

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, April 5, 2017, 7:00 p.m.

MINUTES—APPROVED

The Planning Board meeting that was originally scheduled for Wednesday, March 15, 2017, was cancelled due to the declared State of Emergency by the Ontario County Sheriff’s Office on the afternoon of March 15, 2017, because of inclement weather.

The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington Planning Board meeting.

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:
Gregg Bowering, Bramwell Park LLC, 1303 Marsh Road, Pittsford, N.Y. 14534
Robert J. Cantwell, R.L.A., BME Associates, 10 Lift Bridge Lane East,
Fairport, N.Y. 14450
Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425
Gregory W. McMahon, P.E., McMahon LaRue Associates P.C., 822 Holt Road,
Webster, New York 14580
Marc C. Mussachio, R.A., Principal, Mussachio Architects, 30 North Forest
Road, Williamsville, N.Y. 14221
Vajyaben (Pete) Patel, 6955 Alydar Circle, Victor, N.Y. 14564
Megan Sereni, BME Associates, 10 Lift Bridge Lane East,
Fairport, N.Y. 14450
John F. Shields III, P.E., 1457 Fraser Way, Farmington, N.Y. 14425

Residents Present:

Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Jim and Cindy Dykes, 6137 Hanover Road, Farmington, N.Y. 14425
Jon Potter, 1405 Creek Pointe, Farmington, N.Y. 14425
Brian and Melissa Sandore, 6143 Hanover 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. 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 MARCH 1, 2017

*“History is the version of past events that people have decided to agree upon.”
—Napoleon Bonaparte*

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the March 1, 2017, meeting be approved.

Motion carried by voice vote.

**3. CONTINUED PUBLIC HEARING:
PRELIMINARY TWO-LOT SUBDIVISION PLAT**

PB #0102-17 Preliminary Two-Lot Subdivision Application

Name: Home Leasing LLC, 180 Clinton Square, Rochester, N.Y. 14604

Location: West side of NYS Route 332, south of Mercier Boulevard

Zoning District: IZ Incentive Zoning

Request: A two-lot subdivision application to create Lot #4 consisting of 14.069 acres for the proposed Farmington Gardens Apartments Phase II and Lot #5 will consist of 2.568 acres for proposed office buildings.

PB #0101-17 Preliminary Site Plan Application

Name: Home Leasing LLC, 180 Clinton Square, Rochester, N.Y. 14604

Location: West side of NYS Route 332, south of Mercier Boulevard

Zoning District: IZ Incentive Zoning

Request: Site Plan application for Lot #4 for the proposed Farmington Gardens Apartments Phase II and Lot #5 for proposed office buildings.

Mr. Makin reconvened the Public Hearing on PB #0102-17 Preliminary Two-Lot Subdivision application of Home Leasing LLC that had been continued from the meetings on January 18, 2017, and February 15, 2017. He concurrently resumed the discussion on the accompanying PB #0101-17 Preliminary Site Plan application that also had been continued from the meetings on January 18, 2017, and February 15, 2017.

Mr. McMahon appeared on behalf of these applications.

He explained explained that the applications are on hold pending a study by Fisher Associates of Rochester, N.Y., an engineering firm which has been commissioned by the Town to provide a HEC-RAS hydraulic modeling of Beaver Creek (HEC-RAS is a computer program that models the hydraulics of water flow through natural rivers and other channels).

The study, to be completed at the applicant's expense, was recommended to Mr. Brand and Town officials by Mr. Brabant of MRB Group—the Town engineer—in correspondence dated February 28, 2017. The study is considered supplemental information for the environmental record that is under review by the Planning Board. Once complete and accepted by the Planning Board, it will become part of the Planning Board's findings for making a determination of significance under the State Environmental Quality Review (SEQR) Regulations.

Mr. McMahon said that Home Leasing has no objection to an extension of the Public Hearing to May 17, 2017.

Mr. Brand said that the study by Fisher Associates is expected to be completed in early May 2017, and that it would be reviewed by Town staff and the Planning Board prior to the board's SEQR determination of significance upon the application.

Mr. Brand also reported that Nelson Leenhouts of Home Leasing has indicated the company's intention to amend the proposed site plan for the project. The amended site plan would eliminate Lot #5 and the proposed restricted business use on that lot and place the entire project in Lot #4, shifting a portion of the apartment units from the west end of Lot #4 to the east end of the project that fronts along State Route 332.

Mr. Brand noted that in a letter to the Town Board dated April 4, 2017, Mr. Leenhouts wrote that the changes are a result of input received from the adjacent residents desiring a greater buffer for the homes along Hanover Road and Creek Pointe, as well as the creation of a dedicated green space in the southwest portion of the Phase II project. He notes in the letter that shifting buildings in the southwest portion of the project to front on State Route 332 preserves the project density at 104 units as well as the financial viability of the project. Mr. Brand said that this amendment would be proposed to the Town Board at the meeting on April 11, 2017. He said that the Town Board may at its discretion refer the amendment to the Planning Board for review and a recommendation.

Mr. Brabant explained that Fisher Associates is moving forward with the HEC-RAS study and expects completion in about four to six weeks, weather permitting.

Mr. Giroux reported that water flow in a portion of Beaver Creek has improved since the Town Highway Department crews removed several beaver dams from the creek with approval from the New York State Department of Environmental Conservation (DEC). He said that water has dissipated and that the drainage portion of the retention pond lowered to below the outflow section. He said that he has inspected the creek several times and has seen no further evidence of the return of the beavers to date. Mr. Giroux also provided the members of the Planning Board with recent photographs of the water levels along a portion of Beaver Creek that is in the southwestern portion of the proposed Phase II site.

Mr. Hemminger said that the application and the proposed amendment to the site plan would be discussed under the Privilege of the Floor portion of the next Town Board meeting on April 11, 2017. He noted that interested residents are welcome to attend the Town Board meeting. He noted that the presentation would not, however, be a Public Hearing.

Mr. Brand said that the Planning Board may receive the referral of the proposed amendment at the Planning Board meeting on April 19, 2017, pending the Town Board's reaction to the amendment and discussion on April 11th.

There were no further comments or questions on these applications from Town staff or members of the Planning Board.

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

The following written materials have been received and placed in the file on these applications:

March 13, 2017:

Proposal from Fisher Associates, 135 Calkins Road, Suite A, Rochester, N.Y. 14623: "Proposal for Hydraulic Evaluation—Beaver Creek Reach: Hathaway Drive to Mertensia Road, Farmington, N.Y."

March 14, 2017:

Letter and materials from Alan J. Knauf, Knauf Shaw LLP Attorneys at Law, 1400 Crossroads Building, 2 State Street, Rochester, N.Y. 14614-1365, representing the Hanover/Creek Pointe Neighborhood Association, regarding comments on the Home Leasing Preliminary Site Plan application. Materials include:

1. Letter and Wetland Evaluation from Frances Reese, Manager and Certified Professional Soil Scientist, Reese Environmental Consulting LLC, 8 Osage Trail, Spencerport, N.Y. 14559, with seven figures (topographic map and photographs) and résumé of Frances Ann Reese.
2. Letter and Farmington Gardens II Preliminary SWPPP Review from Joseph C. Ardieta, P.E., President, Vanguard Engineering P.C., 241 Castlebar Road, Rochester, N.Y. 14610-2911 (with 15 photographs).
3. Town of Farmington Town Board Resolution No. 229 of 2008: “Application of Farmington Route 332 LLC to rezone land from GB General Business and RB Restricted Business to IZ Incentive Zoning—Resolution approving said action with conditions.”

March 29, 2017:

E-mail from Birgit N. Young, Regulatory Program Assistant, U.S. Army Corps of Engineers, Buffalo District, Regulatory Branch (716-879-4299): Acknowledgement of receipt of the application permit regarding the Home Leasing project (Application DA File #2017-00246).

April 4, 2017:

Letter from Nelson Leenhouts, Home Leasing LLC, regarding a proposed amendment to the Farmington Gardens II site plan to be presented to the Town Board on April 11, 2017.

April 5, 2017:

Color photographs (6) received from Don Giroux, Town of Farmington Highway Superintendent, depicting a portion of Beaver Creek and adjacent properties following the recent removal of several beaver dams and following the recent period of heavy rain.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 CRITERIA FOR DETERMINING SIGNIFICANCE, PRELIMINARY SUBDIVISION PLAT AND
 PRELIMINARY SITE PLAN CONTINUATION RESOLUTION**

PB # 0102-17 Preliminary Two-Lot Subdivision Plat
PB # 0101-17 Preliminary Site Plan

APPLICANT: Home Leasing LLC, 180 Clinton Square, Rochester, N.Y.
14604

ACTIONS: SEQR Determination of Significance for Preliminary
Subdivision Plat approval of a two-lot subdivision (Lots 4 and
5, Mercier Incentive Zoning Project) and Preliminary Site Plan
approval of the project known as Farmington Gardens
Apartments, Phase II

WHEREAS, the Farmington Town Planning Board (hereinafter referred to as Planning Board) was the designated lead agency, under the State Environmental Quality Review (SEQR) Regulations, at the February 15, 2017 meeting; and

WHEREAS, the Planning Board has conducted a public review and comment period, has completed a coordinated review with involved and interested agencies and has given consideration to the information received; and

WHEREAS, the Planning Board has completed its initial review of Part 2 of the Full Environmental Assessment Form (EAF) for the above referenced Project; and

WHEREAS, the Planning Board has determined there may be potentially significant adverse impact resulting from the site’s drainage and related potential flooding concerns along a portion of Beaver Creek; and

WHEREAS, the Planning Board has the authority under the SEQR Regulations to require the applicant to provide any supplemental information addressing the identified potentially significant impacts associated with site drainage and flooding, at the applicant’s expense.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine that there is need for supplemental information to be provided pertaining to identified potentially significant site drainage and flooding issues associated with the proposed Project.

BE IT FURTHER RESOLVED that the Planning Board directs the Town Engineers, MRB Group, D.P.C., to solicit proposals from qualified engineering firms to conduct a Pre- and Post-Development Analysis for a portion of Beaver Creek, located between the culvert underneath Hathaway Drive and the culvert underneath Mertensia Road, associated with the above cited Home Leasing Project—Farmington Gardens Phase II.

BE IT FURTHER RESOLVED that the Planning Board directs the Town Engineer to solicit, receive and review with the Town Planning Board Chairperson all proposals.

BE IT FURTHER RESOLVED that the Planning Board hereby authorizes the Planning Board Chairperson to approve an engineering firm to conduct the Analysis based upon the recommendation from the Town Engineers.

BE IT FURTHER RESOLVED that all cost associated with providing the Pre- and Post-Development Analysis to be conducted by an engineering firm, using the U.S. Army Corps of Engineering HEC-RAS software model, are to be paid for by the Applicant, Home Leasing.

BE IT FURTHER RESOLVED that the Planning Board does hereby continue its deliberation of the environmental record provided upon this project to a future public meeting date and time where the Analysis has been completed and presented to the Planning Board by the engineering firm selected.

BE IT FURTHER RESOLVED that the Planning Board does hereby move to table its deliberation upon the environmental record to a future date and time to coincide with the continued public hearing upon this application.

BE IT FINALLY RESOLVED that the Board does hereby move: to continue the Public Hearing upon the Preliminary Subdivision Plat to Wednesday, May 17, 2017; continue the Public Meeting upon the Preliminary Site plan to Wednesday, May 17, 2017; and to table any further consideration upon these two applications until May 17, 2017.

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

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

Motion carried.

4. 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 Best Value Inn)

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

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

Mr. Shields reviewed the revised Site Plan that was prepared in response to the concerns discussed at the Planning Board Meeting on February 15, 2017, and at the Project Review Committee meeting on March 3, 2017.

He explained that two existing hedgerows of old plant material would be removed and replaced with cluster trees and bushes to screen the parking area from Route 96. He said that the existing dumpster would be relocated from a neighboring parcel of land onto the applicant's property and would be screened with a fence enclosure and juniper plantings to screen its view from State Route 332 on the southwestern portion of the property.

Mr. Shields said that the preferred option for the sewer connection would be to drill under State Route 96 to connect with an existing sewer line on the State right-of-way. He said that there would be some excavation requiring the removal of pavement in the area of the lateral connection to the main sewer line, followed by subsequent restoration of the excavated area. He said that the New York State Department of Transportation (DOT) has issued an e-mail in agreement with the concept pending receipt of a formal application.

Mr. Shields said that the applicant is agreeable to all of the requested revisions to the Site Plan.

In response to comments on fire apparatus and emergency vehicle access to the site, Mr. Shields reported that neighboring property owners were not amenable to granting easements on their property for emergency vehicle access to the applicant's property. As an alternative, he explained that a green area that had been proposed between the existing structure and the proposed motel would be used as a driveway and access point for vehicles. He said that emergency vehicles could continue through the property in a loop to avoid having to back up. He also noted that this loop would provide for better customer traffic circulation on the site, as well.

Mr. Shields said that the applicant is requesting Preliminary Site Plan approval this evening to enable construction to begin as soon as possible. He noted that the fire at the motel occurred more than one year ago, and that the entire property has been dormant and has generated no revenue since the fire.

Mr. Mussachio explained that the proposed structure would use the existing foundation of the motel which burned, that the footprint of the new structure would match the old

structure, and that no expansion is planned. He said that the structure would consist of an 18-unit motel with front registration, a breakfast area with an office, and a residence with a second story. The laundry area would be located in the lower basement with an exterior access door.

He said that the structure would be wood and treated as new-build construction to comply with existing building codes. Mr. Mussachio presented front and west elevation drawings and the first-, second- and basement floor plans. He explained that the exterior would be of cultured stone across the front and partially down the sides, with a multi-toned siding material (color to be determined). Mr. Mussachio also noted that the exterior of the existing structure would be renovated to match the new motel.

Mr. Brand explained that a resolution to approve the Preliminary Site Plan this evening was not prepared because of the short time period from the date that the revised Site Plan was submitted on March 28, 2017, to the date of this meeting. He also called the applicant's attention to several additional issues regarding compliance of the existing exterior lighting fixtures with the Town Code (dark-sky compliant lighting) and the reclamation to greenspace of the blacktop area on which the dumpster is currently located.

Mr. Shields said that the blacktop would be removed and replaced with six inches of topsoil and juniper plantings, but only on that portion of land that is on the applicant's property. Mr. Shields said that the applicant cannot include on his Site Plan work to be performed on an adjacent property if the owner of the adjacent property does not agree. Mr. Brand suggested that the owner of the adjacent property be contacted. Mr. Shields and Mr. Gandhi said that it has been difficult to reach the owner of the adjacent property. Mr. Brand suggested that an attempt to reach the adjacent property owner be made tomorrow (April 6, 2017).

Mr. Brand requested that the Site Plan be revised to reflect the correct titles of the drawings and revision date. Mr. Mussachio said that he would see that these are corrected.

Mr. Brand said that the proposed landscaping along Route 96, and the enclosure and landscaping around the dumpster, would be welcome improvements to the site. He said that if revised Site Plans could be completed by Friday, April 7, 2017, they would be discussed and potentially resolved at the Project Review Committee that morning.

Mr. Degear reported that he is pleased with the water and sewer utility plans as presented by Mr. Shields and that the Water and Sewer Department has no further comments on the Preliminary Site Plan.

Assistant Fire Chief Weidenborner reported that he spoke with Mr. Shields and that he is pleased with the alternative that has been proposed for emergency vehicle access. He said that he appreciated Mr. Shields' efforts to attempt to acquire easements on adjacent properties for emergency vehicle access. He said that the alternative would enable more equipment to be able to enter the site and would reduce potential bottlenecks.

Ms. Neale said that she was pleased with the selection of the stone façade. She noted that the exterior design is appropriate for the location and for Route 96.

Mr. Viets discussed a reference on the site plan to a Malus “Harvest Gold” (under the Latin name) which is a flowering crabapple. He noted that the site plan identifies the common name for this tree is a “Skyrocket Juniper.” He requested that this inconsistency be reviewed. Mr. Shields said that this would be corrected.

Mr. Brabant said that MRB Group engineering comments have been addressed in the discussion this evening. He noted that the Site Plan reflects the emergency vehicle access, the modification of the parking area and the improved landscaping of the site.

Mr. Hemminger said that the reclamation of the land upon which the dumpster was located from blacktop to greenspace is important to the Planning Board if the adjacent property owner will permit this. He encouraged Mr. Shields to make an effort to reach the adjacent property owner.

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
PRELIMINARY SITE PLAN CONTINUATION
AMERICA’S BEST VALUE INN, 6037 NEW YORK STATE ROUTE 96**

PB #0201-17

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

**ACTION: Preliminary Site Plan to rebuild a one-story motel with a
second story apartment that was previously damaged by fire,
located at 6037 New York State 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, Revised Preliminary Site Plans were submitted March 28, 2017, by the Development Office; and

WHEREAS, the Revised Preliminary Site Plans were forwarded to all Department Heads and Staff for review and comment on March 29, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table further consideration upon this Preliminary Site Plan Approval to provide additional time for the Department Heads and Staff to review newly submitted information.

BE IT FURTHER RESOLVED that the Planning Board does hereby move to continue this application to the April 19, 2017, meeting.

■ A motion was made by MS. NEALE, 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.

5. FINAL 20-LOT SUBDIVISION

PB #0301-17 Final 20-Lot Subdivision Application

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

Location: Southeast corner of Collett Road and Hook Road
Hickory Rise Subdivision, Section 3

Zoning District: IZ Incentive Zoning District

Request: Final Subdivision approval of Hickory Rise Subdivision, Section 3, 20 lots

The Overall Preliminary Subdivision Plat for Hickory Rise Subdivision was approved by the Planning Board on July 10, 2013.

The Final Subdivision Plat for Section 1 (31 lots) was approved by the Planning Board on July 10, 2013.

The Final Subdivision Plat for Section 2 (Lots #32 through #62) was approved by the Planning Board on March 2, 2016.

Mr. Makin concurrently opened the discussion on this application and the accompanying Final Subdivision application of Hickory Rise Subdivision, Section 4 (PB #0302-17).

Mr. Bowering and Mr. Cantwell appeared on behalf of this application.

Mr. Cantwell presented the following information:

- Section 3 and Section 4 are the last two sections of the Hickory Rise Subdivision with 125 total lots. The infrastructure for Section 1 and Section 2 has been completed and homes are being constructed and sold.
- Section 3 will consist of 20 lots on approximately 20 acres. This section will complete the internal road loop from Hook Road to Collett Road, providing a second ingress and egress to the subdivision.
- Section 4 will consist of 43 lots on about 14 acres on a cul-de-sac.
- Both sections are consistent with the Overall Preliminary Subdivision Plat that was approved by the Planning Board in 2013. The plans for Section 3 and Section 4 also are consistent with the Town Board's approval of the overall Incentive Zoning application.
- It is the applicant's intent to complete the infrastructure, earthwork and road installation in Section 3 by the end of the 2017 blacktop season. Earthwork and the beginning of construction in Section 4 is planned for spring 2018 and would be based upon market demand.
- The earthwork for Section 3 and Section 4 has been segregated. Each section can be graded independently for less disturbance of the site for long periods of time regarding erosion control and Stormwater Pollution Protection Plans (SWPPPs). Mr. Bowering said that earthwork in Section 3 would be contained on its own, and that earthwork for Section 4 would be done later.
- All lot configurations and standards are consistent with the original Overall Preliminary Subdivision Plat.
- Water and sewer connections would continue from the stubs that were left off in Section 1. In response to a comment from the Water and Sewer Department and MRB Group, the force main will be connected into the last manhole to the north on the site.
- Most of the drainage from Section 3 will flow into a storm sewer to the south and then into the existing stormwater management pond that was constructed with Section 1. A smaller stormwater management pond would be added. Collection would be by means of a storm sewer with discharge into the existing facility.
- In Section 4, there will be nine lots that will be less than 10,000 square feet in size (the limit in Section 4 is 10 lots at less than 10,000 square feet in size). These nine lots are identified on the plans.
- In Section 4, the sanitary sewer will connect with an existing stub at Tweed Trail and will flow by gravity down to the sewer that was installed during Section 1.

- The existing stormwater management facility was sized to accommodate drainage from Section 4. No additional stormwater management facilities are needed for this section.
- Landscaping and lighting plans have been submitted. Planting locations of street trees are shown on the plans. Mr. Bowering said that an entry sign on Collett Road would be similar to the existing entry sign on Hook Road. Mr. Cantwell said that streetlights would be installed at intersections and that individual homes have the option of 12- to 15-foot lantern pole lamps.
- Engineering comments from MRB Group have been received. Most of the comments have been addressed. The remaining comments are technical in nature and will be addressed following receipt of comments from other agencies.

Mr. Bowering explained that his only issue with the Planning Board is regarding the board's requirement that sidewalks be installed in Section 3 and Section 4. He said that he is trying to determine the board's sidewalk policy—what it is, what it has been, and how it pertains to this project.

He explained that the installation of sidewalks would add to the cost of the two sections (\$33,000 for sidewalks in Section 3 and \$78,000 for sidewalks in Section 4) and that the original Overall Preliminary Subdivision Plat that was approved by the Planning Board in 2013 did not require sidewalks in Section 3 and Section 4.

Mr. Bowering referred the board to a letter that he submitted to the Town in March 2017 in which he summarized dates, timelines and past board actions on the subdivision in general and the installation of sidewalks in particular. He said that it is difficult for him as a business person to learn halfway into a project that the original approval is no longer valid and that he is being asked to do much more.

Mr. Bowering said that he believes that his application is completely different from the situation and subsequent legal action that the board had with A&D Real Estate Development Corporation regarding the issue of sidewalks. He emphasized that the Overall Preliminary Subdivision Plat that was approved by the Planning Board in 2013 for the Hickory Rise Subdivision did not require sidewalks in Section 3 and Section 4.

Mr. Bowering said that he understands that things change over time and that the Planning Board has been consistent in its requirement of sidewalks. But, he said, an exception obviously was made in 2013 regarding Section 3 and Section 4 of the Hickory Rise Subdivision because sidewalks were not included in these sections and were not required by the Planning Board.

Mr. Bowering said that he agreed in 2013 to install an extensive network of natural-surface walking trails in the subdivision. He reviewed the locations of these trails on the plans. He said that he agreed to install the trails to mitigate residents' need to walk on sidewalks if they wished to enjoy the natural and open space areas of the subdivision. He

said that he agreed to install the extensive trail system because he was not required install sidewalks in Section 3 and Section 4.

Mr. Bowering said that he is agreeable to the other conditions of approval in the draft resolutions and that he understands that changes to the Town's site design standards have been adopted and to which he must comply, but that the sticking point is the the installation of sidewalks in Section 3 and Section 4 that were not required by the Planning Board when the Overall Preliminary Subdivision Plat was approved in 2013.

Mr. Brand explained that a condition of the Town Board's approval of Mr. Bowering's Incentive Zoning application was to have an Overall Preliminary Plan prepared that showed each of the conditions of approval that the Town Board accepted and the site amenities that were requested. He said that these actions set the stage for the Planning Board's final approval of Section 1 and Section 2.

Mr. Brand said that with Section 3 and Section 4, the Planning Board is being consistent with its requirement of sidewalks on one side of each road for a project located within the Major Thoroughfare Overlay District (MTOD).

Mr. Bowering again referred to the Planning Board's approval resolution of July 13, 2013, in which sidewalks in Section 3 and Section 4 of the subdivision were not required.

Mr. Bowering discussed a potential future sidewalk on Collett Road. He said that it would make sense to continue a sidewalk from Section 3 if it is going to connect with a future sidewalk on Collett Road. He then said that he would be agreeable to construct a sidewalk in Section 3 to facilitate this prospective connection but that he has issues with sidewalk requirements in Section 4.

Mr. Brand said that he had previously questioned Mr. Bowering during the review of Section 2 about which side of Tweed Trail sidewalks were to be installed. Mr. Brand said that Mr. Bowering's response was to deal with that question when he got to Section 4. Mr. Brand said that this response to him was indicative of Mr. Bowering's understanding that the Planning Board intended that sidewalks continue into Section 4.

Mr. Giroux reported that he receives e-mails and calls from residents asking about installation of sidewalks in older subdivisions where there are no sidewalks. He said that residents cite children's safety concerns and vehicles that exceed the speed limit in residential neighborhoods as their reasons for requesting sidewalks. He said that it would be a good idea for the Town to have sidewalks on at least one side of each road.

Mr. Degear encouraged the approval of Section 3 sooner rather later due to the new sewer line now under construction that will serve the Town Hall. He noted that this will have a temporary connection and that he appreciates the cooperation that he has received from Mr. Bowering on this. He also noted that the Town has been emphasizing gravity sewer systems to avoid pump stations and that he appreciated the design of Section 4 with a

gravity system. He also asked that sidewalks—if approved—not be installed over water mains.

Mr. Brabant confirmed that responses have been received to the MRB Group engineering comment letter from the applicant's consulting engineer. He said that the applicant would be submitting calculations to support the SWPPPs prior to final signatures on the plans.

Mr. Brabant asked about the remaining topsoil on the site. Mr. Bowering said that the topsoil would be removed prior to the start of Section 3.

Mr. Brand noted that final approval is valid for 180 days. Mr. Bowering said that he anticipates that plans for Section 3 would be filed within this time period and that an extension for Section 4 may be needed. He said that his goal is to complete Section 3 in less than one year.

Mr. Brabant said that he would provide the most recent Town site design guidelines to Mr. Bowering and to his engineer.

Mr. Brabant discussed the concern of residents on King Hill Drive about trees along the property line. Mr. Bowering said that he understands this concern and that he will retain as many trees as possible. He said that he has no problem walking the boundary line with residents of King Hill Drive prior to work in Section 4 to identify the trees that will remain.

Ms. Neale said that sidewalks are consistent with what the Planning Board has requested of other developers. She said that future homeowners would find sidewalks desirable in their neighborhoods.

Mr. Viets asked about the prospective future sidewalk on Collett Road. Mr. Brand noted that people are now using the shoulders of Collett Road for walking and that sidewalks along Hook Road and along the frontage of the Hickory Rise commercial component would be beneficial for residents and for the employees of the current and future businesses in the immediate vicinity.

Mr. Viets asked about the future use of the natural-surface trails if sidewalks are installed in Section 4 of the subdivision. Mr. Brand said that the natural-surface trails were a condition of the Incentive Zoning approval by the Town Board.

Mr. Bellis said that he lives in a residential neighborhood that does not have sidewalks and that he is concerned for the safety of his and other children when walking in the residential area. He expressed support for the loop road that will run through the subdivision and connect Hook Road with Collett Road and said that he would prefer to have sidewalks installed for their safety value in these two remaining sections.

Mr. Hemminger supported the installation of sidewalks in Section 3 and Section 4 and noted that the Planning Board's requirements for sidewalks is an initiative to have Farm-

ington become a walkable community. He noted that the Town has a State grant request pending for installation of sidewalks in the Mertensia Road area and he also supports the prospective sidewalk on Collett Road from Hook Road to the Town Park. He said that sidewalks are a safety measure, especially when there are parked cars on a street and pedestrians are forced to walk in the road around them.

Mr. Hemminger said that the Planning Board has been consistent in its requirement of developers to install sidewalks and that this is an important issue for the board.

Mr. Hemminger also discussed the trees along the boundary line of homes on King Hill Drive and the Hickory Rise subdivision. He asked that efforts be made not to undermine the viability of the trees during construction and asked that as many trees as possible be retained. He said that he is very concerned about this.

Mr. Makin expressed concern about the liability to the Town regarding the inconsistency that could be determined if sidewalks are not required in Section 3 and Section 4 of this subdivision, especially because the Planning Board has consistently required sidewalks of other developers. He asked if the Planning Board's hands are tied to require sidewalks in response to the legal action that created a case-law precedent with a previous application. He said that the Town could be held liable if it does not treat all applicants the same, and that sidewalks have been a consistent requirement of the Planning Board.

Based upon the discussion this evening, Mr. Makin said that he would like to receive an opinion from the Town Attorney on the Planning Board's ability to require sidewalks in these sections of the subdivision. He asked if the Planning Board has the ability to require sidewalks and said that he would appreciate an answer from the Town Attorney.

Mr. Hemminger said that requiring sidewalks is the way that the Town is moving. He said that he did not believe that the Planning Board has set a precedent but that the Planning Board has set standards and has been consistent in applying these standards to each application.

Mr. Makin suggested that perhaps the Planning Board could approve Section 3 this evening with Mr. Bowering's agreement to sidewalks in Section 3 and continue the deliberations on Section 4 to a future meeting.

Mr. Bowering said that he and the board would not be having this discussion this evening if the Planning Board had required sidewalks in all four sections of the subdivision when the overall plan was approved in 2013. He said that sidewalks in Section 3 and Section 4 were not part of the overall plan, that he did not budget for them, and that they were not part of his financial package for the subdivision. He said that the amenities for the subdivision were discussed at length with the Town Board at the time of the original subdivision approval.

Mr. Bowering said that he is agreeable to install sidewalks in Section 3 even though they are not part of the original subdivision plan if they will assist in providing a link to a prospective future sidewalk on Collett Road.

Mr. Makin again expressed concern about the liability to the Town if Mr. Bowering is treated differently from other applicants and that he would appreciate an opinion from the Town Attorney. Mr. Bowering said that he has discussed this with his attorney, as well. Mr. Makin said that the legal action with a previous applicant created case law in the State. Mr. Bowering again noted that the overall subdivision was approved by the Planning Board in 2013 and that the board now seeks to make a significant and expensive change.

Mr. Bowering said that the purchasers of the homes from the builder (Ryan Homes) have not been clamoring for sidewalks.

Mr. Makin said that the Planning Board may wish to step back from Section 4 this evening and determine if the board has a choice, or not, to require sidewalks in this section.

Mr. Giroux again noted the calls that he receives from residents who ask for sidewalks in their neighborhoods in which sidewalks have not been installed. He expressed concern about the speeds of vehicles within subdivisions and the safety that sidewalks provide.

Mr. Hemminger said that the installation of sidewalks is a safety issue.

There were no further comments or questions on these applications.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SUBDIVISION PLAT, HICKORY RISE INCENTIVE ZONING PROJECT, SECTION 3**

PB #0301-17

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

**ACTION: Hickory Rise Incentive Zoning Project
Final Subdivision Plat Approval, Section 3—Lots #63-82 (20
Residential Lots and Conservation District A-2 and
Conservation District B)**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received a set of subdivision plan drawings, prepared by BME Associates, entitled “Final Section 3 Subdivision Plans, Hickory Rise;” and

WHEREAS, the Planning Board has previously made a determination of non-significance upon the Overall Plan for Hickory Rise Subdivision, thereby satisfying the pro-

cedural requirements under Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Planning Board has received testimony at tonight’s public meeting regarding the proposed site improvements; and

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

1. Final Plat Approval is based upon the set of drawings prepared by BME Associates, Engineers, Surveyors and Landscape Architects, identified as Drawing Numbers 2344D-01 through 2344D-9, entitled “Final Section 3 Subdivision Plans Hickory Rise,” having a last revised date of February 2017.
2. There is to be a street identification sign for Harlowe Lane installed at the intersection of Collett Road and Harlowe Lane.
3. There is to be a section of sidewalk meeting the Town of Farmington Site Design and Development Criteria (last updated August 9, 2016) and appropriate crosswalk installed within the right-of-way of Harlowe Lane, along the west side of the road from the intersection of Harlowe Lane and Kennebec Court to Collett Road where the “natural surface trail” crosses. In addition, there is to be a ten-foot long by five-foot wide concrete sidewalk on each side of Harlowe Lane at the proposed entrance onto Collett connecting the “natural surface trail.” The sidewalks shall be installed prior to the issuance of the first Certificate of Occupancy within Section 3, or—depending upon the weather and the time of year—as soon thereafter as the weather allows. A note to this effect is to be added to the Final Subdivision Plat.
4. A Park and Recreation Fee is to be paid to the Town, prior to the issuance of a Building Permit for each lot in Section 4 of this project.
5. All comments made by the Town Engineering Firm, MRB Group, in their March 10, 2017, letter to the Town are to be addressed in writing and agreed-to by the Town Engineering Firm, prior to their signing the Final Plat Map.
6. Final Plat Approval is valid for a period of 180 days from today. If final drawings have not been signed prior to this period an extension for 90 days will be required.
7. Once all required changes have been to these drawings then one mylar is to be submitted for signing by the Department Heads and Town Engineer. Once these signatures have been affixed to the mylars then the Planning Board Chairperson will sign the drawings. A total of seven (7) paper prints are to be made of the drawings with four (4) sets being returned to the Town. The mylar and two (2) paper prints are to be filed with the Ontario County Clerk’s Office. The remaining set of paper prints is to be provided to the Applicant.

8. As per Condition #2 of the Town Board Resolution adopting Local Law #3 of 2013 for the Hickory Rise Incentive Zoning Project, the applicant is to pay the prevailing rate for sewer connection fees after the first 50 lots of the total site.
9. As per Condition #6 of the Town Board Resolution adopting Local Law #3 of 2013 the trail corridor within the Conservation District areas conveyed to the Town of Farmington, are to be installed and completed at the time of issuance of the 75th Building Permit, or at the time that lots within the project are development in those future sections that will back-up to the proposed trail corridor.
10. As per Condition #6 of the Town Board Resolution adopting Local Law #3 of 2013 the applicant is to purchase and install trail corridor signs to be posted at all entrances to the trail from within the project. Said signs are to identify the trail name, trail mapping and notice to trail users not to wander off the trail onto adjacent private properties. The trail corridor signs are to be approved by the Highway and Parks Superintendent and installed by the applicant at the agreed-to locations prior to issuance of the 100th Building Permit for residential portion of the site.

Mr. Makin asked Mr. Bowering if he understood the resolution and agreed with the conditions. Mr. Bowering said that he understood the resolution and offered the following amendments:

New Condition #3: There is to be a section of sidewalk meeting the Town of Farmington Site Design and Development Criteria (last updated August 9, 2016) and appropriate crosswalk installed within the right-of-way of Harlowe Lane, along the west side of the road from the intersection of Harlowe Lane and Kennebec Court to Collett Road where the “natural surface trail” crosses. In addition, there is to be a ten-foot long by five-foot wide concrete sidewalk on each side of Harlowe Lane at the proposed entrance onto Collett connecting the “natural surface trail.” The sidewalks shall be installed prior to the issuance of the first Certificate of Occupancy within Section 3, **or—depending upon the weather and the time of year—as soon thereafter as the weather allows.** A note to this effect is to be added to the Final Subdivision Plat.

New Condition #8: As per Condition #2 of the Town Board Resolution adopting Local Law #3 of 2013 for the Hickory Rise Incentive Zoning Project, the applicant is to pay the prevailing rate for sewer connection fees **after the first 50 lots of the total site.**

(Clerk’s Note: The resolution that appears above includes these amendments.)

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

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

Motion carried.

Following the vote, Mr. Bowering said that although he agrees with the resolution for the approval of Section 3 with sidewalks, he requested that the record indicate that this approval does not oblige him in any way to agreement of sidewalks in Section 4.

6. FINAL 43-LOT SUBDIVISION

PB #0302-17 Final 43-Lot Subdivision Application

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

Location: Southeast corner of Collett Road and Hook Road
Hickory Rise Subdivision, Section 3

Zoning District: IZ Incentive Zoning District

Request: Final Subdivision approval of Hickory Rise Subdivision, Section 4,
43 lots

The discussion of this application occurred concurrently with the discussion of the previous application, as above.

It was the consensus of the Planning Board and Town staff that action upon Hickory Rise Subdivision Section 4 be continued for one month to allow time for an opinion to be received from the Town Attorney. Mr. Bowering said that he had no objections to the continuation.

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

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

PB #0302-17

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

Request: A two-lot subdivision application to create Lot #1 consisting of 0.828 acres (non-approved building lot) 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, and was continued to February 1, 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.

Mr. Brand reported that Brennan Marks, the applicant’s consulting engineer, has requested that this application be continued to the Planning Board meeting on April 19, 2017, due to his conflicting scheduling circumstances this evening. There was no objection to the continuation from Town staff or Planning Board members.

Mr. Brand also reported that the Town Attorney has advised that the exterior light pole depicted upon the subdivision plat as being within the road right-of-way must be re-located off the right-of-way and onto the applicant’s property.

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

**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, Michael 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.

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 table further consideration upon the Final Subdivision Plat application at the request of the applicant's engineer due to unforeseen circumstances; and

BE IT FURTHER RESOLVED that the Planning Board hereby moves to continue this application to the April 19, 2017, meeting.

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

Motion carried.

8. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand referred Planning Board members to his memorandum that was submitted to the Town Board Operations Committee on March 28, 2017, for updates on a number of current and future projects.

He noted that the Project Review Committee would meet soon with a developer who plans a project on the DiFelice property on the south side of County Road 41 (the site of the formerly-proposed water park), that a meeting would be scheduled with the new owners of the property at the southwest corner of State Route 332 and County Road 41, and that a developer has expressed interest in Lot #1 of the Mercier Incentive Zoning site on the west side of State Route 332 south of Aldi's Supermarket.

Mr. Brand said that no further information has been received about Section 1 of the Red-field Grove Incentive Zoning project. He said that easements for sidewalk connections to King Hill Drive and Hook Road have been received and filed.

Mr. Brand also noted that a decision on the Town's sidewalk grant application has not yet been received.

Water and Sewer Superintendent:

Mr. Degear reported that the proposal for the sewer connection for America's Best Value Inn on Route 96 is being reviewed and that the Town will install a sewer lateral for the new location of Create A Scape Enterprises at 6162 Route 96 (the former AR-15 building). At a previous meeting, Mr. Degear explained that the sewer line had been disconnected during construction of the nearby Dollar General store.

Code Enforcement Officer:

Mr. Morse reported that Create A Scape Enterprises will receive a Certificate of Occupancy for their new location (noted in Mr. Degear's report above) on Thursday or Friday of this week. He said that a site design is now underway for the various displays of their outdoor products.

Town Engineer:

Mr. Brabant reported that MRB Group has been retained for a study on the Route 96 sewer system. He said that this study would provide the Town with GIS information, as well.

He also noted that MRB Group is working on a regular basis with the Town staff to update the Town's MS-4 requirements which will coordinate all record stormwater data into a tracking system, that MTOD updates are being reviewed with Mr. Brand, and that the final Parks Master Plan for the years 2017 to 2022 has been submitted to the Town for review.

Mr. Brabant also noted that Section 6N and Section 6S of the Auburn Meadows Subdivision are expected to be reviewed soon by the Project Review Committee

Planning Board Chairperson:

Mr. Makin reminded Planning Board members and Town staff of the spring training session in May, as follows:

Spring 2017 Regional Local Government Workshop
Genesee/Finger Lakes Regional Planning Council
Friday, May 19, 2017
Burgundy Basin Inn, Pittsford, N.Y.

For information: www.gflrpc.org/spring-workshop.html

9. 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 8:55 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, April 19, 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

Attachments:

Photographs (6) submitted by Mr. Giroux on April 5, 2017, of the Beaver Creek area.