

**TOWN OF FARMINGTON PLANNING BOARD**

**January 19, 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, Chair  
Ron Herendeen  
Scott Makin  
Mary Neale

Excused: Meg Godly

Also present: Town of Farmington Director of Development and Planning, Ron Brand; Town of Farmington Engineer, Lance Brabant, MRB Group, P.C.; Tim Mickelsen, Clean Your Carpet Inc.; Glenn Thornton, Thornton Engineering

Excused: Town of Farmington Code Enforcement Officer, Floyd Kofahl

**OPEN MEETING:**

The meeting was called to order at 7 p.m. After everyone recited the Pledge of Allegiance, the Chair 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 JANUARY 5, 2011 MEETING:**

Before proceeding to approving the Minutes, the Chair explained that he wished to disclose that the drawings for the Monad application on January 5<sup>th</sup> were supplied by Fisher Associates. He also works for Fisher Associates but was not involved with this project.

Mr. Makin moved to approve the Minutes of the last Board meeting. Ms. Neale seconded. In a voice vote, all four Board members present voted aye to carry the motion.

**LEGAL NOTICES:** *None required*

**PUBLIC HEARINGS:** *None required*

**SITE PLAN APPROVAL**

**PB 0103-11, PRELIMINARY SITE PLAN APPLICATION**

**NAME: TIMOTHY MICKELSEN, 1544 MEADOWBROOK LANE,  
FARMINGTON, NY 14425**

**LOCATION: 1308 BEAVER CREEK RD**

**ZONING DISTRICT: GB**

**REQUEST: Propose to utilize the existing structures, garage and pole barn, for storage of carpet cleaning equipment and company vehicles. The existing residential use of the single family dwelling will be rental property.**

Mr. Mickelsen, the applicant, and his engineer, Mr. Thornton, appeared for this application. Mr. Degear read Mr. Mickelsen's letter of application into the record. Mr. Thornton then explained that this property is a pre-existing, non-conforming lot. The applicant has already closed on the property and plans no changes to the exteriors of the buildings except for a free-standing sign. He will, however, be doing some interior renovations.

In the future, Mr. Mickelsen may expand the pole barn. He will be adding low landscaping to screen the parking lot without blocking the view of the sign.

Mr. Thornton went on to say that the right-of-way is wider than usual on this lot. He has spoken with the Highway Superintendent about the placement of the sidewalk. It can go in the right-of-way in order to connect with future sidewalks on either side.

Mr. Thornton also explained that they want to extend water and sewer service to the barn since rug cleaning needs water. They will tie into existing services. He spoke with Jim Crane, the Water and Sewer Superintendent, who said he has no objection. Jack Henehan, the Construction Inspector, has requested a note on the plans about the two water services on the site.

All exterior lighting, Mr. Thornton added, will comply with the Town Code.

Other issues addressed by the engineer included fast-growth landscaping shown on the plan, site drainage, adding a handicapped parking space and moving the soil stockpile.

When the applicants finished, the Chair requested staff comments.

Mr. Brand, the Director of Planning and Development, asked the Board to consider this application as an Unlisted Action under SEQR with a declaration of non-significance. A date for the installation of the sidewalk is needed. The final site plan should show where the all the signs will be located. Street address numbers are needed on the principal buildings. Will the top soil stockpile be removed from the site and, if so, by what date? That portion of the site will then need to be reclaimed.

Mr. Brand also inquired about any dumpsters, their location and screening, or a note on the plans saying that no dumpsters will be used; information about site lighting; any landscaping around the sign, and details about roof run off. He told the applicants that

Mr. Kofahl, the Code Enforcement Officer, had determined that no handicapped parking space is needed because of the small size of this project.

The Town Engineer, Lance Brabant, referred to his January 13, 2011 letter. He apologized for accidentally saying Fisher Associates rather than Thornton Engineer in the letter and for saying the plans were dated December, 2010. The actual date for the current plan is January 7, 2011. He then went through the ten items addressed in the letter, pointing out that most of them have been added or are in the conditions for approval.

Mr. Mickelsen responded that no dumpster is planned, only a household tote. Mr. Degear asked him to include this in a note on the plans. The Board, he explained, is concerned because some applications fail to mention a dumpster and then one is installed without screening.

Mr. Brabant asked for details about the handling of roof run off. He also inquired about the driveway. Will they use the existing one? Mr. Mickelsen said yes. The Town Engineer then asked him to note this on the plans. The Chair asked if using the driveway might add dirt or debris on the Town road. Mr. Brabant replied that, due to the size of this project, MRB Group has no concerns.

The Town Engineer went on to say that the stockpile may be put in the front of the site during construction, if necessary. Mr. Mickelsen explained that they plan to use all the topsoil on the site, placing any remainder around the foundation of the house for drainage. He agreed to have a note added saying this.

Mr. Brabant concluded by noting that cut sheets for site lighting have been added. He advised Mr. Mickelsen that a bond will be necessary at final approval. Mr. Thornton asked if this could be a letter of credit. Mr. Mickelsen added that this is the easiest way to proceed. The Town Engineer said this type of surety is acceptable. On behalf of the Board, the Chair explained that they understand the applicants' concerns. This is a very small project.

Mr. Degear requested Board comments next.

Mr. Herendeen said he did not see any issues. This is a good use for this site. He added that he likes their ideas about landscaping.

Ms. Neale commented that she is glad they are planning landscaping and a sidewalk. The signs look very professional. Mr. Mickelsen said they used a professional firm. The Board members noted that it was a Farmington business.

Mr. Makin added that this project would result in upgrading the property. He was pleased to see it.

Mr. Degear said this is a good use of the land and the building. He is glad to see a local business growing.

At the Chair's request, the Clerk read aloud a draft Unlisted Action SEQR with a Determination of Non-Significance. Mr. Herendeen moved to approve the SEQR with Ms. Neale seconding. The following roll call vote was taken and recorded:

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The resolution was adopted by a unanimous aye vote of the four Board members present. Mr. Degear, as Chair, signed Part II of the Environmental Assessment Form.

Next, Clerk O'Malley read aloud a draft preliminary site plan resolution with the following conditions:

1. *This Approval is for Preliminary Site Plan Approval only. The basis for Preliminary Site Plan Approval is the drawing prepared by Thornton Engineering, LLP, identified as Project No. 10-375, with the latest revision dated 01/07/2011 and entitled "Preliminary Site Plan, Proposed Property Improvements, 1308 Beaver Creek Road."*
2. *Prior to the submission of an application for Final Site Plan approval, two copies of the revised Preliminary Site Plan are to be signed by the Planning Board Chairperson. There shall be added to the Revision Box on the Preliminary Site Plan a reference identifying compliance with this condition of Preliminary Site Plan approval.*
3. *All conditions of Preliminary Site Plan approval must be met and shown on a revised Final Site Plan that is to be signed by the Planning Board Chairperson prior to the issuance of a Certificate of Occupancy.*
4. *A note is to be added to the Preliminary Site Plan identifying that the proposed sidewalk is to be installed across the entire frontage of the site on or before September 1, 2012.*
5. *All site lighting shall be brought into compliance with the Town's Lighting Regulations contained in Chapter 165 of the Town Code by a date to be established as a condition of Final Site Plan approval.*
6. *A note is to be added to the Final Site Plan that identifies the locations for each of the proposed commercial speech signs (building mounted and/or free-standing) on the plan map.*
7. *A note is to be added to the Final Site Plan that identifies the source of all site sign lighting and whether it is to be internally lit or down lit.*
8. *Every principal building shall have Arabic Numerals (street identification numbers) at least four inches in height, permanently attached to the building near the main entrance and clearly visible from the public way. A note to this effect shall be placed upon the Preliminary Site Plan.*
9. *There shall be a note added to the Preliminary Site Plan identifying how the proposed top soil stockpile is going to be used on the site, whether any of the top soil is going to be removed from the site, and, if so, where the top soil is going to be relocated to. If the top soil is going to be removed from the site then a specific date when the material will be removed and when this portion of the site will be reclaimed.*

- 10. The Final Site Plan shall identify a detailed Landscaping Plan and Planting Schedule for the area around the base of the proposed 32 square foot commercial speech ground sign.**
- 11. The Final Site Plan shall either show the location of any dumpster that is going to be used in conjunction with the business, or a note placed on the drawing identifying that there will be no dumpster used and that all waste will be stored indoors. If a dumpster is to be used, then design details for the enclosure shall be required to be shown on the plans.**
- 12. The Final Site Plan shall contain a note identifying how the applicant intends to address roof run-off. In addition, all proposed or existing roof leaders/splash blocks should be delineated on the Final Site Plan and directed away from building foundations and neighboring properties.**
- 13. This Preliminary Site Plan is valid for a period of 180 days and shall expire unless the applicant has submitted an amended Site Plan for signature by the Planning Board Chairperson.**

The Chair asked the applicants if they had any questions. Regarding point #8, Mr. Mickelsen explained that Mr. Kofahl will be assigning a separate address number for the business. Should this be on the pole barn? What about the garage? The Board members agreed that it should be on the barn. The garage does not need address numbers although the house does.

Mr. Mickelsen also inquired if a trash tote is acceptable. Mr. Degear advised him that the Board does not want to see a tote become a dumpster. If this happens, the applicant should return to the Planning Board.

Mr. Mickelsen then said he understood and agreed to the conditions.

Mr. Makin made a motion to approve the preliminary site plan with the conditions. Ms. Neale seconded. The following roll call vote was taken and recorded:

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The resolution was adopted by a unanimous aye vote of the four Board members present.

The Chair said, for the record, that the sunset date for the installation of the sidewalks is longer than usual because there are no connecting sidewalks now. The Board is not showing favoritism to a Town Board member nor are they setting a precedent.

Mr. Brand asked if connecting sidewalks are installed (and no applications for doing this are pending), will the applicant install them sooner? The Town does not want another property owner to question the length of time given to Mr. Mickelsen. The Board members agreed to visit this again during the final approval process.

Mr. Mickelsen asked what the usual time frame is and what date is it calculated from. He was told 18 months from final site plan approval. He responded that, if he returns for

final approval at the end of February, 18 months would bring him to the end of August, 2012. The sunset date conditioned is September 1, 2012.

**OPEN DISCUSSION:**

**DIRECTOR OF DEVELOPMENT REPORT:**

**1. RFP Auburn Trail Feasibility Project**

Mr. Brand reported that the goal for this project is to be finished by February, 2012. There will be four committee meetings, starting March 25, 2011. There will be 15 people on the Committee with representatives from Genesee Transportation Council, Ontario Pathways, Victor Recreation and Victor Hiking Trails as well as representatives from the three municipalities involved: Farmington, the City of Canandaigua and the Town of Canandaigua. Leo Downey, a resident of Spartan Drive in Farmington, recently retired from the grants department in the State Parks and Recreation Office. He will be an invaluable resource. Mr. Brand said he has helped other municipalities with this type of planning and this study is necessary to obtain grants to do the trail work. The Town Board is committed to this project since the recent residents' survey showed strong interest in hiking/biking trails for recreation.

**2. 1816 Quaker Meeting House Preliminary and Final Site Plans**

The preliminary plans have not yet come in for signing and the deadline is approaching. The Board approved a temporary parking area and driveway. Now the applicants want a permanent parking lot and driveway in Phase 1. A drawing of the Committee House, scheduled for a future phase, has been submitted but was never approved. Other notes on the plans refer to septic and utilities which were planned for Phase 4 and not yet approved. Some of this work must first be approved by SHPO. The applicants have requested an opinion about proceeding from the Planning Board.

The Board members agreed with the Director of Planning and Development. No changes are to be made to what was approved, namely, Phase 1: pouring footings, moving the 1816 Meeting House and installing a temporary driveway and parking lot for workers. Once the building is moved, they have 60 days to restore the prior site. Mr. Brand said he will inform the applicants and staff. Mr. Degear commented that the applicants need to do what they said they would do and get that information in.

**3. LOC Release #1 Farmington Senior Apartments**

The Chair asked Mr. Brabant about the uncompleted work. He explained that the CEO had issues because not all work done. The Town Engineers met with the Construction Inspector, the Highway Superintendent, the CEO and a representative from McMahan-La Rue Engineers. They walked the site and noted that the speed bump could damage cars. For this reason, money to repair it is left in the Letter of Credit after this release. Mr. Brabant added that additional site work is necessary to control site water. Again, sufficient funds remain to do this work. For these reasons, MRB recommends releasing Letter of Credit Release #1 for \$792,181.92.

The Board members verbally agreed to proceed. The Chair explained that all department heads have signed off on the release. Mr. Makin made the motion to release and Mr. Herendeen seconded. In a voice vote, the four Board members present voted aye and the motion was carried.

#### **4. LOC Release #2 Farmington Senior Apartments**

Mr. Degear asked about the January 13<sup>th</sup> letter on this release from MRB Group. Mr. Brabant explained that there is not much left to do and the remaining \$81,000 should cover the work. There will be no close out until the work cited above is completed. A maintenance bond will be retained at close out. The Chair inquired about the high gutters and was assured that these will be adjusted before final release. The applicants know this. All department heads have signed off on the release.

Mr. Degear asked if the Board members are willing to approve this release. They indicated that this is acceptable. Mr. Makin then moved to release \$39,088.50 from the Letter of Credit. Ms. Neale seconded his motion. All four Board members present voted aye in a voice vote to carry the motion.

#### **5. LOC Release #11 Auburn Meadows Subdivision Section 3**

The Chair announced that two maintenance bonds have been established for repairs for Section 3: one for about \$70,000 and a second (with a different due date) for about \$6,000. He also explained that complaints have been received from subdivision residents about three street lights which were never turned on. Although the Town Board approved this action, the message was never conveyed to the power company. This has now been taken care of. The delay was caused by a human error. RG&E has promised fast action.

Mr. Degear reminded the Board members that, when they acted on Release #10, they said that no additional release will be made until concerns with the guard rail have been addressed. The Town Engineer has been asked to check the culvert and the bridge. The Chair noted that the requested additional sections of railing have not yet been installed. The relevant maintenance bond will not be released until this is done. Written response from Mr. Ackerman to a communication from Councilman Casale is required.

The Chair asked Mr. Brand if this response has been received. The Director of Planning and Development said no, only an inquiry from Mr. Ackerman's attorney asking why this release has been delayed.

Mr. Degear commented that both staff and the Town Attorney have advised the Board to act on the release tonight. He asked for Board member input.

Mr. Makin said he finds this waste of time irritating. Why was the installed guard rail wooden rather than metal with wood facing? No answer has been provided. He is hesitant to act on the release until this question has been answered.

Mr. Brand explained that the Town Highway Superintendant made a field change and the Town Attorney said this is Mr. McLaughlin's right. Mr. Brand went on to say that he understands the culvert issue has been resolved.

Mr. Degear said that Ms. Godly is ill but emailed a statement about this to be entered into the record:

*“Regarding the planned discussion of the guardrail included in Auburn Meadows development, I am against approving the guard rail as installed. It does not meet what was specified in the conditions of approval—it lacks the steel construction with the wood facing, as well as the dimensions are not in compliance with what was approved at the meeting.*

*In my opinion, the installed guard rail compromises public safety. I am in support of the Planning Board formally objecting to the guardrail as installed.”*

Mr. Herendeen asked if the Board can achieve anything by not releasing the funds. There are two different opinions. The Highway Superintendant says it is safe enough and the Town Attorney says this is his right.

Ms. Neale said she feels strongly about the safety issue. The developer should extend the railing for the safety of subdivision residents. That he refuses is to his discredit.

Mr. Degear pointed out that the Board has gone as far as possible. The Highway Superintendant and Construction Inspector approved the field changes to both the guard rail and the culvert. It is unfortunate that the Board has to release this Letter of Credit. This issue will be addressed with Town Board members at the Saturday Organization Meeting for the Planning Board.

Mr. Brand noted that the Board agreed to a wooden guard rail for Farmington Gardens. The Chair responded that the location there is different. Mr. Brand said that, if the developer extends the guardrail, many people will be satisfied.

Ms. Neale then moved to release \$56,179.79 with two two-year maintenance bonds for \$76,272.70 remaining. Mr. Herendeen seconded. In a voice vote, the four Board members present voted aye to carry the motion.

**CODE ENFORCEMENT OFFICER REPORT:** *No report—excused due to illness.*

**CHAIRMAN OF PLANNING BOARD REPORT:**

**1. Comprehensive Plan Update—Chapter 4 Plan Synthesis**

Mr. Degear said work on the plan is progressing well. The Agricultural Advisory Committee is meeting to discuss it tomorrow night. Mr. Herendeen has kindly marked the Present Use Land Map to show which areas of “vacant” land are actually farmed. Ms. Neale asked if this increases the percentage of farm land. Mr. Herendeen replied that it does.

## 2. Rules of Procedure for 2011

Mr. Mickelsen explained that he is leaving on vacation on Saturday so he stayed for this portion of the meeting. He commented that he supports Farmington as a walkable community and so agreed to install a sidewalk for his business property. This shows that he is willing to pay for an important amenity.

The Board members asked Clerk O'Malley to provide them with a clean copy of the revised Rules of Procedure before Saturday morning. She agreed.

The Board members then discussed the need for Minutes at their occasional workshop meetings. The current Rules of Procedure say this is the Chair's responsibility but this is difficult for him to do. Should the Clerk attend and do it?

Mr. Makin asked why Minutes are necessary. Mr. Brand explained that, according to the Open Meetings Law, there needs to be a public record of any decisions or actions by the Board, as well as who attended the meeting and what was discussed. At present no record is kept. The Town could be criticized.

Mr. Makin asked if these Minutes need to be as detailed as for a regular meeting. Both Clerk O'Malley and the Director of Planning and Development agreed that Workshop Minutes will be short and in outline form. Mr. Brand added that Mr. Kofahl is aware that a record of the Workshops is necessary.

The Clerk pointed out that the problem is not with excessive hours for her but for another Clerk. Mr. Degear agreed that there should be a better balance between hours reported for all Clerks. He asked that this issue be resolved by staff.

Mr. Makin asked if there should be a hard number given for training hours for Board members. Mr. Brand explained that the number of training hours required for new Board members differs for their first year. The Board members agreed that the Town Board requirement for training hours be appended to the Rules of Procedure as it was last year.

Mr. Makin said he finds the term "Chairperson" unwieldy and asked if it could be shortened to Chair. All members agreed.

The Board members discussed Article 14 on referrals to the County Planning Board. Who reviews the referrals for completeness? The Board members agreed that both the Director of Planning and Development and the Code Enforcement Officer should do this review before the Chair signs the transmittal or, in his absence, direct Town staff to do so if he agrees the application is complete.

The Board members directed the Clerk to make the above changes in the revised copy and electronically distribute to them before the January 22<sup>nd</sup> Organizational Meeting.

**PUBLIC COMMENTS:** *None*

**ADJOURNMENT:**

The Board's annual Organizational Meeting will take place at Town Hall on Saturday, January 22, 2011 at 8:30 a.m. The next regularly scheduled meeting of the Planning Board will be at Town Hall on Wednesday, February 2, 2011 at 7 p.m.

Ms. Neale made a motion to adjourn with Mr. Makin seconding it. In a voice vote, the four Board members present voted aye to adjourn at 8:31 p.m.

These minutes were taken and respectfully submitted by

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