

**TOWN OF FARMINGTON PLANNING BOARD**

**December 21, 2011**

**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  
Scott Makin  
Mary Neale

Excused: Ron Herendeen

**Staff:** 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.

**Applicants:** Ernie Ackerman, A&D Development; Paul Gillette, Safe Place Storage; Gary Pooler and John Shields, Pooler Development; Mary Ann Werve, Zaremba Group; Kris Vurraro, Woods Oviatt Guzman LLP; William and Fay Marie Gardner representing Mr. and Mrs. Harold Herendeen

**Public:** Diane Moore and Peter Furfari for Helen DiPacific

**OPEN MEETING:**

The meeting was called to order at 7:03 p.m. After everyone recited the Pledge of Allegiance, Chairman Degear introduced the Planning Board members and staff, 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:**

Mr. Makin moved to approve the Minutes of the December 7<sup>th</sup> meeting with no changes. Ms. Neale seconded. In a voice vote, the motion was carried by a vote of four ayes.

**LEGAL NOTICES:** *None required*

**PUBLIC HEARINGS:** *None scheduled*

**SITE PLAN APPROVAL**

**PB 1102-11 FINAL SUBDIVISION APPLICATION**

**NAME:** A & D DEVELOPMENT COMPANY, 22 WHITESTONE LANE,  
ROCHESTER, NY 14618

**LOCATION:** ESTATES OF BEAVER CREEK SECT 2

**ZONING DISTRICT:** TL 278

**REQUEST:** Final subdivision approval for Section 2, 14 lots.

Ernie Ackerman from A&D Development Company appeared for this application. He

received a draft copy of the resolution to be considered tonight and requested some changes:

1. He asked that a surety bond or letter of credit be listed under Condition #3.
2. He noted that sidewalks were shown on the plans and asked why they are listed under Condition #4. Mr. Brand said this is just for the record.
3. He asked what he needs to do for the crosswalk. The Director of Planning and Development told him to stripe it after the topcoat is put on.
4. He pointed out that planting street trees is weather-dependent. Mr. Kofahl explained that he can receive a conditional Certificate of Occupancy to allow him until the following May 31<sup>st</sup> to plant these trees.
5. He asked that the requirement that the street lights be installed and turned on be changed to install only since he has no control over their being turned on. Mr. Brand explained that the lights should be installed before any homes are built. Chairman Degear agreed to eliminate the words "turned on."
6. He asked that condition #12 be corrected since it seems to say that his engineer should personally install the erosion control measures. The Chairman agreed to change the wording.

When the applicant finished, Mr. Degear asked for staff comments. All staff members indicated that they had no additional comments.

There were no Board comments.

Clerk O'Malley read aloud a draft final subdivision resolution with the following conditions:

1. *Final Subdivision Plat Approval is based upon the drawings prepared by D.S. B. Engineers & Architects, P.C., identified as Project Number 09-11020, drawings numbered 1 through 8 of 8, dated 9/11, with a revision date of 11/21/11 and entitled "Final Plat Map, Section 2, The Estates at Beaver Creek Subdivision, Lots #50 through #54 and #11 through #19."*
2. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*"Entire site is located within a mapped Zone C, Area of Minimal Flooding, according to the National Flood Insurance Rate Map, Community Number 361229, Map Panel # 0014 B, Effective Date: September 30, 1983."*
3. *The Planning Board requires either a Site Development Surety/Bond or a Letter of Credit in an amount to be approved by the Town Engineer and accepted by the Town Board to be required prior to a pre-construction meeting and prior to obtaining a site development permit.*
4. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*"Sidewalks are to be installed to Town Design and Construction Standards across the frontages of Lots # 50 through # 54 connecting to the sidewalks extending from Section 1 of The Estates at Beaver Creek Subdivision Tract, and along the portion of Tanner Trail shown on the Final Plat Map, Drawing number 3 of 8, prior to the issuance of the first Certificate of Occupancy for any dwelling located in this Section."*

5. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*“The cross walk at the intersection of Estate Drive and Tanner Trail is to be installed prior to the issuance of the first Certificate of Occupancy for any dwellings located in this Section.”*
6. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*There shall be two (2) street trees per lot installed at the time of the issuance of the Certificate of Occupancy for each dwelling or before the following May 31<sup>st</sup>.*
7. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*All street lights are to be installed prior to the first Certificate of Occupancy being issued by the Code Enforcement Officer for any dwelling located in Section 2.*
8. *All revisions made to drawings contained in this application are to be noted on the Revision Box for the sheet where such revisions are made.*
9. *Prior to the Planning Board Chairperson signing the Final Subdivision Plat all comments made by Lance Brabant, CPESC, MRB Group, P.C., the Town Engineers, in the December 3, 2011 Letter to the Director of Planning and Development shall be addressed and changes made to the drawings where appropriate.*
10. *Prior to the Planning Board Chairperson signing the Final Subdivision Plat drawings, the Town Engineer, the Town Superintendent of Highway and Parks and the Town Superintendent of Water and Sewer are to have reviewed the revised drawings and have signed-off on them.*
11. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*“All site lighting shall be compliant with the Town’s Lighting Regulations contained in Chapter 165, Section 64 of the Town Code.”*
12. *Prior to any permits being issued, all erosion control measures shall be installed by the developer and inspected by the Town Code Enforcement Officer or his representative. This statement shall be noted on the Final Subdivision Plat drawing number 3 of 8.*
13. *A Park and Recreation Fee for each dwelling unit, in the amount as established by the Town Board, shall be a pre-requisite to the issuance of a Building Permit for each of the lots in Section 2.*
14. *The Final Subdivision Plat Approval is valid for a period of one hundred eighty (180) days from today. Once all conditions of Final Subdivision Plat Approval have been met and any changes required by Town Officials are shown on a revised Final Subdivision Plat and/or drawings, the Planning Board Chairperson is directed to sign the Final Subdivision Plat Map Mylar for filing in the Ontario County Clerk’s Office. In addition, the applicant is to provide the Town with a total of six (6) sets of the paper drawings for signatures. Once the Planning Board Chairperson has signed the Mylar and all copies, the Mylar and two copies are to be filed with the Ontario County Clerk within sixty-two (62) days from the date of final approval, or the final approval shall expire.*
15. *There is to be a note added to Drawing number 3 of 8 that reads as follows:*

*“Third party inspections may be required by the Town Code Enforcement Officer at the expense of the owner/developer.”*

The applicant said he understood and agreed to the conditions.

Ms. Neale moved the resolution with the conditions. Mr. Makin seconded. The following roll call vote was taken and recorded:

- Meg Godly—aye
- Ron Herendeen—excused
- Scott Makin—aye
- Mary Neale—aye
- David Degear—aye

The motion was carried by a vote of four ayes.

**PB 1203-11 FINAL SITE PLAN APPLICATION**  
**NAME: PAUL GILLETTE, 2400 COUNTY RD 28, CANANDAIGUA, NY 14424**  
**LOCATION: LOT #2 INDUSTRIAL PARK, COMMERCIAL DRIVE NORTH**  
**ZONING DISTRICT: LI**  
**REQUEST: Proposed to construct eight (8) single story mini-warehouse structures. Total 45,000 sq ft**

The applicant, Paul Gillette, and his engineers, Gary Pooler and John Shields, from Pooler Development appeared for this application.

Mr. Shields said there have been no major changes from the preliminary site plan, just a few tweaks in response to comments from the Town Engineers. Chairman Degear commented that this is a good project. The applicant, his engineers and the Town worked well together.

The Chairman then asked, for the record, if the project will be done in phases. Mr. Gillette explained that they will do the front four buildings first. They hope to do the second four in 2013. This would be Phase 2. Mr. Shields said Phase 2 might take longer.

Chairman Degear asked for staff comments.

The Director of Planning and Development expressed concern that the south side of the buildings in Phase 1 would be visible from an extended Commercial Drive. If so, the Town Code requires stacked stone facing on them. Mr. Degear added that the Board, too, is concerned if there is a lag of several years between phases or if Phase 2 is never built. “We must be good planners.”

The Code Enforcement Officer (CEO) suggested that the resolution be worded to allow them 18 months to get Phase 2 started or to add stone facing then. This would be enforceable. The final decision, of course, is up to the Board. Both the applicants and the Board members agreed to this compromise.

Mr. Brabant referred to his December 19<sup>th</sup> letter, saying he had no issues with the conditions for approval but that during Phase 1, all drainage measures and the pond must be installed. The applicants agreed.

Next, the Chairman asked for Board comments.

Mr. Makin asked if the time frame was for the start or completion of Phase 2. Would two years be a better time frame?

Ms. Godly agreed that delays happen and suggested two and a half years.

The Director of Planning and Development pointed out that Condition #7 covers this by saying: *“Final Site Plan Approval shall automatically terminate two years after the same is granted unless significant work has been commenced on the project.”* This is the wording in the Town Code. However, enforcement will be up to the Code Enforcement Officer.

Mr. Pooler noted that two years from today is during the winter when construction may be difficult. Mr. Kofahl explained that the clock starts when ground is broken, not from the day of approval. “Significant work” would be having the project 75% done or six out of eight buildings.

Chairman Degear commented that it is up to the applicants to make this project work as approved or return to the Planning Board for changes. The Board members agreed.

At the Chairman’s request, Clerk O’Malley read aloud a draft final site plan resolution with the following conditions:

1. *The following changes are to be made to Sheet Number C-01 prior to signing by the Planning Board Chairperson:*
  - a.) *The Site Drawing Note that reads: “2. Existing Zoning is Light Industrial (LI) with MTOD Overlay.” Is to be changed to read... “2. Existing Zoning is Limited Industrial (LI) with Major Thoroughfare Overlay District (MTOD).”*
2. *All conditions of preliminary site plan approvals (File # PB 1007-11) must be met and shown on the Final Site Plan and the revision box is to be so noted prior to the final plans being signed by the Planning Board Chairperson.*
3. *All site lighting shall remain in compliance with the Town Lighting Regulations contained in Chapter 165 of the Town Code or the Site Plan Approval shall become null and void.*
4. *All site landscaping shown on the Site Plan, including the detailed Plant List quantities and sizes specified, and the Planting Notes specified, shall be installed on or before May 31, 2012 and shall be maintained.*
5. *In the event this mini-warehouse project is built in phases then the following shall be required for any phase of the project prior to the issuance of either a Certificate of Occupancy or a Certificate of Compliance by the Code Enforcement Officer (CEO):*
  - a. *Commercial Drive shall be extended, the southernmost entrance constructed and the street light installed;*
  - b. *The sidewalk connecting to the sidewalk on Collett Road shall be completed by May 31, 2012;*
  - c. *The landscaping around the entire site and the security fence shall be installed by May 31, 2012;*
  - d. *Any surface serving one or more of the mini-warehouse units shall be dust-free;*
  - e. *Any mini-warehouse structure that would be visible by a motorist traveling in either direction along Commercial Drive shall have the polymer decorative stacked stone on all exposed sides within eighteen (18) from today. This condition shall be made void if the construction of Buildings #5 through 8 has commenced.*

- f. *The lawn areas shall be established and maintained around the entire site in the manner approved on the preliminary site plan;*
  - g. *The street light at the entrance off from Denny Drive shall be installed and operational; and*
  - h. *All site improvements required to meet the MS4 Program for storm water drainage shall be installed.*
6. *Final Site Plan Approval is valid for a period of one hundred eighty (180) days and shall expire unless revised drawings have been prepared, submitted, reviewed and signed by the Planning Board Chairperson.*
  7. *Final Site Plan Approval shall automatically terminate two years after the same is granted unless significant work has been commenced on the project.*

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

Meg Godly—aye

Ron Herendeen—excused

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion was carried by a vote of four ayes.

**PB 1005-11 PRELIMINARY SITE PLAN APPLICATION**  
**NAME: THE ZAREMBA GROUP, 14600 DETROIT AVE, LAKEWOOD, OH 44107**  
**LOCATION: 1259 NYS ROUTE 332, (CVS)**  
**ZONING DISTRICT: GB**  
**REQUEST: Approval to construct a single story building, 13,225 square feet pharmacy, (CVS)**

Mary Ann Wervey from the Zaremba Group and attorney Kris Vurraro from Woods Oviatt Guzman LLP appeared for this application.

Ms. Wervey said she reviewed the draft resolution today and wished to clarify the “portico” replacing the awning. She handed out a sketch of what they plan to do, saying it should be described as an “aluminum rounded six-foot wide (referring to the depth) cantilever canopy that extends over the entrance to the store.” It will cover the entire entrance and be located between the two trellises. At the request of Ms. Godly, Mr. Brabant and Mr. Kofahl checked this distance and said it is approximately eight feet. Ms. Wervey promised to provide the square footage for the next meeting. In addition, she explained, there will be a small lobby between two sets of doors, similar to the present CVS.

Mr. Makin said these specific details can be dealt with at final approval.

Mr. Degear reminded the applicants to have this information on the final plans. He also inquired about the banked parking spaces and was assured that they would also be on the final plans.

The Chairman asked for staff comments.

Mr. Brand asked that a revised building elevation be submitted for this store design and also for the Wisconsin store design that the Planning Board selected in October so they may be compared. He expressed satisfaction with the entrance canopy providing coverage for store patrons. The setback approved by the ZBA, he said, is sufficient for this design. He explained that the double striping for the nine foot by 20 foot parking spaces is required by the Town Code.

The Director of Planning and Development stated that a new sign site plan is required because there have been changes since the original submission. Two additional signs are needed to direct traffic from the drive through window to exit onto Route 96. Ms. Wervey agreed. Mr. Degear added that the signs need to be visible in snow and situated for easy snow removal.

Mr. Brand advised the applicants that complete updated sets of drawing must be submitted before final approval can be scheduled. They have six months to submit these. No work may be done on the site until final approval is received. No changes may be made to what the State Department of Transportation (DOT) has approved. The Town needs a signed commitment for the Gateway project since the Town is submitting the application to the State.

The CEO said all his concerns have been covered.

The Town Engineer referred to his December 21<sup>st</sup> letter, saying some drainage details remain to be worked out. He has no problem with preliminary approval tonight.

Next, the Chairman requested Board comments.

Mr. Makin said the applicants have done what was requested. He is ready to move on preliminary approval.

Ms. Godly repeated her request to know the square footage being covered by the canopy. Mr. Brand questioned the color scheme for it and was told it will match the store front.

Ms. Neale agreed that the canopy will improve the building's appearance and function. She is looking forward to seeing the new store when it opens.

Mr. Degear expressed satisfaction with this design but asked for all remaining questions to be answered on the final plans. He inquired about automatic doors and was told that both sets will be automated. At a past meeting, the Board requested the hours of operation. Ms. Wervey said they will be longer than the present store's but not 24 hours. She will email this information to the Board members.

The Clerk read aloud a draft preliminary site plan resolution with the following conditions:

1. *Preliminary site plan approval is based upon the above referenced site plan drawings that are hereby made subject to the following changes:*
  - a) *The site plan drawing C-2 shall be amended to identify the location for the seven (7) additional land banked parking spaces required by the Zoning Board of Appeals. These seven (7) additional land banked parking spaces are to be located along the north side of the proposed CVS pharmacy structure. A note is to be added to the site plan drawing C-2 that references file #ZB 1202-11.*

- b) *The site plan drawing C-2 shall be amended to identify the front setback variance granted by the Zoning Board of Appeals. A note is to be added to the site plan drawing C-2 that references file #ZB 1201-11.*
  - c) *The site plan drawing C-2 shall be amended to identify that all parking spaces are to be double yellow striped with at least one foot between each double stripe as required by Chapter 165, Section 37. A. (1) (c) of the Town Code.*
  - d) *The site plan drawing C-2 shall be amended to provide a an aluminum, rounded six-foot wide cantilever canopy that extends over the entrance to the store in the manner discussed at tonight's Planning Board meeting.*
  - e) *The site plan drawing packet is to have a new drawing that shows the building elevation approved at tonight's meeting for the CVS pharmacy, including the above referenced aluminum, rounded six-foot wide cantilever canopy that extends over the entrance to the store.*
  - f) *There is to be a Sign Site Plan drawing prepared as part of the preliminary site plan packet that identifies the locations and sign details for all of the on-site signage that is to be associated with the proposed CVS pharmacy. Said Sign Site Plan shall include an additional sign to the Sign Survey, dated 3/3/2011, identified as "CVS CS#61836, Route 332 & Route 66, Farmington NY," prepared by Icon Identity Solutions. Said Sign Site Plan is to include the correction to Route 96. Said Sign Site Plan is to also include a directional sign opposite the exit lanes for the drive through windows that directs traffic to State Route 96 for all destinations other than the New York State Thruway. There is also to be another directional sign placed in the proposed grassed median at the north end of the western parking lot that encourages customers to use State Route 96 for all destinations other than the New York State Thruway. The design of said sign and all sign details are to be resolved with the Town Director of Planning & Development and made a part of the Final Site Plan Application.*
2. *Preliminary site plan approval is granted with the understanding that two (2) complete updated sets of all drawings are to be submitted to the Town Development Office for review and acceptance by the Town Code Enforcement Officer and the Town Director of Planning & Development before the Planning Board Chairperson is to sign the preliminary site plan drawings.*
  3. *Preliminary site plan approval is granted with the understanding that final site plan approval will not be considered by the Planning Board until the Planning Board Chairperson has reviewed and signed the revised preliminary site plan drawings.*
  4. *Preliminary site plan approval is granted with the understanding that no site work is permitted relating to all proposed site utilities and drainage until final site plans have been reviewed, approved and signed by all Town Department Heads and the Town of Farmington Town Engineers, MRB Group, P.C.*
  5. *Preliminary site plan approval is granted with the understanding that drawing C-2 is to be revised by adding a note that identifies all of the planned improvements being committed to and provided by the applicant for the Farmington Chamber of Commerce's Phase 2 Gateway Project located within the adjacent state highway rights-of-way.*
  6. *Preliminary site plan approval is granted with the understanding that such approval does not include the right to make any change to the two points of access to the site*

*which must first be approved by and a highway work permit issued by the New York State Department of Transportation.*

7. *Preliminary site plan approval is valid for a period of six months from today.*

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

Meg Godly—aye

Ron Herendeen—excused

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion was carried by a vote of four ayes.

Mr. Degear asked for a demolition plan. Mr. Brabant explained that the information is provided in the sequencing but the Town wants an additional separate plan. The Chairman said that a time frame for tearing down and removing the present structures on the site is the information being requested.

**PB 1201-11, TWO LOT FINAL SUBDIVISION APPLICATION**

**NAME: MR. & MRS. HAROLD HERENDEEN, 880 CO RD #8,  
FARMINGTON, NY 14425**

**LOCATION: 880 CO. RD 8, FARMINGTON, NY 14425**

**ZONING DISTRICT: A-80**

**REQUEST: To subdivide 142 acres, creating Parcel A consisting of 14.024 acres, the remaining lands of the parent parcel will consist of 128 acres.**

William and Fay Marie Gardner, the buyers of Parcel A, appeared for Harold and Carolyn Herendeen who are in Florida for the winter. Mr. Gardner again promised that he intends to farm this property and to maintain it to the same high standard as the Herendeens have done. No development is planned.

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

The Director of Planning and Development said he has spoken with Mrs. Herendeen who is anxious to file this subdivision by the end of the year. In addition to the Mylar which has been submitted, he needs four paper prints for signing tonight. Staff and Board members located the necessary copies for the Chairman to sign after the meeting.

There were no other staff or Board comments.

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

1. *Final plat approval is based upon the drawing prepared by John A. Greene & Associates, dated September 29, 2011 with a revision dates of 11/18/11, 12/9/11 and 12/14/11.*
2. *Four paper copies of the Final Plat Map and the Mylar are to be submitted for signing by the Planning Board Chairperson. One copy will be returned to the land surveyor and one copy will remain in the Town Development Office files. Two copies of the signed Final Plat Map shall be filed with the Ontario County Clerk's Office. If additional*

- signed copies are needed then the land surveyor is to provide these from the signed Mylar, or provide additional copies for signing by the Planning Board Chairperson.*
3. *The signed Final Plat Map shall be filed in the office of the County Clerk within sixty-two (62) days from the date of tonight's final approval. In the event said Final Plat Map is not filed within said time period, approval of said Final Plat Map shall expire.*
  4. *Final Plat approval shall expire within one hundred eighty days after today unless signed by the Planning Board Chairperson and then filed in the office of the County Clerk.*

Mr. Gardner said he had no problems with the resolution. Ms. Godly moved the resolution with Ms. Neale seconding. The following roll call vote was taken and recorded:

Meg Godly—aye  
 Ron Herendeen—excused  
 Scott Makin—aye  
 Mary Neale—aye  
 David Degear—aye

The motion was carried by a vote of four ayes.

For the record, Chairman Degear noted that the applicant's engineer now understands the map scale required by the Town Code.

#### **OPEN DISCUSSION:**

Chairman Degear announced that the Board's 2012 Organizational Meeting will take place on January 21<sup>st</sup> at 8:30 a.m. at Town Hall.

#### **DIRECTOR OF PLANNING AND DEVELOPMENT REPORT:**

Mr. Brand asked the Board members to prepare for the Organizational Meeting by:

1. Reviewing the Rules of Procedure for any changes,
2. Reviewing the MTOD (Major Thoroughfare Overlay District) Landscaping Plan for clarity,
3. Considering what is needed for the annual status report on the Comprehensive Plan Update.

He then asked if anyone needs additional hours of training. If so, he is willing to assist. Mr. Degear responded that everyone exceeded their required hours.

Mr. Brand also reported that two projects were postponed: a concept plan for Farmington Apartments and "Collett Woods" townhouse project. As a result, there is no agenda for the January 4<sup>th</sup> Planning Board meeting.

The Town Board will consider a local law to amend the MTOD map at their next meeting.

The Director of Planning and Development thanked the Board members for their generosity toward a local needy family for the holidays.

#### **CODE ENFORCEMENT OFFICER REPORT:**

Mr. Kofahl reported that there are many irons in the fire. Saratoga Crossing will come in for Lot 3 approval when 50% of the units on Lot 2 are rented, probably by next July. The

Hess station has been renovated. Ms. Godly added that El Jimador restaurant has also done some renovation and looks very nice. Mr. Degear commented that paving the parking lot at KFC seems to have increased their business.

**TOWN ENGINEER REPORT:**

Mr. Brabant said MRB has finalized the MTOD maps. They are working on concept drawings for the Salt Barn for Phase 2 of the Town Highway Garage project as well as some site improvements. Mr. Brand added that there are other ongoing and future projects for the Town Engineers including a new Town park for the Auburn Meadows/Beaver Creek subdivisions site and a proposal for a development at the corner of New Michigan and Townline Roads.

**PUBLIC COMMENTS: *None***

**ADJOURNMENT:**

The next meeting of the Planning Board is scheduled for Wednesday, January 4, 2012 at 7 p.m. at the Town Hall.

Mr. Makin made a motion to adjourn with Ms. Neale seconding it. In a voice vote, the four Board members present voted aye to adjourn at 8:37 p.m. Mr. Degear locked the building.

These minutes were taken and respectfully submitted by

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