

TOWN OF FARMINGTON PLANNING BOARD

March 2, 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
Ron Herendeen
Scott Makin
Mary Neale
Excused: Meg Godly

Also present: Town of Farmington Code Enforcement Officer, Floyd Kofahl; Timothy Mickelsen, 1544 Meadowbrook Lane, Farmington
Excused: Town of Farmington Director of Development and Planning, Ron Brand;
Town of Farmington Engineer Lance Brabant, MRB Group, P.C.

OPEN MEETING:

The meeting was called to order at 7 p.m. After everyone recited the Pledge of Allegiance, Chairman Degear 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. Since Mr. Mickelsen knew everyone present, introductions were not needed.

The Chair explained that Ms. Godly and Mr. Brand are necessarily excused tonight.

APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2011 MEETING:

Mr. Makin moved to approve the Minutes of the February 16, 2011 meeting. Mr. Herendeen seconded. In a voice vote, all four Board members present voted aye.

LEGAL NOTICES: *None required*

SITE PLAN APPROVAL

**PB 0301-11, FINAL SITE PLAN APPLICATION
FINAL SIGN SITE PLAN APPLICATION
NAME: TIMOTHY MICKELSEN, 1544 MEADOWBROOK LANE,
FARMINGTON, NY 14425
LOCATION: 1308 BEAVER CREEK RD
ZONING DISTRICT: GB
REQUEST: Propose to utilize the existing structures, garage and pole barn,
for storage of carpet cleaning equipment and company vehicles. The existing**

residential use of the single family dwelling will be rental property

Mr. Mickelsen was present for his application and said that he believes Thornton Engineering's final site plan addresses all concerns.

When the applicant finished speaking, the Chair asked for staff comments.

Mr. Kofahl said the preliminary plans have been signed by the Board Chair. They comply with the conditions for approval. The Final Site Plan also complies.

Mr. Degear then requested Board comments.

Ms. Neale said this is a good use for the property. She is glad the house is rented out.

Mr. Herendeen said everything looks good.

Mr. Makin had no comments.

Mr. Degear noted that all Board and staff concerns (for example, landscaping, lighting) have been addressed.

The applicant asked to speak about a problem he just discovered. The day of closing on the property, he learned from the Code Enforcement Officer (CEO) that no future expansion is possible on the site because it is less than an acre. He would need a variance. Only 15,000 square feet need to be annexed to make it an acre. He approached the landowner to the west, George Mercier, but was told that the owner does not wish to sell such a small lot. He is now asking the landowner to the north to sell him some land. He asked if he needs to extend the sidewalk if he adds road frontage onto the lot. The Chair said yes.

At Chairman Degear's request, the Clerk read aloud a draft Final Site Plan resolution with the following conditions:

1. *This Approval is for Final Site Plan Approval. The basis for Final Site Plan Approval is the drawing prepared by Thornton Engineering, LLP, identified as Project No. 10-375, with the latest revision dated 01/20/2011 and entitled "Final Site Plan, Proposed Property Improvements, 1308 Beaver Creek Road."*
2. *All conditions of Preliminary Site Plan approval must be met and shown on a revised Final Site Plan that is to be signed by the Planning Board Chairperson prior to the issuance of a Certificate of Occupancy.*
3. *A note is to be added to the Final Site Plan identifying that the proposed sidewalk is to be installed across the entire frontage of the site, within the highway right-of-way as shown on the drawing, on or before September 3, 2012.*
4. *All site lighting shall be brought into compliance with the Town's Lighting Regulations contained in Chapter 165 of the Town Code by September 3, 2011.*

5. *This Final Site Plan is valid for a period of 180 days and shall expire unless the applicant has submitted an amended Site Plan for signature by the Planning Board Chairperson.*

The applicant said he understood and agreed to the conditions. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Scott Makin—aye

Mary Neale—aye

David Degear—aye

The resolution with the conditions was adopted by a unanimous aye vote of the four Board members present.

Mr. Makin commented that some applicants have complained about the time needed for the approval process. However, things went quickly and smoothly with this application because all necessary conditions were met. A clean application can get a fast decision. Mr. Mickelsen responded that he and his engineer worked with staff to provide a complete application. It was a win/win process. He believes that once something is built, it should last a long time and be an asset to the community.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT: *No report*

CODE ENFORCEMENT OFFICER REPORT:

Outdoor Wood Boiler Local Law:

Mr. Kofahl explained that the Town Board is amending the local law on outdoor wood boilers to coincide with the new DEC (Department of Environmental Conservation) regulations. Manufacturers must now submit their product to the DEC for testing in order to obtain a five-year certification for each boiler sold. After five years, it must be re-certified by the DEC. The Town will require a DEC permit before the Town will issue its own permit. Ownership is allowed only in certain zoning areas, a DEC regulation.

The CEO went on to say that existing boilers must also meet these regulations. Owners will have a certain period of time to bring one into compliance or remove it. Since smoke settles on lower properties, complaints by neighbors that this is happening can result in an order to remove the boiler. If you are found burning improper materials three times, you must also remove it.

Ms. Neale noted that the regulations specify a three-acre lot. Mr. Kofahl explained that existing ones are grandfathered but, if replaced, the owner must have a three-acre lot. Ms. Neale asked how to enforce the regulation that it can only be operated between September 1 and May 31. The CEO responded that neighbors may complain or it might be noticed as one of his staff drives by.

Mr. Makin asked how many outdoor wood boilers are in Farmington. Mr. Kofahl said he knows of five but understands there may be several more.

The CEO explained the difference between a wood stove in a home which burns wood and the outdoor boiler which bakes wood. This can result in toxic emissions if improper materials are burned. The fine for doing this is \$1700. He added that some people burn their household trash which is not allowed by the DEC.

Mr. Kofahl then proceeded to provide a brief summary of new business coming to Farmington. An American cuisine restaurant is proposed for the former Denny's site. Someone is interested in opening a restaurant in the former Cassidy's site, but without the bar. Only beer and wine with meals would be served.

Mr. Degear asked if the parking lot would be repaired at the former Denny's location. Mr. Kofahl said this will be a condition for receiving a Certificate of Occupancy.

He went on to report that the KFC franchise is under new ownership. The new owner is working with corporate headquarters on renovations. They have been notified that the parking lot must be repaired this year.

Shooters will open by the end of March. Additional work caused the delay.

The CEO also reported that Saratoga Crossing is moving on Lot 2. The plans have been submitted and work starts on March 28. NYSERTA is providing a free review.

Subdivision applications for the Bowerman and Weigert properties have been received in the Development Office. Mr. Kofahl said that these would be large non-buildable lots. Three are on the east side of Bowerman Road and two on the west. The Board should see these applications for the April 6th meeting. Mr. Herendeen commented that good farmland is being lost since these farms had dry earth on a gravel base. Although the land was recently used to grow hay, other crops could easily be grown there.

Finally, Mr. Kofahl told the Board that there will be a public presentation by the Town Board on the Highway Campus later this month. The plans will also go to the involved Boards for review and comments. Improvements have been made to the original site plans with landscaping and buffering. The Town is also working with the railroad on a "round off" for 2013. This will allow salt for other towns to be delivered there, reducing their delivery costs. This will take place in the back section of the property with little visual impact.

CHAIRMAN OF PLANNING BOARD REPORT:

Chairman Degear discussed the most recent meeting of the Comprehensive Plan Update Committee. There is a question about how to show the Mandrino property on New Michigan Road on the Future Land Use Plan Map. Should it remain agricultural or be shown as residential at some future time? The Ag Advisory Committee will contact the owners to ask their wishes.

Mr. Degear then reported that the Conservation Board has asked for a better landscape plan for the Badger expansion on County Road 41. They are also concerned about the parking lot drainage and the SWPPP.

Planning Board members are starting to attend required training sessions.

Ms. Neale noted that the Minutes for the February 14th Board workshop needed to be approved. She moved to approve them and Mr. Makin seconded. In a voice vote, the four Board members present voted aye. The format for future workshop minutes still needs to be discussed at the next scheduled workshop.

PUBLIC COMMENTS: *None*

ADJOURNMENT:

The next meeting of the Planning Board will be at the Town Hall on Wednesday, March 17, 2011 at 7 p.m.

Ms. Neale made a motion to adjourn with Mr. Makin seconding. In a voice vote, the four Board members present voted aye to adjourn at 7:38 p.m.

These minutes were taken and respectfully submitted by

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