

TOWN OF FARMINGTON PLANNING BOARD

April 20, 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
Meg Godly
Ron Herendeen
Mary Neale

Excused: Scott Makin; Town of Farmington Code Enforcement Officer, Floyd Kofahl

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Peter Haidt, Auto Solutions; Tom Reed, Leonard’s Express; Greg McMahon, McMahon-LaRue Associates, P.C.

OPEN MEETING:

The meeting was called to order at 7:05 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 6, 2011 MEETING:

Ms. Godly moved to approve the Minutes of the April 6th meeting with additions by Mr. Degear. Ms. Neale seconded. In a voice vote, the four Board members present voted aye.

LEGAL NOTICES:

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the April 13, 2011 Daily Messenger.

PUBLIC HEARINGS:

PB 0405-11 SPECIAL USE PERMIT RENEWAL
NAME PETER HAIDT, AUTO SOLUTIONS, 6215 NYS RT 96,
FARMINGTON, NY 14425
LOCATION: SAME AS ABOVE
ZONING DISTRICT: GENERAL BUSINESS
REQUEST: To renew a special use permit to continue a motor vehicle dealership according to Article VI, Chapter 165-28 D of the Town of Farmington Codes. Two year- Expired September 15, 2010

The applicant, Peter Haidt, was present. He said his three year renewal should not have been due until June, 2011. He did not understand the due date.

Chairman Degear commented that this applicant has a history of late renewals.

Since the applicant did not have anything more to say, the Chair asked for staff comments.

Mr. Brand reported that he and the Code Enforcement Officer (CEO), Mr. Kofahl, inspected the site today. There were 11 conditions for approval of the two year Special Use Permit in September 2008. The applicant has complied with nine of these. When the black top was resealed, it covered the striping for parking and emergency access. Large SUVs are parked in the line-of-sight for drivers making a right turn from Route 96 onto Mertensia Road.

The Director of Planning and Development went on to explain that this was a two year permit which expired in September, 2010. For this reason, a new application must be made. A referral to the County Planning Board (CPB) is necessary this week to be considered at their May 11th meeting. Since there have been no changes to the site, copies of the old site plan may be used. If the County referral is submitted this week, the Planning Board should be able to act at their May 18th meeting. He asked if the applicant could provide 10 copies of the site plan this week.

Mr. Haidt asked why he needs a Special Use Permit for his business. Mr. Degear said it is required by the Town Code. For any changes, the applicant should speak to the Town Board since they legislate for the Town. This is not a Planning Board function.

The applicant then handed out a bill for the sealing and striping of his blacktop. He explained that the company went out of business after he paid them. They never did the striping.

Mr. Haidt continued by producing a 2002 letter from the State DOT (Department of Transportation) saying that his line-of-sight meets their requirements. The Chair noted that 2002 was nine years ago and perhaps it is time to ask DOT to re-evaluate. The sight problem has been a continuing one.

Mr. Degear then asked why the applicant did not hire another firm to stripe his parking lot. Mr. Haidt said he will use the firm which does his Geneva store. They can schedule him sometime this summer. He offered to get a specific date from them.

Mr. Brand explained to Mr. Haidt that he had a two year Special Use Permit which was approved in September 2008. It clearly gave the terms in the resolution sent to him after the meeting. Both staff and the Planning Board are willing to try to get the SUP processed as quickly as possible. To do this, 10 copies of the site plan are needed this week. The business is operating without a Special Use Permit at present. This needs to be corrected. The application must be referred to the County Planning Board although they will probably say there is no County-wide impact.

Ms. Godly explained that this business is out of compliance because the SUP has expired. A new application is needed. She asked why a current site plan is not necessary. Mr. Brand responded that he and Mr. Kofahl inspected the site and there have been no changes to the site plan since the last renewal. The old site plan is sufficient. Mr. Degear added that everyone is trying to help the applicant correct this situation as quickly and easily as possible.

The Director of Planning and Development pointed out that there are no complaints about this business on file. The auto dealership is an asset to Farmington. It is regrettable that the SUP expired. He asked whether the application should be continued to the second meeting in May or until the second meeting in June.

Mr. Haidt asked if the Development Department could make 10 copies of the plan on file. Mr. Brand explained that a larger copier is needed. The Development Department does not have one so an outside firm must make the copies. The applicant then offered to send someone to pick up the plan and take it to a copy store. Mr. Brand offered to tell Janyce Feistel that someone would be coming in. If necessary, Mr. Brand said he would make the copies himself at the applicant's expense.

The Chair asked for a sunset date for the striping. The applicant agreed to August 15, 2011. Mr. Degear explained that the CEO will inspect to make sure this is done.

Chairman Degear then asked if the blocked line-of-site would be fixed. The applicant replied that he had the large vehicles moved today. He forgot to tell his employees earlier to do so. In future, he will make this a reason for termination. That way, his employees should remember to keep SUVs away from that parking area.

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.

The Chair asked for Board comments.

Ms. Godly pointed out that the business needs to meet the Town's requirements.

There were no other Board comments.

At the Chair's request, Clerk O'Malley read aloud a draft resolution to continue this application until the May 18th Board meeting:

***WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) did open a public hearing at tonight's meeting on the above referenced Special Use Permit; and*

***WHEREAS**, the Planning Board did receive public comment that will be entered into the record on this application; and*

***WHEREAS**, the Planning Board did discuss whether this application could be considered a renewal or a new application,*

***NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby determine that said application is deemed to be a new application and that it cannot be considered a renewal of a Special Use Permit that expired on September 15, 2010.*

***BE IT FURTHER RESOLVED** that the applicant is instructed to submit a complete application for the Planning Board's review and consideration of a Special Use Permit to operate a used motor vehicle dealership at the above referenced address.*

***BE IT FURTHER RESOLVED** that the applicant may submit ten copies of the previously approved Final Site Plan for this Special Use Permit provided that all conditions contained upon said drawing have not changed.*

BE IT FURTHER RESOLVED that the applicant is to submit a completed Part 1 of the Short Environmental Assessment Form for the proposed action.

BE IT FURTHER RESOLVED that the applicant is directed to submit the complete application packet, on or before April 25, 2011 for the County's May 11th meeting as a new application is subject to referral to the Ontario County Planning Board for its review and recommendation under the New York State General Municipal Law

BE IT FURTHER RESOLVED that the Planning Board does hereby move to table the application until such time as there is both a complete application for a Special Use Permit that meets the criteria within Chapter 165 of the Farmington Town Code and a complete Site Plan for the proposed use of this site that also meets Town Code requirements.

BE IT FURTHER RESOLVED that the applicant is to submit ten copies of a Preliminary Site Plan Map which includes a detailed Landscaping Plan to the Town Development Office for staff review prior to the applicant being placed upon a new Planning Board agenda.

BE IT FINALLY RESOLVED that the Planning Board does hereby continue this public hearing to Wednesday evening, May 18, 2011 at which time the Board shall continue its deliberations upon this requested Special Use Permit and Site Plan approval.

Chairman Degear asked if the applicant understood and agreed to the conditions. Mr. Haidt strenuously objected to the idea of making a new application. This, he claimed, is a renewal. He is not willing to start a new application. For such a long-standing business, he concluded, there should not be any renewal necessary.

Mr. Degear pointed out that there have been constant problems about renewals with this business. Ms. Godly added that the Town Code gives the Planning Board the authority over Special Use Permits. The Board does this for one-year, two-year or three year terms.

Ms. Godly asked about landscaping. The Director of Planning and Development checked the site plan and said it is shown. All agreed that the applicant has done his best on a very crowded site.

The applicant said it is the Town's responsibility to remind him when to renew. The Chair commented that all applicants are treated the same way. Mr. Haidt responded that he wants to wait until the first meeting in May to decide what to do. Mr. Brand explained that a new application involves three elements: an application, a completed Part 1 of the Short Environmental Assessment Form and the site plan. He has already filled out the application. Can he supply copies of the site plan?

Chairman Degear told the applicant that the alternative would be a denial of his application which the Board does not want to do. He encouraged Mr. Haidt to cooperate. The applicant agreed to have the striping done this summer and control SUV parking. The Director of Planning and Development said he will make the copies himself and submit the application to the County. Mr. Degear signed the form at this time.

With the applicant in agreement, Ms. Neale moved to approve the continuation to May 18th. Mr. Herendeen seconded. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—excused

Mary Neale—aye

David Degear—aye

The continuation was approved by a unanimous aye vote of the four Board members present.

SITE PLAN APPROVAL

PB 0406-11 FINAL SITE PLAN APPLICATION

**NAME: LEONARD’S EXPRESS, 6070 COLLETT RD, FARMINGTON,
NY 14425**

LOCATION: SAME AS ABOVE

ZONING DISTRICT: GENERAL INDUSTRIAL

**REQUEST: Approval for a 15,000 square foot addition used for
manufacturing, storage and office space.**

Tom Reed from Leonard’s Express and his engineer, Greg McMahon, appeared for this application. Mr. McMahon said the sidewalk and driveway striping are now planned. More landscaping has been added. Otherwise, no changes have been made to the plans since preliminary approval. An elevation with the color of the building has been included.

Mr. Brabant said he has received answers to his comments and the requested notes to be added will be on the copy for the Chair’s signature. The problems seem to be at the entrance of the pond. The pond itself seems to be working. Mr. McMahon commented that trash and overgrowth are being cleaned from the entrance to the pond.

Mr. McMahon said that he and Mr. Reed reviewed a draft of the final site plan resolution. They have no problems with the conditions.

Chairman Degear asked when the work will be done. Mr. McMahon said they would like to start construction around May 15, work all summer and be done by fall. It depends on the weather. Mr. Reed confirmed this. He added that there is a gap between his sidewalk and the start of the sidewalk for the neighboring lumber company. With the permission of the lumber company, he will fill the gap. Mr. Degear thanked him for going the “extra mile.”

The Town Engineer reminded the applicants that a Letter of Credit will be needed before MRB can sign off on the plans. Mr. McMahon said it will be ready within the week.

When the applicants finished speaking, the Chair asked for staff comments.

Mr. Brand asked for a sunset date for the sidewalk installation date. The applicants suggested October 15th, coordinating with the October 1st sunset date for the installation of the landscaping. The Planning Board members agreed.

Mr. Brabant had no other comments.

Next, Mr. Degear asked for Board comments.

Ms. Godly thanked the applicants for resolving the sidewalk issue.

Ms. Neale said she is pleased the sidewalk will be installed and connected with the existing one.

Mr. Herendeen said the applicants provided what was requested.

Chairman Degear said he is glad to see landscaping and the sidewalk which will provide a safe area for Town residents to walk and jog.

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

1. *This Final Site Plan Approval is for a 15,000 square foot building addition and is based upon: the Final Site Plan Drawing for Building #3 Addition #2, Leonard's Express, 6070 Collett Road, that has been prepared by McMahon LaRue Associates, P.C., identified as Project Number 1125-00, Sheets 1 and 2 of 2, having revised date of 4/21/11; and the Floor Plan (Drawing A 1) and Exterior Elevations Plan (Drawing A 2), prepared by Hanlon Architects, identified as Project Number 11-017, dated 2-15-11.*
2. *There is to be a note added to the Final Site Plan that the Instrument Survey that is to be filed with the Town Development Office is to identify the liber and pages for all filed easements that are shown on the above referenced Final Site Plan drawing.*
3. *The Final Site Plan is to have a note added that the Planning Board does hereby waive the requirement for the installation of continuous sidewalks across the three driveway portions of this site.*
4. *The Final Site Plan is to have a note added that identifies said sidewalks are to be installed in the manner shown on the drawing and that they are to be installed on or before October 15, 2011.*
5. *The Final Site Plan sidewalk note shown on Sheet 2 of 2, Sidewalk Detail, is to be amended to reflect the above conditions of approval for the sidewalk. The note is to be further amended to read that a ten foot wide sidewalk easement is to be granted to the Town for those portions of the sidewalk that are located outside the highway right-of-way.*
6. *The Final Site Plan is to have a note added that identifies that the striped pedestrian crossings of the three driveways are to be installed prior to the use of the sidewalks by the general public.*
7. *The Final Site Plan is to have a note added that the applicant is to maintain the pedestrian crossing striping of the three driveways.*
8. *The Planning Board approves of the detailed landscaping plan shown on the Final Site Plan Drawing.*
9. *The Planning Board requires that said landscaping is to be installed on or before October 1, 2011.*
10. *The Planning Board requires that all landscaping shall be maintained at all times.*
11. *All comments contained in the Town Engineer's April 7, 2011 Letter to the Town Director of Development are to be addressed by adding notes on the Final Site Plan prior to signing by the Planning Board Chairman and Town Staff.*
12. *Final Site Plan Approval is valid for a period of 180 days from today and shall expire unless the Final Plan(s) have been signed by the Planning Board Chairman, all departments and filed in the Town Development Office.*
13. *All erosion control measures shall be installed and inspected by the Town Code Enforcement Officer or his representative prior to any permits being issued. This statement is to be noted on the Final Site Plan.*

14. *Third party inspections may be required by the Town Code Enforcement Officer at the expense of the owner/developer. A note to this effect is to be placed upon the Final Site Plan.*
15. *The revision box shall be amended to reflect all conditions of Final Site Plan approval.*

The Chair asked if the applicants understood and agreed to the conditions. They asked what they should do if, for some reason, they are unable to get the landscaping and sidewalk in by October 15th. Mr. Degear told them they can ask the Planning Board to extend approval to May 15th, 2012 for good and sufficient reason. The applicants assured the Board that they do not intend to need an extension but sometimes weather or other conditions interfere. They agreed to the 15 conditions.

Then, Ms. Godly moved to approve the resolution with the conditions and Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—excused

Mary Neale—aye

David Degear—aye

The final site plan resolution with the conditions was adopted by a unanimous aye vote of the four Board members present.

OPEN DISCUSSION:

DIRECTOR OF PLANNING AND DEVELOPMENT REPORT:

Mr. Brand reported that the Auburn Trail project will begin in May. He also pointed out that our Comprehensive Plan Update is progressing more quickly than in some neighboring Towns. He thanked the Planning Board members for their input.

The Director of Planning and Development will be meeting with members of the Herendeen family regarding developing their Collette Road property. One problem with development is that the land is crossed by power lines where only agriculture is permitted. No roads can go under the lines. This is a separate tax parcel. The Town did not choose this property for the new Highway Garage because of the power line issue. Mr. Degear noted that the Future Land Use Plan Map is currently showing the road frontage of the property as industrial and the rear area as agricultural but this is under discussion.

CODE ENFORCEMENT OFFICER REPORT: *No report*

TOWN ENGINEER REPORT:

Mr. Brabant said MRB is working on the plans for Phase I of the Highway Garage Campus. They will deal with the drainage issue under the Garage and the concerns about salt leakage expressed by Mr. Herendeen at the last meeting. He again requested input from the Planning Board members.

CHAIRMAN OF PLANNING BOARD REPORT:

Chairman Degear asked about a previous comment from Mr. Brand about the State allowing public gaming at Finger Lakes Casino and Racetrack. The Director of Planning and Development said that this is a possibility. If approved, this will increase site visitation from the present 1.7 million visitors per year, stimulating the need for a new road and a hotel/convention center.

PUBLIC COMMENTS: *None*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, May 4, 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 8:24 p.m.

These minutes were taken and respectfully submitted by

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