

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, February 3, 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 1, 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 the 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.  
 Ronald L. Brand, Town of Farmington Director of Development and Planning  
 Dan Delpriore, Town of Farmington Code Enforcement Officer  
 Don Giroux, Town of Farmington Highway and Parks Superintendent  
 John Weidenborner, Town of Farmington Zoning Officer

**Applicants Present at the Town Hall:**

Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450  
 John LeFrois, GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

**Applicants Present via Telephone/Video Conference:**

Michael Montalto, Costich Engineering, 217 Lake Avenue, Rochester, N.Y. 14608

**Others present at the Town Hall:**

Geoff Cook, 1514 Emma Lane, Farmington, N.Y. 14425  
 Debora K. Potter, 1426 County Road 8, Shortsville, N.Y. 14548  
 Chief Phil Robinson, Farmington Volunteer Fire Association

**Others Present via Telephone/Video Conference:**

William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425  
Town of Farmington Supervisor Peter Ingalsbe  
[Others, unidentified]

---

**1. MEETING OPENING**

The meeting was called to order at 7:00 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 JANUARY 20, 2021**

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the January 20, 2021, meeting be approved.

Motion carried by voice vote.

**3. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN**

**PB #0903-20 Preliminary Site Plan Application**

**Name:** GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

**Location:** South side of State Route 96, west of State Route 332, and east of Mertensia Road

**Zoning District:** GB General Business and Major Thoroughfare Overlay District (MTOD)

**Request:** Preliminary Site Plan approval of Phase 1A to erect approximately 32,750 square feet of General Business space on the parcel identified as Tax Map 29.00-1-18.100. The property is zoned GB General Business and Major Thoroughfare Overlay District (MTOD)

This application was reviewed by the Project Review Committee on April 5, 2019; May 1, 2019; February 7, 2020; May 1, 2020; June 5, 2020; July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; December 4, 2020; and January 8, 2021.

The applicant presented concept plans to the Planning Board on March 4, 2020.

The Planning Board recommended the establishment of a Letter of Credit for partial site clearing in the amount of \$23,287.50 on August 5, 2020. The Town Board accepted this recommendation and directed that a Letter of Credit in the amount specified be filed with the Town Clerk's Office.

The Planning Board designated itself as the Lead Agency for the State Environmental Quality Review (SEQR) determination on October 7, 2020, following a 30-day public review period during which no objections were received to the Planning Board's designation from any of the Involved Agencies..

The Public Hearing on this application was opened on October 7, 2020, and was continued to the meetings on October 21, 2020; November 4, 2020; November 18, 2020; December 16, 2020; and to the meeting this evening (February 3, 2021).

Mr. Destro (BME Associates) and Mr. LeFrois (the applicant) presented this application.

Mr. Destro said that the applicant's front setback Area Variance of 70 feet from State Route 96 (when the Town Code requires a minimum front setback of 100 feet) was approved by the Zoning Board of Appeals on January 25, 2021 (Chapter 165, Article IV, Section 34 G. [3]).

He said that written responses and updated plans have been submitted to the Town to address the comments from the Town Engineer and the Town staff. Mr. Destro said that the applicant has complied with all requests and is ready to move forward with the Preliminary Site Plan process this evening.

Mr. Brand said that a draft Preliminary Site Plan approval resolution was provided to the Planning Board, the Town staff and the applicant last week and is based upon the understanding that the applicant does not at this juncture have any companies [tenants] who are lined up to come into this development. He said that the Town is trying to accommodate the applicant's desire to market the site and to compete with other sites in the Town which also are moving forward with commercial site developments.

Mr. Brand said that the Development Office is aware that a number of required details will be provided when the applicant submits individual Final Site Plans for the proposed pad sites. He said that this is no different than the process which was followed for the MIII (Always Locked Self Storage) and the Hathaway's Corners projects. Mr. Brand said that although it would be preferred to have building elevation renderings this evening [of the four buildings proposed in Phase 1A], it would not be financially practical for the applicant to provide these elevations at this time only to have tenants reject them. He said that the final designs will be based upon the needs of the prospective tenants.

Mr. Brand said that the board this evening is concerned with moving forward with Phase 1A. He said that this is the first experience that the Town has had where none of the four proposed building pads have individual direct access to a major State highway. He complemented the engineers for designing the project [in this way] to maintain the integrity of State Route 96 in this increasingly congested area where the road widens for the State Route 332/State Route 96 intersection. He said that it is a feather in everyone's cap that the applicant's traffic impact study has received approval from the New York State Department of Transportation [which has jurisdiction over State Route 96].

Mr. Brand said that the amended draft Preliminary Site Plan resolution [which was distributed to board members and Town staff this afternoon] is based upon comments that have been received from the the Planning Board members as they followed the new Development Office project review procedure. He said that the Town staff is ready to move forward with the State Environmental Quality Review (SEQR) determination and with the Preliminary Site Plan approval with conditions.

Mr. Delpriore said that the new Development Office procedure worked well. He said that a lengthy meeting was held today (February 3, 2021) with the staff and Town officials, and that the amended draft resolution addresses the comments from the Planning Board and the staff. He said that having received questions from the Planning Board prior to this evening's meeting provided the staff with the time to work with the applicant to address the concerns of the board members.

Mr. Giroux requested that follow-through with previous agreements [with the applicant] is required throughout the process of project review. He said that brush piles and three large metal posts were to have been removed from the site, but that they remain on the property. Mr. Giroux said that he would like to reiterate that the statements [which are commitments made at board meetings] are recognized. He said that the brush piles and the metal posts should already have been removed from the site. Mr. Brand said that this detail would need to be addressed prior to the release of the posted surety for the site clearing.

Mr. Brabant said that MRB Group has been reviewing the project and has reached out to Mr. Destro regarding technical engineering questions. He said that the majority of the engineering comments have been addressed and that an MRB Group comment letter will be issued soon. Among the remaining engineering issues are the access road along the sanitary sewer line, a detail of the access road to the stormwater management facility, pedes-

trian safety measures for each of the four proposed lots and the common access area, and the landscaping and buffer area required by the State Route 96 Street Scape Guidelines. He said that these issues will be fine-tuned at the Final Site Plan stages of each of the proposed buildings.

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 if anyone on the audio/visual conference call wished to speak for or against the application, or to ask questions.

Mr. Allen (5988 County Road 41) said that he is hearing that there will be a number of changes to the plans which will be based upon the tenants to be acquired by the applicant. He asked if the project will take the best interests of the taxpaying citizens into consideration.

Mr. Hemminger said that the Planning Board will assure that the buildings and the uses of the property fit the commercial criteria [of the Town Code], that they will meet the Town’s design criteria, that they will be aesthetically pleasing, and that the plans will have the right amount of parking and traffic flow. Mr. Hemminger said that each of the proposed uses will be reviewed in the same manner that the board has used on all previous applications. He said that the board will assure that only what is authorized to go in [by the Town Code] will go in, and that it must be in the best interest of the community. He said that the Planning Board does not have a “say” as to what may go in (as long as the use complies with zoning district) but that the board will make sure that each use is developed in the best possible way. Mr. Allen thanked Mr. Hemminger for his reply.

Mr. Hemminger then asked two more times if anyone else on the audio/visual conference call wished to speak for or against the application, or to ask questions. There were no further comments or questions from those on the audio/visual conferece call.

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, that the Public Hearing on this application (PB #0903-20, GLN Farmington Realty LLC, Preliminary Site Plan approval for Phase 1A and Overall Site Plan) be closed.

Mr. Bellis	Aye
Mr. DeLucia	Aye
Mr. Hemminger	Aye
Mr. Maloy	Aye
Mr. Viets	Aye

Motion carried. The Public Hearing on PB #0903-20 was closed.

**Board deliberations:**

Mr. Bellis said that the Preliminary Site Plan for Phase 1A indicates four buildings. Mr. Hemminger said that the number of buildings could change based upon the applicant's acquisition of tenants. He said that there is no guarantee that the uses would be a bank or a restaurant. He said that the uses must comply with the Town Code and the Commercial zoning district, and possibly the pending Main Street Overlay District regulations now being worked on, but that the number of buildings may change based upon the site coverage needs of the tenants who are to be acquired.

Mr. Maloy said that his previous comments have been addressed and that obviously there could be a big difference in the final plans [based upon the acquired tenants]. He said that he is "good" with the Preliminary Site Plan as long as the applicant understands that the prospective tenants will have to fit in it. Mr. Hemminger said that he believes that the applicant understands this.

Mr. DeLucia said that he had no further questions at the Preliminary Site Plan stage.

Mr. Viets said that he will have additional comments to be incorporated into the Final Site Plans. He said that he would have liked to have seen more grading information upfront [at the Preliminary Site Plan stage]. He also said that the storm sewers are set at elevations and that there will be a number of additional issues to be addressed at the Final Site Plan stage.

Mr. Hemminger requested that the applicant assure that the entire access road to the stormwater management facility is to be included in Phase 1A. He said that the applicant must understand everything that is required in Phase 1A. He also said that the board does not wish to see topsoil—which will be excavated for construction of the stormwater management pond—to be sitting in a pile for three or four years in an ugly situation. He said that the brush piles [in the area of the property that has been cleared] must be cleaned up and that the three metal posts must be removed sooner than later. He said that the board looks forward to a good project.

Mr. Brand said that the SEQR Part 2 and Part 3 findings allow for a determination of non-significance to be made by this board, which indicates that the project will have no major [significantly large adverse] environmental impact. He noted that it is "huge" that the New York State Department of Transportation agreed with the location of the new Town-dedicated entrance road off State Route 96. He said that the location of this entrance road provides the best solution for completion of the new Town road (Mercier Boulevard) since it involves only one property owner. He also noted that an important traffic mitigation measure being proposed involves internal access to the four sites from the lower classified Town highway instead of the more heavily traveled State highway.

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

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

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

**PB # 0903-20**

**APPLICANT: GLN Farmington Realty LLC, 1020 Lehigh Station Road,  
Henrietta, N.Y. 14467**

**ACTION: Preliminary Site Plan Approvals, Phase 1A and Overall Site  
Plan of a mixed commercial development site (Tax Map  
Account #029-01-18.1) located along the south side of New  
York State Route 96, east of Mertensia Road and west of the  
intersection of State Routes 96 and 332**

**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 a Type I Action; and

**WHEREAS**, the Planning Board has reviewed Part 2 of the Full Environmental Assessment Form (hereinafter referred to as FEAF); and

**WHEREAS**, the Planning Board has reviewed Part 3 of the FEAF.

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

**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.

Attachments to resolution:

- Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts

- Full Environmental Assessment Form Part 3—Evaluation and Determination of Significance

**FULL ENVIRONMENTAL ASSESSMENT FORM  
PART 3—EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS  
SUPPLEMENTAL NARRATIVE**

**PB # 0903-20**

**APPLICANT: GLN Farmington Realty LLC, 1020 Lehigh Station Road,  
Henrietta, N.Y. 14467**

**Supporting Documents**

The Town of Farmington Planning Board (hereinafter referred to as Planning Board), as part of the environmental record upon the application for Preliminary Overall Site Plan Approval and Preliminary Site Plan Approval—Phase 1A, has reviewed the Applicant’s Engineer’s Report for GLN Farmington Realty Property, prepared by BME Associates, having an Update of October 29, 2020 and identified as Project No. 2527. In addition, the Planning Board has reviewed the Traffic Impact Study for the proposed GLN Farmington Realty Development—Phase IA, prepared by SRF Associates, for Mr. John LeFrois, GLN Farmington Realty, LLC, having a date of November 2020 and identified as Project No. 40020.

The Planning Board also has reviewed the Town Construction Inspector’s December 14, 2020, report to the Director of Planning and Development; the SEQR Response Forms from the New York State Department of Health, Geneva Regional Office and the Town of Farmington Water and Sewer Department; and a Letter from the Region 4 Director, New York State Department of Transportation, dated December 7, 2020. The Planning Board further received and reviewed the December 7, 2020 letter and the December 9, 2020 letter, both from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town’s Engineers; the Ontario County Planning Board Referral No. 216 of 2020; and the Town of Farmington Project Review Committee (PRC) Meeting minutes of December 4, 2020.

Finally, the Planning Board has considered the adopted Routes 96 and 332 Major Thoroughfare Official Map, the land use and transportation recommendations contained in the 2011 Edition of the adopted *Town of Farmington Comprehensive Plan* and the land development occurring adjacent to the subject site. The Board, based upon its review of these documents, finds that the proposed Action is consistent with the State of New York’s Smart Growth Policy Act, thereby enabling the Region 4 Office of the NYSDOT to issue either a Highway Work Permit or a Permit for Use of State-Owned Property.

**FEAF Part 2 Identification of Potential Project Impacts**

1. Impact on Land

- a. The Planning Board has identified the proposed Actions are likely to have a small impact upon land where the construction involves site where, in places, the depth to water table is less than 3 feet. The Board finds that this site impact will be adequately mitigated by compliance with the State's MS4 Storm Water Program Requirements and the Town's Storm Water Regulations (Chapter 123 of the Farmington Town Code) resulting in storm water facilities being constructed which include a large almost regional scale detention facility located in the south west portion of the overall site. Development within each of the phases of the Overall Project will be connected, as they are approved, to this storm water facility.
- e. The Planning Board has identified that the full build-out of this site may likely take several years to complete and will likely involve multiple phases. The Board finds that this site impact will be small when compared against the full build-out occurring all in a single phase.

### 13. Impact on Transportation

The Planning Board finds that the above referenced Traffic Impact Statement identifies the anticipated improvements to be provided as part of Phase 1, which include the installation of a left-turn lane to be installed within the pavement of State Route 96, which is to be reviewed and accepted by the NYSDOT, Region 4 Office. The Board further finds, that as each of the remaining sites comprising the Overall Site Plan, that they will be requiring additional reviews of the traffic impact associated with both the short- and long-term impacts upon the environment before Final Site Plan Approval is considered by the Board.

The Board further finds that the proposed Town Road entrance into the Overall Site, including Phase 1, will be constructed to Town Specifications shown in Chapter 165, Section 34, Table 1, of the Farmington Town Code. Thereby resulting in a small impact upon transportation.

The Board further finds that the proposed construction of the northern section of Mercier Boulevard, will include bike lanes and pedestrian sidewalks.

The Board further finds that the State Department of Transportation will determine when warrants exist requiring the Applicant to install a traffic signal at the intersection of State Route 96 and Mercier Boulevard. Thereby resulting in a small impact upon transportation.

The Board further finds that the Applicant is aware of and is committed to providing "Street Scape Improvements" across the Route 96 frontage of the site; and that there will be no direct or individual driveways connecting to said highway. Thereby resulting in a small impact upon transportation.

### 15. Impact on Noise, Odor and Light



■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the clerk read aloud the amendments to the draft Preliminary Site Plan approval resolution, that the reading of the balance of the resolution be waived, and that the following resolution be approved as amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SITE PLAN  
GLN FARMINGTON REALTY LLC**

**PB # 0903-20**

**APPLICANT: GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467**

**ACTION: Preliminary Site Plan Approvals, Phase 1A and Overall Site Plan of a mixed commercial development site (Tax Map Account #029-01-18.1) located along the south side of New York State Route 96, east of Mertensia Road and west of the intersection of State Routes 96 and 332**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has completed its review of the environmental record prepared to date upon the above referenced Action and has made a Determination of Non-Significance thereon; and

**WHEREAS**, the Planning Board has given consideration to the Ontario County Planning Board Referral #216-2020 having a recommendation of approval with comments; and

**WHEREAS**, the Planning Board has again continued and did tonight close the Public Hearing upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to approve with the following conditions upon the above referenced Action.

1. Preliminary Site Plan Approval is based upon the set of drawings prepared by BME Associates, identified as Drawing Number 10, Project Number 2527, entitled “GLN Farmington Realty Property, Phase 1A, Preliminary Site Plan,” having the latest revision date of 1/25/21; and Drawing Number 19, Project Number 2527, entitled “GLN Farmington Realty Property, Overall Preliminary Site Plan,” having the latest revision date of June 2020.
2. Preliminary Site Plan Approval is based upon a maximum of four (4) building sites located within Phase 1A, containing a total of 16,000 square feet in building area and related site improvements, including a proposed Stormwater Management Area A, all of which is located on a total of 4.29 acres of land.

3. Preliminary Site Plan Approval is based upon a maximum of four (4) building sites located in Phase 1B, containing a total of 150,000 square feet in building area and related site improvements located on the remaining 22.89 acres of land.
4. Preliminary Site Plan Approval is based upon the construction and dedication of Mercier Boulevard, to be completed and dedicated in phases to the Town of Farmington, connecting a new intersection with State Route 96 with the existing cul-de-sac for Mercier Boulevard located on property to the south and adjacent to Tax Map Account #029.00-01-23.121.
5. Prior to the issuance of any Certificate of Occupancy for any building to be located upon the project site that the improvements to State Route 96, as required in the New York State Department of Transportation's January 6, 2021, letter to Mrs. Amy Dake, SRF Associates, is to be completed.
6. Additional Traffic Impact Study reports will be required prior to granting Final Site Plan approval for any additional buildings and site improvements within Phase 1A, beyond the first two buildings (e.g. bank and fast food restaurant) known at this time to be located in this phase of the project.
7. Additional Traffic Impact Study reports may be required as part of Final Site Plan Applications depending on changes to the sizes of any buildings to be located in Phase 1B and 2 of the Overall Project Site.
8. Prior to the issuance of any Building Permits for any of the above referenced buildings and related site improvements, the Planning Board shall issue final site plan approvals.
9. Prior to the issuance of any Certificates of Occupancy for any of the above referenced buildings and related site improvements, the Planning Board shall require the extension and dedication of the new Town highway to serve the buildings and sites. The connection of Mercier Boulevard to the cul-de-sac to the south will be determined by the updated traffic study when the connection is warranted.
10. Final Site Plan drawings are to show a 12-foot wide "Utility Service Road" extending approximately one thousand feet from Station 7 + 80 southeasterly to the existing manhole (Station 17 + 00) located near the cul-de-sac on Mercier Boulevard. The details for the "Utility Service Road" are to include compacted subsoil, geo textile fabric, two six-inch lifts of #2 crusher run stone and one three-inch lift of #1 crusher run stone. Detail of this "Utility Service Road" is to be shown on the Final Site Plan drawings. In addition gates are to be installed at both ends of this "Utility Service Road."
11. The proposed access for Building Pads #4 and #5 is to be relocated to the west opposite the entry of Mercier Boulevard from State Route 96. This intersection is

to become a three-way stop with the right-of-way being for southbound traffic on Mercier Boulevard entering from State Route 96.

12. The 12-foot wide “Utility Service Road” (as described in Condition #10 above) is to be shown on the Final Site Plan Utility drawing and placed from the centerline of the future Town Road extension (Mercier Boulevard) along the sanitary sewer line side of the proposed road right-of-way.
13. The details for the crash gate required to be installed between the Phase 1A portion of this overall site and the adjacent Farmington Commons Plaza site are to be added to the revised Preliminary Site Plan drawings.
14. Both the Phase 1A Preliminary Site Plan drawing and the Overall Preliminary Site Plan drawings are to be revised to delineate the findings of the HEC/RAS done for this portion of Beaver Creek.
15. Both of the above site plan drawings are to have detail designs showing crash gates located at both ends of the sanitary sewer access drive.
16. As part of dedication for the first section of Mercier Boulevard, the right-of-way is to be established to the property line to the west of the subject site.
17. There is to be an additional pedestrian crosswalk added at the midpoint of the four commercial sites and an on-site pedestrian sidewalk connection between all four buildings as part of Final Site Plan approvals. Town Code requires there be separation of pedestrian/vehicular circulation.
18. As part of Final Site Plan approval for the first building to be constructed in Phase 1A there will be additional landscaping provided along the east side of the Mercier Boulevard entrance into the site.
19. As part of Final Site Plan approval for Building Pads #4, #5, #6 and #7 street lights along the south and west sides of Mercier Boulevard will be required prior to the issuance of any Certificates of Occupancy.
20. Prior to any Certificates of Occupancy being issued for any building located within the project site, proper application, engineering report, plans and supporting documentation must be prepared and submitted to the New York State Department of Health, Geneva Regional Office, prior to construction of the public water main extension.
21. All comments contained in documents received from the Town Engineers, MRB Group, D.P.C., or testimony provided in the public record on this Action by representative of the Town Engineers, are to be addressed and any necessary changes are to be made to Final Site Plan drawings prior to signatures being affixed.

22. The applicant, as part of the Final Site Plan Application submissions, shall make sure the proposed drainage easement(s) cover all proposed stormwater management areas.
23. Access for maintenance around stormwater management Area “A” is to be shown on the drawings.
24. As noted on the drawings submitted, as part of any Final Site Plan application(s) variance may be required from the Town Zoning Board of Appeals.
25. The Preliminary Site Plan and Final Site Plan drawings are to add the Town tree and shrub planting detail (Appendix H-11.0).
26. Topsoil stockpile(s) are to be shown on Final Site Plan drawings and shall be kept in a way they can be maintained. Stockpiling of topsoil shall be seeded and mowed around the base of each topsoil pile to keep the grass under the 6-inch height required by Town Code.
27. Preliminary and Final Site Plan drawings are to have signature blocks on each page of drawings and shall have signature blocks in the approved locations as shown in Appendix G-13.0 of the Town’s Site Design and Development Criteria.
28. Public Safety signs shall be located at all driveway access locations and the Public Safety Sign Detail shown on the Detail Drawing Sheet.
29. Final Site Plan drawings shall delineate the double stripping of all on-site parking spaces and the double strip detail is to be added to the Detail Sheet for the Final Site Plans.
30. The Farmington Fire Marshal requests the Final Site Plan drawings relocate the proposed fire hydrant from the south east corner of Mercier Boulevard to the median closer to Building #3. From a fire protection standpoint, such relocation would facilitate accessibility for the fire department, as well as not blocking-off portions of the street once the first connection is made to a fire truck at the scene.
31. The Final Site Plan drawings for Phase 1A are to show a looped watermain system, in the area between buildings #3 and #4, to replace any dead end water service to the future commercial buildings.
32. Once all changes have been made to the two approved Preliminary Site Plan drawings cited above herein, the applicant’s engineer is to provide a mylar and one paper print copy to the Town Code Enforcement Officer for review and acceptance. Once accepted, then all signatures will be affixed to the drawings. The mylar will be returned to the applicant’s engineer for making at least four (4) additional paper print copies that are to be returned to the Town Code Enforcement Officer.

- 33. The Town Code Enforcement Officer shall provide one (1) set of the signed paper print copies to the Town Highway and Parks Superintendent; the Town Water and Sewer Acting Superintendent; the Town Construction Inspector; and the Town Engineer.
- 34. Preliminary Site Plan Approval is valid for a period of 180 days from today and the revised drawings are to be submitted for signatures within this time period. Failure to obtain signatures on the approved drawings will result in them becoming null and void.

Mr. Hemminger asked Mr. LeFrois and Mr. Destro if they understood the resolution and if they agreed with the conditions as amended. Mr. LeFrois and Mr. Destro said that they understood the resolution and that they agreed with conditions as amended.

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

Motion carried.

**4. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN**

**PB #1205-20 Preliminary Site Plan Application**

**Name:** Blackwood Industrial Park: Union Crossing Development LLC, c/o Karl Schuler, 2580 Baird Road, Penfield, N.Y. 14526

**Location:** North of County Road 41 and west of County Road 8

**Zoning District:** LI Limited Industrial

**Request:** Preliminary Site Plan approval to erect two single-story buildings 39 feet in height on Lot #2R of the Blackwood Industrial Park Subdivision. Each building will be 216,000 square feet in size, for a total of 432,000 square feet.

This application was reviewed by the Project Review Committee on June 5, 2020 (concept plan presented); July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; December 4, 2020; and January 8, 2021.

The Public Hearing on a three-lot subdivision and the Preliminary Site Plan was opened on December 16, 2020; and was continued to January 20, 2021, and to the meeting this evening (February 3, 2021).

The applicant subsequently revised the plans and withdrew the subdivision application.

On December 16, 2020, the Planning Board designated its intent to be designated as the Lead Agency for making the State Environmental Quality Review (SEQR) determination. The SEQR Public Notification Period was established from Thursday, December 17, 2020, to Monday, January 18, 2021.

Mr. Hemminger reconvened the Public Hearing on the Preliminary Site Plan application.

Mr. Montalto (Costich Engineering) presented this application via telephone/video conference.

He said that this project includes two buildings of 216,000 square feet each for a regional distribution center. The plan no longer includes the original proposal for a subdivision of the property which would have provided shared parking on a separate lot which would have operated under a reciprocal lease agreement. He said that the subdivision is no longer required, and that a 50,000-square-foot possible addition to one of the buildings, as originally proposed, also has been removed from the plan.

Mr. Montalto said that no variances are required.

He said that the applicant has been working with the Town staff, the New York State Department of Transportation (DOT) and the Ontario County Department of Public Works (DPW) on the traffic impact study which was submitted by SRF Associates of Rochester, N.Y., on behalf of the applicant. He said that the Public Hearing was continued from January 20th to this evening in response to requests by the DOT and the DPW for more time to review the applicant's traffic impact study.

The DPW subsequently retained a consultant (Colisano and Spina Engineers Inc.) to review the traffic impact study. Amy Dake of SRF Associates worked directly with the consultant to address the County's concerns. Mr. Montalto said that the DOT reported that no negative traffic impacts would be associated with this application and that no roadway infrastructure improvements were necessary to any of the State highways or intersections associated with this application. He said that the DPW consultant concurred with the DOT, and that the DPW and the DOT have provided confirmation letters which have been submitted to the Town.

Mr. Hemminger asked how many trucks per day would enter and leave the site.

Mr. Montalto said that this development would be a low traffic generator and that approximately 35 trucks per day would use the site.

At the Planning Board meeting on December 16, 2020, Ms. Dake said that a complete traffic study was conducted and that the more conservative Institute of Transportation Engineers (ITE) data was used because of the expected lack of large volumes of traffic entering and leaving this particular site during peak hours. She said that the traffic study

was modeled after the applicant's similar project in Chili, N.Y. Ms. Dake said that typically this type of use (warehouse) does not generate a great deal of traffic during peak commuter hours. She said that the study indicated that there will be little impact to the County Road 8/County Road 41 roundabout intersection (the closest intersection) during peak hours.

Mr. Montalto said that the higher and more conservative traffic figures were used in the SRF Associates traffic impact study and that the actual number of vehicles using the site each day is expected to be less than the figures which are projected in the study.

He said that he has been working with the Town Engineer relative to the DPW and DOT comments. Mr. Montalto also said that he received the draft Preliminary Site Plan approval resolution, that he is aware of all Planning Board and Town staff comments received to date, and that he and the applicant take no exception to any comments. He said that they will continue to work with the Town staff moving forward and that all comments will be addressed when the Final Site Plan drawings are submitted. In the meantime, he said that they are in general agreement with all comments that have been received.

Mr. Brand said that the Planning Board continued the Public Hearing to the meeting this evening to provide time for the DOT and the DPW to review the traffic impact study (which had been revised following the changes from the original proposal) and to provide time for the County's traffic consultant. He confirmed that the State and County reviews identified no major traffic impacts.

Mr. Brand said that he is aware of the applicant's project in Chili N.Y. He said that it is well done and he encouraged the board and the Town staff to conduct a site visit. Mr. Brand said that he is looking forward to the applicant's development in Farmington to mirror the Chili project and that it will not create major [traffic] bottlenecks for the neighbors or the local transportation system.

Mr. Brand said that the site drains predominantly to the north and to the south, and that Mr. Brabant and Mr. Delpriore will require a great deal of detail on the stormwater design at the Final Site Plan stage. Mr. Brand said that the intent of the design will be that water leaving the site must not be greater than the stormwater that leaves the site today. This is a requirement of the Municipal Separate Storm Sewer (MS4) program, to which the Town must comply as a New York State-designated MS4 Community.

Mr. Brand also discussed a 2010 Ontario County Industrial Development Agency (IDA) plan for the entire Blackwood Industrial Park property which would have identified one million square feet of warehouse space and would have taken all of the Blackwood Industrial Park holdings. He said that the applicant's proposal is similar to the current Service Steel and MiniTec Framing Systems projects which are now located on the site. He said that both of these companies have indicated that they also may expand their buildings in the future.

Mr. Delpriore said that stormwater mitigation on the applicant's site is a concern and that the Town staff has been working with the applicant to achieve the goal of having no increase in stormwater leaving the site and having the stormwater treated on the site. He said that the applicant is on the right track and that questions of elevation and grading will be further discussed at the Final Site Plan stage. Mr. Delpriore said that these mitigation measures are required by the MS4 regulations and that a Final Site Plan would not be submitted to the Planning Board for consideration if the applicant does not meet this requirement.

He also said that the new project review procedure worked well and that the board's advance questions are addressed in the conditions of approval of the Preliminary Site Plan resolution and will be confirmed prior to signatures on the plans.

Mr. Giroux said that the applicant's site is located between County and State highways and that stormwater runoff is his only concern.

Mr. Brabant said that MRB Group issued an engineering comment letter on December 22, 2020, and that Mr. Montalto is working toward addressing the engineering comments. He said that Mr. Montalto and the applicant were awaiting the DPW and the DOT comments on the traffic impact study prior to making additional revisions to the plans.

Mr. Brabant said that the major issue on the site is stormwater drainage. He said that low points have been identified, that elevations must be corrected, and that the stormwater runoff must be calculated as equal to, or less, than existing conditions, prior to MRB Group approval and the issuing of permits. Mr. Brabant said that Mr. Montalto and the applicant are working toward this goal and that he believes that the goal will be obtained.

Mr. Montalto acknowledged that they have been awaiting the DPW and the DOT traffic reviews and that there will be no issues with addressing the stormwater concerns.

Farmington Fire Chief Robinson said that the height of the proposed buildings is at the limit of ground ladders but that the fire department has aerial equipment [to reach the upper levels of the buildings]. Mr. Hemminger requested that the Town staff assure that the final site plans are forwarded to the fire department for review.

Mr. Hemminger then asked if anyone in the meeting wished to speak for or against this application, or to ask questions.

Ms. Potter (1426 County Road 8) said that her property is on the northwest corner of County Road 41 and County 8 and that this project will be right in her backyard. She said that she is not happy about this, and that she recently received the preliminary site plans to review. Ms. Potter asked what is going into these two buildings. Mr. Hemminger said that the applicant plans a regional warehouse distribution center with low traffic and a small number of employees. Mr. Montalto confirmed this use. He said that manufacturers are now shipping directly from warehouses due to the increase in online sales.

Ms. Potter asked about the number of trucks that would use the site each day. Mr. Hemminger said that Mr. Montalto has estimated approximately 35 trucks per day but that the number of vehicles may actually be lower, based upon the applicant's similar facility in Chili, N.Y.

Ms. Potter said that the applicant's proposed two buildings are significantly bigger than the other buildings [on the site, i.e., Service Steel and MiniTec Framing Systems]. She said that the parking will be right in her backyard and that she is not happy about that.

Ms. Potter also said that they had a humongous rat problem following the digging of the other buildings [Service Steel and MiniTec Framing Systems]. She said that these [the applicant's] buildings would be even closer to her home and that every time there is digging she ends up with rats.

Ms. Potter said that her main issue is that she may potentially be selling her home in one or two years. She said that although this is still up in the air, she asked how this project would affect her property values with two huge warehouses in her backyard.

Ms. Potter said that the proposed shrubs [to be planted near her property] are small. She asked if there would be any way to have taller trees planted [along the applicant's property line] to create a hedgerow-like buffer. Mr. Hemminger said that the board will certainly look at the transition between the industrial and the residential properties. He said that Mr. Viets has already brought this up and that the board will work to make the landscaping in this area to be the best that it can be.

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

He then asked three times if anyone on the audio/visual conference call wished to speak for or against the application, or ask questions. There were no comments from those on the audio/visual conference call.

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the Public Hearing on this application (PB #1205-20, Blackwood Industrial Park, Preliminary Site Plan) be closed.

Mr. Bellis	Aye
Mr. DeLucia	Aye
Mr. Hemminger	Aye
Mr. Maloy	Aye
Mr. Viets	Aye

Motion carried. The Public Hearing on PB #1205-20 was closed.

**Board deliberations:**

Mr. DeLucia said that he had no additional comments to those which already have been submitted by other board members.

Mr. Viets asked about stormwater runoff and the requirement that off-site drainage will not exceed the existing volume that is now leaving the site. He said that he will be comfortable that the Town staff and the Town Engineer are working with the applicant on this.

Mr. Viets said that a major issue is landscaping along the entire border of the applicant's and adjacent residential properties to the east. He referred to the Town's Site Design and Development Criteria and expressed interest in having the applicant adhere to these criteria.

Mr. Maloy said that he understands that the applicant cannot allow a greater volume of stormwater to leave the site than the existing conditions, but he said that he is more worried about the onsite drainage flow to the onsite stormwater facilities. He also suggested that the paved islands be left as open space to provide a softer "look."

Mr. Bellis said that landscaping has always been a major concern since Day 1, especially with the neighbors along the road.

Mr. Hemminger said that landscaping is also a major issue with him. He said that it is the board's responsibility to make sure that the transition from the industrial zone to the residential zone is as clean as possible with the right landscaping and the right-size landscaping.

Mr. Bellis also discussed site lighting. Mr. Hemminger said that the exterior lights should have a shield to avoid light spill and glare onto adjacent properties. He said that the board must take a sharp look at lighting [on the Final Site Plan].

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

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

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

**PB #1205-20**

**APPLICANT: Union Crossing Development LLC, c/o Taylor, the Builders,  
Karl Schuler, 2580 Baird Road, Penfield, N.Y. 14526-2333**

**ACTION:**                    **Preliminary Site Plan Approval of two proposed industrial buildings and related site improvements (Tax Map Account #042-01-54.12), an approximately 34-acre lot (Lot #R-2 Blackwood Industrial Park) located along the north side of County Road 41, west of County Road 8 and along the west side of County Road 8, north of the intersection of these two County highways**

**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 a Type I Action; and

**WHEREAS**, the Planning Board has reviewed Part 2 of the Full Environmental Assessment Form (hereinafter referred to as FEAF); and

**WHEREAS**, the Planning Board has reviewed Part 3 of the FEAF.

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

**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.

Attachments to resolution:

- Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts
- Full Environmental Assessment Form Part 3—Evaluation and Determination of Significance

**FULL ENVIRONMENTAL ASSESSMENT FORM  
PART 3—EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS  
SUPPLEMENTAL NARRATIVE**

**PB #1205-20**

**APPLICANT: Union Crossing Development LLC, c/o Taylor, the Builders,  
Karl Schuler, 2580 Baird Road, Penfield, N.Y. 14526-2333**

### **Supporting Documents**

The Town of Farmington Planning Board (hereinafter referred to as Board), as part of the environmental record upon the application for Preliminary Site Plan Approval has reviewed the Applicant's Engineer's Report dated November 2020, for "Blackwood Industrial Park, Lot R-2," prepared by Costich Engineering, and identified as Project No. CE#T952. In addition, the Planning Board has reviewed the Traffic Impact Study for the proposed Blackwood Industrial Park, prepared by SRF Associates, for Mr. James D. Taylor, Union Crossing, LLC, having a date of November 2020 and identified as Project No. 40084.

The Planning Board also has reviewed the Town Construction Inspector's report to the Director of Planning and Development; the SEQR Response Forms from the New York State Department of Health, Geneva Regional Office, the Town of Farmington Highway Department and the Town of Farmington Water and Sewer Department; and Letters from the Region 4 Director, New York State Department of Transportation, dated December 7, 2020 and January 27, 2021. The Planning Board further received the Ontario County Planning Board's Referral Number 215-2020, dated December 9, 2020, which recommends approval with comments. A report from the Ontario County Public Works, dated January 19, 2021 and the December 22, 2020, letter, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town's Engineers; and the Town of Farmington Project Review Committee (PRC) Meeting minutes of December 4, 2020 and January 8, 2021.

Finally, the Planning Board has considered the adopted Routes 96 & 332 Major Thoroughfare Official Map, the land use and transportation recommendations contained in the 2011 Edition of the adopted Town of Farmington Comprehensive Plan and the land development adjacent to the subject site. The Board, based upon its review of these documents, finds that the proposed Action is consistent with the State of New York's Smart Growth Policy Act, thereby providing information to the Region 4 Office of the NYSDOT.

### **FEAF Part 2 Identification of Potential Project Impacts**

1. Impact on Land
  - a. The Planning Board has identified the proposed Actions are likely to have a small impact upon land where the construction involves site where, in places, the depth to water table is less than 3 feet. The Board finds that this site impact will be adequately mitigated by compliance with the State's MS4 Storm Water Program Requirements and the Town's Storm Water Regulations (Chapter 123 of the Farmington Town Code) resulting in storm water facilities being constructed which include a number of different detention facilities located within the overall site. Development is

planned for two phases of the Overall Project as final site plans are presented for approved, they will be incorporating the site's storm water facilities in compliance with the Town's MS4 Program.

- e. The Planning Board has identified that the full build-out of this site may likely take several years to complete and will likely involve multiple phases. The Board finds that this site impact will be small when compared against the full build-out occurring all in a single phase.

### 13. Impact on Transportation

The Planning Board finds that the above referenced Traffic Impact Statement identifies the anticipated improvements to be provided as part of the proposed Action. The Board further finds, that as the first phase of the Action is complete, the NYSDOT will be monitoring the traffic impacts upon the intersections along State Route 332 and may require additional mitigation measures as part of final site plan approval for the second building.

The Board further finds that the proposed entrances will be constructed to Town Specifications shown in Chapter 165, Section 34, Table 1, of the Farmington Town Code. Thereby resulting in a small impact upon transportation.

The Board further finds that the Ontario County Department of Public Works will require the Applicant's Traffic Consultant to address all concerns of the County's Traffic Consulting Firm, prior to the County issuance of highway work permits for the project.

The Board based upon these findings determines that the Applicant is aware of and is committed to finding acceptable solutions to the involved transportation agencies, thereby resulting in a small impact upon transportation.

### 15. Impact on Noise, Odor and Light

The Planning Board finds that construction of the sites within both Phases of the Project may likely create noise levels, during construction, that will be above existing noise levels. This impact is found likely to be small and will not involve any long-term adverse impact upon nearby properties.

### **Conclusion**

The Planning Board, based upon its review of the FEAF, Parts 1, 2 and 3; and this Supplemental Narrative to Part 3, concludes that there are not likely to be any short- or long-term major adverse impacts associated with the Preliminary Site Plan Action for the Blackwood Industrial Park, Lot #R-2 Project. The Board further concludes that when site specific design details for Phase 1 are provided, as part of any Final Site Plan Application, there will be an evaluation and assessment of each of the building sites to deter-

mine what, if any, additional mitigation measure will be necessary prior to granting final approval(s).

The Board also concludes that as build-out of the Overall Site Plan occurs, such action may necessitate subsequent evaluation and assessment to determine what, if any, additional mitigation measures will be necessary prior to granting final site plan approval. The Board further concludes and agrees with the request made by the Region 4 Director of the New York State Department of Transportation (NYSDOT), that any new traffic studies that may be required be sent to and coordinated with the Region 4 Office of the NYSDOT.

**Determination of Non-Significance**

The Board, based upon its review of the above referenced documents, the criteria set forth in Part 617 of the State Environmental Quality Review (SEQR) Regulations and the evaluation of said criteria as set forth in the attached Planning Board Resolution for determining significance, does hereby declare that the Preliminary Site Plan Action not likely have any major adverse impact upon the environment, therefore, a Determination of Non-Significance is hereby declared on these two Actions.

—Edward Hemminger, Chairperson, Town of Farmington Planning Board

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 following resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
BLACKWOOD INDUSTRIAL PARK, LOT #R-2 PROJECT  
PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS**

**PB #1205-20**

**APPLICANT: Union Crossing Development LLC, c/o Taylor, the Builders,  
Karl Schuler, 2580 Baird Road, Penfield, N.Y. 14526-2333**

**ACTION: Preliminary Site Plan Approval of two proposed industrial  
buildings and related site improvements (Tax Map Account  
#042-01-54.12), an approximately 34-acre lot (Lot #R-2**

**Blackwood Industrial Park) located along the north side of County Road 41, west of County Road 8 and along the west side of County Road 8, north of the intersection of these two County highways**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has completed its review of the environmental record prepared to date upon the above referenced Action and has made a Determination of Non-Significance thereon; and

**WHEREAS**, the Planning Board has given consideration to the Ontario County Planning Board Referral #215-2020 having a recommendation of approval with comments; and

**WHEREAS**, the Planning Board has again continued and did tonight close the public hearing upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to approve the above referenced Action with the following conditions.

1. Preliminary Site Plan Approval is based upon the set of drawings prepared by Costich Engineering, identified as Sheet Numbers GA001, GA002, VA100, CA100, CA110, CA120, LA100, LA110, CA500, CA501, CA502, CA503 and CA504, entitled “Lot R-2 Blackwood Industrial Park, County Road 8 and County Road 41,” Union Crossing Development LLC, having the latest revision date of 12/18/2020; and Preliminary Site Plan Drawing Number T952, CA 100.
2. Preliminary Site Plan Approval is granted for a maximum of two (2) building sites, each site containing a total of 216,000 square feet in building area and related site improvements, including proposed Stormwater Management Area, all of which is located on a total of approximately 34 acres of land know as Lot #R-2 of the Blackwood Industrial Park.
3. Preliminary Site Plan Approval is further granted with the following conditions:
  - a. All comments identified in the January 19, 2021 Letter from Timothy McElligott, P.E., Ontario County Public Works to Ronald Brand, Director of Planning and Development, are to be addressed in writing to both individuals and site plan drawings are to be amended as necessary prior to Town Officials signing the Preliminary Site Plan drawings.
  - b. All comments made in the December 22, 2020, Letter from Lance Brabant, CPESC, MRB Group, D.P.C., to Ronald Brand, Director of Planning and Development, are to be addressed in writing and any required changes made to the drawings before Town Officials signatures are affixed to the Preliminary Site Plan packet of drawings.

- c. All of the following comments made by the Town Water and Sewer Department are to be responded to in writing and any required drawing amendments are to be made along with changes to the appropriate Revision Boxes on said drawings:
- [1] The Town of Farmington does not allow more than one water service on a single tax parcel. Now that the property will not be subdivided this issue needs to be addressed and Utility Plan CA 100 revised accordingly.
  - [2] The water service on the drawing is delineated as ductile iron pipe. The Town requires DR-14 pipe. Please make the necessary changes.
  - [3] There is no information shown regarding the directional drill of the water service on the drawings. This is required information and must be shown.
  - [4] The sanitary sewer easement (along County Road 41) needs to be shown on the drawings along with the liber and page number of the filed easement.
  - [5] Cleanouts are required on the sanitary sewer easement line and is to be shown on the drawings.
  - [6] The water and sewer details on drawings CA501 and CA502 are not current and need to be updated. All current details can be found in the Town's Site Design and Development Criteria which is posted on the Town's website.
  - [7] Add the Town of Farmington tapping sleeve and valve detail, sanitary lateral detail and wye lateral connection to the sewer main detail shown on the plans.
- d. The driveway from County Road 8 needs additional landscaping and site lighting.
- e. The lighting plan shows very low levels of illumination between the employee parking lot and building #1. This needs to be corrected.
- f. The bioretention area #1, located between the employee parking lot and building #1, is to have a paved surface for pedestrian crossing. The crossings should align with the doorways to the building.
- g. Pedestrian crosswalks are to be added to the drawings between Building #1 and Building #2 and Building #1 and the employee parking lot.

- h. Since both buildings are not going to be constructed at the same time, then the number of on-site employee parking spaces should relate to each building and be constructed at the time each building is constructed.
  - i. Site drainage to the north is not to further contribute to the back-up of surface water occurring further north near the culvert crossing by Farmington Towing Service. The east side of County Road 8 is not within the Town Drainage District. Therefore, flows from this site across County Road 8 need to be regulated.
  - j. All comments identified at tonight's meeting by the Town Engineering Firm, MRB Group, D.P.C., are to be addressed by the applicant's engineer and amendments made, as necessary, to the appropriate drawings prior to Town Officials signing the plans.
  - k. The revision boxes on all amended drawings are to reflect the changes made and date of said amendments.
4. Prior to the issuance of any Building Permits for any of the above referenced buildings and related site improvements, the Planning Board shall grant final site plan approval for both buildings and related site improvements.
  5. Prior to any Certificates of Occupancy being issued for any building located within the project site, proper application, engineering report, plans and supporting documentation must be prepared and submitted to the New York State Department of Health, Geneva Regional Office, prior to construction of the public water main extension.
  6. Topsoil stockpile(s) are to be shown on Final Site Plan drawings and shall be kept in a way they can be maintained. Stockpiling of topsoil shall be seeded and mowed around the base of each topsoil pile to keep the grass under the 6-inch height required by Town Code.
  7. Preliminary and Final Site Plan drawings are to have signature blocks on each page of drawings and shall have signature blocks in the approved locations as shown in Appendix G-13.0 of the Town's Site Design and Development Criteria.
  8. Public Safety signs shall be located at all driveway access locations and the Public Safety Sign Detail shown on the Detail Drawing Sheet.
  9. Final Site Plan drawings shall delineate the double stripping of all on-site parking spaces and the double strip detail is to be added to the Detail Sheet for the Final Site Plans.
  10. Once all changes have been made to the above referenced Preliminary Site Plan drawings cited above herein, the applicant's engineer is to provide a mylar and

one paper print copy to the Town Code Enforcement Officer for review and acceptance. Once accepted, then all signatures will be affixed to the drawings. The mylar will be returned to the applicant’s engineer for making at least four (4) additional paper print copies that are to be returned to the Town Code Enforcement Officer within ten business days.

- 11. The Town Code Enforcement Officer shall provide one (1) set of the signed paper print copies to the Town Highway and Parks Superintendent; the Town Water and Sewer Acting Superintendent; the Town Construction Inspector; and the Town Engineer.
- 12. Preliminary Site Plan Approval is valid for a period of 180 days from today and the revised drawings are to be submitted for signatures within this time period. Failure to obtain signatures on the approved drawings will result in them becoming null and void.

Mr. Hemminger asked Mr. Montalto if he understood the resolution and if he agreed with the conditions. Mr. Montalto 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

**5. PLANNING BOARD ACTION ITEMS**

**Sixth 90-Day Extension of DiFelice Industrial Building:**

**PB #0602-19 Sixth 90-Day Extension of Amended Final Site Plan**

**Name:** DiFelice Development Corporation, c/o Primo DiFelice, 91 Victor Heights Parkway, Victor, N.Y. 14564

**Request:** Sixth 90-day extension of Amended Final Site Plan approval, last granted on November 4, 2020, by the Planning Board, for the DiFelice Industrial Complex located on the south side of Collett Road, east of State Route 332, and west of Hook Road.

The Final Site Plan for the DiFelice Industrial Building was approved with conditions by the Planning Board on December 6, 2017 (PB #0703-17).

The Amended Final Site Plan was approved with conditions on June 5, 2019 (PB #0602-19).

The fifth 90-day extension of the Amended Final Site Plan was approved by the Planning Board on November 4, 2020, and concludes today (Wednesday, February 3, 2021).

In an email from Frank DiFelice to Mr. Brand today (February 3, 2021), Mr. DiFelice requested “. . . one more extension of our approval for the Collett and Hook Road Industrial site. We are in the middle of negotiating a sale of the property to an existing Farmington business that is growing. This should be the final extension needed. . . .”

Mr. Maloy said that he will recuse himself from voting on this application due to his past employment affiliation with Mr. DiFelice’s consulting engineering firm (Parrone Engineering).

Mr. Viets referred to Condition #9 of the Amended Final Site Plan approval resolution (PB #0602-19, June 5, 2019) which requires that “spoil piles on the site are to be removed by June 5, 2021, if the building is not constructed by June 5, 2021.” He said that Mr. DiFelice or the prospective new owner of the property must comply with this condition of the Amended Final Site Plan approval.

Mr. Bellis asked about the status of the Amended Final Site Plan if the property were to be sold. Mr. Brand said that Mr. DiFelice or a new owner would be required to apply to the Planning Board for another extension prior to May 4, 2021, which will be the expiration of the sixth 90-day extension, if it were to be approved by the Planning Board this evening.

The Town staff and the Planning Board members discussed whether or not signatures were affixed to the Amended Final Site Plan drawings.

*(Clerk’s Note: The Amended Final Site Plan drawings were signed on September 9, 2019.)*

Mr. Hemminger said that the 2019 Amended Final Site Plan approval resolution requires that the spoils piles are to be removed by June 5, 2021, and that this condition of approval must be met regardless of who will own the property on that date.

Mr. Brand discussed Condition #4 of the 2019 Amended Final Site Plan approval resolution which requires that “. . . sidewalks are to be installed along and within the northern portion of the highway right-of-way for Collett Road, from where they currently end, easterly to the intersection of Collett Road and Hook Road and then southerly along the west side of the highway right-of-way for Hook Road to the driveway entrance, then west into the site in the manner shown, at the time of the first Certificate of Occupancy being issued by the Town Code Enforcement Officer. A Letter of Credit for this site improvement is to be established as part of the other dedicated improvements for this project.”

He said that a prospective new owner of the property will be obligated to comply with this condition of approval and that it would be in the best interest of the Town to approve the applicant's request for a sixth 90-day extension this evening [to preserve this condition of approval].

Mr. Hemminger said that a waiver of the board's Rules of Procedure will be required to act upon this 90-day extension request since it has been received past the board's deadline for new applications.

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the board waive the Rules of Procedure for this application and that the following resolution be approved as amended per the discussion this evening:

**FARMINGTON PLANNING BOARD CONTINUING RESOLUTION  
90-DAY EXTENSION TO FINAL SITE PLAN APPROVAL  
DiFELICE INDUSTRIAL COMPLEX**

**PB #0602-19**

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

**ACTION: A sixth 90-day extension to the Final Site Plan Approval, last granted on November 4, 2020, by the Planning Board, for the DiFelice Industrial Complex, located on the South Side of Collett Road, east of State Route 332 and west of Hook Road**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) has received a written request dated February 3, 2021, from Frank DiFelice, DiFelice Development Inc., on behalf of Primo DiFelice (hereinafter referred to as the Applicant) for a sixth 90-day extension of the final approval for the above referenced Action; and

**WHEREAS**, the last Board resolution of approval with conditions was dated November 4, 2020 and was valid for a period of 180 days; and

**WHEREAS**, Final Site Plan Drawings were signed by all on September 9, 2019, and a copy continues to be on file in the Town Development Office; and

**WHEREAS**, on November 4, 2020, the Board did act to recommend to the Town Board acceptance of the proposed Letter of Credit for this project; and

**WHEREAS**, the Board finds that of this date there has been no Letter of Credit filed with the Town Clerk which was required by the Town Board to be executed; and

**WHEREAS**, the Board had been notified by Frank DiFelice, in the above referenced letter that Primo DiFelice, is seeking a viable user for the project and once established

will be submitting the requested Letter of Credit surety, which the Board considers would be a demonstration of good faith.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with Condition #9 of Planning Board Resolution (PB#0602-19), dated June 5, 2019, the spoil piles on the site are to be removed no later than June 5, 2021; and

**BE IT FINALLY RESOLVED** that the Board does hereby move to grant the sixth 90-day extension to the Final Site Plan Approval which is to commence on Wednesday, February 3, 2021, and end on Tuesday, May 4, 2021.

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

Motion carried 3 to 1, 1 recusal.

**6. OPEN DISCUSSION**

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

Mr. Brand attended the New York Planning Federation’s “Open Government in Planning and Zoning Decision Making” webinar today, in which Mark Schachner, Esq., Senior Principal Attorney of Miller, Mannix, Schacher & Hafner LLC in Glens Falls, N.Y., and Round Lake, N.Y., discussed board members’ project site visits, conducting meetings and Public Hearings during the COVID-19 pandemic, and holding Executive Sessions. Mr. Brand said that a number of the presenter’s comments on conducting site visits are less restrictive than past legal interpretations by Robert Freeman, former director of the New York State Committee on Open Government.

Mr. Brand also reported that on Monday, January 25, 2021, Supreme Court Justice Charles A. Schiano Jr. reserved decision on the Delaware River Solar Article 78 proceeding. The attorneys for the Town and for the Concerned Citizens of Farmington group, which brought the proceeding, submitted written materials to the judge on January 25th. Mr. Brand said that work on amending the Town’s solar regulations has been placed on hold awaiting the judge’s ruling, as there may be additional items to be addressed in the Town Code.

***Code Enforcement Officer Report:***

Mr. Delpriore reported that two new staff members—a part-time secretary (time shared with the Water and Sewer Department) and a full-time Code Enforcement Officer—have

been hired and will begin training this week. He said that the Development Office is pleased to be back to full staffing levels.

***Highway and Parks Superintendent Report:***

Mr. Giroux said that highway crews are now fully involved in snow-removal operations and that storm drainage work will continue as weather permits.

***Town Engineer's Report:***

Mr. Brabant said that the Town Municipal Separate Storm Sewer (MS4) Committee will resume work next week to consider amendments to the Town's MS4 plan. He also noted that Mr. Brand reviewed the Town Code to determine impacts from the new State Route 96 Street Scape Guidelines.

***Board Members' Comments:***

Mr. Bellis said that he attended the Hancock Estabrook and MRB Group 2021 Municipal Bootcamp Session #1 on "Who Am I? How Did I Get Here?" on January 28, 2021. He said that the presenter and the training were very good. See "Training Opportunities" below for additional sessions this year.

Mr. Hemminger said that the Town is awaiting signatures on the Delaware River Solar final site plan drawings, and is also awaiting submission of the revised Delaware River Solar Decommissioning Plan by the applicant. Mr. Brand said that the original Decommissioning Plan submitted by Delaware River Solar was described by the company as a model from other communities, but that the Town required significant amendments. He said that a list of questions from the attorneys representing Delaware River Solar about the Town's suggested amendments has not yet been received.

**7. PUBLIC COMMENTS**

Supervisor Ingalsbe said that work at Beaver Creek Park will resume when weather permits. He said that Spectrum has installed the fiber connection to the main building, that the concrete floors have been poured in the maintenance building, and that RG&E will install power very soon.

Supervisor Ingalsbe also reported that the Town's legal fees to defend the Delaware River Solar Article 78 proceeding brought by the Concerned Citizens of Farmington group are now approximately \$300,000.

## 8. TRAINING OPPORTUNITIES

### ■ 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>

**8. 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 8:30 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, February 17, 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.