

TOWN OF FARMINGTON PLANNING BOARD

September 16, 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 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.; Christopher Stahl, 123 County Rd. 28, Palmyra NY 14522; Kevin Elder, 1766 Birchwood Dr.; Gary Ferrara, Tectonic Engineering for Bell Atlantic Mobile; Jonathan Stone, Ryan Homes of New York; Ernie Ackerman, A&D Construction; Walt Baker, DSB Engineers and Architects

OPEN MEETING:

The meeting was called to order at 7:03 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 SEPTEMBER 2, 2009 MEETING:

Mr. Makin made a motion to approve the Minutes of the September 2nd Planning Board meeting. Mr. Kleman seconded. In a voice vote, Ms. Godly, Mr. Herendeen, Mr. Kleman and Mr. Makin voted aye for approval. 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 September 9, 2009 Daily Messenger.

PUBLIC HEARINGS:

PB 0902-09, 2 LOT PRELIMINARY SUBDIVISION APPLICATION
NAME: CHRISTOPHER STAHL, 123 COUNTY RD 28, PALMYRA, NY
14522
LOCATION: SAME AS ABOVE
ZONING DISTRICT: A-80
REQUEST: Request a two lot subdivision approval to create lot 1 consisting of
1.110 acres with an existing dwelling, and the remaining lands of the parent parcel,

lot 2 will consist of 46.7 acres to remain vacant

Chairman Degear read Mr. Stahl's letter of application into the record (see attached). The applicant pinned up the plans, explaining that he has a purchase offer on his house. However, the prospective buyer does not want the land, just the house. This is why he is subdividing the parcel. Lot #2 will continue to be farmed by the Sadler brothers and there are two barns on that lot.

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

Mr. Brand said that this application requires an Unlisted Action SEQR with a determination of non-significance. No Parks and Recreation fee will be assessed for Lot #1. However, the usual note about dark sky compliant lighting will be required on the plans.

Mr. Kofahl said that these lots are in the A-80 District. There is an approved septic system for the house. The lot sizes meet the Code and the Town Code allows agricultural buildings on lots without a primary residence.

Mr. Brabant 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. Kleman and seconded by Mr. Herendeen. In a voice vote, all Board members present voted aye to close the public hearing at 7:11 p.m.

There were no Board comments.

Chairman Degear asked about access to the barns. Mr. Stahl explained that two access routes exist now.

Ms. Godly made a motion to waive the reading of the SEQR with Mr. Makin seconding her motion. All five Board members voted aye in a voice vote. Then, Mr. Herendeen moved to approve the Unlisted Action SEQR. 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—aye

David Degear—aye

The 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 and 2 Stahl Subdivision."***
2. ***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.***

3. *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.*
4. *The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.*
5. *The Planning Board determines that a Park and Recreation Fee will not be required for Lot #1. However, a Park and Recreation Fee in an amount established by Town Board Resolution is to be paid at the time of issuance of building permits for Lot #2.*
6. *All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 165, Section 64 of the Town Code.*

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

Scott Makin—aye

David Degear—aye

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

PB 0905-09, SPECIAL USE PERMIT

**NAME: KEVIN ELDER, 1766 BIRCHWOOD DR., FARMINGTON, NY
14425:**

LOCATION: SAME AS ABOVE

ZONING DISTRICT: R-1-10 DISTRICT.

REQUEST: Request to renew a special use permit, expired August 20, 2009, to continue a home occupation according to Article VI, Chapter 165- 72. The applicant wished to continue an asphalt and concrete restoration business from the home residence.

Chairman Degear read Mr. Elder's letter of application into the record (see attached). Mr. Elder appeared for his application. He explained that he has a home office for his asphalt and concrete restoration business and that he also parks his equipment overnight. Sometimes he has to charge his battery, too.

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

Mr. Brand said that this application requires a Type II Action SEQR. Since this is the second Special Use Permit (SUP) for this applicant, he is recommending a two year renewal according to the usual Board practice.

Mr. Kofahl said that the first application followed several complaints about this operation but there have been none since then.

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. Makin and seconded by Mr. Herendeen. In a voice vote, all five Board members voted aye to close the public hearing at 7:20 p.m.

There were no Board comments.

Mr. Makin moved to waive the reading of the SEQR with Mr. Kleman seconding. In a voice vote, all five Board members voted aye. Then, Ms. Godly moved to approve the SEQR and Mr. Herendeen 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.

At Chairman Degear's request, the Clerk 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 for the operation of a business office from within the principal dwelling; is valid for a period of two (2) years and must be renewed on or before August 20, 2011, and shall be made null and void with any change in either use or site plan components..*
3. *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.*
4. *There shall be no building mounted or free-standing commercial speech signage permitted on the property.*
5. *There shall be no regular hours of operation advertised.*
6. *There shall be no more than one employee associated with the business.*
7. *There shall be provisions for off-street parking for any business visitors to the site.*
8. *There shall be no on-street parking for any business visitors to the site.*
9. *The trailer unit is never to be stored inside the residential garage or in the front or side yards for longer than one week during the effective period of this Special Use Permit.*
10. *All tools used with the asphalt sealing business shall be stored inside existing structures at all times.*

The applicant said he understood and agreed to the conditions. Mr. Kleman made a motion to approve the SUP with the conditions. Mr. Makin seconded. Clerk O'Malley recorded the following roll call vote:

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 0807-09, FINAL SITE PLAN APPLICATION

**NAME: BELL ATLANTIC MOBILE, LP/VERIZON WIRELESS, 175
CALKINS RD, ROCHESTER, NY 14623**

LOCATION: 4804 KYTE RD

ZONING DISTRICT: A-80**REQUEST: An addition of one antenna to existing tower.**

Mr. Ferrara from Tectonic Engineering appeared for this application. He said the only change planned for the tower is to add one more antenna.

Chairman Degear asked for staff comments.

Mr. Brand said that the Town's communications consultant, Bill Sitzman, had no concerns that the antenna would affect the structural integrity of the tower. The Final Site Plan maps have been submitted with all Preliminary Site Plan approval conditions on them. There is a light on the tower as required for Mercy Flight.

Mr. Kofahl said the Development Director covered all his comments.

The Town Engineer and the Board members had no comments.

The Chairman complimented the applicant on the appearance of the tower. He then asked the Clerk to read aloud a draft Final Site Plan resolution with the following conditions:

1. *The title of the drawing is to read "Final Site Plan 2009379995 South Stafford 4804 Kyte Road, Town of Farmington, Ontario County, New York 14548 Antenna Addition".*
2. *Final Site Plan Approval is valid for a period of 180 days from today and shall expire unless the Final Plan(s) have been signed and filed in the Town Development Office.*
3. *Once all conditions of Final Site Plan Approval have been met, the Planning Board Chairperson's signature must be affixed to the Final Site Plan map and filed in the Town Development Office.*
4. *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".*
5. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.*
6. *The revision box shall be amended to reflect all conditions of final approval*

The applicant said he understood and agreed to the conditions. Ms. Godly moved the resolution with Mr. Makin seconding. 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 0903-09, FINAL SITE PLAN APPLICATION

**NAME: RYAN HOMES OF NY, 400 AIR PARK DR, STE 30,
ROCHESTER, NY 14624**

LOCATION: 1774 SPARTAN DR AM #214

ZONING DISTRICT: IZ

REQUEST: Final Site Plan approval, per PB0305-07 resolution condition #11, dated February 20, 2008

Mr. Stone appeared for this application. He explained that he met with the Highway Superintendent, Ed McLaughlin, the CEO, and the Town Engineer on this site. They followed the procedures developed for other lots in this area which made it easy to satisfy the Board's conditions prior to tonight's meeting. He asked for a speedy approval since the buyers need to qualify for the government tax credit program which ends in November.

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

The Director of Development said there will be the standard conditions, so the Chairman could sign the plans tonight. Passero Associates has located the places for the three inch caliper trees on the plans.

The Code Enforcement Officer said that this lot is unique in its fine view with an open back leading to a detention pond. The other lots back onto the woods. Mr. Degear agreed.

Mr. Brabant said that he did a walk through on August 6th to determine the location of the street trees. All requirements are showing on the plans and he is satisfied.

Chairman Degear asked for Board comments.

Ms. Godly asked if the trees could be drawn to scale since they are shown as being much larger than three inch caliper. Mr. Stone explained that it is standard practice to show the trees as they will be in future. The Town Engineer agreed. The other Board members said that they are satisfied with the drawings the way they are now.

There were no other Board comments. Chairman Degear thanked Town staff for their hard work in resolving the issues for this section of Auburn Meadows.

At the Chairman 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 Lot #214 Auburn Meadows Subdivision, Section 2, South".***
2. ***The Final Site Plan is to contain a note that reads: "All trees shown on this site plan are to be a minimum of 3-inch caliper, of a native species acceptable to the Town Engineer and of the quantity specified by the Town Engineer."***
3. ***All street trees are to be planted within 30 days of the issuance of the Certificate of Occupancy, or before October 15th of the year a Building Permit is issued, or before June 1st of the year following the issuance of the Certificate of Occupancy.***
4. ***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.***
5. ***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 additional signed copy is to be provided to the property owner, the Town Highway Department and the Town Code Enforcement Officer.***
6. ***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 and Mr. Herendeen seconded his motion. Clerk O'Malley recorded the following roll call vote:

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

The motion with the conditions was carried by a unanimous vote of all five Board members.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

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

Mr. Brand said that the Planning Board has received a request from MRB Group to approve a partial release from this letter of credit. All Department Heads have signed off on it. Now the Planning Board is asked to render a recommendation to the Town Board. Ms. Godly moved to approve this recommendation. Mr. Herendeen seconded her motion. In a voice vote, all five Board members voted aye to carry the motion.

2. Auburn Meadows Sidewalk Relocation Planning Board Resolution

Mr. Baker pinned up the maps which the Board reviewed at their last meeting. Mr. Brand explained that Town staff met with the Town Attorney to discuss this matter. Since no Incentive Zoning issues are involved, it was decided that the Town Board does not need to take action on this. Since there is no application before the Planning Board, they do not have to pass a resolution. Chairman Degear added that, although he was excused from the last Board meeting, he has been in telephone contact with the Development Director on this issue.

Mr. Ackerman and Mr. Baker said that they are here tonight to discuss the sidewalk relocation. They proposed to increase the lineal footage by 630 feet by moving the sidewalk closer to Beaver Creek in a letter to the Board. It would link up with the Auburn Meadows public park and with the one planned for the Beaver Creek development. The Town responded by reserving the right to require additional sidewalks. Mr. Ackerman said he is not happy about this and it is unacceptable to him.

Mr. Ackerman went on to say that, once the preliminary plans were signed and filed, he understood that any changes were to be approved by both the Planning Board and the developer. Why is this changing now?

Mr. Brand said that the Town appreciates the offer of additional sidewalks but Chapter 144 of the Town Code does allow the Town to request sidewalks. In fact, a recent Parks and Recreation survey showed that Town residents want trails and sidewalks. If sidewalks are not installed when a subdivision is built, the residents will ask the Town to install them. It is easier to do this when the development is under construction.

Chairman Degear added that he heard the request for more sidewalks constantly when he recently went door to door in his political campaign. He, Mr. Brand and Mr. Graff, the Town Attorney, discussed the applicant's letter and thought that the increased linear sidewalk footage was a benefit to the Town.

Mr. Ackerman asked what Incentive Zoning gives him in return for additional sidewalks. Mr. Degear asked if he could pass on the cost to the homebuyers. Mr. Ackerman explained that he is

locked into a contract with Ryan Homes so he cannot. Mr. Ackerman asked if more can be asked from him at a final approval than was conditioned at preliminary approval.

Ms. Godly said she understands his situation but this is the normal final approval process.

Mr. Ackerman protested that he cannot make changes but the Town can. This is not fair. When he comes in next month for the next section's approval, what will be demanded of him?

Mr. Degear told Mr. Ackerman that the Board does not like surprises either. He added that the additional sidewalks will benefit the Town and the Board appreciates them.

Mr. Ackerman continued to object. Mr. Brand pointed out that the Planning Board has the right to request certain amenities. Mr. Baker responded that a substantial amount of money is involved in adding the sidewalks.

Mr. Makin said that a deal is a deal. He does not think the Planning Board should change the conditions. If the applicant wishes to add sidewalks, he has no problem with it. This is not a detriment to the project. However, he does not think new sidewalks should be imposed.

Ms. Godly said that this is the normal process for final approval. She agreed with Mr. Makin's points but said that too much is being read into the Town's letter. In conclusion, she said that she likes this change because it benefits the Town.

Mr. Herendeen said that he agrees that this is a benefit.

Mr. Kleman also said that this is a very good change and a benefit to the Town.

Mr. Brand pointed out that this is a discussion, not a vote. The Board members agree that they see merits in what the applicant is proposing. However, he questioned the location of the haul road. Will it be where the sidewalk is going? Mr. Ackerman said that his trucks can use Town roads to access Section 4, the next section. Mr. Baker pointed out the route they can take on the map.

Mr. Brabant said that a haul road for Section 4 will be needed. The Town is concerned about Town roads being used for construction equipment. He pointed out that a stabilized construction entrance for all future phases is needed.

Mr. Ackerman said flatly that there is no way to do this. The Town Engineer replied that he needs to come up with a plan to do it. Mr. Ackerman retorted that he can use public roads just like anyone else.

Mr. Degear pointed out that cement mixers and school buses do not mix. He has said this before. It is a safety issue for the Town's children. The Chairman asked that this be included in the Minutes as has been done previously.

Mr. Ackerman said that the haul road is only intended to access the sewers.

Chairman Degear said it is time to close this discussion and asked the Town Engineer to work with the applicants so Town roads are not used for construction equipment. Perhaps a bond or a letter of credit would be one approach. He requested that the haul road meeting take place before the plans for Section 4 are submitted. The Board members agreed.

Regarding the sidewalks, the Chairman asked if Mr. Ackerman was reconsidering his withdrawal of his new sidewalk proposal. Mr. Ackerman asked for an interpretation of the Town's comment regarding additional sidewalks. Ms. Godly explained that there is no change to the preliminary approval or intent to add anything at present. Mr. Baker said the Town can have one choice or the other, not both. Chairman Degear ended the discussion by telling the applicants to come back to the Board with a definite proposal.

3. Auburn Meadows, Section 2, Landscaping Amendment

Mr. Brand said that in Section 2, the conditions for final approval called for a sidewalk on the north side of Townline Road. DSB has submitted a letter to change the plans for this because RG&E now has an easement outside the sidewalk easement for their gas lines. This would eliminate the planned berm.

Mr. Ackerman and Mr. Baker explained that the original berm would be one foot from the right-of-way on Townline Road but it would be five feet on the residential side due to site elevation. Mr. Baker explained that he would still put the trees in but he needs to eliminate the one foot berm to keep water from draining onto the sidewalk.

Ms. Godly asked if the drivers on Townline Road can look down into people's backyards and the residents would look up and see cars. Mr. Baker said they can see the tops of cars only.

Mr. Ackerman explained that this is a safety issue. If water drains onto the sidewalk and freezes, there is danger to pedestrians. Mr. Degear replied that the berm is intended to reduce traffic noise. Mr. Ackerman said the trees will do that—a one foot berm would not. Ms. Godly pointed out that the intent of the berm was to shield backyards but the trees could also do that. They seem to be a sufficient buffer for both traffic and residents.

The Town Engineer asked to see the new plans with the regrading and swale to take away water. Chairman Degear asked the Board members if this issue should be referred to the Town Engineer for him to report back to the Board on it. The Board members agreed.

Before he left, Mr. Ackerman asked about the railing along the culvert since the manufacturer recommends against having wood facing. The Board members referred the matter to the Town Highway Superintendent to report back to them since he had requested the wood facing.

4. New York Planning Federation Meeting highlights

Mr. Brand said he is now immediate past president. He handed out information on the sessions to the Board members.

CODE ENFORCMENT OFFICER REPORT:

Mr. Kofahl said they are working on the final plans and funding for the senior housing along Route 332.

Aldi's store construction is moving along well. The entrance off Route 332 has been closed for safety reasons.

The owners of the former QQ restaurant have first option on the purchase of that site and they are trying to raise the money to buy it. This is why the other prospective buyer has not been able to close on it.

TOWN ENGINEER REPORT:

Mr. Brabant said they had to relocate the storm water facilities for the senior housing. The Town has made some suggestions and the revised plans look good. It will come back to the Planning Board.

Regarding Auburn Meadows, Mr. Brabant pointed out that a letter regarding the need for a haul road was written to the applicants some time ago.

PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, October 7, 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 8:35 p.m.

These minutes were taken and respectfully submitted by

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