

TOWN OF FARMINGTON PLANNING BOARD

July 21, 2010

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
- Scott Makin
- Mary Neale

Also present: Town of Farmington Director of Development and Planning, Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; Richard and Carol Deys, 708 Victor Rd., Macedon; Karl Essler, Fix Spindelman Brovitz and Goldman, P.C.; Kevin Morgan, Morgan Management; Wes Pettee, 6147 Amber Dr.; Helen Kirker and Judith Wellman, 1815 Quaker Meeting House; Jess Sudol, Passero Associates

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

OPEN MEETING:

The meeting was called to order at 7:00 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 JULY 7, 2010 MEETING:

Mr. Makin moved to approve the Minutes of the July 7th meeting with Ms. Godly seconding. In a voice vote, all five Board members voted aye for approval.

LEGAL NOTICES:

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the July 14, 2010 Daily Messenger.

PUBLIC HEARINGS:

PB 0701-10, SPECIAL USE PERMIT
NAME: 1816 FARMINGTON QUAKER MEETINGHOUSE MUSEUM, P.O.
BOX 25053, FARMINGTON, NY 14425
LOCATION: SOUTHEAST CORNER OF COUNTY RD 8 & SHELDON RD.

ZONING DISTRICT: A-80 District

REQUEST: A special use permit to allow a museum, (public building and grounds). The applicant wishes to utilize and relocate a building for a proposed historical museum.

SITE PLAN APPROVAL**PB 0503-10, PRELIMINARY SITE PLAN APPLICATION**

NAME: 1816 FARMINGTON QUAKER MEETINGHOUSE, P. O. BOX
25053, FARMINGTON, NY 14425

LOCATION: SOUTHWEST CORNER OF SHELDON RD & CO RD #8

ZONING DISTRICT: GB

REQUEST: Preliminary site plan approval to locate a 2,760 sq ft museum

Note: The Board combined action on both these applications.

Helen Kirker and Judith Wellman appeared for these applications. Ms. Wellman explained that their group has been holding open houses in the Quaker Meeting House district this summer to make people aware of their project. These will begin a long series of historical programs.

When Ms. Wellman finished speaking, Chairman Degear asked for staff comments.

Mr. Brand, the Director of Planning and Development, explained that this application requires a coordinated review under SEQR by interested and involved agencies. The deadline for responses was July 9th. So far, responses have been received from the State Department of Health, NYS Agriculture and Markets, the Town Historian, the Department of Environmental Conservation (DEC), and the State Office for Parks, Recreation and Historic Preservation (SHPO). All have agreed to the Planning Board's serving as lead agency under SEQR. Tonight, the Board can act on declaring itself lead agency.

The next step, Mr. Brand said, is to complete Part 2 of the Full Environmental Assessment Form (EAF) since information on such issues as the wetlands is required by Parks and Recreation, Ag and Markets and the DEC. The applicant will then be requested to provide a Part 3 Narrative. An archaeological survey is needed and a notice of intent is required since the site is in an agricultural district. All these are part of the SEQR process. Until all these steps have been completed, he asked the Board to continue the application.

Ms. Wellman told the Board members that the archaeological review should be completed this week. It will be sent to SHPO with a copy to the Town.

The Code Enforcement Officer (CEO), Mr. Kofahl, reported that the process now rests with the outside agencies.

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. He then invited Board comments but no one had anything else to add.

Mr. Brand presented the Board members with a SEQR resolution designating the Planning Board as lead agency. Mr. Degear moved to approve the resolution and Ms. Godly 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 passed with a unanimous aye vote.

Next, the Director of Development read aloud Part 2 of the full EAF and explained each section to the Board members. Ms. Neale moved to approve this part of the SEQR process and Mr. Makin seconded. In a voice vote, the motion passed by a vote of five ayes. The Chairman signed the document.

At the Chairman's request, the Clerk read aloud a SEQR resolution requesting additional information for the Part 3 Narrative of the Full EAF including the following items:

1. *Verification of the mapped NYS Freshwater Wetland FWWMC2 boundary by a qualified wetland professional and delineation of said boundary upon the Preliminary Site Plan.*
2. *A determination from the U.S. Army Corps of Engineers, Buffalo District, regarding the federal wetland permitting process and documentation of said process.*
3. *A determination from the New York State Department of Agriculture and Markets, Farmland Protection Bureau, of the need for compliance with the formal Notice of Intent in as much as the project does involve grant funding from the New York State Office of Parks, Recreation and Historic Preservation (SHPO).*
4. *A determination from the New York State Office of Parks, Recreation and Historic Preservation (SHPO) of the results of the required Phase I Archaeological Investigation, as provided by Nancy Herter, Scientist, Archaeology, in the SHPO Waterford Office. All reference is to be made to SHPO's project under PR #08PR6563.*
5. *A determination from Chris Capella-Peters of SHPO's acceptance of the design issues associated with the Environmental Protection Fund (EPF) grant process.*
6. *A written response to the 14 points identified in the Town Engineer's July 14, 2010 report to the Town Planning Board.*

Mr. Herendeen moved to approve the resolution. 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.

Finally, Clerk O'Malley read aloud a draft resolution to: *table the application until such time as a Part 3 Narrative and amended Preliminary Site Plan Map have been prepared and submitted; to close the public hearing on this action; to publish notice of a new public hearing when the Board is satisfied that it has a complete Environmental Record and a revised Preliminary Site Plan Map; and then to continue its' review upon said Environmental Record and this Application at a future Planning Board Meeting.*

Mr. Makin 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.

The applicants expressed some confusion about what is being asked of them. They agreed to speak with staff about this tomorrow.

PUBLIC HEARING:

PB 0705-10, SPECIAL USE PERMIT

NAME: ERIK CARVOTTA, 765 WEIGERT RD, FARMINGTON, NY 14425

LOCATION: SAME AS ABOVE

ZONING DISTRICT: A-80

REQUEST: Approval for a dog kennel

No one appeared for this application. Chairman Degear requested staff comments.

Mr. Kofahl said that the recent Town dog census revealed some homes with four or more dogs. In most cases, the dog owners agreed to reduce their number of pets. However, Mr. Carvotta has applied for a Special Use Permit (SUP). He will also need a variance from the Zoning Board of Appeals (ZBA).

The Chairman read the applicant's letter of application into the record (a copy is attached to the hard copy of these Minutes). The CEO added that the applicant's parents own the property and have provided a letter of consent for the dogs to be housed there. This letter was also read into the record (a copy is attached to the hard copy of these Minutes).

The Chairman asked for Board comments. He commented that a better site plan is needed to be consistent with past applications.

Mr. Makin asked if these are house pets. The CEO said that he asked the applicant who replied yes, they are not being kept for breeding.

Ms. Godly said that more information is needed from the applicant.

Mr. Herendeen agreed with Ms. Godly, saying that he had questions to ask the applicant.

Ms. Neale added that she had concerns about the acreage.

Chairman Degear announced that this is a public hearing and asked if there is anyone present who wishes to speak for or against this application. No one replied. He then repeated his question and, again, no one replied. Next, the Chairman asked for a motion to continue the public hearing until the August 4, 2010 Planning Board meeting at 7 p.m. at the Town Hall. The motion was made by Mr. Makin and seconded by Ms. Neale. 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.

SITE PLAN APPROVAL:

PB 0601-10, FINAL SITE PLAN APPLICATION

**NAME: MORGAN MANGEMENT, P.O. BOX 1660, PITTSFORD, NY
14534**

LOCATION: PLASTERMILL RD & GATEWAY

ZONING DISTRICT: RMF

Kevin Morgan appeared for this application along with his attorney, Karl Essler, and his engineer, Jess Sudol.

Mr. Sudol put up the overall plan for the complex, explaining that Lot #1 is taking rental applications and they want to start work on Lot #2 soon. He said that staff has reviewed the plan and they have addressed staff comments. There will be 102 units along a road connecting Gateway Drive and Lot #1. The sidewalk and berm will be extended.

The engineer discussed stormwater management, showing the location of the drainage swale directing site water toward the pond. Site amenities, he commented, include off street parking, recreational areas and a clubhouse.

Mr. Degear noted that the project is coming along very well and commended the applicants. He visited the site last weekend, he added.

Mr. Morgan invited the Board members to visit the site. He said that leasing for Lot #1 is going well and they should be finished there within five months. Ms. Godly asked him the demographic of his tenants and was told it is a good mix of start out families, young professionals and empty nesters.

Mr. Essler asked that the comments in the July 13th letter from the Town Engineers be made conditions for approval since his clients have no objections to meeting these requirements.

The Chairman then asked for staff comments.

Mr. Brand said he has a draft resolution prepared with conditions consistent with what was requested for Lot #1.

Mr. Kofahl commented that the Chairman could sign the plans as soon as the conditions are included. He asked about construction starting in five months. Mr. Sudol responded that they might do the earthwork in August if it is dry.

The CEO explained that a wooded area will need to be cleared because of MS4 requirements. He said he wanted to avoid any misunderstanding when site trees are cut down.

Chairman Degear then asked for Board comments.

All agreed that this is a nice looking project.

Ms. Godly noted, for the record, that what the applicants said would be done did happen. This is commendable. However, she is still concerned about parking once all units are rented.

Mr. Makin recalled that he had been concerned about the decision to break up this project into lots to obtain financing. He is very pleased to see how quickly they are making progress.

Mr. Degear asked about the installation of the sidewalks. Mr. Sudol said they will install the sidewalks for Lot #3 when they do Lot #2. The Chairman also asked if the location for the mailboxes is working well. Mr. Morgan said it is.

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

1. *The Planning Board requires a Site Development Surety/Bond in an amount to be approved by the Town Engineer and accepted by the Town Board shall be required prior to obtaining a site development permit.*
2. *The Planning Board requires that the two comments provided to Jess Sudol, at Passero Associates, in the Fax Transmission dated 7-15-10 are to be addressed and revisions made to the drawings as requested.*
3. *Prior to the start of construction in Lot # 2, the New York State Department of Health shall approve a public water main and a copy thereof provided to the Town Code Enforcement Officer and filed in the Property Files.*
4. *Prior to the Planning Board Chairperson signing the Final Site Plan all comments made by the Director of Planning and Development, in the July 8, 2010 memorandum to the Town Project Review Committee, shall be addressed and changes made to the respective drawings.*
5. *Prior to the Planning Board Chairperson signing the Final Site Plan all comments made by Lance Brabant, CPESC, MRB Group, P.C., the Town Engineers, in the July 13, 2010 Letter to the Director of Planning and Development shall be addressed and changes made where appropriate.*
6. *All site lighting shall be compliant with the Town's Lighting Regulations contained in Chapter 165, Section 64 of the Town Code.*
7. *All erosion control measures shall be installed and inspected by the Town Code Enforcement Officer or his representative prior to any permits being issued. This statement shall be noted on the Final Site Plan drawings.*

- 8. *A Park and Recreation Fee in the amount as established by the Town Board shall be a pre-requisite to the issuance of a building permit for each dwelling unit.*
- 9. *The Final Site Plan Approval is valid for a period of one (1) year from today. Once all conditions of Final Site Plan Approval have been met and shown on a revised Final Site Plan the Planning Board Chairperson is directed to sign the Final Site Plan Map and place it in the property file in the Town Development Office. In addition, the applicant is to provide the Town with a total of five (5) paper prints for signatures.*
- 10. *Third party inspections may be required by the Town Code Enforcement Officer at the expense of the owner/developer.*
- 11. *No Building Permit or Certificate of Occupancy may be issued until a signed Final Site Plan has been filed in the Town Development Office.*

In response to a question from the Chairman, the applicants said they understood and agreed to the conditions. Ms. Godly made a motion to approve the Final Site Plan with the conditions. Mr. Herendeen seconded her motion. 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.

At this point in the meeting, 8:05 p.m., the Board took a short recess and the tape recorder was turned off. Chairman Degear called the meeting back into session at 8:12 p.m. and the tape recorder was turned back on.

DISCUSSION

OPEN DISCUSSION

Report: Director of Development

1. LOC Release #16, Section 2, Auburn Meadows

Mr. Brand had included all documentation for Letter of Credit Release #16, Section 2, Auburn Meadows Subdivision in the Board packets. At the Chairman’s request, Clerk O’Malley read aloud a draft resolution for this release. Ms. Godly moved to approve it and Ms. Neale seconded. In a voice vote, all five Board members voted aye. The Chairman signed the cover memo.

2. LOC Release #9, Section 3 Auburn Meadows

Mr. Brand had included all documentation for Letter of Credit Release #9, Section 3, Auburn Meadows Subdivision in the Board packets. Mr. Degear asked about the guard rail. The CEO explained that this is not included in Release #9 since it has not yet been installed. It will be part of Release #10 in the future.

At the Chairman’s request, Clerk O’Malley read aloud a draft resolution for this release. Mr. Makin moved to approve it and Mr. Herendeen seconded. In a voice vote, all five Board members voted aye. The Chairman signed the cover memo.

3. **Patio Lots and Conventional Lots, Auburn Meadows**

Mr. Brand explained that the Town Board has been asked to modify a condition of their Incentive Zoning to allow construction in the rear yards of what has been defined as patio lots. Mr. Kofahl added that 69% of the homes being constructed there meet the Incentive Zoning definition of patio lots.

Mr. Brand continued by saying that he has been asked to draft a recommendation to the Town Board modifying the conditions of approval. They will probably provide a copy of this to the Planning Board. No change to the overall plan will be made—they are only concerned to avoid the need for variances.

Chairman Degear said that the Planning Board never intended 69% of the lots to be patio lots. Ms. Godly added that the intent was a numeric description and what was to be allowed for each type of lot. She asked what went wrong so the Board could avoid the problem next time.

The Chairman asked for the definition of a patio lot. The CEO explained that all lots are over 10,000 square feet. A conventional lot under this Incentive Zoning is defined as having frontage of 100 feet with a depth of 175 feet for a total of 20,000 square feet. Under this definition, 0.5 acre is a patio lot. This was not the intent of the Town Board's Incentive Zoning. The Planning Board did nothing wrong.

The Director of Development added that, in many cases, lots on a curve in a cul-de-sac may be slightly under the 100 foot frontage and so become patio lots. It is an issue of configuration. The planned revision is to return to the intent of the Incentive Zoning. He continued by saying that the Planning Board was comprehensive. No one could anticipate decisions made later. The Town Board makes the rules. There are no standard definitions in Incentive Zoning.

Mr. Makin commented that this is why he has concerns about Incentive Zoning.

Wes Pettee, an Auburn Meadows resident, asked to speak. The Board agreed to hear him.

Mr. Pettee began by saying that he has reviewed the Auburn Meadows files. He agreed that the Town is right in restricting accessory structures but, for the future, he suggested managing, not prohibiting, accessory structures. This would be similar to rules about dumpster design, lighting or vegetation in parking areas for commercial buildings. He pointed out that the Town manages fence styles and materials to be used and specifies types of storage sheds.

The resident continued by saying that perhaps this issue could be part of site plan review by the Planning Board which would allow the public to comment.

Mr. Degear responded that, as Mr. Pettee has seen in the files, much planning went into Auburn Meadows. The Board tries to learn each time they have an application for a major subdivision.

Mr. Pettee explained that he has 17,800 square feet in his lot and it is defined as a patio lot. The geometry of the road makes his lot a patio one and the next lot a conventional one. Mr. Kofahl commented that this happens in a subdivision.

Ms. Godly replied that the intent was to avoid putting 10 pounds into a five pound bag. This has happened in other subdivisions. She and Mr. Makin agreed that the usual definition of a patio home is a smaller home on a smaller lot usually attractive to Senior Citizens. These do not meet the criteria. Clerk O'Malley asked to speak as a Town resident. The Chairman graciously agreed. She said that she and her husband, as empty nesters, were interested in a one-level patio home on a small lot. They investigated Auburn Meadows but found the homes and lots there too big for their needs. She added that other Farmington residents might also question this definition of a patio lot.

Mr. Pettee concluded by saying that he is a planner and thinks the work done by the Planning Board is admirable. Hiccups do happen. It is a good idea to revisit this issue.

Code Enforcement Officer

Mr. Kofahl reported that:

1. A dot.com firm is interested in the Soper site and is working with Canandaigua National Bank for a mortgage.
2. The number of permits issued exceeds last year's total for this time period.
3. In response to a question from the Chairman, the CEO reported that the owner of the CVS plaza forgot about the street light by the Aldi's intersection and will install one. He added that it would help prevent some of the accidents there if the State would extend the median on Route 332. Another concern is the plan by the Victor-Farmington Chamber of Commerce to enhance the Four Corners area where Route 332 intersects with Route 96. This could distract motorists.

Chairman of Planning Board

Mr. Degear expressed concern about the lighting on Tom Lay's site. Mr. Kofahl replied that Mr. Lay has not yet gotten his Certificate of Occupancy. He did check the lights and one had to be adjusted. The CEO explained that it is his judgment which decides if the lighting meets the Code. The Code specifies shielding over the fixture but does not provide any numerical standard. The Board members asked if a light meter could be used. They stated that the brightness of the lighting on the Lay site could distract motorists. Mr. Kofahl agreed to check the site again.

PUBLIC COMMENTS--none

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, August 4, 2010 at 7 p.m.

Mr. Makin made a motion to adjourn with Ms. Neale seconding it. In a voice vote, all five Board members voted aye to adjourn at 8:52 p.m.

These minutes were taken and respectfully submitted by

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