

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, January 3, 2018, 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.*

**Board Members Present:** Edward Hemminger, *Chairperson*  
Adrian Bellis  
Mary Neale  
Douglas Viets

**Vacancy:** One Vacant Position

### **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  
David Degear, Town of Farmington Water and Sewer Superintendent  
Don Giroux, Town of Farmington Highway Superintendent

### **Applicants Present:**

Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580  
Paul Colucci, Vice President, DiMarco Group, 1950 Brighton–Henrietta Town Line Road,  
Rochester, N.Y. 14623  
Kip Finley, P.E., Director of Development, Indus Hospitality Group, 950 Panorama Trail South,  
Rochester, N.Y. 14625  
Paul M. Gillette, A Safe Place Self Storage LLC, 6025 Denny Drive, Farmington, N.Y. 14425  
Robert and June Hamell, 5397 Gulick Road, Honeoye, N.Y. 14471  
Brennan Marks, P.E., Marks Engineering, 42 Beeman Street, Canandaigua, N.Y. 14424  
Andrew Petersen, Monolith Solar Associates, 444 Washington Street, Rensselaer, N.Y. 12144

### **Resident Present:**

Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425

### **Town Board Appointments to the Planning Board:**

At the Organization Meeting on January 3, 2018, the Farmington Town Board appointed Edward Hemminger to serve as Planning Board Chairperson for a one-year term to expire on December

31, 2018. The Town Board also reappointed Mary Neale to serve on the Planning Board for a five-year term to expire on December 31, 2022.

Mr. Hemminger and Ms. Neale took their places upon the Planning Board.

### **1. MEETING OPENING**

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited. Mr. Hemminger introduced the Planning Board members and staff, explained the emergency evacuation procedures and noted that copies of the evening's agenda were available on the table at the door. He also asked everyone to set his or her cell phone on silent mode.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on March 1, 2017.

### **2. APPROVAL OF MINUTES OF DECEMBER 20, 2017**

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the December 20, 2017, meeting be approved.

Motion carried by voice vote. Mr. Viets abstained due to his absence from the meeting on December 20, 2017.

### **3. LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, December 27, 2017:

#### **LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN THAT** the Planning Board of the Town of Farmington, 1000 County Road 8, Ontario County, New York, will hold a Public Hearing on the 3rd day of January, 2018, commencing at 7:00 p.m. for the purpose of considering the application of:

**PB #0101-18: MONOLITH SOLAR ASSOCIATES, 444 WASHINGTON STREET, RENSSELAER, N.Y. 12144:** Request a Special Use Permit to allow a Solar Photovoltaic (PV) System, according to Article V, Chapter 165-65.3 E of the Town of Farmington Codes. The applicant wishes to erect a roof-mounted PV system. The property is located at 6025 Denny Drive and zone Limited Industrial District.

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

Scott Makin, Chairperson  
Planning Board

**4. NEW SPECIAL USE PERMIT**

**PB #0101-18            New Special Use Permit Application**

**Name:**                    Monolith Solar Associates, 444 Washington Street,  
   Rensselaer, N.Y. 12144

**Location:**                6025 Denny Drive, Farmington, N.Y. 14425

**Zoning District:**        LI Limited Industrial

**Request:**                To erect a roof-mounted commercial Solar Photovoltaic (PV)  
   System

**NEW FINAL SITE PLAN**

**PB #0102-18            New Final Site Plan Application**

**Name:**                    Monolith Solar Associates, 444 Washington Street,  
   Rensselaer, N.Y. 12144

**Location:**                6025 Denny Drive, Farmington, N.Y. 14425

**Zoning District:**        LI Limited Industrial

**Request:**                To erect a roof-mounted commercial Solar Photovoltaic (PV)  
   System

Mr. Hemminger opened the Public Hearing on PB #0101-18 Special Use Permit application for Monolith Solar Associates. He concurrently began the discussion of the accompanying Site Plan application (PB #0102-18).

Mr. Petersen of Monolith Solar Associates presented this application. Mr. Gillette, the owner of the property at 6025 Denny Drive (A Safe Place Self Storage LLC) also attended.

Mr. Petersen said that a roof-mounted solar photovoltaic system which generates up to 110 percent of the structure’s electrical use on site has been installed on the self-storage

facility's roof at 6025 Denny Drive for some time. He said that the Building Department issued a permit for the installation of the existing system.

Mr. Petersen explained that the proposed system would generate more than 110 percent of the structure's electrical power requirements. He said that a Special Use Permit is required by the Town's new Solar Energy Law for installations which are proposed to generate more than 110 percent of a structure's on-site electrical power use.

Mr. Petersen said that Monolith Solar Associates prefers to lease space on rooftops for the installation of solar panels, rather than to purchase land for the construction of solar farms. He said that the panels would be attached to the roof and flush mounted, and that the four-inch profile of the panels would help to screen them from the public's view. He noted that a number of solar panels have already been installed on the roof of some of the mini-warehouse structures as part of the initial permit approval. These panels involve a building-mounted solar PV system which is allowed as a by-right system in the Town Code. Mr. Petersen said that this application involves electricity to be generated by the additional panels which involve more than 110 percent of the electricity consumed by the existing land use and would be sold to a Price Rite grocery store in another part of New York State.

Mr. Brand said that resolutions have been drafted for board consideration this evening for the State Environmental Quality Review (SEQR) determination and for approval of the Special Use Permit and the Final Site Plan applications both with conditions. Mr. Brand said that Mr. Petersen and the Planning Board members received the draft resolutions for review prior to the meeting this evening.

Mr. Giroux and Mr. Degear had no comments or questions on these applications. Mr. Brabant said that the applications were not referred to MRB Group for review and therefore he had no engineering comments.

Mr. Hemminger asked if anyone in attendance wished to speak for or against the applications. There were no comments or questions from those in attendance this evening.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the Public Hearing be closed.

Motion carried by voice vote. The Public Hearing was closed.

### **Board deliberations:**

Ms. Neale asked about how well the solar panels are working and if the company is satisfied with amount of electricity being generated. Mr. Petersen said that the size of the panels has increased from 260-watt to 360-watt panels. He said that the power to be generated by this installation would be sold to a Price Rite grocery store located in another part of New York State and in the same Load Zone B as the Farmington location.

Mr. Brand referred to a condition of approval of the Special Use Permit which requires the applicant to provide the Town with its agreement with Avangrid to provide the Price Rite store with the power to be generated by this installation. (Avangrid is an energy-services and delivery company serving about 3.1 million customers throughout upstate New York and New England.) Mr. Petersen said that the agreement would be provided to the Town tomorrow (January 4, 2018).

On a topic related to the operation of A Safe Place Self Storage at 6025 Denny Drive, Mr. Brand asked Mr. Gillette (the property owner) about wood pallets which have been stored outdoors on the property near the dumpster for several months. Mr. Gillette said that the pallets are available to residents as a community recycling effort. He said that they are well received by residents but that they seem to be taken off the site by residents more slowly during cold weather. Mr. Gillette said that he has received no complaints about the storage of the pallets on the property and that he would make an effort to tidy the site.

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

■ A motion was made by MS. NEALE, seconded by MR. VIETS, that the reading of the following State Environmental Quality Review (SEQR) resolutions be waived and that the resolutions be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION  
SEQR RESOLUTION—UNLISTED ACTIONS**

**PB #0101-18 Special Use Permit  
PB #0102-18 Final Site Plan**

**APPLICANT: Monolith Solar Associates, 444 Washington Street,  
Rensselaer, N.Y. 12144**

**ACTION: Special Use Permit for a building-mounted PV system having a capacity greater than 25 kW and having a total area greater than 4,000 square feet; and Final Site Plan Approval for Phase B of the proposed PV system to be placed upon the roofs of existing mini-warehouse structures located at 6025 Denny Drive (A Safe Place Self Storage LLC)**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) based upon its review of Sections 617.4. and 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law, finds the proposed Actions are not listed as a Type I Action or a Type II Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board determines the proposed Action is classified as an Unlisted Action.

**BE IT FINALLY RESOLVED** that the Board directs the Town Director of Planning and Development to prepare Parts 2 and 3 of the Short Environmental Assessment Form for the Board’s review and acceptance.

**TOWN OF FARMINGTON PLANNING BOARD  
SEQR RESOLUTION—DETERMINATION OF NON-SIGNIFICANCE**

**PB #0101-18 Special Use Permit  
PB #0102-18 Final Site Plan**

**APPLICANT: Monolith Solar Associates, 444 Washington Street,  
Rensselaer, N.Y. 12144**

**ACTION: Special Use Permit for a building-mounted PV system having a capacity greater than 25 kW and having a total area greater than 4,000 square feet; and Final Site Plan Approval for Phase B of the proposed PV system to be placed upon the roofs of existing mini-warehouse structures located at 6025 Denny Drive (A Safe Place Self Storage LLC)**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has determined the proposed Action referenced above to be an Unlisted Action (hereinafter referred to as Action) under Part 617 of the State Environmental Quality Review Act (SEQR) Regulations; and

**WHEREAS**, the Planning Board has conducted a public hearing upon said Action giving consideration to the comments provided; and

**WHEREAS**, the Planning Board has been established as the designated Lead Agency in accordance with the procedures established under Part 617 described above herein; and

**WHEREAS**, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1 and 2 of the Short Environmental Assessment Form, along with supporting documentation and maps submitted with this application.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and

- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and
- (iv) the overall density of the site is consistent with the Town's *Comprehensive Plan* land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Letter dated June 8, 20117 (File 17PR03555), or will the proposed Action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of current active agricultural land;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

**BE IT FURTHER RESOLVED** that based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance upon said Action and directs the Planning Board Chair-

person to sign and date the Short Environmental Assessment Form and the Negative Declaration Box.

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 & 3 of the Short Environmental Assessment Form and this Determination on Non-Significance Resolution with Monolith Solar Associates, 444 Washington Street, Rensselaer, N.Y. 12144; and the property owner Paul Gillette.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
SPECIAL USE PERMIT—MONOLITH SOLAR ASSOCIATES, ROOF MOUNTED SOLAR  
PHOTOVOLTAIC (PV) SYSTEM AND RELATED SITE IMPROVEMENTS  
6025 DENNY DRIVE**

**PB #0101-18**

**APPLICANT: Monolith Solar Associates, 444 Washington Street,  
Rensselaer, N.Y. 12144**

**ACTION: Special Use Permit for the installation and operation of a roof-  
mounted commercial solar photovoltaic (PV) system on  
property located at southeast corner of Commercial Drive and  
Denny Drive**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Plan-ning Board) has received an application from Monolith Solar Associates, LLC, for Special Use Permit approval for a roof-mounted commercial solar (PV) system to be placed upon certain existing structures identified herein and located upon the above refer-enced site; and

**WHEREAS**, the Planning Board has received testimony at tonight’s Public Hearing re-garding the proposed Special Use Permit; and

**WHEREAS**, the Planning Board has determined the proposed action to be an Unlisted Action as identified under Part 617 of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as the SEQR Regulations); and

**WHEREAS**, the Planning Board has completed Parts 2 and 3 of the Full Environmental Assessment Form, reviewed the criteria for making a determination of significance comparing these criteria to identified impacts and has, under separate resolution, made a determination of non-significance upon the Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to grant a Special Use Permit for the above referenced application with the following conditions:

1. The Special Use Permit is granted subject to compliance with the provisions contained in Chapter 165, Section 65.3, of the Farmington Town Code.
2. The Special Use Permit is valid upon the Town’s receipt of a fully executed Agreement between Avangrid, Price Rite #208–#11369 and Monolith Solar Associates LLC, on behalf of the Applicant and Mr. Paul Gillette, property owner.
3. The Special Use Permit is granted only for the roof mounted commercial solar photovoltaic (PV) system, as may be approved by the Town Planning Board, File #PB 0101-18, dated January 3, 2018.
4. The Special Use Permit is issued only for the installation of (600) Trina 325W TSM-DE14A(II) panels upon the roofs of the existing mini-warehouse structures shown upon the approved Final Site Plan drawings. Any further expansion to this System shall be subject to an amendment: to this Special Use Permit; and Final Site Plan Approval, at a later date and time.
5. The Special Use Permit is valid only for as long as the proposed Photovoltaic (PV) System remains operable. Should it be determined by the Town Code Enforcement Officer that said System no longer functions the property owner is hereby obligated to remove said System’s panels from the roofs of the involved structures within the time frame specified in Chapter 165 of the Town Code.

Mr. Hemminger asked Mr. Petersen if he understood the resolution and agreed with the conditions. Mr. Petersen said that he understood the resolution and agreed with the conditions.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
SPECIAL USE PERMIT—MONOLITH SOLAR ASSOCIATES, ROOF MOUNTED SOLAR  
PHOTOVOLTAIC (PV) SYSTEM AND RELATED SITE IMPROVEMENTS  
6025 DENNY DRIVE**

**PB #0102-18**

**APPLICANT: Monolith Solar Associates, 444 Washington Street,  
Rensselaer, N.Y. 12144**

**ACTION: Final Site Plan for the installation and operation of a roof-  
mounted commercial solar photovoltaic (PV) system on  
property located at southeast corner of Commercial Drive and  
Denny Drive**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Plan-  
ning Board) has received an application from Monolith Solar Associates, LLC, for Final  
Site Plan approval for a roof-mounted commercial solar (pv) system to be placed upon  
certain existing structures identified herein and upon the above referenced site; and

**WHEREAS**, the Planning Board has received testimony at tonight’s Public Hearing re-  
garding the proposed Final Site Plan drawings; and

**WHEREAS**, the Planning Board has determined the proposed action to be an Unlisted  
Action as identified under Part 617 of Article 8 of the New York State Environmental  
Conservation Law (hereinafter referred to as the SEQR Regulations); and

**WHEREAS**, the Planning Board has completed Parts 2 and 3 of the Full Environmental  
Assessment Form, reviewed the criteria for making a determination of significance  
comparing these criteria to identified impacts and has, under separate resolution, made a  
determination of non-significance upon the Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move  
to grant Final Site Plan approval of the above referenced application with the following  
conditions:

1. Approval is based upon drawings numbered T-1, S-1 through S-8, E-1 through E-6, prepared by Monolith Solar Associates, LLC, 444 Washington Street, Rensselaer, New York 12144, entitled Price Rite (Store 208), 6025 Denny Drive, Farmington, New York 14425,” with a revised date of 10/31/2017 as further amended by this resolution.

2. Drawing T-1 title is to be amended to read . . . “Final Site Plan, Price Rite (Store 208), Roof-Mounted Commercial Solar Photovoltaic (PV) System, Panels MP-1 through MP-8 and MP-17 through MP-23.”
3. Final Site Plan Approval is for the installation of (600) Trina 325W TSM=DE14A(II) panels upon the roofs of the existing mini-warehouse structures shown on the above referenced drawings. Any further expansion to this System shall be subject to Final Site Plan Approval and an amended Special Use Permit. A Note to the effect is to be placed upon Drawing Number T-1.
4. Prior to the issuance of a Building Permit for this Photovoltaic (PV) System, a copy of the signed Agreement between Avangrid, Price Rite #208–#11369 and Monolith Solar Associates, LLC, on behalf of the Applicant, Mr. Paul Gillette, property owner, is to be filed with the Town Development Office.
5. Prior to the issuance of a Building Permit for this Photovoltaic (PV) System, a note is to be added to the revised Final Site Plan Drawing identifying the Avangrid Permit Number and effective date of said permit.
6. Final Site Plan Approval is valid only for as long as the proposed Photovoltaic (PV) System remains operable. Should it be determined by the Town Code Enforcement Officer that said System no longer is operable, said System is to be removed in accordance with the provisions contained in Chapter 165 of the Town Code.
7. There is to be a signature line added to Drawing T-1, for the Planning Board Chairperson’s signature.
8. Once these conditions of Final Site Plan Approval have been met and revised Final Site Plan Drawings prepared, one set is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Upon such a determination, the Town Code Enforcement Officer shall contact the Planning Board Chairperson for signing the Final Site Plan Drawings. A total of two complete sets of the revised Final Site Plan Drawings are to be submitted for signing. One copy of the signed Drawings is to be provided to the applicant, Monolith Solar Associates, LLC. The other copy of the signed Drawings is to be filed with the Town Development Office in the property file. If additional signed copies of the Final Site Plan Drawing are required, then the additional number of copies are to be submitted at the time of signing along with instructions as to where the signed copies are to be provided.
9. Final Site Plan approval is valid for a period of 180 days from today. Failure to submit the revised sets of site plan map drawings for signatures within this time period will result in the approval being made null and void.

Mr. Hemminger asked Mr. Petersen if he understood the resolution and agreed with the conditions. Mr. Petersen said that he understood the resolution and agreed with the conditions.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

**5. CONTINUED PUBLIC HEARING: TWO-LOT PRELIMINARY SUBDIVISION**

**PB #1202-17 Continued Two-Lot Preliminary Subdivision Application**

**Name:** Indus Hospitality Group/Indus Real Estate II, LLC;  
950 Panorama Trail S., Rochester, N.Y. 14625

**Location:** Lands located behind 1301 State Route 332 (KFC Restaurant)

**Zoning District:** GB General Business

**Request:** Two-Lot Preliminary Subdivision Plat approval to create Lot #2 consisting of 1.452 acres and Lot #3 consisting of 1.288 acres.

**CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT**

**PB #1203-17 Continued Special Use Permit Application**

**Name:** Indus Hospitality Group/Indus Real Estate II, LLC;  
950 Panorama Trail S., Rochester, N.Y. 14625

**Location:** Proposed Lot #3 located east of the KFC Restaurant at 1301 State Route 332

**Zoning District:** GB General Business

**Request:** Special Use Permit approval to allow a motel according to Article VI, Chapter 165-73 of the Farmington Town Codes. The applicant wishes to construct a three-story Microtel Hotel with 60 rooms and related site improvements.

**CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT**

**PB #1204-17                   Continued Special Use Permit Application**

**Name:** Indus Hospitality Group/Indus Real Estate II, LLC;  
950 Panorama Trail S., Rochester, N.Y. 14625

**Location:** Proposed Lot #2 located north of the KFC Restaurant at 1301 State Route 332

**Zoning District:** GB General Business

**Request:** Special Use Permit approval to allow a fast-food restaurant according to Article VI, Chapter 165-69 of the Farmington Town Codes. The applicant wishes to construct a 2,100-square-foot Taco Bell Restaurant.

**CONTINUED PRELIMINARY SITE PLAN**

**PB #1205-17                   Continued Preliminary Site Plan Application**

**Name:** Indus Hospitality Group/Indus Real Estate II, LLC;  
950 Panorama Trail S., Rochester, N.Y. 14625

**Location:** East and north of the KFC Restaurant at 1301 State Route 332

**Zoning District:** GB General Business

**Request:** Preliminary Site Plan approval to construct a three-story Microtel Hotel with 60 rooms and a 2,100-square-foot Taco Bell Restaurant

Mr. Hemminiger concurrently reconvened the following Public Hearings which were opened on December 6, 2017:

- PB #1202-17 (Indus Hospitality Group Two-Lot Preliminary Subdivision)
- PB #1203-17 (Indus Hospitality Group Special Use Permit for a hotel)
- PB #1204-17 (Indus Hospitality Group Special Use Permit for fast-food restaurant)

Mr. Hemminger concurrently resumed the discussion on the following application which also began on December 6, 2017:

- PB #1205 (Indus Hospitality Group Preliminary Site Plan application)

The applicant also has eight applications pending before the Zoning Board of Appeals (ZBA):

- ZB #0701-17: Area Variance for 140 parking spaces (191 are required by the Town Code)
- ZB #0702-17: Area Variance for side setback of 22 feet (minimum of 30 feet is required by Town Code)
- ZB #0703-17: Area Variance for lot width of 15 feet (minimum of 150 feet is required)
- ZB #0704-17: Area Variance for front setback of 20 feet (minimum of 50 feet is required by Town Code)
- ZB #0705-17: Area Variance to create a parcel without direct access to a mapped street
- ZB #0706-17: Area Variance for lot width of 15 feet (a minimum of 150 feet is required)
- ZB #0707-17: Area Variance for front setback of 30 feet (a minimum of 50 feet is required)
- ZB #0708-17: Area Variance to create a parcel without direct access to a mapped street

The ZBA initially established the 30-day State Environmental Quality Review (SEQR) public review and comment period and the coordinated review process with Involved and Interested Agencies which began on November 28, 2017, and ended at noon on December 29, 2017.

During the coordinated review process, the Planning Board declared its intent to be designated Lead Agency and notified the ZBA. The ZBA, on December 18, 2017, determined that it had no objection to the Planning Board designating itself as the Lead Agency to make the SEQR determination of significance on these applications.

On December 6, 2017, the Planning Board declared its intent to be designated the Lead Agency for making the required determination of significance upon the above referenced ongoing coordinated review under the SEQR Regulations.

Mr. Finley presented these applications.

He presented a summary of the applications which include construction of a new Taco Bell Restaurant on property which is located on the east side of State Route 332 south of Route 96 and the subsequent construction of a Microtel Hotel.

Mr. Finley explained that the zoning variances are needed because of the proposed subdivision of the property which would affect setbacks and other deviations from the Town Code.

Mr. Brand summarized the chronology of the applications. He noted that the 30-day State Environmental Quality Review (SEQR) public review and comment period ended on December 29, 2017. He said that no objections to the Planning Board designating itself as the Lead Agency for making the SEQR determination were received from the Involved and Interested Agencies.

Mr. Brand reported that the Town was informed today by the applicant that a traffic impact study was prepared by SRF Associates in March 2017. Mr. Brand noted that copies of said study had not been submitted to the Town or to the Ontario County Planning Board. Mr. Finley distributed copies of the report to the Planning Board members and Town staff this evening.

Mr. Brand recommended that the Planning Board take the following action this evening to:

- Designate itself as the Lead Agency for making the SEQR determination of significance upon the applications; and
- Accept the Short Environmental Assessment Form Part 2 and Part 3 which includes an attachment to Part 3 requesting additional information from the applicant; and
- Continue the four applications to a future date to provide time for the applicant to submit the requested additional information.

The Short Environmental Assessment Form Part 2—Impact Assessment as presented for board consideration this evening indicates that “moderate to large impact may occur” for the following questions:

2. Will the proposed action result in a change in the use or intensity of use of land?
3. Will the proposed action impair the character or quality of the existing community?
5. Will the proposed action cause in an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
11. Will the proposed action create a hazard to environmental resources or human health?

Mr. Brand explained that the attachment to Part 3 of the Short Environmental Assessment Form explains the rationale for the “moderate to large impact” descriptions for questions 2, 3, 5 and 11. He noted that the Parts 2 and 3 are based upon the information provided by the applicant which does not include the March 2017 Traffic Impact Statement.

Mr. Finley said that the Town’s concerns as noted in questions 2, 3 and 5 would be addressed by the SRF Associates 60-page traffic impact study which was presented this evening, by a memorandum from the New York State Department of Transportation (DOT) and by a response memorandum from SRF Associates to the DOT.

Mr. Finley said that stormwater mitigation and design revisions would address the environmental concerns of question 11.

Mr. Hemminger said that the SRF Associates traffic study is dated March 2017. He asked if the data remains relevant and current to enable the Town engineer MRB Group to determine the accuracy of the traffic analysis.

Mr. Brand explained that the Town staff and the Planning Board members have not yet had time to read the complete traffic impact study which was presented this evening. He suggested that Mr. Finley contact SRF Associates to request a response regarding the validity of the data from the report which is dated March 2017.

Mr. Finley said that his experience as a traffic engineer indicates that the data would change only if there has been a significant change in the community which would have affected the flow of traffic. He said that he did not know of anything in the community which would have caused a change in the traffic data. Mr. Finley said that the application is all set with the DOT which has reviewed the plans and that he would defer to the DOT. He said that he believes that the all the information required by the Town and the Planning Board has been provided.

Mr. Brand said that he strongly requests that a communication from SRF Associates be received regarding the validity of the traffic study data which is now approaching one year old. He also requested that responses be prepared to each of the potentially large impacts identified in the Part 2 and further elaborated in the Part 3 of the Short EAF.

Mr. Hemminger said that he would like to know how the traffic study was based, i.e., the data set and dates of traffic counts. Mr. Finley said that the data is based upon actual traffic counts taken within two weeks of the report.

Mr. Brabant said that MRB Group issued an engineering comment letter on December 22, 2017, and has been working with the applicant’s engineer on stormwater mitigation and drainage. He said that the applicant endeavors to meet all New York State Department of Environmental Conservation and Town stormwater requirements and that some discrepancies in the design must be fine-tuned.

Mr. Giroux and Mr. Degear had no comments or questions on the application at this time.

Mr. Hemminger asked if anyone in attendance wishes to speak for or against the applications.

Mr. Bloss (81 Gannett Road) said that the traffic in this area bothers him and that it (the intersection of State Route 332 at Route 96) is one of the worst corners in the Town. He said that the recent new developments including the Hickory Rise Subdivision and Burger King Restaurant have added more traffic to the roads, along with the additional traffic to come from the Redfield Grove development which is now under construction and the new developments which have been approved. He said that turning left onto State Route 332 from the KFC Restaurant is a blind corner. Mr. Bloss said that traffic is the issue in this area and that it is suicidal for visitors making these movements.

Mr. Bellis and Mr. Viets said that they would hold their questions at this time until they have had time to read the complete traffic study.

Ms. Neale said that the traffic study indicates on Page 2 that the Federal Express Distribution Facility on Collett Road was not completed at the time that the traffic counts were made. She noted that the report indicates that the traffic counts were taken in February 2016.

Mr. Hemminger said that from an engineering standpoint the Planning Board must make sure that the traffic study has the appropriate data set which is needed for the board to make its decision. He said that the board must make sure that it has good data.

Mr. Brand said that the Short Environmental Assessment Form Part 2 and Part 3 may change with additional information from the traffic study and from the applicant's responses to the Part 2 questions.

Mr. Brand reminded the board that continuing a Public Hearing has to be to a specific date and time. That is why, in the draft resolution, he had proposed continuing the Public Hearing to February 21, 2018. He asked Mr. Finley if he thought that the responses to Parts 2 and 3 of the Short EAF would be available prior to that meeting. Mr. Finley replied that he saw no reason why the responses could not be made available for the February 7, 2018, meeting and requested the resolution be amended to reflect this change in date.

There were no further comments or questions on these applications this evening.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
SEQR RESOLUTION—DESIGNATING LEAD AGENCY**

<b>PB #1202-17</b>	<b>Preliminary Two-Lot Subdivision</b>
<b>PB #1203-17</b>	<b>Special Use Permit—Hotel/Motel</b>
<b>PB #1204-17</b>	<b>Special Use Permit—Fast-Food Restaurant w/Drive-Through</b>

**PB #1205-17 Preliminary Site Plan—Microtel Hotel and Taco Bell Restaurant**

**APPLICANT: Indus Real Estate II LLC, 950 Panorama Trail South, Rochester, N.Y. 14625**

**ACTIONS: Preliminary Two Lot Subdivision, Special Use Permit to allow a hotel/motel, Special Use Permit to allow a fast-food restaurant with drive-through service, and Preliminary Site Plan for a 3-story Microtel Hotel and a Taco Bell Restaurant with a drive-through service (Indus Real Estate II LLC/Indus Hospitality Group)**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) did on December 6, 2017, declare its intent to be designated the lead agency for this Action; and

**WHEREAS**, the established 30-day public review period, gave public notice thereof and provided for a coordinate review with other involved and interested agencies under the provisions of Part 617 of the State Environmental Quality Review (SEQR) procedures; and

**WHEREAS**, the 30-day public review period ended at noon on Friday, December 29, 2017; and

**WHEREAS**, no objections were received from other involved agencies with regard to the Planning Board being designated the lead agency under the SEQR Regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby designate itself as the lead agency for making the required determination of significance upon the Actions referenced above herein.

**BE IT FINALLY RESOLVED** that a copy of this resolution is to be provided to the identified Involved Agencies; to the applicant, Indus Hospitality Group, Attn: Kip Finley; to Matthew Tomlinson, Marathon Engineering; and a copy is to be placed in the project file.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
INDUS HOSPITALITY GROUP  
PRELIMINARY SUBDIVISION, SPECIAL USE PERMITS (2) AND PRELIMINARY SITE PLAN  
CONTINUATION**

- PB #1202-17                    Preliminary Two-Lot Subdivision**
- PB #1203-17                    Special Use Permit—Hotel/Motel**
- PB #1204-17                    Special Use Permit—Fast-Food Restaurant w/Drive-Through**
- PB #1205-17                    Preliminary Site Plan—Microtel Hotel and Taco Bell  
Restaurant**

**APPLICANT:                    Indus Real Estate II LLC, 950 Panorama Trail South,  
Rochester, N.Y. 14625**

**ACTIONS:                        Preliminary Two Lot Subdivision, Special Use Permit to allow  
a hotel/motel, Special Use Permit to allow a fast-food  
restaurant with drive-through service, and Preliminary Site  
Plan for a 3-story Microtel Hotel and a Taco Bell Restaurant  
with a drive-through service (Indus Real Estate II LLC/Indus  
Hospitality Group)**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Plan-ning Board) has received applications for the above referenced actions for property located along the east side of State Route 332, between State Route 96 and County Road 41; and

**WHEREAS**, the Planning Board has reopened the Public Hearing at tonight’s meeting upon the proposed Preliminary Subdivision Plat, Preliminary Site Plans and Special Use Permits (hereinafter referred to as Actions); and

**WHEREAS**, the Planning Board has been designated as the Lead Agency for the coordinated review under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has completed its review of Part 2 of the Short Environmental Assessment Form (EAF) finding that a total of four (4) potentially moderate to large impacts may occur as the result of acting upon and approving the applications as currently submitted; and

**WHEREAS**, the Planning Board has completed a Part 3 with Attachment which described the need for additional information to be prepared, submitted and reviewed, prior to the Planning Board being able to make a reasoned elaboration and then an informed decision upon the anticipated impacts identified to date; and

**WHEREAS**, the Planning Board may not make a decision upon these two Actions until such time as a determination of significance upon these Actions has been made.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to table any further discussion upon the above referenced Actions and moves to continue the public hearing thereon to 7:00 p.m. on February 7, 2018, so as to provide time for the applicant to submit the requested information.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution, the completed Parts 2 and 3, along with the Attachment to Part 3 and a copy of the SRF Associates March 2017 Traffic Impact Study to the Involved and Interested agencies and to the Town Clerk.

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to provide copies of this resolution to: Indus Hospitality Group, 950 Panorama Trail S., Rochester, New York 14625, Attn: Kip Finley; to Marathon Engineering, 39 Cascade Drive, Rochester, New York 14614; to Gregory Trost, Assistant Resident Engineer, New York State Department of Transportation, Ontario County Regional Office, 125 Parish Street, Canandaigua, New York 14424; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

Mr. Hemminger then signed the following attachment to Part 3 of the Short Environmental Assessment Form:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
INDUS HOSPITALITY GROUP  
PRELIMINARY SUBDIVISION, SPECIAL USE PERMITS (2) AND PRELIMINARY SITE PLAN  
ATTACHMENT TO DETERMINATION OF SIGNIFICANCE  
SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3**

<b>PB #1202-17</b>	<b>Preliminary Two-Lot Subdivision</b>
<b>PB #1203-17</b>	<b>Special Use Permit—Hotel/Motel</b>
<b>PB #1204-17</b>	<b>Special Use Permit—Fast-Food Restaurant w/Drive-Through</b>

<b>PB #1205-17</b>	<b>Preliminary Site Plan—Microtel Hotel and Taco Bell Restaurant</b>
<b>APPLICANT:</b>	<b>Indus Real Estate II LLC, 950 Panorama Trail South, Rochester, N.Y. 14625</b>
<b>ACTIONS:</b>	<b>Preliminary Two Lot Subdivision, Special Use Permit to allow a hotel/motel, Special Use Permit to allow a fast-food restaurant with drive-through service, and Preliminary Site Plan for a 3-story Microtel Hotel and a Taco Bell Restaurant with a drive-through service (Indus Real Estate II LLC/Indus Hospitality Group)</b>

The Planning Board, as the designated lead agency for the above referenced Actions and having completed its review of Part 2 of the Short Environmental Assessment Form, determines that the information provided to date may result in certain elements creating a major to large impact occurring as a result of the proposed actions referenced above herein and listed on the Part 3 Form dated January 3, 2018. Therefore, the Planning Board requests supplemental information be provided by the applicant, in sufficient detail to identify the impacts, including any measures or design changes that should be considered to avoid or reduce these impacts. Upon the Planning Board's acceptance of this supplemental information, the Planning Board will then determine whether the impact may or will not be significant.

Each of the potential impacts identified below are to be assessed considering the site's setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also, the narrative is to address the potential for short-term, long-term and cumulative impacts.

## **Question 2.**

### **Will the proposed action result in a change in the use or intensity of use of land?**

The Planning Board understands that any additional development of these two proposed sites will result in an increase in the use or intensity of use of land. The unknown is how this change will be affected in the short term (1–3 years), the long term (3–5 years) and the cumulative impacts upon these two proposed sites, as well as the four sites located along State Route 332.

The Planning Board seeks information that compares the current intensity of land use in this area (Dunkin' Donuts and KFC Restaurant sites) with the proposed use of land upon the completion of the Taco Bell fast-food restaurant with drive-through window service and the 60-room Microtel Hotel. In addition, the Planning Board seeks information comparing the change in use or intensity of use of land with other similar sites located within the community. In particular, other sites where there will be four commercial land

uses being served by one shared point of access to a major highway (e.g., State Route 332).

The Planning Board also seeks information that identifies what additional known land uses that will be located in proximity to the site will have been constructed by the time a decision is made by the applicant to construct the 60-room hotel. For example, if the hotel is not being planned for the next two years, there will be 104 apartments constructed as part of Farmington Gardens Apartments—Phase II. In addition, the applicant has stated discussions have been held with the adjacent property owner to the south, in so far as solutions for access to adjacent highways.

### **Question 3.**

#### **Will the proposed action impair the character or quality of the existing community?**

The Planning Board notes that the adopted *Comprehensive Plan* identifies these two sites as being located within Sub-Area 8 (Map No. 11). The narrative identifies the area as being relatively flat with potential drainage problems likely to result from additional commercial-types of development. Therefore, with the requested variances for parking that are being requested, what, if any, potential exists for these two sites providing adequate on-site drainage facilities without having to use space that is being identified as land banked parking spaces?

The Planning Board would like to know how the character of this subarea is going to be affected by the potential introduction of additional commercial speech signage associated with the two additional businesses being proposed. The Planning Board also needs to know how the applicant intends to adequately identify these two new businesses to motorists using the heavily traveled State Route 332, in both directions. A visual simulation of proposed visibility of both these two sites and the proposed signage for them is requested.

The Planning Board needs to understand how (what legal means) and when the applicant will continue the pedestrian sidewalk across the frontage of the KFC Restaurant site to the southern property boundary, since that property is not part of any site plan application pending before the Planning Board. The Board is concerned that not being able to realize, at this time, this important pedestrian link across this adjacent parcel of land may have a significant impairment on the Town's Official adopted *Comprehensive Plan* goals and objectives, thereby adversely impacting the quality of the existing community.

The Planning Board also needs documentation from the applicant, as part of this environmental record, identifying how the applicant will satisfy the State Department of Transportation's expectation, as set forth in their December 20, 2017, letter to the Town, that . . . "a Smart Growth Checklist and attestation may be required prior to the issuance of either a Highway Work Permit or a Permit for Use of State Owned Property." The Planning Board requests, as part of this environmental record, the above referenced Smart Growth Checklist.

**Question 5.**

**Will the proposed action result in an adverse change in the existing level of traffic or affecting infrastructure for mass transit, biking or walkway?**

The Planning Board is aware of the August 9, 2017, report from the Region 4 Office of the New York State Department of Transportation to Mr. Matt Tomlinson, Marathon Engineering, which notes . . . “a failing level of service (LOS) is expected for vehicles exiting the site during the AM and PM peak hours.” That report discusses the need for adequate queue lengths exiting the driveway onto State Route 332. The Planning Board is not convinced that leaving the current entrance to the KFC Restaurant site will not contribute to the expressed need for “adequate queue lengths” and requests additional traffic information as how this condition may be mitigated.

The Planning Board also has reviewed the Traffic Impact Study Memo, that was prepared by SRF Associates, and concludes there is a need for a more detailed analysis of all of the traffic movements at this point along State Route 332 from both sides of said highway. The memo provided only identifies proposed site generated driveway volumes from the two proposed businesses and not the long-term or cumulative impacts of all traffic movements, including left hand turns, at this location. The memo also does not identify recent traffic accident statistics for this growing four-way intersection. This information and the identified contributing factors need to be understood by the Planning Board before it can make an informed decision upon the potential significance of the adverse change in traffic congestion and safety at this intersection.

The Planning Board does not accept the above referenced SRF Associates Memo as providing adequate information for a determination of significance to be made upon this element of the environmental record and, therefore, is requesting a detailed Traffic Impact Statement be prepared, presented to the Town for review and acceptance by the Region 4 Office of the State Department of Transportation and the Town Engineers, MRB Group, D.P.C. before it can make their findings. This request is based upon the conflicting statement in the SRF Memo, page 2 of 2, which reads . . . “The projected trip generation estimates using business hotel are fewer than the March 2017 TIA.” The Memo goes on to conclude . . . “No project site driveway mitigation is recommended, as concluded in the March 2017 TIA. Thus, no further study is warranted or recommended.” This statement is refuted by the State Department of Transportation’s August 9, 2017, reply cited above wherein specific geometry improvements to the driveway be made to mitigate . . . “a failing level of service (LOS) is expected for vehicles exiting the site during the AM and PM peak hours.”

**Question 11.**

**Will the proposed action create a hazard to environmental resources or human health?**

The Planning Board already is aware of significant traffic safety issues associated with the growing numbers of turning movements into and out of driveways on both sides of

State Route 332 in this location. The applicant is requested to provide a complete list of all traffic incidents that have occurred in this intersection over the past five years. The applicant is also requested to identify what, if any, additional safety improvements would be necessary to mitigate this existing condition.

The Planning Board also requests identification of the feasibility of constructing the two proposed commercial uses should the State Department of Transportation decide to make long talked-about “traffic calming” improvements to this area of State Route 332—improvements that would eliminate the left turn movements, in both travel directions and to both sides of the State highway. Would not being able to make a left-hand turn into or out of sites cause a change of minds in the feasibility of constructing the two commercial uses?

Finally, the Planning Board needs documentation from the applicant that there is no feasible alternative solution for creating a second means of access from these two sites to either State Route 96, or to Beaver Creek Road.

**Determination.**

The Planning Board, based upon these findings cannot, at this time, make a Determination of Significance upon the impacts associated with the proposed action and, therefore, does hereby request the additional information be provided. Once said information has been provided, reviewed and accepted, then the Planning Board will be in a position to make a Determination of Significance and then Planning Board and Zoning Board of Appeals will be able to proceed with their respective reviews and actions. A resolution to this effect, dated January 3, 2018, has been adopted by the Planning Board, the designated lead agency for these applications.

\_\_\_\_\_ L.S.  
Edward Hemminger, Chairperson  
Town of Farmington Planning Board

Entered into the public record of the Farmington Planning Board meeting, January 3, 2018.

\_\_\_\_\_ L.S.  
John M. Robortella  
Clerk of the Board

**6. NEW PRELIMINARY SITE PLAN**

**PB #1208-17                      New Preliminary Site Plan Application**

**Name:** Mr. and Mrs. Robert Hammell, 5397 Gulick Road,  
Honeoye, N.Y. 14471

**Location:** 250 feet north of 390 Ellsworth Road

**Zoning District:** A-80 Agricultural

**Request:** Site plan approval to construct a single-family dwelling on a  
6.214-acre lot located 250 north of 390 Ellsworth Road

Mr. Marks presented this application. Mr. and Mrs. Hamell also attended.

Mr. Marks said that the applicants plan to construct a single-family residential home with an attached garage on a 6.214-acre lot which was subdivided from a larger parcel of land in the early 1980s. He said that utilities are located at the road and that an in-ground septic system would be installed. Mr. Marks said that the soils are sandy.

Mr. Brand said that this lot was subdivided from a larger parcel a number of years ago prior to an amendment to the Town Code which changed the definition of a subdivision. He said that this lot has been a vacant unapproved parcel and that Planning Board approval of a site plan is required prior to the issuance of a building permit.

Mr. Brand said that draft resolutions have been prepared for board consideration this evening for the State Environmental Quality Review (SEQR) determination and for Preliminary Site Plan approval.

Mr. Marks said that he received the draft resolutions prior to the meeting and that he has no objections to the conditions of approval.

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

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION  
SEQR RESOLUTION—TYPE II ACTION  
PB #1208-17**

**APPLICANTS:** Mr. and Mrs. Robert Hamell, 5397 Gulick Road, Honeoye,  
N.Y. 14471

**ACTION:** Preliminary Site Plan Application for the construction of a  
single-family dwelling on a 6.214-acre lot located 250 feet north  
of 390 Ellsworth Road

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law, for determining the Type II Classification associated with the above referenced Action; and,

**WHEREAS**, the Board finds the Action is identified in Section 617.5 (c) (9) involving construction of a single-family residence upon an approved lot including provision of necessary utility connections as provided in paragraph 617.5 (c) (11).

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board finds that the Action is classified a Type II Action under Section 617.5 (c) of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Type II Actions are not subject to further review under Part 617.

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SITE PLAN**

**PB #1208-17**

**APPLICANTS:** **Mr. and Mrs. Robert Hamell, 5397 Gulick Road, Honeoye, N.Y. 14471**

**ACTION:** **Preliminary Site Plan Application for the construction of a single-family dwelling on a 6.214-acre lot located 250 feet north of 390 Ellsworth Road**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) has opened the public meeting upon this application; and

**WHEREAS**, the Board has given consideration to the public comment entered into the public record upon said project.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board has satisfied the procedural requirements set forth under the State Environmental Quality Review (SEQR) Regulations by classifying the proposed Action as being a Type II Action.

**BE IT FURTHER RESOLVED THAT** the Board does hereby grant Preliminary Site Plan Approval upon the above referenced Action, with the following conditions:

1. Preliminary Site Plan Approval is based upon the drawing prepared by Marks Engineering, entitled “Preliminary Site Plan, Robert & June Hamell, Showing Land in Ellsworth Road, Town of Farmington,” having a date of 11/20/17, drawings number C100, C500, C501 and C502; with the following conditions of approval.
2. Drawing C100 is to be amended to show:
  - a. The public water line located within the right-of-way for Ellsworth Road and the connection thereto for the proposed structure;
  - b. The location of the closest fire hydrant to the property is to be added to the drawing;
  - c. A Site Note is to be added to the drawing that reads . . . “The proposed driveway shall comply with the requirements set forth in Section 2.05 A. and B. of the adopted Town of Farmington Site Design and Development Criteria.”
  - d. A Site Note is to be added to the drawing that identifies the right-of-way width for Ellsworth Road; and
  - e. A Site Note is to be added to the drawing that reads . . . “Prior to the issuance of a Building Permit for the proposed single-family dwelling, a Park and Recreation Fee is to be paid to the Town Clerk.”
  - f. A signature line is to be added for the Town Water and Sewer Superintendent to sign and date the site plan; and
  - g. A signature line is to be added for the Town Highway and Parks Superintendent to sign and date the site plan.
3. Once these conditions of Preliminary Site Plan Approval have been made and the drawing’s Revision Box amended, then one copy of the amended map is to be submitted to the Town’s Code Enforcement Officer for his review and acceptance of these conditions being shown. Upon his acceptance, the applicant is to submit four (4) additional paper prints for signing by those listed on the Site Plan

Drawing. If additional copies of the Preliminary Site Plan Drawings are needed by the Applicant, then the additional number is to be provided at the time of signing.

- 4. Once the Preliminary Site Plan drawings have been signed, then the applicant may submit application for Final Site Plan Approval. At that time, such application will be placed upon the next available planning board agenda.
- 5. This resolution granting Preliminary Site Plan Approval with Conditions shall expire within 180 days from today, unless renewed by the Planning Board under separate resolution prior to the date of expiration.

Mr. Hemminger asked Mr. Marks if he understood the resolution and agreed with the conditions. Mr. Marks said that he understood the resolution and agreed with the conditions.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

**7. CONTINUED FINAL SITE PLAN**

**PB #1209-17 Continued Final Site Plan Application**

**Name:** Michael Cerone, Route 332 MIII Enterprises, P.O. Box 509, Webster, N.Y. 14580

**Location:** West side of State Route 332 opposite Farmbrook Drive and north of the Cobblestone Performing Arts Center

**Zoning District:** IZ Incentive Zoning District

**Request:** Final Site Plan approval for Phase 1 to construct six single-story self-storage buildings ranging in size from 2,560 square feet to 6,000 square feet (for a total footprint of 24,160 square feet); one two-story climate-controlled self-storage building having a total footprint of 24,750 square feet; and related site improvements

The Planning Board's report and recommendation on this project was approved and transmitted to the Town Board on November 16, 2016. The Town Board rezoned the property to IZ Incentive Zoning on February 14, 2017 (Town Board Resolution #102-2017).

On May 17, 2017, the Planning Board classified this application as a Type 1 under the State Environmental Quality Review (SEQR) Regulations, declared its intent to be designated the Lead Agency for making the required determination of significance upon this Type 1 Action, and established a 30-day public review and comment period which began on May 18, 2017, and which ended on June 16, 2017.

The Planning Board determined that the following agencies are Involved Agencies for this Action:

- U.S. Army Corps of Engineers, Buffalo Regional Office
- New York State Department of Environmental Conservation, Region 8 Office
- New York State Department of Health, Geneva Regional Office
- New York State Department of Transportation, Region 4 Office
- Town of Farmington Highway Superintendent
- Town of Farmington Water and Sewer Superintendent

The Planning Board determined that the following agency is an Interested Agency for this Action:

- Ontario County Planning Board

On June 21, 2017, the Planning Board declared itself as the Lead Agency for making the SEQR determination of significance, determined that the proposed Action will not result in any significant adverse environmental impacts, issued a Determination of Non-Significance and directed the Planning Board Chairperson to sign the Full Environmental Assessment Form and the Negative Declaration Form.

The Planning Board approved the Preliminary Site Plan with conditions on July 5, 2017.

Mr. Hemminger resumed consideration of the Final Site Plan application which had been continued from the meetings on December 6, 2017; and December 20, 2017.

Mr. Colucci presented this application. Mr. Cerone also attended.

Mr. Colucci reported that Mr. Cerone has decided to discontinue plans to install a recreational vehicle water and sewage dumping station in this development. He said that Mr. Cerone reached this decision following consultation with other storage operators and a review of the potential costs. He said that Mr. Cerone determined that it would not be worth the investment and asked that it be removed from further consideration of the application. Mr. Colucci noted that other storage operators reported that recreational vehicle owners generally do not transport their vehicles to storage with gray water. He said that recrea-

tional vehicle owners usually remove the water and sewage from their vehicles prior to leaving the campgrounds.

Mr. Colucci said that all other components of Phase 1 remain in the plans including the two-story climate-controlled storage structure, the mini-warehouse units, the Town-dedicated road and the 12-inch water main.

Mr. Colucci also reported that the easement documents have been submitted to the Town Construction Inspector, that he is comfortable with the Construction Inspector's comments and that the review of the easements by the attorneys are moving forward.

Revised elevations and architectural renderings were displayed. Mr. Colucci explained that the structures have been designed in a manner to present a modern aesthetic appeal. Spandrel panels have been added to the north side of the two-story climate-controlled storage structure to soften the appearance of the warehouse. This structure will be approximately 600 feet from the State Route 332 right-of-way and of a muted blue color which would not be overpowering on the landscape. Mr. Colucci said that much thought was given to the design of this structure.

Prior to the meeting, Mr. Colucci presented written responses to the provisions of Item #1 of the Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines regarding "Architectural Design Characteristics."

Mr. Brand said that a draft resolution for Final Site Plan approval has been prepared for board consideration this evening. Mr. Colucci said that he received the resolution prior to the meeting and that he has no objections to the conditions of approval.

Mr. Brand said that a Letter of Credit for Phase 1 could be on the Planning Board agenda on January 17, 2018. Mr. Brabant explained that the Letter of Credit estimate was not ready for this evening's meeting because of the applicant's further consideration and ultimate removal of the recreational vehicle dumping station.

Mr. Brabant requested that references to various appendices be removed from the Site Plan but that the referenced notes themselves remain on the plans.

Mr. Giroux asked about the connection of Ivory Drive to the new Town-dedicated road. Mr. Colucci said that he would provide his baseline file to the Highway Department regarding this connection. Mr. Brabant said that this baseline data would assist the Town in connecting the two roads. He said that the survey of the center line could be further reviewed during the Phase 1 Pre-Construction Meeting. It was the consensus of the Town staff and the Planning Board members that this point did not require a specific condition of approval and that it would be further discussed at the Pre-Construction Meeting.

Mr. Degear said that he appreciated the removal of the recreational vehicle dumping station. He had no further comments or questions on the application.

Mr. Bellis said that he has no other issues with the application now that the recreational vehicle dumping station has been removed. He said that he was pleased that the Town and the applicant have come to the conclusion of the Site Plan review.

Ms. Neale said that she was happy with the revised design of the structures and that they would be pleasing to view from along State Route 332.

Mr. Viets said that he appreciated Mr. Colucci's and Mr. Cerone's willingness to work with the Town regarding the amenities which Mr. Cerone is providing to the Town through the Incentive Zoning agreement.

Mr. Brand requested that the draft resolution be amended to reflect the removal of the recreational vehicle dumping station. He requested that all references to this station be removed from the drawings.

Mr. Colucci asked about Condition #9 of the draft resolution regarding the filing of all land transfers in the Ontario County Clerk's Office prior to the issuance of building permits. He expressed concern that these documents may be delayed by the attorneys during the normal course of their review. He said that building permits may be needed by April or May. Mr. Brand said that he hopes that the land transfer documents and easements would be filed in the County Clerk's Office by the end of February. Mr. Colucci said that the applicant may request a modification of Site Plan approval if the documents are not filed in time for the issuance of building permits.

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

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
CERONE INCENTIVE ZONING PROJECT—FINAL SITE PLAN, PHASE I**

**PB #1209-17**

**APPLICANT: Michael Cerone, MIII Enterprises, P.O. Box 509,  
Webster, N.Y. 14580**

**ACTION: Cerone Incentive Zoning Project—Final Site Plan, Phase I**

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

**WHEREAS**, the Planning Board has given consideration to the Ontario County Planning Board Referral #106-2017; and

**WHEREAS**, the Planning Board has made a Determination of Non-Significance upon said Action as provided for under Part 617 of the State Environmental Quality Review Regulations.

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

1. Final Site Plan Approval for Phase 1 is based upon the set of drawings prepared by Costich Engineering, dated November 1, 2017, which have been revised and re-dated 12/15/2017, and re-submitted and date stamped received on December 19, 2017; and which are identified as “Route 332 MIII Enterprises State Route 332 Site Development Plans,” Sheet Numbers 1 of 18 through 18 of 18; and
2. Final Site Plan Approval for Phase 1 is based upon the Drawing. #6275, Sheet CA100, Sheet Number 6 of 18, entitled “Site Plan,” as is further amended herein, with the removal of the recreational vehicle water/sewage dumping station and the removal of reference notes related to the dumping station on all sheets of the Final Site Plan.
3. Final Site Plan Approval is also based upon the color drawings prepared by SWBR Architects entitled “Elevations Always Locked Self Storage;” and “Always Locked Self Storage Single Story Storage Elevation,” as are further amended herein.
4. All conditions of approval established by the Town Board, as part of the Incentive Zoning Project for this site, shall continue to govern the development of this portion of the overall site.
5. All comments contained in the Town Engineering Firm’s November 30, 2017, letter to the Town Director of Planning and Development are to be addressed in writing and changes made to the Final Site Development Plans as may be required in said letter.
6. The two-color drawings prepared by SWBR are to be amended as follows:
  - a. There is to be a title block added to each of the three (3) drawings that reads . . . “Route 332 MIII Enterprises, State Route 332, Final Building Elevation Drawings.”
  - b. There is to be added to the drawings the name for SWBR, the firm’s address and the Architect responsible for the drawings.
  - c. There is to be a note added to the drawings that reads . . . “the “Always Locked” building mounted sign shown is not part of the application for Final Site Plan Approval for Phase 1. Any such building mounted sign is to be made part of a separate application for sign site plan approval.”

- d. There is to be a signature line placed upon each drawing for the Planning Board Chairperson’s signing and date.
- 7. All Revision Boxes are to be updated as of the date of Final Site Plan Phase 1 Approval by the Planning Board.
- 8. Sheets Number 1 of 18, 06 of 18 through Number 11 of 18, are to have signature lines and dates added for the following: Town Highway Superintendent; Town Water and Sewer Superintendent; Town Engineer; and Town Planning Board Chairperson.
- 9. Final Site Plan Approval for Phase 1 is based upon the Applicant’s understanding and agreement that prior to the issuance of Building Permits, all land transfers associated with this Incentive Zoning Project are to be completed, accepted by the Town Board and a Lot Line Adjustment Map, prepared by Costich Engineering, is to be filed with the Ontario County Clerk’s Office.
- 10. Final Site Plan Approval for Phase 1 is based upon the Applicant’s providing a Letter of Credit in an amount accepted by the Town Board and then the Letter of Credit filed with the Town Clerk prior to the scheduling of a Pre-Construction Meeting by the Town Code Enforcement Officer.
- 11. Final Site Plan Approval for Phase 1 is valid for a period of 180 days from today and shall expire unless extended by the planning board under separate resolution.
- 12. Once all amendments to the set of Final Site Plan drawings have been made, one set of the revised Final Site Plan Drawings is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted a total of seven (7) sets are to be submitted for signatures.
- 13. Once all sets have been signed then one set is to be returned to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers; the Ontario County Office of the New York State Department of Transportation; Paul Colucci, The DiMarco Group; Costich Engineering; and the applicant. If additional copies of the signed Final Site Plan drawings are necessary then they are to be provided at the time of signing.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

## 8. OPEN DISCUSSION

### *Director of Development and Planning:*

#### **Hickory Rise Subdivision, Section 4: First 90-Day Extension**

The Final Subdivision Plat of Section 4 of the Hickory Rise Subdivision was approved by the Planning Board on July 19, 2017, and is valid for a period of 180 days.

Mr. Brand reported that a letter has been received from Megan Sereni of BME Associates, on behalf of Gregg Bowering of Bramwell Park LLC, dated December 8, 2017, requesting a 90-day extension of the Final Subdivision Approval of the Hickory Rise Subdivision, Section 4. In the letter, Ms. Sereni explained that the applicant is working to obtain all the necessary project approvals and plan signatures.

■ A motion was made by MS. NEALE, seconded by MR. VIETS, that the reading of the following 90-day extension resolution be waived and that the resolution be approved as submitted by the Town staff:

#### **TOWN OF FARMINGTON PLANNING BOARD RESOLUTION FINAL SUBDIVISION PLAT, HICKORY RISE INCENTIVE ZONING PROJECT, SECTION 4**

#### **PB #0302.2-17**

**APPLICANT: Bramwell Park LLC, 1303 Marsh Road, Pittsford, N.Y. 14534**

**ACTION: Hickory Rise Incentive Zoning Project  
Final Subdivision Plat Approval, Section 4—Lots #83-#117  
(43 Residential Lots), 90 Day Extension**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has on July 19, 2017, granted approval with conditions for the final subdivision plat drawings, prepared by BME Associates, entitled “Final Section 4 Subdivision Plans, Hickory Rise;” and

**WHEREAS**, the Planning Board’s conditional approval is valid for a period of 180 days which expires on January 15, 2018, unless extended by the Board for an additional period of time as provided for within Section 276 of New York State Town Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to grant a 90-day extension to its’ original Final Plat Approval Resolution with the following conditions:

1. The conditions of Final Plat Approval, granted by the Planning Board on July 19, 2017, continues to remain in effect with the only exception being the original 180-day time limit for expiration.
2. This 90-day extension to the original resolution continues on Tuesday, January 16, 2018, and will end on Wednesday, May 16, 2018.

Adrian Bellis	Aye
Edward Hemminger	Aye
Mary Neale	Aye
Douglas Viets	Aye
On vacant position	—

Motion carried.

**Laviano Project:**

Mr. Brand reported that Rob Laviano is expected to submit an application to the Town in January or February for a residential/commercial/senior assisted-living development on property on the west side of State Route 332 north of the Cerone Incentive Zoning Project site and in the vicinity of the Farmington Country Plaza and Prosecco’s Restaurant.

**Hathaway’s Corners Project Draft Timeline:**

Mr. Brand noted that the Overall Preliminary Site Plan and Subdivision Plat applications for Phase 1 of the Hathaway’s Corners project may be on a Planning Board agenda in either July or August of 2018, following the Town Board approval of the rezoning of the property with conditions.

**Highway Superintendent:**

Mr. Giroux reported that highway crews are on call for snow plowing runs throughout the day and night. He said that the brine solution is working well regarding the melting of snow and ice on the roads during the recent low temperatures. He said that its use is noticeable where it has been applied.

**Town Engineer:**

Mr. Brabant said that a Letter of Credit estimate for Phase 1 of the Cerone Incentive Zoning Project would be ready for the next meeting of the Planning Board.

**9. PUBLIC COMMENTS**

None

**10. BOARD MEMBERS' COMMENTS**

***Planning Board Chairperson:***

Mr. Hemminger asked that all Planning Board members review the current Rules of Procedure and provide suggested amendments. He said that he would suggest an amendment to add a waiver of the rules option when appropriate.

Mr. Hemminger said that he is awaiting the current board training report from the Supervisor's Office.

Mr. Hemminger distributed possible dates for the annual Organizational Meeting and for interviews with candidates for the vacant Planning Board position. He said that there is currently one applicant.

**11. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:35 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, January 17, 2018, at 7:00 p.m.

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

Respectfully submitted,

\_\_\_\_\_  
John M. Robortella L.S.  
Clerk of the Farmington Planning Board