

TOWN OF FARMINGTON PLANNING BOARD

AUGUST 5, 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
- Meg Godly
- Ron Herendeen
- Robert Kleman
- Scott Makin

Also present: Town of Farmington Director of Development and Planning Ron Brand; Town of Farmington Code Enforcement Officer, Floyd Kofahl; Town of Farmington Board member Peter Ingalsbe; Jon Stone, Ryan Homes; Gary Ferrara, Tectonic Engineering; Paul Sylvestri, Harter Secrest and Emery; Joseph Burkart and John Stapleton, Marathon Engineering; James Crane, James Crane Subdivision

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.

APPROVAL OF THE MINUTES OF THE JULY 15, 2009 MEETING:

Mr. Makin moved to approve the July 15th Minutes with Mr. Kleman seconding his motion. In a voice vote, all five Board members voted aye.

LEGAL NOTICES: *none required*

PUBLIC HEARINGS: *none scheduled*

SITE PLAN APPROVAL:

PB 0802-09, FINAL SITE PLAN APPLICATION
NAME: RYAN HOMES OF NY, 400 AIR PARK DR, STE 30, ROCHESTER,
NY 14624
LOCATION: 1783 SPARTAN DR, LOT 217, AUBURN MEADOWS
SUBDIVISION
ZONING DISTRICT: IZ
REQUEST: Final Site Plan approval, per PB0305-07 resolution condition #11, dated
February 20, 2008

PB 0803-09, FINAL SITE PLAN APPLICATION

NAME: RYAN HOMES OF NY, 400 AIR PARK DR, STE 30, ROCHESTER, NY 14624

LOCATION: 1785 SPARTAN DR, LOT 218, AUBURN MEADOWS SUBDIVISION

ZONING DISTRICT: IZ

REQUEST: Final Site Plan approval, per PB0305-07 resolution condition #11, dated February 20, 2008

PB 0804-09 FINAL SITE PLAN APPLICATION

NAME: RYAN HOMES OF NY, 400 AIR PARK DR, STE 30, ROCHESTER, NY 14624

LOCATION: 6148 JENBROOK CT, LOT 219, AUBURN MEADOWS SUBDIVISION

ZONING DISTRICT: IZ

REQUEST: Final Site Plan approval, per PB0305-07 resolution condition #11, dated February 20, 2008

Jon Stone from Ryan Homes appeared for this application. He explained that there were no trees on these three lots when Ryan Homes took them over. Now that there are buyers for the lots in question (Lots #217, 218 and 219), site work has begun. When he requested a footing inspection on Lot #219, the Code Enforcement Officer (CEO) said he must come back to the Planning Board since they discussed preserving site trees during the approval process for this portion of the Auburn Meadows Subdivision.

Chairman Degear replied that the Board needs to see the pictometry for the site and hear from Floyd Kofahl, the Code Enforcement Officer. If there was indeed nothing but scrub on the site, this should have been reported back to the Planning Board. Ms. Godly asked that the meeting not proceed until Mr. Kofahl arrived with the requested data.

Mr. Stone explained the consequences to his employer for any delay in construction. In one of these sales, Ryan Homes has had to make financial concessions to a buyer who had to extend a lease. There is the possibility of buyer financing falling through when the first time homebuyer program ends on November 30th. Ryan Homes can also face lawsuits for breach of contract if homes are not delivered on time.

Mr. Kofahl entered at 7:06 p.m., bringing the requested pictometry for the site and providing Board members and staff with copies. The CEO oriented the Board members to the site, pointing out the pond, the entry way to Spartan Drive, the site of Jenbrooke Court and the location of the utility easements.

He pointed out that there are mature trees to the left of these lots but only scrub trees and open land show on Lots 217, 218 and 219. Mr. Degear and Mr. Herendeen recognized this area as former pastureland. Mr. Kofahl also explained that a grove of mature trees was saved when the detention pond was put in. These trees were identified for future preservation during an initial pre-construction walk taken by the Construction Inspector, Jack Henehan, the developer Ernie Ackerman, Dave Kavanagh from Ryan Homes and the CEO.

Mr. Kofahl went on to say that there was a subsequent, more detailed walk on the site of Lots #208 through 215 where tree locations were actually measured and recorded. Setbacks for potential houses were also recorded at that time. On three or four of these lots, he said, there will

be a need to address the trees depending on which model house is being constructed. Chairman Degear told the applicant to remember this conversation so the same problem does not arise again. Mr. Kofahl and Mr. Degear stressed that this tree issue will need to be addressed at the appropriate time.

Mr. Kofahl added that he and Mr. Kavanagh identified which trees might cause a problem, photographed them and recorded their locations. The Chairman asked that this matter come before the Planning Board prior to any excavation.

The CEO explained to the Board members that he has issued no permits for work on Lots #217, 218 and 219. He said he has been discussing these lots with the applicant for some time prior to tonight's meeting. It should be no surprise. Mr. Stone agreed that he has known about the tree issue for about one year but did not realize that Lot #219 was part of the problem area. That is why site work was started there. However, it was his understanding that only Lots #208 through 215 were under the resolution about saving trees.

Ms. Godly asked which lots are under the resolution in question. The CEO said Lots #208 to 219. Ms. Godly requested confirmation that tonight's discussion is about an area covered by a prior signed and agreed-to resolution. Mr. Kofahl said yes.

Chairman Degear asked for input from the Director of Planning and Development, Ron Brand.

Mr. Brand said that the Board has a map showing Lots #217 to 219 as being located in a wooded area. The Board discussed minimizing the removal of mature trees from these lots. This is why Condition #11 was included in the approval process for application # PB 0305-07. A written report was supposed to have been submitted identifying these trees following the site walks already mentioned by Mr. Kofahl. No report was ever submitted. The Board's only information about the walks is what the CEO provided verbally tonight.

Mr. Brand went on to say that these lots were subsequently cleared. At the request of Chairman Degear, he spoke with the Town Engineer and the Town Attorney today. As a result of these conversations, the Development Director said he has drafted a resolution for the Board's consideration. It calls for street trees to be planted in locations approved by the Town Engineers, MRB Group, and the Town Highway Superintendent, Ed McLaughlin, to compensate for any trees removed from these lots. These trees should not interfere with the existing site utilities or line-of-sight from the lot to the road.

Mr. Brand also recalled Mr. Makin's comment, at the time of site plan approval, that the proposed two inch caliper trees were too small. For this reason, the draft resolutions call for three inch ones. Once the trees have been identified on the plans and the resolutions with the conditions are approved and signed, work can proceed on the sites. However, it is up to the Board on whether or not to act tonight.

Chairman Degear explained that he asked Mr. Brand to check with the Town Engineer and Town Attorney today to make sure the Board proceeds correctly. He also stressed that the Board is seeking to negotiate with Ryan Homes to find a solution acceptable and fair to all parties. He then asked for Board comments.

Mr. Makin had no comments. He added that there are a few little items but he thought the Board should go ahead.

Ms. Godly expressed appreciation for the Development Director's hard work. She recalled seeing wooded lots on the drawings at the time of plat approval but now the lots are totally cleared. As a remedy, Ms. Godly said she would support adding street trees.

Mr. Herendeen, Mr. Kleman and Mr. Degear agreed that additional street trees are a way to mitigate the condition. The Chairman pointed out that the trees are gone, whether or not they were scrub, and the way to mitigate is to plant trees. The only thing left to discuss is how many, where and what is appropriate.

Mr. Stone objected. He said the pictometry shows a scrub area and the trees discussed were "mature trees" to his recollection of the resolution. For the lots with mature trees, he agreed that it made perfect sense to ask for additional trees to be planted if mature trees are cut down to build houses. Adding more conditions at this time is unfair to Ryan Homes, he argued. He added that Mr. Kofahl appears to support his arguments.

The applicant went on to point out that Ryan Homes is planting one street tree per lot (two for the corner lot) already. He then moved on to discuss the lots across the street. He asked for a "composite house footprint" where he would provide a professionally prepared site plan for each lot showing the tree line. Then he would walk each lot with the CEO to discuss

1. the maximum size house that he would put on each lot,
2. what trees, if any, have to come down,
3. and which additional trees would have to be planted.

This process would cover Lots #208 through 215. This would get a lot of work done in one session.

Chairman Degear said he thinks he can speak for the Board in saying that, in the future, this is what they would like to see. Unfortunately, tonight they are dealing with missing trees.

Ms. Godly said she is not sure she agrees with the proposal for the future lots. She asked that each lot be considered separately as it is sold in order to avoid ambiguity. Mr. Makin agreed with Ms. Godly. Mr. Herendeen pointed out more trees would be cut if you plan to put the maximum house on the lot. Mr. Stone said they could limit the depth of the homes. The homes could be wider but not deeper. This might allow more trees to be saved since the tree line is to the rear of the lots. After all, cutting more trees costs Ryan Homes more money while devaluing the lots.

Chairman Degear said that Lots 208-215 can be considered at some future time.

The Development Director pointed out that, first of all, the resolution does not refer to "mature trees." Secondly, what Mr. Stone is proposing, is to submit a set of site plans for Board approval. If approved, he could then market them. If the buyer wanted to "put 10 pounds in a five pound bag," the site plan would have to come back to the Planning Board for modification. Mr. Stone is the marketing expert, he said, and Ryan Homes should know what will sell on those sites. The Development Director assured the Board that if anything other than what is approved comes in, Mr. Kofahl cannot approve any permits. The site plan would have to come back to the Board instead.

Mr. Kofahl said that he and Mr. Stone are discussing a "worst case scenario house." They would determine the maximum number of trees to remove from each lot. Perhaps the actual house will be less deep. In that case, fewer trees would be removed. The plans would be only "worst case scenarios." Any changes would have to come back before the Planning Board.

The CEO went on to say that the Minutes contain a discussion of mature trees and scrub trees but the Resolution does not. The discussion, as he recalled, also included the fact that there were dead trees on the site, notably one just above the pond. The Chairman commented that it was Mr. Ackerman who said that the trees were dead or not worth saving but the Board still asked the CEO to do the walk, identify the mature trees and report back to the Board.

Chairman Degear said that, in his view, the loss of the trees requires mitigation. Ryan Homes is not willing to do additional trees but the Board wants additional trees. This needs to be resolved before going further. The Board is looking for a "reasonable" amount of trees. He wished that someone at the time had come back to the Board to report that there were no trees worth saving on these lots. If that was done, he pointed out, "we would not be talking today." The Board needs to avoid this problem in future. "We learn from our mistakes," he concluded.

Ms. Godly requested to see the plans on file. The CEO went to get them from his office. Mr. Stone asked if there are a specific number of trees included in the resolutions to be considered tonight. Mr. Brand said any trees to be planted would be in the right-of-way if he understood today's discussions correctly. No specific number is given. The street trees planned for the subdivision are actually placed on private property.

Since the Water and Sewer Superintendent was present for another application, Mr. Degear asked him to comment on any problems posed by tree roots and water pipes. Mr. Crane said they prefer no more than one tree since tree roots have a way of getting into sewer pipes. He would also like the trees to be spread out away from sewer and water lines.

Mr. Kofahl returned and added that the Highway Superintendent, Ed McLaughlin, told him that the Highway workers do not like to have trees in the right-of-way.

The Board members compared the plans to the pictometry. Mr. Herendeen located the old hedge row and tree line on both. However, as Ms. Godly pointed out, the map is not shown to scale which makes comparisons difficult. Mr. Kofahl pointed out the location of Spartan Drive and the pond. Ms. Godly noted that trees are shown in the area under discussion tonight. Chairman Degear said he needs to get moving toward a solution and asked the applicant for input.

Mr. Stone said that the sales contracts for these lots do not specify trees. Some buyers do not want trees on their lots. He can add trees to the right-of-way but putting trees on private property is a different discussion. He cannot change the contracts of existing customers.

Ms. Godly pointed out that this is what happens when things get overlooked. The opportunity to do what was required in the approval process was missed. When the applicant did not understand her point, she said that if the approved procedures had been followed, the purchaser of, for example, Lot #219, would have known what to expect on his lot. Adding trees would not be an issue after he put down his deposit. She expressed concern about making decisions for future lots based solely on supposition. She concluded by pointing out that dealing with customers after the fact is not the Planning Board's problem.

Chairman Degear asked the Director of Development about the Town Attorney's comments. Mr. Brand explained that what was approved was an obligation on the part of the engineers to go out there and actually identify the trees to be saved in this area and to give the Planning Board a report on where these trees are. This wasn't done. All that Mr. Kofahl could do when he got a Building Permit application was to deny it. The Board is within its legal rights to mitigate

something identified as being important during the approval process, namely, the preservation of trees wherever possible.

He went on to say that what is being proposed is not a specific number but rather asking the Town Engineer and the Town Highway Superintendent to determine a number of trees within the right-of-way of each lot. If the Highway Superintendent does not want trees in a certain area, then there won't be any trees there. The number of trees should not be decided by the Planning Board since the Highway Superintendent might have other requirements.

The Development Director explained that the draft resolution allows Passero Associates, the Town Engineer and the Highway Superintendent to go out there and determine a location where trees can be planted. This information goes on the site plan which the Town Engineer then signs. It should not take more than a week.

Mr. Stone said that is his proposal for future lots to be done. However, since any trees that were on Lots #217-219 were gone before Ryan Homes was on the scene, he wants to remove Lots #217-219 from the equation as Mr. Ackerman already requested. He asked Mr. Kofahl to support his interpretation.

Mr. Kofahl agreed that Mr. Ackerman did indeed make a phone call about the trees in May. He believed the call was to Mr. Degear or Mr. Brand (*Clerk's note: The tape says an unspecified "you".*) He disagreed with Mr. Brand's statement about the purpose of the site walk. He argued that the requested report to the Board was only to be made if mature trees were being removed. If so, the applicant would have to come back before the Board.

Mr. Kofahl said that they did do the walk and looked to make sure mature trees were not in the locations where the road and the utilities were going. They were not instructed to report on where the houses were going. The instructions given to them were complied with. The review of the lots was completed. Misinformation was given to the Town Attorney, he concluded, and asked the Clerk to put this in the record since a misstatement was made.

Chairman Degear said that he already had this conversation with the Code Enforcement Officer today and they agreed to disagree. He pointed out that the Planning Board has frequently asked about the trees and the trail over the past year. The Board believed it did the correct thing with the resolution's wording. The three lots have to be resolved right now. He then asked for Board input.

All agreed to have the Clerk read aloud one of the draft resolutions prepared by Mr. Brand since all three are identical except for lot numbers. Clerk O'Malley read aloud one of the three resolutions (identical except for the lot number) with the following conditions:

1. ***The title of the drawing is to read "Final Site Plan Lot #217 Auburn Meadows Subdivision, Section 2, South".***
2. ***The Final Site Plan is to contain a note that reads: "All trees shown on this site plan are to be a minimum of 3-inch caliper, of a native species acceptable to the Town Engineer and of the quantity specified by the Town Engineer."***
3. ***The Final Site Plan shall be reviewed by the Town Engineer and the Town Highway Superintendent to determine the number of trees and the appropriate locations for the proposed trees on this Lot within the Town highway right-of-way.** The number of trees to be planted per lot shall be the maximum number determined by the Town Engineer that can be located within the highway right-of-way portion of the Lot and away from all utilities as determined by both the Town Engineer and Town Highway***

- Superintendent. A letter to this effect is to be provided to the Town Planning Board Chairperson prior to signing the Final Site Plan drawings.**
4. **In addition to the number of street trees to be planted, the Applicant is to plant the number of trees per lot as required for all Lots within the Auburn Meadows Subdivision.**
 5. **All street trees are to be planted within 30 days of the issuance of the Certificate of Occupancy, or before October 15th of the year a Building Permit is issued, or before June 1st of the year following the issuance of the Certificate of Occupancy.**
 6. **Final Site Plan Approval is valid for a period of 90 days from today and shall expire unless the Final Plan(s) have been signed and filed in the Town Development Office or extended by the Planning Board at a later date and by separate resolution.**
 7. **The Final Site Plan must have a signature block provided for the Town Planning Board Chairperson's signature.**
 8. **Once all conditions of Final Site Plan Approval have been met, the Planning Board Chairperson's signature must be affixed to the plan map and filed in the Town Development Office. One (1) additional signed copy is to be provided to the property owner, the Town Highway Department and the Town Code Enforcement Officer.**
 9. **Third party inspections may be required by the Town C.E.O. at the expense of the owner/develop; a note to this effect is to be placed on the final site plan.**

Chairman Degear asked for input from the applicant. He pointed out that he has deadlines to deliver houses. He also expressed concern about the maximum number of trees in the right-of-way. The Chairman suggested that, since the Highway Superintendent does not want any trees there, the decision could be left to the Town Engineer. Mr. Stone suggested a maximum of two trees in front with two or three on the corner lot. Any other trees wanted should be put on other lots.

Ms. Godly asked why limit the trees to the right-of-way. Will the customer object? Should they give the buyer a voice in this? She urged everyone to be fair. She asked for an amendment to the draft resolution to include the entire lot and the buyer. Mr. Stone agreed to negotiate with the buyer on whether to put additional trees on the lot or in the right-of-way in the future. Whatever works, he concluded, but he wanted Lots #217, 218 and 219 to be excluded from the process since it would not be fair to Ryan Homes to delay now.

The Board members agreed to modify item #3 in the three draft resolutions to include the words: ****“or on that portion of the lot outside the Town right-of-way acceptable to the Town Engineer and Ryan Homes.”**

Mr. Makin moved to approve the Final Site Plan for application #PB 0802-09 and Ms. Godly seconded. The Clerk recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The resolution with the conditions was unanimously approved.

Then, Mr. Makin moved to approve the Final Site Plan for application #PB 0803-09 for Lot #218. Ms. Godly seconded his motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

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

Finally, Ms. Godly made a motion to approve the Final Site Plan for #PB 0804-09 for Lot #219 with Mr. Herendeen seconding her motion. Clerk O'Malley recorded the following roll call vote:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The resolution with the conditions was unanimously approved.

Mr. Brand explained that the Final Site Plans would not come back to the Board again. The Town Engineer will issue a letter for each when the issue of the trees is resolved. Mr. Stone will get back to the Board with any future problems.

PB 0805-09, SKETCH SITE PLAN APPLICATION - DETERMINATION

**NAME: ESL FEDERAL CREDIT UNION, 100 KINGS HIGHWAY SOUTH,
ROCHESTER, NY 14617**

LOCATION: 1100 CORPORATE DR, FARMINGTON, NY

ZONING DISTRICT: PD

REQUEST: Proposal to construct an ATM drive-through structure and a determination whether or not the proposed is identical to original PD approval.

Paul Sylvestri from Harter Secrest and Emery LLP, as well as Joseph Burkart and John Stapleton from Marathon Engineering appeared for this application.

Mr. Sylvestri began by explaining that ESL FCU has a disaster recovery building on Corporate Drive and wants to place a dual lane drive-up ATM on the west side of its parking area. He provided copies of the July 12, 1983 PDD approval, pointing out that ATMs were probably not envisioned as part of the PD zoning.

Mr. Stapleton then showed the drawings. He stated that no additional access is planned off Route 332. The trees will remain. There are two lanes for the ATM to prevent stacking. He added that they have researched the area population and number of vehicles in making the plans. He also showed prototype drawings, saying that the ATM will be similar to the one they have in Victor.

Mr. Stapleton went on to say that the signage meets Code so no variances are needed. Lighting will meet the NYS ATM Safety Act requirements and will be dark sky compliant. They will run a water line to irrigate the planned landscaping.

Chairman Degear asked how they would prevent too-high trucks from going through. The applicant said they would provide warning signage. It was noted that this has not prevented damage to ATM roofs or vehicles in other locations.

When the applicants finished their presentation, the Chairman asked for staff input.

Mr. Brand said he has drawn up a draft resolution for the Board's consideration. It states that this action is not identical to the original approved final site plan for the PDD and recommends amendment to the Town Board. He pointed out that the Planning Board can only recommend.

Mr. Kofahl said that this PD is more general than the one for Mr. Crane to be discussed later in the meeting. It meets the MTOD setbacks and does not require any variances.

Mr. Degear asked about ownership. The applicants said ESL but the CEO explained that it was Farash and Kodak in 1983. Mr. Sylvestri added that a PD runs with the land.

Chairman Degear asked for Board comments.

Mr. Makin said he likes this application. However, he understands that the PD was done for industrial usage and this is a retail one.

Ms. Godly said that the banking services are envisioned for an industrial area. The Board is prudent in asking the Town Board to clarify. She views it as a good addition to this property.

Mr. Herendeen agreed that it is good to have an ATM located there but the Town Board must be involved in the decision.

Mr. Kleman and Mr. Degear agreed that an ATM is outside the scope of the original PDD.

Mr. Kofahl noted that LI zoning in this area does allow ATMs.

Mr. Sylvestri asked if there is any problem with the designation of a lead agency for SEQR. The Development Director assured him that the Planning Board can offer to do this. Mr. Sylvestri asked that this be included in tonight's resolution. Mr. Brand responded that the Planning Board does not know yet if the Town Board wants an ATM in this location so any SEQR lead agency discussion would be premature.

At the Chairman's request, Clerk O'Malley read aloud a draft determination of change request to the Town Board:

WHEREAS, the Town of Farmington Planning Board, (hereinafter referred to as Planning Board) has considered the above referenced proposal to construct an ATM drive-through structure on property located at 1100 Corporate Drive; and

WHEREAS, the Planning Board has considered the requirements of Chapter 165, Section 31. E. (6) (b) of the Farmington Town Code; and

WHEREAS, the Planning Board has conducted a public meeting on this request for a determination whether or not the proposed ATM drive-through structure is identical to the original PD approval by the Town Board; and

WHEREAS, the Planning Board has reviewed the public record on said Action, NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the action before them is not identical to the original approved final site plan for this PD zoned land since there was never an ATM drive-through structure as part of the original proposal.

BE IT FINALLY RESOLVED that the Planning Board does hereby direct the Clerk of the Board to provide a copy of this resolution to the Town Board for its consideration and action as provided for under the Town Code Section referenced above herein.

Ms. Godly made a motion to pass the resolution with Mr. Makin seconding her motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

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

Chairman Degear asked the applicants' time frame for doing this. Mr. Burkart said they wish to install the ATM by the end of the year.

PB 0806-09, PRELIMINARY SITE PLAN APPLICATION

NAME: BELLATLANTIC MOBILE, LP/VERIZON WIRELESS, 175

CALKINS RD, ROCHESTER, NY 14623

LOCATION: 4804 KYTE RD

ZONING DISTRICT: A-80

REQUEST: An addition of one antenna to existing tower.

Gary Ferrara from Tectonic Engineering appeared for this application. He said no other changes are planned—just an additional inside antenna to be installed by December 1st of this year.

Chairman Degear asked for staff comments.

The Development Director explained that William Sitzman, the Town's Communications Consultant, has no problem with the proposed antenna addition. The original SEQR resolution is sufficient since there are no environmental changes. He concluded by saying he has prepared a draft Preliminary Site Plan Resolution for the Board's consideration.

The CEO said this is a simple, straight-forward application.

There were no Board comments. The Chairman said all problems have been addressed.

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

1. *The title of the drawing is to read "Preliminary Site Plan 2009379995 South Stafford 4804 Kyte Road, Town of Farmington, Ontario County, New York 14548 Antenna Addition".*
2. *Preliminary Site Plan Approval is valid for a period of 180 days from today and shall expire unless the Final Site Plan(s) have been signed and filed in the Town Development Office.*
3. *Once all conditions of Preliminary Site Plan Approval have been met, the Planning Board Chairperson's signature must be affixed to the preliminary site plan map and filed in the Town Development Office.*
4. *All site lighting shall be compliant with the Town's Lighting Regulations, Chapter 165 of the Town Code. There is to be a note added to the Final Plan which reads as follows: "All site lighting shall be compliant with the Town Code Chapter 165".*
5. *Third party inspections may be required by the Town C.E.O. at the expense of the owner/developer.*
6. *The revision box shall be amended to reflect all conditions of preliminary approval.*

The applicant said he understood and accepted the conditions. Mr. Kleman made a motion to approve the Preliminary Site Plan with the conditions. Mr. Herendeen seconded the motion. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scott Makin—aye

David Degear—aye

The Preliminary Site Plan Resolution with the conditions was unanimously approved.

Mr. Ferrara asked what is next. Mr. Brand said he needs to submit a Final Site Plan. It can be the same plan entitled “final” instead of “preliminary.” The plans should make it clear that only one inside antenna is being added—there is no other change. The applicant asked to skip the final step but was told that this cannot be done. Mr. Kofahl advised Mr. Ferrara to get everything in by August 27th to be on the agenda for the September 16th Planning Board meeting.

OPEN DISCUSSION:

DIRECTOR OF DEVELOPMENT REPORT:

James Crane PD Amendment:

Mr. Brand reported that the Town Board has asked the Planning Board to look at the PDD map and accept what is shown. The setbacks for each lot are shown. The Planning Board now needs to make a recommendation to the Town Board. Then, a local law must be drafted to amend the PDD so that the CEO can issue Building Permits.

Mr. Crane was present for his application. He explained that Development Department staff helped with his present plan and with his future plans for the land including the setbacks for a future house.

Chairman Degear expressed satisfaction with the Planning Board’s work on this. He then requested Clerk O’Malley to read aloud the following draft action resolution for a Determination of Concept, Planned Development District Preliminary Plat:

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has considered the above referenced Application for Preliminary Plat approval of a three lot subdivision of land zoned PD Planned Development; and

WHEREAS, the Planning Board has considered the requirements of Chapter 165, Section 31.E. (4) (a) and (b) of the Farmington Town Code; and

WHEREAS, the Planning Board has reviewed the public record on said Action,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the action before them is acceptable and meets the criteria in Section 165-31 of Town Code and should be considered by the Town Board as a formal amendment to the PD Site Plan for this property.

BE IT FINALLY RESOLVED that the Planning Board does hereby direct the Clerk of the Board to provide a copy of this resolution to the Town Board for its consideration and action as provided for under the Town Code Section referenced herein.

Mr. Herendeen made the motion and Mr. Makin seconded. The following roll call vote was taken and recorded:

Meg Godly—aye
Ron Herendeen—aye
Robert Kleman—aye
Scott Makin—aye
David Degear—aye

The motion was carried by a unanimous vote of all five Board members.

Mr. Brand also reported that a letter was received from NYS Office of Parks, Recreation and Historic Preservation. The Estates at Beaver Creek subdivision has been found to have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. This clears the way for action on this application at the next meeting. The Development Director concluded by saying that the Estates at Beaver Creek could be a future Homerama site, something which can change Farmington's image.

Mr. Brand told the Board members that he will be unable to attend the August 19th meeting.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl said that KFC sales are up by 25% and the remodel plan is moving forward. The entire parking lot and entrance will be repaved. The Board members noted that sales improved at the same time the parking lot's potholes were patched.

The CEO also said that Aldi's is underway and the entry road to the plaza off Route 332 has been repaired. Construction vehicles no longer block the road. The Town expects permits from DOT (Department of Transportation) and the DOH (Department of Health) this week.

PUBLIC COMMENTS:

Town Board member Peter Ingalsbe asked to speak. Chairman Degear assented. Mr. Ingalsbe explained that Supervisor Fafinski, now returned from heart surgery, wants to move forward in upgrading the Town website. There will be a meeting of Town Department Heads on this next Tuesday and he requested representation from the Planning Board. Ms. Godly agreed to attend. She said that the website could include a meeting schedule, Board Minutes and agendas. The Planning Board could discuss this at a future workshop.

ADJOURNMENT:

The next meeting of the Planning Board will be at Town Hall on Wednesday, August 19, 2009 at 7 p.m.

Ms. Godly made a motion to adjourn with Mr. Kleman seconding it. In a voice vote, all five Board members voted aye to adjourn at 9:03 p.m.

These minutes were taken and respectfully submitted by

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