

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, July 19, 2023 • 7:00 p.m.

MINUTES—APPROVED

The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Planning Board adopted Rules of Procedure. The audio recording is retained for 12 months. Video recordings of the meetings are posted on the Town of Farmington’s YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).

The meeting was conducted at the Farmington Town Hall and via remote video conference.

R = *Attended via remote video conference.*

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Aaron Sweeney

Board Members Excused: Timothy DeLucia
Douglas Viets

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer
Thomas Yourch, Chairperson, Town of Farmington Zoning Board of Appeals

Attending:
Stephanie Albright, P.E., APD Engineering/Architecture, 615 Fishers Run, Victor, N.Y. 14564
Linh T. and Maureen E. Chu, 6249 Pheasants Crossing, Farmington, N.Y. 14425
Gregory M. Coon, 6250 Pheasants Xing, Farmington, N.Y. 14425
Barbara A. DiFrancesco, 6256 Pheasants Xing, Farmington, N.Y. 14425
Patrick A. and Maureen E. Dispenza, 6237 Pheasants Xing, Farmington, N.Y. 14425
Don Giroux, Farmington Volunteer Fire Association
Peter Leblond, 6262 Pheasants Xing, Farmington, N.Y. 14425
Catherine M. Fafone Moyer, 6226 Pheasants Xing, Farmington, N.Y. 14425—**R**

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 4, 2023.

2. APPROVAL OF MINUTES**Minutes of July 5, 2023:**

Due to the absence of Mr. Bellis from the Planning Board meeting on July 5, 2023, the minutes of that meeting could not be approved this evening for lack of a quorum of those who were present on July 5th. The approval was held over until the next meeting of the Planning Board on August 2, 2023.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on July 12, 2023:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 19th day of July 2023 commencing at 7:00 p.m. in the Farmington Town Hall, Main Meeting Room, 1000 County Road 8, Farmington, N.Y. 14425 for the purpose of receiving testimony upon and giving consideration to the application of:

PB #0702-23: APD ENGINEERING & ARCHITECTURE, c/o CHRISTOPHER KAMBAR, P.E., 615 FISHERS RUN, VICTOR, N.Y.14564: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued. The property is located at 6240 Pheasants Crossing and the adjacent parcel to the south, and is zoned RS-25 Residential.

ALL PARTIES IN INTEREST will be given an opportunity to be heard in respect to such application. Persons may appear in person, or by agent or via Zoom.

Ed Hemminger, Chairman, Planning Board

4. **PUBLIC HEARING: NEW PRELIMINARY THREE-LOT SUBDIVISION**

PB #0702-23 New Preliminary Three-Lot Subdivision Application

Name: Christopher Kamar, P.E., 615 Fishers Run, Victor, N.Y. 14564, representing the Fowler Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

Location: 6240 Pheasants Crossing and the adjacent parcel to the south

Zoning District: RS-25 Residential

Request: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued.

On August 19, 2020, the Planning Board conducted a Public Hearing on the applicant's request for a three-lot subdivision of 12.0938 acres of land of Lot #5 of the Pheasants Crossing Subdivision to create Lot #R-5A of 1.541 acres, Lot #R-5B consisting of 4.181 acres and Lot #R-5C of 6.368 acres (PB #0802-20). The Public Hearing was closed. No action was taken. The applicant informed the Planning Board at that time that he would submit an application to the Zoning Board of Appeals for an area variance for lot width.

On September 16, 2020, the applicant received Preliminary Two-Lot Resubdivision Plat approval (PB #0902-20).

On November 18, 2020, the applicant received Final Two-Lot Re-Subdivision Plat approval (PB #1103-20).

Regarding the current application (PB 0702-23), the applicant will appear before the Zoning Board of Appeals on July 24, 2023, to request an Area Variance to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125) for proposed Lot #R-5C.

Mr. Hemminger opened the Public Hearing on this application.

Ms. Albright (APD Engineering/Architecture) presented this application.

Mr. Hemminger said that a quorum of Planning Board members was presented for this evening's meeting. He introduced members of the Town staff who also were present: Ronald L. Brand, Director of Development and Planning; Dan Delpriore, Code Enforcement Officer; John Robortella, Planning Board Clerk; and Don Giroux, Farmington Volunteer Fire Association representative.

Mr. Hemminger explained the procedure for this evening's meeting which will begin with a presentation by the applicant's consulting engineer and which will be followed by comments from the Town staff and then from the public who are present in the meeting room and who may be participating via the online remote video conference.

He said that this application is more complex than some but that the same process will be followed which the board uses for the consideration of all applications. Mr. Hemminger said that the board will begin complying with the environmental record this evening in accordance with the State Environmental Quality Review Act (SEQRA). This evening, he said that the Planning Board expects to classify the application as an Unlisted Action under SEQRA, establish that a coordinated review is required with the only other involved agency [Town Zoning Board of Appeals] and to declare its intention to be designated as the Lead Agency for making the environmental determination of significance [on this application]. Mr. Hemminger then explained that the Planning Board will notify the ZBA of its intention to be designated as Lead Agency and will await the ZBA's concurrence or objection to this intention.

Upon concurrence by the ZBA [of the Planning Board's declaration of interest to be designated Lead Agency to make the SEQRA determination of significance], Mr. Hemminger said that the Planning Board would then designate itself as the SEQRA Lead Agency and would begin its review of the environmental record for this application.

Mr. Hemminger said that the documents which have been submitted by the applicant and the input which the Town staff has provided indicate that the application is not complete to the point where the Planning Board can begin the environmental record. He said that the board will require additional information based upon the requirements of the Town Code or receipt of a waiver request [for the additional information] by the applicant.

Mr. Hemminger said that the Planning Board would then make the SEQRA determination of significance upon the application once all the data to perform the environmental record has been received from the applicant, as well as the public's input. He said that the Board's determination will be based upon the criteria contained in Part 617.7 of the SEQR Regulations.

Following the completion of the SEQRA determination, Mr. Hemminger said that then the Planning Board and the ZBA would be able to consider the applicant's Area Variance which currently is a request to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125) for proposed Lot #R-5C.

Mr. Hemminger said that he also would like the Planning Board's environmental review to determine what, if any, additional variances would likely be involved from the ZBA.

Following the decision by the ZBA regarding the pending Area Variance application, Mr. Hemminger said that the Planning Board would then begin its consideration of the preliminary re-subdivision plat application.

He then referred to, and informed the public of, a memorandum dated July 18, 2023, from the Town's Director of Planning and Development to the Planning Board, the Zoning Board of Appeals and the Town staff, as follows:

To: Edward Hemminger, Chairperson
Town of Farmington Planning Board

From: Ron Brand, Director of Planning & Development

Date: July 18, 2023

Re: The State Environmental Quality Review (SEQR) Process for a coordinated review of PB #0702-23, Preliminary Re-Subdivision Plat Approval, Lots #5A, #5B and #5C, Fowler Family Trust, 6240 Pheasants Crossing.

I provide this memorandum in response to your verbal request made of me on Monday, July 17, 2023, to provide information to the Planning Board related to the above referenced SEQR Process for the above referenced pending Action. Since this application also requires a related action by the Zoning Board of Appeals (ZBA), I include them in the distribution.

1. At Wednesday's Planning Board meeting, the Board receives for the first time, this application. The application involves both preliminary and final re-subdivision plat approval of two lots that were previously re-subdivided from Lot #5 of the Pheasants Crossing Subdivision. The previous re-subdivision created Lots #R5-1 and #R5-2. These two Lots are Approved Non-buildable Lots subject to Preliminary and Final Site Plan Approvals by the Planning Board before any building permits may be issued. These two Non-buildable Lots (#R5-1 and #R5-2) are proposed for further re-subdivision plat approval creating three proposed Lots #R5-1, #R5-2 and #R5-3. This re-subdivision, if approved, involves changes (reductions) in the lot sizes for the filed Lots #R5-1 and #R5-2.
2. The introduction of this Action to the Planning Board triggers the need to classify the Action under SEQR, determine if a coordinated review is necessary of what I find to be classified as an Unlisted Action giving notice thereof to the ZBA, determining if there is to be a coordinated review, if so, then establish a lead agency, and then determine the environmental significance of the action (within 20 calendar days of its receipt of the application, an EAF, or any addi-

tional information reasonably necessary to make that determination, whichever is later).

3. In this instance, as I mentioned above, since the action requires approvals from both the Planning Board and the Zoning Board of Appeals (ZBA) then there should be a coordinated review under SEQR. The Planning Board, therefore, is required to give notice to the ZBA of this application. The notice identifies the Unlisted Action needing a coordinated review under SEQR and includes a copy of the Part 1 of the Short Environmental Assessment Form (SEAF), a copy of all supporting information submitted to the Planning Board and a copy of the Planning Board's declared intent to be designated as the lead agency.
4. The lead agency may be either of these two agencies (e.g., Planning Board or ZBA). If there is no agreement from the ZBA of the Planning Board's declared intent, then the Commissioner of the State Department of Environmental Conservation will become involved with designating a lead agency. This process could be lengthy in time for completing.
5. Also at Wednesday's Planning Board meeting, the Board—following a presentation from the Applicant, the Applicant's Attorney and/or the Applicant's Engineer—will then ask Town Staff to identify their input for that meeting. Then the public, those in the meeting room will be asked by you to identify their name and address and present their comments to the Planning Board. Those participating online will also be asked identify themselves (including their street address) and then address the Planning Board with their concerns. Hopefully, a draft copy of these meeting minutes and public hearing will be available to be included to the ZBA.
6. On July 19, 2023, the Planning Board is expected to classify the Action (by resolution) under SEQR as an Unlisted Action, subject to a coordinated review with the ZBA. The resolution on July 19th will also declare the Planning Board's intent to be designated as the lead agency for this Action. A notice of the Planning Board's classification and declared intent will be sent by the Planning Board's Chairperson to the ZBA. The Planning Board will request a formal reply (a ZBA Resolution) agreeing to or objecting to the Planning Board being designated lead agency by the Planning Board's meeting on August 2, 2023.
7. The ZBA, at their first meeting on July 24, 2023, will open their public hearing upon the requested area variance, receive public input, and then do the following:

- a. Continue the public hearing to their next meeting on Monday, August 28, 2023, (or whatever date is agreed-to) to allow time for a lead agency to be established and then for a determination of significance being made. [Note: Once the lead agency is established, there may be additional information requested by the lead agency that is determined necessary for a complete application that would allow for a determination of significance]; and
 - b. Notify the Planning Board of their agreement for the Planning Board to be designated the lead agency, or make a formal objection thereto; and
 - c. Request the Planning Board, in writing, to provide a report and recommendation upon the requested area variance before the ZBA, as is provided for under Article 16, Section 277.6., of New York State Town Law; and
 - d. Provide the Planning Board with any information that the ZBA recommends be required in order for the designated lead agency to make an informed determination of significance.
8. This reply from the ZBA, if it is received by the Planning Board in time for its next meeting on August 2, 2023, will be considered at that time. If the ZBA agrees with the Planning Board's declared intent to be designated lead agency then the Planning Board may act by resolution on August 2nd, designating themselves as the lead agency.
 9. If the ZBA does request a written report and recommendation on the requested area variance, then the Planning Board is likely to request Town Staff to provide a draft report and recommendation for the Board's consideration at their meeting on Wednesday, August 16, 2023.
 10. If the report and recommendation is approved by the Planning Board on August 16, 2023, then it could be sent to the ZBA in time for its continued public hearing on Monday, August 28, 2023.
 11. If, the Planning Board, as the designated lead agency on August 2nd, requests the Applicant to provide additional information and that information is received in time for submission to the Planning Board for their meeting on August 16, 2023, then the Planning Board may

determine the application complete and then take action to make a determination of significance under SEQR.

- 12. If for any reason given, a SEQR determination is not made by an established lead agency before the ZBA’s August 28th meeting, then the ZBA, on Monday, August 28, 2023, will need to continue the public hearing to their next scheduled meeting on Monday, September 25, 2023. Please further note that if there are any delays experienced in establishing a lead agency, or for providing additional information requested by a lead agency, the future Planning Board and/or ZBA meetings may also need to be extended to a future date and time. If a specific date cannot be established, then the Town will need to advertise a new legal notice(s) for the continued public hearing(s).
- 13. What is certain, is that no decision may be made by either involved agency (Planning Board or ZBA) until SEQR has first been complied with.

I trust that this overview of the SEQR Process for these two related Actions is adequate. However, if not, I would welcome any questions. Please let me know.

RLB:btb

- c: John Robortella, Clerk of the Planning Board
Farmington Zoning Board of Appeals
Sarah Mitchell, Clerk of the Zoning Board of Appeals
Dan Delpriore, Town Code Enforcement Officer
Casey Caudle, Assistant Town Code Enforcement Officer

Mr. Hemminger said that the Planning Board will look to the public to provide facts which would affect the environmental record of this application. He said that the Planning Board would then consider more of the “mechanics” of the proposed re-subdivision following the completion of the environmental record and the consideration of the Area Variance application by the ZBA.

Mr. Hemminger then introduced Ms. Albright, P.E., APD Engineering and Architecture, on behalf of the Fowler Family Trust.

Ms. Albright said that the applicant was not able to attend tonight’s meeting. The applicant would like to subdivide two existing lots to create three lots, as follows:

Proposed Lot #R5-A	6.437 acres
Proposed Lot #R-5B	2.212 acres
Proposed Lot #R-5C	3.442 acres

She acknowledged that each lot would be created as a non-approved building lots which would require site plan approvals before building permits could be issued. Ms. Albright said that no building plans are part of the subdivision application at this point.

Ms. Albright also referred to the draft resolutions which have been provided for the board's consideration this evening. She noted that several references to "square feet" should be corrected to refer to "acres." Mr. Hemminger requested that the clerk make these corrections on the final resolutions.

She asked about the timeline of the application process and if the Planning Board could declare itself as the SEQRA Lead Agency at the next meeting [on August 2, 2023] to begin the environmental review. Mr. Hemminger said that this could be possible if the ZBA has no objections at its next meeting on July 24th to the Planning Board's declaration of intent to be designated as Lead Agency.

Mr. Hemminger then turned to Town Staff for their input. Mr. Brand said that two draft resolutions have been prepared for the board's consideration this evening, i.e., the first to classify the application as an Unlisted Action under SEQRA, to identify the ZBA as a SEQRA Involved Agency, and to provide notice to the ZBA of the Planning Board's intent to be designated as Lead Agency; and the second to continue the Planning Board's Public Hearing on the application to August 2, 2023.

Mr. Hemminger said that draft minutes and then approved minutes of this evening's meeting, which include Mr. Brand's memo regarding the details of the review process (*see* above, pp. 5–8), will be posted on the Town website.

Mr. Delpriore said that this evening's actions are procedural and that they are the first step in the consideration of the environmental record.

Mr. Hemminger then acknowledged receipt of the petition from Town residents [regarding this application]. He said that the petition will be placed in the file on the application and that the board appreciates the feedback from the residents on this application.

Mr. Hemminger said that tonight's Public Hearing will not be closed and will remain open until the board has enough information to make the determination of significance.

Mr. Hemminger then asked if anyone in the meeting room wished to speak for or against this application, or ask questions.

Mr. Dispenza (6237 Pheasants Xing) said that he lives across the road from the proposed subdivision. He asked if Mr. Hemminger could be more specific about the information which the board would like to receive this evening. Mr. Hemminger said that the SEQRA requires the board to consider environmental issues such as steep slopes and wetlands. He said that these are among the criteria contained in the SEQR Regulations which the board will consider regarding the siting of residences on the proposed lots. He said that although

additional information will be provided by the engineers, feedback from residents on the environmental record is also requested.

Mr. Dispenza said that the map [of the proposed subdivision which Ms. Albright displayed in the meeting room] depicts what people can see, but that once the land hits the dropdown it is no longer part of the neighborhood. He said that portions of the land are a wetland and that he does not think that the board should consider that area as a separate parcel.

Mr. Leblond (6262 Pheasants Xing) said that he seconds what Mr. Dispenza said. Mr. Leblond said that this may be a large piece of property in its entirety but that trying to make this into three lots does not make any sense. He said that it just seems like a crazy idea, that much of this [land] is unusable and that it would pretty tricky to put a residence back there.

Mr. Hemminger said that specifically the board will ask the applicant to provide the sitings of the houses in relation to the steep slopes, and will ask if there would be enough room for the placement of accessory structures [on the lots]. Mr. Hemminger said that the last thing the board would want is to create a situation in which a variance would be required to place an accessory structure in a side yard. He said that these types of discussion will go on.

Mr. Coon (6250 Pheasants Xing) described the location of his lot on the drawing of the subdivision. He said that he received a letter [from the applicant] which included photos of the proposed houses. Mr. Coon said that he would have many concerns about building on the middle lot. He said that he also has a concern about when residents can ask about the variances [which may be required by the applicant] and that houses on these lots may be too close to the property lines. Mr. Hemminger said that these concerns will be part of the board's review of the environmental record and that he would like the review to also determine if additional variances would be required by the applicant.

Mr. Hemminger said that the process which the Planning Board will follow is the exact same process which the board has used on other applications. He said that SEQRA is a State-mandated requirement and that this application will be classified as an Unlisted Action which requires additional discussion [as compared to classified Type II Actions]. Mr. Hemminger said that he would like everyone to understand that this will be process which could take a period of time.

Mr. Coon asked if only comments on the environment would be accepted this evening. Mr. Hemminger said that the board's environmental review is the first step in the process but that residents may wish to provide additional facts, although some information may be premature in the process. Mr. Coon said that at this point he did not see a huge environmental impact at putting in a field. Mr. Hemminger said that he was technically correct, that at this point this application involves drawing lines on paper. However, those lines will affect future applications for building permits on the proposed parcels of land and those applications will become more challenging. Mr. Coon said that he has a number of other concerns, but not within the environmental area.

Mr. Dispenza asked if there have ever been plans to build houses below grade. Mr. Hemminger said that the applicant [in the recent past] had submitted a three-lot subdivision application (August 19, 2020, *see* p. 3, above), and a four-lot subdivision, but that the applicant withdrew those applications prior to the board taking formal actions.

Mr. Dispenza asked about the land in the lower area [the western portion] of the proposed lots. He asked if this area is a flood plain or a creek. Ms. Albright described the approximate location of the designated flood plain on the subdivision drawing which was displayed in the meeting room.

Mr. Dispenza asked how the property is being taxed right now. Mr. Hemminger said that the Planning Board did not have information whether this is available online and suggested that Mr. Dispenza contact the Town Assessor's Office.

Mr. Hemminger then asked if anyone on the remote video conference wished to speak for or against this application or ask questions.

Ms. Moyer (6226 Pheasants Xing) said that the front edge [of the property] has been mowed for several years. Regarding the environmental impact, she said that there is quite a bit of wildlife near the creek and that there would be an environmental impact depending upon the locations of the structures. Mr. Brand said that the SEQRA review includes a question on [wildlife] habitat.

Mr. Hemminger said that the SEQRA process is to identify environmental issues and the ability to mitigate them with a procedure which would be, or which would not be, acceptable.

Mr. Hemminger asked if there were any additional comments or questions on this application this evening. Hearing none, he adjourned the public hearing to the date and time provided in the above referenced Planning Board resolution.

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION—CLASSIFICATION OF ACTION AND DECLARATION OF INTENT
TO BE DESIGNATED LEAD AGENCY FOR MAKING THE DETERMINATION OF
SIGNIFICANCE**

PB #0702-23

APPLICANT: APD Engineering & Architecture, 615 Fishers Run, Victor, N.Y. 14564; representing the Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425

ACTION: **SEQR Classification and Declaration of Intent to be designated Lead Agency for making the Determination of Significance— Preliminary Three-Lot Re-Subdivision Plat Approval for Tax Map Accounts Number 29.13-1-5.100 containing a total of 7.9 acres of land and Number 29.13-1.5.200 containing a total of 4.2 acres into three (3) proposed lots (Lot #R5-A, 6.437 acres; Lot #R5-B, 2.212 acres; and Lot #R5-C, 3.442 acres). All three (3) proposed Lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received the above referenced Action; and

WHEREAS, the Planning Board has at tonight’s meeting reviewed the classifications for an Action being reviewed within the provisions of Part 617 NYCRR, a part of Article 8 of the New York State Environmental Conservation Law (the State’s SEQR Regulations).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby classify the above referenced Action as an Unlisted Action, having reviewed the criteria contained in Part 617.4 and 617.5 of the State’s SEQR Regulations.

BE IT FURTHER RESOLVED that the Planning Board does hereby identify the Town Zoning Board of Appeals as the only other Involved Agency in making a decision upon the above referenced Action and, does declare a coordinated review is required and also declare its intent to be designated at the lead agency under the State’s SEQR Regulations.

BE IT FURTHER RESOLVED that the Planning Board does hereby instruct the Planning Board Chairperson to provide the Town Zoning Board of Appeals written notice of this pending Action and the Planning Board’s declared intent to be designated as the Lead Agency for making the required determination of significance under the State’s SEQR Regulations.

BE IT FURTHER RESOLVED that the Planning Board instructs the Town Director of Planning and Development to provide said notice for the Zoning Board of Appeals review at their meeting on Monday, July 24, 2023, requesting a response be made for the Planning Board’s next scheduled meeting on August 2, 2023.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Aye
Timothy DeLucia	Excused
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Excused

Motion carried.

■ A motion was made by MR. SWEENEY, seconded by MR. BELLIS, that the reading of the following resolution waived and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CONTINUATION RESOLUTION**

PB #0702-23

APPLICANT: APD Engineering & Architecture, 615 Fishers Run, Victor, N.Y. 14564; representing the Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425

ACTION: SEQOR Determination of Non-Significance, Preliminary Three Lot Re-Subdivision Plat Approval for Tax Map Accounts Number 29.13-1-5.100 containing a total of 7.9 acres of land and Number 29.13-1.5.200 containing a total of 4.2 acres into three (3) proposed lots (Lot #R5-A, 6.437 acres; Lot #R5-B, 2.212 acres; and Lot #R5-C, 3.442 acres). All three (3) proposed Lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight opened a public hearing upon the above referenced Action; and

WHEREAS, the board has received testimony at tonight’s Public Hearing that will be entered into the public hearing record on the above Action; and

WHEREAS, there are a number of procedures that have been identified which must first be addressed before the Planning Board intends to close the Public Hearing on the above referenced Action.

NOW THEREFORE BE IT RESOLVED that the Board does hereby move to table further deliberations upon the above referenced Action; and

BE IT FURTHER RESOLVED that the deliberations upon the proposed area variance are hereby continued to the Board’s scheduled meeting on **AUGUST 2, 2023**.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Aye
Timothy DeLucia	Excused
Edward Hemminger	Aye

Aaron Sweeney	Aye
Douglas Viets	Excused

Motion carried.

5. OTHER BOARD ACTIONS

A. Cerone Incentive Zoning Project (MIII Enterprises/Auburn Junction, Phase 3A): Letter of Credit Release #2 (Final):

■ A motion was made by MR. SWEENEY, seconded by MR. BELLIS, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 LETTER OF CREDIT RELEASE #2 (FINAL)
 ROUTE 332 MIII ENTERPRISES PHASE 3A PROJECT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town’s Engineer, dated July 13, 2023, to approve the final release of funds (Release #2) from the Letter of Credit established for the above referenced project, in the total amount of \$14,379.44; and

WHEREAS, the Town Engineer’s recommendation has been coordinated with Matthew Heilmann, Town Construction Inspector, and is based upon the Applicant’s Engineer’s Estimate of Values, dated November 11, 2022; and

WHEREAS, the Town Department Heads and Town Engineer have signed Forms G-1.1 and G-2.0, Letter of Credit/Surety Release Forms; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested release of funds from a Letter of Credit for approved site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project, the recommendations from Town Officials and the individual site inspections conducted by Planning Board members recommends that the Town Board take formal action to authorize the requested final release of funds, in the total amount of \$14,379.44, remaining in said surety with the condition that the Applicant re-stripe the driveway entrance/exit to/from Carmen’s Way with the yellow double centerline stripe and the white Stop Bars which, upon inspection, were found to be almost invisible.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board for their consideration at their meeting on Tuesday, July 25, 2023.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicant, Michael Cerone, Route 332 MIII Enterprises at Auburn Junction; the Applicant’s Engineer, Ryan Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450; Tom Danks, BME Associates, 10 Lift Bridge Lane, Fairport, N.Y.14450; John LeFrois, LeFrois Builders & Developers, 1020 Lehigh Station Road, Henrietta, N.Y. 14467; Tim Ford, Town Highway and Parks Superintendent; David Conti, Town Water and Sewer Superintendent; Matt Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ron Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town’s Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Aye
Timothy DeLucia	Excused
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Excused

Motion carried.

B. A Safe Place Storage: Letter of Credit Release #1 (Final):

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
A SAFE PLACE STORAGE PROJECT (PB #0703-22)
LETTER OF CREDIT FINAL RELEASE**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated July 17, 2023, from Ronald Brand, Director of Planning and Development, to recommend to the Town Board approval of the final release of funds from a Letter of Credit for site improvements, for A Safe Place Self Storage Project, located on property at 6025 Denny Drive; and

WHEREAS, the recommendation is based upon a letter, dated July 14, 2023, from Lance S. Brabant, CPESC, Director of Planning & Environmental Services, MRB

Group, D.P.C., the Town Engineer, for the final release of funds from a Letter of Credit for site improvements made for the above referenced project; and

WHEREAS, said request has also been reviewed and accepted by the Town Construction Inspector and Town Department Heads, who have signed the Town’s Surety Forms G-1.1 and G-2.0; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Applicant’s Engineer’s Estimate of Value attachment thereto; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render a recommendation to the Town Board whether or not to honor the requested final release of funds from the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Director of Planning and Development, the Town Construction Inspector, the Town Engineers and Town Staff, does hereby recommend that the Town Board take formal action to approve the request for the final release of funds from the established Letter of Credit in the total amount of \$305,294.91.

BE IT FINALLY RESOLVED that a certified copy of this resolution be provided to: Farmington Town Clerk; Farmington Town Supervisor; Farmington Town Highway and Parks Superintendent; Farmington Water and Sewer Superintendent; Farmington Town Construction Inspector; Farmington Town Code Enforcement Officer; Farmington Town Director of Planning and Development; the Applicant’s Engineer; and the Applicant.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Aye
Timothy DeLucia	Excused
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Excused

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

- On Tuesday, July 24, 2023, the Town Board is expected to consider and take action upon the environmental record for the Farmington Market Center Incentive Zoning application (Tops Supermarket plaza on State Route 96). Mr. Brand said that a draft Town Board resolution also is now being reviewed for the approval of the rezoning at a later date.
- No additional information has been received from three applicants who met with the Project Review Committee on July 6, 2023, regarding concept plans as follows:

Development concepts for an approximately 90-acre parcel of land on the east side of State Route 332. A water park had originally been proposed for this site a number of years ago. The applicant is considering the construction of three-story townhouses at market-rate prices and some general business and limited industrial uses. The applicant plans the construction of a climate controlled self-storage building which would be located in an appropriate zoning district along the south side of County Road 41.

Development concepts for a parcel of land on the east side of State Route 332, south of the existing Microtel Hotel and KFC Restaurant sites, north of the State Route 332/County Road 41 intersection, and west of Beaver Creek Road, which may include a combination of mixed commercial uses, offices, a gas station, banks and/or a hotel.

Development concepts for a solar facility (Sky Solar) to be located between the two ends of Commercial Drive which would provide for the connection of Commercial Drive. A five-megawatt solar installation with battery storage is being considered.

- The Town Agricultural Advisory Committee will begin the discussion on agricultural conservation districts tomorrow night (July 20, 2023). Mr. Brand said that a new zoning district may replace a current combination district.
- The Town has been notified that the current 1983 FEMA flood insurance map will be amended with revisions to four properties in the Town. Mr. Brand said that the amendment procedure will be a public process and that the public will be notified.

Code Enforcement Officer:

Mr. Delpriore said that two final site plans for applications on Canandaigua–Farmington Town Line Road and on New Michigan Road will be on the Planning Board agenda for the meeting on August 2, 2023. He also said that the continued Fowler Family Trust three-lot re-subdivision application, which was discussed earlier this evening, will be on the agenda.

Mr. Hemminger requested that the Town staff provide Mr. Fowler’s team with as much information that the Planning Board will need regarding the board’s consideration of the siting of the new homes and if the proposed locations of the homes would require additional

Area Variances. Mr. Hemminger also said that the board will be concerned about the steep slopes in the Pheasants Crossing subdivision. He said that there may be a need to place some restrictions on the site plans [for the proposed new homes] which would not permit accessory structures on the lots. He said that it will be important that the prospective property owners would be made aware of any possible restrictions on the proposed lots.

Highway and Parks Superintendent:

On behalf Highway Superintendent and Parks Superintendent Tim Ford, Mr. Delpriore said that the highway department has been busy with paving operations through the Town.

Farmington Volunteer Fire Association:

Mr. Giroux said that the fire department has responded to recent alarms and motor vehicle accidents. He said that there have been some flooding issues but nothing to the extent of the flooding which occurred in the Town of Canandaigua and the City of Canandaigua on July 9, 2023. Mr. Giroux said that a primary issue in Farmington was the condition of water across Canandaigua–Farmington Town Line Road.

Mr. Delpriore said that one home sustained damage from a collapsed wall.

Planning Board Members:

Mr. Sweeney asked about the change order regarding the installation of fire hydrants at the CountryMax construction site on the southwest corner of Collette Road and Hook Road. Mr. Delpriore said that the originally-approved plans and the field change order are both compliant with the Town Code, that they meet the minimums, and that the question involves water volume and water pressure, and ground piping. Mr. Delpriore also said that the Town is awaiting a report from MRB Group regarding this.

Mr. Giroux said that the sprinkler system in a building would be affected when water is pumped by fire apparatus.

Mr. Bellis asked if construction has begun at the Dollar General store on the south side of State Route 96. Mr. Delpriore said that the installation of new laterals is underway and that the contractor hopes to begin the installation of steel in the next week or so.

Mr. Bellis also asked about the GLN Farmington Realty site on the south side of State Route 96 between the Farmington Commons Plaza and the Farmington Market Center. Mr. Delpriore said that this development has been put on pause by the developer and, therefore, is no longer discussed at Project Review Committee meetings. He noted that the land has been clear cut, there have been some site improvements and that no building has been approved at this time.

7. PUBLIC COMMENTS

None.

8. TRAINING OPPORTUNITIES

■ **New York Planning Federation Recorded Webinars:**

For information: (518) 512-5270 or nypf@nypf.org

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.
Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:
<https://www.co.ontario.ny.us/192/Training>

■ **4th Thursday 2023 Monthly Municipal Boot Camp Program
Presented by MRB Group, and Hancock and Estabrook**

<https://register.gotowebinar.com/register/5013248983683015766>

- Thursday, July 27, 2023, 6 p.m. to 7 p.m.: Local Regulation of Cannabis
- Thursday, September 28, 2023, 6 p.m. to 7 p.m.: Transforming Former Industrial Properties
- Thursday, October 26, 2023, 6 p.m. to 7 p.m.: Preventing Sexual Harassment
- Thursday, December 14, 2023, 6 p.m. to 7 p.m.: Case Studies: Good and Bad of 2022

9. ADJOURNMENT

■ A motion was made by MR. SWEENEY, seconded by MR. BELLIS, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:45 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, August 2, 2023, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and also via remote video conference.

Following the meeting, the clerk locked the doors to the Town Hall.

Respectfully submitted,

John M. Robortella, Clerk of the Board _____ L.S.