

**TOWN OF FARMINGTON PLANNING BOARD**

**September 7, 2011**

**APPROVED MINUTES**

*The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington’s Planning Board Meeting. .*

**MEMBERS:**

David Degear, Chair  
Ron Herendeen  
Scott Makin  
Mary Neale  
Arriving later: Meg Godly

**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:** David Spychalski, Best Value Auto; Greg McMahon, McMahon LaRue Associates; Bonnie Nelsen, 3763 Armington Rd., Palmyra; Fred Shelley and Dave Matthews, Shelley Associates; Lori and Scott Benson, Cobblestone Arts; Patrick Laber, Schultz Associates; John Polsinelli, Norr LLC; Kris Vurraro, Woods Oviatt Guzman LLP

**Public:** Chris Iversen, Box 214, Gorham NY; Carmen Laviano, Farmington Plaza 332; Melody Burriss, Canandaigua Messenger Post; Diane Moore and Peter Furfari representing Helen DiPacific

**OPEN MEETING:**

The meeting was called to order at 7 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 turn off their cells phones or set them on vibrate.

The Chair explained that Ms. Godly would be arriving shortly.

**APPROVAL OF THE MINUTES OF THE AUGUST 17TH MEETING:**

Mr. Makin moved to approve the Minutes of the August 17<sup>th</sup> meeting with Mr. Herendeen seconding. In a voice vote, the four Board members present carried the motion with four ayes.

**LEGAL NOTICES:**

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the August 31, 2011 Daily Messenger.

**PUBLIC HEARINGS:**

**PB 0901-11, SPECIAL USE PERMIT RENEWAL**

**NAME: DAVID SPYCHALSKI, BEST VALUE AUTO, 1233 RTE 332,  
FARMINGTON, NY 14425**

**LOCATION: 1233 NYS ROUTE 332**

**ZONING DISTRICT: GENERAL BUSINESS DISTRICT**

**REQUEST: To renew a special use permit allowing the continuation of an auto dealership**

David Spychalski was present for his application. The Chair read aloud his letter of application into the record as well as a letter from the property owner, Helen DiPacific (attached to hard copy of Minutes). Mr. Spychalski had no additional comments.

Chairman Degear requested staff comments.

The Director of Planning and Development thanked the applicant for improving the appearance of the business. He explained that this is a renewal of a Special Use Permit (SUP) so the same conditions and site plan remain. A Type II Action SEQR applies. He recommended a two year renewal since the entire site is not being use at present. When the economy turns around, the applicant may have other plans for the site.

In answer to a Board question about the expiration date of the present Special Use Permit, the Code Enforcement Officer said this applicant took over from a previous business owner and made no changes, so the existing SUP continued. It has not expired. He noted that the site is far better kept by this owner. There are no complaints on file and the fire inspection is valid.

The Town Engineer 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 Ms. Neale and seconded by Mr. Herendeen. In a voice vote, the four Board members present voted aye to close the public hearing at 7:11 p.m.

Next, the Chair asked for Board comments.

Ms. Neale said she agrees that the property is well maintained.

Mr. Herendeen and Mr. Makin had no comments.

Mr. Degear complimented the applicant on the improvement to the site's appearance.

Mr. Brand explained to the Board that this application did not have to be referred to the County since it is an exempt action. Ms. Neale, Farmington's representative on the County Planning Board, concurred.

Mr. Makin moved to waive the reading of the Type II Action SEQR. Mr. Herendeen seconded. In a voice vote, the four Board members present voted aye to carry the motion. Then, Mr. Makin moved to approve the SEQR resolution with Ms. Neale seconding. The following roll call vote was taken and recorded:  
Meg Godly—excused

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The Type II Action SEQR was unanimously approved.

At the request of Chairman Degear, Clerk O'Malley read aloud a draft Special Use Permit renewal resolution with the following conditions:

1. *This Special Use Permit is based upon the final approval of the site plan prepared by Pulver Architects, having last revision date of 11/08/2004 and signed by the Planning Board Chairperson on 1/20/2005. All conditions of preliminary and final site plan approvals shall continue to remain in effect for this Special Use Permit approval. Any change to the Site Plan shall necessitate a new application for Site Plan approval.*
2. *All site lighting shall be maintained in compliance with the Town Lighting Regulations contained in Chapter 165 of the Town Code or the Special Use Permit and Site Plan Approval shall become null and void.*
3. *The Special Use Permit is hereby granted for a period of two years and shall expire on September 8, 2013, or upon earlier determination that all of the above required conditions of approval have not been met. Application for renewal of the Special Use Permit is the responsibility of the applicant and should be submitted on or before July, 2013.*

The applicant said he understood and agreed to the conditions. Mr. Makin moved to approve the SUP renewal with the conditions. Mr. Herendeen seconded. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion with the conditions was approved by a vote of four ayes.

**PB 0902-11 FIVE LOT PRELIMINARY SUBDIVISION**

**NAME: THE CABOT GROUP, 130 LINDEN OAKS, ROCHESTER, NY**

**LOCATION: CORPORATE DRIVE AND NYS ROUTE 332**

**ZONING DISTRICT: PLANNED DEVELOPMENT.**

**REQUEST: A five (5) lot subdivision approval, creating Lot 6 consisting of 6.679 acres, Lot 5, consisting of 5.517 acres, Lot 7 will consist of 13.606 acres, Lot 8 will consist of 7.895 acres and the remaining lands of the parent parcel, Lot 4 will consist of 12.429 acres**

Greg McMahon from McMahon LaRue Associates appeared for this application. He pinned up the plans, explaining that Farash Trust owns this property. They are represented by the Cabot Group. They have a buyer for Lot #4 although there are no plans for its development at this time. The subdivision is intended to clear up some issues for the entire property since some lots were previously deeded but not subdivided. The County Planning Board (CPB) will consider the application at their meeting next week.

Later in the meeting, Clerk O'Malley asked for clarification about deeded and subdivided lots for the Minutes. Chairman Degear asked Mr. Mahon to explain. Mr. McMahon said that the tax maps show six tax account parcels dating back to about 1982. Since then, three lots were carved out (Lots #1, 2 and 3) and given site plan approval for development. They were deeded but not subdivided from the parent parcel. At the Town's request, this map will be filed with the County Clerk to show eight formally subdivided lots. The Clerk thanked the applicant and Chairman for the information.

The engineer pointed out a future right-of-way to connect a present and a planned road system.

Mr. Brabant asked about site data on the plans and was told that this will come later. He also inquired about setbacks for the ES&L site. Mr. McMahon replied that they predate this subdivision. He did, however, add the existing structures to the plat and a note that the empty lots are not approved building lots.

The Town Engineer asked about site drainage, saying this is a good time to plan ahead for future development. There are new regulations to meet. Would one large facility serving all the lots make sense? Mr. McMahon did not know about drainage flow but Mr. Herenden stated that it flows east.

When Mr. McMahon finished his presentation, the Chair asked for staff comments.

Mr. Brand thanked Mr. McMahon for working with both Town staff and the Cabot Group for this subdivision. He then explained that the entire property was zoned PUD (Planned Unit Development) many years ago when IDA (Industrial Development Authority) funds were available for development. The recently-updated Comprehensive Plan recommends rezoning. The Town wants the subdivision clarified and a right-of-way created. The State Department of Transportation (DOT) has approved a traffic light for the Corporate Drive, West Corporate Drive and Route 332 intersection when traffic volumes warrant it.

*Ms. Godly arrived at 7:25 p.m.*

Mr. Brand recommended continuing the public hearing until the Board hears back from the County Planning Board.

The Code Enforcement Officer explained that only lots are being created tonight. He asked the applicants to provide the Development Department with the most recent map before the next Planning Board meeting. All setbacks are needed and they must meet the zoning code. The MS-4 requirements and overall site drainage are a concern if each lot is development separately. He noted that two different numbers are given for Lot #4.

Mr. Brabant had no comments.

The Board members 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. Chris Iversen replied, identifying himself as the owner of a neighboring property. He asked where the right-of-way being created would intersect. He expressed difficulty in locating his property lines. Mr. Kofahl showed him on the plans. When no one else requested to speak, the Chairman asked for a motion to continue the public hearing until the September 21<sup>st</sup>

Planning Board meeting at 7 p.m. at the Town Hall. The motion was made by Mr. Makin and seconded by Mr. Herendeen. The Clerk recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The resolution to continue was adopted by a unanimous aye vote of all five Board members.

#### **SITE PLAN APPROVAL**

##### **PB 0905-11 PRELIMINARY SITE PLAN APPLICATION**

**NAME: B. NELSEN, 3763 ARMINGTON RD, PALMYRA, NY 14522**

**LOCATION: SOUTH SIDE OF RTE 96, 375 +/- EAST OF COUNTY RD  
#28**

**ZONING DISTRICT: A-80**

**REQUEST: To develop a USDA certified organic farm market for seasonal sales of products to be grown on the site**

The property owner, Bonnie Nelsen, along with Fred Shelley and Dave Matthews from Shelley Associates appeared for this application. Mr. Matthews explained that it takes 3-6 years to prepare the soil and develop the crops for an organic farm. The project will therefore be done in four phases:

1. Constructing an access road to Route 96 and the parking lot in 2012,
2. Preparing the land for crops in 2012-2014,
3. Finishing the land preparation in 2013-2015,
4. Constructing the sales building, installing septic and hooking up the utilities in 2015-2016.

In response to the Town Engineer's letter requesting a color rendering, Mr. Matthews said this was done at the concept plan meeting and passed around an illustration from the sales literature.

Mr. Matthews continued by saying that any topsoil removed for the access road would be utilized as farmland next year. He promised to extend the silt fence, as asked, and to install a landscape buffer on the western side of the property. It will consist of fruit trees and arbor vitae. There will be no site lighting—just security motion sensor lights on the building. He concluded by asking for a waiver from the requirement for a dust free surface in order to keep the site looking like a farm.

Ms. Nelsen spoke next. She explained that fruit crops are perennials and can take up to four years to produce. The preparation of the soil is the most important step. She explained that her family in Penn Yan has been growing fruit for three generations so she knows the business. She plans to retire from RIT in six years and do this.

When the applicants finished speaking, Chairman Degear asked for staff comments.

The Director of Planning and Development noted that this application needs to be reviewed by the CPB so it will have to be continued tonight. The DOT has approved the

driveway location. In response to a question from the Chair about the driveway sight distance, Mr. Matthews said it is on the highest part of the property, so there is good sight distance.

Mr. Brand responded to the request to waive the dust free surface on the driveway and parking area by commenting that this is a Board decision. However, there will not be any public traffic for several years. It can be done in a later phase.

Mr. Degear asked if this site is in an agricultural district. The CEO replied that it is in the A-80 District which is a Town ag district. However, it is not in a County ag district.

Mr. Kofahl commented next. He noted that three different maps have been submitted. The Board needs to make sure they approve the correct one. Mr. Brabant said he has the most recent version. The CEO pointed out that it should say “preliminary site plan.”

The Board members asked about sidewalks.

Mr. Kofahl continued by pointing out that phasing is not new—many long term applications are phased. However, each phase must be done in the approved way. As requested, he has included a letter of interpretation in the file.

Chairman Degear asked how deep the bedrock is. Mr. Matthews replied that there is enough soil there.

The Chair also inquired about drainage. Mr. Brabant responded that the site is under the MS-4 threshold. Agricultural sites have some overflow but usually the bulk of the water goes to the crops. The flow will go around the septic system. He has no concerns at this time.

Next, Chairman Degear requested Board comments.

Mr. Makin said this is a great idea and is ready to move forward.

Ms. Godly asked about the borders for the property. Mr. Matthews said these were shown on the concept plan. Ms. Godly explained that they need to be shown on the site plan. Otherwise, she said she like the concept. This keeps the farm in Farmington.

Mr. Herendeen commented that he is anxious to see the project mature.

Ms. Neale also supported the concept.

Mr. Degear said this is something new and different for Farmington. He is in favor of it. However, there should be a time set for installing a dust free surface.

Ms. Godly asked if the latest drawing should be submitted to the County. The Chair left it to the Town’s representative on the CPB, Ms. Neale, to answer any questions.

Ms. Godly then moved to table the application until after the County Planning Board has had time to comment on it. The public meeting was continued to the September 21, 2011 Planning Board meeting. 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.

**PB 0903-11, SKETCH SITE PLAN**

**NAME: VICTOR ASSOCIATION OF CULTURAL & PERFORMING**

**ARTS, INC., 630 CROWLEY RD, FARMINGTON, NY 14425**

**LOCATION: 1622 NYS ROUTE 332**

**ZONING DISTRICT: GENERAL BUSINESS**

**REQUEST: Propose to construct an 8,000 sq ft multi-use building**

The property owners, Lori and Scott Benson, and their engineer, Patrick Laber, appeared for this application. Ms. Benson began by saying that their arts facility serves 60 challenged students ages 21 to 80 each day. They need space. Fortunately, their site has 15 acres so there is room to expand.

Next, Mr. Laber pinned up the plans, saying that the new building will be located 130 feet behind the existing complex. There will be parking all around it. They will use the existing drive from Route 332 for access. A new stormwater detention facility is required to meet MS-4 regulations. They need to discuss the water and sewer connections with Jim Crane.

Ms. Benson explained that this will be a multi-use building for both rehearsals and performances, workshops and cabaret-style adult performances. There will also be an art gallery.

Mr. Degear asked about the time frame for completion. Ms. Benson said she expects to finalize the funding in a meeting with George Hamlin this week. They will return to the Board with a preliminary site plan in November. Opening will be next fall or early winter 2013.

Mr. Laber noted that he received comments from the Town Engineer and the Director of Planning and Development and will respond to them on the preliminary site plans.

When the applicants finished speaking, Chairman Degear requested staff comments.

Mr. Brand said this has been planned for a long time. It is exciting that it is finally happening. He asked about the property line to the north since the deed shows a 50 foot strip from the former train station to Route 332. Mr. Laber said this is shown on a deed dating to about 1845. Mr. Brand explained that the Town is interested in expanding the Auburn Trail to connect with Ontario Pathways in Canandaigua. We need to understand the property boundaries. The tax map shows different information.

Mr. Laber explained that c. 1844 railroad maps show this strip of land to be on the Cobblestone Arts' property. He is waiting for a response from the abstract company.

The Chair recognized Carmen Laviano, the neighboring property owner, in the audience and who has been discussing this issue with the Town. Mr. Laviano presented his historical records to the Board members, saying he bought this strip of land many years ago. Copies of these records were given to Mr. Laber and to the CEO for the department files.

Mr. Laber said that there is no problem in shifting the location of the proposed building if they do not own that part of the property. They will do what needs to be done. Mr. Laviano explained that he does not want to stop this project. He just wants to correct the record.

Mr. Kofahl gave his comments next. He said the Town needs to see the proposed water and sewer connections before preliminary approval. A fire hydrant will be required on their property to meet the 300 foot requirement. The number of parking spaces required depends on the building's use as a place of education and public assembly. He suggested determining what is actually needed and banking the rest. The structure will need a sprinkler system.

Mr. Brabant said he will have comments for the preliminary site plan. His comments for the concept plan were intended as a heads up.

Next, the Chair asked for Board comments.

Ms. Neale inquired about sidewalks. The applicants said they exist on the right-of-way.

Mr. Herendeen said he thinks this is a good plan.

Ms. Godly asked about the movement radii for emergency vehicles. Mr. Laber said this will be shown on the preliminary plan. He wants to avoid a T-turn around for trucks and busses. He will work with the Town Fire Association.

Mr. Makin said this facility will be a good thing for Farmington. He is only concerned about avoiding excessive parking on the site. Ms. Benson responded that they have 15 acres available.

Mr. Degear said that this facility has come a long way. He requested building renderings.

No Board action is required for a concept plan.

*The Board members agreed to a short recess at 8:34 p.m. and the tape recorder was turned off. The Chair reconvened the meeting at 8:39 p.m. and the tape recorder was turned back on.*

## **OPEN DISCUSSION:**

### **DIRECTOR OF DEVELOPMENT REPORT:**

#### **1. CVS elevation for sketch plan**

Chairman Degear said that representatives from CVS are present tonight to discuss their proposed store. Kris Vurraro, the applicant's attorney, and architect John Polsinelli appeared for this application. Mr. Degear recalled that the Board asked them to move away from the warehouse look. Mr. Polsinelli put up showed a rendering with changes in the appearance of the brick façade, a stepped roof line and pilasters. He provided a sample of the brick siding for the Board members to see. He then put up a second option. This kept the split block face but in cream. He said some of the features from the first option could be combined with the second. The entrance will have the usual awnings and trellis.

The Chair reminded the applicants that the Board requested to see a variety of options. Mr. Vurraro explained that the large window and trellis is the CVS trademark but other features can be changed to avoid a warehouse look. Ms. Godly read page 9, paragraph 7, from the last meeting's Minutes:

*"Mr. Makin expressed concern about the building design since it will be a centerpiece for our new Town center. He asked if they could reconsider the warehouse style. Mr. Degear agreed, asking if other designs are possible. He requested pictures of them,*

*saying this was also done for Walgreens. Ms. Godly added that the Board members might like to visit any nearby ones. Ms. Neale pointed out that there is an attractive portico on the Monroe Avenue CVS.”*

Ms. Neale added that they asked to see designs from other CVS stores. Mr. Brand pointed out that he sent a photo of an attractive CVS store in Malta, NY, to Mary Ann Werve. In answer to a question from the Board, Mr. Kofahl said that the designs submitted did meet the Town’s architectural standards for the MTOD. The Planning Board has a different function from an architectural review board. Ms. Godly responded that the Planning Board is not interested in meeting the lowest minimum standard. This was made clear at the last Board meeting.

Mr. Polsinelli assured the Board members that CVS wants to work with them. Mr. Vurraro commented that they did add features to eliminate a long, blank wall.

Ms. Godly explained that Farmington wants a warm, welcoming, attractive structure in its Town center. She is disappointed with the two designs offered.

Mr. Polsinelli offered to add more details to the long wall. He suggested putting graphics inside a wall of windows. The Board members stressed that they did not want to see ads but expressed interest in historic pictures of Farmington. These would also block the view of the shelving inside.

Mr. Brand noted that they have a cover over the drive through window but none in front to protect customers as they enter or leave. This is a windy corner, open to the elements. Would a canopy over the front entrance be possible? He also suggested that they show landscaping on the elevations to break up the view. The Town is willing to work with the DOT to make sure landscaping in the right-of-way does not obscure the view of the store from the street. Is the applicant willing to cooperate with the Town’s requests in return? This is the same process the Planning Board has followed with other sites to establish a character for the Town’s main thoroughfare.

Mr. Polsinelli agreed that they can enhance the entry way with a covering and have the windows carried along the façade with graphics to hide interior shelving. Mr. Degear explained that the Board does understand that a business plan can create limitations. Both applicants assured the Board members that CVS is willing to work with them.

Peter Furfari asked to address the Board. He asked the Board members to give CVS direction. He suggested looking at the Rite Aid store on Routes 5 and 20 for ideas for good design. The request for a mansard roof is passé, he said. He objected to anything creating a height elevation since it will obscure the view of Helen DiPacific’s new ice cream store behind CVS. He pointed out that elevation drawings do not do the store design justice. Landscaping can provide the softscape needed for the intersection.

Addressing the applicants, Chairman Degear said that the cream color softens the look and agreed that the new ice cream store should be visible. Mr. Brand added that some thought should be given to blending with neighboring structures such as the hotel on Route 96. Mr. Kofahl commented that both Aldi’s and Walgreens submitted several designs and asked CVS to do so.

Mr. Herendeen noted that a photo of the Malta store can provide ideas while Ms. Godly suggested using computer simulations. Mr. Makin pointed out that this is an anchor for

the downtown streetscape and should set the bar for future buildings there. Design should come before details. The roofline can break up the warehouse appearance.

Mr. Furfari disagreed, saying the small details make the design.

Ms. Godly emphasized that the Board wants to see **pictures and drawings of more than one design**. She concluded by explaining that the Planning Board is proud of Farmington and protective of its interests.

Mr. Polsinelli agreed that they can provide pictures of other Upstate stores and show landscaping.

## 2. LOC Auburn Meadows Subdivision Section 4 Release #4

Chairman Degear asked Mr. Brabant if there were any concerns about this letter of credit. He said no, there is enough money left to cover any other issues. Mr. Brand added that he and Jim Morse visited the site and it is in good shape. Plans for Section 5 will be in next month. This will provide the requested connection between the northern and southern parts of the development.

The Chair noted that all required department head signatures are on the request. Mr. Makin moved to approve the release of \$256,556.78. Mr. Herendeen seconded. In a voice vote, the motion passed with a vote of five ayes. Chairman Degear signed the request.

## 3. Auburn Trail Project Public Information Meeting

Mr. Brand announced that there will be a public information meeting for the Auburn Trail project on Wednesday, September 14<sup>th</sup>, at 6:30 p.m. Mr. Degear said that he attended the last meeting and it is going well.

### CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl announced that there have been more than 100 applications for permits for work on single family dwellings already this year.

The Development Department's part-time position will be filled by the end of September.

Mr. Degear noted that the new section for Saratoga Crossing looks good. Mr. Kofahl explained that the application for Section 3 has not yet come in. Section 1 is 98% full. There is a list of potential tenants for Section 2.

The Chair also asked about progress on the renovations for KFC. The CEO said it is coming slower than planned. He met with the paving company so they understand what needs to be done. As he understands it, they are also in negotiations with the management of neighboring Dunkin Donuts which also needs paving. The new owner of KFC has a copy of the Town Code so understands what site maintenance is expected.

In response to a question from the Board, Mr. Kofahl reported that he met with Mike Cuppernell about what changes are needed for MC Automotive to bring it into compliance. The property owner, Frank DiFelice, also verified with the CEO that site paving is required. If no action is taken by the deadline, the next step is to cite the business and take the matter to court.

### TOWN ENGINEER REPORT:

Mr. Brabant said the SEQR process for the Highway Campus will be addressed at the next Town Board meeting. Work is progressing.

Mr. Brand commented that MRB is also updating the MTOD map.

Mr. Brabant will fill in for Mr. Brand at the next Planning Board meeting.

**PUBLIC COMMENTS: *None***

**ADJOURNMENT:**

The next meeting of the Planning Board will be at the Town Hall on Wednesday, September 21, 2011 at 7 p.m.

Ms. Neale made a motion to adjourn with Mr. Herendeen seconding it. In a voice vote, all five Board members voted aye to adjourn at 9:32 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