

TOWN OF FARMINGTON PLANNING BOARD

September 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, Chairman
- Meg Godly
- Ron Herendeen
- Scott Makin
- Mary Neale

Also present: Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Amit Gupta, Monag International Inc., 7263 Route 96, Victor; Edward Hemminger, 5900 King Hill Dr.

Excused: Town of Farmington Director of Development and Planning, Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl

Note: The Minutes were taken by Patricia Eddy, Acting Clerk of the Board, since the Clerk, Leslie O’Malley, was on vacation.

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 AUGUST 18, 2010 MEETING:

Ms. Godly moved to approve the Minutes of the August 18th meeting with Mr. Makin seconding. In a voice vote, all five Board members voted aye for approval.

LEGAL NOTICES: *None required*

PUBLIC HEARING:

PB 0705-10, SPECIAL USE PERMIT

NAME: ERIK CARVOTTA

765 WEIGERT ROAD, FARMINGTON, NY 14425

LOCATION: SAME AS ABOVE

ZONING DISTRICT: A-80

REQUEST: A special use permit to allow a dog kennel. The applicant wishes to keep four dogs on his property. (Continued)

No one appeared for this application.

The Chairman read the applicant's letter into the record requesting withdrawal of his application for a Special Use Permit and reimbursement of his fee for this permit (a copy is attached to the hard copy of these Minutes).

Chairman Degear asked Edward Hemminger, Zoning Board Chairman, if it was correct that the Zoning Board of Appeals (ZBA) is sending this back to the Planning Board.

Mr. Hemminger explained that the Code Enforcement Officer, Floyd Kofahl, withdrew the requirement for a variance after reviewing the Code, based on input from the ZBA members. At that point, Staff recommended that the applicant pursue the Temporary Use Permit through the ZBA as a way to keep the four dogs for the period of time a Temporary Use Permit would allow.

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 and Chairman Degear then asked staff for comments.

Ms. Neale, who was present at the Zoning Board of Appeals meeting, stated that what Mr. Hemminger told the Board was accurate. She explained that Peter Ingalsbe stated at a previous Town Board meeting that a 2004 applicant with too many dogs was granted a Temporary Use Permit. This is a better plan because it does not permanently go with the property. After much discussion at the ZBA meeting, they decided to go this way.

Mr. Hemminger said we suggested to the applicant that he work with Staff to ask the Town Board to allow the money for the variance request be reapplied to his Temporary Use Permit application since the Code Enforcement Officer withdrew the variance requirement on reinterpretation.

A letter from the Director of Planning and Development, Ron Brand, was also read aloud. It stated that the ZBA is asking the Town Board to waive the fee for a Temporary Use Permit by using the fee already paid for the area variance application.

Chairman Degear asked the Board if they had any further comments but no one had anything else to add. Mr. Degear said since there is no need for a Special Use Permit, the Board will close the Public Hearing and take no action. Acting Clerk Eddy read aloud a draft resolution to close the Public Hearing and accept the withdrawal of the application. Mr. Degear moved to approve the resolution with Mr. Herendeen 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 passed with a unanimous aye vote.

PUBLIC HEARING:

PB 0702-10, TWO LOT PRELIMINARY SUBDIVISION APPLICATION
NAME: NANCY WEAVER, 1432 SAND HILL RD, SHORTSVILLE, NY 14548
LOCATION: SAME AS ABOVE
ZONING DISTRICT: A-80
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. (Continued)

No one appeared for this application.

Chairman Degear explained, for the record, that the Director of Development met with Ed Button, P.E., on Tuesday, August 24, 2010 to discuss the Planning Board's concerns with the maps and drawings submitted. Mr. Button was requested to prepare a Preliminary Plat Map combining the information shown on the Freeland & Parinello Survey Map with the design plans for the on-site waste water treatment system. Mr. Button was requested to add topographic data and to show the driveway and turn around area on the Plat Map. He was also asked to show all existing trees and the easements for the driveway and well supply. The latter are to be obtained from the adjacent property. Mr. Button was informed that Final Plat Map approval would require the Liber and Page be shown on the map prior to the Planning Board Chairperson's signing. It was explained to Mr. Button that all this information is to be shown on a Preliminary Subdivision Plat Map prior to the Planning Board's acting on it. Mr. Button gave no date when the Map would be ready.

Chairman Degear recommended continuing the Public Hearing until the next meeting on October 6, 2010.

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 and Chairman Degear then asked staff for comments. There were no further comments.

Finally, Clerk Eddy read aloud a draft resolution to table the application and continue the public hearing until the October 6, 2010 Planning Board meeting and that the applicant provide the map information requested to the Town Staff on or before noon on September 22, 2010. The motion was made by Ms. Godly and seconded by Mr. Herendeen. 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.

SITE PLAN APPROVAL:

PB 0807-10, PRELIMINARY SITE PLAN APPLICATION

NAME: AMIT GUPTA, MONAG INTERNATIONAL INC., 7263 ROUTE 96, VICTOR, NY 14564

LOCATION: 5911 LOOMIS RD., FARMINGTON, NY 14425

ZONING DISTRICT: GENERAL INDUSTRIAL

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

Amit Gupta appeared for this application. He said he owns Monag International Inc., an apparel company in Victor for eight years. The firm is looking to expand.

Chairman Degear stated that there are existing buildings on this site which have concerned the Board for several years. He asked Mr. Gupta what his intentions are for those old buildings.

Mr. Gupta said our focus is on the warehouse itself right now. We might use the old buildings for some kind of office space down the road. For now, there will be a storage and distribution center and the office will remain in Victor.

Chairman Degear stated that the Board wants the site to be cleaned up. It has been neglected and he is sure the applicant would like to see it look as good as possible with landscaping and a grassy area.

Mr. Gupta replied that he definitely wants to improve the looks of the place. It's just a matter of time for this to happen. We will have the property cleaned up and landscaping done. It will be changed quite a bit. Once we move in we will begin cleaning up.

Chairman Degear said if you are willing to do that it will certainly be given consideration. It makes us more comfortable on our approval.

Lance Brabant, the Town Engineer, stated he had several items which need to be addressed. Mr. Brabant then read the following ten items:

1. *A color architectural rendering of the building and site should be provided to the Town of Farmington to assist them in their review regarding the aesthetics of the site including the building materials and color scheme, and signage.*

2. *The proposed customer parking areas should be identified on the plans. Calculations supporting the number of spaces provided should be labeled on the plans.*
3. *The ADA required handicapped spaces should be depicted on the plans. The appropriate stall dimensions should also be provided.*
4. *Will a dumpster be located onsite? Please note that an enclosure is to be provided and a detail added to the plans.*
5. *The water service lateral should be depicted on the plans. The size and material should be labeled on the plans.*
6. *Detailed information regarding the existing septic system (type, year installed, tests, etc...) should be added to the plans.*
7. *How does the applicant intend to handle roof runoff? All proposed or existing roof leaders should be identified on the plans and directed away from building foundations and neighboring properties. A note to this effect should be added to the plans.*
8. *Is additional lighting proposed with this application? A note should be added to the plans stating that "all lighting is to be dark sky compliant".*
9. *A detail of the chain link fencing should be provided on the plans.*
10. *Is additional landscaping being provided with this application? A landscaping schedule identifying all proposed landscape by name, size and quantity as well as tree and shrub planting details.*

Mr. Gupta responded as follows:

1. We do not plan on doing any changes to the exterior of the buildings so I am hoping not to have to provide this.

2. and 3. We will identify the parking locations and the handicapped spaces on the plans.

4. We do not plan on having a dumpster onsite.

5. We will get in contact with the Water and Sewer Superintendent regarding the location, size, and material.

6. We did invest in getting the septic system inspected. If there was something wrong I would definitely make the changes but so far it looks to be in very good condition. At this point we do not plan on replacing the system. There are two septic systems on the land and both were inspected and approved. I will provide you with a copy of the inspection letter. Mr. Brabant stated to the Board that the Water and Sewer Superintendent told him he had inspected the septic systems and provided a letter to the Town Staff regarding the inspection.

7. and 8. These will be noted on the plans.
9. This is an existing fence and we will identify the material on the plans.
10. We will be doing landscaping and will provide that information to the Board.

Chairman Degear at this point asked staff for comments. There were no further concerns.

Mr. Makin moved to waive the reading of the SEQR and Ms. Godly seconded the motion. A voice vote was taken with five (5) ayes. Next, Mr. Herendeen moved to approve the resolution and Ms. Neale 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 passed with a unanimous aye vote.

At the Chairman's request, Ms. Neale, the Town representative on the County Planning Board, stated that an administrative review was done on this application.

Finally, Clerk Eddy read aloud a draft Preliminary Site Plan resolution with the following conditions:

- 1. The Preliminary Site Plan approval is based upon the drawing prepared by Fisher Associates, entitled "5911 Loomis Road, Town of Farmington, Ontario County, New York, Preliminary Site Plan (Northerly Portion)." Said drawing is further identified as Project No. 102019, Sheet 1 of 1, with a revised date of 8-13-10.*
- 2. There is to be a note added to the Preliminary Site Plan that reads ... "All Site Lighting shall comply with Chapter 165 of the Farmington Town Code." The Final Site Plan shall show the lighting illumination patterns for all site lights.*
- 3. Prior to submission of a Final Site Plan, the applicant shall provide the Town with a written response from the Town Water & Sewer Superintendent as to whether or not the applicant may continue to use the on-site waste water treatment system, or connect to the public sewer running across the front of the parcel.*
- 4. Prior to submission of a Final Site Plan, the applicant shall provide the Town with a written response from the Town Code Enforcement Officer as to whether or not the existing vacant structures located in the northwest portion of the site may be occupied. In addition, any repairs that may be needed to these structures to bring them into Code compliance shall be noted in the CEO's report.*

5. *The Planning Board requires a more detailed landscaping plan be prepared that is in accordance with the Board's Site Design Guidelines that were adopted on January 16, 2010 or the posting of a landscaping bond in the amount of \$5,000.00 with an installation date of May 15, 2011. This landscaping information is a condition of Preliminary Site Plan Approval and will be required to be shown as a note on an amended Preliminary Site Plan prior to the Planning Board Chairperson's signature.*
6. *The applicant is placed on notice that prior to the issuance of a Certificate of Occupancy for this property, a Building Identification Sign, or Site Sign Plan with Street Address numbers shall be submitted and approved by the Planning Board.*
7. *The applicant is to provide two (2) copies of the revised Preliminary Site Plan, with a revised date of no later than October 13, 2010 for signing. One signed copy is to be filed in the Town Development Office and the other signed copy is to be returned to the applicant. Once the signatures have been affixed then the Planning Board will entertain an application for Final Site Plan approval.*
8. *Preliminary Site Plan Approval shall expire within six (6) months of the date of signing by the Planning Board Chairperson.*

Chairman Degear asked Mr. Gupta if he understood the eight conditions of approval and if he had any objections to the conditions. Mr. Gupta replied that his only concern is about the septic tanks. He did as the Town requested, verifying that the systems do work. He needs to know the Town's assessment of the system before I proceed.

Chairman Degear stated that the approval of the septic system will have to come from the Water and Sewer Superintendent. Mr. Degear then asked the Town Engineer to follow up on the approval. Mr. Brabant replied that he would and would ask that the requested letter be provided.

The above Resolution was offered by Mr. Makin and seconded by Ms. Neale. The following roll call vote was recorded:

Scott Makin - aye
 Ron Herendeen - aye
 Meg Godly - aye
 Mary Neale - aye
 David Degear - aye

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

PUBLIC COMMENTS

Chairman Degear asked Edward Hemminger to address the Board with his concerns.

Mr. Hemminger stated that he is present at this meeting as a Town resident. He is aware that the Planning Board has been asked to render an opinion on a request to rezone the

property behind his property. It is currently Limited Industrial and has been requested to be rezoned R-1-15.

Chairman Degear read into the record the letter dated August 18, 2010 addressed to the Town Supervisor requesting the zoning change of 69.30 acres along the east side of Hook Road, the south side of Collett Road and north of King Hill Drive from Light Industrial to R-1-15 Residential. The letter was signed by Harold F. and Carolyn W. Herendeen.

Mr. Hemminger said he would like the Planning Board to address the following types of concerns or at least take them into consideration:

- 32 affected residents purchased homes, many specifically so they would not have another home in their back yard looking into their bedroom windows
- Residential zoning does not provide for privacy such as berms while Limited industrial does
- The Town spent a lot of money and time on a Comprehensive Plan
 - Rezoning of this parcel is not in alignment with the Comprehensive Plan
- There are serious concerns for the drumlin, wetland and hedgerow
 - Who will maintain the drumlin and wetland?
 - Will the drumlin be removed as in our subdivision?
 - Will access roads be located over the drumlin?
 - Will the hedgerow be cleaned out—a number of trees (on said parcel) have fallen in the last few years and are in serious need of review?
- Precedent Setting Issue
 - If a parcel does not sell at the applicant's asking price in a certain period of time, then can the property be rezoned to whatever the applicant wants? There would be many parcels affected by this.

Mr. Hemminger expressed concern about this proposal and the impact it could have on 32 Farmington homeowners. It may be considered by some to be a “not in my back yard” reaction. He would partially agree with that. He does not wish Mr. Herendeen any financial difficulty because of the zoning of this property. Rather, he would like to see the Development Office work with Mr. Herendeen to see if there are any alternative zoning options which would preserve some privacy for the affected residents while addressing Mr. Herendeen's financial issues.

Chairman Degear said he has had phone conversations with Mr. Hemminger and with Mr. Brand concerning the rezoning. The Town Board is asking us to consider it. We have spent a lot of time on the Comprehensive Plan and that parcel has been the topic of discussion for many meetings. It has never been taken lightly by the Town Board or by the Planning Board. I have an issue with it not being in compliance with our current Comprehensive Plan and I think we should ask Staff to review our R-1-15 District and see

1. what is available,
2. what changes could be made that would be considered good planning, and
3. review the Comprehensive Plan and zoning maps regarding this issue.

On behalf of the Planning Board members, the Chairman requested a report to be sent to them on these issues. When the report is received, he said, we can consider it and ask the Town Board to take the issue to a Public Hearing.

MS. Neale said she feels the Board definitely needs more information. Consideration needs to be given to the drumlins, the wetlands and the steep slopes. These were not considered in the previous Comprehensive Plan.

Mr. Makin said it was an A-40 District originally and he opposed the change to Light Industrial so he is concerned about this request.

Ms. Godly said maybe there are some other planning opportunities or other ways to find a good fit. She asked for a study and to have Staff assist with the suggestions. There are a lot of concerns on both sides. There has to be some planning avenues that haven't been brainstormed yet for that parcel.

Chairman Degear said he felt we need to have our planning staff advise us. Therefore, we are going to ask the Planning Department to provide us with further information on the zoning request.

DISCUSSION

OPEN DISCUSSION

Report: Director of Development

1. Amber Drive Bridge/Culvert Design

Mr. Brand provided a written report. There was a meeting yesterday morning of Town Staff with the Town Engineers to discuss this matter. It was decided that MRB Group, P.C., would submit an alternative solution to the installation that would:

- (1) Result in reducing the steepness of the side slope on the south side of the bridge/culvert;
- (2) Remove some of the earth fill material extending easterly from the sanitary sewer manhole on the north side of Amber Drive to a point where all portions of the guardrail would be at the 36-inch height as required on the Final Plat Maps; and
- (3) There are to be two additional sections to be added to the guardrails on both the northeast and southwest sides.

It was stated that the change in the guardrail material was authorized by the Town Highway Superintendent as he is empowered to do under the Town Highway Law. The Town Engineers are to submit their solution to Town Board member Michael Casale. He, in turn, will ask the Town Highway Superintendent to arrange a meeting with Ernie Ackerman and Walt Baker to seek their alternative design solution. Copies of the MRB response to

Mr. Casale will be provided to the Planning Board. Once this matter has been resolved, the Letter of Credit Release #10 for Section 3 at Auburn Meadows will be submitted to the Planning Board for its consideration.

Mr. Brabant, the Town Engineer, stated that he attended a meeting on Tuesday morning along with James Peet of MRB Group, P.C., Ron Brand, Director of Development, Jack Henehan, Town Construction Inspector, Jim Crane, Water and Sewer Superintendent, and Ed McLaughlin, Highway Superintendent. They met to discuss the Town's public safety issues with the guardrail and some of the installation concerns with the culvert. Mr. Casale, on behalf of the Town, asked him to look at the design and installation and check if there are any real concerns about public safety issues. He was asked to write a memo suggesting some potential alternate designs to make it safer.

The Town Engineer went on to say that, in regard to the steepness of the side slope, one option is to build out the side slope using a beam and baskets of rocks. Grass could be provided on top of those. That will give us a little more separation between the culvert top and the guardrails and sidewalks. Regarding the 36-inch requirement for the guard rail, the solution would be to remove some of the excess dirt on ground level to give it the proper height. Two additional guardrail sections can be added on both ends where there is a fairly large opening to the culvert to create a safer situation. These suggestions will be outlined and presented to Mr. Casale and to those who attended the meeting. Planning Board members will be copied in. Mr. Casale will then request that Mr. McLaughlin generate a letter to be presented to the Design Engineer and to the applicant, Ernie Ackerman, regarding changes to that facility.

Chairman of Planning Board Report:

1. Preliminary Site Plan Signature Anthony Valenti Used Cars Sales

There is one paper print of the revised Preliminary Site Plan ready for the Chairperson's signature. Mr. Valenti was made aware that he would need a second copy if he wanted a signed copy. He declined, stating that he would want a copy of the signed Final Site Plan when that was ready. One note, Condition #5 on the Preliminary Site Plan, states that the proposed sidewalk is to be installed across the entire frontage of the site on or before October 1, 2011. The Planning Board Resolution stated that the applicant has until October 31, 2011 to install this sidewalk.

Chairman Degear made the Board aware of the date change before he signed the revised Preliminary Site Plan. Mr. Degear stated that with Board approval he would initial the change and sign the revised Preliminary Site Plan. All Board members approved the signing.

2. Final Subdivision Plat Map Signature VanderWall Subdivision

The driveway to the intersection of Yellow Mills Road and Turner Road (Lot #2) has been removed from the Subdivision Plat Map. Chairman Degear said with Board approval he will sign the Plat Map. All Board members approved the signing.

3. Section 2 Saratoga Crossing Signature Final Site Plan

All Town Department heads and the Town Engineer have signed-off on this plan. Chairman Degear asked the Town Engineer if he had gone through the Saratoga Crossing Plan. Mr. Brabant replied that MRB staff had gone through the plans checking their comments and conditions of approval. Town Staff also went through their concerns. Everyone has signed off on it. Chairman Degear stated he would sign the Saratoga Crossing Plan if the Board approved. All Board members approved the signing.

Code Enforcement Officer—no report

General Code Amendments

Inserts to Board Members Code Books

The Town Clerk asked the Board members to be sure their Code Books are current and updated. Chairman Degear asked that the new amendment be inserted into the members' Code Books. Each member inserted their new amendment into their Code Book.

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Thursday, September 16, 2010 at 7 p.m.

Mr. Makin made a motion to adjourn with Mr. Herendeen seconding it. In a voice vote, all five Board members voted aye to adjourn at 8:15 p.m.

These minutes were taken and respectfully submitted by Patricia Eddy, Acting Clerk of the Board. They were later edited by

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