

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, April 3, 2019, 7:00 p.m.

MINUTES—APPROVED

The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Planning Board adopted Rules of Procedure. The audio recording is retained for 12 months.

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

Staff Present:
Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent

Applicants Present:
Frank DiFelice, DiFelice Development Corporation, 91 Victor Heights Parkway,
Victor, N.Y. 14564
Christopher V. Kamar, P.E., Member/Partner, APD Engineering & Architecture PLLC,
615 Fishers Run, Victor, N.Y. 14564

Resident Present:
Gerald A. Bloss, 81 Gannett Road, 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. Hemminger explained the emergency evacuation procedures. He asked everyone to please sign in and requested that cell phones and other devices be set on silent mode.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 6, 2019.

2. APPROVAL OF MINUTES OF MARCH 20, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the March 20, 2019, meeting be approved.

Motion carried by voice vote.

3. NEW FINAL SITE PLAN

PB #0401-19 New Final Site Plan Application

Name: ALDI Inc., 300 State Route 281, Tully, N.Y. 13159,
c/o Timothy Scheg, P.E., APD Engineering and Architecture
PLLC, 615 Fishers Run, Victor, N.Y. 14564

Location: 1302 State Route 332

Zoning District: GB General Business

Request: Final Site Plan approval for a proposed one-story 2,315-square-foot building addition along the south side of the building and related site improvements

This application was reviewed by the Project Review Committee on January 4, 2019; and February 1, 2019.

The State Environmental Quality Review (SEQR) determination this application (Un-listed Action, no significant adverse environmental impacts) and the Preliminary Site Plan with conditions were approved by the Planning Board on February 20, 2019.

Mr. Maloy recused himself from participating in the discussion and the decision on this application. He disclosed that his wife works for APD Engineering and Architecture and is working on this project as a structural engineer.

Mr. Kamar presented this application.

He acknowledged receipt of engineering comments from MRB Group. He said that the comments have been addressed in writing and that revised plans have been submitted to the Town with notes and details which have been entered upon the plans as requested.

Mr. Delpriore said that the Town’s concerns included the fire sprinklers and sprinkler risers which have been addressed with the Fire Marshal. He said that all other issues also have been addressed.

Mr. Brabant said that the revised plans submitted by the applicant have been reviewed, that all engineering comments have addressed and that there are no remaining issues with the application.

Mr. Viets said that color renderings or photographs of the landscaping have not been submitted. Mr. Kamar said that no changes are planned to the existing landscaping. He said that the contractor will replace any dead or dying plants.

Mr. Viets said that his inspection of the site indicated some struggling plants which have been damaged or eaten away. He requested that a note be added to the Final Site Plan that will indicate that existing plants will be replaced if needed.

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

4. Existing landscape plants are to be verified as healthy and are to be replaced where necessary. A note is to be added to the Final Site Plan confirming which, if any, landscape plants are to be replaced

Mr. Viets also said that he observed one drainage structure in the parking lot which has settled and is in need of repair or replacement prior to the resealing of the parking lot.

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

5. Drainage structures in the parking area are to be inspected and repaired and/or replaced where necessary. A note is to be added to the Final Site Plan confirming which, if any, drainage structures are to be repaired and/or replaced.

Mr. Brabant said that the applicant will be required to file a Letter of Credit for this project and that the Town will assure that the a line item will be included for the replacement of landscaping, if needed. Mr. Viets said that he was fine with this.

Ms. Neale said that she agreed with Mr. Viets regarding his comments on landscaping and drainage structures.

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

Mr. Hemminger then asked the clerk to read aloud the conditions of approval from the following complete resolution which includes new Condition #4 and new Condition #5:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ALDI INC., 1302 STATE ROUTE 332
FINAL SITE PLAN**

PB #0401-19

APPLICANT: ALDI Inc., 300 State Route 281, Tully, N.Y. 13159
c/o Timothy Scheg, P.E., APD Engineering and Architecture,
PLLC, 615 Fishers Run, Victor, N.Y. 14564

ACTION: Final Site Plan approval for a one-story 2,315-square-foot addition to the existing ALDI food store at 1302 State Route 332

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has given consideration to the record established at the public meeting upon the above application; and

WHEREAS, the Planning Board has also given consideration to the Ontario County Planning Board Referral #31-2019, a Class 1 referral; and

WHEREAS, the Planning Board has reviewed the February 1, 2019, Project Review Committee Draft Meeting Minutes on this action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Final Site Plan approval with the following conditions:

1. Final Site Plan Approval is based upon the drawings prepared by APD Engineering & Architecture, identified as Project No. 18-0191, last revised 02/26/19 “Final Site Plan Amendments for Aldi—Farmington, New York,” as is further amended herein.
2. All comments contained in the MRB Group letter dated March 12, 2019 to the Director of Planning and Development is to be addressed in writing and provided to Town Officials and the Town Engineer prior to submitting revised Final Site Plan drawings. The revision box on the drawings is to identify the date such revisions are made.
3. There is to be a Public Safety Street Number Identification Sign installed in accordance with the design criteria in Appendix G-9.0 of the adopted Town of Farmington Site Design and Development Criteria Manual. A copy of this manual may be viewed online.
4. Existing landscape plants are to be verified as healthy and are to be replaced where necessary. A note is to be added to the Final Site Plan confirming which, if any, landscape plants are to be replaced
5. Drainage structures in the parking area are to be inspected and repaired and/or replaced where necessary. A note is to be added to the Final Site Plan confirming which, if any, drainage structures are to be repaired and/or replaced.

- 6. Once these changes have been made to the Final Site Plan drawings, then five (5) revised sets are to be submitted to the Town Code Enforcement Officer for his review and acceptance.
- 7. Once accepted by the Town Code Enforcement Officer then signatures will be affixed to the drawings. One copy of the signed drawings are to be provided to: the Water and Sewer Superintendent; the Town Engineer; the Project File; and two (2) signed copies are to be provided to the applicant and his engineer. If additional copies are required by the applicant, then they are to be provided at the time of signing.
- 8. No Building Permits shall be issued until an acceptable form of surety has been filed with the Town Clerk.
- 9. No Pre-Construction Meeting shall be scheduled until the Town of Farmington Appendix G-10.0 Pre-Construction Checklist Form has been completed by the Applicant and forwarded to the Town Development Office for review and approval.
- 10. Final Site Plan Approval is valid for 180 days and shall expire unless revised drawings have been submitted and signed by those listed above herein.

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

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Recused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

4. NEW FINAL SITE PLAN AMENDMENT

PB #0402-19 New Final Site Plan Amendment Application

Name: DiFelice Development Inc., 91 Victor Heights Parkway,
Victor, N.Y. 14564

Location: Creekwood Subdivision, Red Fern Drive

Zoning District: R-7.2

Request: Final Site Plan Amendment to PB #0701-14 (July 2, 2014) to construct four two-story buildings of five units per building (20 units total)

Previous Planning Board actions on the Creekwood Subdivision:

May 21, 2014

PB #0501-14

Ryan Homes: SEQR Resolution—Unlisted Action, chairman directed to sign and date Part 2 of the Short EAF that the proposed action will not result in any significant adverse impacts. APPROVED

Ryan Homes: Preliminary Site Plan Approval of the Creekwood Subdivision, Red Fern Drive. APPROVED

July 2, 2014

PB #0701-14

Ryan Homes: Final Site Plan and Re-Subdivision Approval of the Creekwood Subdivision, Redfern Drive. APPROVED

August 6, 2014

PB #0701-14

Creekwood Townhomes Letter of Credit for site improvements established in the amount of \$64,086.60. APPROVED

November 19, 2014

Creekwood Townhomes, Redfern Drive, Partial Letter of Credit Release #1 in the amount of \$38,674.00. APPROVED

October 6, 2016

Creekwood Townhomes, Redfern Drive, Partial Letter of Credit Release #2 in the amount of \$13,266.60. The remaining balance will be \$12,146.00. APPROVED

The Final Site Plan Amendment application was reviewed by the Project Review Committee on March 1, 2019.

Mr. DiFelice presented this application.

He said that an amendment to the Final Site Plan for the Creekwood Subdivision is needed for the removal of sidewalks and for the number of townhome units (five townhome units instead of the originally planned six townhome units).

He said that a portion of the Letter of Credit that was originally established in 2014 (*see above*) remains in place and that punch list items for site work were completed four years ago.

Mr. Delpriore said that all conditions of approval have been addressed.

Mr. Degear expressed concern about six utility clean-out laterals which will be located beneath driveways in the subdivision. He said that these were installed several years ago as permitted by previous Town criteria which have since been changed to prohibit installation of laterals and clean-outs beneath driveways. Mr. Degear requested that the record indicate that the Town no longer permits laterals to be located beneath driveways.

Mr. DiFelice said that these laterals were installed at a time when the Town criteria did not prohibit the installation beneath driveways. He said that 14 laterals have been relocated but that it was not feasible to relocate six of the 20 laterals.

Mr. Hemminger asked why the remaining six laterals could not have been relocated. Mr. Degear said that utility mains would have had to be cut and that the original installations complied with the Town criteria at the time.

Mr. Bellis asked why the sidewalks were removed from the Final Site Plan. Mr. DiFelice said that sidewalks had not been installed in other sections of this subdivision and that the installation of sidewalks in the remaining section would have resulted in having sidewalks with no connections. He said that the Town had no sidewalk requirement when the subdivision was originally approved and constructed.

Ms. Neale expressed concern about not having sidewalks in this subdivision. She said that every subdivision should have sidewalks but that she understands why they are not being installed at this time in this subdivision. Mr. Bellis also expressed concern about the lack of sidewalks in this subdivision but said that he also understands the reason in this particular application.

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

Mr. Hemminger asked Mr. DiFelice if he received the draft approval resolution, and if he understood the resolution and agreed with the conditions. Mr. DiFelice said that he received the draft resolution, that he understood the resolution and that he agreed with the conditions.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DIFELICE DEVELOPMENT, INC., CREEKWOOD SUBDIVISION, RED FERN DRIVE
FINAL SITE PLAN AMENDMENT**

PB #0402-19

**APPLICANT: DiFelice Development, Inc., 91 Victor Heights Parkway,
Victor, N.Y. 14564; c/o Jess Sudol, P.E. and Matthew Sinacola,**

**Passero Associates, 242 West Main Street, Suite 100,
Rochester, N.Y. 14614**

ACTION: **Final Site Plan Amendment approval for the previously approved PB #0701-14, July 2, 2014. Four two-story buildings of 5 units per building, 20 units in total.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has given consideration to the record established at the public meeting upon the above application; and

WHEREAS, the Planning Board has reviewed the February 1, 2019, Project Review Committee Draft Meeting Minutes on this action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Final Site Plan Amendment approval with the following conditions:

1. Final Site Plan Approval is based upon the drawings prepared by Passero Associates Engineering/Architecture, identified as Project No. 20141833.0004, last revised 03/11/19 “Final Utility Plan Creekwood Townhomes Red Fern Drive” as is further amended herein.
2. Once these changes have been made to the Final Site Plan drawings, then five (5) revised sets are to be submitted to the Town Code Enforcement Officer for his review and acceptance.
3. Once accepted by the Town Code Enforcement Officer then signatures will be affixed to the drawings. One copy of the signed drawings are to be provided to: the Water and Sewer Superintendent; the Town Engineer; the Project File; and two (2) signed copies are to be provided to the applicant and his engineer. If additional copies are required by the applicant, then they are to be provided at the time of signing.
4. No Pre-Construction Meeting shall be scheduled until the Town of Farmington Appendix G-10.0 Pre-Construction Checklist Form has been completed by the Applicant and forwarded to the Town Development Office for review and approval.
5. Final Site Plan Approval is valid for 180 days and shall expire unless revised drawings have been submitted and signed by those listed above herein.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

5. OPEN DISCUSSION

Code Enforcement Officer:

Mr. Delpriore discussed the following topics:

- The Town has received a neighboring municipality notice from the Victor (N.Y.) Planning Board regarding the application for the Blumont Rise Subdivision of 35 single-family homes on County Road 41 adjacent to the western Farmington town line. Mr. Delpriore said that Town staff will follow up with a letter of response to the Victor board with water and sewer utility comments.
- Deputy Town Clerk Sarah Mitchell has been appointed to succeed Janyce Feistel as administrator of the Building Department upon Ms. Feistel's retirement in May. Ms. Mitchell will work with Ms. Feistel during the transition.
- The Town Board will conduct a Public Hearing on the Farmington Market Center Incentive Zoning application on Tuesday, April 9, 2019. Mr. Delpriore requested that comments from the Planning Board—in addition to the Report and Recommendation which was provided to the Town Board on February 20, 2019—be provided to him as soon as possible.

Highway and Parks Superintendent:

Mr. Giroux reported that the audit of the Farmington Municipal Separate Storm Sewer System (MS4) program by the New York State Department of Environmental Conservation went well. He extended thanks to Town staff and MRB Group for their assistance in gathering information and preparing for the audit. Mr. Giroux said that the Town will continue to hold developers accountable for adherence to MS4 requirements and for compliance with the Planning Board's conditions of approval on all applications. He said that the Town staff has a good working system in place to ensure that the conditions of approval are met.

Town Engineer:

Mr. Brabant reported that there is a full agenda for the monthly Project Review Committee meeting on April 5, 2019. He said that two major projects to be discussed include the proposed Byrne Dairy on the southwest corner of State Route 96 and Mertensia Road, and the residential and commercial development proposed on the south side of State Route 96 east of the Farmington Market Center and west of the State Route 332/State Route 96 intersection.

Water and Sewer Superintendent:

Mr. Degear reported that the installation of a 12-inch water line from State Route 96 along Beaver Creek Road to the State Route 332/County Road 41 intersection is complete and awaiting test results from the New York State Department of Health. He said that new water laterals will then be installed to the adjacent CountryMax store on County Road 41 and the Farmington Veterinary Hospital on Beaver Creek Road.

Mr. Degear said that future projects include the Ivory Drive water line extension, the installation of water and sewer utilities at Beaver Creek Park, and the \$6.6 million conveyance utility system from the vicinity of Eastview Mall in Victor (N.Y.) to the sewer plant on McMahan Road. Mr. Hemminger asked if the round-about road construction on Lynaugh Road would affect the conveyance system project. Mr. Degear said that he will check on that.

6. PUBLIC COMMENTS

None.

7. BOARD MEMBERS' COMMENTS

Mr. Hemminger discussed the following topics:

- He expressed concern about the changeable copy sign which has been installed at the fire station at the intersection of State Route 96 and Hook Road. He said that the message changes every three to five seconds, that the sign includes flashing lights, and that the installation did not require approval from the Planning Board because the fire department is an emergency service nonprofit organization. Mr. Hemminger said that commercial enterprises have applied for changeable copy signs which have not been approved. He said that the fire department's changeable copy sign establishes a bad standard for the Town. Mr. Delpriore said that the fire department has the right to have the sign but that he will contact the department regarding the timing of the lights and the duration of the messages. Mr. Giroux said that the sign was just placed into service on Monday (April 1, 2019) and that the firefighters have not yet had an opportunity to adjust it. Mr. Delpriore said that the Town staff will monitor its use.
- The Ontario County Agricultural Enhancement Board discussed the Delaware River Solar project at its April meeting at the request of the New York State Commissioner of Agriculture and Markets. Mr. Hemminger said that Mr. Compitello of Delaware River Solar and that property owners Roger and Carol Smith attended the meeting. Mr. Hemminger said that he attended the meeting to brief the Agricultural Enhancement Board on the Planning Board and Zoning Board of Appeals process of the application. He said that the County Agricultural Enhance-

ment Board, which previously reviewed the application in the fall of 2018, will add to its previous comments with information about the Farmington Town Code, the applicant's decommissioning plan with financing, and the periodic review of the financing of the decommissioning plan. He said that the Board asked if the applicant had requested a rezoning of the property and that he explained that no rezoning of the property from the existing agricultural zoning has been requested. He said that the application involves the lease of agricultural land with a Special Use Permit.

- Mr. Hemminger said that the public comment period on the New York State Commissioner of Agriculture and Markets preparation of the Notice of Intent on the Delaware River Solar application will end on April 12, 2019. He said that the Commissioner's staff is expected to begin work on writing the Notice of Intent following this date. Mr. Hemminger said that it is very unlikely that the Notice of Intent would be finished by the next scheduled reconvening of the Planning Board Public Hearings on the Delaware River Solar applications on Wednesday, April 17, 2019. He said that the Public Hearing will be reconvened on April 17th and would then be continued to a future date if the Notice of Intent is not received by April 17th.
- Mr. Hemminger reported that he and Ms. Neale reviewed the application file on the Delaware River Solar project. He said that responses were noted on the following items:

Subsurface Structure Agricultural Drainage: No issues. No drainage tiles are located on the property.

Solar Capacity: The RG&E substation to which the solar arrays will be connected cannot accept additional capacity beyond the proposed project.

Cleaning of Solar Panels: The solar panels will be cleaned with plain water, no chemicals. Mr. Maloy asked about the use of demineralized water which could affect the soils.

Mr. Bellis asked about the area covered by the RG&E substation grid.

Mr. Bellis discussed the Byrne Dairy store proposed for the southwest corner of the State Route 96/Mertensia Road intersection and the residential/commercial project proposed for the south side of State Route 96 east of the Farmington Market Center. He requested that the applicants discuss their plans with the Planning Board prior to advancing too far ahead with their plans through discussions at the Project Review Committee (PRC) meetings. Mr. Brabant said that the Town staff can encourage applicants to come before the Planning Board sooner in their processes, but that the staff cannot require them to come before the Planning Board. He said that typically applicants come to one PRC meeting prior to a Planning Board presentation. Mr. Viets suggested that applicants consider coming before the Planning Board with Sketch Plans or Concept Plans. Mr. Hem-

mingler said that he will attend the PRC meeting on April 5, 2019, at which he will discuss with the Byrne Dairy representatives the Planning Board’s concerns about traffic and safety at the State Route 96/Mertensia Road intersection.

8. TRAINING OPPORTUNITY

**Genesee–Finger Lakes Regional Planning Council
Spring 2019 Regional Local Government Workshop**
May 17, 2019
Information: dave.zorn@gflrpc.org

9. ADJOURNMENT

■ A motion was made MS. NEALE, seconded by MR. VIETS, 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 at the Farmington Highway Department, 985 Hook Road, Farmington, N.Y. 14425, on Wednesday, April 17, 2019, at 7:00 p.m.

Following the meeting, Mr. Giroux locked the front doors to the Town Hall.

Respectfully submitted,

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