

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, January 4, 2017, 7:00 p.m.

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 Planning Board meeting.

Board Members Present: Adrian Bellis
Edward Hemminger
Mary Neale
Scott Makin
Douglas Viets

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
Don Giroux, Town of Farmington Highway Superintendent

Residents Present:
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Brian Sandore, 6143 Hanover Road, Farmington, N.Y. 14425
Allyn Wagner, 1431 Tudor Way, Farmington, N.Y. 14425

Town Board Appointments to the Planning Board:
At the Organizational Meeting on January 3, 2017, the Farmington Town Board reappointed Scott Makin to serve as Planning Board Chairperson for a one-term to expire on December 31, 2017. The Town Board also reappointed Edward Hemminger and Douglas Viets to serve on the Planning Board for five-year terms to expire on December 31, 2021.

Mr. Makin, Mr. Hemminger and Mr. Viets took their places upon the Planning Board.

| | | |
|------------------|------------------------|--------------------------------|
| Edward Hemminger | Appointed January 2017 | Term expires December 31, 2021 |
| Douglas Viets | Appointed January 2017 | Term expires December 31, 2021 |
| Scott Makin | Appointed January 2016 | Term expires December 31, 2020 |
| Adrian Bellis | Appointed January 2015 | Term expires December 31, 2019 |
| Mary Neale | Appointed January 2013 | Term expires December 31, 2017 |

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited. Since those who were present were familiar with the members of the Planning Board and staff, and with the emergency procedures and exits, Mr. Makin omitted introductions and the review of procedures this evening.

Mr. Makin said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on March 2, 2016.

2. APPROVAL OF MINUTES OF DECEMBER 21, 2016

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the December 21, 2016, meeting be approved.

Motion carried by voice vote.

3. PUBLIC COMMENTS

None.

4. BOARD CHAIRPERSON'S COMMENTS

Mr. Makin commented on the following topics:

- An offer has been received for green infrastructure training for Planning Board members. It was consensus of the board to have Mr. Makin pursue the details to provide this training opportunity.
- The 2016 board training report was reviewed. Mr. Hemminger noted that he has one hour of training to complete.
- Mr. Makin asked board members to review the 2016 Rules of Procedure and to provide him with any changes as soon as possible in preparation for the Organizational Meeting on Saturday, January 28, 2017.

5. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand commented on the following topics:

- Emily Smith, P.E., of Fisher Associates, will give a presentation on the design plans and schedule for the Auburn Trail Project at the Project Review Committee meeting on Friday, January 6, 2017, at 8:30 a.m. at the Town Hall.
- A 5,000-square-foot professional office building has been proposed on Hathaway Drive near Perez Drive. The Preliminary Subdivision Plat application will be presented to the Planning Board at the meeting on January 18, 2017.
- The applications for Preliminary Subdivision Plat and Preliminary Site Plan approvals for the Home Leasing Apartment Project—Phase II will be presented to the Planning Board at the meeting on January 18, 2017. At the meeting, the Planning Board will consider its declaration of intent to be designated as Lead Agency for making the State Environmental Quality Review (SEQR) determination and consider establishing the 30-day SEQR coordinated review by Involved and Interested Agencies. Mr. Brand reported that a resident requested an electronic copy of the proposed Site Plan and Subdivision Plat drawings. He said that a complete set of drawings was provided electronically by the applicant's engineer and was forwarded to the resident.
- At the meeting on January 6, 2017, the Project Review Committee will discuss recommendations for the improvement of the tracking and status of easements by Town staff.
- The easement given by Morgan Recreation for drainage work on its property in connection with the Redfield Grove project has been signed and filed in the Ontario County Clerk's Office. The U.S. Army Corps of Engineerings requested a copy of the actual easement document. The Town Attorney has provided this to the Army Corps.
- DeFelice Real Estate Development has retained an architect to design and prepare a rendering of the proposed DeFelice Industrial Complex proposed for the southwest corner of Collett Road and Hook Road.
- As-built drawings of the Federal Express Distribution Facility on Collett Road are in progress by the applicant's engineering firm.
- The acquisition and filing of easements are in progress for the MiniTec Framing Systems project on County Road 41.
- There has been no change regarding the Farmington Market Center project since the previous update on December 21, 2016.
- Mark DiMartino, D.D.S., is still awaiting approval from the New York State Department of Environmental Conservation regarding permission to allow him to either purchase a parcel of State-owned land on the west side of State route 332 or

to clear the brush off this parcel and plant a low-growing species of plants to provide visibility of his proposed dental office from along State Route 332.

- A punch list of items to be addressed by the builder has been prepared for Section 1 of the Monarch Manor Subdivision. Mr. Brand also noted that the builder plans to install a second sign at the corner of New Michigan Road and Monarch Drive. This would be similar to the existing sign at the corner of New Michigan Road and Canandaigua–Farmington Town Line Road.
- The subdivision plat maps for Sections 6N and 6S of the Auburn Meadows Subdivision have been filed in the Ontario County Clerk’s Office. Mr. Brand said that Walter Baker, the applicant’s engineer, is now in the process of preparing engineering estimates for sureties in advance of a Pre-Construction Meeting for these sections.
- Mr. Brand reported that Supervisor Ingalsbe is creating a committee to draft a local law on Solar Installations. The moratorium on solar installations will expire in June 2017. Mr. Brand said that one member from the Planning Board, Zoning Board of Appeals, Agricultural Advisory Board, Town Board and Building Department; and that two members from the Conservation Board, would serve on the committee. Councilman Nate Bowerman will serve as the Town Board representative. Supervisor Ingalsbe requested that a Planning Board representative be selected by January 10, 2017.
- MRB Group is working on additional amendments to the Major Thoroughfare Overlay District (MTOD) map.
- The Federal Emergency Management Agency (FEMA) has distributed amendments to the local FEMA maps that include an updated list of streams. Mr. Brand said that the Town plans to respond to FEMA to express concerns with the updated listings.

6. TOWN CODE CHAPTER 165, ARTICLE IV: DISTRICT REGULATIONS CRITIQUE

As part of the Planning Board’s ongoing work reviewing Chapter 165 of the Town Code, Mr. Brand distributed and led a critique of Article IV (District Regulations), as follows:

§165-15. Application.

- A. Amend this section to read . . . “with all the regulations herein specified for the district, including any overlay district regulations, in which it is located.”

§165-16. Multiple principal uses.

It is recommended that the term PRINCIPAL USE be added to terms contained in Article II, Definitions. Also, an apartment complex consists of one or more buildings located on a site, that are principal buildings, yet the RMF Residential Multi-Family District is not listed in this section and should be. Finally, an office complex can be comprised of one or more principal buildings. Therefore, this section of the Code should be amended to include the RB Restricted Business District.

§165-17. District regulations.

It is recommended that this section be amended to include §165-34.1 Incentive Zoning.

§165-18. A-80 Agriculture District (80,000 square foot lot size).

It is recommended that this section of the Code be amended to address concerns that are identified in the adopted Town of Farmington Agriculture and Farmland Protection Plan.

§165-19. RR-80 Rural/Residential District (80,000 square foot lot size).

- A. The term “rural state” needs to be identified, as does “urban development.” In addition, the terms “more suburban and urban development” also needs to be identified.
- B. Permitted Principal Uses:
 - (1) The 200-foot setback from any lot line for placement of kennels or shelters for such animals needs to be further defined. For example, if the property is located within an established Ontario County Agricultural Use District, then the 200-foot setback could be found unreasonable under the State’s Ag & Markets Law. This dimension will need to be addressed as part of any proposed district amendments to protect and promote agriculture and farmland.
 - (2) It is not clear what is meant by excluding the renting or leasing of animals and kennels from being a permitted principal use.
 - (3) No change.
 - (4) Farm labor housing not exceeding three dwelling units. It should be clarified if this is three dwelling units per lot, or per farm operation. Also, the Town should decide whether it wants this type of housing unit to be on a separate lot from the farmer’s principal dwelling.

C. Permitted Accessory Uses:

- (1) Customary farm buildings and uses. This phrase is o.k. as long as the term “CUSTOMARY AGRICULTURAL OPERATIONS” is defined in Article II of the Code. Recommend using the definition from the State’s Agriculture and Markets Law, Section 301.
- (2) No change.

D. Special Permit Uses:

- (1) Special permit uses allowed in the A-80 Agriculture District. The only ESSENTIAL SERVICE regulated, as a special permitted use in Chapter 165, is Personal Wireless Communications Facilities [§165-68]. Other ESSENTIAL SERVICES defined in Article II of Chapter 165 are not regulated by any special use permit criteria. Therefore, these other services should either be listed as permitted accessory uses, or there should be criteria created for them.

E. Lot size requirements. [note: to be consistent there should be a: and not a.]

- (1) The minimum lot width needs to clarify that it applies only to lots that are being used for single-family detached dwellings and not the other listed permitted principal uses.
- (2) The minimum lot depth also needs clarification that it applies to single-family detached dwellings.
- (3) Instead of reference to a septic system, this should be changed to an On-Site Waste Water Disposal System.

F. Additional provisions. [note: to be consistent there should be a: and not a.]

- (1) Recommend removing the term septic system and replacing with On-Site Waste Water Disposal System.

§165-20. RS-25 Residential-Suburban District (25,000 square foot lot sizes).

A. Intent. The stated intent of this district is for principal uses to be single-family residences which may be served by public water supply, but not by public sanitary sewers. While not defined in Article II, the term “Suburban” as used in this section references a lot having at least 25,000 square feet in area. In many communities, a 15,000-square foot lot is referred to as a “suburban lot.”

B. Permitted Principal Uses:

- (1) No change to this section.

- (2) Based upon the statement of intent, it is not clear why general or specialized crop farming, excluding the breeding and raising of animals, or the storage of odor or dust producing materials is a permitted use.

C. Permitted Accessory Uses:

Several of the permitted accessory uses do not appear to be appropriate for complying with the stated intent of this district. For example, customary farm buildings and uses, off-street parking and loading, domestic pet shelters and public donation bins do not clearly comply with the stated intent of this district.

D. Special Permit Uses:

- (1) No change to this section.
- (2) There is no criteria provided in Article VI for issuing special use permits for items (2), (3) and (4).

§165-21. R-7.2 Planned Subdivision District.

- A. This section allows the planning board to decide if a proposed subdivision application justifies what is, in effect, a legislative decision to amend the Official Zoning Map for a site of at least 100 acres to R-7.2 Planned Subdivision. This section borrows language from the old cluster provisions of Town Law (Section 281) which allowed the planning board to approve clustering (when so authorized by the Town Board); and then requiring the Town Board to officially amend the zoning map to identify site(s) approved under the clustering provisions. Since there are only two sites zoned R-7.2 (e.g., Farmbrook and Fairdale) and these two sites are almost entirely built-out, I recommend changing only the reference from the planning board, to the town board. There already is a section of the Town Code [§165-165-6.C.] that requires a referral to the planning board on requested rezoning(s) which would follow the recommended word changes. In addition, there is another section of the Town Code [§165-12. C.] that identifies the Town Board as the responsible board for causing change to the Official Zoning Map.

§165-22. R-1-15 Residential Single-Family District (15,000 square feet lot size).

- A. Intent. This section identifies a 15,000-square-foot lot as being residential development in an “urbanized area” serviced by both water and sewer facilities. If a 15,000-square-foot lot is an “urbanized area” then what is a 10,000- or 7,200-square-foot lot to be called?
- B. Permitted Principal Uses:
 - (1) There is only one (1) permitted principal use in this district, single-family detached housing.

C. Permitted Accessory Uses:

- (6) Not sure how off-street parking and, loading, would be a permitted accessory use consistent with the stated intent of this district.
- (7) Again, domestic pet shelters on a 15,000-square-foot lot? There is no definition in Article II of a “domestic pet shelter.” §165-55. Keeping of animals. addresses the housing or keeping of animals, birds, fowl or poultry, on any non-farm residential premises of less than five acres, except “customary household pets” which is yet another term that is not defined in Article II of Chapter 165.

D. Special permit uses:

- (1) Public buildings and grounds that allow churches, country clubs, not-for-profit fire, ambulance and public safety buildings, adult day-care centers and day-care centers are uses that need criteria associated with them for guiding planning board decisions, or eliminate these as special permitted uses from Chapter 165.

§165-23. R-1-10

A. Intent.

No change to this section.

B. Permitted Principal Uses.

There is only one (1) permitted principal use in this district, a single-family detached dwelling.

C. Permitted Accessory Uses:

- (1) No change to this section.
- (2) This is already covered in §165-23.C. (1) above. No need to duplicate.

D. Special Permit Uses:

- (1) No change to this section.

§165-24. R-2 Residential Two-Family District.

A. Intent.

This section needs to be amended. A variety in dwelling unit and structure types to accommodate the needs of Town residents cannot be met by allowing only single-family and two-family dwelling units on two different sized lots.

B. Permitted Principal Uses:

- (1) Two-family detached dwellings. It might be clearer if this read . . . “Two-family dwelling units located in a single detached structure on a Lot.”
- (2) Principal uses permitted in the R-1-15 District. Note—the only permitted principal use in the R-1-15 District is Single-family detached dwellings. It would be better to identify this in this section rather than having to go back to §165-22. B. of the Code.

C. Permitted Accessory Uses:

- (1) No change to this section.
- (2) This is already covered in §165-23.C. (1) above. No need to duplicate.

D. Special Permit Uses:

- (1) Instead of referencing the Special Permit Uses in the RS-25 District and then excepting on-site-use wind energy systems it would be clearer to just list the special permit uses to be allowed in the R-2 District. This also helps the reader by not having to flip back and forth between the sections. I would recommend that a Major Home Occupation not be a special permitted use in the R-2 District. Too many conflicts within one structure on a lot. Public Buildings and Grounds, essential services and structures, and cemeteries also should be eliminated as special permitted uses in this district. These types of uses do not meet the stated intent of this district.
- (2) Rooming and lodging houses. I recommend either deleting this from this district, or creating criteria for the planning board to follow when considering such an application. The text contained in §165-81. Rooming houses. Provides minimal criteria for the planning board’s evaluation. For example, Schedule I, the Zoning Schedule has minimum lot sizes for single-family and two-family dwellings, but nothing for a rooming or lodging house. Theoretically, five tenants who are not family could live in a single-family dwelling on a 10,000-square-foot lot.

Note: The R-2 Residential Two Family district exists only in one location, along the north side of County Road 41. The pattern of development along this corridor

conflicts with driveway spacing standards contained in the MTOD Major Thoroughfare Overlay District. In addition, a single-family dwelling requires a minimum lot size of 10,000 square feet and a two-family dwelling requires a minimum lot size of 17,500 square feet. The impact of two families sharing less space than a single-family should be considered. The net result of such lot size requirement is 8,750 square feet per family.

§165-25. RMF Residential Multiple-Family District.

A. Intent. This section needs to be amended. If indeed, the intent is to . . . “provide for a variety in dwelling unit and structure types, to accommodate the needs of Town residents,” then the types of structures should include townhouses, manufactured dwellings and apartment buildings. It also should be made clear that a variety of structures should include owner-occupied and rental units. The definition of Multiple-Family Dwelling is a building designed for or occupied by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. An Apartment Building is defined as . . . “A building arranged, intended or designed to be occupied by three or more families living independently of each other, but having common hallways and entrances.” The definition of Multiple-Family Dwelling and Apartment Building identify distinct types of residential structures. Families living independently of each other do not have common hallways and entrances.

B. Permitted Principal Uses:

(1) Multiple-Family Dwellings subject to §165-79 of this chapter. §165-79 lists Townhouse Buildings for the first time in any zoning district, but it requires being discovered and should instead, be listed as a permitted principal use in §165-25. It is not understood why is a Townhouse defined [§165-10 Definition of Terms] as a single-family dwelling yet it is only allowed in the RMF Residential Multiple-Family District. Townhouses should be a Permitted Principal Use in the R-2 Residential Two-Family District, as well as the RMF Residential Multiple-Family District.

Note—§165-79. Multiple-Family Dwellings. B. states . . . “The maximum gross density shall not exceed eight units per-acre.” The term Gross Density is not defined in Chapter 165. There is also referenced in §165-79.F. the term “multiple-family dwelling development” which is not defined in Chapter 165. Limiting 30% of the total units within a multiple-family dwelling development to efficiency units appears to apply only to apartment units and not to the total number of units.

(2) and (3) No Change.

C. Permitted Accessory Uses:

- (1) It would be appropriate to also consider accessory uses such as swimming pools, club house, recreational/play grounds, dog park, etc. as Permitted Accessory Uses to a “multiple family dwelling development.”
- (2) This says that Public Donation Bins (PDBs) are a permitted accessory use, subject to the provisions of §165-65. 2. B. of this Chapter. However, §165-65.2. B. (3) prohibits PDBs on a lot where there is a residential dwelling. This sub-section should be removed.

D. Special Permitted Uses:

- (1) Major home occupations. Needs to be considered. Having employees working out of an apartment unit may not be appropriate.
- (2) Public Buildings. This term does not mean a club house or community center building for residents of the “multiple family dwelling development.”
- (3) No Change to this section.
- (4) Cemeteries. Needs to be considered. Having a cemetery be part of a “multiple family dwelling development” may not be appropriate.
- (5) Rooming and lodging houses. Needs to be considered.
- (6) Mobile home parks. There should be a cross-reference here to §165-76 Mobile Homes and Mobile Home Parks. Note—the term Mobile Home is not defined in Chapter 165. However, Mobile Home Park is defined. The criteria listed in §165-76 are outdated and this section will need to be amended to comply with recent court decisions.

Mr. Brand noted that Supervisor Ingalsbe plans to appoint a committee to review and recommend updates to various sections of the Town Code. One member from the Planning Board, Zoning Board of Appeals, Conservation Board, and Building Department will serve on the committee. Councilman Michael Casale will represent the Town Board on the committee. Supervisor Ingalsbe requested that the Planning Board representative be selected by April 1, 2017.

Mr. Hemminger reminded the board of the suggestion that all definitions in the Town Code be moved to a separate chapter and that all definitions be revised to assure consistency.

Mr. Makin asked if standard code definitions and provisions were in effect throughout New York State. Mr. Brand noted that uniform zoning definitions were established some years ago in Monroe County.

Mr. Hemminger and Ms. Neale noted that text in the current Town Code which uses the word “may” should be removed and that the word “shall” be included to remove ambiguity and points of various interpretation.

Mr. Hemminger said that he would like to volunteer to serve on the supervisor’s Code Revision Committee. Ms. Neale said that she would like to serve on the Comprehensive Plan Update Committee.

7. ADJOURNMENT

■ A motion was made MR. HEMMINGER, seconded by MR. VIETS, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:55 p.m.

The next regular meeting of the Planning Board will be held at the Town Hall on Wednesday, January 18, 2017, at 7:00 p.m.

The annual Organizational Meeting of the Planning Board will be held at the Town Hall on Saturday, January 28, 2017, at 9:00 a.m.

Following the meeting, the clerk secured the building.

Respectfully submitted,

John M. Robortella, L.S.
Clerk of the Town of Farmington Planning Board