

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, January 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 Zoom video conference.

**Board Members Present
at the Town Hall:** Edward Hemminger, *Chairperson*
Aaron Sweeney
Douglas Viets

Board Members Present via Zoom Video Conference:
Adrian Bellis from 104 Gannett Road, Farmington, N.Y. 14425
Timothy DeLucia from 1452 Mertensia Road, Farmington, N.Y. 14425

Staff Present at the Town Hall:
Ronald L. Brand, Town of Farmington Director of Development and Planning
Tim Ford, Town of Farmington Highway Department
Don Giroux, Town of Farmington Highway and Parks Superintendent
August Gordner, Town of Farmington Fire Marshal

Staff Present via Zoom Video Conference:
Dan Delpriore, Town of Farmington Code Enforcement Officer

Present at the Town Hall:
Jerry Goldman, Esq., Woods Oviatt Gilman LLP, 700 Crossroads Buildings, 2 State Street,
Rochester, N.Y. 14614
Chief Phil Robinson, Farmington Volunteer Fire Association
Jim Stathopoulos, G&A Development and Construction Corporation, 101 North Street,
Canandaigua, N.Y. 14424
Mary Steblein, P.E., CPESC, LaBella Associates, 300 State Street, Suite 201,
Rochester, N.Y. 14614

Matt Tomlinson, CPESC, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614
Megan Yoshida, Environmental and Permitting Manager, Contractor to AVANGRID

Present via Zoom Video Conference:

Michael Cerone, MIII Enterprises LLC, 6061 Carmen’s Way, Farmington, N.Y. 14425
Chris Ciardi, MIII Enterprises LLC, 6061 Carmen’s Way, Farmington, N.Y. 14425
Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450
John DiBiase, Senior Project Manager, LaBella Associates PC, 300 State Street,
Suite 201, Rochester, N.Y. 14614
James and Nancy Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Michael Greene, Greene Land Surveying PLLC, 403 E. Miller Street, Newark, N.Y. 14513
John LeFrois, LeFrois Builders and Developers, 1020 Lehigh Station Road,
Henrietta, N.Y. 14467
Timothy Niemiec, Senior Architectural Designer, LaMacchia Group,
157 North Milwaukee Street, Milwaukee, Wisconsin 53202
Eric Thorne, RG&E

Town Board Appointments to the Planning Board:

At the Organizational Meeting on January 4, 2022, the Farmington Town Board reappointed EDWARD HEMMINGER to serve as Chairperson of the Planning Board for a one-year term to expire on December 31, 2022.

The Town Board also reappointed MR. HEMMINGER to serve on the Planning Board for a five-year term to expire on December 31, 2025.

Having taken his Oath of Office prior to tonight’s meeting, Mr. Hemminger took his place upon the Planning Board.

Planning Board Members and Terms of Office:

Timothy DeLucia	Appointed 1/7/2020*	Term expires December 31, 2022
Douglas Viets	Appointed 2019	Term expires December 31, 2023
Adrian Bellis	Appointed 2020	Term expires December 31, 2024
Aaron Sweeney	Appointed 8/10/2021**	Term expires December 31, 2025
Edward Hemminger	Appointed 2022	Term expires December 31, 2026

*Filling the unexpired term of Mary Neale.
**Filling the unexpired term of Shauncy Maloy; term effective 9/1/2021 per Town Board Resolution #286-2021.

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 20, 2021.

2. APPROVAL OF MINUTES OF DECEMBER 15, 2021

■ A motion was made by MR. VIETS, seconded by MR. SWEENEY, that the minutes of the December 15, 2021, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None

4. NEW FINAL SITE PLAN

PB #0101-22 New Final Site Plan Application

Name: James and Nancy Falanga, 395 Ellsworth Road,
Palmyra, N.Y. 14522

Location: North side of Fox Road, west of Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Final Site Plan approval to erect a single-family residence upon Lot #2 of the Falanga Two-Lot Subdivision.

On October 20, 2021, the Planning Board approved the applicants’ accompanying Preliminary Two-Lot Subdivision Plat (PB #1001-21) and the State Environmental Quality Review (SEQR) classification for the subdivision (Type II Action).

On November 3, 2021, the Planning Board began the consideration of the Preliminary Site Plan application (PB #1002-21) and determined that the Short Environmental Assessment Form Part 1 which had been submitted by the applicants’ engineer contained several errors which required correction by the applicants’ engineer. The Preliminary Site Plan application was then continued to the meeting on November 17, 2021.

On November 17, 2021, the SEQR classification for the Preliminary Site Plan (Unlisted Action) and the Preliminary Site Plan with conditions were approved by the Planning Board.

On December 1, 2021, the applicants' accompanying Final Two-Lot Subdivision Plan (PB #1202-21) was approved with conditions by the Planning Board.

Mr. Greene (Greene Land Surveying) presented this application via Zoom video conference. James and Nancy Falanga were also on the Zoom video conference.

Mr. Greene said that all comments on the Preliminary Site Plan have been addressed. He said that a concern with proposed Condition #1 on the draft Final Site Plan resolution has been straightened out and that he is good to go with the resolution as amended.

Mr. Brand said that Town Engineer Lance S. Brabant of MRB Group reviewed the draft resolution and recommended that a silt fence around the entire perimeter of Lot #2 as originally proposed was not necessary. Mr. Brand said that draft Condition #1 has been amended to reflect Mr. Brabant's suggestion that a silt fence is required only around the down-sloped portion of Lot #2 which will be disturbed during the construction of the new home. There were no objections to this amendment from members of the Planning Board.

Mr. Bellis asked if there were additional engineering comments on this application from MRB Group. Mr. Brand said that Mr. Brabant's only comment reflected the silt fence.

Mr. Hemminger asked Mr. Greene if he was okay with the draft resolution as amended. Mr. Greene said yes.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPLICATION**

PB #0101-22

**APPLICANTS: James and Nancy Falanga, 395 Ellsworth Road,
Palmyra, N.Y. 14522**

**ACTION: Final Site Plan Approval Lot # 2, James and Nancy Falanga
Subdivision, to construct a single-family dwelling and related
site improvements**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight continued its deliberations upon the above referenced Action; and

WHEREAS, the Board has received testimony at tonight’s public meeting upon the above referenced Application (PB #0101-22).

NOW THEREFORE BE IT RESOLVED that the Board does hereby move to grant Final Site Plan approval for the above referenced Action with the following conditions:

1. A silt fence is to be installed shown on the final site plan drawing around any down-sloped disturbed area portion of Lot #2.
2. Final Site Plan Approval is valid for a period of 180 days from today during which the revised drawing is to be submitted for signatures by those Town Officials listed above herein. Failure to obtain these signatures within said time period shall result in the Final Site Plan Approval becoming null and void.

BE IT FURTHER RESOLVED that once the above amendment has been made to the drawing under review as part of this application and reviewed by the Town Code Enforcement Officer then Town signatures shall be affixed to the drawing.

BE IT FURTHER RESOLVED that no Building Permit shall be issued or site development allowed by the Town Code Enforcement Officer until any required Letter of credit as part of Final Site Plan Approval has been posted with the Town Clerk’s Office.

BE IT FURTHER RESOLVED that the Board directs the Clerk of the Board to provide a copy of this resolution to the Applicant, the Applicant’s Engineers, Town Staff and the Town Engineer.

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

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

Motion carried.

5. NEW FINAL SITE PLAN

PB #0102-22 New Final Site Plan Application

Name: G&A Development and Construction Corporation, c/o Jim Stathopoulos, 101 North Street, Canandaigua, N.Y. 14424

Location: West side of State Route 332, south of State Route 96

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

Request: Final Site Plan approval to erect a 2,600-square-foot single-story financial institution upon Lot #R-2.

This application was reviewed by the Project Review Committee (PRC) on May 7, 2021; July 2, 2021; August 6, 2021; September 3, 2021 (brief PRC discussion); October 1, 2021; November 5, 2021; and December 3, 2021.

On August 4, 2021, the Planning Board classified this application as an Unlisted Action under the State Environmental Quality Review (SEQR) regulations and established the SEQR 30-day review period from August 5, 2021, to September 3, 2021.

On August 4, 2021, the consideration of the Preliminary Site Plan (PB #0802-21) was continued to September 15, 2021.

On August 18, 2021, the board recalled Resolution #0802-21 (August 4, 2021) regarding the SEQR classification of the Preliminary Site Plan as an Unlisted Action and reclassified the Preliminary Site Plan as a SEQR Type II Action.

On September 15, 2021, consideration of the Preliminary Site Plan was continued to the meeting on October 6, 2021.

On October 6, 2021, consideration of the Preliminary Site Plan was continued to the meeting on November 3, 2021.

On November 3, 2021, consideration of the Preliminary Site Plan was continued to an unspecified date, which was later established as December 1, 2021. The applicant's accompanying Preliminary Re-Subdivision Plat was also approved with conditions by the Planning Board on November 3, 2021.

On December 1, 2021, the accompanying Final Re-Subdivision Plat (Lots #R-1, R-2 and R-3) (PB #1203-21) was approved with conditions by the Planning Board. The Preliminary Site Plan with conditions was also approved on December 1, 2021.

Mr. Tomlinson (Marathon Engineering) presented this application in the meeting room. Mr. Stathopoulos (G&A Development and Construction Corporation) and Mr. Goldman (Woods Oviatt Gilman LLP) also attended in the meeting room. Mr. Niemiec (Senior Architectural Designer, LaMacchia Group) attended via Zoom video conference from Milwaukee, Wisconsin.

Mr. Tomlinson said that there have been no changes in the plans since the packets of the site plan drawing and other materials had been provided to the board and the Development Office prior to the meeting. He offered to again review the plans in the meeting room and on the video screen. Mr. Tomlinson said that all issues on the Preliminary Site Plan ap-

proval resolution have been addressed. Mr. Bellis said that he had no issues with the site plan if there have been no changes since the board packets were distributed.

Mr. Tomlinson said the architecture of the proposed credit union building has not been changed and that the name of the credit union—Reliant Federal Credit Union—has now been identified and is noted on Final Site Plan Drawing #C1.0 dated December 9, 2021. He said that a separate sign application package will be submitted to the Development Office and to the board for approval in the near future.

Mr. Tomlinson acknowledged the receipt of approval from the Town Engineer and the Town Highway Superintendent regarding the results of the pavement core samples which were completed on November 9, 2021, on the shared access service road by Terracon Consultants—NY Inc., and which were reported to Marathon Engineering on November 15, 2021, with an Exploration Plan and Core Logs (*see* the Terracon Consultants—NY Inc. report in the project file).

In an email to the Planning Board and to the Town staff on January 4, 2022, Mr. Brand wrote that the consultant determined that the pavement core samples demonstrate compliance with the Town of Farmington Private Drive Design Standards. He also wrote that the Town Highway Superintendent indicated that the present conditions of the shared access service road would necessitate a complete reconstruction to Town Highway Standards if it were ever to be offered to the Town for dedication.

Mr. Tomlinson said that Mr. Stathopoulos has received cost quotations for the updated work at the rear of the existing Farmington Commons plaza. This work will begin as weather permits.

Speaking on behalf of Town Engineer Lance S. Brabant of MRB Group, Mr. Brand said that Mr. Brabant has been working through drainage revisions with the applicant's design engineer and that he [Mr. Brabant] has no issue with the Planning Board taking action on this application this evening upon the condition that the applicant will address any remaining MRB Group comments prior to the signing of the plans [by Mr. Brabant]. Mr. Brand said that Condition #5 in the draft Final Site Plan approval resolution will be amended to read that the Town Engineer's signature will not be affixed to the Final Site Plan until all the remaining comments in the most recent MRB Group engineering comment letter have been addressed to the satisfaction of the Town Engineer. Mr. Tomlinson said that he has discussed the MRB Group comments with Mr. Brabant and that he agrees with this condition as amended.

Mr. Gordner said that the entrance off State Route 96 and all remaining site plan conditions must be addressed prior to the issuing of a Certificate of Occupancy. Mr. Tomlinson said that this is understood, per Condition #4 in the draft Final Site Plan resolution, as follows:

4. No Certificate of Occupancy for the Reliant Federal Credit Union Building shall be issued until the reconstruction of the existing driveway to the plaza from the west side of the overall site has been

completed and accepted by the Town Code Enforcement Officer and Town Engineer.

Mr. Giroux acknowledged that the core samples which were taken on the shared access service road proved to be satisfactory to the Town of Farmington Private Drive Design Standards. But Mr. Hemminger said the said that the service road would have to be reconstructed to Town Highway Standards if it were ever to be offered to the Town for dedication. He said that although this [the Town dedication of the shared access service road] does not seem possible at this point, he wanted to have this point [the need for the reconstruction of the service if it were ever to be dedicated to the Town] included in the record of the meeting this evening.

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

Mr. Hemminger extended thanks to Mr. Stathopoulos and his advisors for working with the Town staff and the Planning Board during the subdivision and site plan application processes.

■ 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 amended:

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPLICATION**

PB #0102-22

APPLICANT: Jim Stathopoulos, c/o G&A Development and Construction Corporation, 101 North Street, Canandaigua, N.Y. 14424

ACTION: Final Site Plan Approval, Lot #R-2, to develop a 2,600-square foot single-story financial building and related site improvements

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight continued its deliberations upon the above referenced Action; and

WHEREAS, the Board has received testimony at tonight’s continued public meeting upon the above referenced Application; and

WHEREAS, the Board’s review has, in part, been based upon the following: (1) the November 11, 2021, letter from Matt Tomlinson, CPESC, Marathon Engineering, with attachments; (2) the set of drawings issued on November 12, 2021, by Marathon Engineering, for a proposed financial institution at the Farmington Commons Plaza, 6081 NYS Route 96 and 1290 NYS Route 332 consisting of 12 pages; and (3) sheets 1 of 4 (color photos of simulated building elevations of a “New Financial Institution,” prepared by LaMacchia Group, address unknown) and 2 of 4) a floor plan for a New Building, identified

as a “New Financial Institution,” Farmington, New York, prepared by LaMacchia Group, address unknown).

NOW THEREFORE BE IT RESOLVED that the Board does hereby move to approve the Final site plan drawings with the following conditions:

1. This Final Site Plan Approval is for the proposed Reliant Federal Credit Union Office Building, with automated drive-up tellers, related site improvements for Lot #R-2, as shown on drawing number C1.0, dated 12/09/21, prepared by Marathon Engineering and entitled “Final Site Plan for Reliant Federal Credit Union, Farmington Commons Plaza—Layout Plan.”
2. This Final Site Plan Approval is also based upon the proposed overall site improvements shown on drawing number C 6.0, dated 12/09/21, prepared by Marathon Engineering and entitled “Final Site Plan for Reliant Federal Credit Union, Farmington Commons Plaza—Route 96 Entrance Plan.”
3. A separate application for Sign Site Plan Approval is required to be submitted and approved by the Planning Board.
4. No Certificate of Occupancy for the Reliant Federal Credit Union Building shall be issued until the reconstruction of the existing driveway to the plaza building, from the west side of the overall site, has been completed and accepted by the Town Code Enforcement Officer and Town Engineer.
5. All comments contained in the MRB Group’s letter to the Town’s Director of Planning and Development, that have not been addressed or shown on the revised drawing, are to be made prior to the Town Engineer’s signing the set of Final drawings.

BE IT FURTHER RESOLVED that once all of the above amendments have been made to the above referenced sets of drawings, then this material shall be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted then all Town signatures shall be affixed to the drawings.

BE IT FURTHER RESOLVED that one set each of the signed Final drawings is to be provided to the Town Development Office, the Town Highway Superintendent, the Acting Town Water and Sewer Superintendent, the Town Engineer and the Applicant. If additional copies are required they are to be provided at the time of signing.

BE IT FINALLY RESOLVED that the Board directs the Clerk of the Board to provide a copy of this resolution to the Applicant, the Applicant’s Engineers and the Applicant’s Attorney.

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

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

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

Motion carried.

Following the vote, Mr. Hemminger said that a Pre-Construction Meeting will be scheduled following the filing of a Letter of Credit with the Town Clerk. Mr. Tomlinson said that the Letter of Credit will be posted as soon as possible. He said that Mr. Stathopoulos would like to begin some demolition work on the site.

6. FINAL SITE PLAN AMENDMENT

Mr. Sweeney acknowledged a potential conflict of interest and recused himself from participating and voting upon this application due to his employment with Rochester Gas & Electric Corporation.

PB #0306-20 Final Site Plan Amendment

Name: Rochester Gas & Electric, P.O. Box 5224,
Binghamton, N.Y. 13902

Location: 961 Hook Road

Zoning District: GI General Industrial and MTOD Major Thoroughfare Overlay
District

Request: Final Site Plan Amendment to expand the electrical substation to include an access road to the adjacent natural gas facility.

This application was reviewed by the Project Review Committee on January 3, 2020; February 7, 2020; March 6, 2020; April 3, 2020; May 1, 2020; June 5, 2020; July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; December 4, 2020; January 8, 2021; February 5, 2021; March 5, 2021; April 1, 2021; May 7, 2021; June 4, 2021; July 2, 2021; September 3, 2021; October 1, 2021; November 5, 2021; and December 3, 2021.

On February 19, 2020, the Planning Board classified this application as an Unlisted Action under the State Environmental Quality Review (SEQR) regulations and approved the determination of non-significance. The Preliminary Site Plan with conditions was also approved on February 19, 2020 (PB #0205-20).

On April 1, 2020, the Final Site Plan with conditions was approved by the Planning Board (PB #0306-20).

Ms. Steblein (LaBella Associates) presented this application in the meeting room. Ms. Yoshida (Environmental and Permitting Manager, Contractor to AVANGRID) also attended in the meeting room.

She said that RG&E received Final Site Plan approval for improvements at Substation #127 on April 1, 2020, and that company has identified the need for additional infrastructure for substation equipment. The proposed amendments to the site plan include the addition of impervious area by the expansion of the lower yard area of the substation (approximately a 2,345-square-foot addition) to meet the company's needs, and the addition of a bioretention facility (approximately 810 square feet in area), to provide water quality treatment, in compliance with the Town's MS 4 Stormwater Program regulations for the proposed lower substation's expansion.

Ms. Steblein said that the existing substation parcel is zoned General Industrial and that a portion of the parcel is within the Major Thoroughfare Overlay District. She said that the proposed fence is eight feet in height with a barbed wire top to meet the RG&E standards for safety.

She also said that the existing Stormwater Pollution Prevention Plan (SWPPP) has been amended and that the additional bioretention facility has been designed to comply with standard water quality requirements and the Town's MS Program.

Ms. Steblein acknowledged receipt of the draft resolution of Final Site Plan Amendment and that she has no issues with the proposed conditions of approval.

Mr. Brand said that the applicant submitted Part 1 of the Short Environmental Assessment Form. Following review, he said that it has been determined that this application is a Thpe II Action under the State Environmental Quality Review (SEQR) Regulations and that the application did not meet the thresholds for a SEQR Type I classification.

In an email to the Town earlier today (January 5, 2022), Town Engineer Lance S. Brabant of MRB Group reported that MRB Group had not yet completed the engineering review of this project. He wrote that he has no issues with the Planning Board taking action upon this application this evening with the condition that MRB Group comments are to be addressed prior to signatures being affixed to the plans.

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

■ 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 submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN AMENDMENT—SEQR CLASSIFICATION
ROCHESTER GAS & ELECTRIC SUBSTATION #127, 961 HOOK ROAD**

PB #0306-20

APPLICANT: Rochester Gas & Electric Corporation, c/o Carol Howland, P.E., CPESC, 18 Link Drive, P.O. Box 5224, Binghamton, N.Y. 13902

Rochester Gas & Electric Corporation, c/o Jason Cronin, Unit Manager, 3 City Center, 2nd Floor, 180 S. Clinton Avenue, Rochester, NY 14604

Action: Final Site Plan Amendment, SEQR Classification, expansion of footprint for Station #127, and related stormwater facility site improvements

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application submitted by Mary Steblein, P.E., CPESC, LaBella Associates P.C., on behalf of the above referenced Applicant, for a site plan amendment involving the expansion of Substation 127 lower yard area (approximately a 2,345-square-foot addition) to meet the Public Utility’s needs, and the addition of a bioretention facility (approximately 810 square feet in area), to provide water quality treatment, in compliance with the Town’s MS 4 Stormwater Program regulations for the proposed lower substation’s expansion; and

WHEREAS, the Board has reviewed the latest published lists of Type I and Type II Actions contained within Parts 617.4 and 617.5 of Article 8 of the New York State Environment Conservation Law (ECL), for classifying the class of the above referenced Action under the State Environmental Quality Review Act (SEQRA).

NOW, THEREFORE, BE IT RESOLVED that the Board finds the proposed Action involves a retrofit of an existing structure (the lower yard area of Station 127) and its appurtenant areas to incorporate green infrastructure; and the expansion of the public utility’s distribution facilities in connection with other actions listed in Part 617.5.

BE IT FURTHER RESOLVED that the Board does hereby classify the above referenced Action as being Type II Action under the provisions contained in Part 617.5 (3), (9), (13) and (21) of Article 8 of the New York State Environmental Conservation Law (ECL) thereby satisfying the procedural requirements under the State Environmental Quality Review Act (SEQRA).

BE IT FURTHER RESOLVED that Type II Actions, under SEQRA, have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review un the ECL.

BE IT FINALLY RESOLVED that a certified copy of this resolution be placed in the file for this application and a certified a certified copy provided to the Town Code Enforcement Officer, the Town Engineer, the Applicant and the Applicant’s Engineer (Mary Steblein, P.E., CPESC LaBella Associates P.C.).

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

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

Motion carried.

■ 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 submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN AMENDMENT
ROCHESTER GAS & ELECTRIC SUBSTATION #127, 961 HOOK ROAD**

PB #0306-20

APPLICANT: Rochester Gas & Electric Corporation, c/o Carol Howland, P.E., CPESC, 18 Link Drive, P.O. Box 5224, Binghamton, N.Y. 13902

Rochester Gas & Electric Corporation, c/o Jason Cronin, Unit Manager, 3 City Center, 2nd Floor, 180 S. Clinton Avenue, Rochester, NY 14604

Action: Final Site Plan Amendment, expansion of footprint for Station #127, and related stormwater facility site improvements

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application submitted by Mary Steblein, P.E., CPESC, LaBella Associates P.C., on behalf of the above referenced Applicant, for a site plan amendment involving the expansion of Substation 127 lower yard area (approximately a 2,345-square-foot addition), to meet the Public Utility’s needs, and the addition of a bioretention facility (approximately 810 square feet in area), to provide water quality treatment, in compliance with the Town’s MS 4 Stormwater Program regulations for the proposed lower substation’s expansion; and

WHEREAS, the Board has reviewed the latest published lists of Type I and Type II Actions contained within Parts 617.4 and 617.5 of Article 8 of the New York State En-

vironmental Conservation Law (ECL), for classifying the class of the above referenced Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board has, by separate resolution, classified the proposed Action as being a Type II Action under the provisions contained in Part 617.5 of Article 8 of the New York State Environmental Conservation Law (ECL) thereby satisfying the procedural requirements under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board has considered the public comments entered into tonight's public meeting record.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby grant approval of the proposed final site plan amendments based upon the site improvement details and design shown on the drawing submitted by LaBella Associates P.C., identified as "Stormwater Site, Utility, Grading & ESC Plan, Station 127A, Farmington," drawing No. SH001, drawing No. SH002, "Stormwater Construction Details," and drawing No. SH003, "Stormwater Construction Details," with the following conditions:

1. Drawings No. SH001, SH002 and SH003 are to have the following added to the title block . . . "Final Site Plan Amendment."
2. Drawing No. SH001, SH002 and SH003 are to have a note added to the drawings that reads . . . "Amendment to Final Site Plan, PB #0306-20, granted April 1, 2020."
3. Drawing No. SH001 is to have signature lines added for the Town Engineer and the Town Planning Board Chairperson."
4. The Revision Box for Drawing No. SH001 is to be amended by identifying these conditions of approval granted on January 5, 2022.

BE IT FURTHER RESOLVED that this final site plan approval is valid for a period of 180 days from today and shall expire unless revised drawings have been prepared and signed by the above identified Town Officials.

BE IT FURTHER RESOLVED that three (3) paper prints of the amended final site plan drawings are to be submitted to the Town Code Enforcement Officer, in the Town Development Office, for his review and acceptance. Then signatures will be affixed to the drawings. One signed drawing will be returned to the Applicant, one signed drawing provided to the Town Engineer and the remaining signed drawing filed in the Town Development Office. If additional copies of the signed drawing are needed, then they are to be provided at the time of signing by the Town Officials.

BE IT FURTHER RESOLVED that no permit(s) to commence site construction shall be issued until the signed final drawings have been filed in the Town Development Office and a Pre-Construction meeting has been held.

BE IT FINALLY RESOLVED that a certified copy of this resolution be placed in the file for this application and a certified a certified copy provided to the Town Code Enforcement Officer, the Town Engineer, the Applicant and the Applicant’s Engineer (Mary Steblein, P.E., CPESC, LaBella Associates P.C.).

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

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

Motion carried.

Mr. Sweeney then returned to his place on the Planning Board.

7. PLANNING BOARD ACTION ITEMS

MIII Enterprises (Cerone Incentive Zoning Project): Incentive Zoning Modification:

PB #1004-19 Incentive Zoning Modification

Name: MIII Enterprises LLC, 6061 Carmen’s Way,
Farmington, N.Y. 14425

Location: 6061 Carmen’s Way

Zoning District: IZ Incentive Zoning

Request: Incentive Zoning Modification

On February 14, 2017, the Town Board approved the rezoning of this property to Incentive Zoning (Town Board Resolution #102-2017).

On June 21, 2017, the Planning Board approved the State Environmental Quality Review (SEQR) determination for this application (determination of non-significance).

On July 5, 2017, the Preliminary Site Plan with conditions was approved by the Planning Board (PB #0501-17).

On January 3, 2018, the Final Site Plan for Phase 1 with conditions was approved by the Planning Board (PB #1209-17)

On December 5, 2018, amendments to the Preliminary Site Plan and the Final Site Plan resolutions (PB #0501-17 and PB #1209-17) were approved by the Planning Board.

On March 6, 2019, amendments to the Preliminary Site Plan and the Final Site Plan resolutions (PB #0501-17 and PB #1209-17) were reapproved by the Planning Board.

On October 16, 2019, the Final Site Plan for Phase 2 with conditions was approved by the Planning Board (PB #1004-19).

On November 20, 2019, the SEQR classification (Type II Action) and the Special Use Permit for U-Haul Trucks (PB #1101-19) was approved with conditions by the Planning Board.

On November 18, 2020, a Final Site Plan Amendment to Phase 2 (PB #1004.1-19) was approved by the Planning Board.

Mr. Destro presented this application via Zoom video conference. Mr. Cerone and Mr. Ciardi (both of MIII Enterprises) and Mr. LeFrois (LeFrois Builders and Developers) also attended via Zoom video conference.

Mr. Brand said that the applicant has requested an amendment from the Town Board to the Incentive Zoning Overall Site Plan of February 14, 2017 (Town Board Resolution #102-2017). He said that the amendment proposes both a Phase 3A and a Phase 3B. Phase 3A involves the construction of a plaza type commercial building not to exceed 19,900 square feet (instead of the originally proposed 21,400 square feet). Phase 3B involves future construction of the two commercial buildings located closer to State Route 332 which are shown on the existing Overall Preliminary Site Plan on file. The wording for the plaza type building is being revised to avoid having to require an additional Town Board application in the future if the actual square footage would not have reached 19,900 square feet in total building area.

Mr. Brand said that applicant requests the following amendments to the original Overall Site Plan approval, i.e.:

1. A reduction in the size of the plaza type building in Section 3A from 21,400 square feet in building area to a plaza type building not to exceed 19,900 square feet.
2. The removal of the word “retail” from the plaza type building due to the limited definition of “retail” in the Farmington Town Code. The existing Town Code does not include medical uses in the current definition of “retail.”
3. Adding “medical use” as a permitted use in the Incentive Zoning District.

Mr. Destro then provided the following additional information:

The Auburn Junction project received Incentive Zoning Approval from the Town Board and Preliminary Overall Site Plan approval from the Planning Board in 2017. Since then, a portion of Carmen's Way serving the property has been constructed and a portion of the site has been developed with self-storage facilities (Always Locked Self Storage).

The Final Phase 3A site plan consists of a proposed $\pm 19,900$ square-foot one-story structure for proposed Retail and Medical uses. A prospective medical use tenant is anticipated to encompass approximately 10,000 square feet of the southern portion of the building. The project site is located to east of the existing self-storage facilities, south of Carmen's Way, west of NYS Route 332, and north of an existing portion of the Auburn Trail.

Access to Phase 3A is provided via an existing driveway connection to Carmen's Way which serves the existing onsite self-storage facilities and also allows access through the property to the Cobblestone Arts Center to the south of Auburn Junction. The existing driveway cross access is proposed to remain as part of the Phase 3A improvements. Additional proposed site amenities include 125 parking spaces (including 10 accessible spaces), concrete sidewalks and the associated landscaping and lighting improvements.

The Phase 3A portion of the property is currently served via an existing onsite public gravity sanitary sewer system, an existing public watermain system and an onsite storm sewer system which discharges to an existing onsite stormwater management facility. A new combined water service, and storm and sanitary laterals, are proposed to serve the Phase 3A structure via connections to the existing mains. An overall stormwater management design was previously completed for the Auburn Junction property and no additional stormwater management facilities are required or proposed within Phase 3A. Rather, the existing stormwater management facility located along the north side of Carmen's Way was designed to meet the NYSDEC stormwater management requirements for Phase 3A.

An application has been made to the Town Board to amend the Incentive Zoning Resolution to allow for the proposed medical use in Phase 3A at Auburn Junction, as the original Incentive Zoning Resolution is silent concerning medical use. The proposed medical office use for a portion of the Phase 3A building is a viable and stable tenant, and the use is not out of context with the overall development or surrounding area.

With the exception of the change in proposed use for the Phase 3A structure, the associated Phase 3A site improvements are proposed to remain in substantial conformance with the approved Incentive Zoning Resolution and Overall Preliminary Site plan approval. Enclosed for reference are copies of the Approved Overall Preliminary Site, which displays the proposed

Phase 3A Modified Incentive Zoning Site Plan is consistent with the Approved Overall Preliminary Site Plan for the Phase 3A area.

A SEQRA Negative Declaration for the overall Auburn Junction site plan was granted as part of the original Incentive Zoning Resolution. Given that the Phase 3A site plan remains in substantial conformance with the approved Incentive Zoning Resolution and Overall Preliminary Site plan approval, the SEQRA Negative Declaration findings are still valid and have been upheld with the Phase 3A final site design.

Mr. Destro displayed the site plan in the meeting room and on the video screen.

He described the Phase 3A site plan drawing which includes approximately 10,000 square feet of the southern portion of the new plaza building for the medical tenant. He said that additional amenities include 125 parking spaces, concrete sidewalks for internal pedestrian connectivity, associated landscaping and lighting, and a new dumpster pad.

In response to comments which the applicant received at the December meeting of the Town Project Review Committee, Mr. Destro said that a sidewalk connection to the Auburn Trail has been added, that additional landscaping with an enhanced landscape buffer is proposed along the southern edge of the property along the Auburn Trail, and that a low-level topsoil berm is proposed along the State Route 332 road frontage.

Mr. Destro said that the lighter-shaded areas on the site plan drawing represent the future satellite structures in Phase 3B. He said that the addition of a medical use to the project would be a benefit to the community by a viable and sustainable tenant, and that a medical use is not out of character with this area [of the Town].

Mr. Hemminger asked about the process for the consideration of the amended Town Board Incentive Rezoning resolution. Mr. Brand then described the process (*see* Edward Hemminger memo to the Town Board on p. 19 of the minutes).

Mr. Giroux requested that a condition of approval be included that the proposed low-level topsoil berm along the State Route 332 road frontage have a specific timeframe for stabilization as a lawn area, that a maintenance schedule be provided, and that a specific timeframe be provided for the removal of the stockpile of topsoil on the site. He said that the board and the Town staff had a great number of conversations in the past on the proper maintenance of the property. Mr. Destro said that he is fine with that.

Mr. Viets expressed concern about the proposed changes in definitions in the Town Board's pending action, and how these changes may affect property uses in the future. Mr. Brand said that these details are contained in the proposed local law amendment pending before the Town Board and they are intended to provide better definitions of terms such as "commercial" and "business." The proposed action does not change the Planning Board's role in the site plan approval process. The proposed action further restricts the type of

limited industrial use allowed in a commercial plaza setting and precludes warehouse distribution such as FedEx, UPS, Prime, etc.

There were no additional comments or questions on this Planning Board Report and Recommendation this evening.

■ **CONSENSUS:** It was the unanimous consensus of the Planning Board to authorize Mr. Hemminger to sign the following Report and Recommendation and to transmit it to the Town Board, as follows:

TO: Town Board Members, Town Staff, Applicant and Applicant’s Engineers

FROM: Edward Hemminger, Planning Board Chairperson

DATE: January 5, 2022

RE: Report and Recommendation to Town Board—Cerone Incentive Zoning Project—Route 332, MIII Enterprises at Auburn Junction, Phase 3A: Modified Incentive Site Plan and Allowed Medical Use.

The Town Planning Board, at their meeting tonight, reviewed the report and recommendations dated December 28, 2021, provided by the Town Director of Planning and Development, in consultation with the Town Code Enforcement Officer and the Town Zoning Inspector, on the above referenced subject. It is the Planning Board’s recommendation that the two proposed amendments contained in that correspondence be made by the Town Board by recalling and amending the Town Board Resolution #102 of 2017, and that this project be allowed to proceed with the proposed amendments.

It is further the Planning Board’s understanding that this project will be discussed at this coming Friday’s Project Review Committee Meeting. Then, pending the Town Board’s favorable action on January 11, 2022, the applicant may proceed with an application for Final Site Plan for Phase 3A, and then an application for an Amended Overall Preliminary Site Plan for the Cerone Incentive Zoning Project—Route 332, MIII Enterprises at the Auburn Junction Project. Therefore, the applicant is hereby advised to make application to the Planning Board for Final Site Plan for Phase 3A based upon their drawing dated December 9, 2021. This application can then be placed on the Planning Board’s January 19, 2022, meeting agenda, provided all application fees have been completed.

—Edward Hemminger, L.S.

TO: Farmington Town Board

FROM: Farmington Planning Board

DATE: January 5, 2022

RE: Report and Recommendation to Town Board—Cerone Incentive Zoning Project—Route 332, MIII Enterprises at Auburn Junction, Phase 3A: Modified Incentive Site Plan and Allowed Medical Use.

The Town Board, at their meeting on December 14, 2021, requested this report and a recommendation from the Planning Board upon the above referenced amendments to the Town Board’s Conditions of Approval (Resolution #102 of 2017 dated February 14, 2017) for the incentive rezoning project known as “Cerone Incentive Zoning Project—Route 332 MIII Enterprises.” The applicant’s engineer, in their December 9, 2021, letter requests a reduction in the size of the plaza type building and requests medical use be allowed for a portion of the plaza type building.

The 2017 Town Board Resolution referenced above only identified a 21,400-square-foot, single- story, retail type plaza building. It did not specifically list any type of retail use. Retail is defined in the Town Code, Chapter 165, Article II, Terminology, as . . . “Sale to the ultimate consumer for direct consumption or use and not for resale.” Clearly, medical use such as a doctor or dentist office, or clinics which the applicant is now requesting does not meet the definition of Retail. I have discussed this interpretation with both the Town Code Enforcement Officer and Town Zoning Inspector, and we all agree that there is more involved than merely listing medical use as a permitted retail use for the retail type plaza building.

Currently, the Town Board is considering adding the following new definitions to Chapter 165, Article II, Terminology:

BUSINESS

An organization or enterprising entity engaged in commercial, limited industrial, or professional activities that provide employment opportunities and broaden the tax base.

COMMERCIAL

An organization or enterprising entity involving or relating to the buying and selling of goods that provide employment opportunities and broaden the tax base.

COMMERCIAL PLAZA

The existing definition of **COMMERCIAL PLAZA** is hereby deleted in its entirety and replaced in its entirety to read . . . A group of business and commercial enterprises, limited industrial and professional activities, in one or more buildings located upon a parcel of land and sharing a common parking lot, with each enterprise that has an outside public entrance to a building.

The requested medical use would be included within the phrase “professional activities” as contained within the above proposed definition of **BUSINESS**. The proposed **COMMERCIAL** definition is much broader than **RETAIL** and should be specified in an amendment to the original Town Board Resolution to allow for unknown future use of the two free-standing building pads shown on the approved site plan. Finally, while the existing defini-

tion of COMMERCIAL PLAZA is being proposed for further amendment, the term “limited industrial” should be eliminated from the “Cerone Incentive Zoning Project—Route 332 MIII Enterprises.” Both of these terms (BUSINESS and COMMERCIAL) could be acted upon by the Town Board, at any point in time, as this involves an amendment to an Incentive Zoning Condition of approval for a specific project.

Therefore, we propose the following recommendations be made to the Town Board:

1. The Planning Board recommends adding medical services as a permitted use in this Incentive Zoning District.
2. The Planning Board recommends approval of the proposed reduction in size of the plaza type building from 21,400 square feet in building area to a plaza type building not to exceed 19,900 square feet.
3. The Planning Board further recommends deleting the reference to “retail-type plaza building” contained in the above referenced Town Board Resolution (#102 of 2017) and replacing it with reference to the new proposed definitions of the terms commercial and business as contained in the proposed local law amendment to the Town’s Solar Regulations and other provisions listed in the unnumbered draft Local Law (__ of 2022) that is now under consideration by the Town Board. The recommended action involves a recall of Town Board Resolution #102 of 2017 removing “retail type plaza building” and replacing this with “a 19,900 square-foot, single-story, Commercial/Business type plaza building.”

The applicant understands that the existing overall Preliminary Site Plan, as previously amended by the Planning Board for the Phase 2 portion of the site, will need to be further amended to allow for the Phase 3A development now being proposed. Also, at the time Building Permits are requested for Phase 3B, a further amendment to the overall site plan will be required.

As a final note, the existing GB General Business District’s Intent [§ 165-28. A.] provides . . . “the public with convenient retail and service trade facilities in appropriate locations, to provide employment opportunities and to broaden the tax base.” The term “service trade facilities” is not defined in Chapter 165 and the term “retail” is very narrowly defined. The GB District, on the other hand, provides for a large list of permitted and special permitted uses. However, based upon another project’s review and now this one, we have found justification for further clarifying these types of uses. Our findings have been recommended to the Town Board and are referenced above in the three (3) definitions be added to Chapter 165 of the Farmington Town Code.

8. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand said that the 2021 Comprehensive Plan Update has been referred digitally to the Ontario County Planning Board for review and comment. The most recent draft in digital format also has been posted on the Town website. A hard copy of the Plan has been filed with the Town Clerk for residents who may wish to review the Plan in this format. The Town Board has scheduled its second Public Hearing on the Plan on Tuesday, January 25, 2020, at 7:00 p.m.

Highway and Parks Superintendent:

Mr. Giroux informed the board that he will retire from his position as Highway and Parks Superintendent on January 31, 2022. He introduced Tim Ford who currently serves as his deputy and who is expected to be appointed to succeed him in this position.

Mr. Giroux also said that water has been drained from the restrooms at Beaver Creek Park to prevent freezing and damage until the building heating units are operable.

Board Members' Comments:

Mr. Sweeney asked about the designated year in the title of the 2021 Comprehensive Plan Update. Mr. Brand said that the title year will remain as 2021 because this is the year in which the plan was completed by the committee.

Mr. Hemminger said that the annual organization meeting of the Planning Board may be scheduled on an upcoming Saturday and will include the approval of the board's Rules of Procedure. He said that he has reviewed the amendments which have been proposed by Mr. Brand and that he [Mr. Hemminger] has not identified any additional changes. Mr. Hemminger said that he will inform the board and the Town staff of the organization meeting date as soon as it is scheduled.

9. PUBLIC COMMENTS

None.

10. TRAINING OPPORTUNITIES

■ 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>

11. ADJOURNMENT

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

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, January 19, 2022, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and via Zoom video conference.

Respectfully submitted,

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