

TOWN OF FARMINGTON PLANNING BOARD

November 16, 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:

Scott Makin, Acting Chair
Meg Godly
Ron Herendeen
Mary Neale
Excused: David Degear

Staff: 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.

Applicants: Harold and Carolyn Herendeen, 880 County Road 8; Mike Cuppernell, MC Automotive, Inc.; Paul Gillette, Safe Place Self Storage; Gary Pooler and John Shields, Pooler Enterprises; Mary Ann Wervey, Zaremba Group; Kris Vurraro, Woods Oviatt Guzman; Adam Fishel, ADD Engineering; Frank Villanti, CVS

Audience: William, Fay Marie and Jason Gardner, Victor NY; Adrian Bellis, Farmington NY; Jay Dee Whiting, Farmington NY

OPEN MEETING:

The meeting was called to order at 7:00 p.m. After everyone recited the Pledge of Allegiance, Acting Chairman Makin explained that Chairman Degear was necessarily excused from tonight’s meeting. He then introduced Planning Board members and staff, explained the emergency evacuation procedures and said that copies of the evening’s agenda and legal notices are available on a table by the door. Mr. Makin also asked that all present set their cell phones on vibrate.

APPROVAL OF THE MINUTES:

Mr. Herendeen moved to approve the Minutes from the October 19th meeting and Ms. Neale seconded. In a voice vote, Mr. Herendeen, Ms. Neale and Mr. Makin voted aye to carry the motion. Ms. Godly abstained because she was excused from that meeting.

Ms. Godly moved to approve the Minutes of the November 2nd meeting with Mr. Makin seconding. All four Board members present voted aye in a voice vote and the motion was carried.

LEGAL NOTICES:

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the November 9th Canandaigua Daily Messenger.

PUBLIC HEARINGS:

**PB 1104-11, TWO LOT PRELIMINARY SUBDIVISION APPLICATION
NAME: MR. & MRS. HAROLD HERENDEEN, 880 CO RD #8,
FARMINGTON, NY 14425**

LOCATION: 880 CO RD 8, FARMINGTON, NY 14425

ZONING DISTRICT: A-80

REQUEST: To subdivide 142 acres, creating Parcel A consisting of 14.024 acres, the remaining lands of the parent parcel will consist of 128 acres.

Ron Herendeen recused himself from this application.

This application was represented by Harold and Carolyn Herendeen. Mrs. Herendeen explained that they are cutting off 14 acres from their property to sell to William Gardiner who is present this evening.

The Acting Chair pinned up the map in the absence of the applicants' surveyor and showed where the 14 acres is located. He added that there are wetlands on the property. Tonight, he explained, the applicants only want to subdivide their property. No site plan has been submitted.

The Code Enforcement Officer (CEO) handed out an Oncor aerial view of the property, pointing out the location of the pond on the property and the Hosey Swamp at the bottom of the property. He explained that the applicants provided a perk test since the frontage of the parcel is only 122 feet. Without proof that the land perks, a variance for a 300 foot frontage is required from the Zoning Board of Appeals (ZBA). If a septic system can be installed, only 150 feet of frontage is required, making the required variance a minor rather than a major one. The possible site for the leach field is more than 100 feet from the pond as State law requires. If the new owner builds on the property, site plan approval from the Planning Board will be required.

Mr. Makin then asked for staff comments.

Mr. Brand referred to his October 25th memo to staff and the applicants' surveyor who has not responded. There is a New York State wetland extending from County Road 8 northwest to the pond. Was the perk test done by County Soil and Water within 100 feet of the freshwater wetland? It is hard to determine if DEC (Department of Environmental Conservation) permits are needed for this subdivision. If so, a coordinated SEQR review will be necessary. The wetland should be delineated. Does it drain into Hosey Swamp?

The Director of Planning and Development continued by pointing out that the ZBA has to grant the road frontage variance request before the Planning Board can act. The County Planning Board had no comments on this administrative review

Mr. Brabant had no comments.

Mrs. Herendeen objected, saying she sold another property without any wetland issues. Hosey Swamp is far from this subdivision. Mr. Gardner added that he saw the 100 foot distance measured from the pond to any building site. Mr. Brand explained that he sent his memo about information needed to the surveyor. He never received a response. He pointed out that if property was sold with a State wetland on it and no questions were raised, an error was made. There are issues to be clarified and information needed to be

put on the map. Acting Chairman Makin agreed.

Mrs. Herendeen asked for a copy of the memo from the Director of Planning and Development. She said she will contact the surveyor to get his response.

Mr. Kofahl noted that the map should delineate the wetland with a 100 foot buffer around it. While no building is planned now, the buyer should be aware that DEC permits could be needed for future construction.

Mr. Brand added that a wetland can also affect the placement of water lines and wells. The plat should show that this property is in Flood Zone C since this question will arise if the buyer needs a mortgage for any future home.

Acting Chairman Makin 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. The Board members agreed to leave the public hearing open until the next meeting.

Mr. Makin asked for Board comments.

Ms. Neale said she is waiting for more information and for a decision on the variance.

There were no other Board comments.

Clerk O'Malley read aloud a draft resolution to continue this application to the December 7th Planning Board meeting. The applicants said they understood and agreed to the terms of the resolution. Ms. Godly moved to approve the resolution with Ms. Neale seconding. The following roll call vote was recorded:

- Meg Godly—aye
- Ron Herendeen—abstained (recused)
- Scott Makin—aye
- Mary Neale—aye
- David Degear—excused

The motion was carried by a vote of three ayes. Mrs. Herendeen said they are leaving for Florida next week. Mr. Gardner will appear for this application on December 7th. Mrs. Herendeen will meet with Mr. Brand tomorrow.

Board member Herendeen returned to the Board.

**PB 0704-11, SPECIAL USE PERMIT
NAME, MC AUTOMOTIVE INC, 1531 ROUTE 332, FARMINGTON,
NY 14425
LOCATION: 1531 NYS Route 332
ZONING DISTRICT: PD Planned Development District
REQUEST: A special use permit approval to continue a motor vehicle
repair station according to Article VI, Chapter 165-78 of the Town of
Farmington Codes. CONTINUED**

Mike Cuppernell appeared for his application. He asked what else he needs to do.

Acting Chairman Makin asked for staff comments.

Mr. Brand recalled that the applicant came before the Board last August and was asked to

make changes to his site. A new drawing has now been submitted. Some information is still missing as Mr. Cuppernell knows. Some issues to be discussed tonight include locating the permitted five cars for sale, how many wrecked vehicles can be stored on the property while waiting for insurance settlements, and how much time to grant the applicant to meet the MTOD (Major Thoroughfare Overlay District) landscaping conditions. The applicant also needs to note the tax account number on the plans. Is this one separate parcel or part of a larger parcel? Is any fuel stored on the property? Where will the various types of parking be located (employee, wrecks, sale vehicles etc.)?

Mr. Kofahl said he reviewed the draft resolution. This property is a good example of why Special Use Permits (SUPs) for businesses need to be reviewed regularly. The applicant has made improvements to his site map but still needs to meet MTOD landscaping standards. While he met the standards in place when he was first approved, standards have changed in recent years. He reminded the applicant that, since his SUP expired several years ago, this is a new application and must meet today's standards.

The CEO pointed out that a designated sales area should be shown on the map. Since he has to enforce any conditions for approval, he requested guidance from the Planning Board tonight. The plans then have to match the conditions for approval.

Mr. Brabant had no comments.

Acting Chairman Makin 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, Mr. Makin asked for a motion to close the public hearing. The motion was made by Ms. Neale and seconded by Mr. Herendeen. In a voice vote, the four Board members present voted aye to close the public hearing.

The Acting Chair asked for Board comments.

Ms. Neale expressed the hope that tonight's resolution and staff guidance will help the applicant to improve the appearance of his site which is on a major thoroughfare. She visited the property and found tires, car parts and junked cars in plain sight. There is no landscaping. Ms. Neale concluded by saying she wants to see this business continue and to look good from Route 332.

Ms. Godly asked the CEO what the applicant is allowed to store on his property. Mr. Kofahl responded that some of an automotive repair business involves recycling parts to fix client's cars. We need to determine how much can be stored on site and where. The tires, for example, should be stored at the back of the property.

Mr. Brand added that the Board will not be acting on the Special Use Permit tonight, only on the SEQR and Preliminary Site Plan. If the draft resolution is approved, a revised Preliminary Site Plan will be submitted. Mr. Kofahl will check it and, if it is correct, the Chair will sign it. After that, a Final Site Plan will be submitted and, last of all, the SUP. This is similar to the mini-warehouse application also on tonight's agenda.

There were no other Board comments.

Ms. Godly moved to waive the reading of the Type II Action SEQR. Mr. Herendeen seconded. The motion was carried by a voice vote of four ayes. Then, Mr. Herendeen

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—excused

The motion was carried by a vote of four ayes.

The Board members then discussed some of the conditions in the draft Preliminary Site Plan resolution.

The main issue was the number of vehicles allowed to be parked on the site. The Code allows five sale vehicles. The Board members agreed that two could be placed in front of the berm to attract customers' attention and three more behind the berm. Mr. Cuppernell agreed to this. Ms. Godly reminded him that both areas need to be labeled on the plans.

The final decision was to allow a total of 55 vehicles on site with five sale vehicles, 35 vehicles awaiting repairs, ten waiting for insurance settlements and five spaces for employees and customers. Staff will work with the applicant on where to locate these and to make sure they are shown correctly on the plans. The Planning Board will review these on the Final Site Plan. Staff, applicant and Board members all agreed.

The Clerk read aloud the draft Preliminary Site Plan resolution with the following conditions:

- 1) *Two copies of the above referenced site plan drawing are to be stamped Preliminary and signed by either the Acting or Planning Board Chairperson when the following changes have been made to the submitted Preliminary Site Plan Drawing:*
 - a.) *There is to be a note added to the Preliminary Site Plan Drawing that reads Preliminary Site Plan Approval, File PB # 0704.1-11, granted with conditions on November 16, 2011.*
 - b.) *The applicant is to show two (2) spaces located in front of the berm that are to be used for the display of automobiles for sale. These two spaces shall be grassed areas and shall be maintained as part of the lawn area located in front of the berms. Not more than two (2) automobiles may be displayed for sale at any one time. A note to this effect is to be placed upon the Preliminary Site Plan Drawing.*
 - c.) *The applicant is to show the Tax Map Numbers for all adjacent parcels of land and for the subject site.*
 - d.) *The applicant is to change the designation on the submitted drawing that reads ASP Driveway and replace it with the type of material existing. There is to be a note added to the drawing that reads... "The driveway entrance is to be maintained as a dust free surface with any potholes being repaired and maintained at all times."*
 - e.) *The applicant is to change the site plan drawing to identify the surface for the travel lane and parking spaces located behind the berms. A note is to be added to the drawing that reads... "The travel lane and parking spaces located behind the berm are to be maintained as a dust free surface with any potholes being repaired and maintained at all times."*

- f.) *The applicant is to add a note to the drawing that reads ... “Not more than 35 vehicles being repaired may be parked upon the premises at any one time. These vehicles shall be parked in spaces that are located in front of the building and behind the berms and along the south property line to the eastern edge of the building. No vehicle parking shall be permitted within the designated fire lane for this site.”*
- g.) *The applicant’s site plan drawing is to be amended to show the fire lane. The building shall have two building mounted signs identifying “No Parking Fire Lane”, made of material accepted by the Code Enforcement Officer. The applicant is to install said signs prior to the issuance of a Certificate of Compliance.*
- h.) *The applicant is to add a note to the drawing that reads... “Not more than 10 vehicles being stored for insurance purposes may be parked upon the premises at any one time. These vehicles shall be stored in the portion of the site located behind the shed. At no time is this site to be used as, or construed to be used as, a junk yard. Documentation for all stored vehicles being stored for insurance purposes shall be provided to the Code Enforcement Officer upon demand.”*
- i.) *The applicant is to add a note to the drawing that reads... “All discarded tires shall be stacked behind the building, out-of-line-of-site from along State Route 332. Not more than 50 discarded tires shall be allowed to remain on the premises at any one time and shown on the map.”*
- j.) *The applicant is to change the designation of the state owned land to read ... “Lands of the State of New York, New York State Police, Troop E Headquarters.”*
- k.) *The applicant is to add a note to the drawing that reads... “The two berms shown on the site plan are to be landscaped with perennial plants on or before May 31, 2012. The plantings shall be in accordance with the Planning Board’s adopted Landscaping Guidelines.”*
- l.) *The applicant is to add a note to the drawing that identifies any fuel storage tanks that are to be located on the site. Said note shall comply with the provisions of Chapter 165, Article VI, Section 78. C. of the Farmington Town Code.*
- m.) *The applicant is to add a note to the drawing that reads... “All motor vehicle parts or partially dismantled motor vehicles shall be stored inside an enclosed building in accordance with the provisions of Chapter 165, Article VI, Section 78. E. of the Farmington Town Code.*
- n.) *The applicant is to add a note to the drawing that reads... “Not more than five (5) unregistered vehicles for sale shall be displayed outside of an enclosed building at any one time. Three (3) of these vehicles shall be displayed behind the berms and away from view from along State Route 332.”*
- o.) *The applicant is to add a note to the drawing that reads... “All site lighting shall be in accordance with the lighting regulations contained in Chapter 165, Article V, Section 64, of the Farmington Town Code.”*
- p.) *The applicant is to add a note to the drawing that reads... “No partially dismantled or wrecked vehicle or any unlicensed vehicle shall be stored on the premises unless in conformance with the provisions of Chapter 165, Article VI, Section 78, of the Farmington Town Code.”*

When asked if he understood and agreed to these conditions, Mr. Cuppernell replied, “Absolutely.”

Mr. Herendeen then moved to approve the resolution with the conditions. Mr. Makin seconded. The Clerk recorded the following roll call vote:

- Meg Godly—aye
 - Ron Herendeen—aye
 - Scott Makin—aye
 - Mary Neale—aye
 - David Degear—excused
- The motion was carried.

The Board members agreed to take a short break at 8:13 p.m. and the tape recorder was turned off. The Acting Chair reconvened the meeting at 8:20 p.m. The tape recorder was turned back on.

PB 1006-11 SPECIAL USE PERMIT

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

LOCATION: LOT #2 INDUSTRIAL PARK, COMMERCIAL DRIVE NORTH

ZONING DISTRICT: LI

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

SITE PLAN APPROVAL

PB 1007-11 PRELIMINARY SITE PLAN APPLICATION

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

LOCATION: LOT #2 INDUSTRIAL PARK, COMMERCIAL DRIVE NORTH

ZONING DISTRICT: LI

REQUEST: Proposed to construct eight (8) single story mini-warehouse structures. Total 45,000 sq ft CONTINUED

The applicant, Paul Gillette, and his engineers, Gary Pooler and John Shields from Pooler Enterprises appeared for these applications. Mr. Shields explained that the PRC (Project Review Committee) went over their revised plans. Although they have responded to the PRC’s comments, they have not changed the plans since they prefer to make the changes to the final plans. The Planning Board, of course, can request that the changes be made now. The Highway and Water Superintendents’ comments have been addressed.

Tonight, he continued, they are requesting that the Planning Board act on an Unlisted Action SEQR with a negative declaration so the ZBA can act on their variance applications on November 28th.

The Board members asked to see the PRC comments and the applicants’ responses.

Mr. Makin asked for staff comments.

The CEO asked about a note for “company vehicle parking” on the plans. The applicants explained that no additional business is planned for this site. The note refers to vehicles

for Mr. Gillette’s moving business and his employees’ parking, a total of five spaces. The applicants agreed to clarify this on the plans.

Mr. Kofahl also inquired about reducing the amount of green space by adding a dumpster area. He was assured that the green space still meets the 30% requirement.

The Director of Planning and Development noted that the plans should not show the one variance that the Zoning Board of Appeals has determined is not required. He asked them to add details of the buildings’ exteriors, the locations needing mowing and for information on the sidewalk connection. The applicants explained that the sidewalk will be installed by their contractor prior to the issuance of the Certificate of Occupancy. It will depend on the time of the year. The CEO suggested a sunset date of May 31st since this is the usual Board practice.

Mr. Brabant asked them to show sufficient room for emergency vehicles to turn. Although the Fire Marshall gave a verbal approval, they need to supply documentation for the file. Ms. Godly reminded them to add this on the plans.

Other concerns of the Town Engineer included showing a revised sanitary sewer location, lawn areas, the site for the top soil stock pile and a construction sequence showing a 21-day soil disturbance. An estimate for a soil erosion bond should be submitted to the Town Board. Mr. Brabant said he is still reviewing their drainage plans.

The applicants requested preliminary and final approval to be acted upon on the same night. They were told this involves meeting the deadlines for both.

There were no Board comments.

Acting Chairman Makin 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. Mr. Brand suggested that they continue the public hearing and the Board members agreed.

At the request of the Acting Chair, Clerk O’Malley read aloud a draft resolution to continue the Special Use Permit to the December 7th Board meeting. Ms. Godly moved to approve the resolution with Mr. Herendeen seconding. The following roll call vote was taken and recorded:

- Meg Godly—aye
 - Ron Herendeen—aye
 - Scott Makin—aye
 - Mary Neale—aye
 - David Degear—excused
- The motion was carried.

Next, the Clerk read aloud a draft resolution to continue the preliminary site plan until the December 7th meeting. Mr. Herendeen moved to approve the resolution 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—excused

The motion was carried.

Finally, Ms. Godly moved to waive the reading of the Unlisted Action SEQR with a negative declaration of significance. Mr. Herendeen seconded. The motion was carried by a unanimous aye vote. Mr. Herendeen then moved to make a determination of non-significance upon this Unlisted Action SEQR and direct the Acting Chair to sign and date the Short Environmental Assessment Form. 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—excused

The motion was carried.

PB 1005-11 PRELIMINARY SITE PLAN APPLICATION
NAME: THE ZAREMBA GROUP, 14600 DETROIT AVE, LAKEWOOD, OH 44107
LOCATION: 1259 NYS ROUTE 332, (CVS)
ZONING DISTRICT: GB
REQUEST: Approval to construct a single story building, 13,225 square foot pharmacy, (CVS)

Mary Ann Wervey from the Zaremba Group, Kris Vurraro, an attorney with Woods Oviatt Guzman, Adam Fishel from ADD Engineering and Frank Villanti, representing CVS, appeared for this application.

Ms. Wervey said they were here tonight to discuss drainage, traffic and the improvements to the corner.

Mr. Villanti then explained that the revised plans have no increase in impervious surface. The site has 79% impervious surface now and will have 60% when CVS is there. This helps them meet the new State standards. He will provide a detailed answer to MRB's November 10th letter. Site water will drain to the stormwater facilities and then to the low area in the northeast as it does today. Since the State denied some of their drainage requests such as adding site water to the storm sewers, they may have to apply for permission as a hardship case.

The Town Engineer explained that the site does not have enough height to assist drainage. He added that the State never allows excess site water to be channeled into storm sewers. MRB is working with the applicants on the drainage problems.

Ms. Wervey said they have responded to Mr. Brand's questions on traffic flow. The Director of Planning and Development said they are minor issues and the applicants' responses have been given to the Board members.

Ms. Wervey then showed the Board members a picture of the Gateway corner view of the property with stamped concrete, a wall, landscaping, electrical conduit for the lighting of the flag poles and the flag poles. The Chamber of Commerce will supply the flags.

Acting Chairman Makin asked for staff comments.

Mr. Brand reported that the Department of Health has no problem with having the Planning Board act as lead agency. The Department of Transportation engineers have the plans for their input. He believes they will have no problem with the Gateway plans and the new tree locations. The driveway locations were reviewed and realigned with the gas station on Route 332. Minimum left turns on Route 332 have been recommended. To accomplish some of this, variances will be needed.

Mr. Kofahl reported that no variance requests have been received.

Ms. Wervey responded by saying that the variance applications would be submitted later this month in time for submission to the County for their December meeting.

The Director of Planning and Development also said that the County Planning Board met on this application on November 9th and recommended approval. They commended the incorporation of the Gateway project.

Mr. Brabant said he is working on the drainage problems and will do a site plan review.

Next, Mr. Makin requested Board comments.

Mr. Makin said the applicants are doing a great job.

Ms. Neale had no comments.

Mr. Herendeen said he is fine with everything presented.

Ms. Godly commented that it has been a good process. She asked whether they are using an awning or portico to shelter customers at the store entrance. Ms. Wervey responded that they will use an awning to protect the entryway into the vestibule. She thought this was approved by the Planning Board at a prior meeting.

Mr. Makin asked if the awning is consistent with the MTOD architectural standards. Mr. Brand noted that Aldi's has a covered entrance and so does the Brighton CVS which is on a smaller, less exposed site. The CEO said that the awning is in conformance with our architectural standards. Mr. Vurraro said that they were asked to provide a "weather cover." Ms. Wervey promised to check on the details of the awning.

No Board action was taken. The applicants thanked the Board.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

1. LOC Release #8, Auburn Meadow Subdiv, Section 4

Ms. Godly moved to recommend approval of Letter of Credit release #8 for Section 4 of the Auburn Meadows subdivision in the amount of \$125,125.64. Mr. Herendeen seconded. In a voice vote, the motion was carried by four ayes.

2. County Rd 41 Rezone, (Dave Cooper)

Mr. Brand explained that there will be a public hearing on the rezoning of land along County Road 41. The County found this change to be consistent with recommendations in the Comprehensive Plan.

3. LOC Release #2, Leonard's Express Bldg No 2

Mr. Herendeen moved to recommend approval of Letter of Credit release #1 for Building #3, Addition #2 for Leonard's Express in the amount of \$60,808.65. Ms. Godly seconded. In a voice vote, the motion was carried by four ayes.

CODE ENFORCEMENT OFFICER REPORT: *No report*

TOWN ENGINEER: *No report*

CHAIRMAN OF PLANNING BOARD REPORT:

Mr. Makin said that the discussion on delivery of Planning Board packets should wait for Chairman Degear's return.

PUBLIC COMMENTS: *No comments*

ADJOURNMENT:

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

Ms. Neale made a motion to adjourn with Mr. Herendeen seconding it. In a voice vote, the four Board members present voted aye to adjourn at 9:20 p.m. Clerk O'Malley locked the building.

These minutes were taken and respectfully submitted by

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