

TOWN OF FARMINGTON PLANNING BOARD

December 7, 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
- Ron Herendeen
- Scott Makin
- Mary Neale

Staff: Town of Farmington Director of Development and Planning, Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl

Excused: Town of Farmington Engineer, Lance Brabant, MRB Group, P.C.

Applicants: Ron Scofero, One Stop Repair Shop; William and Fay Marie Gardner, 7196 Gillis Rd., Victor NY 14564; John Shields, Pooler Enterprises; Paul Gillette, Safe Place Self Storage; Kris Vurraro, Woods Oviatt Guzman

Public: Ernie Ackerman, A&D Development; Walt Baker, DSB Engineers and Architects; Jay Dee Whiting, 760 County Rd. 8

OPEN MEETING:

The meeting was called to order at 7:03 p.m. After everyone recited the Pledge of Allegiance, Chairman Degear introduced 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. He also asked that all present set their cell phones on vibrate.

The Chairman noted that Mr. Brabant was necessarily excused due to a death in the family. The Board members expressed their sympathy.

The Board members then observed a moment of silence to mark the passing of Jim Gresens, President, MRB Group, P.C.

APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2011 MEETING:

Mr. Makin moved to approve the Minutes of the November 16th Board meeting. Ms. Godly seconded. In a voice vote, Ms. Godly, Ms. Neale, Mr. Herendeen and Mr. Makin voted aye to carry the motion. Mr. Degear abstained since he was excused from that meeting. He thanked Mr. Makin for filling in as Acting Chairman.

LEGAL NOTICES:

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

PUBLIC HEARINGS:

**PB 1202-11, SPECIAL USE PERMIT RENEWAL
NAME: ONE STOP REPAIR SHOP, 6070 COLLETT RD,
FARMINGTON, NY 14425
LOCATION: SAME AS ABOVE
ZONING DISTRICT: GI
REQUEST: To renew special use permit to continue a motor vehicle repair station, full service repair and NYS inspection station, according to Article VI, Chapter 165-78 of the Town of Farmington Codes.**

Chairman Degear read the letter of application into the record (attached to hard copy of the Minutes).

Ron Scofero, Director of Safety, appeared for One Stop Repair Shop. He said this is a good location for the business. Although there is no growth at present, they anticipate growth once the economy improves. There have been no changes to the business.

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

Mr. Kofahl said the fire inspection found no issues. The site has been maintained in accordance with the conditions for previous approval. No complaints are on file.

Mr. Brand said the Special Use Permit (SUP) can be renewed without an ending date provided all conditions remain the same.

Chairman Degear announced that this is a public hearing and twice asked if there is anyone present who wishes to speak for or against this application. No one replied either time. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Ms. Godly and seconded by Mr. Herendeen. In a roll call vote, all Board members present voted aye to close the public hearing at 7:10 p.m.

Mr. Degear asked for Board comments.

Ms. Godly asked for clarification on renewing a SUP without an ending date. Mr. Brand explained that the business has been operating successfully for some time. It complies with all conditions for approval. No changes have occurred. The Code Enforcement Officer (CEO) added that this is being done on the advice of the Town Attorney. The Director of Planning and Development noted that certain operations such as cell towers can have term limits on their approvals.

There were no other Board comments.

Mr. Makin moved to waive the reading of the Type II Action SEQR with Mr. Herendeen seconding. The motion was carried by a voice vote of five ayes. Then, Ms. Godly moved to approve the SEQR. Mr. Makin seconded. The following roll call vote was taken and recorded:

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

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

Next, Clerk O’Malley read aloud a draft Special Use Permit resolution with the following conditions:

1. *The application for renewal has been determined to be consistent with the provisions of Chapter 165, Section 78, of the Town Code.*
2. *The Special Use Permit is issued for the continued operation of a motor vehicle repair station and a New York State Inspection Station from within the principal building and was last renewed on December 2, 2009. The reports from Town Staff at tonight’s meeting find that there have been no violations of the original conditions of approval.*
3. *The Planning Board again waives the need for a Final Site Plan based upon the finding that the Special Use Permit is to be conducted entirely within the existing principal building on the site.*
4. *There shall be no additional building mounted or free-standing commercial speech signs permitted on the property without first obtaining Sign Site Plan Approval from the Town Planning Board.*
5. *There shall continue to be provisions for off-street parking for any vehicles associated with the use of this site.*
6. *There shall be no on-street parking for any visitors to this use on this site.*
7. *The Special Use Permit renewal shall be made null and void with any change in use, site plan, or sign site plan components.*
8. *All site lighting shall remain compliant with the provisions contained in Chapter 165 of the Farmington Town Code.*
9. *There shall be no outdoor display or goods or outside storage of equipment or materials used in connection with the Special Use Permit.*
10. *This Special Use Permit may continue as long as all conditions of granting the Special Use Permit remain in effect. In the event there are any violations of these conditions, the Special Use Permit hereby issued may become null and void.*

Mr. Scofero said he understood and agreed to the conditions. Mr. Makin moved to approve the SUP with the conditions. Mr. Herendeen seconded. The following roll call vote was taken and recorded:

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

The motion was unanimously carried.

**PB 1104-11, TWO LOT PRELIMINARY 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.
CONTINUED**

Board member Herendeen recused himself from this application.

Chairman Degear commented that, although he was excused from the last meeting, he read the Minutes and discussed it with staff.

At the previous meeting, Mr. and Mrs. Harold Herendeen said their purchaser, William Gardner, was authorized to represent them for this application while they are in Florida. William Gardner appeared this evening. He said the map and survey have been corrected. He noted that the Herendeens have done well in maintaining their property and, as a farmer himself, he promises to keep to their high standards.

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

The Code Enforcement Officer confirmed that the applicant's request for a variance for site frontage was granted by the Zoning Board of Appeals (ZBA) on November 28th.

The Director of Planning and Development said he prepared draft SEQR and preliminary subdivision resolutions and sent them to the applicants' surveyors, Don and Mark Greene. Chairman Degear read aloud an email from the surveyors saying the incorrect road frontage measurements will be corrected on the tax map. Mr. Brand explained that this change will cause no problems with the variance granted.

Mr. Degear reported, in the Town Engineer's absence, that MRB has no comments.

Chairman Degear announced that this is a public hearing and twice asked if there is anyone present who wishes to speak for or against this application. No one replied either time. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Ms. Godly and seconded by Ms. Neale. In a voice vote, Ms. Godly, Ms. Neale, Mr. Makin and Mr. Degear voted aye to close the public hearing at 7:24 p.m. Mr. Herendeen abstained.

There were no Board comments.

Ms. Godly moved to waive the reading of the Unlisted Action SEQR with Mr. Makin seconding. The motion was carried by a vote of four ayes with one abstention. Ms. Neale then moved to approve the SEQR with a determination of non-significance. Ms. Godly seconded. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—abstained (recused)

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion was carried. Chairman Degear signed and dated Part II of the Short Environmental Assessment Form.

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

1. *Preliminary approval is based upon the drawing prepared by John A. Greene & Associates, dated September 29, 2011 with a revision date of 11/18/11 with the following changes that are to be made:*
 - a.) *The title of the drawing is to read "Preliminary Plat, Lots #1 and #2, Harold F. & Carolyn W. Herendeen Subdivision."*

- b.) *There is to be a note added to the drawing that identifies the area variance granted by the Zoning Board of Appeals on November 28, 2011 and identified as File # ZB 1101-11.*
 - c.) *There is to be added to the plat map the designation of Lot #2 (the remaining lands of Harold F. & Carolyn Herendeen) having a total of 128 acres.*
 - d.) *There is to be a note added to the Preliminary Plat Map that, prior to any further site development on Lot #1 either within the boundary of, or within 100 feet of, the determined boundary of the State Freshwater Wetland, the flagging of said boundary and verification thereof by the State Department of Environmental Conservation shall be required.*
 - e.) *There is to be added to the plat map the acreage of .66 acres for the Robert Ledgerwood parcel of land shown on the drawing.*
 - f.) *There is to be added to the plat map the Tax Map Number 17.00-2-13.100 and the total acreage of .30 acres of land for the Jill A. Norsen parcel shown on the drawing.*
2. *The Planning Board does hereby waive the requirement in Chapter 144, Article II, Section 11. H. for a Storm Water Prevention Pollution Plan to be prepared as part of Preliminary and Final Subdivision Plat approval since there is no development being authorized by these two actions. At the time a Building Permit is requested for development of either Lot #1 or Lot #2, compliance with this provision of Chapter 144 of the Town Code will be required. A note to this effect is to be placed upon the Preliminary and Final Plat Maps.*
 3. *The Plat Map is to show the approximate location of the Deep Hole and Percolation Test that was performed on Lot #1 and provide reference to the witnessing thereof by the Ontario County Soil and Water Conservation District Office.*
 4. *The Plat Map revision box is to note all changes required by this Planning Board resolution.*
 5. *Two paper copies of the revised Preliminary Plat Map 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. If additional signed copies are needed, then the land surveyor is to provide these at the time of signing.*
 6. *The Planning Board determines that a park and recreation fee is not required at this time. When a Building Permit is applied for, either for Lot #1 or Lot #2, then a park and recreation fee will be required as a condition of granting any such Building Permit. A note to this effect is to be placed upon the Final Subdivision Plat Map.*
 7. *The Planning Board will not schedule a meeting for Final Plat Approval until all conditions of Preliminary Plat Approval have been met and a revised Plat Map(s) signed by the Planning Board Chairperson has been filed in the Town Development Office.*

Mr. and Mrs. Gardner said they spoke for the applicants, Harold and Carolyn Herendeen, in saying they understood and agreed to the conditions. Mr. Brand explained that preliminary plat approval is good for 180 days. During that time, they need to have corrected plans and a survey submitted to the Development Office for signing. Once this is done, they can apply for final approval.

Ms. Godly then moved to approve the preliminary subdivision resolution with the conditions and Mr. Makin seconded her motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—abstained (recused)

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion was carried by a vote of four ayes with one abstention.

Board member Herendeen returned to the Board.

PB 1006-11 SPECIAL USE PERMIT

**NAME: PAUL GILLETTE, 2400 COUNTY RD 28, FARMINGTON, NY
14425**

**LOCATION: LOT #2 INDUSTRIAL PARK, COMMERCIAL DRIVE
NORTH**

ZONING DISTRICT: LI

**REQUEST: Proposed to construct eight (8) single story mini-warehouses.
CONTINUED**

SITE PLAN APPROVAL

PB 1007-11 PRELIMINARY SITE PLAN APPLICATION

**NAME: PAUL GILLETTE, 2400 COUNTY RD 28, FARMINGTON, NY
14425**

**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 CONTINUED**

PB 1203-11 FINAL SITE PLAN APPLICATION

**NAME: PAUL GILLETTE, 2400 COUNTY RD 28, FARMINGTON, NY
14425**

**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 Director of Planning and Development advised the Board members to begin with the preliminary site plan.

The applicant, Paul Gillette, and his engineer, John Shields from Pooler Enterprises, appeared for these applications. Mr. Shields began by saying that the ZBA approved their four area variances. He asked for a discussion of some of the conditions in the preliminary site plan draft resolution.

His first major issue, he said, is with condition 1. (c) which refers to facing the south elevations of Buildings 5, 6 and 7 with polymer decorative stacked stone in smoke gray. The engineer pointed out that the road ends before these become visible. Chairman Degear explained that the road will eventually be extended so they will be seen. Mr. Gillette commented that facing is expensive and the ends of the buildings at the Beaver

Creek facility are not faced, only the side along Route 332. There is a reward versus cost factor here. Mr. Brand noted that the Town Code has changed since Beaver Creek Mini-Storage was built.

Mr. Shields then raised a concern about maintenance around the sign on Lot #1. What if the sign is never installed? The ZBA made it a condition that the owner of Lot #1 has to maintain the lawn area around the sign and along the east side of the right-of-way of Commercial Drive. He asked that the resolution make it clear that, if no sign is installed, the owner of Lot #1 does not have to maintain the right-of-way. Mr. Gillette added that the Certificate of Occupancy for Lot #1 must come before the sign.

A third issue raised by the applicants was the sidewalk easement along Collett Road. Rochester Gas and Electric have an easement where the sidewalk easement would be. Instead, could it be placed in the right-of-way?

The applicants had no objections to the rest of the conditions and thanked Mr. Brand for allowing them time to review the resolution prior to tonight's meeting. They want to start construction as soon as possible.

When the applicants finished speaking, the Chairman requested comments from staff.

Mr. Kofahl said all his concerns have been addressed.

Mr. Brand explained that the Town Code provides for a sidewalk in front of the property. If it is on the property, an easement is necessary. If it is in the right-of-way, the Highway Superintendent must agree.

The Director of Planning and Development then went over condition #6 which has been reviewed and approved by the Town Attorney: *"The applicant may begin, at his own risk, the excavation for construction of site improvements provided the applicant first files with the Town Board a Performance Bond in the total amount of \$25,000.00 which will remain in effect for a period of sixty (60) days from today, or until the applicant receives signed Final Site Plan drawings. Said Performance Bond is to specify that it will be used only to reclaim the site to its present condition in the event the applicant does not obtain Final Site Plan approval within sixty (60) days from today."* Mr. Degear explained that Mr. Gillette wishes to start construction now. The applicants agreed to the condition.

Chairman Degear read the December 6th letter from MRB into the record (attached to the hard copy of the Minutes). All their concerns for preliminary approval have been addressed. However, approval for the final site plan must wait for MRB to review the drainage design and calculations.

Next, the Chairman asked for Board comments.

Ms. Neale said they have done a good job.

Mr. Herendeen said he ready to act.

Ms. Godly asked for answers to the issues raised. The facing must meet the present Town Code. Mr. Gillette argued that facing is not required on that side of the buildings since Commercial Drive does not extend that far. Chairman Degear noted that a Planning

Board's role is to plan ahead. He asked for a decision from the Board members. All agreed by consensus that the facing on the south side of Buildings 5, 6 and 7 is required.

Ms. Godly also said a sidewalk is needed. The location should be up to the Town Engineer based on safety. It will eventually connect with other sidewalks. The Board requires sidewalks. We must be consistent.

Mr. Degear explained that the Town has gotten the best deal it can from this applicant. The Code Enforcement Officer agreed to this compromise at a prior meeting. Mr. Gillette pointed out that they are providing 600 feet of sidewalk to connect this property to the sidewalk on the north side of Collett Road. The 600 feet is longer than putting a sidewalk across the front of their property. Mr. Kofahl added that the right-of-way is already dedicated to the Town for a sidewalk and utilities.

The Chairman commented that much staff work went into these resolutions.

Mr. Brand said that the criteria for a special use permit require **provision** for a sidewalk. Does the Board want this on the west or the east side of Commercial Drive? The Board members agreed on the western side.

Clerk O'Malley read aloud a draft preliminary 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: "Additional Zoning Board of Appeals Variance Required: A variance to allow an off-site sign on T.A. 29.00-2-1.110. Proposed sign would identify each of the three businesses within the Collett Road Industrial Park where code for such a sign only when multiple principal buildings or uses exist on a single parcel of real property. (ZB 1005-11)" is to be removed from the site plan.*
 - b.) *The Note that reads Zoning Board of Appeals Results, in particular the note regarding the November 28, 2011 files, is to be removed from the site plan and replaced with a note that reads as follows: "November 28, 2011: ZBA approved with conditions the three area variances identified as files ZB 1003-11, ZB 1004-11 and ZB 1006-11."*
 - c.) *Note number 14 is to be amended to include the south elevations of Buildings Number 5, 6, 7 and 8 to be faced with polymer decorative stacked stone in smoke gray.*
 - d.) *Note number 15 is to be amended to read that the off-site sidewalk along Commercial Drive to Collett Road is to be installed by the applicant prior to May 31, 2012.*
 - e.) *There is to be a new Note 17 added to the drawing. This Note is to read that the proposed cross-walk on Commercial Drive will be installed and painted by the applicant based upon acceptance by the Town Highway Superintendent prior to the issuance of the Certificate of Occupancy by the Code Enforcement Officer.*
 - f.) *The area identified as "Company Vehicle Parking" is to be striped to show that five vehicles can be parked in this area.*
 - g.) *There is to be a new Note 18 added to the drawing. This Note is to identify that the entire area in front of the 6 foot wide landscape planting area, in front of the security fence, is to be maintained as lawn up to the highway right-of-way line. This mowed area shall also be along the south side of Denny Drive for the entire length of the property.*

- h.) *There is to be a street light installed on this property, outside the pavement for Denny Drive.*
 - i.) *There is to be a new Note 19 added to the drawing. This Note is to read that, when a freestanding sign is erected on Lot #1, then the limits of the lawn area to be maintained within the east side of the right-of-way of Commercial Drive and the northern portion of Lot #1 of the Collett Road Industrial Park are to be maintained by the owner of Lot #1.*
 - j.) *There is to be a new Note 20 added to the drawing. This Note is to read the landscaping around the off-site commercial speech sign on Lot #1 shall meet the requirements of the Landscaping Guidelines adopted by the Town Planning Board for the Major Thoroughfare Overlay District (MTOD).*
 - k.) *There is to be a new Note 21 added to the drawing. This Note is to read the landscaping along the frontage for Lot #2 is to meet the landscaping requirements contained in the Town Planning Board's Landscaping Guidelines and the MTOD District regulations in Chapter 165. All landscaping is to be installed prior to the issuance of the Certificate of Compliance by the Code Enforcement Officer. The Plant Schedule is to be amended accordingly.*
 - l.) *The Approval lines listed are to be corrected to read Approval by the Water and Sewer Superintendent instead of the Water Utilities Superintendent.*
 - m.) *There is to be a ten foot wide area shown within the right-of-way for Commercial Drive across the entire frontage of Lot #2 along the west side of Commercial Drive. The area shall be identified as a future sidewalk to the Town of Farmington.*
 - n.) *There is to be at least a six foot wide strip of mowed lawn area extending from the pavement behind buildings number 4 & 8. The site plan drawing is to be amended to show this change. The security fence may be installed within the six foot strip; however, the area to be mowed shall not be less than the total six feet in width.*
 - o.) *There is to be a mowed lawn area located along the north side yard portion of the site along Denny Drive. The site plan reference to "Natural Cover Outside of Recharge Area (No Maintenance)" is to be removed and replaced with the language used for the recharge area to be mowed and maintained as lawn. As an alternative, the lines extending from the wording from the recharge area would suffice.*
2. *The following changes are to be made to Sheet Number C-02 prior to signing by the Planning Board Chairperson:*
- a.) *The Approval lines listed are to be corrected to read Approval by the Water and Sewer Superintendent instead of the Water Utilities Superintendent.*
3. *The following changes are to be made to Sheet Number C-03 prior to signing by the Planning Board Chairperson:*
- a.) *The Approval lines listed are to be corrected to read Approval by the Water and Sewer Superintendent instead of the Water Utilities Superintendent.*
 - b.) *The telephone number to call "Before You Dig, Drill or Blast" is to be corrected. The 716 area code should be 585.*
 - c.) *Reference to the Wayne County Water Authority is to be removed from this drawing.*
 - d.) *The Wall Pack Light Detail Note is to be corrected by changing the word sight lighting to site lighting.*
4. *The following changes are to be made to Sheet Number C-04 prior to signing by the Planning Board Chairperson:*
- a.) *The Approval lines are to be corrected to read Approval by the Water and Sewer Superintendent instead of the Water Utilities Superintendent.*

- b.) *The message to be displayed upon the Freestanding Commercial Speech Sign on Lot #1 is to be changed to comply with the conditions of approval imposed by the Zoning Board of Appeals. The “Pooler Enterprises” is to be removed and the space left blank until there is a new business occupying a structure on Lot #1. In addition, the space identified as “Future Parcel” is to be removed and replaced with “Morgan Recreational Supplies.”*
- c.) *The last item listed under the Sequence of Construction is to be changed to read ... “A Notice of Termination (NOT) may and the MS4.”*
5. *The Preliminary Site Plan shall be amended to include the design and location for on-site signs complying with Chapter 165, Article VI, Section 84.1. CC. and DD.*
6. *The applicant may begin, at his own risk, the excavation for construction of site improvements provided the applicant first files with the Town Board a Performance Bond in the total amount of \$25,000.00 which will remain in effect for a period of sixty (60) days from today, or until the applicant receives signed Final Site Plan drawings. Said Performance Bond is to specify that it will be used only to reclaim the site to its present condition in the event the applicant does not obtain Final Site Plan approval within sixty (60) days from today.*
7. *All conditions of preliminary site plan approvals must be met and shown on a revised Preliminary Site Plan and the revision box is to be so noted prior to the preliminary plans being signed by the Planning Board Chairperson.*
8. *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.*
9. *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.*
10. *Preliminary Site Plan Approval is valid for a period of ninety (90) days and shall expire unless revised drawings have been prepared, submitted, reviewed and signed by the Planning Board Chairperson.*
11. *The Planning Board will not act upon a Final Site Plan until these revisions have been made to the Preliminary Site Plan, submitted to the Town Development Office and reviewed by and accepted by the Code Enforcement Officer and the Director of Planning and Development.*

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

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

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

The Board members then considered the special use permit. Chairman Degear announced that this is a public hearing and twice asked if there is anyone present who wishes to speak for or against this application. No one replied either time. Mr. Makin

moved to close the public hearing. Mr. Herendeen seconded. In a voice vote, all Board members voted aye to close the public hearing at 8:26 p.m.

There were no Board comments.

At the Chairman's request, the Clerk read aloud a draft special use permit resolution with the following conditions:

1. *The applicant obtains Final Site Plan and Sign Site Plan Approval for File # PB 1203-11.*
2. *The Special Use Permit shall remain in effect as long as all conditions of Final Site Plan Approval, File # PB 1203-11, the conditions set forth in Chapter 65, Section 84.1, of the Town Code and the conditions set forth below herein continue to be satisfied.*
3. *The Planning Board does hereby waive the requirements set forth in Chapter 165, Section 84.1. AA. of the Town Code, for a sidewalk to be installed across the frontage of the site along Commercial Drive, and that the applicant installs a sidewalk to Town Design Standards, connecting this subject property to a sidewalk located along the north side of Collett Road in the manner shown on the approved site plan. This connection shall include cross-walk striping and signage on Collett Road.*
4. *The Planning Board requires that a landscaped area across the frontage of the site and along any side or rear yard portion of the site be installed and maintained in accordance with the adopted Town of Farmington Planning Board Landscaping Guidelines and the landscaping standards contained in the Major Thoroughfare Overlay District (MTOD) Regulations. The rear yard portion of this site is to have a mowed lawn area at least six feet in width. The north side yard portion of this site is to have a mowed lawn area around the proposed Storm Water Management Recharge Area shown on the Final Site Plan extending up to the edge of the paved travel lane for Denny Drive.*
5. *This Special Use Permit is valid for a period of two years from today and shall be made null and void in the event that there is no significant work has commenced upon the subject parcel.*

The applicants said they understood and agreed to the conditions. Ms. Neale moved to approve the resolution with the conditions and Mr. Herendeen seconded. Clerk O'Malley recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion was unanimously carried.

Finally, the Board members turned their attention to the continuation of the Final Site Plan. The Director of Planning and Development advised the applicants that they need to have the changes made to the preliminary site plan by the deadline of Wednesday, December 14th. They should check with staff about these changes first. The performance bond is also needed so they can start soon. The Town Board must act on it first. Their next meeting is December 13th.

The Clerk read aloud a draft resolution to continue the final site plan to the December 21st Board meeting to allow time for the Town Engineers to review site drainage and design

calculations. Mr. Degear moved to approve the resolution with Ms. Godly seconding. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

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

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

1. PB 1005-11 CVS Lead Agency Resolution

Mr. Brand reported that no objections to the Planning Board as lead agency have been received. He summarized the responses from the State Department of Environmental Conservation (DEC), the Department of Health (DOH) and the Department of Transportation (DOT). The applicant's attorney, Kris Vurraro, confirmed that the technicals were sent off today to the DOT.

Next, Ms. Godly moved that the Planning Board designate itself as the lead agency for making a determination of significance upon this action. Ms. Neale seconded. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

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

2. PB 1005-11 CVS Determination of Significance

Mr. Brand reported that this application will go before the ZBA on December 19th for variances. Then the Planning Board can consider the preliminary site plan on December 21st. Ms. Wervey and Mr. Vurraro have seen this resolution and have no issues.

Ms. Godly moved to waive the reading of the draft Determination of Significance since the Board members were provided copies for review prior to the meeting. Mr. Herendeen seconded. The motion was carried by a voice vote of five ayes. Mr. Makin moved to approve the Unlisted Action SEQR resolution with Mr. Herendeen seconding. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The Chairman signed Part II of the Short Environmental Assessment Form.

3. MTOD Map Presentation

The revised MTOD (Major Thoroughfare Overlay District) Map will be reviewed by the Town Board at their December 13th meeting.

4. County Road 41 Public Hearing

At the same Town Board meeting, there will be a public hearing on the rezoning of a portion of County Road 41 as recommended in the Comprehensive Plan. The Town Board will also act on a local law.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl noted that a meeting is scheduled for July 4, 2012. The Board members agreed to move it to June 27, 2012. However, they left the November 21, 2012 meeting as scheduled although it is the day before Thanksgiving.

PUBLIC COMMENTS:

Ernie Ackerman from A&D Development and his engineer, Walt Baker, said they should have been on the agenda for Section #2 of the Beaver Creek development since they submitted their plans, as requested by the Planning Board, on November 28th. Their application was tabled to tonight's meeting. Mr. Degear said he was not aware of this and apologized if an error had been made. Mr. Kofahl said they are on the agenda for December 21st.

Chairman Degear asked them if they wanted to make a presentation tonight. Ms. Godly pointed out that no plans have been placed in the Board packets for tonight. The Board members need time to review the plans.

Mr. Baker said the plans have been reviewed by the Town Engineers.

Mr. Ackerman asked if the Town allows a performance bond in lieu of a letter of credit. It would be faster and easier for him. The CEO agreed to check on it.

Mr. Brand assured the applicants that this application will be first on the agenda for the next Board meeting. He will also send the draft resolution to both of them to review prior to the meeting. Although Mr. Baker will not be able to attend the next meeting, Mr. Ackerman said he will appear for this application.

*Clerk's Note: Following the meeting, I was asked by Board members to check on the Minutes and Continuation Resolution from the November 2nd meeting. The resolution was worded as follows: "**WHEREAS, the Applicant has informed the Board that this additional information will be provided to Town Staff on or before noon on November 22, 2011 to permit Staff time to review the information for completeness and then allow staff to prepare revised reports to be placed in the packets for the next Planning Board Agenda for the December 7, 2011 meeting, BE IT FINALLY RESOLVED that the Planning Board does hereby move to table the application and to continue the public meeting upon this application until the December 7, 2011 Planning Board meeting.**"*

The approved Minutes state: "The applicants agreed to November 22, 2011 to allow time for staff to prepare reports and submit them to the Board for consideration."

According to the applicants, the plans were not submitted until November 28, 2011. This met the deadline for the December 21st Board meeting.

CHAIRMANMAN OF PLANNING BOARD REPORT:**1. CVS**

Mr. Degear expressed concern about what is actually being submitted as a building elevation for CVS. He received information from Board members that a miscommunication may have occurred.

Mr. Kofahl explained that the awning is an issue. Ms. Godly said that a portico has been discussed but the pictures received from the applicant are different in several respects from what the Board requested. She pointed out the differences. Mr. Herendeen commented that the scale of the drawing may have created some confusion.

Mr. Brand stated that the entrance needs a cover to protect patrons from the prevailing westerly winds on an exposed corner.

The Chairman asked staff to contact CVS to resolve these questions before the December 21st Board meeting so the Board can act at that time. The Director of Planning and Development agreed to contact Ms. Wervey. The Code Enforcement Officer recalled that she agreed to check on the awning issue after the last Board meeting.

Mr. Brand said he will draft an email to Ms. Wervey and send it to the Planning Board for review before sending it to the applicant.

Ms. Godly suggested scanning the 2 drawings in question and sending them to Ms. Wervey. Mr. Kofahl agreed, saying the Board approved a visual of this building. He will compare the two and notify the Board about his findings. He does not want any more delay.

2. Board Packets

Chairman Degear expressed concern at mailing out Board packets since they do not always arrive in time for the members to review prior to Monday's Board workshop. It was noted that future mail may take even longer to arrive. By consensus, all Board members agreed to return to having the Clerk deliver Board packets on the Friday before each meeting.

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, December 21, 2011 at 7 p.m.

Mr. Makin made a motion to adjourn with Mr. Herendeen seconding it. In a voice vote, all five Board members voted aye to adjourn at 9:12 p.m. Mr. Brand locked the building.

These minutes were taken and respectfully submitted by

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