

TOWN OF FARMINGTON PLANNING BOARD

May 5, 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; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Verna Cowley, LaVerne Rogers Estate; Raymond Phillips, Architect; Thomas Lay, T. Lay Properties; Helen Kirker, 1816 Quaker Meeting House Museum; Brent Cowley; Sam Chordios, Victor resident

OPEN MEETING:

The meeting was called to order at 7:01 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 APRIL 21, 2010 MEETING:

Mr. Makin moved to approve the Minutes of the April 21st meeting. Mr. Herendeen seconded. In a voice vote, Ms. Neale, Mr. Herendeen, Mr. Makin and Mr. Degear voted aye. Ms. Godly abstained since she was excused from that meeting. The Minutes were approved by a vote of four ayes.

LEGAL NOTICES:

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the April 28, 2010 Daily Messenger.

PUBLIC HEARING:

PB 0501-10, TWO LOT PRELIMINARY SUBDIVISION APPLICATION

NAME: ESTATES OF LAVERNE ROGERS, 1014-1022 HOOK RD.

LOCATION: SAME AS ABOVE

ZONING DISTRICT: GI

REQUEST: To subdivide 6.811 acres into two lots. Lot # 1 will consist of 4.811 acres and Lot #2 will consist of 2 acres.

Chairman Degear read the applicant’s letter into the record (hard copy attached to hard copy of Minutes). Verna Cowley was present for her application and briefly summarized it for the Board.

The Chairman then asked for staff comments.

The Director of Development, Mr. Brand, reported that his comments also included input from the Code Enforcement Officer (CEO), Mr. Kofahl. He asked the applicant to have the title on the plat corrected to preliminary rather than final, change the term "parcel" to lot, clarify that only Lot #1 is not an approved building lot, and add a note saying that the house in an industrial area is a pre-existing, non-conforming use. Mr. Degear added that another condition for approval should be adding a location map to make it clear where this site is located.

The CEO explained that the Code requires horse farms to have a minimum of five acres. A variance has been obtained to allow this one to consist of only 4.8 acres. In answer to a question from the Chairman, Mr. Kofahl said that the wetlands are correctly located on the map.

The Town Engineer, Mr. Brabant, had no comments.

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 close the public hearing. The motion was made by Mr. Makin and seconded by Ms. Godly. In a voice vote, all five Board members voted aye to close the public hearing at 7:14 p.m.

Next, the Chairman asked for Board comments.

Mr. Makin inquired about a block drawn on the map. He was told that this was a former trailer site. Only the overhang remains. Mr. Brand explained that Lot #1 contains a non-conforming structure (a dwelling that does not meet the minimum habitable floor area requirements in Schedule II of Chapter 165 of the Town Code).

There were no other Board comments.

The Director of Development explained that this application requires an Unlisted Action SEQR with a Determination of Non-Significance. Mr. Makin moved to waive the reading of the SEQR with Mr. Herendeen seconding his motion. All five Board members voted aye in a voice vote. Then, Ms. Godly moved to approve the SEQR 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 SEQR resolution was adopted by a unanimous aye vote of all five Board members. Chairman Degear signed Part II of the Environmental Impact Assessment.

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

1. *The title of the drawing is to read "Preliminary Subdivision Plat Lots #1 and #2 The Estate of Laverne Rogers." The word Final which is currently shown on the map under review needs to be removed.*
2. *The note on the Preliminary Plat Map that reads ... "Note: this plan is not an approved building lot" needs to be amended to read: "Lot #1 is not an approved Building Lot. No Building Permits may be issued for this Lot until detailed site plans have been prepared and submitted to the Planning Board for review and approval."*
3. *There is to be a note added to the Preliminary Plat Map that reads: "Lot # 2 contains a one story single family dwelling which is deemed to be a pre-existing non-conforming*

use of land in the GI General Industrial District. Said use may continue in accordance with the provisions of § 165-87 of the Farmington Town Code.”

- 4. *There is to be a note added to the Preliminary Plat Map that reads: “Lot #1 contains both a nonconforming use of land (a 10.3 by 31.1 square foot dwelling) and a nonconforming structure (a dwelling that does not meet the minimum habitable floor area requirements in Schedule II of Chapter 165) that is located in the GI General Industrial District. Said use may continue and said structure may remain in accordance with the provisions of § 165-87 and § 165-88 of the Farmington Town Code.”*
- 5. *The use of the term Parcel (i.e. Parcel 1 and Parcel 2) needs to be changed to read Lot #1 and Lot #2.*
- 6. *There is to be a note added to the Preliminary Plat identifying that this map is required to be signed by the Planning Board Chairperson and filed with the Town Development Office as a pre-requisite to the Planning Board scheduling a public meeting on the Final Subdivision Plat. The Planning Board will not accept an application for Final Subdivision Plat Map approval until a Preliminary Plat Map with all conditions of approval shown thereon, including an updated revision box, has first been submitted and signed.*
- 7. *There is to be a Revision Box added to the Preliminary Plat Map which is to be completed with all changes required by this resolution.*
- 8. *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.*
- 9. *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.*
- 10. *The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.*
- 11. *The Planning Board determines that a Park and Recreation Fee will not be required for either Lot #1 or Lot #2 of this land subdivision. A note to this effect is to be placed upon the Final Subdivision Plat Map.*
- 12. *A location map is to be added to the Revised Preliminary Plat.*

Ms. Godly moved to approve the preliminary subdivision resolution with the 12 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 preliminary subdivision resolution with the conditions was unanimously approved.

SITE PLAN APPROVAL:

PB 0502-10, TWO LOT FINAL SUBDIVISION PLAN APPLICATION
NAME: 1816 FARMINGTON QUAKER MEETINGHOUSE MUSEUM, PO BOX 25053, FARMINGTON
LOCATION: 187 COUNTY ROAD 8, INTERSECTION OF CO. RD. 8 AND SHELDON RD.
ZONING DISTRICT: A-80
REQUEST: Final approval to subdivide 6.025 acres into two parcels. Lot #1 will consist of 1.97 acres with the existing church and Lot #2 will consist of 4.053 acres.

Helen Kirker appeared for this application. She corrected the error in the post office box number which was listed incorrectly on the agenda. She explained that the lot to be occupied by the 1816 Quaker Meetinghouse is across the road from the 1825 one. A court order was necessary since it involved a

transfer of land by a religious body. At the request of the Planning Board, the driveway access has been changed to a location further down Sheldon Road for better sight distance.

Chairman Degear read aloud her letter of application into the record (a hard copy is appended to the hard copy of the Minutes).

The Chairman then asked for staff comments.

Mr. Brand noted that Dave Clark did a good job on the final plat. He said the conditions are the usual standard ones.

Mr. Degear asked Mr. Kofahl if the driveway location is satisfactory. The CEO responded that it lines up with the cemetery entrance and has good sight distance.

Mr. Brabant had no comments.

Chairman Degear requested Board comments.

Ms. Neale said that it looks good and is acceptable to her.

Mr. Herendeen commented that it is a challenging location. He asked about parking and Mr. Kofahl said this will be shown on the site plan.

Ms. Godly noted that the post office box address should be corrected on the plat.

Mr. Makin said he is delighted with this project since it will keep Farmington's history alive.

Mr. Degear also expressed satisfaction at this living history site. He added that the driveway location is the best place to put it.

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

1. *The Final Subdivision Plat Approval is valid for a period of 180 days from today and shall expire unless extended by the Planning Board at a later date and by separate resolution.*
2. *Once the Planning Board Chairperson's signature is affixed to the Final Subdivision Plat Mylar plus four (4) prints, the Final Plat Mylar Map and two (2) paper prints are to be filed with the Ontario County Clerk's Office within 62 days of signing. The remaining two (2) signed paper prints are to be filed with the Town Development Office.*
3. *No site development shall be allowed until an official tax map number for the lot(s) has been filed with the Town Assessor's Office.*
4. *All erosion control measures shall be installed and inspected by the Town Code Enforcement Officer or his/her representative prior to any site development permits being issued.*

The applicant said she understood and agreed to the conditions. Mr. Makin moved the resolution with the conditions and 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 carried by a unanimous aye vote of all five Board members.

**PB 0304-10, PRELIMINARY SITE PLAN APPLICATION
NAME: T LAY PROPERTIES, 1307 CO. RD. 8, FARMINGTON**

LOCATION: SAME AS ABOVE.

ZONING DISTRICT: GB

REQUEST: Site plan approval for a 96' by 56' building for auto/truck repair and towing services (continued).

Thomas Lay and his architect, Raymond Phillips, appeared for this application. Mr. Phillips began by explaining that he got the Town Engineer's comments today and revised the site plan accordingly. He showed the Board the changes. Chairman Degear commented that this plan differs from what they received in their packets.

The architect discussed the new landscaping with arbor vitae as a barrier. He promised to provide the details on site lighting for final approval, saying it will be dark sky compliant.

Chairman Degear asked Mr. Brabant to clarify for the Board the sequence of events leading up to this new plan. He explained that he met with the CEO on the 29th to discuss this application and issued a letter with his comments based on a previous plan. On Tuesday, May 4th, he received a new set of plans and issued a new comment letter which he hand-delivered to Mr. Phillips today. Mr. Phillips then created yet another set of plans. The issues discussed in the April 29th letter have been resolved but he now needs to review the May 5th set of drawings.

The Chairman asked the Town Engineer if he is satisfied. Referring to his May 4th letter, Mr. Brabant said part of #1 has been satisfied (the privacy berm area), #2 and #3 have been satisfied, the light fixture information still needs to be provided, a landscaping schedule is needed and a note should be added to the plans as to why the applicant does not have to comply with NYS stormwater regulations. Of course, he still needs to review tonight's set of plans.

The Chairman then asked for staff comments.

The Director of Development said that a Type II Action SEQR is required since the applicant is replacing a structure with site modifications. Since the County Planning Board (CPB) asked for modifications to the original plans submitted, the Board either needs to override their decision or accept the seven modifications listed. He has drafted a resolution for an override, if the Board so chooses. The Town Attorney, Jeff Graff, found it acceptable. In order to override, the Board needs a majority vote plus one or four aye votes.

Chairman Degear asked the Town representative on the CPB to go over the County comments. She said that they were concerned about:

1. A stormwater management plan,
2. The outdoor storage area,
3. Landscaping,
4. A sign site plan,
5. Storage of vehicles.
6. A lighting plan,
7. Details defining the type and duration of materials/items being stored outside.

Staff then discussed these issues. Mr. Brabant explained that since only 0.39 acre is being disturbed, there is no need to implement a Storm Water Pollution Prevention Plan (SWPPP). Mr. Brand suggested the Board agree with the CPB to get a revised site plan and a landscaping plan. He then asked the applicant for a time frame for storing wrecked vehicles. Mr. Lay said that it varies with the circumstances. The longest period was six months after the deaths of five Fairport High students in an accident. Some remain for only a few weeks. These are stored in the southeast corner of the property, shielded by a berm.

Chairman Degear said that this has been an issue in the past and some type of timeframe is needed. Mr. Lay replied that procedures are faster now than in previous years when the State was the cause for the delay and he might have 100 wrecked vehicles on his site. Now, a six foot fence and the four foot high berm will hide 95% of the vehicles being stored. The Chairman commented that there is a decrease in the visual impact. The applicant agreed.

Mr. Lay said that he still has to figure out how to shield the rest of the site from view. He might need a variance for a higher fence. However, he has to deal with a blocked creek on the agricultural part of the site first. The Town will be improving the drainage in the area. Mr. Brand questioned this since the site is not located in the Town drainage district. Mr. Kofahl explained that the Highway Department will be working on the pond across the road—which is in the drainage district—which will alleviate the back up onto Mr. Lay's property. The applicant added that he will do his own site work, probably in late summer.

The Director of Development asked about the debris on the southern property line. Mr. Lay said it is construction debris which will be removed. The CEO commented that it can legally be used as fill. Mr. Brand asked if it will be removed from the property. The applicant said yes, except for some millings and fill for the new driveway and culvert. Chairman Degear agreed that this is a good use for some of the debris.

Since the applicant said the debris would create four ten-wheeler truckloads, Ms. Godly asked for a one page summary of the debris and how and when it will be removed/used. While the applicant has expressed good intentions, past experience has made the Board careful about verbal promises. The other Board members agreed.

Mr. Degear asked about the trailers being used for temporary storage. Mr. Lay explained that these are providing temporary storage for materials until the final settlement is received from the insurance company. Two will remain until he can build his second building which will be cold storage. He added that he already has a plan for this building. They will probably not be needed after that is built.

The Chair also inquired about the RVs and vehicles for sale on the site. The applicant said the ten space sales area is shown on the plans.

Returning to the items requested by the CPB, Mr. Brand explained that no sign site plan is needed since the signage exists and meets Code standards. No new signage is planned.

The Director of Development also said that there is no need for a separate lighting plan since the applicant is replacing the old ones which were not dark sky compliant. The location of the lighting is shown on the plans.

Ms. Godly requested clarification about the time frame for the storage of damaged vehicles. Mr. Brand explained that a uniform time for the removal of wrecked vehicles is impossible because insurance companies take different periods of time before settling claims. He suggested that one approach might be to set a time frame such as 10 days after the insurance company signs off on the vehicle for its removal. Mr. Lay pointed out that this would not work. Some vehicles sit for 90 days after being abandoned on the roads. This is NYS law to allow sufficient time to locate their owners. There is then a 30-day follow-up period.

The Chairman asked for Board comments.

Ms. Godly explained to the applicant that the intent of the proposed ten day period to dispose of vehicles is the Board's way of ensuring that they are removed from the site in a timely fashion.

Ms. Godly pointed out that the drawing which the County reviewed is different from the four later versions. The most recent one still needs to be reviewed by the Town Engineer, she stated, so she does not think the Board should take action on it tonight.

Mr. Kofahl commented that tonight's version has not yet been officially submitted. He added that the resolution overriding the County's recommendation was drawn up based on the version of the site plan contained in the Board packets. The Director of Development explained that the resolution states why the Board is overriding the County recommendation and is not specific to any particular plan.

Ms. Godly repeated that she has concerns about acting on the new plans tonight since staff, MRB and the Board members still need to review them. She raised the issue of a difference between vehicles stored outside and materials stored outside and asked for this to be clarified. The applicant needs to specify what materials are stored outside, are they hazardous and how will they be secured. She also asked that screening be provided on the southern portion of the site. Mr. Lay answered that this area will be screened but he has not yet decided if he will use a six foot fence which allows some view of the site or get a variance for a ten foot one which would hide everything behind it.

In response to Ms. Godly's question, Mr. Brand replied that the Board does not know what the County means by "other materials" since the applicant says he is only storing wrecked vehicles. He asked Ms. Neale, as a CPB member, to clarify this. She explained that it seems to refer to the outside storage of miscellaneous materials such as car parts, batteries, tires etc. The CPB has seen these on the sites of other towing operations and does not think they are appropriate along a State road. Mr. Lay responded that he does not store batteries, tires or other environmental hazards. All he is storing at present are wrecked vehicles, millings and the trailers storing his fire-damaged stuff. In future, other car-related materials will be stored in his cold-storage building.

The Director of Development asked if the Board wished him to re-write the resolution to over-ride the County. Chairman Degear, speaking for the Board, said it is not necessary since the Town Attorney has reviewed it. Mr. Brand responded that, if the Board passes the over-ride by at least four aye votes, he has prepared a draft preliminary site plan resolution with conditions for the Board's consideration.

Ms. Godly asked the applicant to provide more detail about the future cold storage building. Mr. Lay said it will have the same materials and appearance as the building currently under construction but will be smaller. It will be located where the two trailers are shown on the map--on the northeast corner. The Board member explained that this information is important to show the mitigation being requested by the Planning Board.

The Board members agreed to start with the SEQR and then deal with the over-ride resolution. Mr. Makin moved to waive the reading of the Type II Action SEQR with Mr. Herendeen seconding. The Board members voted unanimously to do this. Ms. Neale then moved to approve the SEQR. Ms. Godly seconded the 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 SEQR resolution was approved by a unanimous aye vote of all five Board members.

At the Chairman's request, Clerk O'Malley read aloud the following draft resolution to over-ride the County's recommendation for modification:

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has reviewed the public hearing record on the above referenced application for Preliminary Site Plan approval for the site located at 1307 County Road 8; and

WHEREAS, the Board has reviewed the Ontario County Planning Board Referral # 34 - 2010 (hereinafter referred to as County) which recommends a total of seven (7) modifications of the submitted Site Plan; and

WHEREAS, the Board feels that all of the seven (7) modifications required by the County do not apply to the Site Plan submitted,

NOW, THEREFORE, BE IT RESOLVED the Board takes this action to over-ride the County Referral recommendation of Modification.

BE IT FURTHER RESOLVED that the Board does hereby agree to accept the County's requirements to modify the Preliminary Site Plan to require the delineation of the locations of all outdoor storage areas on the site to include the area for vehicle sales, the area for customer parking, the area for the parking of tow trucks used in the business, the area for the storage of wrecked vehicles awaiting insurance settlements (referred to in the County referral as storage of licensed or unlicensed vehicles) and the area for a new building to be constructed on the site.

BE IT FURTHER RESOLVED that the Board does hereby agree to accept the County's requirement to have a landscaping plan added to the Site Plan that provides details on the earthen berm (including design and materials), the landscaping plant materials, the fence details and a note detailing the time period for the completion of this element of the site.

BE IT FURTHER RESOLVED that the Board does not agree to accept the County's requirement to have the applicant prepare a stormwater management plan in compliance with all related regulations as the Town Engineer has provided documentation that the amount of ground disturbance occurring with this application does not require the Storm Water Pollution Prevention Plan (SWPPP) to be implemented.

BE IT FURTHER RESOLVED that the Board does not agree to accept the County's requirement that details be provided on the Site Plan defining the type and duration of materials/items being stored outside as there may be extenuating circumstances associated with different insurance settlements. This distinction would not allow for a uniform time limit to be established. Instead the Planning Board will require that no vehicles be allowed to remain on the site for longer than ten (10) days once the insurance agency has completed its required inspection and appraisal of damage.

BE IT FURTHER RESOLVED that the Board does not agree that a Signage Plan is to be provided since there is no proposed change to the commercial speech signs already approved for and existing on this site.

BE IT FURTHER RESOLVED that the Board does not agree that a Lighting Plan be prepared as the site lighting requirements for this building's replacement will be in compliance with Town Code and previous lights permitted on the property.

BE IT FINALLY RESOLVED that the Clerk of the Board is directed to send copies of this resolution to the Ontario County Planning Board, the applicant and to place a copy thereof in the property files for this site.

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 to over-ride was adopted by a unanimous aye vote of all five Board members.

The Board members discussed whether to act on the preliminary site plan tonight. Mr. Makin said he was ready to move forward. Ms. Godly was firm in her decision to wait until the new plans could be reviewed by staff, the Town Engineer and the Board members.

Mr. Brand reminded the Board members that they would need a majority plus one vote to approve this resolution since a County over-ride was involved. Ms. Godly has already expressed her desire to wait for further review by the Town Engineer, he said. If there is another nay vote, the application would be denied. He pointed out that the Board's usual practice, stated in their Rules of Procedure, is to continue an application if plans are submitted at the Board meeting to allow time for an adequate review. Chairman Degear agreed with Mr. Brand's comments.

The Board members reflected on these points and agreed to continue the application until the next Planning Board meeting on May 19th. Ms. Neale made the motion to continue and Ms. Godly seconded it. 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.

In order to assist Mr. Lay and Mr. Phillips in preparing their next set of plans, Mr. Brand provided the applicants with a draft resolution for preliminary site plan approval. The major issues to be resolved, Mr. Brand explained, are:

1. The site plan should show the existing septic system, leach fields and site water management plan.
2. The dumpster should be relocated for easier access by waste haulers.
3. The Town Engineer's comments should be addressed. Mr. Brabant agreed to provide comments on tonight's plans in time for the applicants to address them prior to the next Board meeting.
4. The applicant must identify the location of the future cold storage building and label it on the plans, providing such details as elevation, utilities (if any), dimensions, materials etc. in sufficient detail to obtain a building permit. Mr. Lay said it will be a 14 foot version of the new 20 foot one.
5. The plans must take into account the MTOD (Major Thoroughfare Overlay District) regulations in showing truck parking along County Road 8.
6. The plans must include landscaping, planting details (size, number, name and caliper of plantings). Mr. Lay said they will be installed by August 2010. He can provide their height but not caliper. Groundcover will be installed by October 1, 2010.
7. No signage may be placed on the fenced area.
8. Information should be provided on the plans about site screening. Mr. Lay said he will have a four foot earthen berm with a six foot high fence.
9. The plans must have a note about a dust-free surface and the date by which it will be installed and striped.
10. The applicants should take note of the Code's definition of a junkyard since this is the County's concern. This site should not be a junkyard.

Mr. Brand added that the CEO may have additional concerns and the applicants should work with him. If all this is done, he said, final approval should be easier and faster.

Mr. Lay explained that all plantings die along County Road 8 so he cannot use plantings to screen his trucks. He could fence it as he has done in the past but there is a setback issue. Mr. Brand said the Board may waive certain provisions if it so chooses.

The applicant also requested a 30 day timeframe to remove wrecked vehicles since buyer bidding is done monthly. The Board members agreed to change that timeframe. Mr. Brand said he would adjust the conditions accordingly.

Chairman Degear said the site is looking much better now and the applicant seems to be moving in good faith. Ms. Godly reminded the applicant that the Board wants to see a written plan for removal of debris from the site. The other Board members agreed.

The Director of Development asked Mr. Phillips to prepare a revised site plan in time to be included in the Board packets on Wednesday, May 12th. Mr. Degear added that the Board needs to see a rendering of the building, too. Mr. Brand concluded by saying that the plans should state the height of the fencing.

The Town Engineer advised the applicants that he needs a copy of their revised plans by Tuesday to allow him time to prepare comments by Wednesday.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

- 1. On-site use Wind Energy Local Law (copy in packets)**
- 2. Wind Energy Farm Systems Local Law (copy in packets)**

Mr. Brand referred to drafts of the two wind energy local laws in the Board packets. The Planning Board needs to provide their comments in time for the May 25th public hearing by the Town Board. Chairman Degear consulted with the other Board members and said they would discuss this at the next Board meeting. This would allow them adequate time for review. Mr. Makin said the Board discussed the wind energy proposals at their Monday night workshop and found them to be very technical.

Ms. Godly inquired if there are consultants on wind farms and asked if there is a reason and a need to bring one in. Mr. Brand replied that he met with County Planning Department staff today on this topic. From that meeting, he learned that they need to consider the problem of disposal of used storage batteries. He has sent copies of the draft legislation to attorneys dealing with this in other counties and will meet with them. A copy was also sent to O'Connell Electric. John Malvaso at FSI is testing a new wind energy device and has provided Mr. Brand with information on his experience.

3. Letter of Credit Release #1, Section One, The Estates of Beaver Creek

Mr. Makin moved to approve the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this subdivision and the recommendations from the Town Department Heads, does hereby recommend that the Town Board take formal action to approve the request to release a total of \$ 141,896.92 (Release # 1) from this Letter of Credit. The total Letter of Credit amount is \$ 642,799.94 with a balance of \$ 500,903.02 in the Letter of Credit to complete the project.

Mr. Herendeen seconded the 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.

CODE ENFORCEMENT OFFICER REPORT: *no report*

TOWN ENGINEER REPORT: *no report*

CHAIRMAN OF PLANNING BOARD REPORT: *no report*

PUBLIC COMMENTS: *There were no public comments.*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, May 19, 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 8:58 p.m.

These minutes were taken and respectfully submitted by

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