

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, June 19, 2019, 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.

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Mary Neale
Douglas Viets

Board Member Excused: Shauncy Maloy

Staff Present:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent
August Gordner, Town of Farmington Code Enforcement Officer

Applicant Present:

Christian Brunelle, Senior Executive Vice President, Sonbyrne Sales Inc.,
DBA Byrne Dairy Stores, 171 Route 5, Weedsport, N.Y. 13166

Residents Present:

Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Laurie and Frank Ciecierski, 1322 Mertensia Road, Farmington, N.Y. 14425
Bonnie Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425
Andrea Francis, 5769 Oatfield Drive, Farmington, N.Y. 14425
One person who did not sign in

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. Hemminger explained the emergency evacuation procedures. He asked everyone to please sign in and requested that cell phones and other devices be set on silent mode.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 6, 2019.

2. APPROVAL OF MINUTES OF JUNE 5, 2019

■ A motion was made by MR. BELLIS, seconded by MS. NEALE, that the minutes of the June 5, 2019, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on June 12, 2019:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington, 1000 County Road 8, Ontario County, New York, will hold a Public Hearing on the 19th day of June 2019 commencing at 7:00 p.m. for the purpose of considering the application of:

PB #0503-19 and PB #0504-19: SONBYRNE SALES INC., 171 ROUTE 5, WEEDS-PORT, N.Y. 13166: Requesting a Preliminary Site Plan approval and Special Use Permit to allow a Byrne Dairy convenience store and fueling facility at the southwest corner of Route 96 and Mertensia Road according to Article VI, Chapter 165-77 of the Town of Farmington Codes. The property is located at 6215 Route 96 and zoned GB General Business and MTOD Major Thoroughfare Overlay District.

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

Ed Hemminger, Chairperson, Planning Board

4a. NEW PUBLIC HEARING: SPECIAL USE PERMIT

PB #0503-19 New Special Use Permit Application

Name: Sonbyrne Sales Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166

Location: 6215 State Route 96

Zoning District: GB General Business and MTOD Major Thoroughfare Overlay District

Request: Special Use Permit to develop a 1.9-acre site located at the southwest corner of the intersection of State Route 96 and Mertensia Road for a Byrne Dairy Convenience Store with gasoline dispensing units.

4b. NEW PRELIMINARY SITE PLAN

PB #0504-19 New Preliminary Site Plan Application

Name: Sonbyrne Sales Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166

Location: 6215 State Route 96

Zoning District: GB General Business and MTOD Major Thoroughfare Overlay District

Request: Preliminary Site Plan application to develop a 1.9-acre site located at the southwest corner of the intersection of State Route 96 and Mertensia Road for a Byrne Dairy Convenience Store with gasoline dispensing units.

These applications were reviewed by the Project Review Committee on April 5, 2019; May 3, 2019; and June 7, 2019.

The Planning Board received a concept presentation of this project by the applicant on May 1, 2019.

The Planning Board declared its intention to be designated Lead Agency under the State Environmental Quality Review Act (SEQRA) on May 15, 2019. The 30-day public review and comment period began on May 16, 2019, and concluded on June 17, 2019.

Mr. Hemminger concurrently opened the Public Hearing on PB #0503-19 (Special Use Permit) and the consideration of PB #0504-19 (Preliminary Site Plan).

Mr. Brunelle presented these applications.

Mr. Brunelle proposed the construction of a 4,232-square-foot Byrne Dairy Store at the southwest corner of State Route 96 and Mertensia Road. He said that the store will be similar in design to the company's stores in Canandaigua, N.Y., and in other communities.

He then provided the following information:

- Six fuel dispensing units will be located on the west side of the building as requested by Town staff, instead of at the front of the building.
- Two porches will be installed along the front and west sides of the building, similar in style and design as other Byrne Dairy locations.
- Thirty-one parking spaces will be provided. This number exceeds the 26 parking spaces that are required by Town Code. Parking has been reduced from the originally-proposed 37 parking spaces.
- A lighting plan was submitted. Fixtures will be 100 percent directional lighting and dark-sky compliant.
- Notes have been added to the Preliminary Site Plan regarding landscaping. Trees and species will match the Town's proposed streetscape concept.
- A 390-foot sidewalk will be installed along the property frontage on State Route 96 at the applicant's expense. The terminus at Mertensia Road will be coordinated with the crosswalk to be completed by the developer of the Farmington Market Center on the southeast corner of State Route 96 and Mertensia Road.
- One driveway will be installed from State Route 96 into the parking area. Mr. Brunelle said that the New York State Department of Transportation (DOT) has determined that a left-turn lane for vehicles entering the parking area from State Route 96 is warranted. He said that State Route 96 will be widened to extend the existing eastbound left-turn lane as a two-way left-turn lane along the entire property frontage as required by the DOT (per Paul J. Spitzer, P.E., DOT Regional Traffic Engineer, letter dated May 6, 2019). Mr. Brunelle said that all DOT comments regarding this project will be addressed.
- The driveway from Mertensia Road into the parking area will be shared with Pat Drive (Woodlawn Court Manufactured Home Park). Mr. Brunelle said that he spoke with the owner of Woodlawn Court and that the owner has verbally agreed to the current plans. Mr. Brunelle said that his in-house legal counsel is drafting the formal agreement for approval by the attorney for Woodlawn Court.
- A five-foot-wide ADA-compliant sidewalk and crosswalk leading to the future Farmington Market Center (on the southeast corner of State Route 96 and Mertensia Road) will be installed by the applicant.

- In response to a comment from the Planning Board at the concept presentation on May 1, 2019, a pedestrian access will be installed from State Route 96 into the site. As a result of this pedestrian access, three parking spaces were eliminated.
- The enclosed dumpster will be screened with fencing and slats to match the color and design of the store.
- Six-foot Norway Spruce and White Pine trees will be planted as required by the Major Thoroughfare Overlay District (MTOD) specifications. Six existing trees on the site will remain. The locations of the trees have been noted on the Preliminary Site Plan.
- A 30-foot buffer extending inward from the State Route 96 right of way line will be provided to accommodate the proposed streetscape concept for this portion of State Route 96. Mr. Brunelle said that the entire development was shifted three feet to the south to accommodate this 30-foot buffer and that several parking spaces also were eliminated. He said that this buffer area is labeled as “Future Streetscape Setback” on the Preliminary Site Plan.
- The sign package will consist of one freestanding sign and one building-mounted sign. The building-mounted sign will be incorporated into the architecture and the dormer of the building.
- The existing paved island at the southwest corner of State Route 96 and Mertensia Road will be removed and replaced with grass as part of the DOT highway permit. Mr. Brunelle said that the road widening will be shown on a separate set of plans, per the Town engineer’s comments at a previous Project Review Committee meeting.
- The proposed location for an Automatic Teller Machine (ATM) kiosk will be provided and screened, as noted on the Preliminary Site Plan. Mr. Brunelle said that the installation of an ATM is not proposed at this time. He said that typically a bank approaches Byrne Dairy for installation of an ATM [at a Byrne Dairy Store] and that no bank has approached Byrne Dairy at the present time.
- Hedgerow trees of approximately four to six feet in height will be planted.
- Public safety signage as discussed at a recent Project Review Committee meeting is noted on the Preliminary Site Plan and will be installed.
- A signature block has been added to the plans as requested by Town staff.
- Green space on the site of 45.6 percent will exceed the MTOD requirement of 40 percent green space for this project.

Mr. Brand said that the 30-day State Environmental Quality Review (SEQR) public review and comment period concluded on June 17, 2019, and that none of the Involved Agencies objected to the Planning Board's intention to be designated as Lead Agency for making the SEQR determination of significance on this project.

The Involved Agencies are:

New York State Department of Environmental Conservation, Region 8 Office
New York State Department of Transportation, Region 4 Office
New York State Department of Health, Geneva Regional Office
Canandaigua–Farmington Water and Sewer District
Town of Farmington Highway and Parks Department

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to designate itself as the SEQR Lead Agency.

Following the designation of itself as the SEQR Lead Agency, Mr. Brand said that the Planning Board would then complete Parts 2 and 3 of the Short Environmental Assessment Form (EAF). He said that separate draft resolutions have also been prepared for the SEQR determination of significance and for the board's consideration of the Special Use Permit and Preliminary Site Plan applications.

Mr. Brand said that the Town's Special Use Permit standards were created in the 1990s and that the standards were first applied for the construction of the convenience store and gas station at the corner of State Route 332 and Collett Road (the current Speedway station). Mr. Brand said that convenience stores and gas stations have been permitted uses in the General Business Zoning District for many years. He said that the criteria remains in the Town Code and has been used in the preparation of the draft resolution for the board's consideration this evening for the Special Use Permit.

Mr. Brand said that the applicant will be required to obtain a Bulk Fuel Storage Permit from the New York State Department of Environmental Conservation and must have the fire spill measures approved by the Farmington Fire Department, both of which were required for the existing Speedway station. He also said that the draft Special Use Permit resolution does not permit vehicle wash or vacuuming operations on the property.

Mr. Brand said that he and Highway Superintendent Don Giroux met with Darren Everhart (the Victor Central School District Director of Transportation) regarding the existing curb cut on Mertensia Road. He said that Mr. Everhart expressed concern about the width of the entrance into Pat Drive and the ease in which motorists could go around stopped school buses at this corner. Mr. Brand said that the staff has requested that the width of the curb cut be reduced to prevent motorists from going around stopped school buses. He said that the reduced width will require that all motorists must stop while students are boarding and leaving the school buses. Mr. Brand said that Mr. Everhart indicated that this is a great improvement for this location.

Mr. Brand discussed the 30-foot buffer area that will extend inward from the State Route 96 right of way for a proposed streetscape concept along State Route 96 from the west portion of the Byrne Dairy property to the intersection of State Route 96 and State Route 332. He said that the Town seeks to establish standards for setbacks and landscaping treatments to establish this corridor as a destination as opposed to a pass-through as motorists experience in Victor, N.Y. Mr. Brand said that the streetscape concept is a recommendation in the Town's Comprehensive Plan. He said that Mr. Brunelle and the developers of the Farmington Market Center and the Lefrois Incentive Zoning Project (each on the south side of State Route 96) have been made aware of the streetscape concept and the pending requirement for this portion of the Town. Mr. Brand expressed appreciation to Mr. Brunelle for including this concept on his site plan.

Mr. Brand said that the Planning Board's role is administrative. He said that the board's obligation is to determine if all the criteria in the Town Code for approval of a Special Use Permit have been met. Mr. Brand said that it is his contention that all criteria have been met.

Mr. Brand said that the Preliminary Site Plan must be amended to correctly identify the location of the water main on the east side of Mertensia Road.

He said that the plans for this project have come together in a cohesive and comprehensive manner. Mr. Brand said that the Town staff appreciates Mr. Brunelle's patience in working with them.

Mr. Delpriore said that Mr. Brunelle has attended a number of Project Review Committee meetings and has provided dark-sky compliant drawings and color renderings for the board's review.

Mr. Degear said that water and sewer issues have been addressed. He recommended that the project move forward.

Mr. Brabant said that it has been great to work with Mr. Brunelle and his design team. He said that MRB Group engineering comments have been addressed quickly and that he appreciates this.

Mr. Brabant said that most of the engineering comments relate to stormwater concerns. He recommended that stormwater runoff flow through a closed system instead of sheet draining over the property, and that the stormwater connection be made to the 24-inch main along Mertensia Road instead of the 12-inch main.

Mr. Brabant discussed the proposed lighting spacing specifications for the streetscape concept. He said that the lighting spacing may be 100 feet to 120 feet and that this specification will be clarified at the Final Site Plan stage. He said that the spacing will be designed to avoid light hot spots along State Route 96. Mr. Brabant said that the streetscape may also include benches and sidewalk connections farther down State Route 96 toward the State Route 96/State Route 332 intersection.

He also said that tree spacing may be affected by the species of trees that are selected. He said that MRB Group is working to determine specific species and spacing standards of which the Town will be comfortable.

Mr. Hemminger then asked if anyone in attendance wished to speak for or against the applications, or to ask questions.

Ms. Ciecierski (1322 Mertensia Road) asked if the store would be open 24 hours a day. Mr. Brunelle said yes.

Ms. Ciecierski expressed concern about having four gas stations within a one-mile radius in Farmington. Mr. Brand said that this property has been zoned for General Business uses for many years. He said that the property was previously used as Wade's grocery store, a hardware store and an automobile sales dealership. He said that convenience store uses were added to the Town Code for General Business districts a number of years ago and that a convenience store with a fueling station was anticipated. He said that this use is provided for in the Town Code and that the applicant is entitled to use the property in this way if he meets the criteria of the Special Use Permit.

Mr. Brand said that although there may be other gas stations within a certain radius, the Town has heard from a number of residents who do not wish to purchase gasoline on State Route 332 because of the heavy traffic. He said that this project would provide an opportunity for those in the community, or those passing through, to avoid the more heavily traveled State Route 332.

Mr. Hemminger said that the Planning Board must follow the Town Code which in this case permits a gas station on this parcel of land in the General Business Zoning District. He said that the Town Code could be changed by the Town Board regarding having a certain number of gas stations within a certain spacing, but that the Town Code does not permit the Planning Board to say "no" to an application that is permitted by the Code. Mr. Hemminger said that the Planning Board is required to follow the Town Code.

Ms. Fowler (6176 Hunters Drive) asked if there is something on the books that says there cannot be two gas stations on the same side of the road. Mr. Hemminger said that the Town Code does not permit two gas stations on the same side of an intersection.

Mr. Hemminger discussed the proposal by Tops Supermarket to construct a Tops gas station on State Route 96 in the Farmington Market Center project. But he said that this [the Tops gas station] is part of an Incentive Zoning application and that the Town Board—not the Planning Board— will decide what uses are permitted on the Farmington Market Center site.

Mr. Hemminger said that the Tops gas station would not be permitted by the Town Code if it had been proposed in a traditional application in the General Business Zoning District, as the Byrne Dairy store has been proposed. But he said that the Town Board may permit a Tops gas station because the developer is pursuing an Incentive Zoning ap-

plication. Mr. Hemminger said that the Farmington Market Center application is still in the discussion stage.

Ms. Fowler asked what is involved in an Incentive Zoning application. Mr. Hemminger said that the applicant proposes the plans and negotiates with the Town Board on the scope of a project and the amenities to be offered by the developer to the Town. Ms. Fowler asked if residents should go to the Town Board if they have objections to Incentive Zoning projects. Mr. Hemminger said yes.

Ms. Fowler said that she was having a hard time visualizing the site [of the Byrne Dairy Store]. She asked about the existing home on the west side of the property. Mr. Brunelle said that the house would be removed but that no mobile homes would be removed.

Mr. Delpriore said that the application currently under consideration by the Town is the Byrne Dairy Store. He said that although the Farmington Market Center and a proposed Tops gas station are in the discussion stage, a formal application has not yet been submitted.

Ms. Ciecierski said that Pat Drive is already very congested with traffic trying to turn onto Mertensia Road. She said that traffic would increase with a gas station at the corner. Mr. Brand said that the Victor Central School District Director of Transportation was concerned about the width of Pat Drive and the curb cut. He said that the width will be reduced and school buses will occupy the entire lane to block the corner of Pat Drive and Mertensia Road. Mr. Hemminger said that this will prevent motorists from trying to go around stopped school buses.

Mr. Brabant said that the Town coordinated with the Victor Central School District about student and pedestrian safety. He said that the Town proposed and required a sidewalk for students getting on and off the buses and that the school district asked that the driveway be reduced in width to provide improved safety for students and pedestrians.

Mr. Brand extended thanks to the owner of Woodlawn Court for his understanding of the issues with Pat Drive and for his concern about the safety of students and pedestrians. Mr. Hemminger said that having the applicant and the neighboring property owner work together on the shared driveway is a huge benefit for safety from a development standpoint.

Ms. Ciecierski said that she has seen cars backed up on Pat Drive in bad weather. She said that they would be blocking motorists from leaving Byrne Dairy. Mr. Hemminger said that this could occur when a school bus is blocking the driveway.

Ms. Fowler asked about the entrances into the Byrne Dairy Store. Mr. Hemminger said that there will be two entrances: one off State Route 96 and the other off Mertensia Road.

Ms. Francis (5769 Oatfield Drive) asked about traffic at the signal light at the intersection of State Route 96 and Mertensia Road. She expressed concern about traffic backing up on

State Route 96 and the timing of the signal. Mr. Hemminger said that this traffic signal is maintained by the New York State Department of Transportation (DOT). Mr. Giroux said that the State typically provides a thorough review of the impact of a new development on an existing intersection. Mr. Brunelle said that the State has reviewed projected traffic queueing and gapping at the intersection.

Mr. Hemminger said that the applicant has submitted a Traffic Impact Study to the DOT. He said that the DOT takes traffic issues seriously and has already issued comments to the applicant which will be addressed. He also noted that the DOT is requiring widening improvements on State Route 96 in the vicinity of the Byrne Dairy project. Mr. Brunelle acknowledged that he is responsible for these improvements.

Mr. Brand said that the applicant's Preliminary Site Plan must be revised to identify the connection to the water main that is located on the east side of Mertensia Road and not on the west side as shown on the current drawing. He also said that Mr. Brunelle would be responsible for pedestrian improvements on one corner of the State Route 96/Mertensia Road intersection and that the developer of the Farmington Market Center would be responsible for pedestrian improvements at the other three corners of the intersection. These improvements will include pedestrian activated signals, ADA-compliant ramps for those in wheelchairs and crosswalk markings.

Mr. Viets asked about the photometrics on a section of the sidewalk on Mertensia Road. He asked if the light at this position could be brighter. Mr. Brunelle said that he could reposition the light or could install a brighter lamp if needed.

Mr. Viets also asked if the site plan would have to be amended for the installation of an ATM at the store. Mr. Brunelle said that he is requesting only placement and screening of a proposed ATM at this time. He said that a bank which may wish to install an ATM in the future would be required to apply for a building permit. Mr. Brand said that an outdoor ATM structure would require an amendment to the site plan.

Ms. Neale said that this is very good project. She commended Mr. Brunelle for all that he has done to address the concerns of the Town staff and the Planning Board.

Mr. Bellis requested a rendering or a photograph of the split rail fence to be installed around the stormwater pond. Mr. Brunelle said that he would provide this at the Final Site Plan stage. Mr. Bellis said that he was pleased with the proposed sidewalks for safety.

Mr. Hemminger said that he likes the cooperation between Mr. Brunelle and the owner of the adjacent manufactured home park. He said that the narrowing of the driveway at Pat Drive will improve the safety for students on the school buses. He also commended Mr. Brunelle on the use of the shared driveway and said that the project will be beneficial on this corner.

There were no further comments or questions from those in attendance on these applications this evening.

■ A motion was made by MS. NEALE, seconded by MR. VIETS, that the Public Hearing be closed.

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

Board deliberations:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DESIGNATION OF LEAD AGENCY UNDER SEQR**

**PB #0503-19 Special Use Permit Application
PB #0504-19 Preliminary Site Plan Application**

**APPLICANT: Sonbyrne Sales, Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166**

**ACTIONS: Preliminary Site Plan and Special Use Permit:
Byrne Dairy Convenience Store, 6215 State Route 96
Designation of Lead Agency Under SEQR**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has previously determined the proposed action described above herein (referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has conducted a coordinated review with involved agencies declaring the Planning Board's intent at their May 15, 2019, meeting to be designated the Lead Agency under the SEQR Regulations; and

WHEREAS, the Planning Board has received no objection from any Involved Agency within the public review period established to their being designated as the Lead Agency for making the required determination of significance upon the above referenced Action.

NOW, BE IT FURTHER RESOLVED that the Planning Board does hereby designate itself as the Lead Agency for making a Determination of Significance upon said Action.

BE IT FINALLY RESOLVED that the Planning Board does hereby direct the Clerk of the Board to provide a certified copy of this resolution to the identified Involved and Interested agencies.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Excused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then read aloud the impacts that are expected to result from the proposed action when compared against the criteria in Section 617.7 (c) of the New York State Environmental Conservation Law.

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

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

**PB #0503-19 Special Use Permit Application
PB #0504-19 Preliminary Site Plan Application**

**APPLICANT: Sonbyrne Sales, Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166**

**ACTIONS: Preliminary Site Plan and Special Use Permit:
Byrne Dairy Convenience Store, 6215 State Route 96
SEQR Criteria for Determining Significance**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), based upon review of the Criteria contained in §617.2 (a–k) of Part 617 of NYCRR, Article 8, New York State Environmental Conservation Law, finds the above referenced Preliminary Site Plan and Special Use Permit to be an Unlisted Action; and

WHEREAS, the Planning Board has reviewed Part 2 of the Short Environmental Assessment Form (hereinafter referred to as EAF).

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

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 Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in

solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the sites is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

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

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Excused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the conditions of approval from the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
BYRNE DAIRY CONVENIENCE STORE PROJECT
SPECIAL USE PERMIT**

PB #0503-19 Special Use Permit Application

**APPLICANT: Sonbyrne Sales, Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166**

**ACTIONS: Special Use Permit approval to develop a 1.9-acre site located
at the southwest corner of the intersection of State Route 96
and Mertensia Road for a Byrne Dairy Convenience Store with
gasoline dispensing units.**

WHEREAS, the Town of Farmington Planning Board has been designated as the lead agency under the provisions of §617 of NYCRR, Article 8, New York State Environmental Conservation Law for the coordinated review of this Action; and,

WHEREAS, the Planning Board, as the lead agency has made a determination of non-significance upon this Action; and

WHEREAS, the Planning Board has conducted a public hearing upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the public hearing record and to the Ontario County Planning Board referral #120-2019, dated June 12, 2019, classified as a Class 1 with comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the Special Use Permit application for a convenience store/petroleum station operation with the following conditions:

1. The Special Use Permit is granted subject to the Applicant obtaining Final Site Plan Approval by the Town Planning Board (Section 165-77. B. of Town Code).
2. The Special Use Permit is granted with the condition that any change in ownership of the property or use not shown on an approved Final Site Plan will require review by the Planning Board to determine if a revised Site Plan; or Special Use Permit amendment, is necessary (Section 165-77. B. and C. of Town Code).
3. The Special Use Permit is subject to the applicant obtaining a Bulk Storage Permit from the New York State Department of Environmental Conservation; and the filing of a copy of said Permit with the Town Development Office prior to any Certificate of Occupancy being issued (Section 165-77. C. of Town Code).
4. The Special Use Permit is granted with the condition that there shall not be any vehicle wash operations permitted on this site (Section 165-77. O. of Town Code).
5. The Special Use Permit is granted with the condition that there shall not be any vehicle vacuuming operations permitted on this site (Section 165-77. P. of Town Code).
6. The Special Use Permit is subject to the applicant obtaining a Fuel Spill Containment Plan approved by the Farmington Volunteer Fire Department (Section 165-77. Q. of Town Code).
7. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to insure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
8. In the event of any complaints about the Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
9. There shall be a 30-foot buffer extending inward from the NYS Route 96 right-of-way line. Said buffer shall contain landscaping satisfactory to the Planning Board, and in accordance with the comments given by the Planning Board during the June 19, 2019, Planning Board meeting.
10. Vegetative screening shall be provided on all sides of the property which abut a residential district or residential use.
11. A separate approval by the Planning Board is required for any building and ground signage.

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

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Excused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then summarized aloud the conditions of approval from the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
BYRNE DAIRY CONVENIENCE STORE PROJECT
PRELIMINARY SITE PLAN**

PB #0543-19 Preliminary Site Plan Application

**APPLICANT: Sonbyrne Sales, Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166**

**ACTIONS: Preliminary Site Plan approval to develop a 1.9-acre site
located at the southwest corner of the intersection of State
Route 96 and Mertensia Road for a Byrne Dairy Convenience
Store with gasoline dispensing units**

WHEREAS, the Town of Farmington Planning Board has been designated as the Lead Agency under the provisions of §617 of NYCRR, Article 8, New York State Environmental Conservation Law for the coordinated review of this Action; and,

WHEREAS, the Planning Board, as the lead agency has made a determination of non-significance upon this Action; and

WHEREAS, the Planning Board has conducted a public hearing upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the public hearing record and to the Ontario County Planning Board referral #120-2019, dated June 12, 2019, classified as a Class 1 with comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the Preliminary Site Plan application with the following conditions:

1. Preliminary Site Plan Approval is based upon the set of drawings prepared by Plumley Engineering, P.C., dated March 2019 and having the latest revision date of 6/11/19, Project No. 2019017, Drawing Number C201, entitled “Preliminary Site Plan,” as is further hereby amended by these conditions of approval contained below herein.
2. The Preliminary Site Plan drawing is to be amended to identify connection to the water main which is located on the east side of Mertensia Road and not the west side as shown on the drawing.
3. All comments contained in the Region 4 Office, New York State Department of Transportation’s May 6, 2019, letter are hereby made conditions of Preliminary Site Plan Approval by the Planning Board. Revised Final Site Plan drawings reflecting these conditions shall be submitted to the Town as part of final site plan application.
4. The Planning Board will want a handicapped ramp and new pedestrian crossing signal installed, prior to the issuing of a Certificate of Occupancy as part of this project, which is to be coordinated with the handicapped ramp and new pedestrian crossing signals that are to be installed as part of the adjacent Farmington Market Center Incentive Zoning Project.
5. All proposed easements are to be filed in the Ontario County Clerk’s Office and recorded in the Town Development Office prior to the issuance of any Building Permits for this site’s development.
6. All comments contained in the MRB Group letter, dated June 10, 2019 are to be addressed in writing and changes made to the drawings referenced prior to the drawings being signed by the Town Engineer.
7. Once all conditions of Preliminary Site Plan Approval have been made on the drawings, one (1) copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a total of seven (7) sets of revised drawings and Building Elevation drawings are to be submitted to the Town for signing. One copy of the signed Preliminary Site Plans and Building Elevation drawings are to be provided to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Assistant Resident Engineer, New York State Department of Transportation, Ontario County Office; the Town Engineer; the Town Development Office; and two (2) sets returned to the Applicant’s Engineers, Plumley Engineering. If additional copies of the Preliminary Plans are deemed necessary, then those copies are to be provided at the time of signing. Once all signatures have been affixed to the Preliminary Site Plans and Building Elevation Drawings then the Town Code Enforcement Officer will

entertain an application for Final Site Plan Approval and schedule the action for a future Planning Board meeting.

- 8. Preliminary Site Plan Approval is valid for a period of 180 days and shall expire unless renewed, or signatures have been made to the revised drawings.

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

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Excused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

5. PLANNING BOARD ACTION ITEMS

**Redfield Grove Incentive Zoning Project, Section 2
First 90-Day Extension:**

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SUBDIVISION PLAT AND FINAL SITE PLAN APPROVALS,
REDFIELD GROVE SUBDIVISION, SECTION 2—90-DAY EXTENSION**

PB #0101-19	FINAL SUBDIVISION PLAT APPROVAL
PB #0102-19	FINAL SITE PLAN APPROVAL

**APPLICANT: Michael Yaeger, Parrone Engineering
on behalf of Frank DiFelice, DiFelice Development Inc.,
91 Victor Heights Parkway, Victor, N.Y. 14564**

**ACTION: Final Subdivision Plat and Final Site Plan Approval, Redfield
Grove Incentive Zoning Project, Section 2—90-Day Extension**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has on January 2, 2019, granted approvals (Files PB #0101-19 & PB #0102-19) with conditions for the signing of the final subdivision plat and final site plan drawings, prepared by Parrone Engineering; and

WHEREAS, the Planning Board’s conditional approval is valid for a period of 180 days which expires on Monday, July 1, 2019, unless extended by the Board for an additional period of time as provided for within Section 277 of New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant a 90-day extension to its original Final Subdivision Plat and Final Site Plan Approvals Resolution with the following conditions:

1. The conditions of Final Subdivision Plat and Final Site Plan Approval, granted by the Planning Board on January 2, 2019, continue to remain in effect with the only exception being the original 180-day time limit for expiration.
2. This 90-day extension to the original resolution shall be in effect starting on Monday, July 1, 2019, and will end on Friday, September 27, 2019.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Excused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Empire Pipeline Inc. First 90-Day Extension:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN, EMPIRE PIPELINE, INC., EMPIRE NORTH PROJECT
90-DAY EXTENSION**

PB #1204-18

APPLICANT: Luke Donigan, Phillips Lytle LLP, on behalf of Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221

ACTION: Final Site Plan Approval—90-Day Extension

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has on December 19, 2018, granted approval (File PB #1204-18) with conditions for the signing of the final site plan drawings, prepared by Haley & Aldrich of New York; and

WHEREAS, the Planning Board’s conditional approval is valid for a period of 180 days which expired on Monday, June 17, 2019, unless extended by the Board for an additional period of time as provided for within Section 274-a b. of New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant a 90-day extension to its original Final Site Plan Approval Resolution with the following conditions:

1. The conditions of Final Site Plan Approval, granted by the Planning Board on December 19, 2018, continue to remain in effect with the only exception being the original 180-day time limit for expiration.
2. This 90-day extension to the original resolution shall be in effect starting on Tuesday, June 18, 2019, and will end on Friday, September 16, 2019.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Excused
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Auburn Meadows Sidewalk Amendments:

Mr. Brand reviewed proposed changes to the installation of sidewalks in Section 6S, Section 8S and Section 9 of the Auburn Meadows Subdivision. He said that the Town staff and the developer have determined that a length of proposed sidewalk leading from the east side of Ackerman Way to the Auburn Trail is a duplication of the intent of a proposed sidewalk along Canandaigua–Farmington Town Line Road that also would lead to the Auburn Trail.

After meeting with the developer, the contractor and Highway Superintendent Don Giroux, Mr. Brand said that the Town staff recommends the following:

- Section 6S, is no longer required to have the five foot wide concrete sidewalk, between Lot #657 and Lot #658, extending between the sidewalk located along the east side of Ackerman Way and the Auburn Trail property boundary.
- Section 8S, the five foot wide concrete sidewalk, between Lot #819 and Lot #820, is to be extended from the current eastern end (the property line between these two parcels and the Beaver Creek Parkland) connecting to the Auburn Trail's stone dust surface.
- In Section 9, the five foot wide concrete sidewalk, between Lot #926 and Lot #927 is to be extended from the current eastern end (the property line between these two parcels and the Beaver Creek Parkland) connecting to the Auburn Trail's stone dust surface.
- The two sidewalk extensions are to include pvc drain pipe, or acceptable alternative pipe, installed as part of the sidewalk extensions and in locations determined by the Town Highway Superintendent to protect the drainage flows along side the Auburn Trail Project.
- In addition, the Town Highway Superintendent is in agreement with changing the location for the street light, in Section 6S, at the intersection of Ackerman Way and the Canandaigua/Farmington Town Line Road. The new street light location will be on the same side of Ackerman Way as the existing RG&E Power Pole.
- Finally, these changes are to be shown on the “As Built Drawings” or Final Plat Maps for each of the Sections and copies provided to the Town.

■ **CONSENSUS:** It was the consensus of the Planning Board to agree with the Town staff recommendation as listed above.

Farmington Market Center:

Mr. Brand also noted that he will provide a draft resolution for the board's consideration on July 2, 2019, of conditions and amenities regarding the Farmington Market Center Incentive Zoning Project.

Highway and Parks Superintendent:

Mr. Giroux reported that the paving of the portion of Ivory Drive that crosses the Auburn Trail and links with Carmen's Way has been completed. He said that a minimal amount of topsoil remains to be installed and that this road connection will be opened as soon as the Town Board accepts dedication of the road. Mr. Giroux said that the Town Board may act upon the road dedication at the meeting on June 25, 2019.

Mr. Giroux said that work is underway on the Canandaigua–Farmington Town Line improvement project with one-lane closures during the day. He said that a temporary traffic signal is used during these closures. Mr. Giroux said that preparation work for the installation of a box culvert and binder paving is scheduled from July 15th to August 1st. He said that the box culvert is scheduled to arrive in October and that this year's portion of the project should be completed by October 24th.

Code Enforcement Officer:

Mr. Delpriore reported on the following projects

- Applications for Monarch Manor Subdivision Section 2, the Farmington Chamber of Commerce Community Farmers Market and two concept presentations (Ontario Mall Antiques Farmers Stand on State Route 332 and Ponds Edge Venue on Brownsville Road) would be on the Planning Board agenda on July 2, 2019.
- The Delaware River Solar project and the Byrne Dairy Final Site Plan applications will be on the Planning Board agenda on July 17, 2019.
- A Preliminary Site Plan has been submitted by Create A Scape on State Route 96 and is now being reviewed by the Town staff.
- The new building at American Equipment on Collett Road is nearing completion. Town staff will verify the height of the berm and will review the landscape plantings. Mr. Delpriore said that the parking area must be restriped (single stripe to double stripe, per the Town Code) and that the staff is closely monitoring the construction to assure compliance with the Planning Board's conditions of approval. Mr. Viets asked about the installation of an exhaust hood that is not shown on the final drawings. Mr. Delpriore said that he will check on this. Mr. Brabant said that some changes may occur during construction. He said that subtle changes require Town staff input and approval, and that more substantial changes may require Planning Board approval of an amendment to a site plan.

Water and Sewer Superintendent:

Mr. Degear reported that several thousand feet of 12-inch water pipe has been received and will be installed by a contractor as part of the Canandaigua–Farmington Town Line Road improvement project.

Mr. Degear said that the Water and Sewer Department repaired two recent water main breaks, i.e., one on Elizabeth way and the other on Mertensia Road. He also noted that the department has been busy with a major sewer spill in the Town of Victor off County Road 9. He said that this took a week to clean up and that the department is working with the New York State Department of Environmental Conservation on this.

Mr. Degear said that the department also has been working to restore and reseed areas that were disturbed during repair of water main breaks during the past winter months.

Board Members' Comments:

Ms. Neale reported that the Monarch Manor Subdivision sign at the corner of New Michigan Road and Canandaigua–Farmington Town Line Road is unkempt. Mr. Giroux said that he would inspect the sign and its associated landscaping.

6. PUBLIC COMMENTS

None.

7. ADJOURNMENT

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

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Tuesday, July 2, 2019, at 7:00 p.m.

Following the meeting, the front doors to the Town Hall were locked.

Respectfully submitted,

John M. Robortella,
Clerk of the Farmington Planning Board

L.S.