

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, April 19, 2017, 7:00 p.m.

MINUTES—APPROVED

The following minutes are written as a summary of the main points that were made and are the 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: Adrian Bellis
Edward Hemminger
Scott Makin
Mary Neale
Douglas Viets

Staff Present:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group 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
James Morse, Town of Farmington Code Enforcement Officer
John Weidenborner, Assistant Chief, Farmington Volunteer Fire Association

Applicants Present:

Michael Best, 6165 Brownsville Road, Farmington, N.Y. 14425
Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425
Brennan Marks, P.E., Marks Engineering, 42 Beaman Street, Canandaigua, N.Y. 14424
Marc C. Mussachio, R.A., Principal, Mussachio Architects, 30 North Forest Road,
Williamsville, N.Y. 14221
Michael Pignato, D.D.S., 32 Crest View Drive, Rochester, N.Y. 14625
John F. Shields III, P.E., 1457 Fraser Way, Farmington, N.Y. 14425

Residents Present:

Cindy Allen, 6218 Brownsville Road, Farmington, N.Y. 14425
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Melody Burri, Canandaigua *Daily Messenger* Newspaper
Melissa and Brian Sandore, 6143 Hanover Road, Farmington, N.Y. 14425
Gary Weidenborner, 5799 Mountain Ash Drive, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. Makin 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. Makin 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 APRIL 5, 2017

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the April 5, 2017, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, April 12, 2017:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Planning Board of the Town of Farmington, Ontario County, New York, will hold a Public Hearing at the Farmington Town Court Building, 1023 Hook Road, on the 19th day of April, 2017, commencing at 7:00 p.m. for the purpose of considering the application of:

PB #0402-17: MICHAEL BEST, 6165 BROWNSVILLE ROAD, FARMINGTON, N.Y. 14425: Request a Special Use Permit to allow a major home occupation according to Article VI, Chapter 165-72 of the Town of Farmington Codes. The applicant wishes to use the site for a photography studio. The property is located at 6165 Brownsville Road and zone RR-80 District.

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

Scott Makin, Chairperson
Planning Board

4. PUBLIC HEARING: SPECIAL USE PERMIT

PB #0402-17 Special Use Permit Application

Name: Michael Best, 6165 Brownsville Road, Farmington, N.Y. 14425

Location: 6165 Brownsville Road, Farmington, N.Y. 14425

Zoning District: A-80 Agricultural District

Request: A Special Use Permit for a Major Home Occupation

FINAL SITE PLAN

PB #0404-17 Final Site Plan Application

Name: Michael Best, 6165 Brownsville Road, Farmington, N.Y. 14425

Location: 6165 Brownsville Road, Farmington, N.Y. 14425

Zoning District: A-80 Agricultural District

Request: Final Site Plan approval for a Major Home Occupation

Mr. Makin opened the Public Hearing on PB #0402-17 Special Use Permit application of Michael Best. He concurrently began the discussion on the accompanying Site Plan application.

Mr. Best presented these applications.

He apologized for the difficulty that had been created by his original application for a Major Home Occupation (a Special Use Permit is required) to use his property as an event venue for weddings and parties (PB #1001-16, December 21, 2016). He explained that he now seeks a Major Home Occupation which requires a Special Use Permit to use the property as a location for commercial photography use such as wedding, family and graduation photographs.

Mr. Best said that this use would enable him to recoup some of his costs for the stone work and other improvements that he has made on his property. He said that the change in use would reduce the number of people and vehicles entering his property (as associated with the first Major Home Occupation) and would remove the serving of alcohol and the noise that occurred during the parties. He said that he has no plans to move and that he seeks only to recoup some of the costs of the decorative improvements that he built.

Mr. Brand said that a draft approval resolution had not been prepared for this evening's meeting. He said that he wanted first to be sure that Mr. Best has addressed and complied with the criteria for a Special Use Permit as required by the Town Code.

Mr. Makin said that the Planning Board wants to be certain that the Special Use Permit is narrowly defined to reflect Mr. Best's specific use. He also noted that the board wishes to hear from residents during the Public Hearing prior to its deliberations.

There were no further comments or questions from the Town staff at this time.

Mr. Makin then asked if anyone in attendance wished to speak for or against the application.

Ms. Allen asked about the number of people who would be on the property during photography sessions. Mr. Best said that the number would depend upon the size of a wedding party or the number in a family being photographed. He said that most of his business would be senior portraits and that no more people than those in a wedding party would be on the property at one time.

Ms. Allen asked about the people coming in and going out of the property. Mr. Best said that people would be coming in and out.

Mr. Hemminger explained that the board wants to review the Special Use Permit criteria in the Town Code to make sure that the criteria have been addressed by Mr. Best. He especially noted that the Town Code requires no more than three customer vehicles on the property at any one time and that Mr. Best's application reflects only three parking spaces. Mr. Hemminger said that he believes that the application meets the spirit of the Special Use Permit criteria and that he would like to verify through further analysis that the application specifically complies with the Town Code.

Ms. Neale asked about the three parking spaces shown on the application and suggested that there could be more than three vehicles in a wedding party. Mr. Best said that there are adequate parking spaces for three vehicles and room for a limousine to turn around if one is used.

Mr. Viets asked about the second vehicle access to the property as shown on the site plan. Mr. Best said that the second vehicle access has been removed from the site, that the advertising sign has been taken down and that all requests of the Town have been addressed.

Mr. Makin asked Mr. Best to give thought and management to vehicle parking, which he said is a concern.

Mr. Makin asked about the photographers. Mr. Best said that photographers have expressed interest in landscaping, foliage, architecture and the stone work. He said that the

area for parking three vehicles is large enough to accommodate a limousine and previously accommodated a bus.

Mr. Best said that the site may be rented by the hour and that a changing room is available for those people to be photographed.

Mr. Makin said that this project is unique in that it encourages people to come onto a facility for an activity for which the Planning Board is being asked to grant approval. As such, he expressed concern about liability to the Town if someone becomes injured on Mr. Best's property, especially because the stone work has been built by Mr. Best and not by a contractor who could assume the liability. Mr. Makin said that the board would like some time to research this point.

Mr. Makin then asked if anyone else wished to speak for or against the applications. There were no further comments from those in attendance.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SPECIAL USE PERMIT AND SITE PLAN APPLICATIONS—CONTINUATION**

PB #0402-17 and PB #0404-17

APPLICANT: Michael Best, 6165 Brownsville Road, Farmington, N.Y. 14425

ACTION: Special Use Permit and Site Plan Applications to allow a Major Home Occupation—Commercial Outdoor Photography—on a 5-acre site located at 6165 Brownsville Road

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

WHEREAS, the Board has received at tonight's meeting testimony and information for consideration; and

WHEREAS, the Board has reviewed the Ontario County Planning Board's Referrals #54-2017 and 54.1-2017, upon these two applications; and

WHEREAS, the Board desires time to review tonight's public hearing record, to review the County Planning Board's recommendation and to make informed decisions upon the requested special use permit and site plan.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby table further consideration upon these requested applications; and does hereby move to continue the public hearing upon said applications to Wednesday evening, May 3, 2017, at 7:00 p.m., Eastern Daylight Saving Time.

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Scott Makin	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

5. CONTINUED PRELIMINARY SITE PLAN

PB #0201-17 Preliminary Site Plan Application

Name: Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425

Location: 6037 NYS Route 96, Farmington, N.Y. 14425

Zoning District: GB General Business

Request: To rebuild a one-story 18-unit motel (with a second-story apartment) that was recently destroyed by fire (America’s Bet Value Inn)

Mr. Makin resumed the discussion on this application that began with an informal presentation at the Project Review Committee meetings on February 3, 2017, and March 3, 2017; and the Planning Board meetings on February 15, 2017, March 1, 2017, and April 5, 2017.

Mr. Shields, Mr. Mussachio and Mr. Gandhi presented this application.

Mr. Shields explained that the additional information that was requested at the previous meeting (held on April 5, 2017) was submitted to Town staff and reviewed with them at the Project Review Committee meeting on April 7, 2017. He said that the Town staff were comfortable with the direction of the project.

Mr. Shields explained that the dumpster that currently is on the adjacent property to the west (the 7-Eleven convenience store located at 1283 State Route 96 and owned by Sugar Creek Farms) would be relocated to the applicant’s property and screened with a privacy fence and plantings of junipers. He explained that the adjacent property owner’s representative will not permit the applicant to remove a section of blacktop pavement approximately 80 feet x 15 feet and restore the land with grass as requested by the Town staff and which would have been done at the applicant’s expense. Mr. Makin asked if the applicant’s denial had been received in writing. Mr. Gandhi said that he spoke by tele-

phone with the general manager of Sugar Creek Farms who indicated that he was not interested in having the blacktop removed. Mr. Makin asked Mr. Shields and Mr. Gandhi if one of them could obtain this in writing for the application file. They said that they would request a written denial.

Mr. Shields explained that the lighting fixtures are dark-sky compliant and that photometrics are shown on the site plan.

Mr. Mussachio displayed the building plans. He explained that the new motel would be constructed on the existing foundation and footprint of the previous structure and would include 18 guest rooms, a second-story apartment, a registration and coffee area, a small office and access to the basement laundry area through an external entry door.

Mr. Mussachio said that the new structure would match the aesthetics of the existing building with a stone front and with siding in colors to break up the elevation. He said that the lighting would be installed at entry ways into the guest rooms and that the office and coffee area would be available for ice and evening key access. Mr. Mussachio also displayed a sample of the stone external décor. He said that the exact color would be finalized once a vendor has been selected. He said that the stone colors would be a blend and not a single color.

Mr. Brand reported on the discussion with Mr. Shields at the Project Review Committee meeting and explained that the applicant seeks both Preliminary and Final Site Plan approval this evening. He also noted that he, too, has attempted to contact a representative of the owner of Sugar Creek Farms with no success thus far. He said that he would continue to pursue the owner's permission for the applicant to remove the blacktop and restore the area to grass, but that if this effort is not successful it would not affect the resolution from moving forward.

Mr. Brand also explained that a report from the Town engineer is needed to confirm that the turning radii are sufficient for the movement of fire apparatus and other emergency vehicles on the site. He said that information on emergency vehicle access has always been requested on applications submitted to the Town.

Mr. Brand said that he is pleased that the exterior of the existing structure would be upgraded to match the new structure, that the old light fixtures would be replaced with dark-sky compliant fixtures, and with the relocation and screening of the dumpster along with the closing of the access from the adjacent property. He expressed appreciation to Mr. Gandhi and his team for accomplishing the objectives established by the Town. Mr. Brand also noted that the sewer connection issue has been resolved, that the connection would tie in with an existing sewer line along the north side of State Route 96, and that Mr. Shields is working with the New York State Department of Transportation regional office on this.

Mr. Brabant said that each of the MRB Group engineering comments have been addressed by Mr. Shields. He explained that emergency vehicle turning radii would be tight and that the final plans would depict the turning template. He said that the angles may

have to be widened to accommodate the fire apparatus and that this would be confirmed when the turning template is added to the final plans. Assistant Chief Weidenborner said that the radii would be tight and that some grass area may have to be removed. Mr. Shields said that the final plans would be adjusted as necessary when the turning template has been added.

Mr. Shields said that an engineer's cost estimate has been submitted to Matt Heilmann, the Town construction inspector, in preparation for submitting the Letter of Credit. Mr. Heilmann will forward the estimate to Mr. Brabant for review prior to its submittal to the Planning Board for a recommendation and referral to the Town Board for approval.

Mr. Morse said that all code enforcement comments have been addressed.

Mr. Degear said that all water and sewer comments have been addressed. He also emphasized to the applicant that the sewer connections must be installed according to the approved plans to avoid field changes during construction.

Ms. Neale said that she was pleased with the exterior design and that she is ready to move forward with the approvals.

Mr. Hemminger expressed his appreciation to Mr. Shields and Mr. Gandhi for their efforts in attempting to obtain the neighboring property owner's permission to remove the blacktop area.

Mr. Makin said that he is pleased with the project and that he is glad that Mr. Gandhi will remain in business in Farmington.

Mr. Brand reviewed with Mr. Shields the next steps which include the MRB Group review of the engineer's estimate of items to be dedicated to the Town, followed by a Planning Board recommendation and Town Board acceptance. Mr. Brand said that the Code Enforcement Officer would schedule a Pre-Construction Meeting with Town staff and representatives of other agencies following the filing of the Letter of Credit with the Town Clerk. He said that the Code Enforcement Officer would issue building permits following the Pre-Construction Meeting if everything is in order.

Mr. Shields confirmed that the portion of the sanitary sewer from the connection on State Route 96 to the structure would be the applicant's responsibility.

There were no further comments or questions on this application.

■ A motion was made by MR. BELLIS, seconded by MR. HEMMINGER, that the reading of the SEQR resolution be waived.

Motion carried by voice vote. The reading of the SEQR resolution was waived.

■ A motion was made by MR. HEMMINGER, seconded by MR. BELLIS, that the following resolution be approved:

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

PB #0201-17

**APPLICANT: Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y.
14425**

ACTION: Preliminary Site Plan Approval to reconstruct a one-story, 18 unit, motel building with a second-story apartment and related site improvements at 6037 NYS Route 96

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, for determining the Classification associated with the above referenced Action; and,

WHEREAS, the Board finds the Action is identified in Section 617.5 (c) (2) as replacement, rehabilitation or reconstruction of a structure, in kind, on the same site, including upgrading buildings to meet building or fire codes.

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 have been determined by the State of New York, not to have a significant impact upon the environment and are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

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
Scott Makin	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN, AMERICA’S BEST VALUE INN
6037 NYS ROUTE 96
PB #0201-17**

**APPLICANT: Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y.
14425**

**ACTION: Preliminary Site Plan to reconstruct a one-story, 18-unit, motel
building with a second story apartment and related site
improvements located at 6037 NYS Route 96**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application for a Preliminary Site Plan Approval from Jaswin Ganhdi, for the construction a one-story motel with a second story apartment building; and

WHEREAS, the Planning Board tabled, at their April 5th meeting, further consideration of this application requesting additional time for the Town Departments and Town Engineers to review the information shown on the preliminary site plan drawings submitted March 28, 2017; and

WHEREAS, the Town Departments and Town Engineers did conduct a Project Review Committee (PRC) meeting on Friday, April 7th, where revised preliminary site plan drawings were received and reviewed with the applicant’s engineer, John F. Shields III, P.E., where the revised drawings were found by the PRC staff to be acceptable for Planning Board consideration and action; and

WHEREAS, the Planning Board has reviewed and given consideration to the Ontario County Planning Board’s Referral #22-2017, a Class 2 with comments, dated February 8, 2017; and

WHEREAS, the Planning Board has, under separate resolution, made a determination of significance in compliance with the State Environmental Quality Review Regulations, Part 617 of Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to lift from the table this application for Preliminary Site Plan Approval.

BE IT FURTHER RESOLVED that the Planning Board does hereby move to grant Preliminary Site Plan Approval, with the following conditions:

1. Preliminary Site Plan Approval is based upon the revised drawings, prepared by John F. Shields III, P.R., having a revised date of 03/27/2017, entitled “Preliminary Site & Utility Plan, America’s Best Value Inn, 6037 State Route 96,” draw-

ings number C-01, C-02, C-03 and C-04; and the drawings prepared by Mussachio Architects, having a date of 01/24/17, Project Number 216031, entitled “First Floor Plan, America’s Best Value Inn, Scheme B, Farmington, New York;” “Elevation Drawings, Front, West, South and East, Option 3, America’s Best Value Inn, Farmington, New York;” and the conditions contained below in this resolution.

2. Preliminary Site Plan Approval is valid for a period of 180 days from today and signatures must be affixed to two (2) sets of the above referenced drawings. One (1) set is to be filed with the Town Development Office and the other (1) set is to be returned to the applicant. If additional copies of these drawings are required, then the applicant is to provide them at time of submission.
3. Preliminary Site Plan approval is based upon the applicant finding a solution with the adjacent property owner to the west, Mr. Philip Saunders, Sugar Creek Farms (currently a 7-Eleven store located at 1283 State Route 332) for the removal of the dumpster unit that has been located on that property for this motel complex; and removal of the black topped pavement, from a portion of that property. There is also to be a note added to the Final Site Plan drawings, to this effect, noting that the dumpster unit and blacktopped pavement are to be removed by this applicant and the installation of top soil in the disturbed area on that site along with the establishment of grass, by this applicant, before a Certificate of Occupancy may be issued. This information is to be shown on Final Site Plan drawings.
4. Preliminary Site Plan is based upon the applicant obtaining from the Town Engineers, documentation accepting the proposed 22-foot-wide asphalt driveway connecting the two motel units, to include adequate turning radii for fire apparatus, capability to support the large fire apparatus and posting of no parking signs across this area. This information is to be shown on Final Site Plan drawings.
5. Preliminary Site Plan approval is based upon new building mounted light fixtures (including fixture details) being provided for both structures, along with an isometrics and foot candles specifications and illumination pattern for both structures.
6. Preliminary Site Plan approval is based upon the label of the tree/bush (as noted by Mr. Douglas Viets, at the April 5th Planning Board Meeting) is to be revised on the Final Site Plan drawings.
7. Preliminary Site Plan approval is based upon the removal of the signature line for the Town Superintendent of Highways from the drawings.

Mr. Makin asked Mr. Shields if he understood the resolution and agreed with the conditions. Mr. Shields said that he understood the resolution and agreed with the conditions.

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Scott Makin	Aye
Mary Neale	Aye
Douglas Viets	Aye
Motion carried.	

6. FINAL SITE PLAN

PB #0405-17 Final Site Plan Application

Name: Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425

Location: 6037 NYS Route 96, Farmington, N.Y. 14425

Zoning District: GB General Business

Request: To rebuild a one-story 18-unit motel (with a second-story apartment) that was recently destroyed by fire (America’s Bet Value Inn)

Mr. Shields, Mr. Mussachio and Mr. Gandhi presented this application.

Mr. Makin asked if there were any further comments on this project, as discussed during the Preliminary Site Plan presentation.

There were no further comments or questions on this application.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN, AMERICA’S BEST VALUE INN
6037 NYS ROUTE 96**

PB #0405-17

APPLICANT: Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425

ACTION: Final Site Plan to reconstruct a one-story, 18-unit, motel building with a second story apartment and related site improvements located at 6037 NYS Route 96

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application for Final Site Plan Approval from Jaswin Ganndi, for the construction a one-story motel with a second story apartment building; and

WHEREAS, the Town Departments and Town Engineers did conduct a Project Review Committee (PRC) meeting on Friday, April 7th, where all related issues were discussed and resolved with the applicant's engineer, John F. Shields III, P.E.; and

WHEREAS, Final Site Plan packets have been prepared, submitted, reviewed by Town Staff and found to be acceptable for Planning Board consideration and action; and

WHEREAS, the Planning Board has reviewed and given consideration to the conditions of Preliminary Site Plan approval, File #PB 0201-17, dated April 19, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby waive the procedural requirement for signed Preliminary Site Plan drawings prior to consideration of an application for Final Site Plan Approval.

BE IT FURTHER RESOLVED, that the Planning Board does hereby move to grant Final Site Plan Approval, with the following conditions:

1. Final Site Plan Approval is based upon the revised drawings, prepared by John F. Shields III, P.R., having a revised date 04/11/2017, entitled "Final Site & Utility Plan, America's Best Value Inn, 6037 State Route 96," drawings number C-01, C-02, C-03 and C-04; and the drawings prepared by Mussachio Architects, having a date of 02/06/17, Project Number 216031, entitled "First Floor Plan, America's Best Value Inn, Scheme B, Farmington, New York;" "Elevation Drawings, Front, West, South and East, Option 3, America's Best Value Inn, Farmington, New York;" and the conditions contained below in this resolution. These drawings were stamped received by the Town of Farmington Building Department on April 12, 2017.
2. Final Site Plan Approval is valid for a period of 180 days from today and signatures must be affixed to six (6) sets of the above referenced drawings. One (1) set is to be filed with the Town Development Office, four (4) sets are to be filed with the various Town Departments signing the drawings, one (1) set is to be filed with the New York State Department of Transportation, Ontario County Office, Attn: Greg Trost, Assistant Resident Engineer; and the other (1) set is to be returned to the applicant. If additional copies of these drawings are required, then the applicant is to provide them at time of submission.

- 3. Final Site Plan approval is subject to all conditions of Preliminary Site Plan Approval, File PB #0201-17, dated April 19, 2017.
- 4. No site development shall be allowed until a Letter of Credit has been accepted by the Planning Board, approved by the Town Board and filed with the Town Clerk, for all site improvements to be dedicated to the Town. Once this process has been completed then a pre-construction meeting will be scheduled with all Town Departments and appropriate representative from the Ontario County Office of the New York State Department of Transportation.
- 5. No Certificate of Occupancy Permit shall be issued until all conditions of approval have been completed, including but not limited to any State Agencies.

Mr. Makin asked Mr. Shields if he understood the resolution and agreed with the conditions. Mr. Shields said that he understood the resolution and agreed with the conditions.

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Scott Makin	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

7. FINAL 2-LOT SUBDIVISION

PB #0303-17 Final 2-Lot Subdivision Application

Name: Michael C. Pignato, D.D.S., 32 Crest View Drive, Rochester, N.Y. 14625

Location: 1386 Hathaway Drive (northeast intersection of Hathaway Drive and Perez Drive)

Zoning District: GB General Business

Request: A two-lot subdivision approval to create Lot #1 (a non-approved building lot) consisting of 0.828 acres for a proposed office building and the remaining lands of the parent parcel Lot #2 will consist of 0.712 acres with an existing office building.

The Public Hearing on this application was opened on January 18, 2017. Three Area Variances were approved by the Zoning Board of Appeals on January 23, 2017. The State

Environmental Quality Review (SEQR) determination and the Preliminary Subdivision Plat were approved by the Planning Board on February 1, 2017. The Public Hearing on this application was closed on February 1, 2017.

Mr. Makin resumed consideration of this application that had been continued from the meeting on April 5, 2017.

Mr. Marks presented this application. Dr. Pignato also attended.

Mr. Marks explained that three Area Variances for this project were granted by the Zoning Board of Appeals on January 23, 2017.

He also noted that a 10-foot-wide sidewalk easement parallel with Hathaway Drive and extending from the applicant's northern property line to the southern property line along Perez Drive would be granted by the applicant to the Town. The easement has been requested by the Town for the installation of a sidewalk along Hathaway Drive to be constructed by Home Leasing as part of its adjacent development of Farmington Gardens Phase II in the eventuality that the sidewalk cannot fit within the road right-of-way.

Mr. Marks also confirmed that a light pole currently within the road right-of-way would be removed and relocated onto the applicant's property at the Town's request. Mr. Brabant noted that the light pole is closest to an intersection and that the Town typically requires that intersections be lit.

Mr. Hemminger asked about the easement for the sidewalk. Mr. Brand said that the sidewalk is to be installed by Home Leasing as a condition of approval of its project to the north of the applicant's property. He said that the easement is required if the sidewalk will not fit within the road right-of-way and that Home Leasing would assume the cost.

There were no further comments or questions on this application.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL PLAT, LOTS #1 AND #2
MICHAEL PIGNATO SUBDIVISION**

PB #0303-17

**APPLICANT: Michael Pignato, D.D.S., 32 Crest View Drive, Rochester, N.Y.
14625**

ACTION: 2-Lot Final Subdivision Plat, Pignato Subdivision

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application from Michael Pignato, for Final Subdivision

Plat Approval for Lots #1 and #2 of the Michael Pignato Subdivision (identified as Tax Map Account #029.65-01-3.000 containing a total of 1.54 acres); and

WHEREAS, the Planning Board has received testimony at tonight's public meeting regarding the proposed final plat drawing; 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 made, under separate resolution, a determination of non-significance upon said action, thereby satisfying the procedural requirements under the SEQR Regulations; and

WHEREAS, the Planning Board has reviewed and given consideration to the Ontario County Planning Board Referral #6-2017, dated January 11, 2017; and

WHEREAS, the Planning Board has reviewed and given consideration to the Town of Farmington Zoning Board of Appeals Resolutions #ZB 0103-17, #ZB 0104-17 and #ZB 0105-17, all dated Monday, January 23, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant Final Subdivision Plat Approval with the following conditions:

1. Final Subdivision Plat Approval is based upon the drawing prepared by Freeland-Parrinello, Land Surveyors, entitled "Final Subdivision Plat of Lands of Michael C. Pignato," having a revised date of April 19, 2017, as is further amended by these conditions of approval.
2. The Final Subdivision Plat is to be amended to show removal of the existing light fixture for the parking lot, which is located within the right-of-way of Hathaway Drive. This light fixture is to be relocated onto the lands owned by Michael C. Pignato and reconnected to electric supply.
3. All comments contained in the Town Engineer's letter, dated March 1, 2017, are to be addressed in writing, with changes made to the Plat drawing as deemed necessary by the Planning Board at tonight's meeting.
4. The Final Plat is to be revised to identify an access easement to the applicant/property owner over the existing light pole that is located within the Town right-of-way for the fixture to remain in its current location. The easement shall define the property owner as responsible for replacement and maintenance of fixture in event of damage.
5. The Final Plat is to be revised to identify a 10-foot-wide sidewalk easement to the Town of Farmington parallel with Hathaway drive, extending from the northern property line to the southern property line along Perez Drive.

- 6. All easements are to be forwarded to the Town development Office including legal descriptions and supporting maps and are to be reviewed and approved by the Town Attorney. All easements are to be filed at the Ontario County Clerk’s Office at the same time as the approved Final Subdivision Plat. Copies of the filed easements are to be submitted to the Town Clerk within five (5) days of them being filed. Failure to file the easements at the time of filing the Final Subdivision Plat shall invalidate this approval.
- 7. Once the Final Subdivision Plat has been amended then a Mylar and four (4) paper copies of said plat map are to be signed by David A. Freeland, LS 49172, and submitted to the Town.
- 8. Once the Final Plat drawing mylar and four (4) paper copies have been submitted to, reviewed by and accepted by the Town Code Enforcement Officer and the Town Highway Superintendent, then the Planning Board Chairperson may sign said drawing. Once the drawing has been signed, then the Applicant has a maximum of 62 days from the date of signing to file the mylar and two (2) paper prints are to be filed in the Ontario County Clerk’s Office.
- 9. Final Plat Approval is valid for a period of 180 days from today. Failure to revise and submit the plat map drawing for signature by the Town Highway Superintendent and Planning Board Chairperson within this time period will result in the approval being made null and void.

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Scott Makin	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

8. FINAL SIGN SITE PLAN

PB #0401-17 Final Sign Site Plan Application

Name: Burger King Restaurant, 1298 NYS Route 332, Farmington, N.Y. 14425

Location: 1298 NYS Route 332, Farmington, N.Y. 14425

Zoning District: GB General Business

Request: To display a message center sign adding to the freestanding Burger King Commercial Speech Sign

Mr. Brand explained that this application has been removed from this evening's agenda because of the denial of the applicant's request for an Area Variance for a sign by the Zoning Board of Appeals on April 18, 2017.

9. FINAL SIGN SITE PLAN

PB #0403-17 Final Sign Site Plan Application

Name: Joseph Sortino, 2015 Maiden Lane, Rochester, N.Y. 14626

Location: Monarch Manor Subdivision Entrance, New Michigan Road and Monarch Drive

Zoning District: IZ Incentive Zoning

Request: Approval for a 30-square-foot monument sign identifying the Monarch Manor Subdivision

Mr. Brand spoke on behalf of Mr. Sortino who could not be present this evening due to a family matter.

Mr. Brand said that the Zoning Board of Appeals granted Mr. Sortino's application for an Area Variance for this sign at its meeting last evening (April 18, 2017). He explained that the sign would be installed at the entrance to the Monarch Manor Subdivision at the corner of Monarch Drive and New Michigan Road.

Mr. Brand said that this would be a ground-mounted noncommercial speech sign identifying the name of the subdivision. He said that it would be well designed, landscaped with a stone façade and would not be lighted. The sign ultimately will be turned over to the subdivision homeowners' association for maintenance.

Mr. Brand explained that the sign would be of a similar design as the existing sign at the corner of New Michigan Road and Canandaigua–Farmington Town Line Road which is visible to motorists traveling north on New Michigan Road. This sign includes the name of the subdivision and the legend "Welcome to Farmington." He said that the installation of this first sign was a condition of the Town Board's approval of the developer's Incentive Zoning application.

Mr. Viets asked about the design of the sign. Mr. Brand said that it is his understanding that the design will match the existing sign at the intersection of New Michigan Road and Canandaigua–Farmington Town Line Road.

There were no further comments or questions on this application.

■ A motion was made MR. BELLIS, seconded by MR. HEMMINGER, that the reading of the SEQR resolution be waived.

Motion carried by voice vote. The reading of the SEQR resolution was waived.

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

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

PB #0403-17

APPLICANT: Joseph Sortino, 2015 Maiden Lane, Rochester, N.Y. 14626

ACTION: Sign Site Plan Approval, to erect a second freestanding ground subdivision identification sign on property which it is located at the intersection of New Michigan Road and Monarch Drive

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, for determining the Classification associated with the above referenced Action; and,

WHEREAS, the Board finds the Action is identified in Section 617.5 (c) (7) as construction of an accessory non-residential structure involving less than 4,000 square feet in area; and

WHEREAS, the Action involves the granting of a single area variance for erecting a second freestanding ground subdivision sign at the entrance to Section 1, of the Monarch Manor Subdivision Tract.

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

Scott Makin	Aye
Mary Neale	Aye
Douglas Viets	Aye

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

**FARMINGTON PLANNING BOARD
SIGN SITE PLAN APPROVAL**

PB #0403-17

APPLICANT: Joseph Sortino, 2015 Maiden Lane, Rochester, N.Y. 14626

ACTION: Sign Site Plan Approval, to erect a second freestanding ground subdivision identification sign on property which it is located at the intersection of New Michigan Road and Monarch Drive

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the proposed ground mounted subdivision identification sign and the related site improvements that have been submitted by the applicant; and,

WHEREAS, the Board, under separate resolution has determined the Action to be a Type II Action, thereby satisfying the procedural requirements of Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Board has considered the testimony presented at tonight’s public meeting.

NOW, THEREFORE, BE IT RESOLVED THAT the Board approves of the proposed freestanding ground subdivision identification sign and related landscaping improvements as shown on the drawing submitted by the applicant and on file in the Town Development Office.

BE IT FURTHER RESOLVED THAT the Board, in approving this application does so with the understanding and commitment from the applicant that said sign is to be owned and maintained by a homeowners’ association that is to be formed as a condition of the Incentive Zoning Project.

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Scott Makin	Aye
Mary Neale	Aye

Douglas Viets Aye

Motion carried.

10. FINAL SITE PLAN EXTENSION

PB #1101-16 Final Site Plan Extension

Name: Mark DiMartino, D.D.S., 126 East Main Street,
Victor, N.Y. 14564

Location: East side of Hathaway Drive, north of Beaver Creek

Zoning District: GB General Business

Request: Request an extension of time to the previously approved Final Site Plan granted for the project on Hathaway Drive to construct a single-story, 4,100-square-foot dental office with related site improvements.

The SEQR Determination of Significance resolution and the Preliminary Site Plan for this application were approved by the Planning Board on September 21, 2016.

The Final Site Plan was approved by the Planning Board on November 2, 2016.

Mr. Brand reported that the applicant has requested a 90-day extension of Final Site Plan approval to provide additional time for his ongoing discussions and negotiations with the New York State Department of Transportation (DOT) regarding the clearing of an adjacent stream bank along a portion of Beaver Creek to provide visibility of the dental office from New York State Route 332.

Mr. Brand said that the DOT has identified the stream as a Federal wetland and has asked the applicant for documentation on the species of plantings that would be substituted for the vegetation to be removed.

Mr. Brand said that if the applicant is unable to either acquire or receive DOT approval to clear the area, then his only recourse would be to make an application for installation of a freestanding sign along State Route 332. He said that the applicant is performing his due diligence in moving forward as quickly as possible with the DOT and that a 90-day extension of Final Site Plan approval is in order.

There were no further comments or questions on this application.

■ A motion was made by MR. HEMMINGER, seconded by MR. BELLIS, that the following resolution be approved:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN, MARK DIMARTINO, D.D.S. OFFICE BUILDING
AND RELATED SITE IMPROVEMENTS—EXTENSION**

PB #1101.1-16

APPLICANT: Mark DiMartino, D.D.S., 126 East Main Street, Victor, N.Y. 14564
ACTION: Final Site Plan, East Side of Hathaway Drive—First 90-Day Extension

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has granted Final Site Plan Approval with conditions to Mark DiMartino, D.D.S., for a 4,100-square-foot office building and related site improvements of a 1.975-acre site located along the east side of Hathaway Drive and west of State Route 332 on November 2, 2016; and

WHEREAS, the Planning Board has received a letter from Dr. DiMartino, dated April 7, 2017, requesting an extension of time to this approval, to permit ongoing discussions and negotiations with staff at the Region 4 Office of the New York State Department of Transportation, that will enable the clearing of an adjacent stream bank along a portion of Beaver Creek, thereby enabling the site to be visible from along State Route 332.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant a 90-day extension to the Final Site Plan approval identified above herein.

BE IT FINALLY RESOLVED, that said 90-day extension period is to commence on Thursday, April 20, 2017, and end on Wednesday, July 19, 2017.

Adrian Bellis Aye
Edward Hemminger Aye
Scott Makin Aye
Mary Neale Aye
Douglas Viets Aye

Motion carried.

11. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand commented on the following topics:

- Final drawings for the Redfield Grove Incentive Zoning Project, Section 1, were to have been received last Friday. To date, the drawings have not yet been received.
- The updated Major Thoroughfare Overlay District (MTOD) maps have been submitted to the DOT. A meeting with the DOT and Mr. Giroux, Mr. Brabant, Mr. Morse and Mr. Brand will be held to review the existing intersections along State Route 332 and State Route 96 and to identify the locations of future intersections.
- A developer has expressed interest in the former Pumpkin Hook Driving Range property on the east side of State Route 332 and of CVS Pharmacy. An application is expected later this year. The developer has asked about signalized intersections and left turn lanes for southbound traffic on State Route 332.
- Mr. Brand met with the new owners of the property on the southwest corner of State Route 332 and County Road 41. An Incentive Zoning application to the Town Board is expected in May or June.
- The Parks and Recreation Master Plan will be submitted by the Parks and Recreation Committee to the Town Board in May or June for consideration of adoption.
- The Town Board is considering the amendment to the Home Leasing (Farmington Gardens II) project. The Town Board may refer the amended plan to the Planning Board for a recommendation if the Town Board members are satisfied with the revisions. If the amended plans are referred to the Planning Board, this would stop the current SEQR process and move the project to a redesign phase.
- Mark IV Construction is considering an apartment project on property on the east side of State Route 332 and south of County Road 41 (property upon which a waterpark had been proposed years ago). If this project goes forward, the private Quentonshire Road would be upgraded and dedicated to the Town. The company may propose to subdivide and propose the rezoning of the subdivided land.
- Lefrois Construction has purchased land on the south side of State Route 332 between Tops Supermarket and State Route 332. The company is working on concept plans for a mixed use residential/commercial project.
- A purchase offer has been placed on a parcel of land between Mercier Boulevard and Aldi's Supermarket on the west side of State Route 332.
- The Auburn Trail Project is moving forward. The State has been contacted for a determination to allow completion of the project in two phases.
- Soil testing is currently underway for the Cerone Project on the west side of State Route 332 opposite Farmbrook Drive. A site plan application is expected in May or June.

- Mr. Brand and Mr. Brabant attended a New York State Department of Environmental Conservation Public Hearing on proposed amendments to the SEQR Regulations, which were last updated in 1995. Following is a summary of the proposed changes:

Proposed Changes—Type I List:

Lowered thresholds for residential subdivisions
 Added a threshold for parking spaces in smaller communities
 Align threshold for historic properties with other sensitive resources

Proposed Changes—Type II List:

Green infrastructure
 Co-location of cellular antennas/repeaters
 Installation of fiber-optic in existing ROWs for expansion of broadband service
 Solar energy
 Minor subdivisions
 Sustainable development
 Reuse of a commercial or residential structure
 Acquisition/dedication of parkland
 Transfers of land for Affordable Housing
 Conveyance of property by public auction
 Brownfield clean-up agreements
 Organic digesters at publicly owned wastewater treatment plants or municipal landfills

Environmental Impact Statement (EIS) Process:

Require scoping for all EISs
 Add language to clarify when a submitted draft EIS is adequate
 Clarify that information submitted after the final scope cannot be the basis for rejection
 Information submitted after the final scope and not included in the draft EIS may require a supplemental EIS
 Require that subsequent reviews must be based on the list of deficiencies identified in the prior review

Review Process:

Notice in State Register and ENB
 Draft Generic EIS will provide context and assessment
 90+-day public comment period
 Public hearing in Albany

The DEC is accepting comments on the proposed amendments until May 19, 2017.

- Mr. Brand reported that continuing education materials for board members which were distributed at the most recent Association of Towns meeting are being dupli-

cated and would be distributed to board members in their next packets in satisfaction of annual training requirements.

- Mr. Brand noted that a number of applications are expected for changeable copy illuminated signs, including an extensive application of these types of signs for the Cobblestone Performing Arts Center on State Route 332, and potential applications from other organizations, as well. These signs currently are not permitted by the Town Code. This topic is expected to be discussed during the upcoming review of the Town Code.

Code Enforcement Officer:

Mr. Morse reported that a developer is considering a project on the east side of State Route 332 in the vicinity of Dunkin' Donuts and the KFC Restaurant for a Taco Bell Restaurant and a Microtel Hotel.

Water and Sewer Superintendent:

Mr. Degear reported that a sewer lateral has been installed at the location of Create A Scape Enterprises at 6162 State Route 96 (the former AR-15 building). Mr. Degear explained that the sewer line had been disconnected during construction of the nearby Family Dollar store and that this installation restores sewer service for the new business.

Mr. Degear also reported that a new Water Pressure Sustaining Vault has been installed in the Auburn Meadows Subdivision, Section 5, to improve water service in this portion of the Town. He also noted that the next phase of utility work would begin shortly in the Mertensia Road area.

Highway Superintendent:

Mr. Giroux reported that Mertensia Road will be closed for six to eight weeks beginning Monday, April 24, 2017, the next phase of road improvements. Access to Mertensia Park and the lodge will be kept open from County Road 41.

12. PUBLIC COMMENTS

Mr. Sandore asked about the status of the Home Leasing (Farmington Gardens Phase II) project and the HEC-RAS hydraulic water-flow study of Beaver Creek. Mr. Brabant reported that Fisher Associates—the firm that has been retained to make the study—began surveying earlier this month and that the study will take about six to eight weeks to complete. He said that the study area was extended, as well, to include a longer length of the creek.

Mr. Brabant said that the study would involve developing a model of both existing and proposed conditions to provide an understanding of where the flooding now occurs, where it may occur following development, the impact of the flooding and the potential modifications of the Home Leasing site plan to mitigate the flooding.

He reported that the “proposed conditions” portion of the study is on hold pending the decision by the Town Board of the applicant’s proposed amendment to the site plan which proposes the removal of the commercial component of the project along State Route 332 and which relocates the apartment buildings on the property closer to State Route 332 and farther from the residential homes on Creek Pointe and Hanover Road.

Mr. Sandore asked about a reference in the minutes of the Planning Board meeting of February 15, 2017, regarding a report from Mr. Brand concerning a reference to Town parkland that appears in the Town Board minutes of the original Home Leasing Incentive Zoning approval resolution. Mr. Brand said that Supervisor Ingalsbe has taken over the research of this topic and that the supervisor will report on it.

Mr. Sandore said that residents are having a difficult time determining the progression of this project from the Town Board to the Planning Board. Mr. Hemminger explained that the applicant applied to the Town Board for Incentive Zoning approval. Following approval of the Incentive Zoning, the application then moved to the Planning Board for SEQR, subdivision and site plan review (the current stage). He explained that since Home Leasing has now amended the plan, the amendment must be accepted by the Town Board before it returns to the Planning Board. Mr. Makin noted that this is one of the more complex applications that he has seen in his more than three decades on the Planning Board.

Mr. Brabant noted that the HEC-RAS study will resume following the Town Board’s decision on whether or not to accept the applicant’s amendment of the project. If the Town Board accepts the amendment, then the HEC-RAS study will be based upon the amended plan. If the Town Board does not accept the amendment, then the study will resume using the applicant’s original plan.

Mr. Makin extended his appreciation to Mr. Sandore for his attendance at meetings and for following the Home Leasing project so closely. He noted that public comments early in the planning process are beneficial to the board’s review and deliberations on applications.

Mr. Weidenborner asked about access to Mertensia Lodge during the closure of Mertensia Road. Mr. Giroux said that access to Mertensia Park and the lodge would be maintained from County Road 41.

13. ADJOURNMENT

■ A motion was made MR. VIETS, seconded by MR. HEMMINGER, 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 Court, 1023 Hook Road, Farmington, N.Y. 14425, on Wednesday, May 3, 2017, at 7:00 p.m.

Following the meeting, Mr. Giroux secured the building.

Respectfully submitted,

John M. Robortella, L.S.
Clerk of the Town of Farmington Planning Board