

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, February 17, 2021 • 7:00 p.m.

MINUTES—APPROVED

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

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 7, 2020, and extended by Executive Order 202.91 through February 22, 2021:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting was conducted at the Farmington Town Hall and via telephone/video conference format for those not wishing to attend in person. During the meeting, the agenda and each draft resolution was posted upon the video screen for the public, the applicants and the board members who were participating in the meeting via telephone/video format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on February 16, 2021.

This meeting was conducted according to the Rules of Procedure approved by the Planning Board on January 20, 2021, with the following revisions per the above reference to the Governor’s Executive Order:

- All applications will be introduced by the Planning Board Chairperson.
- The Planning Board Chairperson will ask for comments from the Town staff.
- The Planning Board Chairperson will ask for comments from the Planning Board.
- The applicant(s) will provide responses where needed at the direction of the Planning Board Chairperson.
- The Planning Board members will vote upon the application(s).
- Public comments will be received by thre Planning Board Chairperson only during the Public Comment agenda item.
- The meeting will be recorded and later fully transcribed by the Clerk of the Board.

Board Members Present: Edward Hemminger, *Chairperson*
 Adrian Bellis
 Timothy DeLucia
 Shauncy Maloy
 Douglas Viets

Staff Present at the Town Hall:
 Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
 Dan Delpriore, Town of Farmington Code Enforcement Officer
 Don Giroux, Town of Farmington Highway and Parks Superintendent
 John Weidenborner, Town of Farmington Zoning Officer

Staff Present via Telephone/Video Conference:
 Ronald L. Brand, Town of Farmington Director of Development and Planning

Applicants Present at the Town Hall:
 Jeff Berends, Construction Manager, Meyer’s RV Superstore of Farmington,
 c/o 100 Sanford Road North, Churchville, N.Y. 14428
 Michael Mandrino, 1600 New Michigan Road, Farmington, N.Y. 14425
 Suzanne Mandrino, 7310 Shallow Creek Trail, Apt. F, Victor, N.Y. 14564

Applicants Present via Telephone/Video Conference:
 Michael Greene, Greene Land Surveying PLLC, 403 E. Miller Street, Newark, N.Y. 14513

Others Present via Telephone/Video Conference:
[Others, unidentified]

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 20, 2021.

For those attending in person at the Farmington Town Hall, safety measures were implemented in accordance with the Governor's relevant Executive Orders regarding the COVID-19 pandemic. Board members, Town staff and residents who were in attendance at the Town Hall remained at separated distances of at least six feet and used facemasks at distances of less than six feet. A sign-in sheet was not used to avoid contact with pens, pencils and papers. Temperature checks were conducted by Town staff at the entrance to the Town Hall. Hand sanitizers were available throughout the building. Guidelines and safety measures were posted on the meeting room door and in the lobby of the Town Hall. Separate entrance and exit locations were used. Public access was restricted to the lobby, the main meeting room and the public restrooms.

2. APPROVAL OF MINUTES OF FEBRUARY 3, 2021

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the minutes of the February 3 , 2021, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on February 10, 2021:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 17th day of February 2021 commencing at 7:00 p.m. in the Farmington Town Hall Main Meeting Room, 1000 County Road 8, Farmington, New York 14425 for the purpose of considering the application of:

PB #0201-21: SUZANNE MANDRINO, 7310 SHALLOW CREEK TRAIL, APT. F, VICTOR, N.Y. 14564: Preliminary Two-Lot Re-Subdivision Plat approval of land iden-

tified as Tax Map Account 41.00-1-57.100, containing a total of 32.256 acres of land; and a total of 3.5 acres of land as further to be identified as Property Line Adjustments, Lots 1 and 2 of the Anthony Mandrino Subdivision. The proposed two-lot re-subdivision action involves creating Lot #R-2A consisting of 14.000 acres and Lot #R-2B consisting of 18.256 acres. Lot #R-2A will remain a vacant non-approved building lot requiring site plan approval before any building permits may be issued. Lot #R-2B will have an existing single-family dwelling located on a total of 18.256 acres. The property is located on the west side of New Michigan Road and is zoned RR-80 Rural Residential.

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

Ed Hemminger, Chairperson
Planning Board

4. NEW PUBLIC HEARING: RE-SUBDIVISION PLAT

PB #0201-21 Preliminary Two-Lot Re-Subdivision Application

Name: Suzanne Mandrino, 7310 Shallow Creek Trail, Apt. F, Victor, N.Y. 14564

Location: West side of New Michigan Road

Zoning District: RR-80 Rural Residential

Request: Preliminary Two-Lot Re-Subdivision Plat approval of land identified as Tax Map Account 41.00-1-57.100, containing a total of 32.256 acres of land; and a total of 3.5 acres of land as further to be identified as Property Line Adjustments, Lots 1 and 2 of the Anthony Mandrino Subdivision. The proposed two-lot re-subdivision action involves creating Lot #R-2A consisting of 14.000 acres and Lot #R-2B consisting of 18.256 acres. Lot #R-2A will remain a vacant non-approved building lot requiring site plan approval before any building permits may be issued. Lot #R-2B will have an existing single-family dwelling located on a total of 18.256 acres. The property is located on the west side of New Michigan Road and is zoned RR-80 Rural Residential.

Mr. Hemminger opened the Public Hearing on this application.

Michael Mandrino presented this application. Suzanne Mandrino also attended.

Prior to the meeting, a letter dated February 16, 2021, was received and distributed to the Planning Board and their Town staff from Joan (Mandrino) Morrissey, on behalf of the

Mandrino siblings, in opposition to Condition #2 and Condition #3 in the draft Preliminary Two-Lot Re-Subdivision Plat and Lot Line Adjustment resolution which had been prepared by the Town staff for the board's consideration this evening, i.e.:

2. There are to be two (2) 20-foot-wide easements, one for public water and one for public sewer, shown across the frontages of all three lots along the west side of New Michigan Road.
3. There is to be one (1) 10-foot-wide easement shown across the frontages of all three lots along the west side of New Michigan Road.

In her summary of the letter, Ms. Morrissey wrote:

“ . . . we respectfully request that you consider removing #2 and #3, concerning easements, from the list of conditions for approval. We believe that the issue of easements would be best addressed with individual homeowners at such time the Town is actually bringing improvements to the area. . . . ”

Mr. Mandrino said that he and his siblings would like to subdivide property which they inherited upon the passing of their father. The property encompasses the area around his current home (1600 New Michigan Road) and extends toward his sister Joan's home (1556 New Michigan Road) on the west side of the road.

Mr. Mandrino said that they would like to subdivide the parcel into two lots to create one lot which would be located behind and south of his existing home (which would become his lot); and to create a second lot to the north which would become his sister Suzanne's, upon which she may wish to build a home in the future.

He also said that they would like to adjust the lot line between the new lot and his sister Joan's property to provide a straighter line.

Mr. Brand said that he has prepared draft resolutions for the board's consideration this evening for the approval of the State Environmental Quality Review (SEQR) Criteria for Determining Significance (that the proposed action will not result in any significant adverse environmental impacts) and for the approval of the Preliminary Two-Lot Re-Subdivision Plat and Lot Line Adjustment with conditions. Mr. Brand also said that the SEQR Short Environmental Assessment Forms Parts 1, 2 and 3 have been completed.

Mr. Delpriore said that the Town staff is ready to move forward on the approval of the SEQR determination but that the staff requests that the board continue the Public Hearing and the consideration of the Preliminary Two-Lot Re-Subdivision application to March 3, 2021, to provide time for the staff and the applicant to meet and resolve the issues that have been raised in Ms. Morrissey's letter (*see above*).

Mr. Hemminger asked if the board could approve the SEQR resolution and materials this evening, and continue the Public Hearing to the next meeting. Mr. Brand said yes.

Mr. Hemminger asked twice if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no comments or questions from those in the meeting room.

Mr. Hemminger then asked twice if anyone on the telephone/video conference call wished to speak for or against the application, or to ask questions. There were no comments or questions from those on the telephone/video conference call.

Mr. DeLucia said that he had several questions about the application but that he will hold his questions at this time pending the meeting of the Town staff with the applicant regarding the issues with the easements noted in draft Condition #2 and draft Condition #3.

Mr. Viets, Mr. Bellis, Mr. Maloy and Mr. Hemminger agreed with Mr. DeLucia.

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

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CRITERIA FOR DETERMINING SIGNIFICANCE**

PB # 0201-21

APPLICANT: Suzanne Mandrino, 7310 Shallow Creek Trail, Apartment F, Victor, N.Y. 14564

ACTION: Preliminary Two- (2-) Lot Re-Subdivision and a Lot Line Adjustment of Tax Map Account No. 41.000-01-57.100, containing a total of 35.756 acres of land, located along the west side of New Michigan Road, north of the Canandaigua–Farmington Town Line Road and south of Amber Drive.

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, finds the above referenced Preliminary Site Plan to be an Unlisted Action; and

WHEREAS, the Planning Board has reviewed the revised Part 1 of the Short Environmental Assessment Form and Part 2 of the Short Environmental Assessment Form (hereinafter referred to as SEAF); and

WHEREAS, the Planning Board has reviewed Part 3 of the SEAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the SEAF and directs the Planning Board Chairperson to sign and date the Part 3 SEAF.

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Part 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the sites is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;

- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

■ A motion was made by MR. HEMMINGER, seconded by MR. MALOY, that the reading of the following resolution be waived and that the resolution be approved:

**FARMINGTON PLANNING BOARD RESOLUTION
TWO- (2-) LOT RE-SUBDIVISION AND LOT LINE ADJUSTMENT**

PB # 0201-21

APPLICANT: Suzanne Mandrino, 7310 Shallow Creek Trail, Apartment F, Victor, N.Y. 14564

ACTION: Preliminary Two- (2-) Lot Re-Subdivision and a Lot Line Adjustment of Tax Map Account No. 41.000-01-57.100, containing a total of 35.756 acres of land, located along the west side of New Michigan Road, north of the Canandaigua-Farmington Town Line Road and south of Amber Drive.

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

WHEREAS, the Board has given consideration to the Ontario County Planning Board’s comments (referral #19-2021) which were provided in accordance with the provisions of Sections 239-1 & -n of the New York State General Municipal Law; and

WHEREAS, the Board has also given consideration to the comments made at tonight’s Public Hearing held upon the proposed Action; and

WHEREAS, the Board has, under separate resolution, reviewed Parts 1, 2 and 3 of the Short Environmental Assessment Form and has made a determination of non-significance upon the Action to transfer titles to three (3) involved relatives of the Mandrino Estate; and

WHEREAS, the Board has received a letter from Joan (Mandrino) Morrissey on behalf of the Mandrino siblings, dated February 16, 2021, concerning several of the conditions of approval in the draft approval resolution for the Preliminary Two-Lot Re-Subdivision and Lot Line Adjustment which has been prepared for the Board’s consideration.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to continue the Public Hearing on PB #0201-21 Suzanne Mandrino Preliminary Two-Lot Re-Subdivision and Lot Line Adjustment application to Wednesday, March 3, 2021, at 7:00 p.m., to provide time for the applicant and the Town staff to resolve the concerns expressed in the letter of February 16, 2021.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

5. NEW PRELIMINARY SITE PLAN

PB #0202-21 Preliminary Site Plan Application

Name: Cynthia Chierichella, 1468 Fraser Way, Farmington, N.Y. 14425

Location: Southeast corner of County Road 41 and Wood Drive

Zoning District: T. L. 278 Cluster Development

Request: Preliminary Site Plan approval to erect a single-family residence on the 13.43-acre parcel (Lot #R-230-1)

Michael Greene (Greene Land Surveying) presented this application via telephone/video conference call. He said that the property owners and a representative from Gerber Homes (the builder) also were on the call.

Mr. Greene said that this lot was created as part of a Three-Lot Re-Subdivision of Lot #230 of the Phillips Landing Subdivision Tract (PB #0203-18) on February 14, 2018.

An amendment to the Phillips Landing Cluster Subdivision Overall Preliminary Subdivision added two re-subdivided plats of Lot #R-230-1 and Lot #R-230-2 on November 4, 2020 (PB #0203.1-18).

Mr. Greene said that the property owners now wish to build a new single-family home on the 13.43-acre Lot #R-230-1.

He said that he has been working through the technical issues with the Town Engineer regarding the utilities, that they have come to a good agreement, and that the property owners would like to build their dream home here.

Mr. Brand said that he has prepared draft resolutions for approval of the State Environmental Quality Review (Type II Action) and for Preliminary Site Plan approval with conditions.

Mr. Delpriore said that a number of conditions of Preliminary Site Plan approval concern issues of water and sanitary sewer utilities, with the transmission line which goes through the property, and how the utilities would be tied in with this line. He said that the Town staff wanted to be sure that the water and sanitary sewer issues have been resolved.

Mr. Delpriore said that the staff is ready to move forward with the SEQR classification and with the Preliminary Site Plan based upon the Town Code.

Mr. Brabant said that an MRB Group engineering comment letter was issued on February 4, 2021, regarding plan notes, the limits of disturbance, and stormwater conveyance devices. He said that although the limits of disturbance is shown to be under one acre, it should be noted that if the disturbance exceeds one acre at any time during construction, all construction shall cease until the project obtains coverage under the General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002). He said that this would require the preparation of an erosion and sediment control Stormwater Pollution Prevention Plan (SWPPP) and submission of a Notice of Intent (NOI).

Engineering comments also included the identification on the plans of the locations of the construction entrance, the staging area, the concrete washout, and the topsoil stockpile. Mr. Brabant said that the engineering letter has been provided to the Mr. Greene and that the comments will be addressed.

Mr. Hemminger asked twice if anyone in the meeting room or on the telephone/video conference call wished to comment or ask questions about this application. There were no comments or questions from those in the meeting room or on the conference call.

Mr. Greene asked if the Final Site Plan application would appear on the Planning Board agenda on March 3, 2021. Mr. Delpriore said that the Final Site Plan application could be scheduled on March 3rd if the revised Preliminary Site Plan drawings are submitted to the Town staff for review and signatures prior to the deadline for the meeting. He requested that Mr. Greene contact the Development Office for guidance on the time schedule. Mr. Greene said that he would make every effort to do so.

No board members had any issues with this application.

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

■ A motion was made by MR. DELUCIA, seconded by MR. MALOY, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

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

PB #0202-21

**APPLICANT: Cynthia Chierichella, 1468 Fraser Way,
Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval, Lot #R230-1,
Single-Family Dwelling**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

WHEREAS, the Board finds that the granting of preliminary site plan approval for a residential dwelling on an approved lot with utilities is classified as a Type II Action under Part 617.5 (c) (11) of Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby classify the proposed Action as a Type II Action under Section 617.5 (c) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to further review under Part 617.

BE IT FINALLY RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS**

PB #0202-21

**APPLICANT: Cynthia Chierichella, 1468 Fraser Way,
Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval, Lot #R230-1,
Single-Family Dwelling**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the above referenced Action, reviewed staff comments submitted on this Action, considered comments made during tonight’s public meeting and the Ontario County Planning Board Referral No. 18-2021 which identifies the Action as an Exempt Action, however, notes that the proposed driveway connection to County Road 41 will require a highway work permit from the Ontario County Department of Public Works; and,

WHEREAS, the Board under separate resolution finds that the granting of preliminary site plan approval for a residential dwelling on an approved lot with utilities is classified as a Type II Action under Part 617.5 (c) (11) of Article 8 of the New York State Environmental Conservation Law, thereby satisfying the procedural requirements under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby move to approve the above referenced Action with the following conditions:

1. Preliminary Site Plan Approval with Conditions is based upon the drawing prepared by Greene Land Surveying, LLC, having a revised date of 2/11/21, identi-

fied as JOB No. 20-5719 entitled “Preliminary Site Plan of Land Being Lot R230-1 of the Phillips Landing Subdivision, Section II, Cynthia Chierichella.”

2. Prior to the issuance of a Building Permit, the Applicant is to provide the Town Code Enforcement Officer with a copy of the County’s Highway Work Permit for this Action.
3. Prior to the issuance of a Building Permit, the Applicant is to provide the Town Construction Inspector a copy of all the easements to be granted to the Town. The easements were associated with this Action and the previous Action upon the adjacent Lots R230-2 and R230-3. No Certificate of Occupancy shall be issued for any proposed dwelling upon this Lot until these easements have been accepted by the Town Board, filed in the Ontario County Clerk’s Office and a copy of the liber and page of such filing has been placed in the Town’s Property File for this Action.
4. Prior to the issuance of a Building Permit, the Applicant shall pay the Town Clerk the prevailing Park and Recreation Fee established by the Town Board.
5. The proposed sidewalk easement shown on the drawing as being offered to the Town of Farmington across the Lot’s highway frontage shows the easement is placed on top of the existing water line. No Building Permit shall be issued for the proposed dwelling until the Town’s Acting Water and Sewer Superintendent has signed the final site plan drawings thereby providing evidence that he concurs with the design solution for this easement.
6. Prior to the issuance of a Certificate of Occupancy for the proposed dwelling, the liber and page of the filed ten-foot-wide Sidewalk Easement to the Town is to be placed in the Town’s property file.
7. The name of the Stream shown on the Preliminary Site Plan drawing is to be added.
8. There is to be a note added to the drawing that reads . . . “Lot R230-1 is part of a Cluster Development Approval for the Phillips Landing Subdivision Tract approved by the Planning Board pursuant to the provisions of Section 278 of New York State Town Law. No further subdivision of this Lot shall be allowed without a Planning Board determination that the overall density of the Phillips Landing Subdivision Project is not increased.”
9. The designations shown on the drawing for the two wetland areas is to be changed to read the correct designation and the source of such designation.
10. There is to be a note added to the drawing that reads . . . “All site lighting shall be in accordance with the Town’s Lighting Standards contained in Chapter 165 of the Town Code.”
11. The Preliminary Site Plan drawing is to be amended as follows:

- a. Specifications Legend, Item 1, Building to Public sewer is to reference SDR-21 gasketed pipe as schedule 40 glued pipe is not permitted.
- 12. There is to be a sanitary sewer cleanout located on the Town easement line.
- 13. All comments identified in the February 4, 2021 letter from Lance S. Brabant, CPESC, MRB Group, D.P.C., to Ronald Brand, Director of Planning and Development, are to be addressed in writing, reviewed and accepted by Mr. Brabant, before signing the Preliminary Site Plan drawings.
- 14. One copy of the revised Preliminary Site Plan drawing, with revision date, is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a total of four (4) prints are to be submitted to the Town Development Office for signatures. Once all signatures have been affixed to the drawings, one copy will be returned to the Applicant’s Surveyor, one copy will be filed with the Town Water and Sewer Department, one copy will be filed with the Town Engineers and the final copy filed in the Town Development Office. If additional copies are to be required by the Applicant, then those are to be provided for signing at that time.
- 15. Once Final Site Plan drawings have been prepared containing all conditions of Preliminary Site Plan approval then the Applicant’s Engineer may submit an application with drawings to the Town Code Enforcement Officer for scheduling at a future Planning Board meeting.
- 16. Preliminary Site Plan Approval is valid for a period of 180 days and shall expire unless signed drawings have been filed with those identified in Condition #14 above herein.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

6. PLANNING BOARD ACTION ITEMS

A. Fourth and Fifth 90-Day Extensions:

PB #0701-19 Fourth and Fifth 90-Day Extensions Application

Name: A&D Real Estate Development Corporation, c/o Anthony DiPrima, 7 Beauclaire Lane, Fairport, N.Y. 14450

Request: Fourth and Fifth 90-Day Extensions of Monarch Manor Subdivision, Section 2

The Final Subdivision Plat for the Monarch Manor Subdivision, Section 2, was approved by the Planning Board on June 3, 2020 (PB #0701-19).

The Planning Board approved the first 90-day extension for the Monarch Manor Subdivision Plat on June 3, 2020, to extend from June 4, 2020, to September 2, 2020.

The Planning Board approved the second 90-day extension for the Monarch Manor Subdivision Plat on September 2, 2020, to extend from September 3, 2020, to December 2, 2020.

The Planning Board approved the third 90-day extension for the Monarch Manor Subdivision Plat on December 2, 2020, to extend from December 2, 2020, to March 3, 2021.

Mr. Brand said that the applicant has recently submitted the final plat drawings to both the New York State Department of Health (DOH) and the New York State Department of Environmental Conservation (DEC) and that these extensions (total of 180 days) are requested, in part, by the uncertainty associated with the timing of the completion of the reviews and comments by these two State agencies. The extensions also have been requested in response to the current effects of construction and the sales of the remaining townhouse dwelling units in Section 1 of the subdivision which are associated with the ongoing COVID-19 pandemic.

Mr. Delpriore said that although two 90-day extensions are not in the normal course of action, the Town staff recognizes the extenuating circumstances of this application regarding the illness of the applicant's consulting engineer due to the implications of the COVID-19 pandemic, and due to the additional time which is required by the DOH and the DEC for their reviews because their staffs are working remotely. He said that for these reasons it is justified for the Town to provide more than a standard 90-day extension.

Mr. Delpriore said that the board could approve one 90-day extension, but that under the extenuating circumstances (cited above) it would be expected that the applicant would have to return for another 90-extension. He said that the approval of two 90-day extensions at this time would reduce the required administrative work of the Town staff and the board.

Mr. Delpriore said that the applicant's consulting engineer is working toward an end goal of having the Section 2 road blacktopped and the water line looped through Section 2 by the end of the 2021 construction season this fall.

Mr. Giroux said that he has no issues with the approval of two 90-day extensions, provided that the construction and blacktopping of the road in Section 2 will be completed prior to the closing of the asphalt plants in the fall of this year. He said that he does not want to have a road constructed in November.

Mr. Brabant said that he has no issues with the approval of two 90-day extensions. He said that the applicant has submitted revised plans for Section 2, which is a step in the right direction in response to the previous comments from the Town staff. He said that the plans for this section have been revised and take into consideration the impacts upon the construction of Section 2 by the site grading which was authorized by the Town and by the recent improvements to Canandaigua–Farmington Town Line Road.

Mr. Maloy said that he would support a 90-day extension but that he is concerned about setting a precedent for approving two 90-day extensions at one time. He asked what other board members thought about this.

Mr. Bellis also said that approving two 90-day extensions would be setting a precedent. He suggested that one 90-day extension be approved and that the progress be re-evaluated at the end of this period of time.

Mr. Viets said that he would like to have more information about the water main and how this ties in with the road improvements.

Mr. Delpriore said that the water main has been installed on Canandaigua–Farmington Town Line Road as part of the road improvement project, and that the water main now dead-ends at the corner of New Michigan Road and Canandaigua–Farmington Town Line Road. He said that with the construction of Section 2 of the Monarch Manor Subdivision there will be a second entrance onto Canandaigua–Farmington Town Line Road and that the water line will eventually loop through the subdivision.

Mr. Viets said that having the water main loop through the subdivision will alleviate the concerns of the Water and Sewer Department [from having a dead-end water main].

Mr. Brabant said that the Monarch Manor Subdivision was approved prior to the Canandaigua–Farmington Town Line Road improvement project. He said that certain aspects of the subdivision were held off until the road improvements were made. Mr. Brabant said that now that the water main has been installed, it currently comes to a dead end and that it must eventually be looped through the sub-

division. He said that the Town hopes that the developer of the subdivision will complete the loop this summer.

Mr. Delpriore said that developer of the subdivision has been working with the Town during the Canandaigua–Farmington Town Line Road improvement project and completed the installation the water main to its present location as requested by the Town.

Mr. Viets asked if there is enough time for the developer to complete the water main loop and the road in Section 2 of the subdivision by September. Mr. Delpriore said that the contractor must complete the road binder by the end of the 2021 construction season in order to build homes during the winter of 2021–2022.

Mr. Bellis asked if the developer is ready to move ahead with Section 2 when the State DOH and DEC approvals are received. Mr. Brand said that the developer (Mr. DiPrima of A&D Real Estate Development Corporation) indicated that he is ready to go once the State approvals are received. Mr. Brand said that he does not see a harm in approving two 90-day extensions this evening to avoid having a subsequent application for another 90-day extension.

Mr. Delpriore said that the rationale discussed this evening shows that the board would not be setting a precedent [by approving two 90-day extensions]. He said that the work of the developer and the contractor are monitored by the Town staff each month with regular reports at the Project Review Committee (PRC) meetings. He said that Mr. DiPrima would like his contractor (104 Contractors) to be ready to begin work [in Section 2] in August. Mr. Delpriore said that there are a number of steps that must be addressed prior to construction, including the scheduling of a Pre-Construction Meeting.

Mr. Brabant said that this [the approval of two 90-day extensions] is the board's choice and option, but that he does not see how it would set a precedent [due to the extenuating circumstances of the application and the monitoring of the applicant's progress at the monthly PRC meetings].

Mr. Viets said that he is okay [with two 90-day extensions] as long as the Town is protected and that the Water and Sewer Department is satisfied.

Mr. DeLucia said that he does not have a concern [with approving two 90-day extensions]. He said that the board considers each application on its own merits, that determinations are based upon the information which is provided, and that he depends upon the Town staff to monitor the schedule and the ongoing progress.

Mr. Hemminger said that the circumstances with this project are unique. He said that the Town knows that this project will be built because it is part of the bigger picture, that it is not something that will just sit there, and that the developer is working on it by having submitted revised plans and by providing monthly PRC

meeting reports. Mr. Hemminger said that he personally does not have a problem with it [approving two 90-day extensions], that he does not believe that this action will set a precedent, and that Mr. DeLucia eloquently discussed the application, which has extenuating circumstances.

Mr. Hemminger said that he would rather approve two 90-day extensions and continue to monitor the progress of the development through the PRC meetings.

Mr. Bellis asked why the developer did not submit the plans to the DOH and DEC at the time of the third 90-day extension. He said that the past 90 days have been wasted. Mr. Hemminger said that the developer's consulting engineer was in the hospital during this time.

Mr. Delpriore said that Mr. DiPrima was waiting [to begin Section 2] to determine the culture and the environment [of new home construction and sales]. He said that Mr. DiPrima now sees that the housing boom is continuing, that homes are selling quickly here in Farmington, that the nearby Auburn Meadows Subdivision is selling quickly, and that Mr. DiPrima would like to have more approved lots to sell to the builder.

Mr. Maloy said that he is fine with approving two 90-day extensions as long as the board has reasons for doing so, and that there is clear guidance that the Town staff will provide regular monitoring of the progress.

Mr. Hemminger said that the PRC is the key and that the developer has already submitted revised plans for Section 2.

Mr. Viets said that if the board only approved a 90-day extension, the applicant will just return to request an additional 90-day extension down the road

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

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SUBDIVISION PLAT, SECTION 2**

PB #0701-19

**APPLICANT: A&D Real Estate Development Corporation,
c/o Anthony DiPrima, 7 Beauclaire Lane,
Fairport, N.Y. 14450**

ACTION: Final Subdivision Plat Approval: Fourth and Fifth 90-Day Extensions Section 2, Monarch Manor Incentive Zoning Project

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received a written request dated February 8, 2021, from Walter F. Baker, Engineering Manager, D.S.B. Engineers & Architects, P.C., for an extension of time to the conditions of approval for the above referenced Action; and

WHEREAS, the Planning Board did on December 2, 2020, grant the third 90-day extension for Final Subdivision Plat Approval which is to expire on Wednesday, March 2, 2021; and

WHEREAS, the Planning Board understands from the above referenced request and testimony received at tonight’s meeting that final plat drawings have now been submitted to both the New York State Department of Health and the New York State Department of Environmental Conservation and that this requested 180 day extension is being requested, in part, by the uncertainty associated with the timing of those two agencies completing their reviews and approvals; and the current effects upon construction and sales of the remaining townhouse dwelling units in Section 1 of the above referenced Project that are associated with the current COVID-19 Pandemic.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant approval for a fourth and a fifth 90-day extension, for a total of 180 days, to the conditions of approval for the Final Subdivision Plat for Section 2, Monarch Manor Incentive Zoning Project; and

BE IT FURTHER RESOLVED that said 180-day period is to commence on March 2, 2021, and shall end on Monday, August 30, 2021; and

BE IT FINALLY RESOLVED that prior to the Planning Board granting any further 90-day extensions for Section 2 of the Monarch Manor Subdivision, the applicant is to provide the Town written details as to how and when the dead-end sections of water mains located within and adjacent to Section 1 of the Monarch Manor Subdivision will be looped with the water mains that are shown on the Overall Plan for this Incentive Zoning project. In particular, the developer is to coordinate the installation of these water main connections in a manner that addresses the concerns contained in the December 2, 2020, letter from the Town Water and Sewer Superintendent to the Town Director of Development.

Adrian Bellis	Nay
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye

Douglas Viets Aye

Motion carried 4 to 1.

B. Amended Final Site Plan:

**PB #1102-20 Meyer’s RV Superstore of Farmington
Amended Final Site Plan – Phase 1**

Name: Meyer’s RV Superstore of Farmington, c/o 100 Sanford Road North, Churchville, N.Y. 14428

Location: 6200 State Route 96

Zoning District: GB General Business

Request: Amended Final Site Plan approval, Phase 1, Meyer’s RV Superstore of Farmington, located on property at the northeast corner State Route 96 and Mertensia Road (previous reference: PB #1102-18)

This application was presented to the Project Review Committee (PRC) on April 6, 2018; and was discussed at subsequent PRC meetings on July 13, 2018; September 7, 2018; October 5, 2018; March 1, 2019; April 5, 2019; May 3, 2019; June 7, 2019; July 12, 2019; August 9, 2019; September 6, 2019; November 1, 2019; December 5, 2019; January 3, 2020; March 6, 2020; July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; December 4, 2020; January 8, 2021; and February 5, 2021.

On September 19, 2018, the Planning Board approved the State Environmental Quality Review (SEQR) determination (no significant adverse environmental impacts), the Preliminary Site Plan (PB #0701-18) and the Special Use Permit (PB #0702-18).

On November 7, 2018, the Planning Board approved the Final Site Plan (PB #1102-18).

On January 16, 2019, the Planning Board approved the estimate for a Letter of Credit for site improvements in the amount of \$357,134.72.

On November 18, 2020, the Planning Board approved the Amended Final Site Plan for Phase 1 (PB #1102-20).

On January 20, 2021, Meyer’s Construction Manager Jeff Berends submitted an itemized Phase 1 construction schedule.

On February 10, 2021, Mr. Berends submitted a revised Phase 1 construction schedule.

Mr. Berends was present in the meeting room and presented this application.

Prior to the meeting, he submitted two revised construction schedules: one which provides the schedule for Phase 1 with completion on June 9, 2021, and the other for the Phase 2 construction of the building shell with completion in November 2021.

He said that Mr. Meyer's original contractor on this project has been off the site due to other projects and equipment breakdowns, and that the Power and Electric Group has been retained to relieve the original contractor and is ready to take over the installation of the utilities and the work which is to be done in the New York State Department of Transportation (DOT) right-of-way.

Mr. Berends also said that Building Innovation Group (107 Lincoln Parkway, East Rochester, N.Y. 14445) has been retained by Mr. Meyer to construct the shell of the new building in Phase 2.

Mr. Berends said that the original contractor has been placed on notice for one more week and will be relieved (and replaced with the new contractor) if he cannot perform the utility installation and the work in the DOT right-of-way. Mr. Berends said that he and Mr. Meyer are working to meet the Town's needs.

Mr. Delpriore asked if the original contractor is still part of the project. Mr. Berends said that the original contractor will be given one week to begin the DOT and State Route 96 Street Scape work, and that the original contractor will be replaced if he is not able to begin this work.

Mr. Hemminger said that the Town would like the project to move on smartly and to have things be done at the right time in the schedule. He said that portions of the project can overlap and that the Town staff and the Planning Board are looking forward to a final schedule with the new contractors. Mr. Hemminger said that the board will hold the applicant to the revised end date when a new schedule is submitted.

Mr. Hemminger said that the board cannot hold the applicant's feet to the fire if the applicant cannot hold his original contractor's feet to the fire.

Mr. Delpriore reminded Mr. Berends that the Phase 2 work (construction of the building shell) will require site plan approval by the Planning Board. Mr. Berends said that he is aware of this. The current schedule calls for the Phase 2 Amendment to the Final Site Plan, proposed building elevations, and floor-plan drawings to be submitted to the Planning Board no later than July 1, 2021.

Mr. Giroux said that the previous discussions at the Project Review Committee meetings (PRC) and at Planning Board meetings included comments that extensions of the construction schedule would be acceptable if the applicant is showing good faith progress.

A draft resolution was submitted by the Town staff for the board's consideration this evening which requires the applicant to submit a revised schedule for the board's review at the meeting on March 17, 2021.

Mr. Bellis said that he would prefer to wait until the March PRC meeting before changing the dates in the Amended Final Site Plan for Phase 1 which had been developed and approved by the applicant and the board on November 18, 2020. He said that he would feel more comfortable to give the applicant time to retain the new contractors [prior to changing the interim completion dates]. Mr. Bellis said that tonight is not the night to change the dates.

Mr. Hemminger suggested that the board withhold action on this evening's draft resolution to provide Mr. Berends with time to meet with the new contractors and prepare a revised schedule.

Mr. Brand then requested that the clerk read aloud the draft resolution which had been prepared for the board's consideration this evening.

The clerk then read aloud the complete resolution.

Mr. Brand said that the resolution is being consistent with what the board has done in the past. He requested that the board maintain consistency.

Mr. Hemminger said that the dates [which were established in the Phase 1 Amended Final Site Plan on November 18, 2020] may have to be adjusted at some point, based upon the applicant's new contractors.

Mr. Maloy said that it makes sense to wait another month [to adjust the dates in the Amended Final Site Plan resolution] until the applicant meets with the new contractors.

Mr. Viets said that the resolution [of November 18, 2020] provides the applicant with the details of what needs to be done, and that progress is monitored at the monthly PRC meetings. He said that he did know the purpose of this evening's proposed resolution.

Following additional discussion, it was the consensus of the Planning Board to take no action upon the draft resolution which had been submitted for consideration this evening. Mr. Brand said that he respectfully disagreed with this consensus.

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

7. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand discussed the following topics:

- The Special Legal Counsel who represents the Planning Board in the Delaware River Solar project Article 78 proceeding, which has been filed Ontario County Supreme Court, has requested additional information. The attorneys for the Planning Board and for the Concerned Citizens of Farmington [the citizens' group which brought the legal proceeding] presented written responses to the court in January (*see* Ontario County Supreme Court Case #126079-2019).
- The draft update to the Town's Comprehensive Plan will be presented to the public for review and comment following completion of Chapter 2 and the updated maps, both of which are now in progress.
- Mr. Brand asked if board members had comments on the draft local law on the Main Street Overlay District. Mr. Hemminger requested that comments be provided to Mr. Brand as soon as possible. Mr. Brand said that the draft local law will be referred to the Ontario County Planning Board soon. Mr. Hemminger said that the draft local law is comprehensive and could well serve as a model for the State. He commended Mr. Brand on its thoroughness.
- Mr. Brand reported that the Town was informed today that the New York State Department of Agriculture and Markets has approved a Purchase of Development Rights (PDR) award of \$1.9 million to permanently protect the viable agricultural lands associated with the Gerlock Farm in the Town of Farmington. This Farmland Protection Implementation Grant award is funded through the New York State Environmental Protection Fund. The application was supported by the Farmington Town Board and the Farmington Agricultural Advisory Committee, and was sponsored by the Genesee Land Trust which will hold the permanent easement on the property.
- The most recent draft of the State Route 96/State Route 332 Corridor Study has been received from Bergmann Associates of Rochester, N.Y., and is now under review.

Code Enforcement Officer Report:

Mr. Delpriore reported that the Development Office is now up to full staff with the recent hiring of Residential Code Officer Leland Cody who began on February 11, 2021.

Mr. Delpriore also said that a number of inquiries regarding new projects have been received and that a busy spring and summer is anticipated.

Highway and Parks Superintendent Report:

Mr. Giroux reported that electric lines have been installed in the new building which is now under construction as Beaver Creek Park. He also noted that the highway department crews are fully involved in snow removal and related winter work.

Town Engineer's Report:

Mr. Brabant said that MRB Group assisted in the review of the Main Street Overlay District draft local law. He also referred to a number of training webinars which have been scheduled (*see* Item #9, below).

Mr. Brabant discussed for the record a recent training session in which he participated regarding the testing and emergency procedures related to storage batteries. He said that this topic will be relevant for the Town as more solar projects with battery storage are submitted.

Board Members' Comments:

Mr. Hemminger said that the new schedule of providing board packets and staff comments on projects earlier in the process is working well. He requested that additional suggestions and comments be provided to him or to Mr. Delpriore as needed.

He also said that the Town Board has extended the moratorium on consideration of new solar projects for another six months.

Mr. DeLucia said that due to a conflict he may have to participate in the next Planning Board via the telephone/video conference call format.

Mr. Maloy and Mr. Brabant discussed recent solar project regulations which have been established by New York State.

Mr. Bellis asked about a comment in the Project Review Committee minutes of February 5, 2021, regarding the possible construction of mini storage warehouses at the development which has been proposed at the southwest corner of Mertensia Road and Collett Road. Mr. Delpriore confirmed that the applicant has been advised against the construction of mini storage warehouses on this property by the Town staff.

8. PUBLIC COMMENTS

None.

9. TRAINING OPPORTUNITIES

**■ Genesee–Finger Lakes Regional Planning Council
Spring 2021 Local Government Workshop**

Online sessions throughout April and May
Tuesdays and Thursdays from 11:30 a.m. to 1:00 p.m.

Topics include: Planning Board Overview, Clean Energy Communities, Solar Energy Facility Planning and Siting, Invasive Plants, Recognizing Indigenous People in Planning and Land Use, New York’s Quirky System of Local Government, Hot Topics in Planning, and others.

No fee. Registration required.

Website for more information: <http://www.gflrpc.org>
Questions to: Jason Haremza: jharemza@gflrpc.org

■ 2021 Municipal Bootcamp:

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program will be provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MREB Group.

Thursday, February 25, 2021, 6:00 p.m. to 7:00 p.m.
Session 2: How Does This Whole Thing Work?

Thursday, March 25, 2021, 6:00 p.m. to 7:00 p.m.
Session 3: Leave It Better Than You Found It

Thursday, April 22, 2021, 6:00 p.m. to 7:00 p.m.
Session 4: What Not To Say, and What *Really* Not To Do

Thursday, May 27, 2021, 6:00 p.m. to 7:00 p.m.
Session 5: Come One, Come All to the Greatest Show on . . . well . . .

Thursday, June 24, 2021, 6:00 p.m. to 7:00 p.m.
Session 6: Planning From (At Least) Six Feet Away

Thursday, July 22, 2021, 6:00 p.m. to 7:00 p.m.
Session 7: Ask Me Anything

Thursday, September 23, 2021, 6:00 p.m. to 7:00 p.m.
Session 8: From Big to Small

Thursday, October 28, 2021, 6:00 p.m. to 7:00 p.m.
Session 9: Well, Aren't You Special?

Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.
Session 10: All the Right Forms in All the Right Places

Questions to:

Wendy A. Marsh, Partner, Hancock Estabrook
wmarsh@hancocklaw.com
(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group
matt.horn@mrbgroup.com
(315) 220-0740

Registration link:

<https://register.gotowebinar.com/rt/4608077833213548299>

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

10. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:20 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, March 3, 2021, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

Respectfully submitted,

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