

TOWN OF FARMINGTON PLANNING BOARD

January 22, 2011

APPROVED ORGANIZATIONAL MEETING 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
Ron Herendeen
Scott Makin
Mary Neale
Excused: Meg Godly

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Supervisor Ted Fafinski; Town Board members Steven Holtz, Michael Casale, Peter Ingalsbe

OPEN MEETING:

The meeting was called to order at 8:37 a.m. Mr. Degear explained that there is no formal agenda. The Town Supervisor will speak first, followed by Town Board members and the Director of Planning and Development. Finally, the Planning Board will discuss their Rules of Procedure.

REPORT OF THE TOWN SUPERVISOR:

Commercial Development:

Mr. Fafinski began by reporting that there has been a flurry of activity in the restaurant field. Shooters Restaurant in Fairport has leased with an option to buy the former Sledgehammers on Route 96. The Town Board members visited their Fairport location and found it is very family-friendly. Patrons said they love to come there because their children enjoy watching sports on the large-screen TVs. The menu includes pasta and other dishes to appeal to both parents and children. It should be a good addition to Farmington.

Another future dining facility will be A Taste of Italy, a deli formerly in Victor. The owner is interested in the former Movie Gallery location on Mertensia Road. In addition to selling Italian specialties, they serve soup, sandwiches and pasta.

A couple with experience in the ice cream business is interested in leasing Carmen Laviano's business on Route 332. This is only in the preliminary negotiation stage.

Residential Development:

Slowly but surely, the Town Supervisor said, things seem to be improving. Unlike other areas, housing in Farmington has continued to sell even during the recession.

One economic issue, he continued, is a new policy by RG&E. Formerly, they would repair damaged light poles and then go after the person who did the damage to recoup their costs. Now they will bill the Town and the Town must track down the perpetrator. There is a sheared-off light fixture at present in Phillips Landing which will cost \$2,000 to repair so this change can be costly to Farmington. However, when an uninsured driver damaged the Kyte Road bridge, the Town succeeded in getting repair costs back from that person.

Mr. Fafinski went on to explain that decorative lighting poles in subdivisions are owned by the Town, not RG&E. There are 29 special districts (sidewalks, lighting, water and sewer) in Farmington, each with its own budget. Many other towns make all residents pay for these amenities, not just those benefitting from them. Since we are 70% rural, this would not be fair to the majority of our residents. Lighting districts are a significant government expense.

The Town Board, he explained, wants to see diversity in housing types. After several Ryan Homes subdivisions, we now have the Beaver Creek subdivision which will offer different home styles. This is an issue for the Comprehensive Plan Update Committee. The Town Board representative is Mr. Holtz with Mr. Casale as back up.

The Town Supervisor raised the issue of the land behind King Hill Drive, presently zoned Limited Industrial. A developer (not Ryan Homes) would like to see it rezoned residential. While the residents of King Hill Drive have some concerns, would they also object to factories behind their homes? The rezoning is an issue for updating the Comprehensive Plan since the State now says any rezoning must follow the Comprehensive Plan.

A change in the STAR exemption regulations makes persons earning over \$500,000 ineligible. The State has provided the tax assessor's office with those households in Farmington earning over this amount. There are ten definite with ten more possible. The interesting fact, Mr. Fafinski said, is that these households do not necessarily reside in upscale housing.

State Issues Impacting Farmington:

The Governor is proposing a property tax cap for schools. Victor School District is a large one with 200-300 more students registering this year. However, a small district would hurt very badly with a 2% cap. Supervisor Fafinski explained that it can be overridden but it would take a 66% vote of residents to override, an unlikely occurrence.

The Supervisor pointed out that 90% of the County tax levy is used for Social Services under nine State mandates. New York State offers a Cadillac program of Social Services.

2012, he continued, will be a much worse year for Ontario County unless the State Legislature acts. One solution being pursued by the County is privatizing some services, for example, home health aides and visiting nurses. The County found that the cost of offering public services was high with a low number of beneficiaries using it. The County nursing home is now being studied

to see if there is a more economical way to provide this service. In response to a question from Mr. Degear, Mr. Fafinski said we will see more privatization where possible.

Governor Cuomo is proposing to lay off State workers and consolidate State agencies. These agencies, Supervisor Fafinski pointed out, are not competitive with business time frames. He gave the example of a Farmington business which applied to NYSERDA for a grant to install energy-saving measures. They first discussed the application with staff there and were told their program fit the guidelines. When they were turned down, they requested a meeting with State staff. At that meeting, they were informed that they were rejected because they were unknown to agency staff. A State Agency is not allowed to do this.

This firm, the Supervisor said, has been in business for 20 years and in Farmington for at least 10 of these years. The products they would use to save energy would be manufactured in New York State whereas firms obtaining grants were buying overseas or in other states. Supervisor Fafinski has now referred the matter to the New York State Comptroller for investigation.

Board Questions:

Mr. Degear asked how the Planning Board can help the Town Board. Mr. Fafinski asked the Board members to be careful in approving lighting districts for small (6-7 homes) subdivisions in rural areas. Town residents coming from more urban areas sometimes expect an unrealistic number of lighting fixtures.

Mr. Degear explained that the Planning Board is concerned with public safety. The Supervisor suggested asking developers to install dusk-to-dawn lights at the end of each driveway. The homeowner would pay for the electricity used and the maintenance of the fixture. Mr. Ingalsbe explained that the residents of Stonewood wanted street lighting. However, when a resident circulated the petition door-to-door, not one homeowner would sign. If they had to pay, they were not interested. Mr. Fafinski added that Doe Haven is in a lighting district but the residents do not want light poles installed.

When there were no more questions, the Planning Board Chair thanked the Town Supervisor for his comments.

COMMENTS FROM THE DEPUTY SUPERVISOR:

Agriculture:

Mr. Ingalsbe said that Town residents are concerned that the Bowerman Road property might be sold. The development of farmland is a concern for the Comprehensive Plan Update. Mr. Degear said that the Ag Advisory Committee met to discuss this. They wish to keep the Bowerman and Mandrino properties agricultural. Would a Conservation Easement do this? Mr. Fafinski commented that, due to the high price of gasoline, farmers do not want to move their equipment through a residential area to get to their fields.

Mr. Herendeen explained that the next generations in farm families do not want to farm. What can the elderly farmer do? He needs income which he can get by selling his land. Mr. Degear said that the Payne family members are a good example of this. The older generation own many

acres of farmland but the younger generation are more interested in working for the Country Max stores.

Mr. Ingalsbe pointed out that, if the Town purchases development rights, there is no guarantee that anyone will come in and farm that property. Mr. Herendeen replied that someone will farm it if the Town picks areas to be preserved carefully. Mr. Casale added that, in order to obtain funding, the land must be in danger of development.

Supervisor Fafinski commented that the horse industry wishes to be considered agricultural. This idea is now getting acceptance. Mr. Herendeen explained that the racetrack has increased interest.

The Supervisor raised the issue of changes in the types of crops being raised. Mr. Degear responded that cabbages are one popular crop. Mr. Casale complained that the trucks hauling the crop put large amounts of dirt on the roads because they harvest even when it is wet. Mr. Herendeen explained that the dates to harvest cabbage are crucial so they must be picked even when it is wet. Otherwise, farmers wait for dry weather.

Auburn Meadows Bridge:

Mr. Ingalsbe asked the Board members about the Auburn Meadows bridge. Ms. Neale said the guard rail is a public safety issue. The developer should have installed it according to the Planning Board's conditions for approval. This did not happen. It appears that the developer is not interested in the safety of his homebuyers. She personally feels very strongly about this.

Mr. Herendeen said he has mixed feelings. The Highway Superintendent approved it and safety is his job. We assume the wooden railing will work at low speeds. The problem comes from conflicting ideas and a lack of communication. He would like to see the Planning Board's conditions followed. However, it does need to be longer. Ms. Neale agreed with this.

Mr. Makin began by thanking the Town Board for his re-appointment to the Planning Board. This is a very interesting job and allows him to serve his Town. In regards to the bridge, he sees a broader issue. There have been problems with this developer from the start of the Auburn Meadows subdivision. Mr. Ackerman has criticized the Town Engineer and constantly argued with the Planning Board. Mr. Fafinski added that there were major problems with failed septic systems in Mr. Ackerman's Stonewood subdivision.

Mr. Makin concluded by saying that, once the recession ends, Farmington will be the next big area for development.

Since Ms. Godly was excused today due to illness, Mr. Degear summarized an email that she sent the Planning Board. Her concern was that what was built is not what was approved. The issue is safety.

Mr. Degear's own comments were that the developer agreed to the conditions but did not follow them. He gave his word. Mr. Degear has a problem with that.

Mr. Ingalsbe said, for the record, a steel guard rail with a wooden facing was approved by the Planning Board. Mr. Casale explained that the Highway Superintendent contacted the State and was told that a wooden rail in a 30 mile-per-hour zone is sufficient. However, the length of the rail is wrong as well as the length of the pipe. The grading is incorrect. Mr. Ackerman agreed to fix the length of the rail and regrade but did not do it. The problem lies with the developer. Will he fix these issues in the spring?

Mr. Casale also addressed the issue of communication. He found that the Highway Superintendent was not aware of the septic problems in Stonewood.

Mr. Degear addressed his concerns to the Town Board members on the Government Ops Committee. He said that field changes have been a problem for the past five years: first with Phillips Landing and now with Auburn Meadows. The Planning Board feels that these changes should be brought back to the Board. However, Town Department Heads do not agree. He listed some of these issues:

1. There was no temporary seeding or mulching to control erosion at Phillips Landing and no haul road was built or used.
2. The berm in Auburn Meadows was not built and the bridge is not what was specified.
3. The gutters in Farmington Gardens are a hazard to cars and a turn area for snow plows shown on the plans was not installed.

On the last issue of the cul-de-sac at Farmington Gardens, Mr. Ingalsbe explained that Mr. McLaughlin does not want this large expanse of road dedicated to the Town.

Mr. Casale asked if the Planning Board would like a meeting with the Government Ops Committee, the Highway Superintendent and the Construction Inspector to try to improve communications. It is not good for the Town to have such issues. The Town Supervisor explained that Mercier Drive is in a Town lighting district. The roads must be dedicated in a lighting district. He is proposing to dissolve the Covington Commons lighting district since none of the roads there are dedicated.

Mr. Ingalsbe suggested that only a portion of the road be dedicated since the cul-de-sac will not remain once the road is extended. Mr. Fafinski added that there could be an easement in the circle for the plows to turn around.

The Director of Planning and Development said that the design for the road was part of Phase 1 when Incentive Zoning was approved. The problem, as he sees it, is that the authorizing officials sign off on what has not been approved. He asked Government Ops members to speak with the Town Attorney before the Town Board meets to approve the Auburn Meadows letter-of-credit release. In future, inspections by the Town Engineer will be required. There is always a learning curve.

Mr. Makin asked about procedures in other towns. Mr. Brand explained that other towns usually have the Town Engineer do inspections because they do not have a Construction Inspector.

Mr. Brand also raised the issue of the missing sidewalks for Pheasants Crossing. Mr. Degear explained that the Highway Superintendent waived these. However, there is a lot of foot traffic from this development to the neighboring Mertensia Park. Again, there is a public safety issue. What can the Planning Board do?

Mr. Casale commented that each experience leads to a growth in knowledge.

Mr. Ingalsbe noted that any change in orders can delay a contractor. Mr. Degear said that if he would make a field change without authorization in his job, he would be unemployed. All agreed that the Town Engineer should be called in for any future field changes and the Planning Board informed. Government Ops will convene a meeting of all involved parties to improve communication and create procedures.

Mr. Holtz said he had no report.

REPORT BY THE DIRECTOR OF PLANNING AND DEVELOPMENT:

Mr. Brand said 2011 will be a busy year: the Comprehensive Plan is being updated, a study must be done for a trails grant received, and grants need to be sought for developing the community center. Input for the Comprehensive Plan Update is due soon. The Future Land Use Plan Map will be filled in this week. There are issues with conflicting opinions for certain pieces of land. Requests for rezoning have been received. The Highway Garage Campus is another big project this year. A rail spur for TOMRA has been requested.

The Director of Planning and Development went on to say that a business on County Road 41 plans to enlarge its facility and add 30 jobs moved from Penn Yan. This provides an opportunity for them to upgrade their property. The Town Supervisor added that the County IDA brought these jobs here.

The owners of the ESL building, Mr. Brand said, are seeking to sublease 16,000 square feet.

In regards to residential housing, Mr. Brand reported that Saratoga Crossing is working on Phase 2. The townhomes on Elizabeth Way still need street lights (they are in a lighting district), sidewalks and landscaping.

Mr. Degear thanked the Town Board members and the Director of Planning and Development for their input.

PLANNING BOARD RULES OF PROCEDURE:

The Board members agreed to change the section on Monday night Workshops to read that the Clerk takes the Minutes. Mr. Kofahl has agreed to this. Otherwise, they were satisfied with the draft copy. The Clerk was asked to append the Town Board's resolution on training hours. Mr. Makin moved to approve the Rules of Procedure with Ms. Neale seconding. Clerk O'Malley recorded the following roll call vote:

Ron Herendeen—aye

Mary Neale—aye

Scott Makin—aye

David Degear—aye

The motion was carried unanimously.

PUBLIC COMMENTS: *none*

ADJOURNMENT:

The next regular meeting of the Planning Board will be at the Town Hall on Wednesday, February 2, 2011 at 7 p.m.

Mr. Degear adjourned the Organizational Meeting at 10:12 a.m.

These minutes were taken and respectfully submitted by

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