

**TOWN OF FARMINGTON PLANNING BOARD**

**October 7, 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, Chairman
- Meg Godly
- Ron Herendeen
- Robert Kleman
- Scott Makin

Also present: Town of Farmington Director of Development and Planning Ron Brand;; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Michael Collins, 579 County Rd. 8; Robert Stone, 304 Sheldon Rd.; James Crane, 1380 County Rd. 28, Shortsville NY 14548; John Stapleton, Marathon Engineering; Joseph Burkhart, NPV Inc.; Michael Nasello, 6132 Route 96; John Sciarabba, LandTech Surveying and Planning; Ernie Ackerman, A&D Development; Walt Baker, DSB Engineers and Architects; Dave Bruinix, Macedon NY

Excused: Town of Farmington Code Enforcement Officer, Floyd Kofahl

**OPEN MEETING:**

The meeting was called to order at 7:05 p.m. After everyone recited the Pledge of Allegiance, Chairman Degear introduced Planning Board members and staff. He explained the emergency evacuation procedures 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 SEPTEMBER 16, 2009 MEETING:**

Ms. Godly moved to approve the Minutes of the September 16<sup>th</sup> Planning Board meeting. Mr. Herendeen seconded the motion. In a voice vote, all five Board members voted aye and the motion was passed.

**LEGAL NOTICES:**

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the September 30, 2009 Daily Messenger.

**PUBLIC HEARINGS:**

**PB 0904-09 PRELIMINARY TWO LOT SUBDIVISION APPLICATION**  
**NAME: MICHAEL COLLINS, 579 COUNTY RD 8, FARMINGTON, NY**  
**14425**  
**LOCATION: 340 SHELDON RD**  
**ZONING DISTRICT: A-80**  
**REQUEST: To re-subdivide Lot #8 of Whitetail Subdivision into two parcels,**  
**creating Lot 8A consisting of 10.051 acres with an existing dwelling, and Lot 8B**

**consisting of 5.203 acres to remain vacant.**

Michael Collins and Robert Stone appeared for this application. Mr. Collins pinned up the plans for all to see. He explained that he built the house on this land and sold it to Mr. Stone with the understanding that he would later subdivide the lot in order to use the vacant, wooded portion for recreation. His present home site does not have any wooded area.

The applicant went on to say that he knows there are Federal and State wetlands on the property but he does not plan any changes to the landscape. He will pay the taxes on the property. The possibility of a conservation easement to the Town has been mentioned but he does not want the use limited or to include the general public. If he left Farmington in the future, he could donate the land to the church on the neighboring property or give it back to Mr. Stone.

Mr. Stone then explained that he bought this property from Mr. Collins and agrees to the subdivision. He has first option to buy the land back if Mr. Collins no longer wants it.

When both men finished speaking, Chairman Degear asked for staff comments.

Mr. Brand referred to his September 17<sup>th</sup> memo to the Planning Board listing his concerns. He pointed out that the size of the lots in this subdivision were larger than usual because there are wetlands, a flood plain and buffer areas. If this lot is subdivided off, there will be no room for any future development because there is a 60 foot setback and a 100 foot buffer. It will be a non-buildable lot. The Town Code advises the Planning Board to consider the hazards in doing such a subdivision.

The Director of Development continued by saying that farms have been subdivided in the past, but always with some way of developing Lot #2. There is no way this lot can be developed. He did speak with the surveyor, Paul Coker, about a conservation easement.

Mr. Brand pointed out that this type of property is a prime candidate for a tax foreclosure if the owner no longer wants it and cannot sell it. Although Mr. Stone has first refusal, this agreement is limited by time. He might no longer live there when Lot #2 is available.

The Development Director concluded by saying that the Code Enforcement Officer (CEO) has asked the Board to keep the public hearing open and to table action until the next meeting so he can present his ideas on this application.

The Chairman asked if there would be some way to restrict the use of this property to recreation only. Mr. Brand replied that the Board should consult the Town Attorney about this. He added that he is not sure how to do the SEQR process for this application since it is related to allowed uses. Mr. Degear said that he and Mr. Kofahl have spoken with Jeff Graff and they recommend tabling action until the next meeting to allow time for additional consideration.

Ms. Godly asked about the requirements for a conservation easement. Mr. Brand explained that it would be deeded to the Town and open to the public. However, the Town is not interested in owning this property. Chairman Degear confirmed this.

Chairman Degear read aloud Mr. Kofahl's memo to the Board about this application (see attached).

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 continue the public hearing until the October 21, 2009 Planning Board meeting. The motion was made by Mr. Makin and seconded by Ms. Godly. In a voice vote, all five Board members voted aye to continue the public hearing.

The Chairman then asked for Board comments.

Mr. Makin said that the Board wishes to do what is best. He encouraged the applicant to consult with staff about alternative ways to obtain the desired result.

Ms. Godly, Mr. Herendeen and Mr. Kleman agreed with Mr. Makin and asked staff to help the applicant. Mr. Herendeen confirmed that this is a very wet site.

Mr. Kleman moved to table action on this application until the October 21<sup>st</sup> Board meeting with Mr. Herendeen seconding his motion. In a voice vote, all voted aye. All Board members agreed that they need input from the Town Attorney and the CEO on this application. They asked the applicant to work with staff. Ms. Godly urged Mr. Collins to contact staff tomorrow so he could meet the deadlines for the next Board meeting.

#### **SUBDIVISION/SITE PLAN APPROVAL:**

##### **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.**

Mr. Crane appeared for his application. He said that the Town Board held a public hearing on his application and passed a local law in support. There have been no other changes since his last appearance before the Planning Board.

Chairman Degear asked for staff comments after Mr. Crane finished speaking.

Mr. Brand reminded the Board that they already closed the public hearing on this application so they need to act tonight. He is requesting that notes be added to the plans about the flood plain and Local Law #4. Ms. Godly commented that the public hearing was shown as open on the agenda. The Development Director explained that it was closed in August but the Planning Board had to wait for the Town Board to act since the PD was not identical to the original one approved. Local Law #4 of 1988 had to be amended.

The Town Engineer had no comments.

There were no Board comments.

Mr. Makin moved to waive the reading of the Unlisted Action SEQR. Mr. Kleman seconded the motion. In a voice vote, all five Board members voted aye. Then, Mr. Makin moved to approve the SEQR with Mr. Herendeen seconding his 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 Unlisted Action SEQR resolution was adopted by a unanimous aye vote of all five Board members.

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 "Preliminary Plat Lots #1, #2 and #3 James Crane Subdivision."***
2. ***There is to be a note added to the Preliminary Plat Map 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 Number 361299, Panel 0020 B of 20, Effective Date: September 30, 1983.***
3. ***There is to be a note added to the Preliminary Plat Map that identifies the Town Board Action taken by the adoption of Local Law # 4 of 2009 amending the Official Map for the James Crane Planned Development District (Local Law #4 of 1988).***
4. ***The Preliminary Plat Map shall show the rights-of-way in this area for both State Route 96 and Ontario County Road #28.***
5. ***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.***
6. ***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.***
7. ***The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.***
8. ***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 for Lot # 1.***
9. ***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. Crane said he understood and agreed to the conditions. Ms. Godly moved to approve the Preliminary Plat with the conditions. Mr. Herendeen 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 Preliminary Plat Resolution was adopted by a unanimous aye vote of all five Board members.

**PB 0801-09 FINAL 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.**

Mr. Crane remained for his final application. There was no further discussion. At the Chairman's request, the Clerk read aloud a draft Final Plat Resolution with the following conditions:

1. *The title of the drawing is to read "Final Plat Lots #1, #2 and #3 James Crane 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 October 7, 2009 have been made on the Final Plat Map, or they are identified in a note(s) 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. Makin moved to approve the resolution with the conditions. 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 Final Plat Resolution was adopted by a unanimous aye vote of all five Board members.

**PB 0805-09 PRELIMINARY SITE PLAN APPLICATION**

**NAME: ESL FEDERAL CREDIT UNION, 100 KINGS HIGHWAY SOUTH, ROCHESTER, NY 14617**

**LOCATION: 1100 CORPORATE DR, FARMINGTON, NY**

**ZONING DISTRICT: PD**

**REQUEST: Propose to construct an ATM drive-through structure.**

John Stapleton from Marathon Engineering and Joseph Burkhart from NPV Inc. appeared for this application. Mr. Stapleton explained that the Town Board held a public hearing and amended the

PD Local Law to allow the Planning Board to act on this application. There have been no changes since their previous presentation to the Board.

Chairman Degear asked for staff comments.

Mr. Brand said that this application requires a Type II Action SEQR. The project complies with Local Law #3 dated September 22, 2009. It was reviewed by the County Planning Board which found no major issues.

Mr. Brabant said that his comments refer to notes on the plans about fire lanes, top soil stock piles, and the relocation of the water service line away from a tree. The applicants have agreed to comply.

The Chairman requested Board comments.

Mr. Kleman, Mr. Makin and Mr. Degear had no comments. Mr. Herendeen said he is ready to act on preliminary approval. Ms. Godly asked for a condition that the Town Engineer review the plans for completeness.

Ms. Godly moved to waive the reading of the SEQR and Mr. Herendeen seconded her motion. In a voice vote, all five Board members voted aye. Next, Ms. Godly moved to approve the Type II Action 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 SEQR resolution was adopted by a unanimous aye vote of all five Board members.

At the Chairman's request, Clerk O'Malley read aloud a draft Preliminary Site Plan Resolution with the following conditions:

1. ***The title of the drawing is to read "Preliminary Site Plan ESL Federal Credit Union Farmington Drive-Thru Kiosk 1100 Corporate Drive".***
2. ***The Planning Board determines that parkland is not a condition of Preliminary Site Plan approval for this application.***
3. ***The Planning Board determines that the proposed Drive-Thru Kiosk is identified as an Accessory Use, by the Town Board's adoption of Local Law # 4 of 2009 and that action to approve is consistent with the PD District Regulations for the Farmington Industrial Park, Collett Road and Route 332 IDA, Rules and Regulations. A note to this effect is to be placed on the Preliminary and Final Site Plan drawings for this project.***
4. ***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 Site Plan which reads as follows: "All site lighting shall be compliant with the Town Code Chapter 165."***
5. ***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.***
6. ***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 Preliminary and Final Site Plan drawings.***

7. *All comments identified in the MRB Group, P.C., Letter of September 28, 2009 shall be addressed in writing. All notes requested in said letter are to be added to the Preliminary Site Plan.*
8. *The revision box shall be amended to reflect all conditions of Preliminary Site Plan approval granted at tonight's meeting.*

The applicants said they understood and agreed to the conditions. Mr. Makin moved to approve the Preliminary Site Plan with the conditions. Ms. Godly seconded his 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 Preliminary Site Plan was unanimously approved.

**PB 1001-09 FINAL SITE PLAN APPLICATION**

**NAME: ESL FEDERAL CREDIT UNION, 100 KINGS HIGHWAY SOUTH,  
ROCHESTER, NY 14617**

**LOCATION: 1100 CORPORATE DR, FARMINGTON, NY**

**ZONING DISTRICT: PD**

**REQUEST: Propose to construct an ATM drive-through structure.**

Mr. Stapleton said they wish to start construction as quickly as possible.

Chairman Degear explained that the Board's usual practice is to ask the applicant to submit a colored rendering of the structure for him to sign. It will be kept in the file for the CEO to consult to make sure the building looks the way the Board approved. Mr. Stapleton produced a large one for the Board to view and said he can bring in a smaller one for the file. The signage will be submitted for separate approval. The issue is the number of signs allowed.

Mr. Degear asked if the blue and beige colors on the drawing are the ones that will be used. The applicant said yes. Mr. Makin inquired about this being their usual signature design. The applicants agreed, saying only minor changes are made in accordance with local building codes.

Chairman Degear also asked if there is some way to prevent large trucks from trying to use the ATM. Mr. Stapleton said the height is posted and Mr. Burkhart commented that the clearance height of the roofs on ATMs has been raised to 11 feet so that vans and SUVs can use them.

Next, Mr. Degear asked for staff comments.

Mr. Brand said that the draft resolution has a condition that the Town Engineer and the Water and Sewer Superintendent must sign off on the plans. Mr. Crane does not want any new taps on Collett Road. Mr. Brabant said he has no problem signing the plans since he is sure his comments have been addressed.

Chairman Degear then asked for Board comments.

Mr. Makin asked if changes are planned for PD zoning to eliminate the extra steps needed to approve this application and Mr. Crane's. The Director of Development responded that PDs need to be addressed during the Comprehensive Plan update.

Ms. Godly expressed approval for another ATM serving Town citizens.

Mr. Herendeen said he likes the design and that he will find the ATM handy since he works nearby.

Mr. Kleman also thought it is a fine addition to the Town.

The Chairman asked the Board members if they are ready to proceed on final approval. Everyone agreed to act tonight.

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

1. ***Landscaping Bond, to include but not limited to bushes, shrubs, trees, flowers, grass and soil stabilization, in the amount of \$ 2,500.00 is required prior to obtaining any permits.***
2. ***The title of the drawing is to read "Final Site Plan ESL Federal Credit Union Farmington Drive-Thru Kiosk, 1100 Corporate Drive".***
3. ***All conditions of Preliminary Site Plan approval, including all required notes to be added to the Preliminary Site Plan, must be shown on the Final Site Plan drawings.***
4. ***All recommendations made by the Town Engineers, MRB Group, P.C., in their September 28, 2009 Letter shall be responded to in writing and notation made on the Final Site Plan where warranted.***
5. ***The landscaping improvements shall be established within 30 days of the issuance of the Certificate of Completion, or if the date of issuance is after the fall planting season, then not later than June 1<sup>st</sup> of the following year. A note to this effect shall be added to the Final Site Plan.***
6. ***All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 165, Section 64 of the Town Code prior to the issuance of the Certificate of Completion. 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, Section 64".***
7. ***The Final Site Plan must be signed by the Town Engineer and the Town Water & Sewer Superintendent prior to the Town Planning Chairperson signing the site plan.***
8. ***The Planning Board determines that parkland is not a condition of Final Site Plan approval for this application.***
9. ***The applicant must submit four (4) sets of the Final Site Plan drawings to be signed by all required agencies as noted in this resolution.***
10. ***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 prior to the issuance of any building permit.***
11. ***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.***
12. ***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 Plans.***
13. ***There shall be no development on the site until all permits have been obtained from the Town Code Enforcement Officer.***

The applicants said they understood and agreed to the conditions. The above resolution was offered by Mr. Makin and seconded by Mr. Kleman. The Clerk recorded the following roll call vote:

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

The Final Site Plan was unanimously approved. Mr. Degear asked when the sign site plans would be submitted and was told within the next few days.

**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.**

Michael Nasello, the applicant, and his planner, John Sciarabba, from LandTech appeared for this application. Mr. Sciarabba began by saying that they have made some changes to the plans at the request of the Board and staff. There will be lighting to illuminate the dumpster area. The sidewalk will extend to the eastern property line of the second lot and changes have also been made to the front access sidewalk. A landscaping schedule has been added. Finally, the Town Engineer's comments from September 22<sup>nd</sup> have been addressed.

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

Mr. Brand said that he has drawn up a draft resolution for the Board's consideration. The biggest issue, he said, is a \$7500 landscaping bond to allow the removal of trees from the parking lot. The liber and page for the DEC (Department of Environmental Conservation) easement is needed on the plans. He concluded by going over the 16 conditions for approval.

Mr. Brabant reminded the Board that a condition for preliminary approval was to add more information on parking, green space, drainage and how to meet stormwater requirements for both lots. This has been done to MRB's satisfaction for both preliminary and final approval.

Chairman Degear then requested Board comments.

Mr. Kleman and Mr. Herendeen agreed that the plans look good.

Ms. Godly pointed out that existing trees should be saved wherever possible. She requested documentation (before and after digital photographs for the file). Mr. Sciarabba explained that they described which trees would be saved and which cut down on page 2. Mr. Brand added that the \$7500 bond is intended to cover this issue.

Mr. Makin suggested that any lighting on a commercial building should be motion sensing.

Mr. Degear requested the construction schedule. Mr. Nasello said that the site work will begin as soon as possible. They will do the interior work during the winter and the exterior work when the weather permits. All work should be completed by June 1, 2010.

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

1. ***The title of the drawing is to read "Final Site Plan Urgent Care Facility 6132 State Route 96."***
2. ***A landscaping bond in the amount of \$7,500.00 is to be established prior to the issuance of a Building Permit by the Code Enforcement Officer.***
3. ***All proposed landscaping shall be installed prior to the issuance of a Certificate of Occupancy by the Code Enforcement Officer, or not to extend beyond June 1, 2010.***
4. ***All conditions of Preliminary Site Plan Approval, granted on August 19, 2009 shall be shown on the Final Site Plan maps and a note attesting to compliance with those conditions shall also be placed on the final maps.***
5. ***All proposed parking spaces shall be made dust free prior to the issuance of the Certificate of Occupancy being issued by the Code Enforcement Officer.***
6. ***All existing blacktopped areas shall be sealed and the parking spaces and travel lanes marked prior to the Certificate of Occupancy being issued by the Code Enforcement Officer.***
7. ***Final Site Plan Approval does not include any signs for this proposed use. A separate Sign Site Plan Application will be required at a future date.***
8. ***Prior to the Planning Board Chairperson's signing of the Final Site Plan, the Water & Sewer Superintendent and the Town Engineer signatures shall be placed on the final plans.***
9. ***A note is to be added to the Final Site Plan that no site work shall commence until a copy of the State Department of Transportation Highway Work Permit has been provided for the Town's files.***
10. ***The liber and page for the filed Environmental Easement held by the New York State Department of Environmental Conservation for Tax Map Parcel #029.00-1-12 shall be shown on the Final Site Plan.***
11. ***Once all conditions of Final 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. Six (6) copies of the Final Site Plan are to be submitted for signatures.***
12. ***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 Plan which reads as follows: "All site lighting shall be compliant with the Town Code Chapter 165".***
13. ***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 prior to signing by the Chairperson.***
14. ***Once the Final Site Plan has been signed, a signed copy shall be delivered by the applicant to the New York State Department of Transportation, Ontario County Office and a copy to the New York State Department of Environmental Conservation, Avon Office.***
15. ***The Final Site Plan revision box shall be amended to reflect all conditions of final approval.***
16. ***Final 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 and filed in the Town Development Office.***

The applicants said they understood and agreed to the conditions. The above resolution was offered by Mr. Makin and seconded by Mr. Herendeen. The following roll call vote was recorded:

Ronald Herendeen-aye  
Robert Kleman-aye

Meg Godly-aye  
Scott Makin-aye  
David Degear-aye

The Final Site Plan Resolution with the conditions was unanimously approved.

*At this point in the meeting, 8:24 p.m., the Board members agreed to take a short recess and the tape recorder was turned off. Chairman Degear called the meeting to order again at 8:27 p.m. and the tape recorder was turned back on.*

**PB 0303-09 FINAL 19 LOT SUBDIVISION APPLICATION, SECTION 1  
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  
TOWNLIN RD  
ZONING DISTRICT: RR-80 DISTRICT/ TL278 CLUSTER  
REQUEST: Request a 19 lot subdivision approval for the purpose of cluster  
development (TL278) for single family homes**

Ernie Ackerman from A&D Development and Walt Baker from DSB Engineers and Architects appeared for this application. Mr. Baker began by displaying the plans and explaining that they are seeking approval for 19 lots out of a total of 64 lots. There have been no changes since they last came before the Board.

The Chairman asked for staff comments.

The Director of Development reminded the Board that SEQR was satisfied on August 19<sup>th</sup>. Preliminary approval was given with 12 conditions. The Board is still awaiting the revised Preliminary Plat with all conditions shown. Both applicants said that the required numbers of Mylars were submitted in September. Chairman Degear recalled that this problem has happened in the past and the plans have been later found in the Development office. It puts the Planning Board in a very bad position. Ms. Godly added that it is very frustrating for both applicants and Board members. Mr. Baker said he will check his records to see when the revised preliminary maps were delivered to the Town.

Mr. Brand continued by saying that he has other concerns. Easements are being offered to the Town. Their liber and page need to be shown to prove that they were filed with the County Clerk. He also asked if some kind of barrier could be placed at the western end of the sidewalk on Town Line Road. Mr. Ackerman agreed to put up posts with a board across. Mr. Degear suggested two white bollards.

Mr. Brabant explained that a haul road will follow through here from Amber Drive in Auburn Meadows and he is satisfied with the materials and location. It will allow inspections and maintenance for the sewer line. Mr. Ackerman said it should be called a service road since its purpose is to allow servicing of the sanitary sewer.

There were no Board comments.

Chairman Degear asked the applicants to confirm that this development will be built by a different firm and not Ryan Homes since people in Farmington have expressed concern about too many Ryan developments in the Town. Mr. Ackerman said that this is his intention at this time.

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, Section 1, The Estates at Beaver Creek Lots # 1 through # 10 and # 55 through # 63."***
2. ***No Building Permits are to be issued until a Letter of Credit, or some other form of Surety, has been accepted by the Town Board and established.***
3. ***The Final Subdivision Plat must show provisions for the haul road connecting the northern end of Estate Drive with the northern boundary for future Sections of Auburn Meadows Subdivision. Specific design of this haul road is to be provided for Town Engineer and Town Highway Superintendent approvals prior to the Planning Board Chairperson signing the Final Plat for Section 1.***
4. ***There shall be clarification listed on all pages of submitted Final Plat Maps of the number of Sections involved with the Estates at Beaver Creek. One of the submitted maps identifies there will be three sections, while there has been no discussion in any record on this project of a third section. The overall subdivision layout map does not identify three sections for this project.***
5. ***All proposed easements to the Town of Farmington are to have liber and page numbers shown on the Final Plat prior to the Planning Board Chairperson signing the Final Subdivision Plat Map.***
6. ***There is to be a note added to the Final Subdivision Plat for Section 1 that all sidewalks are to be installed prior to the issuance of the first Certificate of Occupancy by the Code Enforcement Officer.***
7. ***The specific language to be contained in the Conservation Limit Area shown on the plat map is to be approved by the Town Attorney prior to the Planning Board Chairperson signing the Final Plat Map.***
8. ***The Drawing Title for drawing number 2 of 12 is to be amended to read "Final Plat Map, Section 1, The Estates at Beaver Creek."***
9. ***The design for the proposed barrier at the western end of the sidewalk along the north side of the Canandaigua/Farmington Town Line Road is to be shown on the Final Plans prior to the Planning Board Chairperson signing.***
10. ***There are to be notes added to the Final Plat Map that all conditions of preliminary plat approval granted by the Planning Board on August 19, 2009 have been made on the Final Plat Map, or they are identified in a note(s) on the Final Plat Map. In particular, conditions number 2, 3, 4, 5, 6, 7,8,9 and 12 , of the August 19<sup>th</sup> Planning Board Resolution, do not appear to be noted on the Final Plat Map submitted.***
11. ***All special districts (i.e. drainage, lighting, sidewalk, etc.) associated with the overall project and shown on the Final Plat Map for Section 1 are to be established by the Town Board prior to the issuance of any Building Permits by the Code Enforcement Officer.***
12. ***All revision boxes are to be corrected to reflect all conditions of Preliminary Plat and Final Plat approval prior to the Planning Board Chairperson signing.***
13. ***A park and recreation fee, in the amount in effect at the time Building Permits are applied for, shall be paid to the Town as a condition of Final Plat Approval.***
14. ***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.***
15. ***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.***

16. ***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.***
17. ***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.***
18. ***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.***
19. ***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 Plat Maps prior to Planning Board Chairperson signing.***

Mr. Ackerman asked that number 5 be read aloud again and then said he has some problems with agreeing to this. It is putting the cart before the horse to ask for easements to be filed before the plans are signed. The map should be filed before the easements are. The Development Director explained that easements are not part of the map. They are a filed legal description.

Mr. Ackerman insisted that the map is always filed first. He said that the Town Attorney has the easement paperwork and the Town Board still has to approve them. Chairman Degear asked him to try to comply. Mr. Brand added that the applicant has six months to get the Final Plat filed. If necessary, the Planning Board can extend the time by another 180 days.

Mr. Ackerman stated that he cannot start until the plans are signed. Mr. Makin suggested that the applicants refile the map with the easement information. Mr. Ackerman and Mr. Baker agreed.

Mr. Brand explained his position by reminding the Board members that the Town's planned easements for Auburn Meadows Section 2 South ended up being granted to RG&E. Mr. Ackerman protested that he was not responsible for this—RG&E was. The cause was the location of the sidewalk which the Town requested.

The Development Director suggested that the Board table action on this tonight to allow time to ask the Town Attorney for his opinion on the easement timing. Mr. Makin asked if there is a way to move ahead with approval while ensuring that the easements are filed on time. Could there be a trigger point?

The Board members discussed ways to do this.

Mr. Kleman wanted to move forward if there is a way to do so properly.

Mr. Degear thought the applicants could refile the plans once they had the liber and page for the easements. However, he wanted time to consult with the Town Attorney for a clarification on the issue.

Mr. Herendeen asked that the liber and page be filed before the plans were signed.

Mr. Makin requested that the Board move forward tonight with a stipulation to refile later. This would let the project get going. The Board could make sure that easements are not left open-ended by establishing a trigger point for refile. This, in his opinion, is not a legal issue for the Town Attorney.

Ms. Godly expressed concern that the Preliminary Plat has not been checked. She added that, if the Board requests information from the Town Attorney, they need to know whether they need information on refileing or on acting once the easements have been reviewed by Mr. Graff.

Mr. Ackerman stated that he cannot access his letter of credit until the plans are signed.

Ms. Godly asked if tabling action for two weeks is a problem. This would allow the Board time to get on firm ground with better conditions. They should also consider a process for tracking when plats are delivered. Mr. Kleman asked if someone could sign a receipt for them which the applicant could then show the Board.

Mr. Degear made a motion to table action on this application until the October 21<sup>st</sup> Board meeting. Ms. Godly seconded. In a voice vote, Ms. Degear, Mr. Herendeen, Mr. Kleman and Mr. Degear voted aye. Mr. Makin voted nay.

Next, Mr. Ackerman expressed concern about condition #6—the sidewalks. He pointed out that the weather can play a role in when they can be installed. Chairman Degear asked him to provide a sunset date by which they will definitely be finished. Mr. Brand added “and dedicated.” The applicants agreed on July 15<sup>th</sup>.

#### **OPEN DISCUSSION:**

#### **DIRECTOR OF DEVELOPMENT REPORT:**

##### **1. Auburn Meadows Section 3 Letter of Credit Release #4**

Ms. Godly moved to approve the release of \$123,489.38 from this Letter of Credit as requested by MRB Group and signed off on by all Department heads. Mr. Herendeen seconded. In a voice vote, all five Board members voted aye.

##### **2. Auburn Meadows Section 3 Letter of Credit Release #5**

Mr. Makin moved to approve the release of \$79,800.69 from this Letter of Credit as requested by MRB Group and signed off on by all Department heads. Mr. Kleman seconded. In a voice vote, all five Board members voted aye.

Mr. Brand also passed out a draft Architectural/Landscaping Local Law and site design guidelines for the Board members to review and comment on. These will then be sent on to the County Planning Board and the Town Board which will hold a public hearing on them in November. They have been reviewed by the Town Attorney and Code Enforcement Officer.

The Director of Development concluded by saying work will begin on the Comprehensive Plan update. A draft will be provided to the Planning Board. They will comment on it and send it on to the Town Board for two public hearings and SEQR findings. The recent resident recreation survey will be used in drafting the changes.

#### **TOWN ENGINEER REPORT:**

In response to a request from the Planning Board members, Mr. Brabant went over his September 23<sup>rd</sup> memo on the haul or service road in Auburn Meadows subdivision. A Haul Road Extension Plan will be provided to the Board members prior to the October 21<sup>st</sup> meeting. A draft copy was pinned up for the Board to see and copies will be put into the Board packets for the next meeting.

Mr. Ackerman announced that he may not be able to tie in all 110 lots. Ms. Godly requested that the two alternative routes be provided in their packets.

Mr. Brabant also briefly reported on the Auburn Meadows berm issue, saying he has no problem with the revised grading which will channel water into enclosed piping. There will be no sheet drainage. Five trees have been added. He will provide plans for the Board members.

The Town Engineer's final report was on the Farmington Senior Apartments off Route 332 near Hathaway Drive. Mr. Gresens from MRB needs to sign off on the plans. The Army Corps of Engineers got the earlier plans and now is reviewing the updated plans with the relocated storm water facility. A staff person there has expressed concern that the Town road is too close to the creek.

Chairman Degear pointed out that the Planning Board has given final approval for this design. Mr. Brand explained that he has spoken with this employee. She expressed satisfaction that no Federal wetlands will be disturbed. However, she said that her own community would never approve a road so close to a creek. The Development Director thanked her for her concern but pointed out that the Town Engineers, the Conservation Board, the Planning Board, members of the public and Town department heads all reviewed the plan for the road without finding any issues.

**PUBLIC COMMENTS: *none***

**ADJOURNMENT:**

The next meeting of the Planning Board will be at the Town Hall on Wednesday, October 21, 2009 at 7 p.m.

Mr. Makin made a motion to adjourn with Mr. Kleman seconding it. In a voice vote, all five Board members voted aye to adjourn at 9:34 p.m.

These minutes were taken and respectfully submitted by

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