

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, May 3, 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
Timothy DeLucia
Aaron Sweeney
Douglas Viets

Staff Present:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer
Tim Ford, Town of Farmington Highway Superintendent

Attending:

Doug Doebler, Gerber Homes & Additions, 1260 Ridge Road, Ontario, N.Y. 14519
John W. Hotto, R.L.A., LandTech Surveying & Planning PLLC, 1105 Ridgeway Avenue,
Rochester, N.Y. 14615
Colleen Jorolemon, 1129 Jensen Court, Farmington, N.Y. 14425
James Russell, 5040 Herendeen Road, Shortsville, N.Y. 14548
Noelle and Mark Porretta, 4484 State Street, Shortsville, N.Y. 14548
Craig Record, 4513 State Street, Shortsville, N.Y. 14548
Edward Samoel, WNY Auto Sales Inc., 321 Pittsford–Palmyra road,
Macedon, N.Y. 14502
William Tice, 5012 Herendeen Road, Shortsville, N.Y. 14548

[Illegible], Victor, N.Y. 14564

Clerk's Note: The Planning Board meeting which was to have been held on April 19, 2023, was cancelled by Chairperson Edward Hemminger due to having no Planning Board business on the agenda.

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—APRIL 5, 2023

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the minutes of the April 5, 2023, meeting be approved.

Motion carried by voice vote. Mr. Bellis and Mr. Sweeney abstained due to their absences from the meeting on April 5, 2023.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on April 26, 2023:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing, both in person and virtually via Zoom on the 3rd day of May 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 considering the application of:

PB #0501-23: NOELLE PORRETTA, 4484 STATE STREET, SHORTSVILLE, N.Y. 14548: Requesting a Special Use Permit to operate an excavating business according to Chapter 165-72 of the Town of Farmington Codes. The property is located at 4484 State Street and is zoned A-80 Agricultural.

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

Ed Hemminger, Chairman, Planning Board

4. NEW PUBLIC HEARING: SPECIAL USE PERMIT**PB #0501-23****New Public Hearing: Special Use Permit Application****Name:** Noelle Porretta, 4484 State Street, Shortsville, N.Y. 14548**Location:** 4484 State Street**Zoning District:** A-80 Agricultural District**Request:** Special Use Permit to operate an excavating business according to Chapter 165-72 of the Farmington Town Codes.

Prior to the meeting, Ms. Porretta submitted the following information:

We are applying for a Special Use Permit. We had a Special Use Permit at our home on Latting Road for 20 years for our excavating business. we moved to this location on State Street and are using this pole barn the same as we did at the Latting Road location.

We use it to park and store. We do not have any customer coming to the location. Our hours are 8:00 a.m.–5:00 p.m. We have always had an excellent reputation with our neighbors and keep things organized and neat. We will not keep any lettered trucks in view from the road.

We are a small family-owned and operated business, and only two employees that drive to job sites. We recently had to add a temporary storage (which is drawn on the site plan) out back for pipe materials. We do not plan on keeping that, but due to the supply chain issues these past two years, we have had to buy ahead to be able to keep working.

Thank you.

—Noelle Porretta

Mr. Hemminger opened the Public Hearing on this application.

Mark and Noelle Porretta presented this application.

Ms. Porretta said that they have been residents of Farmington for over 30 years and that they have had a Special Use Permit at their previous location on Latting Road for 22 years. She said that nothing has changed in the way that they conduct business, that they were previously in an agricultural [zoning] district but that there were residential properties near them, and that they never had one complaint over the 22 years at their previous location.

Ms. Porretta said that they own the parcel upon which their home is located, and two adjoining parcels. She said that a little over 40 acres are currently farmed.

Mr. Brand said that the application has been reviewed and that a continuation resolution has been prepared for the board's consideration this evening because of the identified need for more information.

Mr. Delpriore said that a major concern is that there must first be an interpretation of the business operation to determine if the operation is may be classified as a Major Home Occupation (Excavation Operation) under Town Code Chapter 165, Article VI, Section 72A and that the use does not exceed 50 percent of the home; or if the operation is classified as a business [if more than 50 percent of the home is used for business purposes].

Mr. Delpriore said the size of the business cannot exceed more than 50 percent of the home [to be considered as a Major Home Occupation]. He said that a Special Use Permit will be required either way [Major Home Occupation or business]. Mr. Delpriore said that he will work with the Town Zoning Officer following which he will issue an interpretation of the classification for this application.

Mr. Delpriore also said that another major concern is that a site plan [for this application] must be developed by a licensed engineer, architect or land surveyor, and that the board will have to deal with the issue of outdoor storage, which he said is always a big topic for the Planning Board.

Mr. Ford had no comments on the application this evening.

Mr. Brabant said that his engineering comments include the need for a [site] plan which will delineate the limits of the [outdoor] storage area on the site and a more detailed Statement of Operations because the Special Use Permit [if granted] will run with the land.

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

Mr. Record (4513 State Street) said that he lives across the road from the applicants. He asked if the Special Use Permit would continue if the applicants move or sell their business. Mr. Hemminger said yes. He said that a Special Use Permit runs with the land, which is a State requirement.

Mr. Record asked if a written plan is available. Mr. Hemminger said that the Town staff and the Planning Board received some information from the applicants, but that the staff and the board are requesting additional information to include an actual site plan prepared by an engineer to especially determine the delineation of the outdoor storage area. Mr. Hemminger also said that the Town Code Enforcement Officer must determine if the use is considered to be a Major Home Occupation or a business. He said that the size of the operation cannot exceed 50 percent of the home in order to be considered a Major Home Occupation.

Mr. Record asked if he would be able to see the site plan. Mr. Hemminger said yes, once the site plan has been submitted to the Building Department by the applicant.

Mr. Record said for the record that he has no issues with the applicants as to what they have done, and that they are very professional.

Mr. Hemminger then asked if anyone on the remote video conference wished to speak for or against this application. There were no attendees on the remote video conference this evening.

Board deliberations:

Mr. DeLucia said that he understood the resolution and that the draft conditions of approval explain [the additional information which is required]. He said that he will be interested in reviewing the additional information as it collected [from the applicant by the Town staff].

Mr. Bellis said that he also would like to have additional information but that he does not see a big problem with [a determination of] a Major Home Occupation or a business.

Mr. Hemminger then asked if there were any additional comments from those in the meeting room. There were no additional comments from those in the meeting room.

There were no additional comments or questions on this application this evening.

He then asked the applicants if they received the draft resolution and agreed with the conditions. They said that they had not received the draft resolution.

(Clerk's Note: The draft resolution was distributed via email to the board, the Town staff, to Ms. Porretta and to Land Surveyor David Freeland on April 27, 2023, at 3:56 p.m. None of the emails were returned as undeliverable.)

Mr. Hemminger then read aloud the conditions of approval. He said that the barn area appears to be larger than the home area. He also suggested that the applicants reach out to the Code Enforcement Officer with questions regarding his determination when this [application] is determined to be a home occupation or a business.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SPECIAL USE PERMIT—MAJOR HOME OCCUPATION**

PB #0501-23

APPLICANT: Noelle Porretta, 4484 State Street,
Shortsville, N.Y. 14548

ACTION: Special Use Permit to operate an excavating business
under the provisions of Chapter 165, Article VI, Section

72, of the Town Code. on property located at 4484 State Street, zoned A-80 Agricultural District.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the proposed application identified above and has given consideration to the public, town staff and Town Engineer's comments that have been entered into the Public Hearing record established at tonight's meeting; and

WHEREAS, the Planning Board has reviewed the comments made as part of the Ontario County Planning Board's referral 62-2023, dated April 12, 2023, a Class 1 Referral with comments; and

WHEREAS, the Planning Board based upon the above has identified a number of procedural concerns associated with the proposed use that first need to be resolved before the Board may continue its deliberations upon this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table its deliberation upon the above requested Action and to continue this Public Hearing to an unknown future date and time.

BE IT FURTHER RESOLVED that the Planning Board requests the Town Code Enforcement Officer to make an interpretation, based upon the information received at tonight's Public Hearing, on whether the application may be considered to be a Major Home Occupation as the term is defined in Chapter 165, Article II, Section 10 of the Town Code; and as further regulated within Chapter 165, Article VI, Special Permit Uses, Section 72, B. Major Home Occupations.

BE IT FURTHER RESOLVED that the Applicant, once an interpretation is made by the Town Code Enforcement Officer that this application is defined as a Major Home Occupation and all of the criteria contained within Chapter 165, Article VI, Section 72 B. has been adequately identified, is then to make application to the Town Zoning Board of Appeals, for an area variance to the provisions contained in Chapter 165, Article VI, Section 72 A. of the Town Code, in that the requested Special Use Permit for a Major Home Occupation (Excavation Operation) based upon the information received tonight is determined by the Planning Board to be extensive in that it predominates the principal permitted residential use of the property (single-family residential).

BE IT FURTHER RESOLVED that once an area variance has been granted by the Town Zoning Board of Appeals to the provisions of Chapter 165, Article VI, Section 72, then a detailed Preliminary Site Plan drawing and application is to be prepared by a licensed professional engineer, or land surveyor, in accordance with the provisions contained in Chapter 165, Article VIII, Administration and Enforcement, Section 100 C., of the Farmington Town Code, which is to be submitted as part of the Planning Board's continued deliberations upon this Special Use Permit Application.

BE IT FURTHER RESOLVED that there is to be a Short Environmental Assessment Form (SEAF) prepared for the current Special Use Permit Application prior to any continued deliberation by the Planning Board. In addition, in the event there is an application for an area variance, a separate SEAF will be needed. Finally, should there be a future Preliminary Site Plan Application, then a more detailed separate SEAF will be required for that application.

BE IT FURTHER RESOLVED that copies of this resolution for Final Site Plan Approval with Conditions specified above are to be provided to the applicant, the applicant’s land surveyor and engineer, town staff and the Town’s Engineer.

BE IT FURTHER RESOLVED that the Applicant will, if it is determined to be necessary, be responsible for the above referenced applications.

BE IT FINALLY RESOLVED that the Applicant will be required to pay for the publishing of a second legal notice since there is no known date when continued deliberations by the Planning Board may continue.

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

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

Motion carried.

5a. NEW PRELIMINARY SITE PLAN

PB #0502-23 New Preliminary Site Plan Application

Name: William and Cassandra Tice, 5012 Herendeen Road, Shortsville, N.Y. 14548

Location: 5012 Herendeen Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval to erect a two-story 2,712-square-foot single-family residence to replace the residence which was lost due to fire.

Mr. Tice and Mr. Doebler (Gerber Homes & Additions) presented this application.

Mr. Tice said that he has lived on Herendeen Road for over 15 years, that an electrical fire occurred there on February 15th, and that the home was a total loss and has been torn down. He said that he has been working with Mr. Delpriore and Mr. Gordner in the Building Department, and that Gerber Homes & Additions will build a new home on the site.

Mr. Hemminger said that three draft resolutions have been prepared for the board's consideration this evening, i.e., the State Environmental Quality Review (SEQR) classification (Type II Action), and Preliminary Site Plan and Final Site Plan approval resolutions with conditions.

Mr. Delpriore said that he has been working with Mr. Tice and that he [Mr. Delpriore] appreciates the board's consideration of both the Preliminary Site Plan and the Final Site Plan applications at this meeting, which is not the normal procedure but has been requested due to the circumstances of Mr. Tice and his family.

Mr. Delpriore said that the location of the new home on the property will be near the previous structure but is slightly larger and in a different shape. He said that these details are depicted upon the submitted site plan and that the application is straightforward.

Mr. Ford said that the new driveway must be of an asphalt material and that he will work with the applicant on this.

Mr. Brabant had no engineering comments on this application.

Mr. Bellis asked about the size of the new home. Mr. Tice said that the actual home will be about the same size as the house which was lost, but that a two-car garage will be added.

There were no additional comments or questions on this application this evening.

Mr. Hemminger asked Mr. Tice if he received the draft resolutions and if he agreed with the conditions. Mr. Tice said yes.

■ A motion was made by MR. DELUCIA, 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:

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION—TYPE II ACTION**

PB #0502-23

**APPLICANTS: William and Cassandra Tice, 5012 Herendeen Road,
Shortsville, N.Y. 14548**

**ACTION: Preliminary Site Plan approval to construct a single-family
dwelling replacing an original structure destroyed by fire.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria in Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

WHEREAS, the Board finds that the proposed Action is classified as a Type II Action under Part 617.5 (c) (2) of Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby classify the proposed Action as Type II Action under Section 617.5 (c) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT a Type II Action is not subject to further review under Part 617.

BE IT FINALLY RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

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

Motion carried.

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, 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
PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS**

PB #0502-23

**APPLICANTS: William and Cassandra Tice, 5012 Herendeen Road,
Shortsville, N.Y. 14548**

ACTION: Preliminary Site Plan Approval to construct a single-family dwelling and related site improvements on land located along the north side of Herendeen Road between County Road 28 and Wiborn Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the proposed application identified above and has given consideration to the public, town staff and Town Engineer’s comments that have been entered into the public record at tonight’s meeting; and

WHEREAS, proposed Action described above herein has been classified as a Type II Action thereby satisfying the procedural requirements of Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve the above referenced Action with the following conditions:

1. Preliminary Site Plan Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, identified as “Plan of Land to be developed by William & Cassandra Tice,” Job No. 23-6613, dated April 3, 2023, and is to be further amended by the conditions set forth below herein.
2. The title of the drawing is to be entitled “Preliminary Site Plan William & Cassandra Tice, 5012 Herendeen Road, Town of Farmington.”
3. There is to be a signature line added to the drawing for the Planning Board Chairperson to sign along with a date.
4. The eastern driveway is shown crossing over a ten-foot-wide easement for ingress, egress, and utilities reserved for Mary T. Crowley and a twenty-foot-wide right-of-way for ingress, egress, and utilities reserved by Mary T. Crowley. The liber and page for each of these easement/right-of-way reservations is to be shown on the Final Site Plan drawing.
5. If there is an easement/right-of-way for the eastern driveway as shown on the drawing that is referenced above which provides right of access to the Tice’s property then the liber and page for this second means of access to Herendeen Road is to be shown on the Final Site Plan drawing. If no such right of access exists then either the eastern driveway is to be terminated on the Final Site Plan drawing at the property line, or an easement/right-of-way across this delineated area is to be provided which includes the filed liber and page for granting such right of access. This access issue is to be resolved prior to the Town Code Enforcement Officer issuing a Certificate of Occupancy for the new dwelling.
6. The two (2) existing driveways require installation of two (2) blacktopped aprons that meet the criteria shown on Appendix 4.0 of the Town of Farmington Site Design and Development Criteria. A note to this effect is to be added to the Preliminary Site Plan drawing.
7. There is also to be a note added to the Preliminary Site Plan drawing that reads . . . “The entire site lies within a mapped Zone C, Area of Minimal Flood Hazard,

shown on the Federal Insurance Rate Map, Panel #0010B, Community #361299, dated September 30, 1983.”

- 8. There is a New York State Freshwater Wetland located on the property which is identified as CG-4, Map 8 of 22, Canandaigua Quadrangle Map. The approximate boundary of this state regulated freshwater wetland is to be shown on the Final Site Plan drawing.
- 9. There is to be a note added to the Preliminary (and Final) Site Plan drawing identifying the presence of the State Freshwater Wetland CG-4 which states the boundary of this freshwater wetland and its 100-foot-wide buffer have not been delineated and will need to be delineated prior to issuance of any building permit within the approximate boundary shown.
- 10. A Public Safety Sign is to be installed at the westerly driveway to the proposed dwelling.

BE IT FURTHER RESOLVED that copies of this resolution for Preliminary Site Plan Approval with Conditions specified above are to be provided to the applicant, the applicant’s land surveyor and engineer, town staff and the Town’s Engineer.

BE IT FURTHER RESOLVED that an electronic copy of the amended Preliminary Site Plan drawings is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, Town Staff, the Town Engineer and the Planning Board Chairperson are then authorized to sign these drawings.

BE IT FINALLY RESOLVED that Preliminary Site Plan Approval, with the above Condition, is valid for a period of 180 days from today and shall automatically expire unless signed Preliminary Site Plan drawings have been filed with the Town Development Office.

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

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

Motion carried.

5b. NEW FINAL SITE PLAN

PB #0503-23 New Final Site Plan Application

Name: William and Cassandra Tice, 5012 Herendeen Road,
Shortsville, N.Y. 14548

Location: 5012 Herendeen Road

Zoning District: A-80 Agricultural District

Request: Final Site Plan approval to erect a two-story 2,712-square-foot single-family residence to replace the residence which was lost due to fire.

See Item #5a above for the presentation and discussion of this application.

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that 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
FINAL SITE PLAN APPROVAL WITH CONDITIONS**

PB #0503-23

APPLICANTS: William and Cassandra Tice, 5012 Herendeen Road, Shortsville, N.Y. 14548

ACTION: Final Site Plan Approval to construct a single-family dwelling and related site improvements on land located along the north side of Herendeen Road between County Road 28 and Wiborn Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the proposed application identified above and has given consideration to the public, town staff and Town Engineer’s comments that have been entered into the public record at tonight’s meeting; and

WHEREAS, proposed Action described above herein has been classified as a Type II Action thereby satisfying the procedural requirements of Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve the above referenced Action with the following conditions:

1. Final Site Plan Approval is subject to all conditions of Preliminary Site Plan Approval. The title of the submitted drawing stamped by Michael Sponable, P.E., dated 4-4-23, and prepared by Greene Land Surveying, PLLC, will need to be entitled “Final Site Plan William & Cassandra Tice, 5012 Herendeen Road, Town of Farmington.”

- 2. There will need to be a signature line added to the drawing for the Planning Board Chairperson to sign along with a date.
- 3. Once this drawing has been amended and approved by the Town Code Enforcement Officer, then the Planning Board Chairperson may sign the Final Site Plan drawing. Once signed, then a copy is to be provided to the Applicant and a copy filed in the Town Development Office.
- 4. Final Site Plan Approval shall expire within 180 days unless signed by the Planning Board Chairperson.
- 5. Once the Final Site Plan drawing has been filed in the Town Development Office then a Building Permit may be issued.

BE IT FURTHER RESOLVED that copies of this resolution for Final Site Plan Approval with Conditions specified above are to be provided to the applicant, the applicant’s land surveyor and engineer, town staff and the Town’s Engineer.

BE IT FURTHER RESOLVED that an electronic copy of the amended Final Site Plan drawings is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted the Planning Board Chairperson is then authorized to sign the drawing.

BE IT FINALLY RESOLVED that Final Site Plan Approval, with the above Conditions, is valid for a period of 180 days from today and shall automatically expire unless a signed Final Site Plan drawing has been filed with the Town Development Office.

The above resolution was offered by MR. BELLIS and seconded by MR. SWEENEY at a regularly scheduled meeting held on Wednesday, May 3, 2023. After Board discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

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

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

Motion carried.

6. NEW FINAL SITE PLAN

PB #0504-23 New Final Site Plan Application

Name: WNY Commercial Warehouse Project, 321 Pittsford–Palmyra Road, Macedon, N.Y. 14502

Location: South Side of Loomis Road, east of State Route 332 and west of Plastermill Road

Zoning District: GI General Industrial

Request: Final Site Plan approval to erect two 10,000-square-foot single-story flex-space commercial buildings. Each building will consist of nine rental units of 1,111 square feet each having their own overhead door, fire alarm, dry sprinkler fire protection, gas, electric, mop sink, hand sink and bathroom for tenant occupancy.

(See Planning Board minutes of February 15, 2023, pp. 2–12, for a description of this application.)

On April 5, 2023, the Planning Board approved the SEQR determination of non-significance on this application and approved the Preliminary Site Plan with conditions.

Mr. Samoel and Mr. Hotto (LandTech Surveying & Planning PLLC) presented this application.

Mr. Hotto expressed thanks to the board and to the Town staff for working through this project. He said that it was a “hat trick” with having to receive a variance, rezoning and site plan approvals. He said that this is not common and he and Mr. Samoel thank the Town for ~~this~~ their help in working through all of this.

Mr. Hotto acknowledged receipt of the MRB Group engineering letter of April 28, 2023, which includes mostly minor technical drainage issues. He said that he spoke with Mr. Brabant this afternoon to discuss the issues and that he agreed that they can sort them out, following which he [Mr. Hotto] will complete the Stormwater Pollution Prevention Plan (SWPPP) and submit the NOI to the New York State Department of Environmental Conservation for the stormwater permit.

Mr. Hotto acknowledged receipt of the draft Final Site Plan approval resolution. He also said that he submitted the engineer’s estimate for the Letter of Credit to MRB Group, that he is awaiting confirmation, and that the required easement has been submitted to the Town and has been forwarded to the Town Attorney.

Mr. Hotto said that the remaining issue is the completion of the stormwater maintenance agreement. Mr. Delpriore said that he will provide this to Mr. Hotto.

Mr. Brand said that it appears that this project can be included on the Project Review Committee agenda on Thursday, June 1, 2023, during which construction details will be reviewed, such as work hours, work on holidays. Mr. Brand said that he sees no reason why

the applicant's Letter of Credit cannot be on the next Planning Board agenda on May 17, 2023, following which it would be submitted to the Town Board for approval.

Mr. Hemminger recommended that the Letter of Credit materials be submitted as soon as possible. Mr. Brabant acknowledged receipt of Mr. Hotto's engineer's estimates [for the Letter of Credit] and that [the estimate] is close to completion.

Mr. Brand extended appreciation to Mr. Samoel and Mr. Hotto of LandTech for working with the Town on this application and for bringing all the issues to completion.

Mr. Delpriore said that the application will be discussed at the Project Review Committee which will be held tomorrow (May 4, 2023) at which meeting the items which will be required for the June 1st Pre-Construction Meeting will be reviewed.

Mr. Ford said that he will be interested in receiving the applicant's plans for the construction entrance and the equipment staging location. Mr. Samoel acknowledged that the first step will be the clearing of the trees off the site and that he will discuss Mr. Ford's requests with the contractor.

Mr. Brabant said that the remaining engineering issues are mostly technical in nature with typical drainage comments, and that he will continue to work through these with Mr. Hotto.

Mr. Hemminger said that he would like to go on the record to extend his thanks to Mr. Samoel and Mr. Hotto for taking an odd parcel in our Town and making it a useful piece of property. He said that he realizes that they have had to go through a great [number] of steps and that they have done a good job.

Mr. Samoel said that this project has been his dream and now it's "crunch" time.

Mr. Hemminger asked if Mr. Samoel and Mr. Hotto had received the draft approval resolution and if they agreed with the conditions. Mr. Samoel and Mr. Hotto both said yes.

There were no additional comments or questions on this application this evening.

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, 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
WNY COMMERCIAL WAREHOUSE PROJECT
FINAL SITE PLAN APPROVAL WITH CONDITIONS**

PB #0504-23

**APPLICANT: WNY Commercial Warehouse Project, c/o Edward Samoel,
321 Pittsford-Palmyra Road, Macedon, N.Y. 14502**

ACTION: **Final Site Plan approval to develop a 2.502+/- acre site, located along the south side of Loomis Road, west of Plastermill Road and east of New York State Route 332, with a total of two (2) 10,000-square-foot one-story buildings and related site improvements.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has tonight conducted a public meeting and received testimony on the above referenced application; and

WHEREAS, the Board prior to tonight’s meeting, has received and reviewed this draft resolution; and

WHEREAS, the Applicant at tonight’s meeting, has discussed this draft resolution with the Board and has confirmed his understanding of the proposed conditions of approval set forth below and has agreed-to these conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby approve of the final set of drawings that comprise this application and does grant Final Site Plan Approval, with the following conditions:

1. The approval is based upon the set of drawings prepared by Land Tech Surveying & Planning, P.L.L.C., identified as sheet numbers 1 of 1 through 13 of 13, Project Number 21217, having the latest revision date of 04-13-23, and entitled “Final Site Plan, WNY Commercial Storage Facility.”
2. Prior to scheduling a Pre-Construction Meeting with Town Staff and the Town Engineer for this project the following are to be provided:
 - a. A Letter of Credit is to be reviewed by the Planning Board, accepted by the Town Board and filed with the Town Clerk’s Office; and
 - b. Draft documents (e.g., Stormwater Management Facility Easement, Stormwater Maintenance Agreement and the Sanitary Sewer Easement) have to be accepted by the Town’s Construction Inspector and are under review by the Town’s Attorney.
3. All comments identified in the April 28, 2023, MRB Group’s letter to the Town’s Director of Planning and Development are to be addressed in writing to the Town Engineer and a copy provided to the Town for the Project File before the Town Engineer’s signature is affixed to the Final Site Plan drawings.

BE IT FURTHER RESOLVED that any revision shown on the Final Site Plan drawings that were required by the conditions of Preliminary Site Plan Approval by the Planning Board (File PB #0203-23) are to be identified in the Revision Boxes for the respective drawings.

BE IT FURTHER RESOLVED that this resolution granting Final Site Plan Approval with Conditions shall automatically expire 180 days from today unless the Applicant complies with the above Conditions of Approval, or a written request for an extension of time is received and acted upon prior to the 180-day period.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to the involved agencies, the Town Staff, the Applicant, and the Applicant's Engineer.

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

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

Motion carried.

7. **OPEN DISCUSSION**

Director of Development and Planning:

Mr. Brand discussed the following topics:

- Town staff met last week with the applicant who has proposed a change for the development of a portion of Blackwood Industrial Park that is located at the north-west corner of County Road 41 and County Road 8 (Union Crossing Development LLC) (PB #0507-21, Final Site aplan approved with conditions on July 6, 2022; *see* also PB #0507-21, May 19, 2021). Mr. Brand said that the applicant proposes to submit a revised site plan to reduce the square footage of one of the two original warehouses and replace it with two climate-controlled mini storage facilities. He said that the applicant also has been asked by the Greater Rochester Enterprise (GRE) organization to consider one of the buildings for flex-space manufacturing use.

Mr. Hemminger requested that the Town staff take a good look at parking. He also said that the buildings are to be sprinklered.

Mr. Delpriore said that the staff already discussed parking with the applicant who reminded the staff that the parking lots were originally designed for tractor trailers and that the proposed concept will be to switch from a warehouse with loading docks to a manufacturing facility with parking.

Mr. Bellis said that it will be interesting to see the revised plan.

- No additional updates have been received from the applicant of the Farmington Market Center (Tops Supermarket Plaza).
- The GLN Farmington Realty project is still on pause. This project began with a concept review at the Project Review Committee on April 5, 2019. The Preliminary Site Plan for Phase 1A and the Overall Site Plan were approved on February 3, 2021 (PB #0903-20). The Final Site Plan for Phase 1A (Mercier Boulevard and Infrastructure) was approved with conditions on May 5, 2021 (PB #0503-21).
- A prospective buyer has placed a purchase option on an [approximate] 80-acre site along the east side of State Route 332, south of County Road 41. A number of years ago, an indoor water park and related commercial/residential development was proposed for this site. Mr. Brand said that the prospective buyer is considering a proposed Incentive Zoning project which would eventually result in the construction of a full four-way intersection at State Route 332 opposite Savalla Boulevard. Mr. Brand said that the MC Automotive auto repair shop located at 1531 State Route 332 is not part of the prospective project.
- A public information meeting will be held tomorrow night (May 4, 2023) at 6:30 p.m. at the Farmington Town Hall to provide an overview of the Transportation Alternatives Project (TAP) Sidewalk/Trail Connection Project, Phase 1. This Federal/State/Town-funded \$2.2-million capital transportation project, along with preliminary design plans, includes the construction of various sections of sidewalks creating a connecting pedestrian network within Farmington's established Community Center Area. A portion of the meeting will provide the preliminary design plans for the construction of a pedestrian bridge crossing of Beaver Creek located along the south side of County Road 41 and a stone-dust trail connection between the new sidewalk which was recently installed along the south side of County Road 41 and the Auburn Trail.
- The Power Incentive Zoning project, which originally had included the proposed construction of 216 single-family for-sale residential homes on ±145.8 acres along the north side of State Route 96, was denied by the Town Board by a 3 to 2 vote on March 28, 2023 (Town Board Resolution #149-2023) primarily due to the density of the subdivision and the small size of the lots widths. Mr. Brand said that the applicant has since reached out to the Town and is expected to submit a revised plan which will reduce the number of residential lots and increase the size of the lot widths to 80 feet wide. He also said that the Town Board may request another report and recommendation from the Planning Board on the revised plan, and that the Town Board would be expected to conduct another Public Hearing on the revised proposal.
- Mr. Brand said that the Town Code Enforcement Officer, the Town Zoning Officer and he recently met with a real estate agent who is working with the owner of the now-closed Hansen Metal Fabrication, 6021 County Road 41, regarding strategies

for marketing the property. Mr. Brand said that the real estate agent is interested in knowing about the uses that the Town would like to see on this property.

- Mr. Brand distributed hard copies of a draft Local Law to amend Town Code Chapter 9, Article V, regarding updates to the duties and responsibilities of the Planning Board. He said that the amended Local Law would not replace the Planning Board's Rules of Procedure but would clarify the role of the Planning Board beyond actions on applications. Mr. Brand said that currently the Town Code only includes articles on the Historic Preservation Commission and the Agricultural Advisory Committee and does not include articles on the Environmental Conservation Board, the Recreation Advisory Board or the Planning Board. Mr. Brand requested that board members review and draft in anticipation of a discussion on the revisions.

See Appendix #1 to the minutes, pp. 22–32.

Code Enforcement Officer:

Mr. Delpriore said that the next meeting of the Planning Board on May 17, 2023, will include consideration of the following applications:

PB #0502-23 Lee Maslyn, 4504 Kear Road, Canandaigua, N.Y. 14424; owner of property on Canandaigua–Farmington Town Line Road, east of Payne Road; requesting a Preliminary Site Plan approval to erect a two-story 2,287-square-foot single-family residence with attached garage, including site improvements to the grading, drainage and utilities.

PB #0506-23 Loomis Road Industrial Park LLC, 120 Linden Oaks, Rochester, N.Y. 14625; owner of property on the north side of Loomis Road between the New York State Thruway and Loomis Road; requesting Final Site Plan approval to erect a 12,600-square-foot building upon Lot #4 of the Loomis Road Industrial Park Subdivision and related site improvements including a new Town road, stormwater control facilities, landscaping, site lighting and building elevation.

The Preliminary Site Plan for Lot #4 of the Loomis Road Industrial Park was approved on September 7, 2022 (PB #0703-21) for which a 90-day extension was approved to extend from March 6, 2023, to June 3, 2023. The discussion on the Loomis Road Industrial Park began at the Project Review Committee meeting on December 4, 2020.

Mr. Delpriore also said that Marrano Homes is expected to submit a site plan amendment to the overall Hathaway's Corners site plan for the installation of two signs, i.e., one at the

entrance to the single-family Marrano Homes section, and the other at the entrance to the Villas Marrano Homes section.

Town Highway and Parks Superintendent:

Mr. Ford said that the spring townwide clean-up is this Thursday, Friday and Saturday (May 4, 5 and 6) and that the Highway Department plans to rebuild Fallow Lane next week.

8. PUBLIC COMMENTS

A citizen asked about the public notification procedure when a meeting is cancelled. Mr. Delpriore said that a Legal Notice is placed in the newspaper, and that the cancellation is posted on the Town Hall bulletin board and on the Town website.

The citizen asked if the Town website works. She said that she has not received responses to several inquires which she made on the website. Mr. Delpriore said that the website is under revision and that a new portal has been launched. He said that there has been quite a change [in the website] and that Planning Board agendas, minutes and legal notices are posted. He also said that citizens can always call the Building Department to confirm meeting dates and times.

9. BOARD MEMBERS' COMMENTS

Mr. Sweeney asked about the installation of the new “Welcome to Farmington” sign on the south side of State Route 96, west of the State Route 332/State Route 96 intersection. He asked if this is a permanent structure. Mr. Delpriore said yes. Mr. Sweeney asked if something will be done to improve the visual impact of the signposts. Mr. Delpriore said that this and the other new “Welcome to Farmington” signs are a joint project with the Town and the Farmington Chamber of Commerce. He said that the Chamber of Commerce is responsible for the planting of landscaping around the signs and for their upkeep. He said that the landscaping has not yet been completed. Mr. DeLucia asked if Mr. Sweeney was looking for something to over up the posts. Mr. Hemminger said that something should be planted to soften the view of the posts. Mr. Sweeney said that he would like to see something to shield the posts from view.

10. 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, May 25, 2023, 6 p.m. to 7 p.m.: Financing Your Future
- Thursday, June 22, 2023, 6 p.m. to 7 p.m.: Specialized Zoning Tools
- 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

11. ADJOURNMENT

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, 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, May 17, 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 doors to the Town Hall were locked.

Respectfully submitted,

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

Appendix #1:

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Farmington, Ontario County, New York

Local Law no. __ of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled “Boards, Committees and Commissions,” by adding Article V, “Planning Board (PB)”.

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 9, Article V, of the Town Code of the Town of Farmington to be entitled “Planning Board (PB),” is hereby established and shall read in its’ entirety as provided for within this Local Law as follows:

§9-__. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article V, Sections 9-XX through 9-XX, and is entitled the “Town of Farmington Planning Board (PB), Duties and Responsibilities.”

§9-___. Purpose.

The purpose of the Town of Farmington Planning Board (PB) is hereby established to:

- A. Administer the provisions of Article 16, §§ 271, 272-A, 273, 274-A, 274-B, 276, 277, 278, 279 and 283-A New York State Town Law; and the provisions contained in Chapters 144 (Articles I through VI) and 165 (Articles IV through X) of the Town of Farmington Town Code, as further specified herein; and
- B. Administer the applicable provisions within article 8 of the New York State Environmental Conservation Law (ECL); and
- C. Establish and maintain effective communications with the various Town Boards, Committees and Commissions; and
- D. To identify specific goals, objectives and implementation actions contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and
- E. To recommend appropriate land use regulations for the community to be contained in the Town Code of Farmington Town Code; and

§9-___. Intent.

The intent of these regulations is to identify the Town of Farmington Planning Board (PB), established by Local Law No. 2 of 2001 is hereby further established to provide information to the residents of the Town, the Town Board, Town Zoning Board of Appeals, Town Environmental Conservation Board, the Town Agriculture Advisory Committee, the Town Recreation Advisory Board, the New York State Department of Transportation, the Ontario County Department of Public Works, the Ontario County Department of Planning, the Ontario County Planning Board, the Ontario County Soil and Water Conservation Agency, the New York

(2)

State Department of Environmental Conservation, the New York State Department of Agriculture and Markets, the New York State Department of Health and the New York State Department of Parks, Recreation and Historic Preservation on issues relating to sustaining, promoting, and identifying land use and related needs within the Town.

§9-___. Function of the Planning Board (PB).

The function of the Town Planning Board includes but is not limited to the following:

- A. To prepare reports and recommendations upon request(s) received from the Town Board, the Town Zoning Board of Appeals, the Town Environmental Conservation Board, the Town Agricultural Advisory Committee, the Town Code Enforcement Officer and the Town Director of Planning and Development; and
- B. To participate with the members of the Town Board's Town Operations Committee in the preparation of the annual review of and the preparation of the implementation actions report identified in the latest edition of the adopted "*Town of Farmington Comprehensive Plan;*" and
- C. To administer the provisions contained within Chapter 144 of the Town of Farmington Town Code, entitled "Subdivision of Land;" and
- D. To administer the provisions contained within Chapter 165 of the Town of Farmington Town Code, entitled "Zoning;" and
- E. To participate with members of the Town of Farmington Comprehensive Plan Update Committee during the public participation process involved with amendment to the latest edition of the "*Town of Farmington Comprehensive Plan;*" and
- F. To contribute to sustaining the established high standards for development that are part of the Town's ongoing planning program, its' reviews and decisions upon development projects, and related land use issues, by providing consistent and accountable services to the community; and

(3)

- G. To maintain training certification of each of its members by requiring at least the minimum number of hours established by the Town Board; and
- H. To advise and recommend to the Town Board, the Planning Board's needs for Annual Operating Budgets; and
- I. To educate the public of the importance and need for planning programs and services, by including but not limited to, articles contained in the Town of Farmington Newsletter and information posted on the town's website.
- J. To seek legal and professional advice from established experts upon a matter pending before the Planning Board for its' review and action.

§9-___. Membership; terms of office; vacancies.

- A. There shall be five (5) members of the Town of Farmington Planning Board (PB) appointed by the Town Board.
- B. There may be one (1) Alternate Member appointed by the Town Board to serve the needs of the Town of Farmington Planning Board (PB).
- C. All members of the Town of Farmington Planning Board and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- D. The Planning Board shall have the power and authority granted by the Town Board to employ experts and a clerk and to pay for their services; and to provide for such other appropriation that may be authorized therefor by the Town Board for the Planning Board.
- E. Town Board Members Ineligible. No person who is a member of the Town Board shall be eligible for membership on the Town Planning Board.
- F. Town Board Member Liaison. There shall be one (1) member of the Town Board assigned by the Town Board to serve as liaison to the Town Planning Board.

(4)

- G. Planning Board Membership. The terms of members of the Planning Board shall be fixed so that the term of one member shall expire at the end of the calendar year in which such member was initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. The terms of all members shall expire at the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Planning Board.
- H. Vacancies on the Planning Board. Any vacancy shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.
- I. To be eligible for reappointment to the Planning Board, such member shall have completed the training requirements of the Town.
- J. To be eligible for reappointment to the Planning Board, such member shall have participated in at least eighty percent (80%) of the scheduled meetings during said term of Office.
- K. Removal of members. The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or resolution.
- L. Members of the Planning Board shall serve with a stipend amount approved by the Town Board.

§9-___. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

(5)

§9-___. Officers and Board Meeting Dates.

- A. The Planning Board, each year at its' Organizational Meeting, shall designate the date, time, and place of the Planning Board Meetings for said calendar year. The Town Board shall appoint the Planning Board Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. Once appointed the Planning Board Chairperson may appoint an Alternate Chairperson to serve in the Chairperson's absence. The Alternate Chairperson shall be appointed for a term that expires on December 31st of said calendar year.
- C. Additional meetings may be called by the Chairperson as needed.

§9-___. Duties and responsibilities of the Planning Board.

The powers and duties of the Town Planning Board shall include, but not be limited to:

- A. The Planning Board shall perform duties assigned to it by resolution of the Town Board.
- B. The Planning Board shall participate in the periodic updates to the Town of Farmington Comprehensive Plan, the Town of Farmington Parks and Recreation Master Plan Updates and the Town of Farmington Farmland Protection Plan Updates, and the town's Open Space Index is maintained.
- C. The Planning Board may conduct studies, surveys, and inventories of planning programs within the Town and such other studies and surveys as may be necessary to carry out the general intent of this chapter.
- D. The Planning Board shall contribute articles for the periodic Town of Farmington Newsletters.
- E. The Planning Board may suggest amendments to the Town's website.

(6)

- F. The Planning Board shall maintain maps, reports, and other publications to support the necessary research of the ECB into local environmental conditions.
- G. The Planning Board may request legal and/or professional assistance once authorized by the Town Board in the preparation of any report or decision.
- H. The Planning Board shall present an annual operating budget for the Town Board's review and approval.

§9-___. Planning Board Review Process.

Any matter referred to the Planning Board for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Director of Planning and Development, the Town Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the Planning Board, the Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board's meeting on the matter. With the advice and consent of a majority of the Planning Board members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the Planning Board to act on such referral.

§9-___. Quorum.

A quorum for meeting of the Planning Board shall be three (3) members participating either in person or via remote video conference. The Planning Board is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-___. Planning Board Reports.

The Planning Board shall submit an annual report to the Town Board not later than ten (10) business days following the Planning Board's Organizational Meeting of each year, concerning the activities and work of the Planning Board during the previous year and that planned for the coming year.

(7)

§9-___. Planning Board Rules of Procedure.

The Planning Board, at their organizational meeting each year shall review and adopt Rules of Procedure for their meetings. Once adopted, the Rules of Procedure may be amended only by a majority vote of the full membership of the Planning Board. Said adopted Rules of Procedure shall remain in effect until replaced the following year by Planning Board action. The adopted Rules of Procedure shall be maintained on the town’s website.

Section 2: Chapter 165, Article II, Section 9, Word usage; administrative terms, is hereby further amended by adding the following Administrative Terms that are to be inserted in alphabetical order:

CLERK OF THE BOARD

The officials appointed by the Town Board to take meeting minutes of all Planning Board, Zoning Board of Appeals, Environmental Conservation Board, Recreation Advisory Board and Agriculture Advisory Committee Meetings and Resolutions, that are filed with the Town Clerk’s Office. Upon request of the Town Board or the Director of Planning and Development, said officials may also serve as the Clerk of Advisory Committees created by the Town Board. Said officials are required to certify the meeting minutes and resolutions, prepare and circulate draft resolutions, prepare abstracts as requested by Town Staff, keep tapes of said public meetings and prepare memos for the Chairpersons of said Boards or Committees. Any salary for said position(s) shall be established by the Town Board.

SECRETARY OF THE BOARD

The term as used in the Town Code refers to the Clerk of the Board as defined above herein.

BUILDING DEPARTMENT

The term as used in the Town Code refers to

DEVELOPMENT OFFICE

The term as used in the Town Code refers to

DEVELOPMENT OFFICE ADMINISTRATOR

The term as used in the Town Code refers to

(8)

Section 3: Chapter 165, Article II, Section 10, entitled Definitions is hereby further amended by adding the following definitions, that are to be inserted in alphabetical order:

AMENITY – Shall mean community benefits such as open space, housing for persons of low or moderate income, parks, trails, sidewalks, elder care, day care or other specific physical, social, or cultural amenities, or cash in lieu thereof, or benefit to the residents of the community authorized by the Town Board.

INCENTIVE – Adjustments by the Town Board to the permissible population’s density, area, height, open space, use, or other provisions of Chapter 165 of the Town Code of the Town of Farmington for a specific purpose authorized by the Town Board.

Section 4: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 5: This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number ___ of 2023, of the Town of Farmington, was duly passed by the Town Board on _____, 2023, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the Town of Farmington was duly passed by the on 2023, and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on 2023, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on 2023, and was (approved)(not approved)(repassed after disapproval) by on 2023. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 2023, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on 2023, and was (approved)(not approved)(repassed after disapproval) by the on 2023. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2023, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 2023, became operative.

• Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2023, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the Town

(Seal)

Date: _____