

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, October 4, 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:**  
Ronald L. Brand, Town of Farmington Director of Development and Planning  
Dan Delpriore, Town of Farmington Code Enforcement Officer

**Attending:**  
Linh T. and Maureen E. Chu, 6249 Pheasants Crossing, Farmington, N.Y. 14425  
Barbara and Lou DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425  
Patrick A. and Maureen E. Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425  
James Fowler, Fowler Family Trust, 6176 Pheasants Crossing, Farmington, N.Y. 14425  
Mary Fowler, 6176 Pheasants Crossing, Farmington, N.Y. 14425—**R**  
Don Giroux, Farmington Volunteer Fire Association  
Christopher V. Kamar, P.E., APD Engineering/Architecture, 615 Fishers Run,  
Victor, N.Y. 14564—**R**  
Scott Prankie, 6243 Pheasants Crossing, Farmington, N.Y. 14425  
Thomas Yourch, Chairperson, Town of Farmington Zoning Board of Appeals

**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**

**A. Minutes of September 6, 2023:**

■ Approval carried by voice vote. Mr. DeLucia abstained due to his absence from the meeting on September 6, 2023.

**B. Minutes of September 20, 2023:**

■ Approval carried by voice vote. Mr. Bellis and Mr. Sweeney abstained due to their absences from the meeting on September 20, 2023.

**3. LEGAL NOTICE**

None.

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

**PB #0702-23                      Continued Preliminary Three-Lot Re-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 re-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 apply 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).

On July 24, 2023, the Farmington Zoning Board of Appeals (ZBA) open its Public Hearing on the applicant's Area Variance application to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125 feet) for proposed Lot #R-5C (ZB #0301-23).

The ZBA then approved the following actions on July 24, 2023:

- The ZBA agreed with the declared intent of the Planning Board that the Planning Board be designated as the State Environmental Quality Review (SEQR) Lead Agency for making the required determination of significance on the subdivision application.
- Following the Planning Board's SEQR determination and a determination of significance, the ZBA then requested that the Planning Board to provide a written recommendation to the ZBA concerning the Area Variance application.
- The ZBA continued the Area Variance application to August 28, 2023.

On August 28, 2023, the ZBA continued the Area Variance application to November 27, 2023, because the Planning Board has not yet determined that the application is complete.

On July 19, 2023, the Public Hearing on the applicant's subdivision application was opened by the Planning Board and was continued to August 2, 2023.

On August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and requested that the applicant provide additional information which the Planning Board deemed necessary for their determining the application complete. The Planning Board then continued the Public Hearing on the subdivision application to the meeting on September 6, 2023.

On September 6, 2023, Mr. Fowler said that the additional information which had been requested by the Planning Board at their August 2nd meeting, had been submitted to the Town staff. Mr. Hemminger and Mr. Delpriore acknowledged receipt of the additional information but said that it had not been received in time for the September 6th meeting for the Town staff to review and for the Board to make a determination if the application was complete. The Planning Board then continued the Public Hearing on the re-subdivision application to the meeting this evening (October 4, 2023).

Mr. Hemminger reconvened the Public Hearing this evening on the subdivision application.

Mr. Fowler and Mr. Kamar (APD Engineering/Architecture) presented this application. Mr. Kamar attended via remote video conference.

Prior to the meeting, Mr. Fowler submitted the following written statement to the board:

The subdivision plan does not illustrate housing because no housing is proposed. I don't want to confuse the Planning Board or ZBA [Zoning Board of Appeals] by showing a house on the subdivision map that is no going to be built. I applied for subdivision approval so that I may sell or utilize the lots. There are more uses for these lots within the Code than building a home. A future buyer or owner of the lots would request a permit that would require meeting all the Town requirements. The buyer would need to build within the Town-required setbacks and my deed restrictions. The deed restrictions do narrow the actual area a home could be built on the two lots either side of the flag lot.

—James E. Fowler Jr., Trustee

Mr. Fowler said that he believed that the Planning Board has everything that the board asked for.

Mr. Brand said that he did not prepare a resolution for the board's consideration this evening because what he saw last week [regarding the material which was submitted by Mr. Fowler] was not complete.

Mr. Delpriore said that he concurred with Mr. Brand. Mr. Delpriore said that it will be up to the board if the material which was submitted by Mr. Fowler is what has been requested.

Mr. Hemminger said that the board knows that there are a number of things which were requested and which the board did not receive. He referred to requirements which are in Town Code Chapters 144 and 87 which are not depicted on the re-subdivision plat. He said that the board never received a request for a waiver of submitting these materials [from the applicant], specifically for where the buildings on the lots would be and how the utilities would go into those buildings. Mr. Hemminger said that this information is needed and is required by Code because of the requirements [for construction] in the wetlands and on the steep slopes.

Mr. Hemminger asked Mr. Fowler why he did not comply with the board's request [for this information].

Mr. Kamar acknowledged receipt of the letter [from the Town] which had a list of requested items from Town Code Section 144-12. He said that they provided the information which had been requested on this list. He said that this list did not state that they were to show any proposed building on a subdivision plat. He said that they can certainly discuss the areas where buildings would go but putting them on a subdivision plat does not seem to be a requirement. Mr. Kamar said that existing buildings are supposed to be shown, and that there are existing buildings [on adjacent lots]. He also said that existing utilities are also shown on the plat.

Mr. Kamar said that for this application there are no proposed utilities and no proposed buildings. He said that the current application is for a preliminary subdivision [approval]. He said that they did review the list and that they did complete the list per Town Code Section 144-12. He said that he believes that they have everything on this list and if there is something specifically missing, they would like to see this in writing. Mr. Kamar said that he has not received any paperwork regarding this meeting for anything missing.

Regarding the locations of buildings, Mr. Kamar said that the Code does delineate setbacks which are required for every property, and that within these setbacks [an applicant] is allowed to build a structure. He said that they do show the setbacks on the subdivision plat, and within the setback areas [an applicant] is allowed to build. Mr. Kamar said that the steep slopes and flood plain areas are also shown. He said that a discussion of the buildings does not have merit regarding this application because the applicant is not asking to build buildings. He said that they are asking to re-sub this lot from two lots to three.

Mr. Kamar said that buildings can go in the areas within the setbacks, which is allowed by Code. He said that utilities are in the front of the property (water, gas, electric, telephone, sanitary and storm sewers). He said that the driveway can go pretty much as allowed by Code anywhere along the front property line. He said that the middle lot would be a narrower portion on the front property line and they have centered the driveway [for the middle lot] within the property on that narrow stretch.

Mr. Hemminger said that he looked at the map and that it does not look like the setback which has been shown for the middle lot is correct. He said that it does not look in any way like the same setback as it is for the front two lots. He said that this is certainly in error.

Mr. Hemminger said that the concept is kind of bizarre to him that an applicant would come into a subdivision of all these nice houses and would subdivide property to build "I don't know what." He said that it is a re-subdivision of lots to build homes [upon] and that only thing you can build on these lots are homes. Mr. Hemming said that he did not think that someone would build an ice cream shop, welding shop or something like that. He said that these are [proposed] home lots even though they are [currently] not buildable.

Mr. Hemminger said that it is our [the Planning Board's] requirements that we look at the subdivision for the health and well being of everyone in the community. He said that they are talking about throwing something on the steep slope and if we [the board] approves the subdivision and the lots are sold off, the Town will have created a burden for whoever buys the lots. Mr. Hemminger said that he understands [the applicant's] theory.

Mr. Hemminger then cited an excerpt from the Planning Board approved minutes of July 19, 2023, in which he specifically requested that the siting of the proposed homes be shown [on the subdivision plat]:

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.

—*Farmington Planning Board Minutes, July 19, 2023, p. 10*

Mr. Hemminger also cited the comments of Gregory M. Coon (6250 Pheasants Crossing) at the meeting on July 19, 2023, in which Mr. Coon discussed a letter which he received from Mr. Fowler and which included photos of the proposed houses:

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.

—*Farmington Planning Board Minutes, July 19, 2023, p. 10*

Based on his and the comments of Mr. Coon at the meeting on July 19, 2023, Mr. Hemminger said that he is more than confused by the applicant, and certainly the requirements do not seem to have been met and the drawing does not seem to have the correct data. Mr. Hemminger also said that one of things that he has mentioned every time we have talked [about this application] is that the applicant and his engineer sit down with Town staff and discuss things, the Town staff understands what the Planning Board requires. Mr. Hemminger said that he has only been doing this for 26 years and that he thinks that we [the Planning Board] are pretty transparent in the type of information which is requested.

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

Mr. Prankie (6243 Pheasants Crossing) said that he lives across the street from the proposed lots and that he does not quite understand what [the applicant] is trying to do. He said that the applicant's thought process to turn one big lot into three does not make sense aesthetically. Mr. Prankie said that there are 13/14 good-sized homes on the street which have grown in price over the years. He said that these are nice, beautiful homes and now they are trying to make two lots into three. He said that he does not understand what they are trying to do to put their house across the street from his, and that this will devalue their homes. Mr. Prankie said that it does not make sense to devalue everything. He said that it almost sounds like they want to build their house and sell the other two [lots] to pay for the one they are building. Mr. Prankie said that to him this is not right.

Ms. Dispenza (6237 Pheasants Crossing) said that the driveway for the proposed middle lot is across from her front door. She said that these lots have been for sale for years as one lot which did not sell, and at two lots which did not sell. She said that what they are trying to understand is why three lots are going to make these [two] lots any more "sell-able." She said that she did not believe that they would. Ms. Dispenza said that when she looked at real estate sites, collectively the homes in her neighborhood are approximately \$471,000. She said that this is a big consideration when trying to take two lots and make them into three. Ms. Dispenza said that she does not see three half-million-dollar homes in her neighborhood. She said that this is a lovely neighborhood and that the homes are well maintained.

Ms. Dispenza said that the applicant is not proposing building at this time and simply wants to subdivide. She asked for what purpose [is the subdivision] and asked how [is the applicant] is going to sell them if he cannot sell them as they [the lots] sit today. She said that to she, as a buyer, would find it that much more difficult. Ms. Dispenza said that nobody wants the front of a house in their backyard. She said there are flag lots on County Road 41 and that they are just terrible looking.

Ms. Dispenza said that she is grateful for the time and effort that the ZBA [Zoning Board of Appeals] and the Planning Board have put into this to come to a fair and reasonable decision, but tonight it seems as though there is not enough information to comment further.

For the information of those in attendance this evening, Mr. Hemminger said that the Planning Board is in the process of gathering information to determine if the application is complete. When the board determines that the application is complete, the board will then begin the environmental assessment [of this application] in compliance with the State Environmental Quality Review Act (SEQRA). Following the completion of the environmental record, there will be a determination of significance made and the application will then be referred to the Ontario County Planning Board for review. Following the County review, the application will then be referred to the ZBA for the decision on the identified

variance, following which the application will return to the Planning Board for a decision on the re-subdivision application.

Mr. Prankie said that his home was just appraised at over a half-million dollars. He said that he cannot see anything going up across the street that is going to retain that same value or something in that sense out of three lots. He said that this is almost impossible because of the size of the lots and aesthetically it does not make any sense whatsoever.

Mr. DiFrancisco (6256 Pheasants Crossing) said that this is the fifth meeting on this topic which they [the residents] have attended. He said that it does not seem that this is making headway and asked if the applicant is trying to stall us and hope that they [the residents] are going to go away. Mr. DiFrancisco said that they are not going away. He said that the value of the homes in the neighborhood is top priority to them. He said that his assessment went up \$175,000 alone, and they are trying to protect their investments and enhance the neighborhood, and not bring down the value with some kind of conglomeration of assorted lots.

Mr. Chu (6249 Pheasants Crossing) said that he has the same concerns. He asked for what purpose is the subdivision if it is not for buildings, and that he does not know if this [the subdivision] is all smoke and mirrors. Mr. Chu said that he did not know what is going to happen—going from two to three lots. He asked what is next—four, five or six lots. He said that his main concern is that everyone here has a lot of three-quarters of an acre, or more, and that homes on the proposed lots would be a lot less.

Mr. Fowler then asked Mr. Delpriore to read aloud a portion of the Planning Board minutes from August 4, 2021. Mr. Delpriore then read aloud the following excerpt:

Mr. Delpriore said that Zoning Officer John Weidenborner issued the following zoning determination on this concept plan:

Lot Width as defined states: “The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement; provided, however, that width between side lot lines at their foremost points (where they intersect with the front lot line) shall not be less than 80% of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty-percent requirement shall not apply.”

RS-25 required lot width is 125 feet, thus 80% of that is 100 feet, so minimum road frontage allowed in that district is 100 feet.

—John Weidenborner, Farmington Zoning Officer

—*Excerpt from Planning Board Minutes  
August 4, 2021, pp. 21–22.*



Mr. Fowler said, therefore, in 2021, 100-foot-wide lots were acceptable. He said that he bought this property in 1998 as an investor knowing that sometime in the future Farmington values would be quite high. He said that he set up this property so that he could have three 100-foot-wide lots. He said that everybody who bought their houses before January 2022 knew that requirement [of three 100-foot lots] or if they did not know they did not check that those lots could be broken into three 100-foot lots.

Mr. Fowler said that he did this in 1998, that it is not recent, and that he planned on this, that if he wanted he could either build a retirement home or an estate parcel.

Mr. Fowler said that the only reason why we are in this room is because the Town—after he gave them property for the park and after he built the development and spent thousands of dollars building your [the residents'] homes—in January of 2022 they [the Town] “stuck it” to me because—you know what—they changed the law. They took the 80 percent right out of the standard, so it does not apply today.

Mr. Delpriore said that the change in the Town Code [to remove the 80 percent calculation] had nothing to do with Mr. Fowler (Lot #5) or with Mr. Fowler's current application. Mr. Delpriore said that the Town Code was changed regarding other projects which were happening elsewhere in this Town.

Mr. Delpriore said that the Town went through the proper procedure for any Code change with public hearings and approval of the Code change by the Town Board and filing with New York State. He said that the Code was changed with no regard to Mr. Fowler's property because Mr. Fowler did not have a pending application at that time.

Mr. Delpriore said “yes,” that Mr. Fowler must meet the current code, that no one did this [code amendment] to “stick it” to Jim Fowler, and that the Code was changed as part of a bigger picture to benefit the entire Town, not just for Pheasants Crossing.

Mr. Fowler said that he wanted to confirm that the residents bought their houses, those lots—you bought your place—could have been changed to 300 [recording intelligible].

Mr. Hemminger said that the board will take Mr. Fowler's point on the history but that the board must focus on today's application.

Mr. Fowler said that because of other reasons the Town changed the Code and he could not apply for the 80 percent calculation because they took it away, so the only thing that made sense is to come up with an application with the flag lot because we meet our definition of a flag lot. Mr. Fowler said that this is why they had to design these three lots the way they are now, because if the application had been submitted with the 80 percent calculation it would not meet the Code.

Mr. Hemminger said that the board must first make the environmental determination under SEQR for these three lots and that Mr. Fowler has not provided the information which the board had requested.

Mr. Fowler said that his attorney told him that the information which the board is asking for is not in the Code. He said that if you will keep asking for what is not in the Code then he will have to reassess.

Mr. Hemminger said that the board is required to do an environmental assessment on property which has wetlands and steep slopes. He asked how can the board do an environmental assessment for lots which are going to be buildable eventually—because this will be a subdivision—if we do not understand where the buildings are going to be located, thus how they [the buildings] will impact the wetlands and the steep slopes.

Mr. Hemminger said that Mr. Fowler has not provided all the information which the board wants. Mr. Hemminger said that the setback calculation on the third center lot—the flag lot—is not shown correctly. Mr. Fowler said that this can be changed.

Mr. Fowler also said that a Geotech report and a DEC [New York State Department of Environmental Conservation] report have been submitted, that the Geotech report said that the slope was fine to build on, and that the DEC report said that he could go back another 30 feet if he wanted to, and that there is plenty of property there. He said that he will now go to the next step.

Mr. Hemminger said again that the board needs information which will allow the board to do an environmental assessment. He said that he has told Mr. Fowler numerous times in the minutes of what the board feels it needs for this assessment. Mr. Hemminger also offered for Mr. Fowler and his staff to sit down with the Town staff to make sure that what has been provided meets what the board has asked for. Mr. Hemminger said that Mr. Fowler and his engineer have not done this yet.

Mr. Fowler said that in 2021 he sent his attorneys and engineers to speak with the Town staff and in August 2021 he was told he could have three lots and in January they were told that things changed. He said that this is what he got for sitting down.

Mr. Hemminger said that these previous discussions were not related to this application. He said that the previous discussions were conceptual and that this preliminary re-subdivision application has been submitted recently.

Mr. Prankie said that he does not understand why Mr. Fowler suddenly wants three lots. Mr. Hemminger said that it is his [Mr. Fowler's] right to ask for as many lots as he wants. Mr. Prankie said that he does not understand the meaning of it. He said that the letter which Mr. Fowler sent originally was kind of a “we saved this so we can build our retirement home on it,” and now suddenly it is three lots. Mr. Prankie said that it sounds as if Mr. Fowler is just out to sell the other two lots so he can build his own house, and that he has no care whatsoever about the other 13 houses that are there [in the neighborhood].

Ms. Dispenza asked about lot widths and how the Code changed. Mr. Delpriore said that Mr. Fowler's drawing is showing 135 feet of lot width for two [existing] lots and 30 feet

of lot width for the [proposed] middle lot. He said that these three [lot] widths add up to 300 feet which Mr. Fowler has mentioned.

Mr. Dispenza said that when they bought their house there was one [vacant] lot across the street. He asked when that lot was turned into two lots. Mr. Hemminger said that he did not know the exact date but that it was an official re-subdivision application. Mr. Fowler said that this was about two years ago. Mr. Dispenza said that when you look at the map and the neighborhood, everything below the grade [a reference to the rear portions of the three proposed lots] is meaningless to the neighborhood. He said that you do not see this.

Mr. Fowler said that he will be glad to answer residents' questions after the meeting.

Mr. Hemminger then asked if anyone on the remote video conference wished to comment on this application or ask questions. There were no requests from those on the remote video conference.

Mr. Hemminger then asked for comments from the board.

Mr. DeLucia said that the previous resolution which was approved for this concept had conditions and those conditions have not all been answered, such as showing the placement of buildings. He said that he believes that this application is incomplete at this point.

Mr. Viets said that he agrees with Mr. DeLucia and that Town Code § 144-16 deals with land requirements, as follows:

**Town Code § 144-16 Land Requirements.**

Land shall be suited to the purposes for which it is to be subdivided. In addition to other conditions imposed by the Board to ensure that the unique physiographic features of a site are taken into account in development, the following provisions shall guide the Planning Board in its review:

- A. Subdivisions laid out on land subject to periodic flooding shall not be approved unless adequate safeguards against such hazard are provided by the plan, including such improvements and design features as are necessary to comply with the requirements in Chapter 87 of the Town of Farmington Town Code, entitled "Flood Damage Prevention," (also known as Local Law No. 2 of 1987, as may be amended from time to time).
- B. Subdivisions of land characterized by steep slopes, rock formations or other such features shall be approved only if problems related to street grades and cross-sections, water supply, sewer lines and stormwater runoff have been found by the Planning Board to have been resolved adequately in the plan.

- C. Subdivisions of land characterized by existing streams, trees and other natural features which are found by the Planning Board to contribute significantly to the aesthetic appeal of a particular area shall only be approved if the Board finds these features to have been preserved in the plan to the maximum extent practicable.
- D. Subdividers of land shown on the Town Official Zoning Map as being within a mapped Environmental Protection Overlay District or subdivisions of land otherwise deemed by the Planning Board to be appropriate for preservation of open space are required to submit at least one plan reflecting modification of those particular zoning law provisions which impede the preservation of the natural and scenic qualities of land and its most appropriate use.

Mr. Viets said that the unique physiographic features of a site as provided for in § 144-16 (above) are among the requirements which he is looking for in a subdivision application. He said the board needs to be looking at these items as part of the application.

Mr. Bellis and Mr. Sweeney agreed with the comments of Mr. DeLucia and Mr. Viets.

Mr. Fowler said that he had submitted drawings to the ZBA which originally showed the proposed buildings on the lots but that the ZBA told him to remove them. He asked if the Town still had these drawings. Mr. Hemminer said that these drawings should be submitted to the Planning Board to help the board move forward.

Mr. Brand said that the Planning Board was very specific in stating what documentation the board requested when they passed the resolution in August (*see* Planning Board minutes, August 2, 2023, pp. 3–4). He said that the board also provided the opportunity for the applicant and his engineer to provide the reasons why this documentation was not pertinent and that the statements provided this evening did not address those concerns which the board feels are necessary.

Mr. Brand said that the Planning Board can continue to play this game [of waiting for requested information] as long as they want, but that the Planning Board also has the right to set a date and time that if the requested information is not provided the application can be deemed incomplete and the board can deny it without prejudice.

Mr. Hemminger said that the board is trying to be lenient [to Mr. Fowler] to provide the requested information. He said that he highly encourages Mr. Fowler and his engineer to provide the information to the Town staff with enough time for the staff to review the material. Mr. Hemminger said that this is a complex application which includes steep slopes and wetlands, and that the board does not wish to create issues for future owners of the property. He said that the board is trying to do its due diligence to look at the best interest of the community and that certainly the center lot [of this re-subdivision application] is a big concern for the board and the staff. Mr. Hemminger said that he understands that a subdivision application is just drawing lines on paper but that sometimes this can

create future issues and problems, and possibly a situation where more variances may be needed to be able to do what an applicant wants to do.

Mr. Hemminger said that the board needs to know the locations of the proposed buildings and the property setbacks. He again requested that Mr. Fowler and his engineer arrange a meeting with the Town staff.

Mr. Brand said that the board must keep in mind that in order to act upon something that a draft resolution must be posted on the Town website and provided to an applicant 24 hours in advance. He said we do not have a draft resolution this evening and that all that the board can do is to continue the application and the Public Hearing to their next meeting when at that time there will be a resolution for consideration.

Mr. Fowler asked if Mr. Kamar had questions or statements. Via remote video conference, Mr. Kamar said that he will arrange a meeting with Mr. Delpriore and Mr. Brand next week to sort out the requirements. He said that they will get the Planning Board everything which is needed to move forward.

Mr. Prankie said that he hopes that Mr. Fowler will change his thought process for our community. He said that the value of their homes needs to be carefully considered [by Mr. Fowler].

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

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the application of the Fowler Family Trust Preliminary Three-Lot Re-subdivision (PB #0702-23) be continued to the Planning Board meeting to be held on Wednesday, November 1, 2023, at 7:00 p.m.; and as noted in the discussion this evening that the requested additional information is be submitted to the Town Development Office by Wednesday, October 18, 2023, at 12:00 noon in order to be considered by the Planning Board on November 1, 2023.

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

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

Motion carried.

Following this vote, Mr. Hemminger and Mr. Delpriore reviewed a prospective schedule if the requested information is submitted to the Town staff by October 18, 2023, and if the application is complete to enable the Planning Board to determine that the application is complete. He said that if this determination can be made at the meeting on November 1, 2023,

then the application will be forwarded to the Ontario County Planning Board (OCPB) for review.

Mr. Delpriore said that if the Planning Board determines that the application is complete on November 1, 2023, the referral to the OCPB [for both an Area Variance and Preliminary Re-subdivision Plan Approval] would be on the County Planning Board's agenda in December 2023. Following a positive County review, the application would be returned to the Planning Board and to the Town ZBA for a decision on the requested Area Variance.

Mr. Hemminger said that this is a process and right now the board is dealing specifically with the environmental record, following which the ZBA will deal with the variance.

Mr. Delpriore said that the additional materials must be submitted to the Town staff no later than 12:00 noon on Wednesday, October 18, 2023, to provide time for staff review prior to the next Planning Board meeting on November 1, 2023. Mr. Kamar said yes, he has this.

Mr. Brand said for clarification that not only does the Planning Board have to make the environmental determination under the SEQR regulations, but that the ZBA requested that the Planning Board make a recommendation to the ZBA on the requested lot width variance. He said that these are the two parts to this equation and that the ZBA request was made during the SEQR coordinated review which involved the designation of the Lead Agency for making the environmental declaration of the application. He said that the ZBA wants a specific recommendation from the Planning Board prior to the ZBA deliberation on the area variance. He said that the ZBA will require this recommendation from the Planning Board before the ZBA can schedule a Public Hearing on the Area Variance.

## **5. OTHER BOARD ACTIONS**

### **Letter of Credit Release: Loomis Hidden Treasures LLC:**

Mr. Brand said that a request has been received from the applicant of the Loomis Hidden Treasures Mini Storage Project for a final Letter of Credit release. He said that the white vinyl fence which the applicant has agreed to install is not yet up, but that the fence is not part of the dedication to the Town and has nothing to do with the requested Letter of Credit release.

Mr. Delpriore said that the fence issue will be handled with the open building permit and will be a requirement for installation prior to the issuing of a Certificate of Compliance by the Town.

There were no additional comments or questions on this Letter of Credit release 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  
LETTER OF CREDIT RELEASE #2 (FINAL)  
LOOMIS HIDDEN TREASURES LLC**

**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 Engineer, dated October 3, 2023, to approve the final release of funds (Release #2) from the established Letter of Credit for the above referenced project; and

**WHEREAS**, the Planning Board has also received and reviewed the signed Letter of Credit Partial or Final Release Form (G-1.1); the signed Final Inspection Form (G-11.0) and the signed Letter of Credit Release Form (G-2.0); 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 final release of funds from the established 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 Construction Inspector, Town department heads and the Town Engineers, does hereby recommend that the Town Board take formal action to approve of the request for the final release of funds (Release #2) in the total amount of \$44,069.00 from the established Letter of Credit.

**BE IT FURTHER RESOLVED** that the Town Supervisor is to sign the above referenced Town Letter of Credit Release Form (G-2.0) upon the Town Board’s authorization on October 10, 2023.

**BE IT FURTHER 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, John Watson, Loomis Hidden Treasures, LLC, 36 Pebble Creek Lane, Pittsford, N.Y 14534; Gregory McMahon, P.E., McMahon LaRue Associates, 822 Holt Road, Webster, N.Y. 14580; Tim Ford, Town Highway and Parks Superintendent; David Conti, Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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. OPEN DISCUSSION

### *Director of Development and Planning:*

Mr. Brand provided the following information:

- An application for the rezoning of approximately 65 acres on the east side of State Route 332 and south of County Road 41 (the former water park site) from Planned Development to Incentive Zoning will be introduced to the Town Board at their meeting on October 24, 2023. He said that the applicant is considering the construction of three-story townhouses at market-rate prices, some general business uses, and some limited industrial uses. The applicant also plans the construction of a climate controlled self-storage building which would be located in an appropriate location along the south side of County Road 41.

Mr. Brand said that the process [for any Incentive Zoning application] is that the Town Board requests a report and recommendation from the Planning Board. He said that this Incentive Zoning application is expected to be introduced to the Planning Board at the meeting to be held on November 1, 2023. Based on discussions that evening, he said that he expects to submit a draft report and recommendation to the Planning Board at their meeting on November 15, 2023. Mr. Brand said that if the Town Board, upon receipt of the Planning Board's report and recommendation, then decides to hear and proceed with the formal rezoning, the application would be referred to the Ontario County Planning Board, following which a Public Hearing on the rezoning application would be convened by the Town Board, possibly in January 2024.

Mr. Hemminger asked about the applicant's concept of dedicated roads and private roads in the proposed development. Mr. Brand said that proposed roads off from State Route 332, County Road 41 and Quentonshire Drive would be dedicated Town roads and that several of the interior roads have been changed to avoid having motor vehicles backing out onto a Town road.

- The Town staff is working on amendments to the Town Code regarding wastewater regulations. A draft local law update to Town Code Chapter 126 is being prepared to bring these regulations into compliance with New York State Town Law. Discussions with the Planning Board will begin when the draft local law is completed. Mr. Brand also said that there will be some surety amendments and these are now also being reviewed by the Town staff.



***Code Enforcement Officer:***

Mr. Delpriore said that the monthly Project Review Committee meeting will be held tomorrow morning (Thursday, October 5, 2023) here in the Town Hall and virtually.

***Farmington Volunteer Fire Association:***

Mr. Giroux said that the fire department has recently responded to several automatic alarms and motor vehicle accidents.

***Board Members' Comments:***

Mr. Hemminger said that the meeting of the Planning Board on October 18, 2023, is cancelled due to having no applications or action items on the agenda for this meeting. He said that the next Planning Board meeting will be held on November 1, 2023.

**7. PUBLIC COMMENTS**

None.

**8. TRAINING OPPORTUNITIES****■ New York Planning Federation Recorded Webinars:**

For information: (518) 512-5270 or [nypf@nypf.org](mailto: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, 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. DELUCIA, seconded by MR. SWEENEY, that the meeting be adjourned.

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, November 1, 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.