

TOWN OF FARMINGTON PLANNING BOARD

November 17, 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

No applicants or members of the public were present.

Excused: Town of Farmington Director of Planning and Development, Ron Brand;
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 noted that there were no applicants or members of the public in the audience.

APPROVAL OF THE MINUTES OF THE NOVEMBER 3, 2010 MEETING:

Ms. Neale moved to approve the Minutes of the November 3rd Board meeting. Mr. Herendeen seconded the motion. The motion was carried by a voice vote of five ayes.

LEGAL NOTICES: *None required*

PUBLIC HEARINGS: *None scheduled*

SITE PLAN APPROVAL: *No applications*

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

Letter of Credit Release #10, Section 3, Auburn Meadows

Chairman Degear noted that this is the only item on the agenda tonight. It was laid over at the last meeting because the Board requested a report from Jim Peet from the Town Engineers, MRB Group, P.C. When he received the letter, Mr. Degear called Mr. Peet

for more information. Mr. Peet explained that, on the day the pipe was installed, the Town Construction Inspector, Mr. Henehan, accepted it. For this reason, there is very little the Planning Board can do even though it was not properly installed.

The Chairman told the Board members that, on future projects, they should require shop drawings. This was not done. Had shop drawings existed, he believed, someone would have realized the pipe was not long enough. Mr. Herendeen explained that the angle of installation was the reason for the error. Ms. Godly asked why this did not get caught by the engineers. Mr. Degear explained that, as he understands it from secondary sources, the contractor vetoed the idea of shop drawings as unnecessary even though his own engineers wanted them. **In future, the Planning Board members agreed, all conditions of approval should include shop drawings for the Town Engineer to review.**

The Chairman went on to say that he discussed this project with the Town Board's Operations Committee and they seem to be leaning toward having the Town Engineers inspect major projects in future.

Chairman Degear also reminded the Board of how difficult it was to get agreement on the bridge design. The guard rail is a second issue. The Planning Board stated very clearly that the guard rail would be steel. This is indicated on the Mylars. As a compromise with the Highway Superintendent, the Board agreed to have a wooden strip attached to improve the appearance. The photographs submitted clearly show a wooden guard rail.

In addition, there is a problem with the height of the guard rail. It is still not correct. Mr. Kofahl, the Chairman explained, is in charge of public safety and has expressed his concern about the height. As a result, the Chairman concluded, the Board is requesting that funds be withheld to entice the developer to raise the height of the rail.

Mr. Degear asked for Board comments. He stressed that the Board exercised due diligence in this matter and the later problems happened in spite of their careful work.

Ms. Neale said she is not happy.

Mr. Makin pointed out that there seems to be a trust issue with this developer. The Planning Board should not have to act as an enforcing agency.

At the Chairman's request, the Clerk read aloud a draft resolution for this letter of credit release with conditions:

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from James Gresens, P.E., MRB Group, P.C., the Town Engineer, to approve a partial release (Release # 10) from the above referenced Letter of Credit; and ***WHEREAS***, the Planning Board has also received and reviewed the Letter of Credit Release Form signed by all Department Heads, along with the Engineer's Estimates attachment thereto; and

WHEREAS, the Planning Board did lay-over, at its' November 3, 2010 meeting, consideration of this request to release the above referenced partial Letter of Credit #10, for Section 3 of the Auburn Meadows Subdivision, until a report was received by the Town from the Town Engineer; and

WHEREAS, the Planning Board has received a copy of a November 12, 2010 letter from James S. Peet, Town Engineer, to the Town Director of Planning and Development documenting the findings of the Town Engineering Firm based upon their site inspection; and

WHEREAS, the Town Engineer's Report revealed that, for the most part, the repairs made to the bridge/culvert area has left the improvements reasonably well protected; and

WHEREAS, the Planning Board is also aware that the Town Board, at its' meeting on Tuesday, November 9, 2010 did accept the remaining second Maintenance Bond that was previously requested by the Town Engineer on March 11, 2010, in the amount of \$ 5,729.20; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested release from the Letter of Credit,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this subdivision and the recommendations from the Town Department Heads and the Town Engineer's Inspection Report, does hereby recommend that the Town Board take formal action to approve the request to release a total of \$ 70,543.50 (Release # 10) from this Letter of Credit.

BE IT FURTHER RESOLVED that with this release the total Letter of Credit amount remaining will then have a balance of \$ 56,179.79 to complete the project and that there will be two Maintenance Bonds in effect for Section 3 of Auburn Meadows Subdivision, in the total amount of \$ 76,272.70.

BE IT FURTHER RESOLVED that all parties identified under the provisions of Chapter 144, Section 32.G. of the Town Code are hereby given notice that a Planning Board Resolution authorizing the final release of funds for improvements to be dedicated in Section 3 of the Auburn Meadows Subdivision Tract will not be considered until such time as there has been a written response to all of the issues identified in the September 16, 2010 MRB Letter to Councilperson Casale. In particular, the Planning Board will expect that the additional sections of guardrail identified in the September 16, 2010 MRB Letter will be installed in accordance with said letter's recommendations and at the proper height above finished grade.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide copies of this resolution to all parties identified under the provisions of Chapter 144, Section 32, of the Town Code.

Chairman Degear informed the Board that the wording of this resolution has been checked by Jeff Graff, the Town Attorney. Mr. Makin moved to approve the resolution with Ms. Godly seconding. 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 of all five Board members.

CODE ENFORCEMENT OFFICER REPORT: No report

CHAIRMAN OF PLANNING BOARD REPORT:

The Chairman moved on to his report. Projects are not being built as the Planning Board requests and the Board members are being left out of the loop. Even though the Board has complained, changes are still being made. He will consult with Mike Casale and Steve Holtz on the Ops Committee about this issue of field changes.

One example of conditions not being met, Mr. Degear explained, is the hammerhead in Section 3. This was a condition for approval but has not been built or paved. Maintenance equipment must turn around on a stone or dirt surface. However, one has been built in the Beaver Creek Estates subdivision by the same builder. He is asking the Ops Committee to check on the missing hammerhead. Mr. Herendeen commented that it is too late in the year to install asphalt—the best that can be done is to use millings.

The Chairman said that the issue, as he sees it, is a question of whether the developer is not doing as instructed by the Planning Board or if he is receiving other instructions in the field. Why have the haul roads never been built? The Planning Board and the Ops Committee need to look into this. Haul roads are needed to prevent heavy construction equipment and school buses from being on the same road. The maintenance bond for the roads is only held for two years. Damage is being done to dedicated Town roads by construction trucks.

Mr. Degear continued by saying that he also checked the Farmington Gardens site because the Code Enforcement Officer, Mr. Kofahl, believes the road is not wide enough for emergency vehicles to turn around. The drainage issue there also needs to be addressed. Phil Robinson, the Assistant Fire Chief, will drive a fire truck there this weekend to make sure it can maneuver. A third problem the Chairman found was that the back edge of the gutter is too high—his car bottomed out on it. He is asking the Town Engineer, Lance Brabant, to check on this.

Ms. Neale asked how the apartment residents can walk to the CVS Plaza. Chairman Degear said they have to use the sidewalk along Route 332.

It was noted that residents are already living in Farmington Gardens. Mr. Degear said there is a temporary Certificate of Occupancy. Ms. Neale pointed out that the greenhouse and patio still need to be finished.

Mr. Makin and Mr. Degear stated that there are many questions to be answered.

The Chairman then noted that a letter has been sent by Mr. Brand certifying that the Planning Board members met two hours of required training by reading and attending a training session on the update to New York Land Use Case Law.

Another pending issue discussed is the missing light at the Aldi's intersection. The Planning Board had asked Mr. Kofahl to check on this. The CEO reported to Chairman Degear that he contacted Jim Stathopoulos, the Plaza owner, but got no results. The Chairman then contacted Mr. Stathopoulos who said he is waiting for the fixture to arrive at the end of this month. Mr. Degear ascertained that this is the case from the fixture supplier, AJ Glass. Mr. Stathopoulos also told the Chairman that he will soon come before the Planning Board with some new projects.

Mr. Degear, as a member of the Comprehensive Plan Update Committee, passed around the handouts from the Committee's first meeting. He apologized for his error in telling the Board that they would have two representatives on the Committee. There is only one. However, the meetings are open if anyone on the Board wishes to attend. He thanked Ms. Neale for coming to the November 16th meeting.

Chairman Degear explained that one revision to the Plan will be the addition of a map of Town trails and sidewalks. The Planning Board can use these to see what connections need to be made in future. This work is important to the Board, he said, because case law now makes it important to base planning decisions on the Comprehensive Plan. Work must proceed quickly to meet the final May deadline.

The Board members reviewed a list of building permits issued since the 2003 Comprehensive Plan. They noted an increase in townhomes and apartments while Aldi's Market was the only major business approved and built. Mr. Makin expressed concern at the number of apartments being added as compared with the number of single family residences. He asked if the ratio of apartments to homes is higher than in other nearby towns. The Board member concluded by saying he believes development will move east to Farmington when the economy improved.

Next, the Board members looked at a list of what has been accomplished since 2003 from the list of goals in the first Comprehensive Plan. While the list of accomplishments is impressive, all agreed that townwide drainage remains an important challenge. The Chairman commented that he hopes the 2011 revision will push for this. The idea of a regional drainage system would be a good solution, he added, but it takes time to get all the involved towns on board. Mr. Herendeen expressed regret that cattails now grow on what was once farmland.

Ms. Neale questioned the recreation survey since so few Town residents were included. Ms. Godly explained that it was a statistically significant number. Ms. Neale will request a copy of the results from the Recreation Committee since she has not seen it.

Mr. Degear said it is time to update the 2003 Plan. The Planning Board is interested in PDRs (Planned Development Rights) and agricultural conservation. As he summarized other issues to be covered, Ms. Godly noted that developing paths for bicyclists might allow Farmington participate in some of the regional biking events which attract people from other areas. Mr. Makin pointed out that Rochester is trying to develop bike routes through the city.

The Planning Board members were also interested in the issue of conservation density design. Chairman Degear gave the example of Lakewood Meadows in Canandaigua. Ms. Godly asked for more information on “green” design.

The Board also discussed EPODs, a difficult issue during the last Comprehensive Plan. While it is important to preserve local drumlins, residents often want to site houses on them for the view.

When Chairman Degear mentioned the possibility of a new R-1-18 Zoning District, the Board members expressed surprise that this is under discussion. Would it replace the R-7.2 District? Mr. Makin said the Town needs a mix of housing. Mr. Degear pointed out that patio lots have been a problem because they were not used as intended.

Another goal to be accomplished, the Chairman said, is a trail through the Auburn Meadows subdivision. Farmington could then link to Canandaigua’s trails. The Town may need to build a lodge in the park there since the one in Mertensia Park has been so popular.

The Board members were interested in more information on “green” energy. How can this be implemented? They mentioned that they have tried to make developers aware of the importance of this subject. Ms. Neale added that more permeable driveways would help Town drainage problems.

Another topic coming from the CPU Committee meeting was the issue of sewers for northwest Farmington. The Planning Board members commented that several developers are eyeing this area and requesting sewer access. How long will septic systems continue to work in the 40-year old Briarwood subdivision? Pipes were laid when the Old Mill homes were constructed but no sewer connection was ever made. The Planning Board members requested to be involved in the issue of whether to reserve sewer capacity for existing homes first before new construction takes place.

Another issue of great concern to the Planning Board will be any changes to Special Use Permits. Mr. Degear asked the Board members what they want to see changed.

Another issue of current concern is in-law apartments. Several applications have come in to the Development Department. Ms. Godly suggested the Board hold a workshop on this issue.

The final matters discussed were several recent rezoning requests: the Herendeen property along Hook and Collette Roads, the area near the racetrack and a section along Canandaigua-Farmington Townline Road. Mr. Makin suggested more mixed-use zoning, giving the example of the Mercier Boulevard and Townline Road areas. There will also be pressure for development along Route 96 east of County Road 8. This, however, may be controversial.

Chairman Degear asked the Board members to remain interested and involved in the updating of the Comprehensive Plan.

PUBLIC COMMENTS: *None*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, December 1, 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 8:05p.m.

These minutes were taken and respectfully submitted by

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