

TOWN OF FARMINGTON PLANNING BOARD

July 7, 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; Peter Ingalsbe, Town of Farmington Deputy Supervisor; Nathan and Burniece Herendeen, 800 Mill Rd., Gasport NY 14067; Verna Cowley, 1014-1022 Hook Rd.; Vernon and Dulcy Power, 5765 Collett Rd. West; Michele Cutri-Bynoe, Canandaigua Daily Messenger; Michael Collins, 579 County Rd. 8; Kristina Rogers, Edgemere Development; George DeRue, Home Leasing

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 JUNE 2ND AND JUNE 16TH MEETINGS:

Mr. Makin moved to approve the Minutes of the June 2, 2010 Planning Board meeting. Mr. Herendeen seconded. In a voice vote, Mr. Makin, Mr. Herendeen and Mr. Degear voted aye to approve. Ms. Godly and Ms. Neale abstained since they were excused from that meeting.

Then, Ms. Godly moved to approve the Minutes of the June 16, 2010 meeting with Ms. Neale seconding. In a voice vote, Ms. Godly, Ms. Neale, Mr. Herendeen and Mr. Makin voted aye for approval. Mr. Degear abstained since he was excused from that meeting.

LEGAL NOTICES:

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the June 30, 2010 Daily Messenger.

PUBLIC HEARINGS:**PB 0703-10 TWO LOT PRELIMINARY SUBDIVISION APPLICATION****NAME: FARMINGTON TOWN BOARD, 1000 COUNTY RD 8,
FARMINGTON, NY 14425****LOCATION: EAST SIDE OF HOOK RD, NORTH OF THE ONTARIO
CENTRAL RAILROAD PROPERTY****ZONING DISTRICT: GI****REQUEST:** To subdivide 103 acres into two parcels: Lot 2 will consist of 45 acres for the Town Highway Campus, and the remaining property, Lot 1, will consist of 86.722 acres to remain vacant.

Mr. Herendeen recused himself at this point in the meeting.

Deputy Supervisor Peter Ingalsbe appeared for this application. Chairman Degear read into the record a letter authorizing the Town to act in behalf of the property owners, the heirs of George Herendeen (copy attached to hard copy of Minutes).

Mr. Ingalsbe began by putting up the map for everyone to see. He explained that the entire site to be subdivided contains 131.722 acres. After subdivision, both lots will have access to Hook Road. Lot 1 will also have access to Collett Road. There will be no zoning changes necessary.

The Deputy Supervisor continued by saying that certain contingencies must be satisfied before the Town Board can make a purchase offer:

1. The Phase 1 Engineer's Report –this has been done.
2. SHPO (New York State Historic Preservation Office) Report—no significance has been found.
3. The State Ag (Agriculture) and Markets Office must find that it complies—the paperwork was submitted on June 28th.
4. The Planning Board must give Preliminary Plat approval—this is requested tonight.
5. The County Planning Board must review the application—they reviewed it and found it is exempt from referral.
6. The Agricultural Data Statements must be sent out—this has been done.
7. The State Storm Water Pollution Prevention Plan regulations must be satisfied—since there is no disturbance of land or development planned in this subdivision application, the Planning Board can waive this requirement.

The applicant concluded by saying that the site has water and the Town Water and Sewer Department will be extending the sewer lines to the site in the future. Application for final subdivision approval should be ready for the August 4th Planning Board meeting. If all conditions are met, the Town Board hopes to take action on September 14th.

When Mr. Ingalsbe finished, the Chairman asked for staff comments.

The Director of Planning and Development, Mr. Brand, said that this subdivision of land does not involve any environmental impact. The Board will act on an Unlisted Action SEQR with a determination of non-significance if it so chooses. He has prepared Parts 1, 2 and 3 of the Short Environmental Assessment form. However, Mr. Brand added, for site plan approval, the amount

of land to be disturbed requires a Type I SEQR with a coordinated review. This will involve reviews by SHPO (already done), State Ag and Markets, the DEC (State Department of Environmental Conservation) for the sewer, the Department of Health for the water connection and various highway permits.

The Chairman read an April 12, 2010 memo from the Highway Superintendent (hard copy attached to hard copy of Minutes) into the record, stressing that the Town does not plan to disturb the wooded areas on the site. Mr. Brand added that there will be no disturbance of the wetlands. Mr. Ingalsbe told those present that the Town only plans to construct a highway garage building and salt barn immediately. In the future, they hope to have a railway spur. More trees will be planted for landscaping the site.

Code Enforcement Officer Floyd Kofahl reported that, for clarification purposes, only the subdivision of the land is planned tonight. Both lots meet the Code requirements for this zoning district.

The Director of Development reported that the Lu Engineering report is available for the Board members to see. The site has no contamination problems. The Board members asked to read it.

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.

Verna Cowley identified herself as fiduciary for her father LaVerne Rogers whose property is across Hook Road. She asked about the woods. Mr. Ingalsbe showed the location of the woods on the map and said there are no plans to disturb this area. She asked that the driveway not be located directly across from the Rogers' driveway. Finally, she also inquired about notification since she did not receive any for tonight's meeting. Mr. Kofahl said that, since no variance is involved, no notification was necessary.

Vernon and Dulcy Power of 5765 Collett Road asked why they were notified. Mr. Brand explained that there is an Ag Data requirement so the four adjacent active farm owners were notified.

Nathan Herendeen, one of the George Herendeen Estate heirs, asked about the timeline. The Deputy Supervisor explained that the subdivision is done first and then the site plan. The Town Board hopes to agree to purchase the land on September 14th. Then, the sewer line can be installed while planning begins. They hope to hire the firms to do the actual work by spring and start construction by the end of 2011.

A question was asked about the use planned for Lot #1. Mr. Ingalsbe said that will be up to the current owners.

When no one else asked to speak, the Chairman asked for a motion to close the public hearing. The motion was made by Ms. Godly and seconded by Mr. Makin. In a voice vote, Ms. Godly, Ms. Neale, Mr. Makin and Mr. Degear voted aye to close the public hearing. 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 same four Board members voted aye with Mr. Herendeen abstaining. Then, Mr. Makin moved to approve the Unlisted Action SEQR with a determination of non-significance. Ms. Neale seconded. The Clerk recorded the following roll call vote:

The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—abstained

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The SEQR was approved by a vote of four ayes.

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

1. *The Planning Board does hereby waive the requirement for a Storm Water Prevention Pollution Plan to be prepared as part of Preliminary and Final Subdivision Plat approvals since there is no development authorized by these two Actions. A note to this effect is to be placed on the Final Plat Map.*
2. *There is to be a Revision Box added to the Final Plat Map that is to be completed with all changes required by this resolution for Preliminary Plat approval.*
3. *Two paper print 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 applicant, the other will be filed in the Town Development Office.*
4. *The Preliminary Plat Approval is valid for a period of 180 days from today. Once all conditions of Preliminary Plat Approval have been met and shown on the Preliminary Plat, the Planning Board Chairperson will sign the Preliminary Plat Map and place it on file in the Town Development Office.*
5. *The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.*
6. *The Planning Board determines that a Park and Recreation Fee will not be required for Lot #2 of this land subdivision. 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 map signed by the Planning Board Chairperson has been filed in the Town Development Office.*

Ms. Neale moved to approve the preliminary plat resolution with the conditions. Ms. Godly seconded the motion. The following roll call vote was recorded:

Meg Godly—aye

Ron Herendeen—abstained

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion passed by a vote of four ayes with one abstention. Chairman Degear signed the determination of significance in the Short Environmental Assessment Form.

When consideration of this application ended, Mr. Herendeen rejoined the Board.

SITE PLAN APPROVAL**PB 0504-10 FINAL SITE PLAN AMENDMENTS/FINAL SIGN SITE
PLAN APPLICATION****NAME: GEORGE DERUE, HOME LEASING, 630 CLINTON SQUARE,
ROCHESTER, NY 14604****LOCATION: 6000 MERCIER BLVD****ZONING DISTRICT: IZ****REQUEST: To erect two ground signs and a 12'x16' greenhouse and garden area
(CONTINUED)**

Kristina Rogers from Edgemere Development and George DeRue from Home Leasing appeared for this application. Mr. DeRue pinned up the plans and showed everyone present the locations for the two signs, the planned greenhouse and the gardens for the tenants. He pointed out that they have added a landscaping plan and drawings for the signs as the Board requested. The applicant concluded by informing the Board that the Zoning Board of Appeals granted a Temporary Use Permit for two years for the advertising sign near Route 332.

The Chairman then asked for staff comments.

Mr. Brand said that this application requires an Unlisted Action SEQR with a determination of non-significance if the Board so chooses. He also discussed a draft resolution for the Board's consideration.

Mr. Kofahl reported that the down lit signs comply with the Town Code. The Fire Department has no problem with the new location proposed for the greenhouse which also meets Code requirements. Mr. Degear obtained confirmation from the applicants that the sign in front of the building will be down lit since the depiction of the sign at their Wayne County location does not show this.

Ms. Godly asked if the street address numbers will be shown on both signs. The CEO explained that this is not necessary for the temporary advertising sign but will be included on the sign by the building.

The Board members all agreed that the site looks good. They liked the concept of a greenhouse and tenant gardens. It was noted that work has already begun on the walking trail.

Mr. Degear asked about DOT approval. Ms. Rogers said that they have finally received comments which they have addressed. A final review is the next step.

Mr. Makin moved to waive the reading of the Unlisted Action SEQR with Mr. Herendeen seconding. In a voice vote, all five Board members voted aye for approval. Then, Mr. Makin moved to approve the SEQR. Ms. Neale 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 Unlisted Action SEQR with a determination of non-significance was approved.

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

1. *The Planning Board's approval of the Final Site Plan Amendment and Final Sign Site Plan is based upon the drawing prepared by McMahan/LaRue Associates, P.C., Engineers/Surveyors, having a revised date of 06-11-10, identified as Sheet 4 of 15, Project Number 1104-03.*
2. *The above referenced Sheet 4 of 15 is to have an insert delineating the freestanding commercial speech sign that is to be located on Lot #1 of the drawing.*
3. *Street Identification Numbers, at least four inches in height, are to be permanently attached to the commercial speech sign located on the property at 6000 Mercier Boulevard.*
4. *All landscaping shall be installed within ten (10) days of the signs being erected and the landscaping shall be maintained while said signs exist. The Planning Board Chairperson is to sign the landscaping plan drawing and then file it with in the Town Development Office along with the amended Site Plan.*
5. *There is to be a new note added to Sheet 4 of 15 that identifies this drawing as amending only the Final Site Plan to include the 12' by 16' greenhouse addition and approving the Final Sign Site Plan for the two freestanding commercial speech signs with landscaping. All conditions of approval granted for these actions are to be listed under this new map note.*
6. *Final Site Plan and Sign Site Plan Approval is valid for a period of 90 days from today and shall expire unless the Final Plan(s) have been signed and filed with those listed below in condition #7 herein or extended by the Planning Board at a later date and by separate resolution.*
7. *Once all conditions of Final Site Plan Approval have been met, the Planning Board Chairperson's signature must be affixed to the plan map and filed in the Town Development Office. Five (5) paper prints of the revised Sheet 4 of 15 are to be submitted for signing by the Planning Board Chairperson. No other signatures are required on the revised maps. Of the five copies to be signed, one will be returned to the applicant. One each of the remaining four (4) copies is to be filed with the Town Development Office, the Town Engineer, the Town Highway Superintendent and the Town Water & Sewer Superintendent. No permit for the construction of the greenhouse, or the erection of either of the two signs shall be issued until Sheet 4 of 15 has been signed by the Planning Board Chairperson.*

Mr. DeRue said he understood and agreed. Ms. Godly made a motion to approve the resolution with the conditions, with Ms. Neale 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.

Ms. Rogers asked if it is acceptable to use the trailer near Route 332 for a sales office. The Board members voiced no objections.

PB 0704-10, TWO LOT FINAL SUBDIVISION APPLICATION
NAME: MIKE COLLINS, 579 CO RD 8, FARMINGTON, NY 14425
LOCATION: 304 SHELDON RD
ZONING DISTRICT: A-80
REQUEST: Re-apply Final Subdivision application

Michael Collins appeared for his application. He explained that his previous approval lapsed because he did not understand that he had to file the plat with the County. He complained that he never received a bill from the Town because it was sent to the property owner, Mr. Stone. He also raised the issue that the Town mislaid his original Mylar and two paper prints. Since 180 days passed after his subdivision was approved, he had to reapply which is why he is here tonight.

Chairman Degear apologized for the misunderstanding and asked if the applicant now understands what he must do this time. Mr. Collins said he does.

The CEO repeated that Mr. Collins must file one Mylar and two paper copies with the County. He also confirmed that Mr. Collins has now paid the fees due and has provided a currently dated map.

Mr. Brand explained that there is a 180-day time frame to record the plat with the County and this expired. The Planning Board may grant up to two 90-day extensions according to the Town Code. The SEQR has already been satisfied.

There were no Board comments.

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

- 1. The title of the drawing is to read "Final Re-Subdivision Plat Lots #8 A and #8 B Whitetail Acres Subdivision."*
- 2. The Final Plat Approval is valid for a period of 90 days from today. Once all conditions of Final Plat Approval have been met and shown on the Final Plat the Planning Board Chairperson will sign the Final Plat Map Mylar and two (2) paper prints for the applicant to file in the Ontario County Clerk's Office. In addition, two (2) paper prints of the Final Plat Map are to be provided for signing by the Planning Board Chairperson and then filed with the Town Development Office.*
- 3. Once the Planning Board Chairperson has signed the Final Plat Map, the applicant has 62 days to file said Mylar and two prints in the Ontario County Clerk's Office.*

The applicant said he understood and agreed to the conditions. Mr. Makin made a motion 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 motion with the conditions was carried by a unanimous aye vote of all five Board members.

When the applicant still seemed confused about what he needed to do, Mr. Brand again repeated the procedure. He must provide the Town with a Mylar and four paper prints for Chairman Degear to sign. After they are signed (and Mr. Degear said he can do this Friday evening since the applicant was in a hurry), one copy is kept in the Development Department, one copy goes to Mr. Collins and he should file the Mylar and two paper copies with the County.

Mr. Collins asked for a receipt when he brings in the plans. Mr. Kofahl and Mr. Degear agreed.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

Mr. Brand reported that the new Highway Department Campus Project is progressing. The Town Board can proceed to authorize the purchase after the final plat is approved. Then they can make plans for the buildings, get the permits in place and put out the plans and construction work out for bids. Some of the work will be done by the Highway Department to save Town taxpayers' money. It is a good location for a much-needed facility.

Mr. Ingalsbe added that he, the CEO and the Highway Superintendent are visiting other Towns with recently-built highway facilities to get ideas. He said that, in each case, they also get useful information about what not to do so they are learning from others' mistakes.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl reported that the number of permits being granted this year will probably set a record.

The Board will review the plans for Lot 2 of Saratoga Crossing at the next meeting. Mr. Ingalsbe voiced concern about the lack of street signs in case of an emergency. Mr. Kofahl pointed out that these are private drives.

Chairman Degear asked the CEO to check on the glare from the lights on Tom Lay's property.

Mr. Kofahl also reported that the new owner of KFC will be closing on it this month and plans to work on updating the design with corporate headquarters. The parking lot will be resurfaced. The entry drive will be fixed by the owners of KFC and Dunkin Donuts up to the entrances to their properties. This drive has four different owners.

At a previous meeting, the Planning Board asked the CEO to check on the work being done on the DiFelice property along Route 332. Mr. Kofahl reported that they are cleaning up the site but not clear cutting. They have someone interested in buying it. There was an old trailer park

there which was not abated when it closed. They have found a house foundation, septic systems and all kinds of junk buried there.

The Board members expressed concern about work planned for the CVS Plaza which has not been done yet.

The CEO concluded by reporting that the owners of the DiPacific site are filling in the land to the rear to control future drainage from the former restaurant site. Benderson Development has said they are no longer interested in the site or in marketing it. The Board members expressed concern about the decaying empty restaurant. It could be a hazard.

CHAIRMAN OF PLANNING BOARD REPORT: *no report*

PUBLIC COMMENTS: *none*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, July 21, 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 8:17 p.m.

These minutes were taken and respectfully submitted by

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