

Town of Farmington

1000 County Road 8
Farmington, New York 14425

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

MINUTES—APPROVED

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

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 7, 2020, and extended by Executive Order 202.91 through March 28, 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 March 12, 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:

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
 August Gordner, Town of Farmington Code Enforcement Officer
 Collin Sowinski, MRB Group D.P.C.

Applicants Present at the Town Hall:

Jeff Berends, Construction Manager, Meyer's RV Superstore of Farmington,
 c/o 100 Sanford Road North, Churchville, N.Y. 14428
 Patrick Laber, P.E., Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
 129 S. Union Street, Spencerport, N.Y. 14559
 Don Payne, CountryMax Stores, CountryMax Support Center, 6290 State Route 96,
 Victor, N.Y. 14564

Applicant Present via Telephone/Video Conference:

Michael Greene, Greene Land Surveying PLLC, 403 E. Miller Street, Newark, N.Y. 14513

Others Present at the Town Hall:

None

Others Present via Telephone/Video Conference:

[Others, unidentified]

1. MEETING OPENING

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

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

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

2. APPROVAL OF MINUTES OF MARCH 3, 2021

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

Motion carried by voice vote.

3. NEW FINAL SITE PLAN

PB #0202-21 New Final Site Plan Application

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

Location: Southeast corner of County Road 41 and Wood Drive

Zoning District: T. L. 278 Cluster Development

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

The State Environmental Quality Review (SEQE) classification for this application (Type II Action) and the Preliminary Site Plan were approved with conditions on February 17, 2021.

Mr. Greene (Greene Land Surveying) and a representative of the applicant's home builder presented this application via telephone/video conference call.

Mr. Greene said that the comments of the Preliminary Site Plan site plan approval resolution have been addressed and that the applicant is ready to move forward with the Final Site Plan.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to approve the Final Site Plan with conditions. He said that a condition of approval has been added regarding the identification and the location of the sanitary sewer clean-out at the Town's sewer easement line which runs across the site. Mr. Brand said that there is also to be a legend added next to the Sanitary Sewer Clean-out Detail on the Final Site Plan which defines the "co" designations on the drawing.

Mr. Delpriore confirmed that the conditions of the Preliminary Site Plan approval have been addressed.

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

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

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

PB #0302-21

**APPLICANT: Cynthia Chierichella, 1468 Fraser Way,
Farmington, New York 14425**

ACTION: Final Site Plan Approval, Lot R 230-1, Single-Family Dwelling

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

WHEREAS, the Board under separate resolution has found the proposed Action is classified as a Type II Action under Part 617.5 (c) (11) of article 8 of the New York State Environmental Conservation Law, thereby satisfying the procedural requirements under the State Environmental Quality Review Act.

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

1. Final Site Plan Approval with Conditions is based upon the drawing prepared by Greene Land Surveying, LLC, having a revised date of 2/18/21, identified as JOB No. 20-5719 entitled “Final Site Plan of Land Being Lot R230-1 of the Phillips Landing Subdivision, Section II, Cynthia Chierichella.”
2. Prior to the issuance of a Building Permit, the Applicant is to provide the Town Code Enforcement Officer with a copy of the County’s Highway Work Permit for this Action.
3. Prior to the issuance of a Certificate of Occupancy, the Applicant is to provide the Town Construction Inspector a copy of all the easements to be granted to the Town. The easements were associated with this Action and the previous Action upon the adjacent Lots R230-2 and R230-3. No Certificate of Occupancy shall be issued for any proposed dwelling upon this Lot until these easements have been accepted by the Town Board, filed in the Ontario County Clerk’s Office and a copy of the liber and page of such filing has been placed in the Town’s Property File for this Action.
4. Prior to the issuance of a Certificate of Occupancy for the proposed dwelling, the liber and page of the filed seventeen and one-half-foot-wide Sidewalk Easement to the Town is to be placed in the Town’s property file.
5. The Final Site Plan drawing is to show, and identify the location of, the Sanitary Sewer Cleanout at the Town’s sewer easement line that runs across the site. There is also to be, a note added next to the Sanitary Cleanout Detail that identifies what the “co” designations shown on the drawing means.
6. One copy of the revised Final Site Plan drawing, with revision date, is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a total of four (4) prints are to be submitted to the Town Development Office for signatures. Once all signatures have been affixed to the drawings, one copy will be returned to the Applicant’s Surveyor, one copy will be filed with the Town Water and Sewer Department, one copy will be filed with the Town Engineers and the final copy filed in the Town Development Office. If additional copies are to be required by the Applicant, then those are to be provided for signing at that time.
7. Once Final Site Plan drawings have been approved and signed, then the Applicant is to prepare an Engineer’s Estimate of Value for site improvements (e.g., private sewer line connection to Town’s trunk line, soil and erosion control) that are to be

dedicated to the Town. Once a surety for these items has been approved by the Planning Board and accepted by the Town Board and filed with the Town Clerk, then the Town Code Enforcement Officer shall schedule a Pre-Construction Meeting, to be followed by a notice to proceed.

- 8. Final Site Plan Approval is valid for a period of 180 days and shall expire unless signed drawings have been filed with those Conditions identified above herein.

Mr. Hemminger asked Mr. Greene and the applicant’s representative of the home builder if they understood the resolution and if they agreed with the conditions. Mr. Greene and the applicant’s representative of the home builder said that they understood the resolution and that they agreed with the conditions.

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

Motion carried.

4. PLANNING BOARD ACTION ITEMS

A. Meyer’s RV Superstore of Farmington Amended Final Site Plan:

PB #1102-20 Amended Final Site Plan—Phase 1

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

Location: 6200 State Route 96

Zoning District: GB General Business

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

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

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

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

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

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

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

On February 10, 2021, March 3, 2021, and March 17, 2021, Mr. Berends submitted revised Phase 1 construction schedules.

The Planning Board approved an Amended Final Site Plan—Phase 1 resolution on March 3, 2021.

Mr. Berends (Meyer's RV Stores) and Mr. Laber (Schultz Associates) presented this application.

Mr. Berends provided the following update:

- Trees have been removed and the driveway for the entrance into the property from the adjacent Family Dollar store is underway. A temporary driveway will be ready for use next Tuesday March 23, 2021. Orange fencing will be installed to direct vehicles to customer and employee parking areas. Signage is on order and will be installed next week.
- Work is underway on the Mertensia Road water service. RG&E representatives will be on the site to determine relief due to a power utility pole which encroaches upon the work area.
- New York State Department of Transportation (DOT) work is continuing. Sidewalk construction will begin tomorrow (March 18, 2021).

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to approve an amendment to Phase 1 of the Final Site Plan. He requested that the applicant label future construction schedules with the date and the revision number to avoid confusion.

Mr. Brand said that the draft resolution requires the applicant and the site contractor to submit to the Town Code Enforcement Officer an updated construction schedule (to be known as Revision #4) on or before March 26, 2021, at 12:00 p.m., for review at the next Project Review Committee meeting on Thursday, April 1, 2021.

He said that the draft resolution also requires the applicant and the site contractor to submit a subsequent updated construction schedule (Revision #5) to the Town Code Enforcement Officer on or before Wednesday, March 31, 2021, for review at the next Planning Board meeting on April 7, 2021.

Mr. Bellis said that the draft resolution had not been submitted to the board prior to the meeting. Mr. Hemminger said that he had reviewed the resolution. Mr. Brand provided the Clerk with the draft resolution.

Mr. Hemminger said that the draft resolution which has been discussed by Mr. Brand this evening does not change any of the completion dates of the Planning Board's Amended Final Site Plan approval for Phase 1 of November 18, 2020.

Mr. Brand said that Mr. Berends and the site contractor are doing a great job to comply with the board's required completion dates. He sees no reason at this time to change the completion dates in the original resolution of November 18, 2020.

Mr. Delpriore said that Mr. Berends has been receptive to the Town's concerns and has been keeping the Town staff "in the loop."

Mr. Delpriore said that there have been no changes to the completion dates in the DOT construction schedule dated February 16, 2021. He said that the date of the updated main construction schedule is March 16, 2021.

Mr. Delpriore asked Mr. Berends if the lighting and the other items on the DOT schedule had been completed by the March 1, 2021, date indicated on the schedule. Mr. Berends said yes.

Mr. Delpriore said that the contractor has been making great progress. He said that the site has been inspected for safety concerns, that the primary entrances into the site off State Route 96 have been closed, and that the entrance from the adjacent Family Dollar Store is expected to become the main vehicle entrance into the site next week. Mr. Delpriore said that construction fencing will direct customer and employee vehicles into the site, that the store manager has a safety plan in effect, and that a majority of the sales from this location are online. Mr. Delpriore said that some drop-in customers visit the store and that the sales staff has a safety procedure in place to direct them to a few units.

Mr. Delpriore said that some RVs have been moved toward the stormwater pond. He said that the store manager has complied with the Town's request to install safety fencing around the pond.

Mr. Delpriore said that the project is in a good spot and that the communication with the applicant's construction manager is much improved. He said that he supports this evening's draft resolution and that the construction dates remain unchanged at this time. He said that the schedule can be reviewed next month to determine if subsequent revisions are required.

Mr. Delpriore said that it is beneficial to have regular status meetings with Mr. Berends at the meetings of the Project Review Committee and the Planning Board.

Mr. Giroux said that the applicant is following a tough schedule and that the effort is evident out there.

Mr. Brand said that the schedule which is labeled as the "DOT Schedule" includes work which is not involved in the State DOT highway work permit. He said that the title of this schedule is confusing, and that landscaping and lighting, which is included in this schedule, does not pertain to work within the scope of the DOT highway work permit.

Mr. Delpriore said that the items in the labeled "DOT Schedule" involve the State Route 96 Street Scape initiatives.

Mr. Hemminger recommended that the two construction schedules be labeled "Street Scape Schedule" and "Construction Schedule," and that each is to be dated and to include a revision number when submitted.

Mr. Viets said that he was happy to see the progress on the site and that the work has been a great improvement. He said that it appears that the applicant and the contractor are putting forth the effort.

Mr. Bellis said that he is glad to see the progress and that things are moving ahead.

Mr. Hemminger said that he is pleased that Mr. Delpriore is happy with the progress and with the communication that is now provided by Mr. Berends with the Town staff. He said that Mr. Berends and Mr. Meyer are building trust with the staff.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN AMENDMENT—PHASE 1**

PB #1102-20

**APPLICANT: Meyer's RV Superstore of Farmington, 100 Sanford
Road North, Churchville, N.Y. 14428**

ACTION: **Final Site Plan Amendment, Phase 1, Meyer’s RV Superstore of Farmington, located on property at the northeast corner of State Route 96 and Mertensia Road**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has on November 7, 2018, granted Final Site Plan approval with conditions for the above referenced Action; and,

WHEREAS, the Planning Board at its last meeting on Wednesday, March 3, 2021 received a revised schedule for completing the identified tasks to be located within the Phase 1 portion of the overall site improvements; and

WHEREAS, the Planning Board has also reviewed the Town and State DOT staff comments that were made as part of the record for the March 5, 2021, Project Review Committee (PRC) meeting; and

WHEREAS, the Planning Board has observed that work has commenced across the Route 96 frontage to the site and within the State’s right-of-way; and

WHEREAS, the Planning Board is aware that the latest revised Work Schedule dated 3/3/21 identifies a number of tasks are scheduled to be completed during the month of March which include: boring underneath Mertensia Road for installation of water service; installation of sanitary sewer tap; and inspections; and

WHEREAS, the Planning Board, based upon its review of the above referenced revised Work Schedule, finds that the following tasks are to be completed on or before the April 21, 2021, Planning Board Meeting, which include: Removal of all excess material from the site; installation of a four-inch diameter sanitary sewer line to serve the site; installation of water taps; connection for domestic water service; installation of gas and electric services; and the installation of light pole bases and conduit; and

WHEREAS, the Planning Board has given consideration to the public comments presented at tonight’s meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby direct the applicant and his site contractor to submit to the Town Code Enforcement Officer, on or before noon on March 26th an updated schedule (to be known as Revision #4) for completing the tasks identified above herein for Town and State DOT staff review at the next PRC Meeting on Thursday, April 1, 2021.

BE IT FURTHER RESOLVED that the Applicant and his site contractor are to participate in the April 1, 2021, PRC Meeting to provide more detailed information upon an updated schedule, to understand any remaining concerns and to commit to making a revised schedule as may be required at that time.

BE IT FURTHER RESOLVED that said revised schedule is to include an updated timeline for the following tasks:

- a. The Applicant’s plan for using the new (temporarily gravel base) access drive from State Route 96, the remaining on-site drive aisles and the on-site parking facilities while waiting for the black top plants to open later in the spring.
- b. The Applicant’s plan for providing signage (either temporary or permanent) that identifies the new access from State Route 96, the on-site parking and service area for the RV Units; and
- c. The Application for Phase 2 Amendments to the Final Site Plan, including the proposed amendments to the Building Elevations; and
- d. The Floor Plans Drawings for the new buildings which are to be submitted as part of the Phase 2 Site Plan Amendments which are due to the Town not later than July 1, 2021.

BE IT FURTHER RESOLVED that following the April 1st PRC review of the proposed discussion of the tasks, the Applicant is to provide an updated schedule (identified as Revision #5), to the Town Code Enforcement Officer, on or before noon on Wednesday, March 31, 2021, for the Planning Board’s review at their April 7, 2021, meeting.

BE IT FURTHER RESOLVED that all of the Conditions of Final Plat Approval, PB #1102-18, dated November 7, 2018, remain in effect unless otherwise modified by separate Planning Board resolution.

BE IT FINALLY RESOLVED that the Final Phase 1 Site Plan Approval shall remain in effect as long as the Applicant continues to comply with all of the above Conditions. Failure to comply shall render this approval Null and Void.

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

Motion carried.

Mr. Hemminger then requested Mr. Berends to discuss the revised elevation renderings of the new structure which had been distributed to the board members prior to the meeting.

Mr. Berends described the revisions to the façade which focus upon the main entrance, the pedestrian-friendly design of the site, and the use of colors and building materials to create a cohesive “look” to tie in the building as a whole.

Mr. Delpriore said that the Phase 2 application and materials have been submitted and that the application is complete except for the Planning Board members’ concurrence with the elevation renderings. He said that he would like to move the Phase 2 application to the Planning Board review stage but that he does not want to have it hung up on the elevations.

Mr. Delpriore said that he met with Mr. Berends concerning the board members’ comments on the location of the propane tank the RV dump station. He said that the applicant plans to shield the propane tank with a stockade fence and landscaping, and that the location of the dump station will not be quite so visible. Mr. Delpriore said that he discussed the possibility of moving the building in an effort to relocate the propane tank and the dump station on the site, but that the Mr. Berends said that these relocations would not work well with the flow of vehicles and RVs on the site.

Mr. Delpriore also said that the applicant plans to install a manual gate, instead of an automatic gate, on the back entrance. He said that this revision would not be a problem.

Mr. Delpriore said that the applicant is complying with the provisions of the yet-unapproved Main Street Overlay District (MSOD). He said that he believes that there is a compromise in the middle and that the applicant is putting forth a good amount of funding for the landscaping and the lighting along the road [State Route 96].

Mr. Delpriore said that the applicant seeks feedback from the board this evening on the revised elevation renderings.

Mr. Giroux expressed concern about the visibility of a stockade fence as screening for the propane tank along the State Route 96 road frontage. He said that he finds it difficult to think that this will be appealing with the new street scape guidelines.

Mr. Laber said that the propane tank will be located on the west side of the building on the north side of the driveway. He said that the locations of the propane tank and the dump station are in line with the four-lane flow of traffic and trailers on the site. He said that the stockade fence would be a board-on-board design with a back-and-forth “look.” Said that the fence can be in a color to be suggested by the board.

Mr. Hemminger said that the applicant is meeting the street scape elements and is trying to design the building as aesthetically pleasing as possible.

Mr. DeLucia said that although the elevation rendering has been revised, he prefers the originally-proposed overhang over the front entrance.

Mr. Viets said that he would like to see the south façade (facing State Route 96) with a design with features which are more like the original proposal. He said that there are some improvements with the revised elevation but that additional design features could be included.

Mr. Bellis said that the revised elevation is an improvement. He asked if the silver bar which extends across the front of the building will protrude. Mr. Berends said yes.

Mr. Bellis also said that he still prefers the overhang over the front entrance which was included on the original elevation. He also asked why the green stripe does not extend all the way around in the back of the building.

Mr. Bellis asked about the green color. Mr. Berends said that it will be lime green.

Mr. Hemminger said that even though the revised elevations are better [than the original], the board is not necessarily falling in love with them yet. He requested that although the façade should be “dressed up,” the board is ready to move into the Phase 2 application. He said that it would be better if the green stripe extended all the way around the building. He also asked the applicant to look into alternate types of building materials. He asked Mr. Berends to take a look and see what he thought.

There were no additional comments on this application this evening.

B. 180-Day Extension of DiFelice Industrial Building:

PB #0602-19 180-Day Extension of Amended Final Site Plan

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

Request: 180-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 concluded on Wednesday, February 3, 2021.

The sixth 90-day extension of the Amended Final Site Plan was approved by the Planning Board on February 3, 2021, and concludes on Tuesday, May 4, 2021.

Mr. Payne (CountryMax Stores) presented this application.

Mr. Brand said that Mr. Payne is in the process of acquiring and developing the site and has requested for an extension to provide time for sureties to be established with the updated dollar amounts and to deal with the transfer of the property.

Mr. Payne said that he is new to this application (which was originally approved in 2017) and that it has only been 10 days since CountryMax Stores signed an agreement to purchase the site from the DiFelice Development Corporation. Mr. Payne said that he received the abstract of actions on this application and that he is aware of the amount of time that the board has put into it.

He said that it is important for CountryMax to use as much as they can of what the board has already approved. Mr. Payne said that he met yesterday (March 16, 2021) with representatives from Parrone Engineering and that they are in the beginning stages of this project.

Mr. Payne said that it was his understanding that Mr. DiFelice had site plan approval through September. He said that he realizes that the board had given that time to Mr. DiFelice but that they [CountryMax] are new to the scene.

Mr. Brand said that Mr. DiFelice's sixth 90-day extension expires on May 4, 2021, and that he encouraged Mr. Payne to submit an extension request and to identify the process which CountryMax now begins to contact financial institutions and close on the transfer of the property. Mr. Brand said that it may go to the point at which the full 180 days are not required but that he would not want to jeopardize anything by missing a date and having the application automatically expire.

Mr. Brand said that he strongly supports this [180-day extension request] and that he is happy that CountryMax will stay in Farmington. He said that it is great to have a company on that corner [the southwest corner of Collett Road and Hook Road] which the Town knows will do a good job.

Mr. Hemminger said that the board would like to help Mr. Payne do what he has to do and that he wants Mr. Payne to be aware that the board has approved a design for the building which may or may not fit into the CountryMax parameters. Mr. Hemminger said that Ed Parrone (of Parrone Engineering) is aware of the board's concerns regarding traffic on and off Collett Road, and that the exterior lighting

must not “spill” onto the adjacent residential area. He said that he has no issues with approving a 180-day extension.

Mr. DeLucia said that a 180-day extension is valid request.

Mr. Viets asked if this would be a retail operation. Mr. Payne said no. He said that the facility would be used for interstore transfers, online sales and offices.

Mr. Viets expressed concern about waiting 180 days to see a concept plan. He said that he would like to see at least a concept plan perhaps in 90 days.

Mr. Hemminger also requested that a concept plan be presented within 90 days. He requested that the initial drawings be presented to the Project Review Committee, whose members he said know what the board is looking for, and who can discuss issues and possible revisions [with the applicant prior to submission of the plans to the Planning Board].

Mr. Bellis also expressed concern about a 180-day extension. He said that there are approximately 45 days remaining in Mr. DiFelice’s sixth extension (to expire on May 4, 2021), that he did not think that 180 days are needed, and that he would like to avoid the establishment of a precedent by approving a 180-day extension.

Mr. Maloy said that he is okay with a 180-day extension, given that the property is to be sold.

Mr. Viets said that he has no problem with Mr. Payne’s intention but that he does not wish to set a 180-day precedent.

Mr. Payne said that the Payne family has been a part of the Town for 95 years and that the company (CountryMax) is not a “fly-by-nighter.” He said that they will do their best to make this a good location for everyone and that they just need time now to get through the process.

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

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

**FARMINGTON PLANNING BOARD CONTINUING RESOLUTION
180-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 180-day extension to the Final Site Plan Approval, 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 from Frank DiFelice, DiFelice Development Inc., on behalf of the Applicant, Primo DiFelice, dated March 10, 2021, for a 180-day extension of time to the final approval for the above referenced Action; and

WHEREAS, the Board has also received a written request from Don Payne, CountryMax Stores, dated March 10, 2021, notifying the Town of a purchase agreement that CountryMax Stores has entered into with the owners of the Primo DiFelice Industrial Complex located at the above referenced location; and

WHEREAS, the last Board resolution with conditions of approval for extending the period of time to commence substantial improvements to the site was dated November 4, 2020, and was valid for a period ending on May 4, 2021; and

WHEREAS, Final Site Plan Drawings were signed by all Town Officials 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 previously notified by Frank DiFelice that Primo DiFelice was seeking a viable user for the project and once a buyer had been established that he would be submitting the requested Letter of Credit surety for filing with the Town Clerk's Office, which the Board considers to be a demonstration of good faith effort.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Condition #9 of Planning Board Resolution (PB#0602-19), dated June 5, 2019, the Applicant (Primo DiFelice, DiFelice Development) is to remove the spoil piles on the site no later than June 5, 2021; and

BE IT FURTHER RESOLVED that the Applicant's Engineer, Parrone Engineers, is to review the original proposed surety amount detailed in the Letter of

Credit Estimate and provide written notice to the Town Director of Planning and Development that the amount contained is still valid, or in the event the amount changes then a new Town Board Resolution will be necessary directing the filing thereof with the Town Clerk’s Office prior to the Town Code Enforcement Officer scheduling a pre-construction meeting on this project.

BE IT FURTHER RESOLVED that the Director of Planning and Development is requested to continue to work with and provide any requested information to both Mr. DiFelice and Mr. Payne as they continue to resolve any remaining issues associated with this project.

BE IT FINALLY RESOLVED that the Board does hereby move to grant the requested 180-day extension to the Final Site Plan Approval which is to commence on Wednesday, May 4, 2021, and end on Sunday, October 31, 2021.

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

Motion carried 3 to 2.

**C. Main Street Overlay District (MSOD)—
Planning Board Discussion on Draft Local Law:**

Mr. Brand said that MRB Group is working on the incorporation of building guidelines, which were suggested by Mr. DeLucia, into the Main Street Overlay District (MSOD) draft local law. He said that it also is the intent to include the building guidelines in the Major Thoroughfare Overlay District (MTOD) guidelines and to establish conditions to avoid conflicts or confusion.

These proposals will amend Town Code § 165-34.

The MSOD will extend along State Route 96 in the Town of Farmington from the Victor line east to Hook Road/Beaver Creek Road on the south and to Fairdale Glen on the north. The guidelines regulatess setbacks, signs, lighting and other street-escape elements to create a pedestrian oriented district.

The MSOD Building Guidelines do not require an existing principal structure to be located closer to an adjacent public highway right-of-way, instead the setbacks contained in the MSOD (§165-34.2) provide opportunity for expansion of an existing structure, that is located on a site within the mapped MSOD/MTOD, by allowing said structure to be added to thereby bringing the Front Setback Line closer to the adjacent public street than would have otherwise been possible by the pre-

vious Front Setback Line (e.g., 100 feet from the right-of-way boundary line along State Route 96). Placing principal buildings closer to the highway right-of-way boundary facilitates the principle of creating a Main Street Corridor with buildings located closer to the adjacent travel lanes thereby creating a sense of destination.

The MSOD regulations establish new criteria for site improvements. These site improvements include building placement, dumpster locations, share/combined access, shared on-site parking and drive aisles, pedestrian separated facilities, on-site lighting that complements street lighting along the public highways, and site landscaping (these are the Streetscape improvements identified elsewhere in these Guidelines).

Within the MSOD there may be a site that is located along one or more public highways. In those instances, the Front Building Line shall be that portion of the parcel where the building is facing the access (driveway) from an adjacent public street. In the event a parcel of land has two (2) driveways, one from each of two adjacent streets, then the Front Building Line shall be that portion of the parcel where the building facing State Route 96 contains the Front Building Line. No parcel may be developed that would contribute to cut-through traffic movements between two (2) public streets. Where a building has two (2) or more sides facing an adjacent public street, all exposed sides shall have similar architectural treatments. Ancillary structures (e.g., air conditioning units, trash receptacles, etc.) shall be hidden from view to the greatest extent possible.

These MSOD Building Guidelines are subject to the MSOD criteria (§165-34.2 of Town Code), the Site Design Guidelines provided for in Local Law #6 of 2009, the MTOD Guidelines (§165-34 of Town Code) and the criteria contained in §165-100 (site development plan). Where there are conflicts among these various sections of the Town Code, the more stringent Guidelines that achieve harmony, in the finding of the Planning Board, shall prevail.

Mr. Brand asked if there were additional comments or revisions to the MSOD draft document. There were no additional comments or revisions this evening. Mr. Hemminger said that the draft, with Mr. Delucia's edit, is good to go to the Town Board for consideration and adoption.

Mr. Brand said that the Town staff will meet with Lance Brabant and Collin Sowinski from MRB Group to finalize the draft document for the Town Board.

He reported that the Ontario County Planning Board issued positive comments on the draft local law, as follows:

Creating desirable pedestrian corridors requires buffering pedestrians from roads and parking areas, and providing visually appealing opaque storefronts or landscaping. It is not clear whether the combination of street trees, berms and other landscaping buffers

pedestrians from the high-speed traffic on State Route 96 or only parking areas.

Ontario County Planning Board (CPB) Comment: *CPB appreciates the efforts of the Town of Farmington to adopt regulations to create a desirable pedestrian character along State Route 96 and to request recent development projects to meet desired standards.*

—Ontario County Planning Board Referral #46-2021

5. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand discussed the following topics:

- The attorney representing the Town of Farmington in the Article 78 Proceeding regarding the Delaware River Solar project has requested additional information for the next filing with Ontario County Supreme Court. He expressed appreciation to John Robortella for stepping-up to do this task.
- The revision of Chapter 2 of the Town of Farmington Comprehensive Plan Update is now underway. Upon completion, the draft chapters will be posted on the Town website for public review and comment, hopefully, next week.
- Six new local laws have been identified by the Town Code Enforcement Officer for adoption by the Town Board. Mr. Brand said that work on these draft local laws will begin soon along with scheduling public hearings.
- There is the potential for the establishment of a methane gas transfer station on Loomis Road. Mr. Brand explained that the applicant would pick up methane gas from local farmers, then transport the methane in tractor trailers to the Loomis Road site and would off-load the methane gas into the adjacent National Fuel Gas Pipeline which extends along a portion of the site and through the Town. He said that no methane would be spread over fields.
- The owner of the Farmington Market Center (Tops Supermarket Plaza) intends to re-submit an Incentive Zoning application for this site at the PRC Meeting on April 1, 2021.
- An application for a credit union building is being prepared for a parcel of land along State Route 332 next to the Burger King Restaurant.

- GLN Farmington Realty (south side of State Route 96, west of State Route 332) has received signed Overall Preliminary Site Plans but has not yet submitted and individual Final Site Plans for this site.

Code Enforcement Officer Report:

Mr. Delpriore said that the Development Office is busy and that eventually a number of new projects will be submitted to the Planning Board for consideration.

Highway and Parks Superintendent Report:

Mr. Giroux said that the Highway Department staff is hoping to conclude the winter plowing and salting season shortly.

He reported that New York State is currently involved in a law suit regarding the amount of salt—calculated at 27.1 tons per lane mile—which is spread on the New York State Thruway. In comparison, he said that the Town of Farmington has been cutting back on the amount of salt used on the Town highways and has calculated its use at 16 tons per lane mile during the 2019–2020 winter season. He said that Farmington is substantially under the amount of salt being spread by New York State and is still getting the job done.

Mr. Giroux said that the Highway Department staff will soon begin repair and touch up of road damage caused by snow plows.

Board Members' Comments:

Mr. Hemminger suggested that the extension of broadband communications capabilities be considered for the Town if anticipated Federal infrastructure funds become available.

Mr. DeLucia asked about the townhouse project which has been proposed for the southwest corner of Collett Road and Mertensia Road. He asked about the applicant's expected request for zoning variances. Mr. Brand said that the granting of zoning variances does not prevent the Planning Board from exercising its due diligence in its' review of subdivision and/or site plan applications.

Mr. Hemminger again expressed his concern with having adequate off-street parking in this proposed development. He said that he has serious issues, based upon his experiences living in other locations where the design of those sites is very similar to the design for this project.

Mr. Giroux said that the Town may consider legislation in the future which would pertain to the parking of vehicles across sidewalks.

Mr. Brand said that the site design may change based upon the delineation of the wetland areas which, to his knowledge, has not yet occurred.

6. PUBLIC COMMENTS

None.

7. TRAINING OPPORTUNITIES

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

Online sessions April 15–May 18, 2021
Tuesdays and Thursdays; sessions begin at 11:30 a.m.

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

All sessions are free; registration required at this link:
<https://www.eventbrite.com/e/145079499689>

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

■ 2021 Municipal Bootcamp:

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

Remaining sessions in 2021:

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. VIETS, seconded by MR. BELLIS, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:10 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, April 7, 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.