the Type II Action SEQR. Ms. Godly seconded. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—excused

David Degear—aye

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

At the Chairman's request, Clerk O'Malley read aloud a draft Special Use Permit 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. *The Special Use Permit: is issued for the operation of a business office from within the principal dwelling; is valid for a period of three (3) years and must be renewed on or before June 17, 2012; and, shall be made null and void with any change in either use or site plan components.*
3. *The applicant is to provide the Town Development Office with a copy of the New York State Food Processing License that is scheduled to expire on May 14, 2010 within 30 days of the renewal of said License. Failure to file said copy shall result in this Special Use Permit being null and void.*
4. *The need for a Final Site Plan is hereby waived based upon the finding that the Special Use Permit is to be conducted entirely from within the existing dwelling on the site.*
5. *There shall be no building mounted or free-standing commercial speech signage permitted on the property.*
6. *There shall be no regular hours of operation advertised.*
7. *There shall be no more than one employee associated with the business.*
8. *There shall be provisions for off-street parking for any business visitors to the site.*
9. *There shall be no on-street parking for any business visitors to the site.*
10. *There shall be no outdoor storage or display of any equipment, materials, or supplies associated with this Special Use Permit.*

The applicant said she understood and agreed to the conditions. Ms. Godly moved to approve the Special Use Permit with the conditions. Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye
Robert Kleman—aye
Scott Makin—excused
David Degear—aye

The SUP with the conditions was unanimously approved.

PB 0509-09, TWO LOT PRELIMINARY SUBDIVISION APPLICATION
PB 0510-09, PRELIMINARY 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 (CONTINUED)

Mr. Gonyeo from Farmington Senior Housing, Ms. Rogers from Edgemere Development, and Mr. Greg McMahan and Mr. Dave LaRue from McMahan LaRue Associates appeared for this application. Mr. McMahan said that the County Planning Board has met on their application, their revised plans have been reviewed by staff and they have responded to staff comments. Tonight, they are appearing before the Board to answer any additional questions.

Since there were questions about the adequacy of storage for these units at a prior meeting, Ms. Rogers reported that their Hilton property has smaller units. She provided a photograph of these to show that there are no storage problems. Mr. Gonyeo added that there have been no problems with storage outside the apartments in either their Jefferson Park or their Hilton properties. He promised to enforce the regulations as property manager. Ms. Godly expressed appreciation for their documenting the information requested by the Board.

At this point, Chairman Degear asked for staff comments.

Mr. Brand explained that they would be dealing with the preliminary subdivision application first. He advised the Board to confine conversation to this topic. He presented a draft preliminary plat, going over each condition for consideration by the Board and the applicants.

Mr. Kofahl pointed out that there needs to be a signature block on the plat for signatures by the Chairman, Highway Superintendent, Water and Sewer Superintendent and Town Engineer. Clerk O'Malley added this to the conditions at the Board's direction.

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. A motion to close the public hearing was made by Mr. Degear and seconded by Mr. Herendeen. In a voice vote, all Board members present voted aye to close the public hearing at 7:36 p.m.

There were no Board comments.

The applicants were asked if they understood and agreed to the conditions. Ms. Rogers asked about the light at the entrance on Route 332. The Town Engineer said that this is a site plan question.

Mr. LaRue questioned numbering the subdivided lots as #1 and #2 since different numbers were used for Incentive Zoning. Mr. Brand explained that if you have a Lot #1, you need to have a Lot #2. Lot #2 can be re-subdivided. Mr. LaRue was concerned that this would create Title confusion.

The Chairman asked the Director of Development how to proceed. Mr. Brand said it is the Planning Board's decision. Ms. Godly asked what the usual procedure in the Town of Farmington is. Mr. Brand said calling the first lot in a subdivision Lot #1 and the rest of the property Lot #2. Mr. Kofahl explained that the parent parcel is usually Lot #1 on a commercial subdivision. The numbers whittle down from there. Although the applicants continued to object, the Board members unanimously agreed to follow the usual practice in the Town of Farmington. The applicants agreed to do this.

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 Lots #1 and #2 George Mercier Subdivision." All portions of the site currently identified as "Other Lands of George Mercier" is to be labeled at Lot #2.***
2. ***There is to be a note added to the Preliminary Plat identifying that this map is required to be signed by the Planning Board Chairperson and filed with the Town Development Office as a pre-requisite to the Planning Board scheduling a public meeting on the Final Subdivision Plat.***
3. ***All drawings that need to be amended to satisfy the comments made by Jack Henehan, Town Construction Inspector, in the June 1, 2009 letter to the applicant's Engineers, McMahon LaRue Associates, P.C., Engineers/Surveyors, are to be made on the revised Preliminary Plat Maps and noted in the revision box prior to the Planning Board Chairperson's signatures.***
4. ***All drawings that need to be amended to satisfy the comments made in the MRB Group, P.C., the Town's Engineers, in their June 10, 2009 letter to the applicant's Engineers, McMahon LaRue Associates, P.C., Engineers/Surveyors are to be made on the revised Preliminary Plat Maps and noted in the revision box prior to the Planning Board Chairperson's signatures.***
5. ***There is to be a note added to the Preliminary Plat that the site lies within an Zone C Area of Minimal Flooding, identified on the Flood Insurance Rate Map (FIRM), Community Panel Number 361299, Map Panel 12 of 20, Effective Date: September 30, 1983.***
6. ***The Preliminary Plat Map shall show the delineation of any tree mass that exists along the western portion of the site.***
7. ***The Preliminary Subdivision Plat signature block shall be signed by the Water and Sewer Superintendent, the Highway Superintendent, the Town Engineer and the Planning Board Chairperson.***
8. ***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.***
9. ***The Planning Board will not accept an application for Final Subdivision Plat Map until first a Preliminary Plat Map with all conditions of approval shown thereon has been submitted and signed.***
10. ***The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.***

11. ***The Planning Board determines that a Park and Recreation Fee in an amount established by the Town Board resolution is to be paid at the time of issuance of Building Permits.***
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 to approve the resolution with Ms. Godly seconding the motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—excused

David Degear—aye

The resolution with the conditions was unanimously approved.

PB 0510-09, PRELIMINARY SITE PLAN APPLICATION

Chairman Degear asked about the Town Engineer's comments on this application. Mr. Brabant referred to his June 9th letter to McMahon LaRue Associates. There should be lights where the future Town road will be located and also at the entrance from Route 332. The Town Engineer also pointed out that the Town needs a temporary access to the private pond during construction for inspection. The applicants agreed to this and said that there will be an easement for permanent access to the Town for maintenance. The Board members agreed that permanent access is a good idea.

Mr. Brabant went over the rest of his comments in his June 9th letter and the applicants agreed to them.

The CEO said that the applicants have shown all of his requests: the fire hydrant, emergency vehicle access and an access road around the perimeter. He clarified a statement made at an earlier meeting that only one emergency vehicle access is sufficient, not two.

The Director of Development asked about street lights and street trees. It will be up to the Planning Board, he said, whether to request these now or later.

The Chairman asked for Board comments.

Ms. Godly pointed out that some issues remain to be resolved. Can this be done for final site plan approval? Mr. Brand, Chairman Degear and the Board members agreed to wait for final approval for such items as street trees and street lights. Ms. Godly concluded by saying that she appreciated the applicants' listening to the Board's requests. They have made a great start.

Mr. Herendeen said that this application has come a long way.

Mr. Kleman said he had no additional comments.

Mr. Degear reminded the applicants to include street trees and street lights on the final site plan because these are important.

The Chairman asked the applicants for their timetable.

Ms. Rogers said their goal is to submit the final site plan in time for the July 1st meeting. They hope to receive the State financing approvals in July or August. They could then close on the loans at the end of September and start construction October 1st.

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 Farmington 332 LLC".*
2. *Preliminary Site Plan Approval is valid for a period of 365 days from today and shall expire unless the Final Site Plan(s) have been signed and filed in the Town Development Office.*
3. *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.*
4. *The Planning Board determines that parkland is not a condition of Preliminary Site Plan approval for this application.*
5. *All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 105, Section 805 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 105, Section 805".*
6. *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.*
7. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.*
8. *The revision box shall be amended to reflect all conditions of preliminary approval.*
9. *All site plan issues identified in the Town Engineer's June 10, 2009 letter and also during tonight's meeting including site lighting at the future Town Road and State Route 332 shall be satisfied.*
10. *There shall be a temporary access road to the outlet facility to allow access by Town officials*
11. *A permanent easement shall be provided to all drainage facilities.*
12. *Access points to the trail shall be addressed.*
13. *A note is to be added to the Preliminary Site Plan that all landscaping shall be installed prior to the issuance of a certificate of occupancy.*
14. *Final Site Plan approval shall depend upon resolution of the street tree and sight lighting issues.*

The applicants said they understood and agreed to the conditions. Mr. Herendeen moved to approve the final site plan with the conditions. Mr. Kleman seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—excused

David Degear—aye

The resolution with the conditions was unanimously approved. The applicants thanked the Board.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

Mr. Brand informed the Board of the Letter of Credit estimate for Phase 3 of Auburn Meadows prepared by the applicant's engineer and reviewed by the Town Construction Inspector and Town Engineer. Both individuals found the estimate to be complete and representative of true costs. This was information only for the Planning Board with no action required. The Town Board will be considering it at their meeting next Tuesday evening.

Mr. Brand also reported that he met with Jeff Guttenberg on the survey. There was a great response from Town residents. They will make a report to the Town Board in July. The Planning Board will probably get the information at their July 29th meeting.

The Development Director referred the Board to a newspaper article saying that Giovanni will be opening a new restaurant where the Blacksmith Shop used to be.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl reported that he met with the owner of Park Place Restaurant. They are moving toward a settlement with the insurance company since it was declared a total loss. There will be a discussion of their future plans next week and they hope to re-open with a new structure by Thanksgiving.

Boom Towne was sold and will remain a dog kennel/training center. The new owners wanted the sidewalk condition removed. However, they were convinced to install one. Pooler Enterprises will do the work. Chairman Degear thanked the CEO for his assistance in this matter.

Mr. Kofahl said that he has cited the KFC restaurant for the crumbling parking lot. It may go to Court but the owner still plans to close in September. The Town Code requires this process but the final decision will be up to the judge.

TOWN ENGINEER REPORT: *none*

CHAIRMAN OF PLANNING BOARD REPORT:

Mr. Degear report that he will be meeting with the Town Board's Government Operations Committee after this meeting along with the Director of Development and the Code Enforcement Officer.

PUBLIC COMMENTS: *none*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, July 1, 2009 at 7 p.m.

Ms. Godly made a motion to adjourn with Mr. Kleman seconding it. In a voice vote, all five Board members voted aye to adjourn at 8:15 p.m.

These minutes were taken and respectfully submitted by

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