

**TOWN OF FARMINGTON PLANNING BOARD**

**January 5, 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
- Scott Makin
- Mary Neale

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Amit Gupta, Monag Apparel, Victor NY; Don Jones, Farmington Ag Advisory Committee

**Excused:** Town of Farmington Code Enforcement Officer, Floyd Kofahl

**OPEN MEETING:**

The meeting was called to order at 7:02 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 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 DECEMBER 15, 2010 MEETING:**

Ms. Godly moved to approve the Minutes of the December 15<sup>th</sup> meeting with Mr. Herendeen seconding. In a voice vote, the motion passed with a unanimous aye vote.

**LEGAL NOTICES:** *None required*

**PUBLIC HEARINGS:** *None*

**SITE PLAN APPROVAL:**

**PB 0102-11, TWO-LOT FINAL SUBDIVISION APPLICATION**

**NAME** NANCY WEAVER, 1432 SAND HILL RD, SHORTSVILLE, NY  
14548

**LOCATION:** 1432 SAND HILL RD

**REQUEST:** A two-lot subdivision approval to create Lot 2 consisting of 1.484 acres, and the remaining lands of the parent parcel, (Lot 1), will consist of 0.919 acres with an existing dwelling.

No one was present to speak for this application. Chairman Degear asked for staff comments.

Mr. Brand said it has been a long process getting this application ready for final subdivision approval. The applicant started in August. The problem was that the

engineering and the surveying plans did not match. They are now ready for the Board's consideration.

The Town Engineer had no comments.

The Chairman requested Board comments.

Mr. Makin said he is glad this process is concluding.

Ms. Godly and Mr. Herendeen had no comments.

Ms. Neale said it has been a long road. It is nice that the process is ending.

Mr. Degear agreed with Mr. Makin and Ms. Neale. It is good that everyone is now on the same page.

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

1. *The Final Subdivision Plan is based upon the drawing prepared by Freeland-Parinello Land Surveyors, identified as "Nancy Weaver Subdivision, Lots #1 and #2, Final Plat," with last revised date of November 19, 2010; and the Engineering Design Drawings prepared by Edwin G. Button, P.E., for the Project entitled "Weaver, Sand Hill Road, Town of Farmington, On-site Utility Design Maps, Lot #2, Nancy Weaver," pages 1 through 8, with the revised date of 12/1/10.*
2. *All conditions of preliminary and final subdivision plan approvals must be met and shown on the signed Final Subdivision Plan and Final Utility Plans that are to be signed by the Planning Board Chairperson prior to the issuance of a Certificate of Occupancy and a Certificate of Compliance.*
3. *All site lighting shall remain in compliance with the Town Lighting Regulations contained in Chapter 165 of the Town Code or the Subdivision Plan Approval shall become null and void.*

Chairman Degear commented that this is the time when he always asks if the applicant understands and agrees to the conditions. The absence of the applicant will be taken as an affirmative response.

Ms. Neale then moved to approve the Final Subdivision. Mr. Makin 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 resolution with the conditions was approved by a unanimous aye vote of all five Board members.

**PB 1203-10 FINAL SITE PLAN APPLICATION  
FINAL SIGN SITE PLAN APPLICATION**

**NAME: MONAG APPAREL, AMIT GUPTA, 7263 ROUTE 96, VICTOR, NY 14564**

**LOCATION: 5911 LOOMIS RD, FARMINGTON, NY 14425**

**ZONING DISTRICT: GI**

**REQUEST: New use of existing structure for a Warehouse/Distribution Center, 48,000 square ft**

Amit Gupta appeared for his application. He said he had no further comments. He has fulfilled all requirements for preliminary approval.

The Chairman asked for staff comments.

The Director of Planning and Development said the applicant came in and met with staff. After going through the conditions for preliminary approval, he took the map back to Fisher Associates. The plantings have now been changed. Mr. Brand thanked the applicant for his cooperation, saying the new landscaping will make Farmington look very attractive from the Thruway.

Mr. Brand continued by saying that the Town Attorney reviewed the RG&E easement and determined that there are no restrictions on the sign and the plantings. Mr. Degear asked that this be entered into the record. The Director of Planning and Development told Mr. Gupta that he can continue to use the existing septic system or tie in with the nearby sewer lines. It will be his choice.

Mr. Brabant said his December 1<sup>st</sup> review letter has been addressed. Although he has not seen the current landscaping plan, it is sufficient that staff and the Board members are satisfied with it.

Next, Chairman Degear requested Board comments.

Ms. Neale said she is pleased with the applicant's efforts. His business will be a good addition to Farmington.

Mr. Herendeen expressed approval of the present site/sign plan.

Ms. Godly commented that the landscaping is a good fit for the site.

Mr. Makin said the site plan will make the site look better than he can ever recall.

Mr. Degear stated that he is very satisfied with tonight's plan.

At the Chairman's request, Clerk O'Malley read aloud a draft Preliminary Site Plan/Sign Site Plan with the following conditions:

1. *These two approvals are for Final Site Plan and Final Sign Site Plan only for proposed improvements to the property located at 5911 Loomis Roads. These two approvals are based upon the drawing prepared by Fisher Associates, identified as Project No. 102019, Drawing No. FA 1, with last revisions dated 12-21-10, entitled "Final Site Plan Monag Apparel, 5911 Loomis Road;" and the Drawing identified as Final Artwork Approval for Monag Apparel, a 2-sided aluminum panel sign, Version #1B, prepared by Sign Language Incorporated for 5911 Loomis Road.*

2. *All conditions of preliminary and final site plan approvals must be met and shown on a revised Final Site Plan and Final Sign Site Plan that are to be signed by the*

*Planning Board Chairperson prior to the issuance of a Certificate of Occupancy and a Certificate of Compliance.*

3. *All site lighting shall remain in compliance with the Town Lighting Regulations contained in Chapter 165 of the Town Code or the Site Plan Approval shall become null and void.*

4. *All site landscaping shown on the Site Plan, including the detailed Plant List quantities and sizes specified, and the Planting Notes specified, shall be installed on or before May 15, 2011 and shall be maintained.*

5. *Public Safety Signage, to be installed in accordance with the provisions of the Town Code, shall be installed before the Certificate of Occupancy and Certificate of Compliance are granted by the Town Code Enforcement Officer.*

6. *The Final Site Plan applies to the proposed sign as identified on the plan map. There is to be no illumination of this sign.*

7. *The Final Site Plan is granted with the understanding that the owner of the property over which the RG&E Easement is granted may use the property in any way consistent with the enjoyment of the rights given in the easement.*

Mr. Gupta said he understood and agreed to the conditions. Mr. Makin moved to approve the Preliminary Site Plan/Sign Site Plan with the conditions. 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 motion with the conditions was carried by a unanimous aye vote by all five Board members.

In response to an inquiry by the Chairman, the applicant said he wants to move in as soon as possible but it may take some time to do this. He expects to occupy the site by sometime in March.

Mr. Brand advised Mr. Gupta to bring in two paper prints for Mr. Degear to sign. The Chairman said he will come in to sign them as soon as he is informed that they have arrived

## **OPEN DISCUSSION**

### **Report: Director of Development**

#### **1. RFP Auburn Trail Project**

A draft extension plan for the Auburn Trail must be reviewed by the Genesee Regional Transportation Authority before going public. The City of Canandaigua is on board. There will be a committee with two representatives from each municipality as well as representatives from Victor Hiking Trails, Finger Lakes Trails and Ontario Pathways. The

goal is to complete the work by February, 2012, and then look for Federal grants to implement it. The draft is subject to further review.

## **2. Rules of Procedure**

The revised Rules for Procedure are in draft form. Mr. Brand requested input electronically by the Board for action at their Organizational Meeting on January 22<sup>nd</sup>. Chairman Degear explained that he asked for Mr. Brand's input.

## **3. Review Existing Land Use Plan Map**

The Planning Board's comments on this should be in by the January 13<sup>th</sup> meeting of the Comprehensive Plan Update Committee. The Chairman noted that they have found agricultural land listed as vacant. Mr. Herendeen volunteered to provide information about which areas are cropped regularly. Mr. Degear also commented on the amount of land occupied by wetlands and drumlins in the Town.

## **4. DEC Rules for Outdoor Boilers**

There are new DEC (Department of Environmental Conservation) rules for outdoor wood burning boilers. The Town Board will be addressing these since they affect Town regulations. Mr. Brand reviewed these and found some changes will be needed to the Town Code:

- a) They are a permitted principal use in the A-80 District. They should be listed as an accessory use.
- b) There are now different standards for residential and commercial boilers. Vendors must provide information about the unit being sold to the DEC and get a permit for it. This permit will be identified on the unit and is good for five years so the use cannot change during that time.
- c) The Code Enforcement Officer (CEO) will issue a Certificate of Compliance and Permit based on the above information.

The Director of Planning and Development added that the new regulations are very comprehensive. They list what cannot be burned in a boiler including garbage, tires, yard waste and coal. The unit must be at least 100 feet away from the property line for a residential unit and 300 feet for a commercial one.

Later on in the meeting, Mr. Brand remembered that he also wanted to report that Tomra would like a railroad siding to serve their facility. In looking at a former Prime Source permit, he found a proposed spur to the Tomra site which they did not pursue. They are now very committed to this concept. A DEC permit to cross wetlands was granted in the past. In the years since that application, the estimated cost has soared from \$275,000 to \$875,000 and the DEC has increased their regulations. In making a presentation to Victor-Farmington Rotary last week, a representative from New Energy Works told him they also want one and they believe Babcock lumber and Rochester Lumber are also interested. Could the siding on the Highway Garage Campus serve these needs? This might result in consolidation of services and revenue for the Town.

## **Code Enforcement Officer**

## 1. Chamber of Commerce Sign

Mr. Brand provided a report for Mr. Kofahl. John Malvaso has asked about the Town's requirements for this sign. However, since it would be located in the New York State right-of-way, the Town has no jurisdiction. The State Department of Transportation has denied permission for the sign.

The Sledgehammer's site has been sold and will be used again as a sports bar with large screen TVs. Mr. Brand noted that it will be called Shorts which is the same name as a very successful sports bar in Fairport. He hopes it will be a successful here.

## Town Engineer's Report

Mr. Brabant said he has no formal report but that two new applications have come in for review. One is for the extension of a business on Shortsville Road and the other is for Clean Your Carpets on the Potter property on Beaver Creek Road. The latter is presently a home occupation but the owner wants to expand his business with a commercial site.

## Chairman of Planning Board

### 1. Update on Comprehensive Plan

Mr. Degear said the Comprehensive Plan Update Committee is moving along on a tight schedule.

He reminded the Board members about the Organizational Meeting on January 22<sup>nd</sup>.

#### **PB 0101-11, PRELIMINARY SITE PLAN APPLICATION**

**NAME: EDWARD AVILA, P.O. BOX 464, HONEOYE FALLS, NY 14472**

**LOCATION: 6162 STATE RTE 96**

**ZONING DISTRICT: GB**

**REQUEST: To utilize an existing building for distribution, storage and retail products sold via the internet.**

The Chairman reminded the Board members that this application was originally scheduled for this evening. For the record, he said that the Planning Board met on Monday evening in a workshop and reviewed the application. They found the map too difficult to read, making it an incomplete application.

Ms. Godly added that the Town Code requires a site drawing even when there are no major changes to a site when the use changes. She suggested the Town Board consider amending the Code for such applications. Until that happens, the Planning Board must follow the requirements in the present Code.

Chairman Degear noted that the application was referred to the County and asked the Farmington representative to the County Planning Board (CPB), Ms. Neale, for input on their reaction to an incomplete application. She said their rules stipulate a readable site plan. In this case, the application would not be considered since the site plan is unreadable. Ms. Godly commented that the application should not be forwarded on to the CPB. The Board members agreed.

Mr. Degear apologized for signing off on the application without fully considering the package. Mr. Brand pointed out that he never signed off on it.

The Director of Planning and Development explained that, in working on a resolution for

this application, it was not clear to him what to do. When the site plan for an urgent care facility was submitted to the Board, the site was restricted to one driveway cut on Route 96. The sidewalk has never been finished. No landscaping is proposed. No information was provided by the applicant on these issues as well as site parking, site lighting and signage. All these were recently required of Mr. Valenti on the adjoining site.

Clerk O'Malley noted that a former CEO decided no Clerk should attend Planning Board Workshops to record Minutes and Resolutions. She expressed concern that a decision was made by the Board without due notice provided to the Town Clerk. Mr. Brand offered a verbal draft resolution for the Board's consideration this evening which would fulfill this requirement:

***WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) at a workshop held on Monday evening, January 3, 2011 did discuss the completeness of this application and whether it should be removed from tonight's public meeting agenda; and*

***WHEREAS**, the Planning Board members at the workshop did ask the Planning Board Chairperson to have said application removed from tonight's public meeting agenda; and*

***WHEREAS**, the Planning Board has identified tonight that there is information missing on the drawing submitted that is required to be shown on a Preliminary Site Plan for the new use to be located on this site,*

***NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to table the application until such time as there is both a Preliminary Site Plan for the proposed new commercial use of this site that meets Town Code requirements and a Preliminary Sign Site Plan that identifies all commercial speech signage for the proposed use.*

***BE IT FURTHER RESOLVED** that the information requested to be provided on a Site Plan Drawing shall among other items specify the number of required parking spaces for the new use per Town Code, a note prohibiting the use of the second driveway to Route 96, the time line for completing the installation of the missing portion of sidewalk across the frontage of the site, a detailed landscaping and planting plan for this property, site lighting details and sign site plan details.*

***BE IT FINALLY RESOLVED** that the applicant is to submit ten copies of the revised Preliminary Site Plan Map with a detailed Landscaping Plan and a detailed Sign Site Plan to the Town Development Office for staff review prior to the applicant being placed upon a new Planning Board agenda.*

Mr. Makin moved to approve the resolution with Ms. Godly seconding. In a voice vote, all five Board members voted aye to carry the motion. The Board members thanked the Clerk for catching this.

#### **PUBLIC COMMENTS**

Don Jones, a member of the Town's Ag Advisory Committee, asked how many existing wood burning boilers are in the Town. Mr. Brand estimated four or five. He asked if these would be grandfathered from the new State regulations. The Director of Planning and

Development said no, the rules go in effect for everyone in April.

Mr. Jones also expressed concern about agricultural land being listed as empty land on the Current Land Use Map. The Ag Advisory Committee, he said, will consider updating this at their January 18<sup>th</sup> meeting.

**ADJOURNMENT:**

The next meeting of the Planning Board will be at the Town Hall on Wednesday, January 19, 2011 at 7 p.m. There will be an Organizational Meeting at the Town Hall on Saturday, January 22, 2011 at 8:30 a.m.

Ms. Neale made a motion to adjourn with Mr. Makin seconding it. In a voice vote, all five Board members voted aye to adjourn at 7:54 p.m.

These minutes were taken and respectfully submitted by

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