

Town of Farmington

1000 County Road 8
Farmington, New York 14425

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

MINUTES—APPROVED

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

Board Members Present: Scott Makin, *Chairperson*
Edward Hemminger
Douglas Viets

Board Members Excused: Adrian Bellis
Mary Neale

Staff Present:
Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Don Giroux, Town of Farmington Highway Superintendent
Jim Morse, Town of Farmington Code Enforcement Officer

Applicants Present:
Michael Cerone, Route 332 MIII Enterprises, P.O. Box 509, Webster, N.Y. 14580
Paul M. Colucci, Vice President, DiMarco Group, 1950 Brighton–Henrietta Town Line Road,
Rochester, N.Y. 14623

Residents Present:
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Liz Herpich, 18 Coachlight Circle, Farmington, N.Y. 14425
Tim and Dotti Mickelsen, 1544 Meadowbrook Lane, Farmington, N.Y. 14425
Brian Sandore, 6143 Hanover Road, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited. Since everyone in attendance was familiar with the Planning Board members, Town staff

and emergency procedures and exits, Mr. Makin omitted introductions and the review of these items this evening.

Mr. Makin said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on March 1, 2017.

2. **APPROVAL OF MINUTES OF JUNE 21, 2017**

■ A motion was made by MR VIETS, seconded by MR. HEMMINGER, that the minutes of the June 21, 2017, meeting be approved.

Motion carried by voice vote.

3. **CONTINUED FINAL SUBDIVISION PLAT**

PB #0302.1-17 Final 43-Lot Subdivision Plat Application

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

Location: Southwest corner of Collett Road and Hook Road
Hickory Rise Subdivision, Section 4

Zoning District: IZ Incentive Zoning District

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

Mr. Makin resumed consideration of this application that had been continued from the meetings on April 5, 2017; May 3, 2017; May 17, 2017; June 7, 2017; and June 21, 2017.

Mr. Brand reported that Gregg Bowering—the applicant—has requested an extension of time to permit him to understand a prospective draft resolution regarding the timing of the installation of sidewalks in the Hickory Rise Subdivision, Section 4.

Mr. Brand noted that work has not yet begun in Section 4 and that, at this time, there is no urgency to the final subdivision plat approval. He said that Mr. Bowering has requested a continuation of the application to the Planning Board meeting on July 19, 2017.

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

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

PB #0302.1-17

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

**ACTION: Hickory Rise Incentive Zoning Project
Final Subdivision Plat Approval, Section 4
(43 Residential Lots)**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) did on June 21, 2017, grant a two-week extension to their taking action upon this application to permit the applicant, his engineer and the Town Director of Planning and Development to meet and to prepare specific language as to when sidewalks would be installed in Section 4 of the above referenced subdivision; and

WHEREAS, the applicant, Town Code Enforcement Officer and Town Director of Planning and Development did meet on Tuesday afternoon, June 20, 2017, to review the original Town Board Resolution approving the conditions for development of sidewalks within the Hickory Rise Incentive Zoning Project; and

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received from Gregg Bowering, Bramwell Park, LLC, a request dated July 3, 2017, to continue deliberations upon this Action; and

WHEREAS, the requested extension of time is to permit Mr. Bowering and the Town Director of Planning and Development time to prepare specific language for the resolution that will address the timing when sidewalks are to be installed within Section 4 of the Hickory Rise Incentive Zoning Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue to table further consideration of the draft resolution for Final Plat Approval, Section 4, Hickory Rise Incentive Zoning Project, to the July 19, 2017 meeting.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to Gregg Bowering, Bramwell Park, LLC; and to Robert Cantwell, BME Associates.

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

Motion carried.

4. PRELIMINARY SITE PLAN

PB #0501-17 Preliminary Site Plan Application

Name: Michael Cerone, c/o MIII Enterprises, P.O. Box 509, Webster, N.Y. 14580

Location: West side of NYS Route 332 opposite Farmbrook Drive and north of the Cobblestone Performing Arts Center

Zoning District: IZ Incentive Zoning District

Request: Preliminary Site Plan approval of the overall development of the 15-acre site for mixed commercial uses, Cerone Incentive Zoning Project

Mr. Makin resumed the discussion on this application that had been continued from the meeting on June 21, 2017.

Following the 30-day public review period which ended on Friday, June 16, 2017, the Planning Board took the following actions at the meeting on June 21, 2017:

1. The Planning Board declared itself as the Lead Agency for making the required determination of significance on this application.
2. The Planning Board determined that the application will not result in any significant adverse environmental impacts, the Planning Board made a Determination of Non-Significance on this application, and the Planning Board directed the Planning Board Chairperson to sign and date the Full Environmental Assessment and file notice of this Negative Declaration in the New York State Environmental Notice Bulletin.

Mr. Colucci presented this application. Mr. Cerone also attended.

Mr. Colucci summarized the status of the application, as follows:

- Comments from the Water and Sewer Department were received and discussed at the Project Review Committee (PRC) meeting which was held on June 30, 2017. He has no issues with the comments and noted that they would be addressed.
- The archaeological study of Phase 1 of the project concluded that the area has nothing of archaeological significance. A report from the State Historic Preservation Office (SHPO) will be filed with the application.
- Land-transfer conveyance maps were submitted at the PRC as follows: transfer from Laviano to the Town of Farmington for the road to the north of the Cerone

project; transfer from Cerone to the Town of Farmington and then to Laviano; transfer from Laviano to the Town of Farmington and then to Cerone for the outdoor storage area.

- MRB Group technical engineering comments from Mr. Brabant have been received and will be addressed on the Phase 1 final site plan.
- Measures will be taken to use planned site lighting to illuminate a portion of Carmen's Way (the new road to be dedicated to the Town) as it runs west from the intersection of State Route 332 and Farmbrook Drive.

Following his review of the draft Preliminary Site Plan approval resolution, Mr. Colucci asked if Condition #6 could be amended to reflect that all land transfers associated with this project would be completed and accepted by the Town Board prior to the issuance of the first Certificate of Occupancy of the first structure. He expressed concern that the draft condition that requires these transfers to be completed and accepted prior to Final Site Plan approval could delay the project if the various attorneys involved do not act in a timely manner, or if lenders may require additional property appraisals.

Mr. Brand then discussed the following points:

- The New York State Department of Transportation (DOT) requires that a temporary construction entrance be established south of the State Route 332/Farmbrook Drive intersection. He noted that this must be shown on the Site Plan. He explained that the DOT does not wish to have construction vehicles entering State Route 332 at the intersection. Mr. Brand also discussed the timing of installing the traffic signal at the intersection at Carmen's Way. He said that this would involve associated lane markings, as well.
- DOT Resident Engineer Greg Trost has determined that there is no need for lengthening the northbound and southbound turn lanes at the State Route 332/Farmbrook Drive intersection.
- Mr. Brand discussed the prospective installation of streetlights along the entire Carmen's Way corridor up to the Laviano property line, and the lighting of the crosswalk at the State Route 332/Farmbrook Drive/Carmen's Way intersection. He said that the timing of the installation of this lighting is yet to be determined.
- Additional landscaping along the border of the Laviano property and the storm-water detention facility on the Cerone property would enhance the site. Mr. Colucci noted that he seeks to avoid having smaller additional trees become difficult to discern among the existing tall brush in this area of the site.
- Mr. Brand noted that he has no objection to Mr. Colucci's request that the land transfers be completed and accepted by the Town Board prior to the issuance of the first Certificate of Occupancy of the first structure. He reported that he will

meet with the Town Attorney next week regarding these transfers. He said that representatives of the Cobblestone Arts Center have no objection to a quit-claim land transfer of a portion of their property to Mr. Cerone. This property would be used by Mr. Cerone for the construction of a driveway for buses to use the signalized intersection at State Route 332 and Farmbrook Drive into and out of the Cobblestone Arts Center as a safety measure.

- Plans will be submitted to Costich Engineering regarding the location of the 10-foot-wide concrete segment of the Auburn Trail that will run along the west side of State Route 332 past Mr. Cerone's property. This portion of the Trail will extend north to the Canandaigua–Farmington Town Line Road. Mr. Brand said that negotiations for an easement are continuing with an additional property owner and that construction on this segment of the Auburn Trail is expected to begin this year.

Mr. Brand noted that each of the property owners involved in this project have cooperated with the Town. He said that a draft resolution has been prepared for board consideration this evening to approve the Preliminary Site Plan.

Mr. Morse asked that the construction phasing plan be shown on the Site Plan.

Mr. Giroux asked that Mr. Colucci assure that the hammerhead turnaround at Ivory Drive be large enough for a Town plow truck to turn around and proceed back toward the State Route 332/Farmbrook Drive intersection.

Mr. Degear said that each of the Water and Sewer Department comments were addressed at the PRC meeting. He recommended approval of the Preliminary Site Plan.

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

Mr. Mickelsen asked if the mini-storage structures would be visible from State Route 332. Mr. Colucci explained that the view of the mini-storage structures would be buffered by the retail component of the project that would be located State Route 332. He said that the mini-storage uses have been segregated to the back of the parcel and that the retail component has been located along State Route 332. Mr. Colucci reviewed the placement of the structures on the plans. He noted that land within the parcel would be graded and seeded to assure prospective tenants that the project is shovel-ready for their potential uses and that the parcel has access to a signalized intersection.

Mr. Mickelsen asked about the visibility of the site until the retail portion is built. Mr. Colucci said that trees and a berm are planned to screen the mini-storage areas from State Route 332 pending the construction of the retail structures along State Route 332. He said that the berm would be seeded to serve as a buffer from the road and to mitigate visual impact of the mini-storage structures from State Route 332. Mr. Brand also noted that

Phase 1 includes the driveway for access into and out of the Cobblestone Arts Center to the signalized intersection.

Ms. Herpich asked if a traffic study has been conducted and asked about access into the site. Mr. Colucci said that Carmen’s Way would be the fourth leg of the signalized intersection at State Route 332 and Farmbrook Drive and would be the only entrance into the Cerone development. He reported that a traffic study was completed and was submitted to the Town, and that it has been approved by the DOT. He noted that the timing of the traffic signal could be adjusted to make it easier for residents to exit the Farmbrook subdivision but that no major traffic adjustments have been recommended by the DOT.

Mr. Brabant reported that the engineering comments in the MRB Group letter of June 21, 2017, were discussed at the PRC meeting and are being addressed by the applicant. He noted that MRB Group requires that a turning template be included on the Site Plan.

Mr. Hemminger said that he had no objections to the land transfers completion and acceptance prior to the issuance of the first Certificate of Occupancy of the first structure. He supported plans for a temporary construction entrance and for the review of the number of streetlights to illuminate the intersection and the portion of Carmen’s Way west to the Laviano property.

Mr. Morse also had no objections to the completion and acceptance of the land transfers prior to the issuance of the first Certificate of Occupancy.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CERONE INCENTIVE ZONING PROJECT
PRELIMINARY SITE PLAN**

PB #0501-17

**APPLICANT: Michael Cerone, MIII Enterprises, P.O. Box 509,
Webster, N.Y. 14580**

**ACTION: Cerone Incentive Zoning Project:
Preliminary Site Plan Approval**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has opened a public meeting tonight upon the above referenced Action; and

WHEREAS, the Planning Board has given consideration to the Ontario County Planning Board Referral #106-2017; and

WHEREAS, the Planning Board has made a Determination of Non-Significance upon said Action as provided for under Part 617 of the State Environmental Quality Review Regulations;

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, dated May 10, 2017 and identified as “Route 332 MIII Enterprises State Route 332 Site Development Plans,” Sheet Numbers 1 of 13 through 13 of 13, Drawing #6275, as further amended herein.
2. All conditions of approval established by the Town Board, as part of the Incentive Zoning Project for this site, shall govern the development of this site.
3. The Preliminary Site Development Plans are to be amended as required by the Town Construction Inspector, in a letter dated July 3, 2017, including the attachments thereto.
4. All comments contained in the Town Engineering Firm’s June 21, 2017, letter to the Town Director of Planning and Development are to be addressed in writing and changes made to the Preliminary Site Development Plans as may be required in said letter.
5. The Preliminary Site Development Plans are to show the names of the adjacent Town Roads: Carmen’s Way and Ivory Drive.
6. Preliminary Site Plan Approval is based upon the Applicant’s understanding that prior to the issuance of the first Certificate of Occupancy for the first structure, all land transfers associated with this Incentive Zoning Project are to be completed and accepted by the Town Board.
7. Preliminary Site Plan Approval is based upon the Applicant’s obtaining acceptance by the New York State Department of Transportation of a temporary Construction Entrance to and from the site to State Route 332.
8. There is to be a note added to the Site Plan Drawing (CA 100) that reads all access to this site during the Phase 1 construction and prior to completion and activation of the fourth leg of the intersection of Carmen’s Way with State Route 332 shall be from a construction entrance approved by the New York State Department of Transportation.
9. There is to be five (5) additional Celebration Maple trees added to Drawing LA100 along the boundary line between the Cerone Site and the adjacent Carmen Laviano Site north of the proposed stormwater control facilities.

- 10. The Lighting Plan, Drawing LA110, is to be changed to include street lights along the north side of the proposed sidewalk between the right-of-way of State Route 332 and the property line with Carmen Laviano. The number of additional street lights is to be based upon an illumination plan of this sidewalk area acceptable to the Town’s Director of Planning and Development.
- 11. The Lighting Plan, Drawing LA 110, is to be changed to include illumination of the cross walk from the sidewalk along the north side of Carmen’s Way into the Cerone Site.
- 12. The Lighting Plan, Drawing LA 110, is to be changed to include a street light at the future intersection of Carmen’s Way and Ivory Drive.
- 13. Preliminary Site Plan Approval is valid for a period of 180 days from today and shall expire unless extended by the planning board under separate resolution.

Mr. Makin then asked Mr. Colucci if he understood the resolution and agreed with the conditions.

Mr. Colucci said that he understood the resolution. He asked for flexibility in the requirements for street lighting along the north side of the proposed sidewalk between the State Route 332 right-of-way and the property line with Carmen Laviano (Condition #10). He said that he would amend the Site Plan to depict photometrics to assure a minimum of one foot-candle of illumination over the sidewalk. Mr. Brand said that he would work with Mr. Colucci on this issue and that it could be further clarified in the Final Site Plan approval resolution if needed.

■ A motion was made by MR. HEMMINGER, seconded by MR. VIETS, that the preceding resolution be approved as amended and published above.

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

Motion carried.

5. FINAL SITE PLAN EXTENSION

PB #1101-16 Final Site Plan Second 90-Day Extension

Name: Mark DiMartino, D.D.S., 126 East Main Street, Victor, N.Y. 14564

- Location:** East side of Hathaway Drive, north of Beaver Creek
- Zoning District:** GB General Business
- Request:** Request an extension of time to the previously approved Final Site Plan granted for the project on Hathaway drive to construct a single-story, 4,100-square-foot dental office with related site improvements.

The SEQR Determination of Significance resolution and the Preliminary Site Plan for this application were approved by the Planning Board on September 21, 2016.

The Final Site Plan was approved by the Planning Board on November 2, 2016.

The First 90-Day Extension of the Final Site Plan was approved by the Planning Board on November 2, 2017, and will expire on Wednesday, July 19, 2017.

Mr. Brand explained that Dr. Martino and his consulting engineer are continuing to work with the DOT regarding access to the State right-of-way along State Route 332 to enable them to clear the area of brush to provide visibility of his new dental office structure from the road. He said that the applicant is experiencing a lengthy process in dealing with the State on this issue.

There were no objections from members of the Planning Board to the approval of a second 90-day extension of the Final Plan.

■ A motion was made by MR. HEMMINGER, seconded by MR. VIETS, that the reading of the second 90-day extension approval resolution be waived and that the following resolution be approved:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN, MARK DiMARTINO, D.D.S. OFFICE BUILDING
AND RELATED SITE IMPROVEMENTS—SECOND 90-DAY EXTENSION**

PB #1101-16

APPLICANT: Mark DiMartino, D.D.S., 126 East Main Street,
Victor, N.Y. 14564

ACTION: Final Site Plan, East Side of Hathaway Drive
Second 90-Day Extension

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) did on November 2, 2016, grant final site plan approval for the above referenced office building and site improvement; and

WHEREAS, the Planning Board’s approval was valid for a period of 180 days; and

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) did on April 19, 2017, grant a 90-day extension to their final site plan approval action which is to expire on July 19, 2017; and

WHEREAS, the applicant’s architects, Thomas Fromberger, MRB Group, DPC, did on June 22, 2017, submit a request to the Town Director of Planning and Development requesting a second extension of 90 days to allow resolution of issues with the New York State Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant a 90-day extension to their final site plan approval which is to commence on July 19, 2017, and to continue through Monday, October 16, 2017.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to Dr. Mark DiMartino; Matt Tomlinson, P.E., Marathon Engineers; and to Thomas Fromberger, MRB Group, DPC.

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

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Surety Establishment: Auburn Meadows Subdivision, Sections 6N and 6S

Mr. Brand said that a resolution has been prepared for board consideration for establishment of a surety for Auburn Meadows Subdivision, Sections 6N and 6S.

He reported that the engineer’s estimate has been reviewed by the Town Water and Sewer Superintendent, Town Construction Inspector and the Town Engineer.

Mr. Brand also reported that a new drawing is expected to be submitted to change the name of Jade Circle to Ackerman Way in tribute to the late Ernest Ackerman, who is the developer of this and other projects in the Town and in the region. Mr. Brand noted that the Ontario County 911 Center has reviewed and accepted the Ackerman Way naming.

Mr. Brand also explained that the approval of this surety would permit the Town Clerk to return to the applicant a temporary surety that was previously established for work in these sections of Auburn Meadows Subdivision. He said that the filing of this surety is a prerequisite to the scheduling of a Pre-Construction Meeting.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SURETY ESTABLISHMENT**

PB #0607-16

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

**ACTION: Sections 6N and 6S, Auburn Meadows Subdivision Tract:
Surety Establishment**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received from Ronald L. Brand, Director of Planning and Development, a cover memo dated July 5, 2017 (hereinafter referred to as Memo), a July 5, 2017, cover letter from Lance S. Brabant, CPESC, Director of Planning Services, a copy of the applicant's Engineer's Estimate of Values, dated 6/20/2017 and a draft resolution to accept the engineer's estimate of value for the establishment of a form of surety for improvements to be made within Sections 6N and 6S of the Auburn Meadows Subdivision Tract; and

WHEREAS, the total amount of said Surety to be established and filed with the Town Clerk is \$1,890,720.52; and

WHEREAS, upon the filing of a Letter of Credit is for the entirety of approved site improvements in Sections 6N & 6S for the Auburn Meadows Subdivision Tract; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor that the requested Suety be established.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Water and Sewer Superintendent, the Town Engineer, the Town Construction Inspector and the Town Director of Planning and Development does hereby recommend that the Town Board take formal action to accept a letter of credit from the Developer, in the total amount of \$1,890,720.52 and direct the filing thereof with the Town Clerk's Office.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct the Chairperson to submit a copy of this resolution to the Town Board for its consideration at the July 11, 2017, Town Board Meeting.

BE IT FURTHER RESOLVED that the Town Code Enforcement Officer is hereby directed to schedule a preconstruction meeting with the Developer and others, upon the filing of a letter of credit, as a form of surety, for the overall site improvements within Sections 6N and 6S of the Auburn Meadows Subdivision Tract.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide certified copies of this resolution to: the Town Board; the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineer; the Developer’s Engineer, Walt Baker, D.S.B. Engineers and Architects; the Town Principal Account Clerk; and the Developer, Anthony DiPrima, A&D Real Estate Development Corporation, LLC.

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

Motion carried.

Planning Board Report and Recommendation to the Town Board:

Expiration of Glacier Lakes Water Park Planned Development Zoning Amendment:

Mr. Brand reviewed the history of the Glacier Lakes Water Park Planned Development which was proposed in 2007 for a parcel of land on the east side of State Route 332, north of the New York State Police Barracks, and continuing to Running Brook Drive.

He explained that the applicant never pursued final site plan approval and that the water park proposal is defunct. Conifer Realty LLC of Rochester, N.Y., has now proposed the Pintail Crossing development for a portion of the site. The proposal would require a rezoning of a portion of the property from Planned Development to Residential Multi-Family. The Town Board has requested a Report and Recommendation on this rezoning from the Planning Board.

Mr. Brand reported that the Town Attorney and the attorney for the applicant have reviewed the draft resolution and draft Planning Board Report and Recommendation. He said that they had no objections.

Mr. Brand also reported that the potential uses of the remainder of the Planned Development-zoned area of this site would be studied during the update to the Town’s Comprehensive Plan which is expected to begin this fall.

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

**PLANNING BOARD RESOLUTION
EXPIRATION OF GLACIER LAKES WATER PARK
PLANNED DEVELOPMENT ZONING AMENDMENT**

PB #0503-07

**APPLICANT: Conifer Realty LLC, 1000 University Avenue, Suite 500,
Rochester, N.Y. 14607, Attention: Alan Handelman**

**ACTION: Expiration of Glacier Lakes Water Park Planned Development
Zoning Amendment; Rezoning of approximately 16 acres of
the Glacier Lakes Water Park site from PD Planned
Development to RMF Residential Multi-Family**

WHEREAS, the Glacier Lakes Water Park, was approved for rezoning as a Planned Development District by the Town Board in 2008; and

WHEREAS, the applicants have failed to obtain final site plan approval, from the Town Planning Board for the proposed Glacier Lakes Water Park Planned Development Project, in a timely manner; and

WHEREAS, the Town has, in accordance with the State’s Public Documents Laws, caused the destruction of the planning board’s records upon the unfinished project; and

WHEREAS, the owner of the land involved with the PD Planned Development rezoning, for developing the Glacier Lakes Water Park Site, has identified that there are no current development plans for the site; and

WHEREAS, the owner of the land involved with the PD Planned Development rezoning for the Glacier Lakes Water Park Site has no objection to the proposed subdivision of land from the eastern portion of the site; and

WHEREAS, the owner of the land involved with the Glacier Lakes Water Park Site acknowledges that future development of the remainder of the PD Planned Development site would require rezoning in the future; and

WHEREAS, the Town of Farmington Town Board, has authorized funding to initiate a comprehensive update to Chapter 165 of the Town Code, entitled Zoning Laws, which is to commence this fall; and

WHEREAS, the Planning Board finds that there is no prohibition, in Chapter 165 of the Town Code, upon rezoning a portion of lands zoned PD Planned Development, especially where in this instance there has not been any action in over the past ten-year period of time.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, in accordance with the provisions in Chapter 165, Article IV, Section 31. E. (7) does hereby recommend to the Town Board that the PD zoning be continued for part of the area that is not seeking a rezoning classification to RMF Residential Multi-Family, with a time limit to coincide with the proposed Official Zoning Map Amendments that are to be made as part of the Town’s Comprehensive Zoning Amendments to Chapter 165 of the Town Code. At such time as a revised Official Zoning Map is prepared, the PD zoning designation for the remainder of the DiFelice site is to be changed.

BE IT FURTHER RESOLVED that the Planning Board recommends that the Town Board proceed with the formal consideration of the merits of rezoning the eastern portion of the Glacier Lakes Water Park Site, containing approximately 16 acres of land, from PD Planned Development to RMF Residential Multi-Family, as submitted by Conifer Realty, LLC.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be provided to: Jerry Goldman, Esquire, Woods, Oviatt, Gilman, LLP, 700 Crossroads Building, 2 State Street, Rochester, New York 14614; Frank DiFelice, DiFelice Development Corporation, 91 Victor Heights Parkway, Victor, New York 14564; Alan Handelman, Conifer Realty, LLC, 1000 University Avenue, Suite 500, Rochester, New York 14607; Jeffrey Graff, Esquire, Riley & Graff, Attorneys at Law, 26 East Main Street, Suite 202, Clifton Springs, New York 14432; and Ronald L. Brand, Director of Planning and Development.

■ A motion was made by MR. VIETS, seconded by MR. HEMMINGER, that the preceding resolution and the following Planning Board Report and Recommendation to the Town Board be approved.

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

Motion carried.

Memorandum

TO: Farmington Town Board

FROM: Scott Makin, Chairperson
Farmington Planning Board

DATE: July 3, 2017

RE: Expiration of PD Final Site Plan, “Glacier Lakes Planned Development Project.”
Report and Recommendation on Continued PD Zoning.

Introduction

The Planning Board, as part of our June 21, 2017 Report and Recommendation to the Town Board upon the requested rezoning of land from PD Planned Development to RMF Residential Multi-Family, for the Conifer Rezoning Petition, requested legal advice from the Town’s Attorney regarding the effect of subdividing a portion of an approved Planned Development site upon the remaining zoning designation for the DiFelice Property. In particular, since the subdividing of land would change the overall approved PD Site Plan, what would be the most appropriate use for the remaining DiFelice Property.

As a result of this request, the Town Director of Planning and Development has met with the Attorney to the Town, the attorney for Conifer Realty Development Corporation and Allen Handleman, the applicant from Conifer. We have been informed of the following procedure that we hereby are complying with.

First, however, let me provide the Town Board with the research findings that have been considered by the Planning Board members and which led to their recommendation that is made below herein.

The attorney for the applicant, in a memo dated 6/30/17 to Jeff Graff, the Attorney to the Town, states:

- “1. There is no prohibition on rezoning a portion of the PD lands under the Town Code.
2. The property owners have no current development plans for the remainder of the PD zoned lands, thus rendering any rezoning of those lands speculative (and triggering potential SEQR review of a “non-project”).
3. The willingness of the owner to acknowledge that future development of the remainder of the PD lands would require rezoning in the future.

4. The fact that we have been in the approval process for this rezoning and time exigencies of the current proposal.”

The Director of Planning and Development reports that Town Code, Section 165-31 E. (7) requires the Town Planning Board to provide the Town Board with a report and recommendation if actions required by the Town Board, in connection with the PD zoning action (which in this instance took place in 2008), have not taken place. One of the actions that is required in Section 165-37 E. (6) of the Town Code is for the Planning Board to take action upon a final site plan as a pre-requisite to issuance of any Building Permits.

The Deputy Town Clerk, Sarah Mitchell, has researched the Town Clerk’s Records and has found that no final site plan approval for the Glacier Lakes Planned Development Project was ever approved by the Town Planning Board.

The Town Building Department, Janyce Feistel, has research their files and finds that there is no record of the project ever receiving final site plan approval. Furthermore, under the provisions of the public records laws of New York State, the time period for keeping an open file has expired and all Building Department Property Records upon this action have been destroyed.

The Attorney to the Town, Jeff Graff, in a memo dated July 3, 2017 reports that . . . “If the PB (Planning Board) never approved any final plans, it is possible that Section 165-31. E. (7) (Expiration of time limits on PD amendments) would come into play . . . ” The memo goes on to state . . . “If time limits established have not been met, the PB (Planning Board) is called upon to issue a recommendation as set forth in this paragraph.” The memo concludes by stating . . . “The Town Board would not be able to take any action until receiving such PB (Planning Board) recommendation.”

Recommendation

The Planning Board has previously supported the concept of the proposed area being developed for residential use in the manner now being proposed by Conifer Realty.

The Planning Board feels that with a proper re-design of the Conifer Sketch Plan to address our concerns that this site could continue to provide a good land use transition between the more intense commercial development(s) to the west, which is envisioned in the adopted Town of Farmington Comprehensive Plan, and the developed residential neighborhoods to the south and east that surround this site.

The Planning Board, having considered these findings, does hereby adopt the attached resolution recommending that the PD zoning be continued for the lands that are to remain owned by DiFelice with the revised time limit that the DiFelice portion of the overall “Glacier Lakes Planned Development Site” is to be addressed and rezoned by the Town Board at the time of adoption of the comprehensive update to Chapter 165 of the Town Code, Zoning Laws, which is to begin later this year.

Scott Makin, Chairperson

Other Topics:

Mr. Brand commented on several new projects that were discussed at the PRC meeting on June 30, 2017. These include the Farmington Town Center proposed for the east side of State Route 332 between State Route 96 and East Corporate Drive which is proposed to consist of approximately 350,000 square feet of commercial and retail uses; and a Taco Bell Restaurant and a Microtel Hotel proposed for the east side of State Route 332 near the current KFC Restaurant. Mr. Brand said that both of these projects would require extensive traffic studies and stormwater drainage reports.

Highway Superintendent:

Mr. Giroux reported that Mertensia Road has been reopened to through traffic from County Road 41 to State Route 96. He explained that finishing work for the road improvement project includes installation of the final paving over the binder, sidewalks and landscaping.

Water and Sewer Superintendent:

Mr. Degear reported Pump Station E-1 has been installed at the former Highway Department on Collett Road to provide sewer utility service to the Town Park pavilion. He reported that a pump station at the Town Hall is being installed. This is a component of the low-pressure sewer system that will serve the Town Hall. He also noted that a new fire hydrant has been installed on the north side of the Town Hall as part of the Town Hall expansion and renovation project.

Code Enforcement Officer:

Mr. Morse reported that Pre-Construction Meetings will be scheduled for Auburn Meadows Subdivision Sections 6N and 6S and for Hickory Rise Subdivision Section 3. He noted that nearly 400 building permits have been issued since January 1st and that the Building Department expects to exceed last year's record of 600 permits with an estimated 700 to 800 building permits in 2017.

Mr. Brand noted that the final plans for Hickory Rise Subdivision Section 3 were delivered to the Town Hall today. Department heads will be called to sign the plans prior to signing by the Planning Board Chairperson.

Town Engineer:

Mr. Brabant reported that the Town is still awaiting revised plans for Farmington Gardens Phase 2 from McMahon LaRue, the applicant's consulting engineering firm. He said that he has been in contact with the engineering firm and that the applicant's engineer reports that he is still working on several issues regarding the revised plans.

Mr. Brabant said that Fisher Associates (the engineering firm retained by the Town to conduct a hydraulic HEC-RAS study of Beaver Creek) cannot begin the second portion of the study on the impact that the project would have upon the creek until the revised plans are submitted to the Planning Board. Mr. Brabant noted that Fisher Associates would present the findings of the HEC-RAS study to the Planning Board and to the public at a Planning Board meeting upon completion.

Planning Board Members' Comments:

Mr. Makin reminded board members of the Comprehensive Plan Implementation Report that is due to the Town Board in July.

He also noted that he received a communication from Ms. Neale and that the board looks forward to her return.

7. PUBLIC COMMENTS

Mr. Sandore reported that he and others attended a recent meeting of the Town Board to express their opinions that there seems to be an increasing number of apartment complexes and dense residential developments coming into the Town. He said that he does not wish Farmington to be known as an apartment and a hotel community. He said that the community believes that there are too many planned apartment complexes coming into the Town.

Mr. Makin noted that this topic would be discussed during the upcoming revision to the Comprehensive Plan to begin this fall.

Mr. Hemminger encouraged Mr. Sandore to continue to discuss this concern with the Town Board. Mr. Hemminger explained that the Town Board has the authority to rezone property—such as the various Incentive Zoning projects that have been approved over the years—and that these approvals are given prior to submission of an application to the Planning Board.

Mr. Makin and Mr. Hemminger expressed appreciation to Mr. Sandore for discussing this issue.

8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:00 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Town Court, 1023 Hook Road, Farmington, N.Y. 14425, on Wednesday, July 19, 2017, at 7:00 p.m.

Following the meeting, Mr. Giroux secured the building.

Respectfully submitted,

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