

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, February 15, 2017, 7:00 p.m.**

## **APPROVED MINUTES**

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*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:**  
Frank DiFelice, DiFelice Development Inc., 91 Victor Heights Parkway, Victor, N.Y. 14564  
Jaswin (Jason) Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425  
Megan Houppert, Development Manager, Home Leasing, 180 Clinton Square,  
Rochester, N.Y. 14604  
Gregory W. McMahon, P.E., McMahon LaRue Associates P.C., 822 Holt Road,  
Webster, N.Y. 14580  
Prakash (Pete) Patel, 6955 Alydar Circle, Victor, N.Y. 14564  
John F. Shields III, P.E., 1457 Fraser Way, Farmington, N.Y. 14425

**Residents Present:**  
Cynthia L. Allen, 6218 Brownsville Road, Farmington, N.Y. 14425  
Pamela J. Allen, 6250 Brownsville Road, Farmington, N.Y. 14425  
Pat Bell, no address given  
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425  
Jane M. Bonnett, 6056 County Road 41, Farmington, N.Y. 14425  
Nathan Bowerman, 230 Bowerman Road, Farmington, N.Y. 14425  
Ray Brewer, 880 Curran Road, Farmington, N.Y. 14425

Jessica Brumbaugh, 1403 Creek Pointe, Farmington, N.Y. 14425  
 Tim Cole, 6250 Brownsville Road, Farmington, N.Y. 14425  
 Carol Degear, 6141 Hanover Road, Farmington, N.Y. 14425  
 Michelle A. Diehl, 182 Bowerman Road, Farmington, N.Y. 14425  
 James A. and Cindy J. Dykes, 6137 Hanover Road, Farmington, N.Y. 14425  
 Michele Faunce, 571 Brownsville Road, Farmington, N.Y. 14425  
 Barbara Flora, 6253 Brownsville Road, Farmington, N.Y. 14425  
 Ed and Judy Mack, 6164 Brownsville Road, Farmington, N.Y. 14425  
 Thomas J. Manning, 700 Weigert Road, Farmington, N.Y. 14425  
 Jeanne Maybee-Kelley, 120 Hook Road, Farmington, N.Y. 14425  
 Jonathan G. Potter, 1405 Creek Pointe, Farmington, N.Y. 14425  
 Donald E. Radlo, 219 Heather Lane, Farmington, N.Y. 14425  
 Brian H. Sandore, 6143 Hanover Road, Farmington, N.Y. 14425  
 Virginia M. Signorelli, 367 Stonefield Lane, Farmington, N.Y. 14425  
 Barbara Wasson, 377 Stonefield Lane, Farmington, N.Y. 14425  
 Matthew E. and Catherine C. Zollweg, 702 Weigert Road, Farmington, N.Y. 14425  
 Others who did not sign in

## 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 call 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 2, 2016.

## 2. APPROVAL OF MINUTES OF FEBRUARY 1, 2017

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

Motion carried by voice vote.

## 3. CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT

**PB #1001-16**                      **Special Use Permit Application**

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

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

**Zoning District:** RR-80 (Rural Residential)

**Request:** A Major Home Occupation to use the site at 6165 Brownsville Road for outdoor commercial recreation.

Mr. Makin reconvened the Public Hearing on PB #1001-16 Special Use Permit application of Michael Best that had been continued from the meeting on December 21, 2016.

Mr. Brand explained that the Public Hearing had been continued to provide time for the applicant to respond to questions pertaining to the criteria in Town Code Chapter 165-72 regarding Major Home Occupations.

Mr. Morse reported that he has been in contact with the applicant and the applicant's attorney and was informed by e-mail that Mr. Best has withdrawn his application for a Major Home Occupation. Mr. Morse said that the Town Attorney is reviewing materials concerning the sign on Mr. Best's property and the drainage culvert pipe, among other issues. Mr. Morse said that Mr. Best's website is down but that his Facebook page is still active.

There were no further comments from Town staff or members of the Planning Board.

Mr. Makin then asked if anyone in attendance wished to comment or ask questions on this withdrawn application.

Mr. Mack asked if Mr. Best could continue to hold events on his property. Mr. Brand said that residents should contact the Town if an event is held and that the Town would take legal action to require Mr. Best to cease and desist the activity.

Ms. Allen questioned the intent of the hardscape stone work that Mr. Best has installed on his property. She read from a letter that described the Ponds Edge Venue and said that Mr. Best is attending bridal shows and continues to advertise the property for events. She said that his website is not down but is reported to be "under maintenance" and that his site appears a number of times on internet searches. She said that Mr. Best is still actively advertising his venue.

Mr. Hemminger said that residents should report any events held at the site to the Town staff. He explained that the applicant's withdrawal removes the Planning Board from further consideration of the application.

Ms. Diehl asked if Mr. Best altered the watershed by the activities and construction on his property. Mr. Brabant said that Mr. Best did not provide grading plans and therefore the Town cannot make a determination on what he has done on the land. Ms. Diehl suggested that the Town should look into what Mr. Best may have done and how his actions may have affected the watershed. Mr. Morse said that the Town received a letter from the Ontario County Soil and Water Conservation District in which the District indicated that it had no problems with what Mr. Best has done on his property. Mr. Brand suggested

that Ms. Diehl is welcome to submit additional correspondence that she may have from the District regarding this application. Ms. Diehl said that she has correspondence that was written by a resident.

Mr. Mack asked if Mr. Best has received any permits for electricity. Mr. Morse said that he is not aware of whether any electrical permits have been issued to Mr. Best and that the Town Attorney is reviewing Mr. Best's operation. Mr. Giroux explained that Mr. Best would have required a driveway permit and that the Town Attorney is looking into what has been done on Mr. Best's property.

Mr. Cole said that a Town representative should walk the property to view what is going on there. Mr. Morse again explained that the application has been withdrawn and that the matter has been referred to the Town Attorney. Mr. Morse said that he would need the landowner's permission to walk the property because there is no longer an application pending with the Town.

Ms. Faunce asked about a cease and desist order. Mr. Morse said that Mr. Best has not constructed anything that would have required a building permit and subsequently no violation notices have been issued. He also reported that the Town has no proof of the electrical work that Mr. Best may have done on the site.

Ms. Flora said that she wanted to corroborate that Ms. Allen has not threatened or coerced Mr. Best.

Ms. Zollweg said that this application is obviously important to many people and that its discussion has encouraged comments about other potential venues for barn weddings and similar events in the Town. She asked if the Planning Board or if another Town committee would review this. She said that the applicant has obviously spent a great deal of money on his property and asked what the Town would do if this issue came up again. She said that she read in the flyer that had recently been distributed in the area that noise from the site is to be funneled elsewhere. She said that there is not a lot of "elsewhere" remaining in Farmington and that she and her husband heard the loudest music coming from this site last summer, even though they live a distance away.

Mr. Makin explained that the Planning Board does not become involved until an application has been submitted. He said that the Planning Board can take no action upon this site now that Mr. Best has withdrawn the application.

Ms. Diehl said that the Town should be proactive and consider a noise ordinance instead of waiting to see what happens next on the property. She said that the Town would be in the same predicament as it is now if the Town just waits. She said that the Town must be more proactive.

Mr. Makin suggested that the residents express their concerns to the Town Board now that the applicant has withdrawn his Planning Board application. Mr. Hemminger then explained the role of the Planning Board and noted that the Planning Board has no

authority to enact laws or ordinances. Ms. Diehl said that she may contact the Town Board regarding a noise ordinance for the Town.

Mr. Brand said that the next Town Board meeting would be held on February 28, 2017, and discussed the ramifications of a noise ordinance which requires equipment to measure the decibel levels at the property line, having staff trained in the use of the equipment, having Town staff available to respond to a site, and the follow-up of prosecuting the case through the courts. He suggested that alternatives to a noise ordinance would be calling the police to quiet a disturbance of the peace or through the use of other existing laws. He said that a noise ordinance would require a detailed process, that attorneys would want to make sure that equipment operators are properly trained, and that the equipment must be properly calibrated. He said that for these reasons a number of communities have shyed away from noise ordinances.

Ms. Allen asked if Mr. Best has produced a certificate from the New York State Department of Environmental Conservation (DEC) for the pond on his property. Mr. Morse said that no such certificate has been submitted to the Town.

Mr. Makin then asked if there were any further comments or questions on this application. There were no further comments or questions.

■ A motion was made by MR. HEMMINGER, seconded by MS. NEALE, that the Public Hearing on PB #1001-16—Special Use Permit Application from Robert Best, 6165 Brownsville Road, Farmington, N.Y. 14425, for a Major Home Occupation to use the site at 6165 Brownsville Road for outdoor commercial recreation be closed.

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

Mr. Makin explained that no further Planning Board action upon this application is necessary due to the application having been withdrawn.

## **PRELIMINARY SITE PLAN**

### **PB #1001-16 Preliminary Site Plan Application**

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

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

**Zoning District:** RR-80 (Rural Residential)

**Request:** A Major Home Occupation to use the site at 6165 Brownsville Road for outdoor commercial recreation.

Mr. Makin resumed the discussion on the accompanying Preliminary Site Plan application that also had been continued from the meeting on December 21, 2016.

Mr. Makin explained that no further Planning Board action on this application is necessary due to the withdrawal of the accompanying Special Use Permit application.

**4. 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

**PRELIMINARY SITE PLAN**

**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 meeting on January 18, 2017. He concurrently resumed the discussion on the accompanying PB #0101-17 Preliminary Site Plan application that also had been continued from the meeting on January 18, 2017.

Ms. Houppert and Mr. McMahon appeared on behalf of these applications.

Mr. McMahon presented an aerial photograph of the vicinity of State Route 332, Mercier Boulevard, County Road 41 and the existing Farmington Gardens Apartments Phase I, and noted on the photograph the proposed location of Phase II and its relationship to the adjacent areas.

He said that the applicant is in the process of addressing the Town Engineer's comments and that these responses are nearly complete.

Mr. McMahon reviewed several revisions to the site plan that have been made since the previous presentation. The revisions include a realignment of several of the apartment buildings to move them toward the center of the development, and the relocation of several parking areas. He explained that these reconfigurations would provide more open space and move the buildings farther from the property line. He noted that one building would be 175 feet from the property line and another would be 115 feet from the property line.

Mr. McMahon also explained that the architect has designed a new plan for the community center. He explained that the center is now slightly larger and includes a garage at one end. He also noted that the water meter pit has been eliminated and that all water meters would be located indoors in a utility room. He said that this was done at the preference of the water district and that avoiding the maintenance issues that accompany an exterior water vault makes sense.

Mr. McMahon said that a revised landscape plan would be submitted following the next meeting with residents on February 23, 2017. He said that a landscape architect would attend this meeting and that the input from the residents would be considered and would be reflected upon the revised landscape plan. He said that a complete revised site plan would then be printed and submitted to the Town and to the Planning Board.

A Trip Generation Letter and Traffic Signal Need Assessment was prepared by SRF & Associates of Rochester, N.Y., and submitted to the Town. The conclusion of the report is as follows:

Conclusions: Given the low volume of projected site-generated traffic exiting the project site during both peak hours, it our firm's professional opinion that the proposed project does not warrant signalization of the Route 332/Mercier Boulevard intersection.

SRF & Associates  
Stephen R. Ferranti, P.E., PTOE  
Prinicpal Transportation Engineer/Planner

Mr. McMahon said that each apartment building would have eight units and that the buildings would vary with one-, two- and three-bedroom apartments.

Mr. Brand explained that the public comment period on this application ended at 12:00 noon today (February 15, 2017). He reported that no objections were received from the

Involved Agencies regarding the Planning Board's intention of declaring itself as the Lead Agency to make the State Environmental Quality Review (SEQR) determination on this application. He said that the Planning Board would then be responsible for completing Part 2 and Part 3 of the SEQR record upon this application. Depending upon what changes are made to the initial Preliminary Site Plan, the need to duplicate the coordinated review and public review period would depend upon the significance of the revisions to the site plan. The Planning Board understands that the applicant may make some revisions to the drawing following the next meeting with the residents which has been scheduled for Thursday evening, February 23, 2017. He said that if the revisions involve merely relocating several structures and adding more open space, this would not be enough to require resubmitting the plans to the Involved Agencies. But Mr. Brand said that this would not be known until the revised plans are submitted following the next meeting with residents.

Mr. McMahon explained that three alternatives were considered for the placement of the apartment buildings on the site and that there is no other alternative that provides as much open space as the current plan. He noted that the internal roadways and the commercial component of the project remain the same.

Mr. Brand explained that once the Planning Board declares its intent to be designated as Lead Agency, the board will have 20 days to make the SEQR determination unless the applicant would agree to a time extension. Ms. Houppert and Mr. McMahon agreed to the extension. Therefore, it is anticipated that the Planning Board will make the SEQR determination of significance on March 15, 2017. Mr. McMahon will send a written confirmation of the extension agreement to the Town Planning Board Chairperson.

Mr. Makin then asked for comments from the Town staff and Planning Board members.

Mr. Degear said that the elimination of the in-ground water vault is a welcome revision in the plans and that placement of the water meters indoors would eliminate the additional maintenance required by Town staff for outdoor water vaults.

Mr. Brabant asked that correspondence should be received from the U.S. Army Corps of Engineers regarding the proposed work in the Federal wetland prior to the Planning Board making the SEQR determination. He said that the correspondence should indicate that the Corps has no objections to the applicant's plans for work within the wetland. Mr. Brand said that although the Corps was notified of this application and was identified as an Involved Agency during the public review period, no response has been received. Mr. Brabant suggested that the applicant contact the Corps directly and request this correspondence prior to the Planning Board's SEQR determination. Mr. McMahon said that he would contact the Corps regarding this.

Mr. Brabant reported that the residents hired Joseph C. Ardieta, P.E., President of Vanguard Engineering PC, of Rochester, N.Y., to review the Stormwater Pollution Prevention Plan (SWPPP) that was submitted by the applicant. (This report is appended to these minutes.) Mr. Brabant said that Mr. Ardieta's engineering comments are similar to the

MRB Group comments and that he is in the process of reviewing them at this time. He said that MRB Group is awaiting the revised site plans from the applicant prior to making an engineering assessment upon the application.

Mr. Viets discussed the flooding that occurs in the backyards of some of the neighboring residences as depicted on the photographs that were submitted by residents at the first session of the Public Hearing. He noted that flooding occurs at elevations of 628 feet and 629 feet and that the elevation of the outflow of the stormwater retention pond on the project site is at an elevation of 627 feet. He asked if the retention pond would accommodate the water in Beaver Creek. Mr. McMahan said that Beaver Creek is not a Federally mapped flood plain and that no base flood elevation data is available. But he explained that the purpose of a stormwater retention pond is not to accommodate flooding but to slow the discharge from the developed property into the existing creek. He said that if the creek surcharges, then the level in the retention pond would rise.

Mr. Brabant said that the pond has been sized to hold a 100-year storm event and that the pond can hold water to an additional two feet above the rim elevation.

Mr. Brabant noted that it is difficult to design a floodplain because the Federal Emergency Management Agency (FEMA) has not mapped Beaver Creek. He said that the engineering review is to assure that the project will not make the existing drainage problems worse. He explained that the applicant's engineer has designed the stormwater retention facilities to be oversized and to release water at lower flow to offset large storm events. He said that the U.S. Army Corps of Engineers has been contacted regarding the softening of the Beaver Creek 90-degree bend but that a change in the creek at this location would adversely affect drainage downstream. He said that the engineering review would assure that the project would not impact neighboring properties and would be designed to Town and New York State Department of Environmental Conservation (DEC) standards.

Mr. Giroux reported that the Town Highway Department is in the process of receiving DEC approval for mitigation of the beaver dams from along the banks of Beaver Creek in this area. He said that Home Leasing has provided approval for Town staff to enter their property for this mitigation work and that an approval letter from the Mercier Estate is expected. Mr. Giroux said that the first phase of the mitigation work would be the removal of the beaver dams. If the beavers return, the DEC would provide nuisance permits for their removal.

Mr. Makin then asked if anyone in attendance wished to comment on the application or ask questions.

Ms. Brumbaugh asked about the relocation of several of the apartment buildings on the site. Mr. Brabant said that the applicant and the design engineer are relocating some of the apartment buildings and parking lots further away from the rear of the properties fronting along Hanover Road, further away from the Federal freshwater wetland along

Beaver Creek and further away from the moving waters along Beaver Creek to mitigate these potential adverse impacts.

Mr. Dykes said that the Vanguard Engineering report has been provided to the Town engineer for review. He said that the flooding that was depicted in the photographs that were submitted at the last session are annual events. He said that flooding occurs in the backyards of residences several times a year and that neighbors have experienced a substantial increase in flooding. Mr. Dykes said that the submitted photos were taken from 2009 to 2015. He noted that previous flooding events never reached the fence in his backyard, but flooding now extends past the fence.

Mr. Dykes noted Mr. Hemminger's comment at the previous session regarding information on green space and parkland. Mr. Dykes submitted Town Board Resolution #229 of 2008 adopted on September 9, 2008, in which approximately 62.47 acres of land were rezoned from GB General Business and RB Restricted Business to IZ Incentive Zoning for the Farmington Gardens Apartments Phase I project. Mr. Dykes discussed Condition #13 in the Town Board Resolution which reads, as follows:

13. A town park with walking/hiking trails shall be created within the proposed open space areas and along Beaver Creek, Lots #2, #3 and #4, extending from the westerly property line of the original tax map to the sidewalk that is to be installed along the west side of the Hathaway Drive extension.

Mr. Dykes said that courts have ruled that parkland can only be decommissioned by action of the State Legislature. He asked for the Town's position on this document and asked how he and other residents would be notified of the Town's response. Mr. Brand said that a copy of this material has been received and will be provided to the Town Planning Board. (The resolution cited by Mr. Dykes is appended to these minutes.)

Mr. Sandore discussed the overall stormwater runoff from the residential area adjacent to the proposed development and asked what would happen to the runoff coming from the entire residential area. He emphasized that he is referring to the runoff from the existing streets including Hanover Road and Creek Pointe. He said that kids can ice skate in the backyards and that he is very concerned about the water issue.

Mr. Sandore said that the nearest Town park is on Mertensia Road. He said that he owns the widest lot and expressed concern that residents of the new apartments would walk across his property to reach the park.

Ms. Bonnett said that her property on County Road 41 borders Beaver Creek and that her lower yard floods to a depth of two feet. She asked if the development would cause water to backflow onto her property and cause the flooding to be worse than it is now. Mr. Brabant explained that the applicant's drainage plan must be designed to hold water at the same or lower rate than it currently flows. He said that the intent of the design is to slow the flow of water. He also explained that the stormwater retention ponds must hold back

the site's water from flowing into Beaver Creek. He said that the applicant must meet DEC and Town requirements and that they are proposing oversized facilities. He said that all stormwater runoff would flow into the retention ponds and then into Beaver Creek which flows west toward the Victor town line.

Mr. Dykes said that the first comment from the Vanguard engineer was that the FEMA map currently being used is from 1983. He said that the engineer was concerned about this outdated map.

Mr. Brand reported that several signators from residents have been received in support of the Vanguard engineer's report. He asked for clarification whether these signators should be interpreted that the residents would like the Town Board to request that FEMA consider remapping the Beaver Creek and adjacent flood plain at this time.

A resident said that he understands the risk of a FEMA flood-plain designation that could force homeowners to purchase expensive flood insurance as required by the lenders who hold mortgages on their properties. But he said that flooding is a concern, that the FEMA maps are old and that updating the maps is a valid concern.

Mr. Sandore said that Mr. Brand's comments sounded like a threat to the residents. He said that updating the FEMA maps should not be a threat if this area is within a flood plain.

Mr. Brabant said that FEMA is remapping some flood zones in Ontario County and is coordinating these efforts with municipalities. He said that some municipalities which requested the remapping are still waiting for replies from FEMA. He said that only FEMA—and not a Town or private engineering firm—can perform the remapping. Mr. Brabant said that the goal for the Planning Board and Town staff is to assure that the application meets the Town and the DEC standards.

Mr. Hemminger noted that even if FEMA agreed tomorrow to remap the Town of Farmington, it could be many years before the work would be done, well after this project is completed. He said that he could not imagine how FEMA could complete a project so quickly as to have an effect upon this application.

Mr. Brand explained that he was not threatening anyone by trying to determine if the residents' support of the Vanguard engineering report is an indication that the residents would like the Town Board to contact FEMA to request a study of Beaver Creek and the surrounding area. He asked if this is what the residents are requesting and that he was merely seeking clarification on the residents' thoughts. Mr. Brand also explained that the Town Board members would receive copies of the minutes of this meeting and the materials submitted by the residents. He noted that the Planning Board is not able to directly contact FEMA to request a study of Beaver Creek and that the Town Board is the governing board authorized to represent the Town and make the request.

Ms. Dykes said that she does not understand why developments are being approved with outdated maps. She asked why the decisions are being made based on such old data and that this is confusing to the residents. She said that the neighbors know what the water levels are like and that the Town officials do not see the flooding on a regular basis.

Mr. Brand said that the most recent changes to the national flood insurance program were established as a result of Hurricane Sandy and that a federal declaration was made that FEMA had to become self sustaining. That action has resulted in an increase in the efforts to identify flood plains in many municipalities where there is old mapping. He said that some of the communities in the region which have received updated FEMA maps and flood plain delineations have experienced difficulties when homeowners learned that their lenders are now requiring the purchase of expensive flood insurance.

Mr. Brand noted that McMahan/LaRue Associates have been involved in a number of map amendments in some of the communities in Monroe County where new flood plain mapping was recently completed.

Mr. McMahan noted that FEMA used to perform ground survey work but today relies on topographic maps, lidar aerial photographs and drainage basin studies. He cited the towns of Gates and Chili in Monroe County in which FEMA delineated vast areas in flood plains that were never in a flood plain before and that his firm often has been retained to perform elevation inspections and certificates for homeowners to prove that their homes are not in flood-prone areas. Mr. McMahan said that current FEMA mapping is less than accurate and that there is a long process to correct the errors. He said that FEMA does not change maps easily and that homeowners often are charged \$2,000 to \$3,000 per year for flood insurance.

Mr. Brand said that he is not saying that we should not do something about the maps, but he said that he is asking if the residents want the Town Board to ask FEMA to update the Farmington maps at this time.

Mr. Hemminger said that everyone would have to live with the new flood plain delineations if FEMA comes in and remaps the Town.

Ms. Brumbaugh said that the information that the residents have received from the professional engineer hired by the residents is that the FEMA maps need to be updated. Mr. Hemminger again noted that the FEMA process would take so long that updated maps would not have an effect upon this current application. Ms. Brumbaugh said that this process is crazy.

Mr. Dykes said that the outdated FEMA maps are a concern of the residents but he asked that the Town Board should not be requested to ask for an updated FEMA review. He said that the request came from Vanguard Engineering but that if making the request would not affect this project, then the request to the Town Board should not be pursued.

Mr. Sandore said that if the residents want to submit the document to the Town Board, then they can submit it to the Town Board themselves. He said that the residents would meet to decide if they want to submit it directly to the Town Board.

Mr. Makin said that the Public Hearing on this application would remain open and would be reconvened on March 15, 2017.

Mr. Brand asked Mr. McMahon to provide any revised plans to the Town for review at the next Project Review Committee on March 3, 2017. He said that the staff would complete an internal review at that meeting and that the application could then move forward to the Planning Board meeting on March 15, 2017.

Ms. Brumbaugh said that she is not comfortable about the reference to a Town park in the 2008 Town Board resolution cited by Mr. Dykes. Mr. Hemminger said that this is an issue for the Code Enforcement Office and the Town Board to clarify. Mr. Brand said that this reference from nine years ago must be weighed with the current Parks and Recreation Master Plans. He noted that the prospects of creating a Town park within a flooding area and a federal designated freshwater wetland area, with today's regulations, as compared with the regulations in 2008, is questionable. Mr. Brand said that he would prepare a report to the Planning Board on this issue.

Mr. Dykes again noted that removal of parkland requires approval from the State Legislature. He asked how the residents would be notified of the determination of this issue. Mr. Brand said that he would prepare a report for the Planning Board meeting on March 15, 2017. Mr. Hemminger encouraged residents to speak with the Town Board about this issue to make sure that the Town Board members are aware of it. Mr. Dykes said that found it scary that he had to be the one to locate this reference to parkland. Mr. Brand noted that no specific site was ever officially designated by the Town Board as municipal parkland. Mr. Brand said that the most recent amendment to the original Incentive Zoning application for Lot #4 and Lot #5 does not continue to specify a Town park along the creek. Mr. Dykes said again that approval from the State Legislature is necessary to rescind parkland.

Mr. Makin asked if there were any further comments or questions on this application at this time. There were no further comments or questions from those in attendance.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
LEAD AGENCY DESIGNATION FOR DETERMINING SIGNIFICANCE**

**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 Designation of Lead Agency 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 Town of Farmington Planning Board (hereinafter referred to as Planning Board), based upon review of the Criteria contained in §617.2 (a) of Part 617 of NYCRR, Article 8, New York State Environmental Conservation Law, has found the above referenced Actions to be Unlisted Actions; 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 received no objection from an involved agency to the Planning Board being designated the lead agency for these two actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby designate itself as the lead agency as provided for under Part 617 of Article 8 of the New York State Environmental Conservation Law.

**BE IT FURTHER RESOLVED** that the Board directs Town Staff to review the public comments and the comments received from the Involved and Interested agencies upon the above referenced applications.

**BE IT FURTHER RESOLVED** that the Board directs Town Staff to prepare a draft of Parts 2 and 3 of the Full Environmental Assessment Forms for the Board’s review, editing and acceptance at the March 15, 2017, meeting.

**BE IT FINALLY RESOLVED** that the Board does hereby move: to continue the Public Hearing upon the Preliminary Subdivision Plat to Wednesday, March 15, 2017; continue the Public Meeting upon the Preliminary Site plan to Wednesday, March 15, 2017; and to table any further consideration upon these two applications until March 15, 2017.

■ 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. PRELIMINARY SITE PLAN

<b>Name:</b>	Jaswin Gandhi, 6460 Cedar Creek Way, Farmington, N.Y. 14425
<b>Location:</b>	6037 NYS Route 96, Farmington, N.Y. 14425
<b>Zoning District:</b>	GB General Business
<b>Request:</b>	To rebuild a one-story 18-unit motel (with a second-story apartment) that was recently destroyed by fire.

Mr. Shields presented this application. Mr. Gandhi and Mr. Patel also attended.

Mr. Shields explained that the applicant seeks to rebuild America's Best Value Inn, located at 6037 NYS Route 96, that had been destroyed by fire one year ago. Mr. Shields said that a second structure on the two-acre site remained in place following the fire but that this structure has been unused since last year and therefore the entire site has been empty with no revenue for the owners.

Mr. Shields said that a site plan was reviewed by the Planning Review Committee (PRC) on February 3, 2017, and that several issues were raised at the meeting which are now being addressed. He said that the purpose of the presentation this evening is to present the plans to the Planning Board and receive input. He plans to submit a set of revised preliminary site plans for formal consideration at the Planning Board meeting on March 1, 2017.

Mr. Shields said that the applicants' intent is to rebuild a single-story motel in generally the same footprint as the previous structure. He said that the number of rooms has been reduced from 20 to 18 and that the motel also would include a second-story manager's apartment in the front portion of the structure.

Elevation drawings were presented. Mr. Shields said that color renderings depicting neutral grays and tans would be presented at the next meeting.

Mr. Shields noted the PRC comments regarding landscaping. He said that a number of the older shrubs and bushes would be replaced with new stock and that about 10 to 12 trees would be planted in the green space between the two structures. He also said that trees or landscaping would be installed to screen the parking area from NYS Route 96 as required by the Major Thoroughfare Overlay District (MTOD) regulations.

Mr. Shields said that the parking lot would be restriped with diagonal spaces to create one-way circulation around the structure. The existing structure would have some parallel and some diagonal parking spaces. Exterior lighting fixtures are leased from RG&E and would be dark-sky compliant. Two existing lampposts at the driveway would be replaced with new fixtures.

Mr. Shields clarified a notation in the minutes of the Ontario County Planning Board (OCPB) which noted that the project would disturb two acres. He explained that there would be only about a half-acre of disturbance. He said that a revised SEQR short form would also be submitted.

Stormwater runoff will follow existing sheet drainage. There will be no modification of grading. A new storm drainage system is not proposed.

Mr. Brand said that a concern of the PRC was the issue of connecting both the existing and proposed structures to sewers to serve the site. He noted that it was suggested at the PRC meeting that consideration be given to connecting to the sewer line south of the property in the vicinity of the Dunkin' Donuts site on State Route 332. He said that an alternate solution would be needed if this is not the selected sewer plan. Mr. Shields said that a discussion has been held with the New York State Department of Transportation regarding connecting to an existing sanitary sewer line under NYS Route 96, but that no decision has been reached at this time. Mr. Degear said that the Town seeks to avoid sewer back-ups such as those which had occurred in the previous structure and that it is the owner's choice whether to hook into the sewer on NYS Route 96 or from State Route 332.

Mr. Brand also discussed the PRC comments regarding emergency vehicle/fire truck access to the site. Mr. Giroux explained that currently there would not be enough room for fire truck access to the site from the north. He discussed the possibility of an access driveway as noted at the PRC meeting.

Assistant Chief Weidenborner suggested that perhaps the owners could arrange with an adjacent property owner to permit fire trucks to enter the site from the east. He reviewed the emergency vehicle access on the plans with Mr. Shields and Mr. Gandhi.

Mr. Hemminger asked about building signs. Mr. Shields noted that a building-mounted sign is being proposed on the front of the structure.

Mr. Brand asked Mr. Shields to carefully read the PRC comments and try to incorporate green infrastructure techniques into the site, i.e., removing the existing dumpster and blacktop, and planting trees in those areas. He said that the Planning Board would have a specific interest in this.

Ms. Neale and Mr. Viets asked about landscaping, green space and site beautification.

Mr. Hemminger and Mr. Bellis noted that emergency vehicle access would be critical to the Planning Board's approval of the application. Mr. Bellis also discussed moving the existing dumpster away from State Route 332.

Mr. Shields asked about easements. Mr. Brand said that the plans must show evidence that the necessary easements would be obtained. He said that the easements must be filed in the Ontario County Clerk's Office and that the liber and page numbers must be pro-

vided to the Town prior to a preconstruction meeting and the issuing of any building permits.

There were no further comments or questions on this application. No Planning Board action was required this evening. Mr. Shields said that he plans to present the Preliminary Site Plan for board consideration at the meeting on March 1, 2017.

## 6. OPEN DISCUSSION

### **PB #1005-16**

**APPLICANT: Primo DiFelice, DiFelice Development, Inc.  
91 Victor Heights Parkway  
Victor, New York 14564**

**ACTION: DiFelice Industrial Complex, South Side of Collett Road,  
East of State Route 332 and West of Hook Road—  
Final Site Plan Approval for construction of one 72,000  
square-foot, single-story building, with one-third to be office or  
retail space and the remaining two-thirds to be warehouse  
space**

Frank DiFelice appeared before the Planning Board to request that the application for Final Site Plan approval of the DiFelice Industrial Complex be rescinded and that the application fee be refunded. He explained that a tenant has not yet been retained and that he would like to continue the Preliminary Site Plan approval until such time as a tenant is signed.

Preliminary Site Plan approval with conditions was approved by the Planning Board on April 16, 2016 (PB #1001-15).

On October 19, 2016, action upon the Final Site Plan was continued to an unspecified date (PB #1005-16).

Mr. Brand said that the Planning Board may extend Preliminary Site Plan approval in 90-day increments, provided that there is evidence of continuing progress on the project.

Mr. DiFelice said that he would install plantings and/or landscaping on the eastern boundary of the property along Hook Road opposite the Hickory Rise residential subdivision, as requested by the Town. He presented a drawing that depicted the plantings and their locations on the site. Mr. Brand said that the Town is making this request to establish some vegetative and tree growth now and to provide the plantings with time to grow in advance of construction on the industrial complex site that could take several years.

■ **CONSENSUS:** It was the consensus of the Planning Board that there are no objections to the applicant's withdrawing the Final Site Plan application of the DiFelice Industrial Complex. The Board noted that it would be the Town Board's decision whether or not to honor this request and that a letter to such should be submitted to the Town Board. The Planning Board also had no objections to the returning of the application fee, provided that Frank DiFelice has the applicant's permission to withdraw the application, and further provided that all engineering fees, or other fees incurred by the Town during the course of the review of the Final Site Plans to date, have been paid in full. Finally, the Board agreed that Mr. DiFelice may proceed with plantings and landscaping along the eastern boundary of the property as depicted upon the drawing submitting this evening, and that by doing so would be grounds for the Planning Board to grant extensions in the future to the Preliminary Site Plan.

**PB #0704-15**

**APPLICANT:**                 **DiFelice Development**  
**91 Victor Heights Parkway**  
**Victor, N.Y. 14564**

**ACTION:**                   **Final Subdivision Plat and Site Plan Approval (Section 1)**  
**Overall 74 Lots—Redfield Grove Incentive Zoning Project**

Mr. DiFelice appeared before the Planning Board to report that the Wetlands Nationwide Permit has been received from the U.S. Army Corps of Engineers. He explained that one stipulation of the nationwide permit is that it will expire on March 17, 2017, unless he commences some activity within the wetlands such as mowing and clearing of brush

Mr. DiFelice requested permission from the Planning Board to do this work, which would involve under one acre of affected land area and only the clearing and/or mowing of this area and some removal of brush. This work would enable the wetlands permit to be extended for 12 months. Mr. DiFelice said that he would be using a bobcat with a bush hog to mow the area and that no soil would be disturbed.

Mr. Brabant said that no earthwork will be done. He said that there would be no soil disturbance and that no SWPPPs, erosion control measures or sureties are necessary.

■ **CONSENSUS:** It was the consensus of the Planning Board that there are no objections to having Mr. DiFelice mow the brush within a small area of the wetland which would satisfy the U.S. Army Corps of Engineers that activity is in progress on the site and that the nationwide permit would be extended for 12 months.

***Director of Development and Planning:***

Mr. Brand commented on the following topics:

- Cerrone Incentive Zoning Project: The Town Board approved the rezoning application at their meeting on Tuesday, February 14, 2017. The applicant's engineering firm is now preparing preliminary plans for presentation to the Planning Board later this spring (April). Following submission of the plans, a coordinated review with Involved and Interested Agencies will be scheduled.
- A meeting was held with representatives of Lefrois Builders and representatives from BME Associates regarding their plans for property on the south side of NYS Route 96, between the Farmington Market Center (Tops Supermarket plaza) and the plaza on the southwest corner of State Route 332 and NYS Route 96. A meeting will be held with the New York State Department of Transportation on February 23, 2017, regarding this project.
- Angelo Ingrassia, one of the owners of the Farmington Market Center, is considering making an Incentive Zoning application at this site.
- Create A Scape Enterprises of Macedon, N.Y., is working on details for the sanitary sewer connection to the former AR-15 building on NYS Route 96. Currently, there is no sewer connection to the structure. Mr. Degear explained that the sewer line was disconnected during construction of the nearby Dollar General store.
- Nationwide Permits are being finalized for the Auburn Trail project. Following this step and the resolution of any easements, the bidding process will begin for the trail construction later this year.
- The Project Review Committee will review plans for Section 3 and Section 4 of the Hickory Rise Subdivision at the meeting on March 3, 2017. The Planning Board should expect applications on these applications shortly thereafter.

***Code Enforcement Officer:***

Mr. Morse reported on the status of the Create A Scape Enterprises purchase of, and site plan preparation for, the former AR-15 building on NYS Route 96.

***Water and Sewer Superintendent:***

Mr. Degear reported on the status of the installation of the low-pressure sanitary sewer line for the Town Hall.

***Farmington Volunteer Fire Association:***

Assistant Chief Weidenborner reported on a fire department discussion regarding emergency responses on the Auburn Trail, which would have limited access for traditional fire

and emergency vehicles. He noted that the fire department is considering the purchase of a smaller ATV-type vehicle for these responses.

***Highway Superintendent:***

Mr. Giroux reported that the Town Highway Department is in the process of receiving DEC approval for mitigation of the beaver dams. He said that Home Leasing has provided approval for Town staff to enter their property for this work and that an approval letter from the Mercier Estate is expected. Mr. Giroux said that the first phase of the mitigation work would be the removal of the beaver dams. If the beavers return, the DEC would provide nuisance permits for their removal.

Mr. Giroux also reported that a proposal before the Town Board to accept dedication of the roads within the Monarch Manor Subdivision at the corner of New Michigan Road and Canandaigua–Farmington Town Line Road was held at his request. He explained that a hammerhead turnaround was not constructed to Town specifications and that road signage (street signs and stop signs) were not readily available for installation by the Town Highway Department staff. He said that road dedication is on hold until these corrections are made by the contractor. Mr. Giroux said that he expects that these corrections would be made soon; the delay in road dedication is preventing the issuance of certificates of occupancy for the structures already built. Mr. Brand noted that the difficulties have occurred with a contractor who had been hired by the site developer. He noted that the difficulties have not been caused by the home builder.

***Planning Board Chairperson:***

Mr. Makin explained that the revisions to the Planning Board's Rules of Procedure and the MTOD Site Design Guidelines have not yet been completed. These may be ready for consideration at the meeting on March 1, 2017. Ms. Neale suggested that a section be added to the MTOD Site Design Guidelines regarding green infrastructure techniques.

**7. PUBLIC COMMENTS**

None.

**8. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 9:10 p.m.

The next regular meeting of the Planning Board will be held at the Town Hall on Wednesday, March 1, 2017, at 7:00 p.m.

Following the meeting, the clerk secured the building.

Respectfully submitted,

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

L.S.

**Attachments to minutes:**

Materials submitted by James Dykes, 6137 Hanover Road, Farmington, N.Y. 14425

1. Town Board Resolution #229 of 2008
2. Letter dated February 12, 2017, to Ron Brand, signed by:
  - James and Cindy Dykes, 6137 Hanover Road
  - Stephanie Simonik and Shane Rothenburgh, 6135 Hanover Road
  - David and Carol Degear, 6141 Hanover Road
  - Brian and Melissa Sandore, 6143 Hanover Road
  - Timothy and Jessica Brumbaugh, 1403 Creek Pointe
  - Jon and Stephanie Potter, 1405 Creek Pointe
3. Letter dated February 12, 2017 to James Dykes from Joseph C. Ardieta, P.E., President, Vanguard Engineering PC, 241 Castlebar Road, Rochester, N.Y. 14610-2911