

TOWN OF FARMINGTON PLANNING BOARD

June 3, 2009

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
Robert Kleman
Scott Makin
Excused: Meg Godly

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Engineer Lance Brabant, MRB Group, P.C.; Sarah Peck, Victor High School; Kris Rogers, Edgemere Development; Scott Gonyeo, Farmington Senior Housing; David and Al LaRue, McMahon/ LaRue Associates, P.C.; Martha Bowman, 1236 Hook Rd.; Brian Gilbert, 6060 Allen Padgham Rd.; Darrick Phippen, 88 Farmington Rd.; Mark and Noelle Porretta, 4414 Latting Rd., Canandaigua NY 14424; Pat and Al Raymond, 4428 Latting Rd., Canandaigua NY 14424; John Sciarabba, Land Tech; Michael Nasello, 5 Railroad St., Victor NY 14564

Excused: Town of Farmington Code Enforcement Officer, Floyd Kofahl (Note: His written comments are attached.); Assistant Fire Chief Phil Robinson

OPEN MEETING:

The meeting was called to order at 7:01 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.

The Chairman also welcomed Sarah Peck, a Victor High School government student, who was attending the meeting.

APPROVAL OF THE MINUTES OF THE May 20, 2009 MEETING:

Mr. Kleman moved to approve the Minutes of the May 20th meeting with no changes. Mr. Herendeen seconded his motion. In a voice vote, Mr. Kleman, Mr. Herendeen and Mr. Degear voted aye. Mr. Makin abstained because he was excused from that meeting.

LEGAL NOTICES:

At the Chairman's request, the Clerk read aloud the legal notices which were published in the May 27th Daily Messenger.

PUBLIC HEARINGS:

PB 0601-09 SPECIAL USE PERMIT RENEWAL**NAME: MARTHA BOWMAN, 1236 HOOK RD, FARMINGTON, NY****LOCATION: SAME****ZONING DISTRICT: R-1-10 District.****REQUEST: To renew a Special Use Permit to continue a home occupation. The applicant wishes to operate a tack repair business from the home.**

Ms. Bowman was present for her application. The Chairman read her short letter of application into the record: ***"I am reapplying for my 'at home' business license. There are no changes at this time."*** The applicant added that her business is doing well since customers repair tack rather than replace it during these difficult times.

Chairman Degear asked for staff comments when the applicant finished speaking.

The Director of Planning and Development said that this is a renewal of a 2006 three-year Special Use Permit. Since there are no complaints on file, he recommended a three year renewal with the same conditions. He also added Mr. Kofahl's comments: ***"The site is clean and shows no evidence of a home business."***

The Town Engineer had no comments.

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. He then repeated his question and, again, no one replied. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Mr. Makin and seconded by Mr. Herendeen. In a voice vote, all four Board members present voted aye to close the public hearing at 7:08 p.m.

There were no Board comments.

Mr. Herendeen moved to waive the reading of the Type II Action SEQR with Mr. Makin seconding his motion. In a voice vote, all four Board members voted aye.

Next, Mr. Makin made a motion to approve the Type II Action SEQR. Mr. Kleman seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The SEQR was unanimously approved.

At the Chairman's request, the Clerk read aloud a draft Special Use Permit (SUP) for a home occupation with the following conditions:

- 1. The application has been determined to be consistent with the provisions of Chapter 165 of the Town Code.***
- 2. This Special Use Permit is issued for the operation of a tack repair business from within the principal dwelling; is valid for a period of three (3) years and must be renewed on or before June 3, 2012; and shall be made null and void with any change in either use or site plan components.***
- 3. There shall be no commercial speech signage permitted on the property.***

4. *There shall be no regular hours of operation advertised.*
5. *There shall be no more than one employee associated with the business.*
6. *There shall be no on-street parking for any business visitors to the site.*
7. *There shall be provisions provided for off-street parking for any business visitors to the property.*
8. *There shall be no outdoor storage or display associated with this Special Use Permit.*

The applicant said she understood and agreed to the conditions. Mr. Makin made a motion to approve the SUP with the conditions. Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion was unanimously passed.

PB 0602-09 SPECIAL USE PERMIT RENEWAL

**NAME: KENNETH LAWRENCE, 167 HOOK RD, FARMINGTON, NY
14425**

LOCATION: 167 Hook Rd

ZONING DISTRICT: NB District.

REQUEST: To renew a special use permit allowing the continuation for an electrical contractor's business

Mr. Lawrence had asked to be excused from this meeting due to a prior commitment. The Chairman read his short letter of application into the record: *“Re-applying for special use permit. Business is doing fine.”*

Chairman Degear asked for staff comments.

Mr. Brand said this is a renewal of a 2006 three-year SUP. Since there are no complaints on file, he recommended a three year renewal with the same conditions. He also read aloud from the Code Enforcement Officer's (CEO) comments: *“The site is clean of debris from the business. Material is kept in the rear barn. The site is in compliance.”*

The Town Engineer had no comments.

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. He then repeated his question and, again, no one replied. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Mr. Kleman and seconded by Mr. Herendeen. In a voice vote, all four Board members present voted aye to close the public hearing at 7:15 p.m.

There were no Board comments.

Mr. Makin moved to waive the reading of the Type II Action SEQR with Mr. Herendeen seconding his motion. In a voice vote, all four Board members voted aye. Next, Mr. Makin made a motion to approve the Type II Action SEQR. Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye
 Robert Kleman—aye
 Scot Makin—aye
 David Degear—aye
 The motion was unanimously passed.

At the Chairman's request, the Clerk read aloud a draft SUP for a home occupation resolution with the following conditions:

1. *The application has been determined to be consistent with the provisions of Chapter 165 of the Town Code.*
2. *This Special Use Permit is issued for the operation of an electrical contractor's business office from within the principal dwelling; is valid for a period of three (3) years and must be renewed on or before June 3, 2012; and shall be made null and void with any change in either use or site plan components.*
3. *The need for a Final Site Plan is hereby waived based upon the finding that there is no proposed change associated with this renewal of the Special Use Permit.*
4. *There shall be no regular hours of operation advertised.*
5. *There shall be no more than one employee associated with the business.*
6. *There shall be no on-street parking for any business visitors to the site.*
7. *There shall be provisions provided for off-street parking for any business visitors to the property.*
8. *There shall be no outdoor storage or display associated with this Special Use Permit.*

The applicant agreed to the conditions in writing prior to the meeting. Mr. Makin moved the resolution with the conditions and Mr. Herendeen seconded his motion. The following roll call vote was taken and recorded:

Meg Godly—excused
 Ron Herendeen—aye
 Robert Kleman—aye
 Scot Makin—aye
 David Degear—aye
 The motion was unanimously passed.

PB 0603-09 SPECIAL USE PERMIT RENEWAL

**NAME: AG PAVING & SEALCOATING, 6060 ALLEN PADGHAM RD,
 FARMINGTON, NY 14425**

LOCATION: SAME AS ABOVE

ZONING DISTRICT: zone RS-25 District.

REQUEST: Request to renew a special use permit to allow the continuation of a home occupation. The applicant wishes to continue to operate a paving and seal coating business from the home.

Mr. Gilbert and Mr. Phippen appeared for their application. The Chairman read their short letter of application into the record: *"We have been in business for over ten years now. There have been no changes since the last approval in 2006. Everything is the same."* The applicants had nothing more to add to this.

Chairman Degear asked for staff comments.

Mr. Brand said that this is a renewal of a 2006 three-year Special Use Permit. There are no problems on file. However, a new building has been added to the site with an area variance. The applicants must submit a new site plan if they use it for the business. Mr. Gilbert assured the Board that the building is used to store family possessions and is purely for personal use.

The Development Director also read from the CEO's written comments: ***"There has been the addition of a large barn added to the site. This new barn received a Zoning Variance for its location. It was approved the house personal items only and is not for business use. The site is in compliance."***

The Town Engineer had no comments.

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. He then repeated his question and, again, no one replied. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Mr. Herendeen and seconded by Mr. Kleman. In a voice vote, all four Board members present voted aye to close the public hearing at 7:23 p.m.

The Chairman asked for Board comments.

Mr. Makin said he sees no evidence of business on the site.

Mr. Herendeen agreed, saying that the site is clean and looks just like a home.

Mr. Kleman and Mr. Degear agreed with the other Board members.

Mr. Herendeen moved to waive the reading of the Type II Action SEQR with Mr. Kleman seconding his motion. All four Board members voted aye in a voice vote. Then, Mr. Makin made a motion to approve the SEQR. Mr. Kleman seconded. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion was unanimously passed.

Mr. Degear announced that he wishes to disclose that this firm has done work for him on his farm because he tries to hire locally. He has no financial interest in the business.

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

1. ***The application has been determined to be consistent with the provisions of Chapter 165 of the Town Code.***
2. ***This Special Use Permit is issued for the operation of a business office from within the principal dwelling; is valid for a period of three (3) years and must be renewed on or before June 3, 2012; and shall be made null and void with any change in either use or site plan components.***
3. ***The need for a Final Site Plan is hereby waived based upon the finding that the Special Use Permit is to be conducted entirely from within the existing dwelling on the***

- site.*
4. *There shall be no building mounted or free-standing commercial speech signage permitted on the property.*
 5. *There shall be no regular hours of operation advertised.*
 6. *There shall be no more than one employee associated with the business.*
 7. *There shall be no on-street parking for any business visitors to the site.*
 8. *There shall be provisions provided for off-street parking for any business visitors to the property.*
 9. *There shall be no outdoor storage or display associated with this Special Use Permit*

The applicants said they understood and agreed to the conditions. Mr. Makin made a motion to approve the Special Use Permit with the conditions and Mr. Herendeen seconded his motion.

The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion was unanimously passed.

PB 0604-09, SPECIAL USE PERMIT RENEWAL

NAME: JOYCE HOWE, 6098 HANOVER RD, FARMINGTON, NY 14425

LOCATION: SAME AS ABOVE

ZONING DISTRICT: R-1-10 District.

REQUEST: To renew a special use permit allowing a home occupation.

The applicant wishes to continue a tax consulting business

The applicant was not present to speak for her application but Chairman Degear disclosed that she is his neighbor, has done his taxes and there is nothing on her site to indicate a business is there. He added that he has no financial interest in this business.

The Chairman asked for staff comments.

Mr. Brand read aloud Mr. Kofahl's written comments: ***"There are no complaints on file. The site is clean and shows no evidence of a home business."*** He added that this was last renewed in 2007 as a two-year SUP and he would recommend a three year renewal since there have been no problems.

The Town Engineer had no comments.

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. He then repeated his question and, again, no one replied. Next, the Chairman asked for a motion to close the public hearing. The motion was made by Mr. Herendeen and seconded by Mr. Kleman. In a voice vote, all four Board members present voted aye to close the public hearing at 7:27 p.m.

There were no Board comments.

Mr. Makin moved to waive the reading of the Type II Action SEQR. Mr. Herendeen seconded. In a voice vote, all four Board members voted aye. Then, Mr. Kleman moved to approve the SEQR with Mr. Herendeen seconding his motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion was unanimously passed.

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

1. *The application has been determined to be consistent with the provisions of Chapter 165 of the Town Code.*
2. *This Special Use Permit is issued for the operation of a business office from within the principal dwelling; is valid for a period of three (3) years and must be renewed on or before June 3, 2012; and shall be made null and void with any change in either use or site plan components.*
3. *The need for a Final Site Plan is hereby waived based upon the finding that the Special Use Permit is to be conducted entirely from within the existing dwelling on the site.*
4. *There shall be no building mounted or free standing commercial speech signage permitted on the property.*
5. *There shall be no regular hours of operation advertised.*
6. *There shall be no more than one employee associated with the business.*
7. *There shall be no on-street parking for any business visitors to the site.*
8. *There shall be provisions provided for off-street parking for any business visitors to the property.*
9. *There shall be no outdoor storage or display associated with this Special Use Permit.*

Mr. Makin moved to approve the resolution with the conditions. Mr. Herendeen seconded. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion was unanimously passed.

PB0401-09 SPECIAL USE PERMIT RENEWAL

NAME: MARK PORRETTA, 4414 LATTING RD, CANANDAIGUA, NY 14424

LOCATION: SAME AS ABOVE

ZONING DISTRICT: A-80 REQUEST To continue a contracting company home business using the site for parking equipment. CONTINUED

Mr. Porretta appeared for his application. Chairman Degear said that all items needed have been provided. He then asked for staff comments.

Mr. Brand read aloud Mr. Kofahl's comments: ***“For the review of the in home business renewal continuation, the only on-going issue is the displaying of vehicles with the business name on them and any outside storage of material. These two issues have been mentioned and not approved on previous Special Use Renewals. The outside debris is in a good area so as not to be seen from the road. The vehicle display, if approved, should be specific as what the Planning Board will allow. The applicant did go to the Zoning Board and received a Variance for the shed but was denied a Variance for the Wood Burning Stove.”***

The Director of Development pointed out that the new site plan shows the parking area for the vehicles and has eliminated the wood burning furnace.

The Town Engineer had no comments.

It was determined by checking the Minutes of the last meeting that the public hearing had been closed then.

Chairman Degear asked for Board comments.

Mr. Herendeen and Mr. Kleman agreed with the CEO's comments. Mr. Makin pointed out that the truck is kept 120 feet back from the road so the commercial speech signage on it is not visible. It is also kept in a rural area so few people see it. Mr. Degear added that the print on the truck is very small, not readable from the road in this rural area and required by the Department of Transportation (DOT). He thought that the Board could make a one-time exception in this case. However, any replacement vehicle must have the same size print. The applicant said it is the smallest size print allowed by DOT and Mrs. Porretta explained that it is only on the dump truck.

The Board members agreed that this is “a special situation” and the truck could be parked outdoors. Since there were problems with this application, the Board members and applicant were satisfied to do a two-year renewal this time.

Mr. Makin moved to waive the reading of the Type II Action SEQR with Mr. Herendeen seconding the motion. All four Board members voted aye. Mr. Kleman then moved to approve the SEQR. Mr. Herendeen seconded his motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The SEQR was unanimously approved by the four Board members present.

Next, the Clerk read aloud a draft SUP resolution with the following conditions:

1. ***The application has been determined to be consistent with the provisions of Chapter 165 of the Town Code.***

2. *This Special Use Permit is issued for a construction company storage building*
3. *and outdoor storage of equipment and materials as shown on the Final Site Plan; is valid for a period of two (2) years and must be renewed on or before June 3, 2011, and shall be made null and void with any change in either use or site plan components.*
4. *The Planning Board Chairperson's signature must be affixed to a revised Final Site Plan for this special permitted use prior to the issuance of the Special Use Permit and the granting of any other permits.*
5. *There shall be no building mounted or free standing commercial speech signage permitted on the property.*
6. *There shall be no regular hours of operation advertised.*
7. *There shall be no more than one employee associated with the business.*
8. *There shall be no on-street parking for any business visitors to the site.*
9. *There shall be provisions provided for off-street parking for any business visitors to the property.*
10. *The Special Use Permit shall not be issued by the Code Enforcement Officer until all outstanding zoning violations previously found to exist on the applicant's property have been brought into compliance.*
11. *The Special Use Permit shall not be issued until an amended Final Site Plan has been signed by the Planning Board Chairperson and filed with the Town Development Office which shows all permitted structures and storage areas on the premises.*
12. *All site lighting shall comply with the Town Lighting Regulations contained in Chapter 165 of the Town Code.*
13. *The only truck to be lettered with commercial speech signage is to be the dump truck because this is required by law. All other vehicles will not be lettered by agreement with the applicant.*

The applicant agreed to the conditions. Mr. Makin moved to approve the Special Use Permit. Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The resolution passed unanimously.

(At 7:43 p.m., the Board members agreed to take a short recess and the tape recorder was turned off. The Chairman reconvened the meeting at 7:47 p.m. and the tape recorder was turned back on.)

0509-09, TWO LOT PRELIMINARY SUBDIVISION APPLICATION

PB 0510-09, PRELIMINARY SITE PLAN APPLICATION

**NAME: FARMINGTON 332 LLC, 99 RIDGELAND RD, ROCHESTER, NY
14623**

LOCATION: NYS ROUTE 332, SOUTH OF NYS ROUTE 96

ZONING DISTRICT: IZ

REQUEST: To subdivide 9.4 acres for the construction of a one - two story, 88 units, 1 – 2 bedroom unit senior living complex (CONTINUED)

Ms. Rogers from Edgemere Development, Mr. Gonyeo from Farmington Senior Housing and engineers Dave and Al LaRue from McMahon/LaRue Associates appeared for this application. Ms. Rogers began by saying that most of the information was covered in a previous meeting. Comments from the Town Engineer and the CEO have been addressed on the plans. The Ontario County Planning Board (OCPB) recommended approval.

The engineers reported that they have looked at the Aldi's site and can work out the design for the roads with the Town Engineer and the CEO before final approval. The landscaping design will also be part of the Final Site Plan.

When the applicants finished speaking, Chairman Degear asked for staff comments.

The Development Director read the CEO's written comments: ***We have not received a revised Preliminary Plan as of today's date. We did receive a Final Plan with the requested changes but in accordance with the Planning Board request from the last meeting, the applicant was to submit a revised Preliminary Plan. Until we can review the Preliminary Plan, we have no further comments.***

Mr. Brand also pointed out that the roads need to be named, sidewalks and street trees will be a condition for approval, there should be a street light at the intersection of the Town road and Route 332, and there is a setback issue with the road to the west and the location of the Senior House building. For these reasons, he recommended continuing the application.

Chairman Degear agreed, saying that the public hearing should also be kept open to allow the public another opportunity for input. Ms. Rogers said they could meet the deadlines to do Preliminary approval on June 17th and Final approval on July 1st. These deadlines would also work for their funding deadlines.

The Town Engineer commented that he needs to see the Preliminary Site Plan but some issues to be considered include:

1. Connect the cul-de-sac with a future Town road to the north,
2. Maintain a 60 foot right-of-way to the western property line,
3. Sidewalks,
4. An erosion control plan,
5. Site lighting.

The Chairman asked for Board comments.

Mr. Makin expressed concern that the storage areas for each apartment—20 square feet for a one bedroom apartment and 25 square feet for a two bedroom unit—would not be adequate. He pointed out that items such as bicycles take more room than that. Mr. Gonyeo disagreed, saying these have been adequate in other developments he manages.

Mr. Makin explained that the Town wants this to be a quality development. No one wants to see items stored on balconies and patios. Mr. Degear agreed, saying that the

Board toured another apartment complex before approving Fairdale Glen and outside storage made the complex look very unattractive.

Mr. Gonyeo stated that there is no way to add more storage inside the building but as manager, he will make sure that the rules against outside storage are enforced. He added that there are many commercial storage areas available if necessary.

Mr. Herendeen had no comments.

Mr. Kleman said he is also concerned about having adequate storage.

Mr. Degear agreed with Mr. Makin and Mr. Kleman. He asked the applicants to come back with the dimensions of the storage units and their cubic capacity.

Mr. Makin moved to continue the public hearing on this application until June 17th with Mr. Kleman seconding his motion. In a voice vote, all four Board members voted aye to continue. Then, Mr. Herendeen moved to table action on the application until the June 17th meeting. Mr. Kleman seconded the motion. Again, in a voice vote, all four Board members voted aye to carry the motion.

PB 0503-09, SPECIAL USE PERMIT
PB 0504-09 PRELIMINARY SITE PLAN APPLICATION
PB 0505-09, FINAL SITE PLAN APPLICATION
NAME: JOE CATTALANI, 649 PARK AVE, ROCHESTER, NY 14622
LOCATION: 6089 LOOMIS RD
ZONING DISTRICT: GI
REQUEST: To utilize an existing building for a truck repair service
(CONTINUED)

The applicant sent a letter today asking for the application to be adjourned until June 17th. The Development Director recommended extending the time to July 15th since the Board members wanted some issues of concern addressed. Chairman Degear asked Mr. Brand to send the applicant another copy of the application checklist and list of concerns provided to him after the last Board meeting and to cross-reference the MRB comments also sent after that meeting. The applicant's deadline will be June 24th to provide the requested information if he wants to be on the July 15th agenda. The Board members added that Mr. Kofahl's comments should be included. Mr. Brand agreed to draft a letter and email it to the Board members before sending it to Mr. Cattalani.

Mr. Herendeen moved to continue the public hearing on this application until the July 15th meeting. Mr. Makin seconded the motion. In a voice vote, the four Board members present voted aye.

Then Mr. Kleman moved to table action upon the application until July 15th with Mr. Makin seconding his motion. The following roll call vote was taken and recorded:
Meg Godly—excused
Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion was unanimously passed.

SITE PLAN APPROVAL

PB 0605-09 PRELIMINARY SITE PLAN APPLICATION

PB 0606-09, FINAL SITE PLAN APPLICATION

**NAME: MICHAEL NASELLO, 5 RAILROAD STREET, VICTOR, NY
14564**

LOCATION: 6132 Route 96

ZONING DISTRICT: GB

REQUEST: To utilize 18,000 square feet of an existing building to provide urgent care services and the remaining used for general offices.

Mr. Sciarabba from LandTech and Mr. Nasello appeared for this application. Mr. Sciarabba explained that there will be no new utility connections although the water lines will be modified. They plan to keep both existing entrances for the urgent care facility and for any prospective tenants in the building. Plans for parking, including repair of existing paving, and for new landscaping will be provided. The dumpster will be enclosed.

The applicants said they have received comments from the OCPB and staff.

Mr. Nasello added that he is negotiating to buy the land to the east so parking will be less of a problem. The Chairman advised the applicants to consider banking parking since they will probably need fewer spaces than the Code requires.

Since there is not sufficient green space, a variance will be needed.

Mr. Degear asked what the exterior appearance of the building will be. The applicants said they have not yet decided. Mr. Nasello said that the Code Enforcement Officer toured the building and said it is in very good condition. The building site is actually not part of the contaminated area but a vapor barrier will be installed anyway. The applicant added that there does not need to be any monitoring of either this property or the one to the east. Only the land to west was contaminated.

After the applicants finished their presentation, the Chairman asked for staff comments.

The Development Director referred to Mr. Kofahl's comments:

The Building and Planning Office did receive a certificate of release on the DEC Brownfield Clean-up of the site. This allows for the Town of Farmington Planning Board to consider any application for use at this location.

1) Based on Town of Farmington Code section 137 Parking Requirements - This mixed use will require a total of 197 parking spaces. 3,500 square feet of Medical Care

equals 52 spaces and 14,500 square feet of business equals 145 spaces. The applicant will have to show the ability to have these spaces or go to the Zoning Board for a Variance.

2) Parking Spaces to the East are shown over the property line and a parking easement is stated. A copy of this easement should be submitted for review by the Town Engineer, MRB and the Building Department.

3) Proposed signage needs to be shown and approved by the Planning Board.

4) Any proposed lighting needs to be shown and cut sheets need to be provided to the Building Department.

5) Any proposed changes to the façade will need to be submitted, in color, for the Planning Board's review.

6) The driveway area on the Northwest corner of the building needs to be wide enough for emergency vehicles to make the turn. Please show this radius.

7) The two entrances to the site are pre-existing and are for the benefit of emergency vehicle access.

8) Review and additional sign off of this site will go to the NYSDEC and a signature line needs to be provided as well as comments should be requested from that agency

Mr. Brand added that, because of driveway spacing requirements, the applicants might want to consider shared access with Mr. Nasello's parcel to the east. A variance for the second entrance will be necessary but it will be hard to get since Route 96 is heavily congested. DOT usually supports the Town regulations in controlling access to major thoroughfares. They might want to use the area instead to control traffic flow and for some landscaping.

Mr. Nasello asked if it would be best to eliminate the western access. Mr. Brand said yes and to use the eastern one as shared access to the other lot. Mr. Sciarabba suggested having a larger entrance for both. Chairman Degear pointed out that Griffiths' employees had traffic problems and some accidents entering and leaving the site. He advised them to have a master plan for traffic control.

The Development Director went on to say that this is a good use for this empty building. He advised the Board to look at such issues as traffic flow and signage. He also told the applicants that the DEC regulations' information needs to be on the Preliminary Site Plan. Finally, he suggested that angled parking might be an idea to consider.

Chairman Degear then asked for Board comments.

Mr. Makin said he is very excited about this project and he is confident they can work out the details.

Mr. Herendeen said getting this empty building filled will be a great asset to the Town. He reminded the applicants that sidewalks will be necessary.

Mr. Kleman expressed a hope that the project comes to completion since it will be a major asset as an urgent care center.

Mr. Nasello commented that they might add windows to the south side of the building with landscaping all around the building to soften its' appearance.

At the applicants' request, Mr. Brand explained the variance procedure with the County deadline on June 26th and the next ZBA meeting after that on July 27th. Action on this application will have to be continued tonight to July 15th for Preliminary Site Plan.

Mr. Sciarabba and Mr. Brabant had a brief discussion on drainage since this lot is very level. For this reason, the Chairman explained that they will also need to provide information including a drainage plan for Lot #2. They should look at the entire site, possibly needing to TOPO the other lot.

Mr. Brand suggested that they use an occupancy level figure to determine parking needed by working with the CEO.

When the discussion was finished, Mr. Makin offered a resolution to continue the public meeting until the July 15th Planning Board meeting. Mr. Herendeen seconded the motion. In a voice vote, the four Board members present voted aye.

Finally, Mr. Makin moved to table action on this application until July 15th with Mr. Kleman seconding. All four Board members voted aye in a voice vote.

DISCUSSION

OPEN DISCUSSION

Report: Director of Development

Mr. Brand reported that the Planning Board has received a request from MRB to release Letter of Credit #13 for Auburn Meadows Subdivision Section 3. Mr. Brabant has checked all details and the haul road will be constructed shortly. With the understanding that the haul road will be installed as requested, the Board members agreed to act. Mr. Makin moved the resolution with Mr. Herendeen seconding the motion. The following roll call vote was taken and recorded:

Meg Godly—excused

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The motion passed.

Report: Chairman of Planning Board

Mr. Degear noted that the Code Enforcement Officer was not present tonight and expressed concern. He asked if the Board members agreed with him that Mr. Kofahl's presence is needed at Planning Board meetings so he can provide advice and answer questions.

Mr. Kleman said yes, it is advantageous to have his information when questions arise. The

other Board members agreed.

Chairman Degear said that everyone understands when special circumstances occasionally arise to prevent someone's attendance but otherwise the Board does expect the CEO to attend Planning Board meetings.

Mr. Degear and Mr. Makin said that they are concerned because the Architectural Standards are not yet in place. The Town Attorney has been given a copy of the draft for review. Mr. Brand asked the Board if he should follow up with Mr. VanderVelden, the Committee's Chairman. Mr. Makin responded that speed is important because commercial development on Farmington's Four Corners can be expected once the recession ends. He would like to have them ready by the third quarter of this year. Mr. Degear added that the Griffith building project is an example of this. The other Board members agreed.

Chairman Degear said he will contact Mr. Casale to get the document to the Development Director for Planning Board review.

Mr. Degear concluded by saying he will be attending a meeting of the Town of Scriba's Planning Board on three nuclear power plants.

PUBLIC COMMENTS

Clerk O'Malley asked permission to address the Board as a Town resident. Chairman Degear agreed. She reported that a handicapped member of the community has pointed out the need for additional handicapped parking. State regulations are lagging behind the needs of an aging population and also the needs of the active Baby Boomers who may have temporary disabilities from accidents and sports injuries. She asked the Board to be aware of this when parking is being discussed.

ADJOURNMENT OF MEETING

The next Planning Board meeting will be on Wednesday, June 17, 2009 at 7:00 p.m. at the Farmington Town Hall.

Mr. Herendeen made a motion to adjourn at 9:03 p.m. Mr. Kleman seconded his motion. In a voice vote, all four Board members present voted aye to adjourn.

These minutes were taken and respectfully submitted by

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