

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, October 5, 2022 • 7:00 p.m.

MINUTES—APPROVED

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

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

R = *Attended via remote video conference.*

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

Board Member Excused: Timothy DeLucia

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:

Tim Hannan, 676-B Crowley Road, Farmington, N.Y. 14425
John Gabriele, Marina Chrysler Dodge Jeep, 943 Ridge Road, Webster, N.Y. 14580
Michael E. Hanscom, P.E., Senior Civil Engineer, Lu Engineers, 339 East Avenue, Suite 200,
Rochester, N.Y. 14604
John Iannone, Auto Outlets USA Inc., 5763 Duke of Gloucester Way, Farmington, N.Y. 14425
Scott Pfluke, Auto Outlets USA Inc., 5763 Duke of Gloucester Way, Farmington, N.Y. 14425
Katie Seton, Auto Outlets USA Inc., 5763 Duke of Gloucester Way, Farmington, N.Y. 14425

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 February 2, 2022.

2. APPROVAL OF MINUTES

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the September 21, 2022, meeting be approved.

Motion carried by voice vote. Mr. Sweeney abstained due to his absence from the meeting on September 21, 2022.

3. LEGAL NOTICE

None.

4. CONTINUED DELIBERATIONS: SPECIAL USE PERMIT

PB #0902-22 Continued Deliberations: Special Use Permit

Name: Electric Car Corner, 5763 Duke of Gloucester Way, Farmington, N.Y. 14425

Location: 6162 New York State Route 96

Zoning District: GB General Business, MTOD Major Thoroughfare Overlay District, MTOD Main Street Overlay District

Request: Special Use Permit in accordance with Chapter 165, Article IV, Section 28 (D) of the Town of Farmington Codes. The applicant wishes to use the existing building for sales of new and used vehicles.

This application, the accompanying Special Use Permit for New and Used Electric Vehicle Repairs and Maintenance Operations (PB #0903-22), and the Preliminary Site Plan (PB #0901-22), were reviewed by the Project Review Committee on June 2, 2022; and September 1, 2022.

The Planning Board held a Workshop Meeting on these applications on August 30, 2022, at which a presentation was given by Mr. Iannone, Ms. Seton and Mr. Pfluke of Auto Outlets USA Inc.

At the Planning Board meeting on September 21, 2022, the Public Hearing on this application was opened, testimony was received, the Public Hearing was closed, a resolution to approve this Special Use Permit was approved with conditions, and subsequently the resolution was recalled.

Also, at the meeting on September 21, 2022, the State Environmental Quality Review (SEQR) classification for all three applications (PB #0901-22, PB #0902-22 and PB #0903-22) was approved (Type II Actions).

Mr. Hemminger resumed the board's deliberations on this application.

Mr. Gabrielle, Mr. Iannone, Ms. Seton and Mr. Pfluke (Auto Outlets USA); and Mr. Hanscom (Lu Engineers) presented this application.

Continued board deliberations:

Mr. Brand said that a draft resolution has been prepared for the board's consideration for approval of this application with conditions. He said that the comments from the Town have been included in the draft resolution.

Mr. Delpriore also said that the Town staff comments have been included in the draft resolution.

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

Mr. Hemminger asked if the applicants if they received the draft resolution prior to the meeting and if they agreed with the conditions. Mr. Iannone said that they received the draft resolution prior to the meeting and that they agreed with the conditions.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SPECIAL USE PERMIT APPROVAL—SALES OF NEW AND USED VEHICLES
AND PUBLIC CHARGING STATIONS FOR ELECTRIC VEHICLES
ELECTRIC CAR CORNER, 6162 STATE ROUTE 96**

PB #0902-22

**APPLICANT: Electric Car Corner, 5763 Duke of Gloucester Way,
Farmington, N.Y. 14425**

**ACTION: Special Use Permit approval for: the sales of new and used
vehicles to be conducted upon two parcels of land, one located
at 6162 State Route 96 and the other land, a tax map parcel,**

located adjacent to the east of 6162 State Route 96; and the construction of stage 3 electric vehicle charging stations for public use and dedicated parking spaces on Tax Map Number 29.00-1-73.100.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight conducted a Public Hearing upon the above referenced Action; and

WHEREAS, the Planning Board has, under separate resolution adopted on September 21, 2022, classified the above referenced Action as a Type II Action within 6NYCRR, Part 617.5 (c) (18) and (21), Article 8 of the New York State Environmental Conservation Law (ECL), the State's Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed the Ontario County Planning Board Referral #175-2022, a Class 1 referral, with no recommendation and only comments; and

WHEREAS, the Planning Board has given comments to the testimony provided at tonight's Public Hearing and the draft resolution prepared and posted on the Town's website for said Action.

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

1. The Special Use Permit is hereby approved for: the sales of new and used vehicles; and the installation and operation of up to four (4) type-3 electric vehicle charging stations with up to eight (8) designated parking spaces for the public's use that are to be located on the areas identified on final site plans approved by the Planning Board for Tax Map Numbers 29.00-1-73.100 (6162 State Route 96) and 29.00-1-76.100, and subject further to the following conditions listed below herein.
2. The Special Use Permit is conditioned upon the sales of new and used vehicles during the operating hours of Monday–Friday, 9:00 a.m. to 8:00 p.m.; and Saturday 9:00 a.m. to 6:00 p.m.; and 11:00 a.m. to 3:00 p.m. on Sundays.
3. The Special Use Permit is further conditioned upon the public electric charging stations being allowed to operate only within the area delineated on the final site plan drawing, 24 hours a day, seven days a week, provided there is adequate site lighting to accommodate night-time charging operations, adequate signage providing operating instructions and that this portion of the site is maintained.
4. The Special Use Permit is further conditioned upon the Applicant providing trash receptacles located in close proximity to the public charging stations and that these receptacles are to be maintained by the Applicant.
5. The Special Use Permit is further conditioned upon no outdoor storage of dismantled vehicles or tires.

6. The Special Use Permit is further conditioned upon the Applicant's compliance with the installation of sidewalk, streetlights, landscaping, benches and trash receptacles spaced across the frontages of both the above cited parcels that are consistent with the adopted State Route 96 Main Street Corridor Plan. Said improvements are to be installed prior to the issuance of a Certificate of Compliance
7. The Special Use Permit is further conditioned upon the Applicant obtaining Final Site Plan Approval from the Planning Board. Any further expansion of the sales of new and used vehicles, or the public electric charging stations area on these two parcels will be subject to an amended final site plan.
8. The Special Use Permit is further conditioned upon the Applicant providing a concrete sidewalk connection between the proposed sales and service building and the sidewalk located across the front of these two properties.
9. The Special Use Permit is further conditioned upon the Applicant providing dust-free surfaces for all outdoor vehicle display areas that are to be delineated on the approved final site plan drawings. These areas are to be illuminated and maintained.
10. The Special Use Permit is further conditioned upon all site lighting shall be in compliance with the lighting standards contained in Chapter 165 of the Town Code.
11. The Special Use Permit is further conditioned upon all commercial speech signage shall be in compliance with the sign regulations contained in Chapter 165 of the Town Code.
12. The Special Use Permit is further conditioned upon site parking up to 90 new and used vehicles for sale or lease. Any additional parking spaces for site inventory is required to obtain an amendment to this condition of approval and to an amendment to the final site plan drawing to be approved by the Planning Board.
13. The Special Use Permit is further conditioned upon no display of new or used vehicles being permitted on any lawn area on the sites.
14. The Special Use Permit is finally conditioned upon all the above conditions being provided prior to the issuance of a Certificate of Occupancy for the new and used vehicle sales operation on the property.

BE IT FINALLY RESOLVED that the Board directs that a Certified Copy of this resolution is to be filed with the Applicant, the Applicant's Engineer, Town Staff and placed in the Town's Property Files for these two parcels of land.

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

Adrian Bellis	Aye
Timothy DeLucia	Excused

Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

5. CONTINUED PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #0903-22 Continued Public Hearing: Special Use Permit

Name: Electric Car Corner, 5763 Duke of Gloucester Way, Farmington, N.Y. 14425

Location: 6162 New York State Route 96

Zoning District: GB General Business, MTOD Major Thoroughfare Overlay District, MTOD Main Street Overlay District

Request: Special Use Permit in accordance with Chapter 165, Article VI, Section 78 of the Town of Farmington Codes. The applicant wishes to use the existing building as a vehicle maintenance shop.

This application, the accompanying Special Use Permit for Sales of New and Used Electric Vehicles (PB #0902-22), and the Preliminary Site Plan (PB #0901-22), were reviewed by the Project Review Committee on June 2, 2022; and September 1, 2022.

The Planning Board held a Workshop Meeting on this application on August 30, 2022, at which a presentation was given by Mr. Iannone, Ms. Seton and Mr. Pfluke of Auto Outlets USA Inc.

Mr. Hemminger reconvened the Public Hearing on this application which was opened on September 21, 2022.

Mr. Gabrielle, Mr. Iannone, Ms. Seton and Mr. Pfluke (Auto Outlets USA); and Mr. Hanscom (Lu Engineers) presented this application.

Mr. Brand said that a draft resolution has been prepared for the board’s consideration for approval of this application with conditions. He said that the comments from the Town have been included in the draft resolution.

Mr. Hemminger asked if anyone in the meeting room or on the remote video conference wished to speak for or against this application, or to ask questions. There were no requests from those in the meeting room. There were no attendees this evening on the remote video conference.

Mr. Bellis asked about draft Finding C regarding the installation of a fuel tank on the property. Mr. Delpriore said that Town Code § 165-28 D (4) calls out the requirements if a fuel tank were to be installed. He said that the applicant's revised plans which were submitted by Mr. Hanscom this afternoon indicates that no fuel tanks are to be installed.

Mr. Sweeney asked about the difference between a motor vehicle service station and a vehicle maintenance shop. He asked if vehicle merchandise will be sold. Mr. Gabriele said that the sales of vehicle merchandise is not likely. He said that lubricants, polishes and other supplies may be used in the normal course of business but that this facility will not have a parts department.

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

■ Mr. Hemminger then closed the Public Hearing. The Public Hearing on PB #0903-22 was closed.

Board deliberations:

Mr. Delpriore asked about the hours of operation in draft Condition #13. He said that no Sunday hours are listed. Mr. Bellis also asked about the hours and days of operation, which are different from the hours and days of operation in the previous Special Use Permit (PB #0902-22) which was approved earlier this evening.

Mr. Hemminger suggested that the hours and days of operation be mirrored for consistency with the previous Special Use Permit. Mr. Iannone agreed with this.

Draft Condition #13 was then amended to read:

13. The Special Use Permit is further conditioned upon the established hours for repair and maintenance services during the operating hours of Monday–Friday, 9:00 a.m. to 8:00 p.m.; and Saturday 9:00 a.m. to 6:00 p.m.; and 11:00 a.m. to 3:00 p.m. on Sundays.

Mr. Hemminger asked if the applicants received the draft resolution prior to the meeting and if they agreed with the conditions. Mr. Iannone said that they received the draft resolution prior to the meeting and that they agreed with the conditions.

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, that the reading of the following resolution be waived and that the resolution be approved as amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SPECIAL USE PERMIT APPROVAL—REPAIRS AND MAINTENANCE
NEW AND USED VEHICLES
ELECTRIC CAR CORNER, 6162 STATE ROUTE 96**

PB #0903-22

APPLICANT: **Electric Car Corner, 5763 Duke of Gloucester Way,
Farmington, N.Y. 14425**

ACTION: **Special Use Permit approval for: New and Used Vehicle Repairs
and Maintenance Operations to be conducted upon two parcels
of land—one located at 6162 State Route 96 (29.00-1-73.110) and
a small portion of the other tax map parcel (29.00-1-76.100)
located adjacent to the east of 6162 State Route 96.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight conducted a Public Hearing upon the above referenced Action; and

WHEREAS, the Planning Board has, under separate resolution adopted on September 21, 2022, classified the Action as a Type II Action within 6NYCRR, Part 617.5 (c) (18) and (21), Article 8 of the New York State Environmental Conservation Law (ECL), the State’s Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed the Ontario County Planning Board Referral #176-2022, a Class 1 referral, with no recommendation and only comments; and

WHEREAS, the Planning Board has reviewed the special use permit criteria contained in § 165-28 D. (4) of the Farmington Town Code and the applicant’s statements pertaining to this section of the Town Code; and

WHEREAS, the Planning Board has given consideration to the testimony provided at tonight’s Public Hearing and the draft resolution prepared and posted on the Town’s website for said Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby make the following findings based upon its review of the criteria for issuing a special use permit contained in § 165-28 D. (4) of the Farmington Town Code:

A. Motor vehicle repair stations may be permitted as special permit uses in the GB, LI and GI Districts upon the approval of a special use permit by the Planning Board.

The Planning Board finds the proposed motor vehicle repair station is located within a mapped GB General Business District. The Board, therefore, finds this application is eligible for the granting of a Special Use Permit.

B. No site preparation or construction shall commence, nor shall existing structures be occupied, until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.

The Planning Board finds that an application for final site plan approval (PB #0901-22) is pending and that no site preparation or construction shall

commence until final site plan approval has been granted by the Board and any permits deemed necessary have been issued by all governmental agencies.

C. In addition to the information required in the special use permit application and enumerated in §§ 165-94 and 165-95 of this chapter, the site plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground and the number and location of fuel pumps to be installed. In addition, where applicable, a copy of the application for a bulk storage permit to the New York State Department of Environmental Conservation shall also be provided.

The Planning Board finds that the applicant has documented in the application that there will not be any fuel tanks installed on these two sites and that there will not be any fuel pumps installed.

D. Motor vehicle parts or partially dismantled motor vehicles may be stored outside an enclosed building in accordance with the provisions set forth in Subsection E below.

The Planning Board finds that a condition of the special use permit (PB #0902-22, Condition #5) issued on this date prohibits outdoor storage of dismantled vehicles or tires on these two sites.

E. The proposed uses shall be screened from adjacent uses by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing or a combination of which, in the opinion of the Planning Board, will be adequate to prevent the transmission of headlight glare across the boundary line at all times of the year. The Planning Board shall determine on an individual basis how close to the right-of-way the landscaped buffer shall be required to be installed. Such buffer screen shall have a minimum height of six feet above the ground. If said screening becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer shall direct the property owner to replace said screening.

The Planning Board finds that there will be no motor vehicle parts or partially dismantled motor vehicles stored outside an enclosed building on this site. The Planning Board further finds that site landscaping, a part of final site plan approval, will be adequate to prevent the transmission of headlight glare across the boundary line at all times of the year and shall be in accordance with the specifications set forth in subsection E of this chapter of the Town Code.

F. The entire area of the site traveled by motor vehicles shall be hard surfaced and dust-free.

The Planning Board finds that this criterion shall be satisfied and that a condition of final site plan approval for these two (2) sites shall comply with this criteria.

G. No commercial parking shall be allowed on the premises of a motor vehicle repair station.

The Planning Board finds that this criterion shall be satisfied and that a condition of final site plan approval for these two (2) sites shall comply with this criteria.

H. No motor vehicle repair shop may display more than five unregistered vehicles for sale or repair outside of an enclosed building at any one time.

The Planning Board finds that this criterion shall be satisfied as a condition of the requested special use permit for these two (2) sites.

I. No entrance or exit to a motor vehicle repair and/or service station shall be located closer than the spacing standards contained in § 165-34J(2) of this chapter.

The Planning Board finds that the continued use of the existing driveway for the proposed motor vehicle repair building is determined to be grandfathered and that this criterion does not apply to the proposed special permit use on these two parcels of land.

J. Site lighting shall be in accordance with the lighting regulations contained in § 165-64 of this chapter.

The Planning Board finds that this criterion shall be satisfied and that a condition of final site plan approval for these two (2) sites shall comply with this criteria.

K. No partially dismantled or wrecked vehicle or any unlicensed vehicle shall be stored for more than 72 hours, unless under order of a law enforcement agency or insurance agency, in view from any adjacent residential properties, or public right-of-way. Such vehicles may be stored outside provided further that they are located in the rear yard, are within an enclosed fenced area that does not permit anyone from seeing the stored vehicles; and, there is no evidence of any dripping(s) of any petroleum product from the stored vehicle.

The Planning Board finds that a condition of the special use permit (PB #0902-22, Condition #5) issued on this date prohibits outdoor storage of dismantled vehicles or tires on these two sites. Therefore, the Planning Board finds that this criterion is satisfied.

BE IT FURTHER RESOLVED that based upon the above findings, the Planning Board does hereby grant approval of the requested special use permit to allow for the repair and

maintenance of new and used vehicles, owned by the Electric Car Corner, and located on these two sites with the following conditions:

1. The Special Use Permit is hereby approved for: the repairs and maintenance of new and used vehicles, owned by the Electric Car Corner dealership; the repairs and maintenance of new and used vehicles sold or leased by the Electric Car Corner dealership; and is further approved for the repairs and maintenance of vehicle trade in(s) that are part of any new and used vehicle sales that is registered to the car dealership known as Electric Car Corner. The special use permit for the repairs and maintenance of new and used vehicles on these two parcels shall not be offered to any other vehicle(s).
2. The Special Use Permit is valid only to the use of those portions of Tax Map Numbers 29.00-1-73.100 and 29.00-1-76.100 that are shown on a final site plan approved by the Planning Board and related only such repair and maintenance operations.
3. The Special Use Permit is further conditioned upon no vehicle parts or partially dismantled vehicles owned by the dealer shall be stored outside an enclosed building.
4. The Special Use Permit is further conditioned upon a detailed streetscape drawing that incorporates the criteria provided for within the MTOD and MSOD overlay districts and the Town's adopted State Route 96 Main Street Corridor Plan which includes a sidewalk across the Route 96 frontage of both properties, streetlights, benches and trash receptacles. All streetscape improvements are to be maintained by the property owner.
4. The Special Use Permit is further conditioned upon no commercial vehicle(s) being allowed to park or be stored on the premises that is (are) not related to the Electric Car Corner dealership.
5. The Special Use Permit is further conditioned upon prohibiting that there not be displayed at any one time, for service or repair outside of an enclosed building and outside an area for such use that is delineated on a final site plan approved by the Planning Board, more than five (5) unregistered vehicles, not owned by the dealership.
6. There shall be site lighting provided for those areas of the site to be used for the sales and service of new and used vehicles, employee parking and customer parking. These areas are to be clearly delineated on a final site plan drawing to be approved by the Planning Board. These areas shall identify the total number of vehicle parking spaces and notation that all parking spaces are to be double striped in accordance with Town Standards. Said site lighting shall be in accordance with the lighting regulations contained within § 165-64 of the Farmington Town Code.

7. The Special Use Permit is further conditioned upon no partially dismantled or wrecked vehicle or any unlicensed vehicle that is not owned by the Electric Car Corner dealer, shall be offered for sale.
8. The Special Use Permit is further conditioned upon no outdoor/open air storage of dismantled vehicle parts, including but not limited to batteries or tires.
9. The Special Use Permit is further conditioned upon there being allowed up to three stage-2 charging stations with related parking spaces on the rear portion of the existing vehicle sales and service building provided they are identified on a final site plan approved by the Planning Board only for the use of vehicles being serviced and maintained by the dealership.
10. The Special Use Permit is further conditioned upon the Applicant obtaining Final Site Plan Approval from the Planning Board. No construction of site improvements may be completed until final site plan approval has been granted by the Planning Board. Any further expansion of the repairs and/or maintenance areas for this site, beyond that shown on an approved final site plan drawing by the Planning Board, shall be subject to an amended site plan approved by the Planning Board.
11. The Special Use Permit is further conditioned upon the Applicant providing a concrete sidewalk connection between the existing sales, maintenance and repair service building and the sidewalk to be located across the fronts of these two properties along State Route 96. The sidewalk is to be installed prior to the issuance of a Certificate of Compliance by the Town Code Enforcement Officer.
12. The Special Use Permit is further conditioned upon the Applicant providing dust-free surfaces for all outdoor areas to be used in conjunction with vehicle maintenance and repair. Furthermore, these areas are to be illuminated, maintained and striped in accordance with the Town's standards.
13. The Special Use Permit is further conditioned upon the established hours for repair and maintenance services during the operating hours of Monday–Friday, 9:00 a.m. to 8:00 p.m.; and Saturday 9:00 a.m. to 6:00 p.m.; and 11:00 a.m. to 3:00 p.m. on Sundays.
14. The Special Use Permit is further conditioned upon all the above Conditions being provided prior to the issuance of a Certificate of Occupancy for the maintenance or repair of new and used vehicles on the properties.

BE IT FINALLY RESOLVED that the Board directs that a Certified Copy of this resolution is to be filed with of the Applicant, the Applicant's Engineer, Town Staff and a Certified Copy placed in the Town's Property Files for the two parcels of land.

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

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

Motion carried.

6. CONTINUED PRELIMINARY SITE PLAN

PB #0901-22 Continued Preliminary Site Plan

Name: Electric Car Corner, 5763 Duke of Gloucester Way, Farmington, N.Y. 14425

Location: 6162 New York State Route 96

Zoning District: GB General Business, MTOD Major Thoroughfare Overlay District, MTOD Main Street Overlay District

Request: Preliminary Site Plan approval for site and building improvements to be used for offices, sales floor and for vehicle maintenance repairs.

This application, the accompanying Special Use Permit for Sales of New and Used Electric Vehicles (PB #0902-22), and the Special Use Permit for New and Used Electric Vehicles Repairs and Maintenance Operations (PB #0903-22), were reviewed by the Project Review Committee on June 2, 2022; and September 1, 2022.

The Planning Board held a Workshop Meeting on this application on August 30, 2022, at which a presentation was given by Mr. Iannone, Ms. Seton and Mr. Pfluke of Auto Outlets USA Inc.

Mr. Hemminger resumed the consideration of this application which began on September 21, 2022.

Mr. Gabrielle, Mr. Iannone, Ms. Seton and Mr. Pfluke (Auto Outlets USA); and Mr. Hanscom (Lu Engineers) presented this application.

Mr. Hemminger said that the Town staff has prepared a draft resolution for the board’s consideration this evening for approval of the Preliminary Site Plan with conditions. He also acknowledged receipt of revised site plans and the response to the MRB Group engineering comments from Mr. Hanscom. Mr. Hemminger said that materials which are received on the day of the a meeting are not considered by the Planning Board. He said that

the materials which were received today have been filed with Mr. Delpriore for Town staff review.

Mr. Hemminger said that the board must determine this evening if there is enough information from the applicant's original submission to move forward with the Preliminary Site Plan this evening without the board's review of the additional materials which were received this afternoon.

Mr. Bellis said that he has several questions which must be answered before he can vote on this application. Mr. Sweeney said that he has several questions which could be answered this evening. Mr. Viets said that he has questions for the Final Site Plan presentation.

It was the consensus of the board that the Preliminary Site Plan application can move forward following the discussion of the board's questions this evening.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening for approval of the Preliminary Site Plan with conditions. He said that he has received only one inquiry [from a board member] regarding the draft conditions of approval and that he is not aware of any showstoppers this evening which would prevent conditional approval of the preliminary plans.

Mr. Delpriore agreed with Mr. Brand. He also reminded the board of the procedure which requires that all conditions of Preliminary Site Plan must be addressed prior to signatures on the plans.

Mr. Ford had no comments or questions on this application.

Mr. Brabant said that the applicant has provided stormwater mitigation which is above what is required. He said that the topsoil stockpile was not included in the applicant's disturbance calculations and that the applicant's proposed stormwater mitigation will meet the Town criteria if the topsoil stockpile were to exceed the Town's one-acre threshold.

Mr. Brabant also said that his engineering comment letter included questions on lighting which have been addressed on Mr. Hanscom's response letter of October 5, 2022, which indicate that the light pole locations have been adjusted to provide the requested illumination, the fixture details have been added to the plans, and the illumination pattern will be added to the Final Site Plan. Mr. Hanscom's response also noted that the photometric contours and the lighting schedule are still being developed by the lighting vendor and will be submitted under a separate transmittal. He also noted that the double-headed light poles along the eastern edge of the parking area have been removed from the plans. Mr. Brabant said that he is comfortable with moving forward with the conditional approval of the Preliminary Site Plan based upon Mr. Hanscom's response letter.

Mr. Hemminger said that the board's goal this evening is to ask questions [about this application] which could lead to additional conditions of approval.

Mr. Viets said that his questions will be more directed to the Final Site Plan and that he has submitted his questions via email.

Mr. Bellis expressed concern that a trash dumpster is not shown on the site plan. He asked how trash would be handled. Mr. Gabriele said this was addressed today on the revised site plan which has been submitted to Mr. Delpriore. He confirmed that a dumpster enclosure has been included on the revised site plan.

Mr. Bellis asked about the storage of used tires. He said that used tires are piled outdoors at the applicant's Auto Outlets location on State Route 332. Mr. Iannone said that a vendor removes the used tires from the State Route 332 location when 100 tires have been accumulated. Mr. Bellis said that he would rather see a tire container or tire enclosure on the State Route 96 site. Mr. Gabriele said that the process [for used tires] is different at the State Route 332 location. Mr. Bellis said that he would like to have the used tires screened from view. He said that a selected enclosure could be what is easier or less expensive for the applicant.

Mr. Iannone said that there are two dedicated bins shown on the revised site plan, i.e., one for trash and one for tires. Mr. Gabriele confirmed that used tires would be stored inside a enclosed area which is denoted on the revised plans.

Mr. Brand referred to Condition #5 on the Special Use Permit for the sale of vehicles (PB #0902-22) that “. . . The Special Use Permit is further conditioned upon no outdoor storage of dismantled vehicles or tires” (see p. 4 of the minutes).

Mr. Bellis asked if a waste oil tank will be installed inside the building. Mr. Iannone said yes.

Mr. Sweeney asked about the notation on the site plan of “Future Work.” He asked about future work which is not being considered this evening. Mr. Brand said that future development of “Parcel B” for new and used vehicle sales will be subject to a site plan review and approval by the Planning Board. This is a condition of approval for the special use permit granted earlier this evening.

Mr. Sweeney asked about landscaping around the transformer which is required by the Main Street Overlay District (MSOD). Mr. Iannone said drawings of the landscaping have been submitted and identify the landscaping to be planted in compliance with the MSOD requirements. He said that landscaping will encompass the proposed [freestanding commercial speech] signage and the area of the transformer. Mr. Hemminger said that the landscaping must be tall enough to block the transformer from view by the public. Mr. Iannone acknowledged receipt of the photographs of the transformer and accompanying landscape at the Walmart store in Victor, N.Y. and stated this is what is proposed for this site.

Mr. Bellis asked about a sign application. Mr. Hemminger said that the applicant will use the pre-existing sign on the property. Mr. Gabriele confirmed this.

Mr. Hemminger requested that the following condition of approval be added to the draft resolution:

- zz. The outdoor storage of tires will be within a separate enclosed container to be located behind the building (north side of the building). The trash dumpster also will be located within a separate enclosed container.

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

Mr. Hemminger asked the applicants if they received the draft resolution prior to the meeting and if they agreed with the conditions as amended this evening. Mr. Iannone said that they received the draft resolution prior to the meeting and that they agreed with the conditions as amended this evening.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 PRELIMINARY SITE PLAN APPROVAL
 ELECTRIC CAR CORNER, 6162 STATE ROUTE 96**

PB #0901-22

APPLICANT: Electric Car Corner, 5763 Duke of Gloucester Way, Farmington, N.Y. 14425

ACTION: Preliminary Site Plan approval: New and Used Vehicle Sales, Repairs and Maintenance Operations to be conducted upon two parcels of land (Tax Map Accounts # 29.00-1-71.110 [6162 State Route 96] and #29.00-1-76.100) located along the north side of State Route 96.

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

WHEREAS, the Planning Board has, under separate resolution adopted on September 21, 2022, classified the Action as a Type II Action within 6NYCRR, Part 617.5 (c) (18) and (21), article 8 of the New York State Environmental Conservation Law (ECL), the State’s Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed the Ontario County Planning Board Referrals #175-2022 and #176-2022, giving both a Class 1 referral, with no recommendation and only comments; and

WHEREAS, the Planning Board has given consideration to the testimony provided at tonight’s public meeting and the draft resolution prepared and posted on the Town’s website for said Action.

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

1. The Preliminary Site Plan is hereby approved for the sales, repairs and maintenance of new and used vehicles that is to be located on the Electric Car Corner sites identified as Tax Map Numbers 29.00-1-73.100 and 29.00-1-76.100.
2. The Preliminary Site Plan drawings prepared by Lu Engineers, entitled “Proposed Site Plan, Electric Car Corner, 6162 NY Route 96, Farmington, New York,” Project Number 50503-01, Drawing Numbers EC-1, S-1, S-2, S-3, D-1, D-2, D-3 and D-4, Sheets 1-8 and 8-8, and dated June 2022, are hereby further amended as follows:
 - a. The title of this drawing is to read . . . “Preliminary Site Plan, Electric Car Corner, 6162 State Route 96, Farmington, New York 14425.”
 - b. The Scale for this drawing is to be further identified, as not all dimensions are noted on the drawing submitted.
 - c. The manufactured home dwelling unit that is shown on the preliminary site plan drawing which is located within the northwest corner of Tax Map Account 29.00-1-73.110 is to be resolved thereby enabling this site to be classified as legally conforming to Town Code requirements. It is understood that this pre-existing mobile home encroachment is memorialized in an agreement between two private property owners that is on file in the Ontario County Clerk’s Office (Liber 1254 of Deeds, Page 75 on December 1, 2010). This agreement, according to this applicant, granted a license for its continuance provided the dwelling unit remains in good repair and disclaiming any adverse possession claim. A copy of this agreement is to be provided to the Town for filing with the Property File. A note to the effect of this agreement is to be placed on the final site plan drawing. Prior to the issuance of a Certificate of Compliance for this project by the Town Code Enforcement Officer, there is to be a solution provided to this encroachment matter which is to be approved by both the Attorney to the Town and the Town Code Enforcement Officer. There is then to be a note added to the final site plan drawing that identifies this solution.
 - d. The intersection of State Route 96 and Mercier Boulevard, that is to be located opposite this project site and on the south side of State Route 96, is to be shown on a revised Preliminary Site Plan Map.
 - e. There is to be a five-foot-wide concrete sidewalk provided that connects the existing sidewalk located across the frontage of Tax Map Account 29.00-1-

73.110 to the proposed charging stations and to the twelve (12) vehicle display area for new and used vehicles. This sidewalk is to also extend to connect to the proposed brick pavers area to be located south of the sales and service building. This information is to be provided on the final site plan drawings.

- f. There are to be light fixtures and illumination patterns added to one of the final site plan drawings that delineates the illumination of the proposed public charging stations and the twelve (12) vehicle display area for new and used vehicles.
- g. The locations for the proposed Level 2 chargers and the designated parking spaces for these units that are to be along the rear exterior wall of the sales and service building are to be delineated on the final site plan drawing.
- h. There is to be at least one trash receptacle provided within the public charging stations area of the site which is to be maintained by the property owner.
- i. There is to be a third streetlight fixture and pole added to the final site plan drawing and located between the western property line and the driveway entrance to the site on Tax Map Account 29.00-1-73.110. An illumination pattern and fixture details are to be added to the final site plan drawings.
- j. The final site plan drawing is to be amended to identify the land banked location for a fourth (4th) future charging station and designate on the final site plan drawing that the 7th and 8th vehicle parking spaces shown are to be used for customer waiting but will become the designated parking spaces for the fourth (4th) charging station in the future. By doing so, there will not be a need to further amend the final site plan for this project thereby allowing the Town Code Enforcement Officer to issue a Building Permit based upon his review of the design details.
- k. There is to be a “Streetscape Drawing” added to the drawings for final site plan approval, for both identified Tax Map Accounts which are part of this Application, that complements the other streetscape features on the nearby Auto Wash, the Byrne Dairy and Meyer’s RV Superstore sites.
- l. There is to a signature block added to each page of the preliminary and final site plan drawings located in the approved locations as shown in Appendix G-13.0 of the Town’s Site Design and Development Criteria.
- m. There are to be Detail Sheets added to the set of Preliminary Site Plan drawings that include the following:
 - (1) Public Safety Sign Detail—Appendix G-9; and

- (2) Sidewalk Detail—Appendix H-7; and
 - (3) Typical Tree Planting Detail—Appendix H-11; and
 - (4) Streetlight Detail—Appendix H-15; and
 - (5) Double Stripe Detail for all Parking Lots—Appendix H-15.2; and
 - (6) Trench Detail—Appendix H-13; and
 - (7) Sanitary Sewer Manhole Detail—either Shallow Appendix S-5 or Deep Appendix S-5.1.
- n. The Sanitary Sewer Notes, Item 1, the older style wye fitting with chemically welded joints are permissible for use from the factory but cannot be constructed in the field. The riser section of the sanitary cleanouts must be gasketed. All gravity sanitary sewer lateral pipe is to be SDR-21 gasketed. No glued joints will be allowed.
 - o. The invert of the sanitary sewer lateral at the building is to be shown on the drawing.
 - p. The detail of the proposed oil/water separator is to be shown on the drawing.
 - q. The detail of the proposed sanitary manhole with Zoeller submersible pump is to be shown on the drawing. It is requested that an E1 pump station be used instead.
 - r. The invert of the oil/water separator shown on the submitted drawing is 633.80, the invert of the pump manhole is 633,80 but the print states the pipe slope is 2%. Please clarify this information.
 - s. A 2-inch diameter sanitary force main is to be bedded in sand (6-inches underneath and 1-inch on top of the main).
 - t. All sanitary sewer pipe that is located underneath pavement/millings is to have a minimum of 4-feet of cover between the top of pipe and the bottom of the pavement/millings.
 - u. The following Detail Sheets (from the Town's Site Design and Development Criteria Manual) are to be added to the set of preliminary site plan drawings—sanitary lateral (S-3.0), sanitary cleanout (S-1.0), shallow sanitary cleanout (S-5.0) and utility trench detail (W-13.0).
 - v. The water service is to maintain a 10-foot separation from all utilities as stated in the New York State Department of Health Regulations.

- w. A note is to be added to the final site plan drawing that reads ... Prior to the issuance of a Building Permit for the installation of any charging station on this site, detailed design specification drawings are to be submitted for the Project File.
- x. Prior to the issuance of a Certificate of Compliance a third part inspection certificate of approval is to be provided to the Town Code Enforcement Officer.
- y. Drawing S-3, Sheet 4 of 8, is to be amended as part of final site plan submission to identify that there is to be landscaping around the building comply with the Town's MTOD and MSOD regulations.
- z. There is to be a note added to the final site plan drawing S-1, Sheet 2 of 8, stating there shall be no display of new or used vehicles allowed on any grassed portion of these two sites.
- zz. The outdoor storage of tires will be within a separate enclosed container to be located behind the building (north side of the building). The trash dumpster also will be located within a separate enclosed container.

BE IT FURTHER RESOLVED that the Applicant's Engineer is to provide written responses to the comments contained within the MRB Group (the Town Engineers) letter to the Town Director of Planning and Development dated September 16, 2022. Those comments requiring additional design details or changes are to be made on the preliminary site plan drawings identified above herein prior to signing by the Town Engineer and Town Staff.

BE IT FURTHER RESOLVED that Commercial Speech signage is not part of this preliminary site plan application. A separate application for Sign Site Plan Approval is required and may be made part of the final site plan application process.

BE IT FURTHER RESOLVED that once all revisions have been made to the preliminary site plan drawings as required by the Conditions of Approval listed above herein, the Applicant's Engineer is to submit one electric copy of all drawings showing revision dates and titles, along with one paper set for the Town Code Enforcement Officer's review and acceptance. Once the amended preliminary site plan drawings have been signed, the electronic version will be returned to the Applicant's Engineer. Then an application for final site plan approval shall be submitted for placement on a future Planning Board Meeting Agenda.

BE IT FURTHER RESOLVED that Preliminary Site Plan approval is valid for a period of 180 days from today and shall automatically expire unless signed drawings have been completed within this period.

BE IT FINALLY RESOLVED that the Board directs that certified copies of this resolution are to be filed with the Applicant, the Applicant's Engineer, Town Staff and placed in the Town's Property Files for these two parcels of land.

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

Adrian Bellis	Aye
Timothy DeLucia	Excused
Edward Hemminger	Aye
Aaron Sweeney	No
Douglas Viets	Aye

Motion carried.

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand discussed the following topics:

- The Powers Incentive Zoning Project application has been submitted and will be introduced to the Town Board at the meeting on October 11, 2022. Mr. Brand said that the Town Board will then refer the application to the Planning Board for a report and recommendation. Mr. Hemminger said that the Planning Board will not meet on October 19, 2022, and that the Powers Incentive Zoning Project application should be placed on the Planning Board agenda on November 2, 2022. Mr. Brand noted that a draft Town Board resolution for next Tuesday evening's meeting would reflect this timeline. Mr. Brand also reminded Mr. Delpriore to give notice to the official newspaper, post on the Town Hall Bulletin Board and Town Website that the October 19th meeting has been canceled. Mr. Delpriore will address these matters.
- Mr. Brand said that the Farmington Market Center revised traffic report has been received from Passero Associates (formerly SRF Associates) and has been referred to Fisher Associates which is the firm reviewing the additional traffic studies which have been submitted by GLN Farmington Realty and Farmington Commons. Mr. Brand said that 140-page [electronic] report is available for review upon request.
- The Town *Comprehensive Plan* requires that the Plan's implementation actions for the existing and coming years are to be presented to the Town Board at its organizational meeting in January 2023. Mr. Brand said that the Town Operations Committee, with the assistance of the Planning Board, will prepare the 2023 report to the Town Board. Upon acceptance, the annual implementation action plan will become an appendix to the *Comprehensive Plan*. Mr. Hemminger requested that this topic be included on the Planning Board agenda on November 16, 2022, and that a draft be provided to the board prior to the meeting.

- No information has been received from the Ontario County tourism office regarding short-term rentals of AirBNB homes. Mr. Brand said that this topic will be updated upon receipt of additional information.
- A grant application is being prepared involving the creation of a feasibility study for the second phase of the Town's Sidewalk/Trail/Bike Lane Master Plan. The document is a prerequisite to a second Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program grant. The Town's first grant was recently approved by the New York State Department of Transportation (*see* Planning Board minutes, July 6, 2022, pp. 21–22). Mr. Brand said that other locations shown on the Town's long-range sidewalk/trails master plan are to be reviewed for identification and justification for future TAP grant applications to the Federal Highway Administration. Among the areas being considered include pedestrian safety along the shoulders of State Route 332 which is not a safe condition and for which alternatives are sought.
- Another issue to be evaluated involves the continued use of the Ontario Central Railroad is under discussion. Mr. Brand said that there is some momentum building that the active railroad line could be cut back or completely eliminated due to a low volume of railroad traffic. He said that the Genesee Transportation Council (GTC) Long Range Transportation Plan identifies the conversion of the railroad bed to a walking/biking trail to connect to other existing trails in Manchester, N.Y., and to Ontario Pathways in Phelps, N.Y. Mr. Hemminger asked if there is a section of the railroad right-of-way in Victor, N.Y., that is being considered as a bypass. Mr. Brand said that there have been some discussions on this. Mr. Bellis asked if the railroad is still in use. Mr. Ford said that a train may use the railroad line possibly once a month. Mr. Brand said that the railroad's concern is the maintenance of crossing signals. They would also like a decision that would then enable the design for resurfacing County Road 8 in the near future. Mr. Ford also said that the railroad may use the rails for installation at other locations.
- Another area of the feasibility study involves the safety of the Collett Road/Hook Road intersection and the pending pedestrian crossing [Hook Road] of this intersection. Mr. Brand said that a previous highway superintendent had recommended the construction of a traffic round-about at this intersection and that another study recommended a four-way stop. He said that the northwest corner of the intersection would be the most difficult with which to deal should a round-about be considered for this intersection.
- The Farmington Conservation Board's Adopt-a-Highway clean-up will be held this on Saturday, October 8, 2022, commencing at 9:00 a.m. that morning. Mr. Hemminger said that assistance from any Planning Board member will be appreciated. The rain date will be the following Saturday (October 15, 2022). Mr. Brand said that the Conservation Board would appreciate the assistance from the Planning Board and noted that the Town Board may also be volunteering for this highway

clean-up project. Mr. Hemminger requested that the Conservation Board chairperson send an email to the boards regarding locations and details.

- Mr. Brand requested that the Town staff place a public notice in the newspaper and on the Town Hall bulletin board regarding the cancellation of the Planning Board meeting on October 19, 2022. Mr. Delpriore said that he will do so.

Code Enforcement Officer:

Mr. Delpriore said that the Powers Incentive Zoning application is expected to be on the Planning Board agenda on November 2, 2022. He said that there may be other applications for that meeting which will be scheduled following the submittal dates.

Town Highway and Parks Superintendent:

Mr. Ford said that the Highway Department is working on stormwater issues at this time.

Town Engineer:

Mr. Brabant said that MRB Group is working on water and sewer projects for the Town, and on revisions to the Site Design Criteria. He also said that the Town will be moving forward on Municipal Separate Storm Sewer System (MS4) issues now that Mr. Delpriore is the Town's MS4 officer.

8. PUBLIC COMMENTS

None.

9. TRAINING OPPORTUNITIES

■ 2022 Municipal Bootcamp:

Hancock Estabrook and MRB Group are offering a free annual training program to assist local governments, municipal officials, and planning and zoning boards. The program will include 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program in the series will be provided remotely on the fourth Thursday of each month with subject matter experts from MRB Group and knowledgeable attorneys from Hancock Estabrook LLP. Topics will be varied, useful and—potentially as important—qualify for the education requirements for members of planning boards and zoning boards of appeal.

Remaining sessions in 2022:

Thursday, October 27, 2022, 6:00 p.m. to 7:00 p.m.

A History Lesson: Managing Projects with Historic Significance

Thursday, December 22, 2022, 6:00 p.m. to 7:00 p.m.

Santa's Nice and Naughty List: The Best and Worst of 2022

Select this link for the 2022 Municipal Bootcamp information page. RSVP and registration tab are at the bottom of the website page.

<https://www.hancocklaw.com/events/the-2022-municipal-bootcamp/>

■ **Genesee/Finger Lakes Regional Planning Council Fall Local Government Workshop
Thursday, November 3, 2022**

8:30 a.m.–5:00 p.m.

del Lago Resort, 1133 State Route 414, Waterloo, N.Y. 13165

Registration opens September 15, 2022

For information: Emily Royce, eroyce@gflrpc.org

https://gflrpc.org/program_areas/local_government_assistance_and_training/fall22lgw.php

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

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

The Essentials of Planning and Zoning:

Introduction to Planning, Zoning and Land Use

Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan

Understanding and Applying SEQRA (NY State Environmental Quality Review Act)

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

Meeting Process and Communication:

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

Working with Elected Officials and Understanding Everyone's Role in Planning

The Open Meetings Law for Zoning and Planning Boards, Part 2

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

■ **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>

10. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:40 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, November 2, 2022, 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 the front doors to the Town Hall were locked.

Respectfully submitted,

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