

**TOWN OF FARMINGTON PLANNING BOARD**

**December 1, 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; Fred Burghardt, Snap Fitness; Horst Engelbrecht, Carol and Bob Moore, Care-A-Lot Child Care

Excused: Town of Farmington Code Enforcement Officer, Floyd Kofahl; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.

**OPEN MEETING:**

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

**APPROVAL OF THE MINUTES OF THE NOVEMBER 17, 2010 MEETING:**

Mr. Makin moved to approve the Minutes of the November 17<sup>th</sup> meeting. Mr. Herendeen seconded. All five Board members voted aye in a voice vote and the motion passed.

**LEGAL NOTICES:**

At the Chairman’s request, the Clerk read aloud the legal notices which were published in the November 24, 2010 Daily Messenger.

**PUBLIC HEARINGS:**

- PB 1201-10, SPECIAL USE PERMIT RENEWAL**
- NAME: FRED BURGHARDT, 28 WAYCROSS RD, FAIRPORT, NY 14450**
- LOCATION: SNAP FITNESS, 1560 STATE RTE 332**
- ZONING DISTRICT: GENERAL BUSINESS**
- REQUEST: Request to renew a special use permit allowing the continuation of a fitness center**

Mr. Burghardt, the business owner, appeared for this application. Chairman Degear

noted that the property owner, Carmen Laviano, wrote a letter of consent which is in the file. He also read the applicant's letter of application into the record.

Mr. Burghardt said everything is going well and there are no changes since last year.

The Chairman read a memo from Mr. Kofahl, the Code Enforcement Officer (CEO), which stated that there are no issues and no complaints on file. The property is well maintained. The fire inspection revealed no problems.

The Director of Planning and Development, Ron Brand, noted that parking concerns had been mentioned at the first Special Use Permit (SUP) approval but no problems have been recorded.

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. Godly and seconded by Ms. Neale. The Clerk recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The public hearing was closed at 7:07 p.m.

Chairman Degear asked for Board comments.

Ms. Neale noted that she frequently goes to the post office in that plaza and has never seen any parking problems.

Ms. Godly and Mr. Herendeen had no comments.

Mr. Makin asked how the 24 hour schedule was working. The applicant said it is going well and that may be why there are no parking issues.

Mr. Degear said he is glad the business is doing well.

Mr. Makin moved to waive the reading of the Type II Action SEQR. Ms. Godly seconded the motion. All five Board members voted aye in a voice vote. Then, Mr. Makin moved to approve the SEQR with Mr. Herendeen seconding. The Clerk recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The Type II Action SEQR was unanimously approved.

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

1. *The application for renewal that is under review has been determined to be consistent with the provisions of Chapter 165, Section 72, of the Town Code.*

2. *The Special Use Permit is issued for the continued operation of the Snap Fitness facility, located in the Farmington Country Plaza at 1560 State Route 332, for a period of three (3) years and must be renewed on or before December 1, 2013.*
3. *The Special Use Permit renewal shall be made null and void with any change in use, site plan, or sign site plan components.*
4. *The need for a Final Site Plan is hereby waived based upon the finding that the Special Use Permit is to be conducted entirely from within the existing Principal Building located on the site and a valid Site Plan exists for this property.*
5. *There shall be no additional building mounted or free-standing commercial speech signage associated with this continued specially permitted use on the property.*
6. *All site lighting shall remain compliant with the provisions contained in Chapter 165 of the Farmington Town Code.*
7. *There shall be provisions for off-street parking for any members to the site.*
8. *There shall be no on-street parking for any members or visitors to the site.*
9. *There shall be no outdoor display or goods or outside storage of equipment or materials used in connection with the Special Use Permit.*

The applicant said he understood and agreed. Ms. Neale moved to approve the Special Use Permit with the conditions. Mr. Herendeen seconded the motion. The Clerk recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The Special Use Permit with the conditions was unanimously approved.

**PB 1202-10, SPECIAL USE PERMIT RENEWAL**

**NAME: HORST ENGELBRECHT, 2145 STABLEGATE DR.,  
CANADAIGUA, NY 14424:**

**LOCATION: 1780 NYS ROUTE 332, CARE – A-LOT CHILD CARE  
INC.**

**ZONING DISTRICT: GENERAL BUSINESS DISTRICT.**

**REQUEST: Request to renew a special use permit to allow a day care center**

Horst Engelbrecht, the property owner, and Carol and Bob Moore, the business owners, appeared for this application. Chairman Degear read the letter of application into the record.

Mr. Engelbrecht said there have been no changes in the business since the last renewal. However, he would like to raise an issue about a safety concern for the retention pond on the property. The old pond was two or three feet deep, not a major problem for people cutting through his property to or from the nearby apartments or children trying to skate on it. However, the Highway Department enlarged it to 10 feet deep. This is not only a

hazard to skaters or walkers but an automobile or school bus could drive into it during a white out. He spoke with Ed McLaughlin, the Highway Superintendent, about adding guard rails for safety since he does not think signage or curbs are sufficient. There are six feet high pine trees but would these hold back cars or buses? So far, no action has been taken by the Town. While they keep the day care children away, Mrs. Moore commented, children from the apartments might play there and fall in.

Chairman Degear asked staff for guidance. Mr. Brand suggested Mr. Engelbrecht ask for the privilege of the floor at the Town Board meeting and raise his concerns. Or he could write a letter to the Town Supervisor who will refer it to the appropriate committee.

Mr. Engelbrecht explained that he was on the Planning Board for the City of Canandaigua some years ago and did research on retention ponds because he was concerned about one there. Some areas have them fenced but others do not. In highly populated areas, the deeper ones are usually fenced. You can screen the fence with plantings. Mr. Moore added that he has seen children playing there without adult supervision.

Mr. Engelbrecht also raised the issue of missing areas of the sidewalk. Mr. Brand responded that there is a grant for a trail study which could include sidewalks. Mr. Degear added that the Comprehensive Plan Update Committee is also considering the sidewalk issue.

When the applicants finished speaking, the Chairman read aloud a memo from the CEO which said there are no complaints on file but people have written letters to the Town complimenting this facility. There were no problems observed during a Fire and Safety Inspection.

Mr. Brand noted that the Planning Board does not usually allow outdoor equipment for a Special Use Permit but made an exception for this business. There have been no problems or complaints. Mr. Moore pointed out that they are required to offer an outdoor recreation area by State law.

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. Herendeen and seconded by Mr. Makin. In a voice vote, all Board members present voted aye to close the public hearing at 7:27 p.m.

The Chairman asked for Board comments.

Mr. Makin said he is pleased at how well maintained the site is. He has also heard good things about their operation. He expressed concern about the drainage pond and hoped the Town would follow through.

Ms. Godly recalled a child had drowned in a Rochester drainage pond.

Mr. Herendeen had no comments.

Ms. Neale asked who owns the pond. Mr. Engelbrecht said it is on his property but the Town has an easement.

Mr. Degear also expressed concern about the depth of the pond. He advised the applicant to contact the Town Board. The Board members agreed. The Chairman asked Clerk O'Malley to make sure this discussion is in the Minutes.

Ms. Neale moved to waive the reading the Type II Action SEQR with Mr. Makin seconding. In a voice vote, all five Board members voted aye to carry the motion.

Mr. Engelbrecht asked about the SEQR action since a safety issue has been raised. The Director of Development explained that the Town controls the drainage easement for the pond so the appropriate authority to address is Town government. The applicant did not make the change—the Town did. This is why the Board is acting on a Type II Action SEQR.

Next, Ms. Godly moved to approve the Type II Action SEQR and Mr. Herendeen seconded. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

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

At the Chairman's request, the Clerk read aloud a draft Special Use Permit resolution with the following conditions:

1. *The application for renewal that is under review has been determined to be consistent with the provisions of Chapter 165, Section 72, of the Town Code.*
2. *The Special Use Permit is issued for the continued operation of the Care-A-Lot Child Care, Inc., facility, located at 1780 State Route 332, for a period of three (3) years and must be renewed on or before December 1, 2013.*
3. *The Special Use Permit renewal shall be made null and void with any change in use, site plan, or sign site plan components.*
4. *The need for a Final Site Plan is hereby waived based upon the finding that the Special Use Permit is to be conducted entirely from within the existing Principal Building located on the site and a valid Site Plan exists for this property.*
5. *There shall be no additional building mounted or free-standing commercial speech signage associated with this continued special permitted use on the property.*
6. *All site lighting shall remain compliant with the provisions contained in Chapter 165 of the Farmington Town Code.*
7. *There shall be provisions for off-street parking for any members to the site.*
8. *There shall be no on-street parking for any members or visitors to the site.*
9. *There shall be outdoor equipment or materials used in connection with the Special Use Permit within the area specified on the filed Site Plan.*

The applicants said they understood and agreed to the conditions. Ms. Neale moved to approve the SUP with the conditions. Mr. Makin seconded. The following roll call vote was recorded:

Meg Godly—aye

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The motion with the conditions was carried by a unanimous vote of all five Board members.

### **OPEN DISCUSSION:**

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

1. Mr. Brand reported that he was contacted yesterday by Terry Goodwin, Nothnagle Realtors, to schedule a meeting with the realtor, the CEO and the Director of Development about a developer's proposal for the Herendeen property.
2. Mr. Brand also reminded the Board members that there is a meeting of the Comprehensive Plan Update Committee tomorrow evening at 6:30 p.m. Unfortunately, the 2010 census information which is vital to this project has not yet been released.
3. He expected a Letter of Credit release from Auburn Meadows for tonight's meeting but it has not come in. The Chairman noted that the hydro seeding has not been done. Mr. Brand remarked that 20-22 lots remain in Section 3. Section 4 has not been started. The Planning Board was very clear about future Letters of Credit for Section 3. Mr. Degear added that it was very clear at the Town Board meeting, too.
4. Mr. Brand asked about working gravel pits in the Town. Mr. Herendeen said his is still in use but he gets very little business. He believes that his is the only active licensed one left in Farmington. Many old pits still exist and have not been reclaimed because they date from a time when there were no DEC regulations. Owners are also allowed to remove some gravel for their own use.

### **CODE ENFORCEMENT OFFICER REPORT:**

The Director of Planning and Development read Mr. Kofahl's report aloud:

1. The prospective new owner of the Soper property has contacted him. The closing will take place in January and he will come in for site plan approval. The business features on-line weapons sales. Will this be a shipping point for them?
2. The Weaver subdivision plat from Freeland-Parinello is in. A final utility plan from Ed Button is still needed.
3. Mr. Gupta will be returning for final approval in December. Some items are still missing.

**CHAIRMAN OF PLANNING BOARD REPORT:**

Chairman Degear reported:

1. He requests the Planning Board's involvement in the work of the Comprehensive Plan Update. The Committee will discuss Chapter 2: Assets and Constraints tomorrow. He encouraged the Board members to attend. Mr. Brand is encouraging all Town residents to come. Terry Goodwin will be there and may address the Committee.
2. The Chairman also said he attended the Ag Advisory Committee's meeting on the Comprehensive Plan Update. All present at that meeting agreed that Townwide drainage needs to be addressed at this time. Mr. Herendeen added that he is losing farmland to water on his property.

**PUBLIC COMMENTS:** *None*

**ADJOURNMENT:**

The next meeting of the Planning Board will be at the Town Hall on Wednesday, December 15, 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 7:46 p.m.

These minutes were taken and respectfully submitted by

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