

TOWN OF FARMINGTON PLANNING BOARD

January 7, 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 Engineer Lance Brabant, MRB Group, P.C.; Kyle Johnson, K&P Associates; Tom Reed, 6735 Proximity Lane, Victor NY; David Cooper, 5650 County Rd. 41; Al LaRue, McMahon-LaRue Associates, P.C.

OPEN MEETING:

The meeting was called to order at 7:00 p.m. After everyone recited the Pledge of Allegiance, Chairman Degear made the introductions of Planning Board members and staff. He explained the emergency evacuation procedures to those present and said that copies of the evening’s agenda and legal notices are available on a table by the door. Mr. Degear also asked that all present set their cell phones on vibrate.

APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2008 MEETING:

Ms. Godly moved to postpone action on the Minutes of the December 17th meeting until the next Planning Board meeting to allow time for the Board members to review them. Mr. Degear seconded her motion. All Board members verbally agreed.

LEGAL NOTICES: *None*

SITE PLAN APPROVAL:

PB 0101-09, PRELIMINARY SITE PLAN APPLICATION

NAME: LEONARD’S EXPRESS, 6070 COLLETTE ROAD, FARMINGTON

LOCATION: SAME AS ABOVE

ZONING DISTRICT: GI

REQUEST: Request approval for a 9,795 square foot, one story addition

Chairman Degear read the letter of application from engineer Gregory McMahon into the Minutes: *Enclosed are a Site Plan and Building Elevations for a proposed one story, 9,765 square foot warehouse addition to Building#1, located in the northeast section of the property. This addition will serve as additional warehouse space and will not require modification to existing site utilities.*

Al LaRue from the engineering firm McMahon-LaRue Associates, P.C., and site owners Kyle Johnson and Tom Reed appeared for this application. Mr. LaRue explained that this is an 18-acre trucking site. They added to the storm water detention plans several years ago in anticipation of this expansion. No variances are needed.

The owners explained that they are moving their Canandaigua operation here since Priority Trucking moved out and space is available. The site of the expansion is not visible from Collette Road. They will paint the structure to blend with existing buildings. When the Chairman raised the question of several colors being on the existing buildings, the site owners agreed to paint the southern exposure all one color. If funds allow, they promised, they might use a brick façade.

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

Code Enforcement Officer Floyd Kofahl said the applicants provided a list of potential products to be stored in the addition and they fit into existing zoning. He has no compliance issues with this application.

Director of Planning and Development Ron Brand said that this application requires an Unlisted SEQR Action with a determination of non-significance. He asked that notes to the effect that site lighting be “dark sky” compliant and that this is a Preliminary Site Plan be added as a condition for approval. This is a standard requirement.

Town Engineer Lance Brabant stated that the storm water management facility was sized for a full build-out as the applicant said.

Next, the Chairman asked for Board comments.

Mr. Makin and Ms. Godly had no comments.

Mr. Herendeen said that he is familiar with the site and sees no problems with this addition.

Mr. Kleman had no comments.

Mr. Degear said he is satisfied with this application.

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

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

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

At the Chairman’s request, the Clerk read aloud a draft Preliminary Site Plan resolution with the following conditions:

- 1. The site plan shall contain a note that all site lighting will be “Dark Sky” compliant with Town Code.**
- 2. The drawing should state that this is a Preliminary Site Plan.**

3. ***The Revision Box should be amended to reflect the above two conditions of approval.***
4. ***Preliminary Site Plan approval is valid for 90 days from today.***
5. ***A signed Preliminary Site Plan shall be filed in the Town Development Office.***

Mr. Degear asked the applicants about their time frame for this project. They said they wanted to begin as soon as possible and finish in mid-to late summer. They also agreed to the conditions for approval. The following roll call vote was taken and recorded:

Meg Godly—aye

Ron Herendeen—aye

Robert Kleman—aye

Scot Makin—aye

David Degear—aye

The Preliminary Site Plan with the conditions was unanimously approved.

DISCUSSION:

1. Wendy's of Rochester purchasing KFC site, 1301 Route 332

The CEO explained that KFC had come in for approval of a sign last year. Improving the parking lot was one condition of approval. The corporation wanted the store to be upgraded. Due to current credit conditions, the owner was unable to finance the upgrade. Wendy's would like to purchase the property, demolish the store and rebuild. The new building would need a variance because of the amount of land taken to widen Route 332. The new structure needs to be compatible in style with existing buildings along 332. Another option for Wendy's would be to simply re-do the existing building.

2. David Cooper request to rezone 5650 County Road 41 from RR-80 to General Business District—Planning Board recommendation to Town Board

Chairman Degear read aloud Mr. Cooper's letter: *Please consider my request to re-zone my property at 5650 County Road 41 from residential to business use. My plan is to reside on the property while displaying and selling pre-made Amish sheds. I would have two sheds close to the road with a sign and then from 20-40 other sheds farther back on the property which consists of 5.3 acres.*

Mr. Cooper was present in the audience and brought up his design. He explained that his property is located on the north side of County Road 41 between Route 332 and County Road 8. It is east of the training track. He said that one side of his property is zoned commercial and the other side is zoned light industrial. It is directly across from Wood Drive.

Mr. Cooper also explained that he has sought a way to use this property as a business for many years and thinks he has finally found one. He continued by saying that the 8' by 8' sheds are prefabricated. Larger sheds, 24' by 48 feet, come in two sections. The larger sheds will be trucked in from Romulus. He can bring in smaller sheds 12' by 18' or less himself. There will be 20-40 sheds for sale at any one time. Most buyers, he believes, will call to make an appointment by phone. His office is in his house. The applicant stated that he has a good size driveway.

Mr. Degear said that parking could be a problem.

Ms. Godly asked about the terrain of his property. Mr. Cooper said that it is level lawn.

When Mr. Cooper finished speaking, Chairman Degear asked for staff comments.

The Development Director explained that, in the early 1990s, the zoning map left this and the adjoining lot zoned residential while the surrounding land is commercial or industrial. If Mr. Cooper's land is zoned GB, it would be a non-conforming use. He suggested that a public hearing be scheduled for this application on February 24 since the County Planning Board will discuss it on February 11.

CEO Kofahl expressed concern about having a residential house on this lot which would make it a non-conforming mixed use property if it is rezoned GB. There are setback issues with a narrow front and wide back area. The property would have to be screened from the neighbor's house. However, since there would be no smoke, noise or fumes, the use issues can be dealt with.

The Town Engineer had no comments.

Chairman Degear asked for Board comments.

Mr. Makin asked if it is possible for a residence and a business to occupy the same piece of property. Mr. Brand said they can in the GB District, provided they meet the minimum lot size. This property would. Mr. Kofahl added that there can be mixed use properties but usually it is a case of someone running a business from a home.

Mr. Makin asked about the owner of the neighboring property. Mr. Cooper said he tried to talk to Mr. Carmel but got no response. He did not object when Mr. Cooper kept horses on his property.

Ms. Godly asked what is across the street from these two properties. Mr. Kofahl replied that there is an apartment complex owned by the DiFelice family.

Mr. Makin said he had no problem with this request.

Ms. Godly advised the applicant not to spend any money on this business until he gets a response from his neighbor. He needs to find a way to control access to his property so buyers do not go on the neighbor's land. She sees yellow flags for access, parking and safety. Her verdict would be a definite maybe.

Mr. Herendeen asked if both properties could be rezoned. Mr. Cooper said this would raise the taxes on Mr. Carmel's property so he would be unlikely to agree.

Mr. Makin asked what the Comprehensive Plan says about this area. Mr. Brand said it is zoned commercial and industrial.

Ms. Godly returned to her concerns about the impact of this business on the neighboring property. The applicant explained that there is a hedgerow 40-50 feet high and 20 feet wide. Half of it is on his property and half on his neighbor's. He also expressed a willingness to put up a fence, if necessary, to keep customers off the neighboring property. The hedgerow screens the shed display area toward the rear of the property.

The Chairman asked Mr. Cooper to plan for a parking area.

Mr. Kleman said that he goes by this property several times a day. He knows the neighbor and would be willing to talk to him. Mr. Cooper also agreed to speak with Mr. Carmel.

Chairman Degear asked the Board for a recommendation to the Town Board.

Ms. Godly asked if it would be possible to rezone this property only. Mr. Kofahl commented that this is the only property owner to ask for rezoning. Mr. Makin pointed out it would not be spot zoning since neighboring properties are zoned GB. Mr. Degear said he would prefer to rezone both.

Mr. Kofahl said that if the Board makes a positive recommendation, he would be willing to speak with Mr. Carmel about this application and about possibly rezoning his property. The Board members agreed. Ms. Godly suggested that it might be better for Mr. Cooper to talk to his neighbor before the CEO does so.

Chairman Degear warned the applicant that there will be expenses involved in this change.

The applicant asked if he would need a permit for this business and, if he did not do it, could he return to residential zoning? Mr. Brand explained that if he does not develop the site, he would have to go back to the Town Board. Mr. Makin commented that this might not be approved since it would be against the Comprehensive Plan. Ms. Godly added that rezoning is a separate action from obtaining a permit for a business.

The Chairman reminded the applicant that the Board cannot comment on his future use without seeing a site plan.

Mr. Cooper asked if parking is the only problem. Mr. Degear explained that this would be a retail operation. The display of sheds would be a concern. This is not a simple home occupation—it is a commercial use.

Ms. Godly advised the applicant to read the relevant portions of the Town Code and to work with staff on his plans. Mr. Brand suggested he have professionally prepared plans and consider drainage, parking and fire equipment access.

The applicant pointed out that there is a fruit stand on the corner of Shortsville Road and County Road 8. He was told that the zoning is different there and it is an agricultural use.

Mr. Cooper complained that the process is too complicated.

Chairman Degear pointed out that he is proposing 20-40 sheds-- a substantial number. The applicant said he would not have this many initially. Mr. Degear replied that the Board is giving the applicant a heads up about what is involved in changing to a commercial use. They have not seen any plans yet. The Board needs to review plans. He advised Mr. Cooper to go through the application checklist to see what is required. Mr. Cooper agreed to do this.

Mr. Makin asked the applicant if he still wants to rezone his property. Mr. Cooper said yes.

Ms. Godly said it would be in keeping with the Comprehensive Plan.

Mr. Degear said that rezoning would make the property more attractive.

CEO Kofahl explained that he has no issue with the house if the property is rezoned.

Mr. Brand agreed to draft a memo to the Town Board for the Planning Board members to review. He added that the County Planning Board will need to see drawings and maps.

3. Questions for the Town Residents' Survey

Mr. Brand presented the Board with draft questions on planning for the revising of the Comprehensive Plan. There will be an eight page survey with multiple answers and preferences. The Planning Board's draft is needed by 6 p.m. Tuesday, January 13, 2009 for the consultant, Dr. Guttenberg, and the Town Board.

Chairman Degear said the Board members need a day or two to review the questions. All agreed to get back to the Chairman or the Development Director.

OPEN DISCUSSION:

REPORTS:

DIRECTOR OF DEVELOPMENT REPORT:

1. Update Culvert Design—Auburn Meadows Section 3

Mr. Brabant said he relayed Mr. Ackerman's questions about a 600 CFS culvert to Mr. Gresens and Mr. Peet from MRB. He has some information for the Board. Mr. Ackerman asked the Town Engineers to review three reports in support of his claim that the water flow is far less than 600 CFS. All three reports either had errors in calculations or were incomplete so they did not support the lower rate. The Town Engineers are using their own study. They did not do actual design calculations because they do not design for the applicant. They are still waiting for the information promised by Mr. Ackerman's engineering firm after the last Board meeting.

Chairman Degear provided some background to the Board. In 1992-93, the Town Engineers were asked to do a review of Beaver Creek. MRB used this report for their 600 CFS calculations. Mr. Ackerman has been given a copy of this study but wants a new report done. The Board members agree that it is up to the applicant to do what he promised—build according to MRB's calculations.

Mr. Makin recalled that the study was done after the 1992 flood. A 50 year storm is the standard used. Mr. Degear added that there were two 100 year storms very close together. Mr. Brabant agreed, saying that safety is the main concern.

2. Aldi's Revised Site Plan

Mr. Brand explained that, due to the economic downturn, Aldi's is reducing the size of their store by 1500 square feet. They are modifying their final site plan. There will be a smaller foot print. There may, however, be a brick façade instead of a concrete one. Mr. Brabant added that they plan to enlarge the storm water facility.

Chairman Degear stated, for the record, that the Town received a letter from the applicants' engineers, Bergmann Associates, about this in December.

Ms. Godly asked for more detail. She requested an overlay of the old plan over the new one to be included in the Board packets. She asked staff to relay this request to the applicants. She would also like to see before and after pictures.

Mr. Makin asked for four inch caliper trees, not 2 ½ inch ones, for screening. He thought they should reapply since they were changing the footprint.

Chairman Degear referred to staff.

Mr. Kofahl said that the applicants are modifying approved plans. This does not qualify as a new application. Mr. Makin pointed out that they are stepping back in the approval process. Ms. Godly asked if the Planning Board can also modify. The CEO said yes. She then said that she supports Mr. Makin's request.

The Director of Development warned the Board to be careful in their actions since a smaller building would require less landscaping. The Board members responded that the applicants have returned to the original prototype building design which the Board would not accept.

CEO Kofahl said that industrial sites always use 2-2 ½ inch caliper trees for screening. Mr. Makin held firm on his request for larger trees. He pointed out that this is a different situation from landscaping a subdivision. Mr. Degear reminded the Board members that MRB hired a landscaper to design for this application.

Mr. Brand said that the applicants will need to see the draft Minutes. Ms. Godly also asked staff to call them and provide some background on the issues.

3. Hathaway Academy of Music and Art

Mr. Brand said that preliminary and final site plans will be on the next meeting's agenda.

4. Creekview Trail Townhomes

Mr. Brand reported that these have gone up for tax sale. Several developers are interested in finished the development. It is possible the site was never subdivided. The original 1980s McMahan/LaRue subdivision and site plan do not meet today's standards.

5. Auburn Meadows Sidewalks

The Director of Development concluded his report by saying that Mr. Ackerman came in on Monday, claiming that the Town Board did not recognize the sidewalks as a donation. The Planning Board customarily requires sidewalks in subdivisions as a condition of final plat approval. The Town Attorney, the CEO and Mr. Brand do not agree that the sidewalks were a donation.

Mr. Brand went on to say that Mr. Ackerman claims he acted over and above the requirements and wants the Chairman to provide him with a letter saying the sidewalks are a donation. The Board members discussed this and did not see any issue as a tax deduction would work as well as a charitable donation for the applicant.

CODE ENFORCEMENT OFFICER REPORT:

Mr. Kofahl raised the issue of application procedures again. The Chairman said these would be discussed at the Board's Organizational Meeting. Ms. Godly offered to put these on Excel for the CEO. He responded that he would like to hire Ms. Godly to teach Excel to him and his staff since she is not working at present.

The CEO also reported that there are rumors about Walgreen's not building on the DiPacific site. He has no official knowledge and the applicants' engineers are continuing to plan.

Regarding Heritage Motors, Mark Case has reported to Mr. Kofahl that the cars in question are being moved. He will provide an application for the second piece of property for the Board's second meeting in March. RG&E installed the non-conforming light. Chairman Degear inquired about the special use permit and was told that this use predates the present Code, going back to 1972. The Chairman pointed out that there is a long history of issues with this business.

TOWN ENGINEER REPORT: none**PUBLIC COMMENTS: none****BOARD MEMBER REPORTS:**

Ms. Godly said that she recently went to Splash Lagoon, an indoor water park in Erie, PA. While the park was very nice, the area around it was "a bad Las Vegas." She discovered that the water park owns this area. She advised the Board members to be careful for the area along Route 332. What does this developer intend? She added that this could be a great family experience for Farmington.

Mr. Makin asked about the revision of the Comprehensive Plan. Mr. Brand said it would be started later this year. The Board member also asked about the architectural standards. Mr. Kofahl explained that it is up to the Town Board to provide direction on this.

ADJOURNMENT:

The Board members agreed to have their annual Organizational Meeting at 9 a.m. in the Town Hall on January 24, 2009.

The next meeting of the Planning Board will be at the Town Hall on Wednesday, January 21, 2009 at 7 p.m.

Mr. Makin made a motion to adjourn with Ms. Godly seconding it. In a voice vote, all five Board members voted aye to adjourn at 8:43 p.m.

These minutes were taken and respectfully submitted by

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