

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, March 7, 2018, 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
Shauncy Maloy
Mary Neale
Douglas Viets

Staff Present:
Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group, D.P.C.
Don Giroux, Town of Farmington Highway Superintendent
James Morse, Town of Farmington Code Enforcement Officer

Applicants Present:
Kip Finley, P.E., Director of Development, Indus Hospitality Group, 950 Panorama Trail S.,
Rochester, N.Y. 14625
Robert Laviano, Farmington Country Plaza Inc., 122 King Arthur's Court,
Rochester, N.Y. 14626
John Sciarabba, L.S., President and C.E.O., LandTech Surveying & Planning PLLC,
710 Latta Road, Suite 200, Rochester, N.Y. 14612

Residents Present:
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Tim DeLucia, Chairperson, Town of Farmington Zoning Board of Appeals
Allyn Wagner, 1431 Tudor Way, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited. Mr. Hemminger introduced the Planning Board members and staff, explained the emergency evacuation procedures and noted that copies of the evening's agenda were avail-

able on the table at the door. He also asked everyone to set his or her cell phone on silent mode.

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

2. APPROVAL OF MINUTES OF FEBRUARY 21, 2018

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the February 21, 2018, meeting be approved.

Motion carried by voice vote.

3. CONTINUED PUBLIC HEARING: TWO-LOT PRELIMINARY SUBDIVISION

PB #1202-17 Continued Two-Lot Preliminary Subdivision Application

Name: Indus Hospitality Group/Indus Real Estate II, LLC;
950 Panorama Trail S., Rochester, N.Y. 14625

Location: Lands located behind 1301 State Route 332 (KFC Restaurant)

Zoning District: GB General Business

Request: Two-Lot Preliminary Subdivision Plat approval to create Lot #2 consisting of 1.452 acres and Lot #3 consisting of 1.288 acres.

CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT

PB #1203-17 Continued Special Use Permit Application

Name: Indus Hospitality Group/Indus Real Estate II, LLC;
950 Panorama Trail S., Rochester, N.Y. 14625

Location: Proposed Lot #3 located east of the KFC Restaurant at 1301 State Route 332

Zoning District: GB General Business

Request: Special Use Permit approval to allow a motel according to Article VI, Chapter 165-73 of the Farmington Town Codes. The applicant wishes to construct a three-story Microtel Hotel with 60 rooms and related site improvements.

CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT**PB #1204-17 Continued Special Use Permit Application**

Name: Indus Hospitality Group/Indus Real Estate II, LLC;
950 Panorama Trail S., Rochester, N.Y. 14625

Location: Proposed Lot #2 located north of the KFC Restaurant at 1301 State Route 332

Zoning District: GB General Business

Request: Special Use Permit approval to allow a fast-food restaurant according to Article VI, Chapter 165-69 of the Farmington Town Codes. The applicant wishes to construct a 2,100-square-foot Taco Bell Restaurant.

CONTINUED PRELIMINARY SITE PLAN**PB #1205-17 Continued Preliminary Site Plan Application**

Name: Indus Hospitality Group/Indus Real Estate II, LLC;
950 Panorama Trail S., Rochester, N.Y. 14625

Location: East and north of the KFC Restaurant at 1301 State Route 332

Zoning District: GB General Business

Request: Preliminary Site Plan approval to construct a three-story Microtel Hotel with 60 rooms and a 2,100-square-foot Taco Bell Restaurant

Mr. Hemminiger concurrently reconvened the following Public Hearings which were opened on December 6, 2017; and continued on January 3, 2018, February 14, 2018; and February 21, 2018:

- PB #1202-17 (Indus Hospitality Group Two-Lot Preliminary Subdivision)
- PB #1203-17 (Indus Hospitality Group Special Use Permit for a hotel)
- PB #1204-17 (Indus Hospitality Group Special Use Permit for fast-food restaurant)

Mr. Hemminger concurrently resumed the discussion on the following application which also began on December 6, 2017; and continued on January 3, 2018, February 14, 2018; and February 21, 2018:

- PB #1205 (Indus Hospitality Group Preliminary Site Plan application)

The applicant also has eight applications pending before the Zoning Board of Appeals (ZBA):

- ZB #0701-17: Area Variance for 140 parking spaces (191 are required by the Town Code)
- ZB #0702-17: Area Variance for side setback of 22 feet (minimum of 30 feet is required by Town Code)
- ZB #0703-17: Area Variance for lot width of 15 feet (minimum of 150 feet is required)
- ZB #0704-17: Area Variance for front setback of 20 feet (minimum of 50 feet is required by Town Code)
- ZB #0705-17: Area Variance to create a parcel without direct access to a mapped street
- ZB #0706-17: Area Variance for lot width of 15 feet (a minimum of 150 feet is required)
- ZB #0707-17: Area Variance for front setback of 30 feet (a minimum of 50 feet is required)
- ZB #0708-17: Area Variance to create a parcel without direct access to a mapped street

The ZBA established the 30-day State Environmental Quality Review (SEQR) public review and comment period and the coordinated review process with Involved and Interested Agencies which began on November 28, 2017, and which ended at noon on December 29, 2017.

During the coordinated review process, the Planning Board declared its intent to be designated Lead Agency and notified the ZBA. The ZBA determined that it had no objection to the Planning Board designating itself as the Lead Agency to make the SEQR determination of significance on these applications.

On December 6, 2017, the Planning Board declared its intent to be designated the Lead Agency for making the required determination of significance upon the above referenced ongoing coordinated review under the SEQR Regulations.

On January 3, 2018, the Planning Board designated itself as the Lead Agency for making the required determination of significance upon the above referenced ongoing coordinated review under the SEQR Regulations.

On January 3, 2018, all applications were continued to February 7, 2018 (rescheduled to February 14, 2018). On February 14, 2018, all applications were continued to February 21, 2018. On February 21, 2018, all applications were continued to March 7, 2018.

Mr. Finley presented these applications.

Mr. Hemminger said that the Planning Board would consider the State Environmental Quality Review (SEQR) determination this evening and that the consideration of the Subdivision Plat, Special Use Permits and Preliminary Site Plan would be continued to a future meeting.

Mr. Finley reported that there have been no changes in the applications since the previous meeting on February 21, 2018.

Mr. Brabant explained that the Planning Board has identified drainage and traffic as two of the concerns to be addressed during the State Environmental Quality Review on these applications. He reported that Mr. Finley and his team presented information at the previous meeting on traffic mitigation measures which satisfied the board's traffic concerns.

Mr. Brabant also reported that Mr. Finley's team is working to address the board's drainage concerns. He said that the Town requires that all stormwater management be retained on the Indus property or that an easement be provided to the Town to access stormwater management facilities which may be located on property adjacent to the Indus site.

Mr. Brabant then reviewed the draft resolutions which have been submitted for Planning Board consideration this evening. These included the SEQR determination and the acceptance of the Full Environmental Assessment Form Part 3.

He explained that the Town staff recommends that the Full Environmental Assessment Form (EAF) be completed because the SEQR determination will be conditioned upon the applicant's stormwater management mitigation and possible revisions to the subdivision plat to reflect the stormwater management plan. He said that only the Full EAF offers the Town the ability to consider a conditional SEQR determination.

Mr. Brabant said that the Full EAF Part 2 will supplement the Short EAF Part 2 which the Planning Board accepted on January 3, 2018. He noted that the Full EAF mimics the Short EAF and that no new impacts have been identified.

Mr. Finley said that he received and reviewed the draft resolutions prior to the meeting. He asked about the impact on traffic which has been identified in the Full EAF as "moderate to large impact may occur." Mr. Brabant said that this response has been mitigated by the traffic analysis and data which Mr. Finley and his team had submitted at previous meetings.

There were no further comments or questions on these applications this evening.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the Full Environmental Assessment Form Part 2 be accepted as submitted by the Town staff.

Mr. Bellis	Aye
Mr. Hemminger	Aye
Mr. Maloy	Aye
Ms. Neale	Aye
Mr. Viets	Aye

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the environmental determinations from the following complete SEQR Determination resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 SEQR RESOLUTION—DETERMINATION OF NON-SIGNIFICANCE
 INDUS HOSPITALITY GROUP PROJECT:
 PRELIMINARY SUBDIVISION, PRELIMINARY SITE PLAN, SPECIAL USE PERMITS AND
 AREA VARIANCES**

APPLICANT: Indus Hospitality Group, 950 Panorama Trail S., Rochester, N.Y. 14625

ACTION: SEQR Determination for the following applications

PB #1202-17 Two-Lot Preliminary Subdivision Plat
Location: Lands located behind 1301 NYS Route 332 (Kentucky Fried Chicken Restaurant)
Request: Request a two-lot subdivision preliminary plat approval to create Lot 2 consisting of 1.452 acres, and Lot 3 will consist of 1.288 acres.

PB #1203-17 Special Use Permit
Location: Proposed Lot #3 located east of the Kentucky Fried Chicken Restaurant at 1301 NYS Route 332
Request: Request a special use permit to allow a motel according to Chapter 165, Article VI, Section 73 of the Town of Farmington Codes. The applicant wishes to construct a three-story Microtel Hotel with 60 rooms and related site improvements.

PB #1204-17 Special Use Permit
Location: Proposed Lot # 2 located north of the Kentucky Fried Chicken Restaurant at 1301 NYS Route 332
Request: A Special Use Permit to allow a fast food restaurant according to Chapter 165, Article VI, Section 69 of the Town of Farmington Codes.

PB #1205-17 **Preliminary Site Plan Application**
Location: East of and north of the Kentucky Fried Chicken Restaurant at 1301 NYS Route 332

Request: Site plan approval to construct a three-story Microtel Hotel with 60 rooms, and a 2,100-square-foot Taco Bell with drive-through restaurant.

ZB #0701-17 **Area Variance**
Request: The applicant is requesting an Area Variance to Article V, Chapter 165–37–11 to the Town of Farmington Codes. The applicant wishes 140 parking spaces (a minimum of 191 spaces are required). The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0702-17 **Area Variance**
Request: The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for a side setback of 22 (a minimum of 30 feet is required). The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0703-17 **Area Variance**
Request: The applicant is requesting an Area Variance to Article V, Chapter 165–35 to the Town of Farmington Codes. The applicant wishes a variance for lot width of 15 feet (a minimum of 150 is required). The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0704-17 **Area Variance**
Request: The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for a front setback of 20 feet (a minimum of 50 feet is required). The property is located at Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0705-17 **Area Variance**
Request: The applicant is requesting an Area Variance to New York State Town Law 280a. The applicant wishes to create a parcel without direct access to a mapped street. The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0706-17 **Area Variance**
Request: The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant

wishes a variance for lot width of 15 feet (a minimum of 150 is required). The property is located at proposed Lot #3, 1301 NYS Route 332 and zoned General Business District.

ZB #0707-17**Area Variance****Request:**

The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for a front setback of 30 feet (a minimum of 50 is required). The property is located at proposed Lot #3, NYS Route 332 and zoned General Business District.

ZB #0708-17**Area Variance****Request:**

The applicant is requesting an Area Variance to New York State Town Law 280a. The applicant wishes to create a parcel without direct access to a mapped street. The property is located at proposed Lot #3, 1301 NYS Route 332 and zoned General Business District.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has determined the proposed Actions referenced above to be Unlisted Actions (hereinafter referred to as Actions) under Part 617 of the State Environmental Quality Review Act (SEQR) Regulations; and

WHEREAS, the Planning Board has participated in a coordinated review upon said Actions with other Involved Agencies, given consideration to the comments received; and

WHEREAS, the Planning Board has conducted a series of public meetings upon said Actions giving consideration to the comments provided; and

WHEREAS, the Planning Board has been established as the designated Lead Agency in accordance with the procedures established under Part 617 described above herein; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full Environmental Assessment Form, along with supporting documentation and maps submitted with this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Actions, 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; and

- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Actions; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Actions; 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; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Actions; and
- (iv) the overall density of the site is consistent with the Town of Farmington's *Comprehensive Plan*, future land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the New York State Office of Parks, Recreation and Historic Preservation (SHPO) letter from Michael F. Lynch, P.E., AIA, Director, Division for Historic Preservation, dated December 19, 2017 (File #17PR07536); or will the proposed Actions 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 Actions;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of current active agricultural land;
- (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 Actions;
- (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 referenced above, the proposed Actions WILL NOT result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that the Planning Board does hereby make a Determination of Non-Significance upon said Actions and directs the Planning Board Chairperson to sign and date the Full Environmental Assessment Form.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Form, including the Determination on Non-Significance; and the Resolution Designating the Planning Board Lead Agency with the identified Involved and Interested Agencies coordinated with during the public review and comment period; with Kip Finley, P.E., Indus Hospitality Group; Matt Tomlinson, P.E., Marathon Engineers; and with the project files.

Mr. Brabant then read into the record of the meeting the reasons supporting the Determination of Non-Significance as entered upon the Full EAF Part 3, as follows:

Reasons for supporting this determination:

The Town of Farmington Planning Board, the designated Lead Agency, has previously completed a Part 3 Form, on February 7, 2018 for the Actions involving Preliminary Subdivision Plat; Preliminary Site Plan; two Special Use Permits; and a total of 8 area variances, to enable both the Planning Board and town Zoning Board of Appeals to proceed with their review and consideration of this Action known as a Taco Bell Fast Food Restaurant and a Microtel Hotel to be constructed upon land located south and east of the intersection of State Routes 96 and 332. On February 7th, the Planning Board requested supplemental information be provided on storm water facility design and traffic impacts. On February 21, 2018, a representative from SRF Associates provided updated information which has been entered into the public hearing record. In addition, the traffic information has been reviewed by Erdman & Anthony, a consulting traffic engineering firm retain by the Town Engineers, MRB Group, D.P.C., and a report from the Region 4 Office of the New York State Department of Transportation accepting the design solution for the intersection of the access road and State Route 332. Since the February 21st meeting, the Town Engineers have met with the applicant's engineering firm, Marathon Engineers, finding an acceptable solution for storm water management.

Based upon the additional information provided on these two elements of the environment, the Planning Board has determined that they have completed a thorough review of the anticipated impacts associated with this project. In addition, based upon the criteria for determining significance set forth in Part 617.12 of the State Environmental Quality Review (SEQR) Regulations, the Planning Board has, under separate resolution which is hereby made a part of the environmental record, made determination of non-significance upon this Action.

The Planning Board's determination is conditioned upon the applicant's obtaining area variances from the Town Zoning Board of Appeals, preliminary subdivision plat approval, site plan approval and two special use permits from the Planning Board which will result in amendments being made to the preliminary plan drawings currently under review. In making this determination, the Planning Board has satisfied the procedural requirements under SEQR.

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

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

Motion carried.

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

**FARMINGTON PLANNING BOARD RESOLUTION
 INDUS HOSPITALITY GROUP PROJECT:
 PRELIMINARY SUBDIVISION, PRELIMINARY SITE PLAN, SPECIAL USE PERMITS AND
 AREA VARIANCES
 ACCEPTING THE FULL ENVIRONMENTAL ASSESSMENT FORM PART 3**

APPLICANT: Indus Hospitality Group, 950 Panorama Trail S., Rochester, N.Y. 14625

ACTION: Accepting the Full Environmental Assessment Form Parts 1, 2 and 3 for the following applications:

- | | |
|--------------------|---|
| PB #1202-17 | Two-Lot Preliminary Subdivision Plat |
| PB #1203-17 | Special Use Permit |
| PB #1204-17 | Special Use Permit |
| PB #1205-17 | Preliminary Site Plan |
| ZB #0701-17 | Area Variance |
| ZB #0702-17 | Area Variance |
| ZB #0703-17 | Area Variance |
| ZB #0704-17 | Area Variance |
| ZB #0705-17 | Area Variance |
| ZB #0706-17 | Area Variance |
| ZB #0707-17 | Area Variance |
| ZB #0708-17 | Area Variance |

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has opened the Public Meeting upon this application; and

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.4 (b) and Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, determining the proposed Action to be an Unlisted Action Classification; and,

WHEREAS, the Board has reviewed Part 3 of the Full Environmental Assessment Form for the proposed Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby accepts Part 3 of the Full Environmental Assessment Form, dated March 2, 2018, prepared by the Town’s Director of Planning and Development, as being a complete and reasoned elaboration of the proposed Action.

BE IT FINALLY RESOLVED THAT the Board has satisfied the procedural requirements set forth under the State Environmental Quality Review (SEQR) Regulations.

Following the reading, Mr. Brabant requested that the preparation date of the Full Environmental Assessment Form Part 3 be changed from March 7, 2018, to March 2, 2018, which is the date of completion of the form by Mr. Brand. The resolution which appears above reflects this change.

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

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

Motion carried.

Attachments to the above resolutions:

Full Environmental Assessment Form Part 2
Full Environmental Assessment Form Part 3 (signed by Mr. Hemminger)
Planning Board Resolution (January 3, 2018): Lead Agency Designation

Mr. Hemminger said that the Zoning Board of Appeals (ZBA) would begin consideration of the eight Area Variance applications on March 19, 2018, and that the Project Review Committee is expected to continue discussions on the applications at the meeting on April 6, 2018. He suggested that the Planning Board applications be continued to April

18, 2018, to provide time for the ZBA determinations and to provide time for the applicant to prepare possible revisions.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
INDUS HOSPITALITY GROUP
PRELIMINARY SUBDIVISION, SPECIAL USE PERMITS (2) AND PRELIMINARY SITE PLAN
CONTINUATION**

**PB #1202-17 Preliminary Two-Lot Subdivision
PB #1203-17 Special Use Permit—Hotel/Motel
PB #1204-17 Special Use Permit—Fast-Food Restaurant w/Drive-Through
PB #1205-17 Preliminary Site Plan—Microtel Hotel and Taco Bell
 Restaurant**

**APPLICANT: Indus Real Estate II LLC, 950 Panorama Trail South,
 Rochester, N.Y. 14625**

**ACTIONS: Preliminary Two Lot Subdivision, Special Use Permit to allow
 a hotel/motel, Special Use Permit to allow a fast-food
 restaurant with drive-through service, and Preliminary Site
 Plan for a 3-story Microtel Hotel and a Taco Bell Restaurant
 with a drive-through service (Indus Real Estate II LLC/Indus
 Hospitality Group)**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received applications for the above referenced actions for property located along the east side of State Route 332, between State Route 96 and County Road 41; and

WHEREAS, the Planning Board has reopened the Public Hearing at tonight’s meeting upon the proposed Preliminary Subdivision Plat, Preliminary Site Plans and Special Use Permits (hereinafter referred to as Actions); and

WHEREAS, the Planning Board has been designated as the Lead Agency for the coordinated review under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has accepted by separate resolutions on March 7, 2018, the Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts, and the Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance; and

WHEREAS, the Planning Board has by separate resolution on March 7, 2018, made a SEQR Determination of Non-Significance upon said Actions and has directed the Planning Board Chairperson to sign and date the Full Environmental Assessment Form; and

WHEREAS, the Planning Board may not take further action upon these Actions until the Farmington Zoning Board of Appeals has made determinations on eight (8) Area Variances which are currently pending before said Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table any further discussion upon the above referenced Actions and moves to continue the public hearing thereon to 7:00 p.m. on Wednesday, April 18, 2018, so as to provide time for the Zoning Board of Appeals to consider the Area Variance applications.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Indus Hospitality Group, 950 Panorama Trail S., Rochester, New York 14625, Attn: Kip Finley; to Marathon Engineering, 39 Cascade Drive, Rochester, New York 14614; to Gregory Trost, Assistant Resident Engineer, New York State Department of Transportation, Ontario County Regional Office, 125 Parish Street, Canandaigua, New York 14424; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C.

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

Motion carried.

4. OPEN DISCUSSION

Farmington Pointe (1600 Rochester Road) Incentive Zoning Project:

Mr. Laviano (the applicant) and Mr. Sciarabba from LandTech Surveying & Planning presented the concept plan for Farmington Pointe, an Incentive Zoning project which is proposed for approximately 86 acres on the west side of State Route 332 in the vicinity of the Farmington Country Plaza, the Cobblestone Arts Center, Prosecco’s Restaurant and the future Town road Carmen’s Way and the Auburn Trail Connector Project.

Mr. Sciarabba explained that the project is currently in the concept plan stage and has been under consideration by Mr. Laviano for about the past 20 years. He said that the project has been spurred by the Cerone Incentive Zoning Project which is now under construction on property adjacent and to the south to Mr. Laviano’s site. He noted that Mr. Laviano’s property includes four tax parcels and three existing zoning districts.

The project is to be developed in stages, i.e.:

- Phase 1: Mixed Retail
- Phase 2: Assisted Living/Memory Care Facility
- Phase 3: Housing
- Phase 4: Housing
- Phase 5: Housing

Structures proposed:

Townhomes:	31 buildings, total of 165 units
Apartments:	5 buildings with 28 apartments per building, total of 140 units
Plaza:	1 building, 26,774 square feet
Coffee Shop:	1 building, 55,625 square feet
Mixed Retail:	6 buildings, total of 37,916 square feet

Assisted Living/ Memory Care Facility:	1 building, 57,600 square feet
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Mr. Laviano distributed a color-coded concept plan to board members and Town staff.

A traffic signal is proposed for a driveway intersection with State Route 332 south of the existing State Route 332/Farmbrook Drive signalized intersection. The proposed signal is identified on the Town's Major Thoroughfare Overlay District (MTOD) map.

At the Project Review Committee meeting on March 2, 2018, at which the concept plan was reviewed, Greg Trost of the New York State Department of Transportation (DOT) said that he will petition the DOT to eliminate the existing driveway off State Route 332 into Prosecco's Restaurant for safety reasons. Entrance into the restaurant could be relocated off the future Carmen's Way or from the existing Farmington Country Plaza parking lot.

Mr. Sciarabba explained that SEQR, issues of traffic and stormwater mitigation would be addressed at the time of presentation of the plans for each section. He said that there are no State-identified wetlands on the property and that a small pocket of Federal wetlands would be mitigated if located on the site.

Mr. Brabant said that sewer capacity is a potential issue in this area of the Town. (At the Project Review Committee on March 2, 2018, Water and Sewer Superintendent David Degear reported that the sanitary sewer line serving this area of the Town is at capacity.)

Mr. Sciarabba said that approximately three acres of land has been reserved by Mr. Laviano for a donation to the Town for a prospective fire station.

Mr. Hemminger said that possible Incentive Zoning amenities which could be provided to the Town include Carmen's Way (the new Town road), water and sewer improvements and the land for a new fire station. Mr. Brabant said that the concept plans would now be referred to the Town staff. He said that Incentive Zoning amenities would be among the comments to be provided by the staff.

Mr. Morse reported that Mr. Trost's initial comments on behalf of the DOT were positive. He said that Mr. Trost expressed safety concerns about the driveway from State Route 332 into Prosecco's Restaurant.

Mr. Viets asked about the phases of the project. Mr. Sciarabba said that the phases shown on the plans are conceptual at this time.

Ms. Neale suggested that the applicant consider sidewalks or connections from the residential portions of the project to the adjacent Auburn Trail Connector. Mr. Sciarabba said that trail connectors would be considered and that a parking area for users of the Trail also has been included.

Mr. Hemminger expressed appreciation for Mr. Laviano's cooperation with Mr. Cerone and with the Town to provide the Town road connection from the existing Auburn Meadows Subdivision to the future signalized intersection at State Route 332. He said that the Ivory Drive/Carmen's Way connection between the subdivision and State Route 332 will be a major positive impact to provide a signalized means of access for the residents of the subdivision.

Mr. Hemminger said that he also was pleased to see the concept of luxury townhouses along with the focused retail development and offices. He said that these uses were perfect for this location of the Town.

Mr. Hemminger requested an electronic file of the concept plans. Mr. Sciarabba said that he would provide an electronic file to Mr. Morse for distribution to the board and the Town staff.

Mr. Brabant said that the concept plan would be discussed at the Project Review Committee meeting on April 6, 2018. The Planning Board will then prepare a Report and Recommendation to the Town Board.

Code Enforcement Officer:

Mr. Morse reported that a job description is being prepared for a Building Department staff member to assist with processing and distribution of plans and other materials to the Planning Board and the Zoning Board of Appeals. He said that the goal is to streamline the current workflow as the volume of projects coming into the Building Department increases.

Highway Superintendent:

Mr. Giroux reported that the Highway Department is in the process of ordering materials and preparing final engineering plans for summer work which will include the final phase of the Mertensia Road Improvement Project and the replacement of a culvert on Canandaigua–Farmington Town Line Road.

Town Engineer:

Mr. Brabant reported that a Pre-Construction Meeting for the Auburn Trail Connector Project is expected to be held at the Project Review Committee meeting on April 6, 2018. He noted that a Farmington company—Create A Scape Enterprise LLC of 6162 State Route 96—was the low bidder and has been awarded the contract.

Board Members' Comments:

Mr. Hemminger reviewed the revisions to the Planning Board's Rules of Procedure which he distributed to board members and Town staff prior to the meeting.

Mr. Maloy noted that the phrase “. . . i.e., 4 of the 5 Board Members . . . ” could be deleted from the second paragraph of “Section 8. Voting.” This change was made.

There were no other revisions to the changes which Mr. Hemminger suggested.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
2018 RULES OF PROCEDURE**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2018; and

WHEREAS, the Board has determined that such Rules of Procedure are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the Rules of Procedure for the calendar year 2018, as revised per this document appended to the minutes of the Board meeting of March 7, 2018.

BE IT FURTHER RESOLVED that a copy of the adopted Rules of Procedure 2018 is to be filed with the Farmington Town Clerk.

Motion carried by voice vote.

5. PUBLIC COMMENTS

None.

6. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:50 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, March 21, 2018, at 7:00 p.m.

Following the meeting, the clerk locked the front entrance doors to the Town Hall.

Respectfully submitted,

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

Attachment:
2018 Rules of Procedure

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
RULES OF PROCEDURE 2018**

ADOPTED MARCH 7, 2018

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2018; and

WHEREAS, the Board has determined that such Rules of Procedure are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the Rules of Procedure for the calendar year 2018, as revised per this document appended to the minutes of the Board meeting of March 7, 2018.

BE IT FURTHER RESOLVED that a copy of the adopted Rules of Procedure 2018 is to be filed with the Farmington Town Clerk.

1. Order of Business

At each Board Meeting, the order of business shall be:

- a. Call to Order
- b. Pledge of Allegiance
- c. Information about emergency exits.
- d. Reference to sign-in sheet and request that all in attendance to please sign in.
- e. Request that all cell phones be silenced.
- f. Notice given that the Board will be following these Rules of Procedure as adopted by the Board on March 7, 2018.
- g. Approval of previous Board Meeting Minutes.
- h. Announce that the Legal Notices have been published in the Canandaigua *Daily Messenger* newspaper (the Town's Official Newspaper) and posted on the Town Hall Bulletin Board and the Town website, www.townoffarmingtonny.com.
- i. Announce that draft resolutions have been previously posted on the Town website for tonight's meeting.

- j. Order of Board Business:
 - (1) Public hearings (for Preliminary Subdivision Plats, Special Use Permits and certain Preliminary Site Plans when deemed necessary by the Board).
 - (2) Site Plan Approval and Other Board Business: Agenda Items for Final Subdivision Plat Approval, Preliminary Site Plan Approval, Sketch Plan Review, Response to Town Board Requests and Actions on Letters of Credit Releases and Maintenance Bonds.
 - (3) Director of Development Report
 - (4) Code Enforcement Officer Report
 - (5) Highway/Parks Superintendent Report
 - (6) Water and Sewer Superintendent Report
 - (7) Town Engineer Report
 - (8) Fire Chief Report
 - (9) Public Comments
 - (10) Chairperson Report
 - (11) Board Member Com
- k. Next Board Meeting Date.
- l. Adjournment: The Chairperson shall entertain a motion with a second from any Board member to adjourn the meeting and call for a voice vote.

2. Public Hearing/Public Meeting Procedures

At each public hearing or public meeting, the following procedures shall govern:

- a. The Chairperson shall open each public hearing and ask the applicant (or his/her representative) to make a presentation to the Board and the public.
- b. The applicant shall display on the monitors, or on easels, any drawings that are part of the public hearing.
- c. The Chairperson shall ask the applicant if he or she has completed their presentation before turning to town staff for their reports. Town staff shall address the

Chairperson with their report comments. All responses will be to the Chairperson. Only the Chairperson shall entertain dialogue between Town staff and the applicant.

- d. Once all Town staff have completed their reports, the Chairperson shall then open the floor for comments by persons in attendance, or if there are any written comments to be received at the public hearing/meeting.
- e. All persons desiring to speak at a public hearing shall be recognized by the Chairperson.
- f. Before speaking, all persons shall give their name and address for the record.
- g. Persons speaking shall address their comments, questions, or concerns to the Chairperson. There shall be no direct dialogue between a public speaker, the applicant, his or her agent, or Town staff. The Chairperson shall determine when a speaker has completed his/her comments. The Chairperson shall have the right to limit the time allotted to public speakers.

Special and/or lengthy presentations shall be approved by the Chairperson prior to the start of the meeting.

- h. The Chairperson shall determine whom (either the applicant, his/her agent, or Town staff) is to reply to the public concern(s). All responses shall be to the Chairperson.
- i. Once the Chairperson has determined that there are no additional public comments, he or she shall then ask the Board for a voice resolution whether to either close or to continue the public hearing. (Public hearings normally remain open until the application can be acted on.) If a public hearing is to be continued, then it shall be part of a resolution to continue it to a specific date. If the public hearing is to be closed then a voice resolution to close the public hearing shall be offered and seconded by Board members followed by a voice roll call vote.

Once closed, a public hearing may not be reopened. Once a public hearing is closed, the Board may not consider any additional information received that pertains to the subject of the public hearing. If additional information is provided to the Board following the close of the public hearing, the Board may choose to advertise a second public hearing to be held in accordance with the provisions of New York State Open Meetings Law. After the Board closes a public hearing, the Board may (or may not) take action on the subject matter at that meeting. For details concerning draft resolutions please see item #5 below in these Rules of Procedure.

- j. The Chairperson shall then ask each Board member for his or her comments.

- k. Should a public hearing be continued to a specific date, said public hearing shall be heard first on the Board agenda of the subsequent date.
- l. Should an applicant (or a designated agent) not appear before the Board on the night of the public hearing meeting, then the Board may table the application and continue the public hearing to a specific date. In addition, the Chairperson shall direct the Clerk of the Board to provide written notification to the applicant of the date and time for the continued public hearing and request his or her attendance.
- m. Failure by the applicant (or his/her agent) to appear before the Board at the date of the continued public hearing may result in the Board taking action to deny without prejudice the requested application. In such an event, it will be necessary for the applicant to make a new application and pay a new fee for said application before being heard by the Board. Note: Only the Town Board may waive an application fee.
- n. In no instance, shall a revised drawing or additional documentation be accepted by the Board at either a public hearing or a public meeting and discussed. Any revised drawings or additional information submitted by an applicant shall be grounds for continuing the public hearing or the public meeting to a specified date and time. The Board does not want to receive material the night of the meeting and be expected to act on it.
- o. Any Board member who did not attend a public hearing may still vote on the application at a subsequent meeting provided that no decision has been made by the Board following the close of the public hearing. However, said Board member must enter into the public record that he or she has reviewed the public hearing record and is prepared to make an informed decision on the application.

3. Agendas and Legal Notices

Copies of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on the Monday prior to the scheduled meeting. Draft agendas will be made available to each Board Member along with the packets of information on or before the Saturday prior to the Board meeting. Any change to the draft agenda shall be approved by the Chairperson, communicated via e-mail to the Development Department Administrator and the Director of Planning and Development, who in turn will e-mail an updated agenda to each Board member, any involved applicant, involved Town staff (including the Town webmaster) and the Clerk of the Board no later than 3:00 p.m. on the Tuesday prior to the scheduled meeting. Adequate copies of this updated agenda will also be placed in the meeting room for the public and for any staff or Board members not able to access their electronic copy by 6:45 p.m. on the night of the meeting.

Paper copies of the agenda and legal notices shall be supplied by the Development Department Administrator to the Town Clerk's office for posting on the Town Hall Bulletin Board. In addi-

tion, the Development Department Administrator shall provide electronic copies of the agenda to the Town's webmaster for posting on the Town website in accordance with the legally required timelines established by the Town Board pursuant to Article Six, Section 103 of the Public Officers Law.

Legal notices shall be sent (either by fax or electronically) by the Development Department Administrator to the Town's Official Newspaper, within thirteen (13) days of a public hearing, with publication to be not less than seven (7) days prior to the public hearing being held by the Board.

4. Planning Board Meeting Agendas

The agendas for each meeting of the Board shall be as follows:

1. Open Meeting
2. Approval of Meeting Minutes
3. Legal Notices: Attest to publishing in the Town's Official Newspaper
4. Order of Business:
 - a. Public Hearings: Those continued from a previous meeting will be addressed first on the agenda. Then any new public hearing will be held. Public hearings are required for all applications for Special Use Permit and Preliminary Subdivision Plat Approval.
 - b. Other agenda items: Those applications not requiring a public hearing are then conducted. These agenda items involve Site Plan Approval, Sign Site Plan Approval, and Final Subdivision Plat Approval. Also included are any applications for Sketch Plan Review.
 - c. Following the close of a public hearing, or the closing of the record on the agenda item not requiring a public hearing, the Planning Board will take the matter under consideration.
 - d. Discussion: This portion of the agenda is reserved for matters involving the Establishment of a Letter of Credit Estimates, Release of Letter of Credits, Establishment of a Maintenance Bond, and the Termination of a Maintenance Bond. In addition, any matter referred to the Board by the Town Board shall be discussed during this portion of the agenda. Also, included here are standing reports from Board members serving on committees.
5. Open Discussion: This portion of the agenda is reserved for reports from Town Staff and the Planning Board Chairperson on any matter of concern, or the identi-

fication of projects that may be coming before the board in the future. These reports will be asked of all Town Staff in attendance at the meeting. Following Town Staff presentations members of the Planning Board, including the Clerk of the Board, shall enter into the record any matters of concern.

6. Public Comments: This portion of the agenda provides opportunities for anyone in attendance at the meeting to speak to the Board on any matter of concern, except for a matter that is still subject to a public hearing which may have been continued.
7. Adjournment: Upon a voice motion to adjourn from any member of the Planning Board and seconded, the Planning Board Chairperson shall cease any further discussion and poll the board members for a voice vote on the question to adjourn the meeting. Once adjourned there shall be no further discussion entered into the public record on the meeting.

5. Public Hearings—Public Notice, County Planning Compliance, and SEQR Compliance

Where there has been a referral to the County Planning Board, then the referral number and recommendation shall be entered into the public hearing or public meeting record. There shall be no action taken on an application that is first subject to a referral and recommendation from the County unless there is a County referral number and recommendation entered into the public record on the application.

The Board shall identify the Type of Action under review as defined by the State Environmental Quality Review (SEQR) Regulations, Article 8, of the New York State Environmental Conservation Law.

In no instance shall the Board vote on a Preliminary Subdivision Plan until SEQR has been satisfied and the public hearing has been closed.

In no instance shall the Board vote on a Preliminary or Final Site Plan or Special Use Permit until SEQR has been satisfied.

The Board may waive the requirement to read into the public hearing record the standard resolutions for all Type 2 Actions made under the SEQR Regulations. When so waived, the Board must still take action to accept a Type 2 Determination of Significance and record the vote taken thereon.

The Board may also waive the requirement to read into the public hearing/meeting record the standard resolutions for determination of significance to be made on all Unlisted Actions under the SEQR Regulations. When so waived, the Board must still take action to accept the Unlisted Action Determination of Significance. In addition, when a determination of non-significance is made, the Chairperson of said Board shall sign and date Part 2 of the Short Environmental Assessment Form.

The Board may not waive the requirement to read into the public hearing/meeting record a resolution for the determination of significance on a Type 1 Action that is to be made under the SEQR Regulations. In addition, when a determination of non-significance is made on a Type 1 Action, the Chairperson of said Board shall sign and date the SEQR Negative Declaration Form. For all Unlisted Actions and Type 1 Actions, the Board shall comply with the procedural requirements set forth in Section 617 of Article 8 of the New York State Environmental Conservation Law, prior to making any decision on a pending application.

6. Motions

When a question is under debate/discussion, no motion shall be received except a motion to: 1) amend the question; 2) call the question; 3) adjourn it to a specific date; 4) table the question; 5) refer the question to Town staff and/or legal counsel; or 6) adjourn the Board meeting. Tabled motions shall be subject to the provisions in Section 11 of these Rules of Procedure set forth below.

7. Resolutions and Documents

When draft resolutions have been prepared by Town staff for the Board's review and consideration, said copies shall be sent electronically to the Board members on or before 3:00 p.m. on the Monday preceding the Board's meeting. Draft resolutions shall first be sent to the Board members and to Town staff. Draft resolutions shall also be sent to the applicant and/or his/her agent by noon on the Tuesday prior to the Board's meeting. Town staff shall not discuss, or change any draft resolution submitted to the Board. Any such change or amendment thereto shall be made at the Board's direction at the Board meeting.

In accordance with Article Six, Section 103 of the Public Officers Law, to the extent determined practicable by Town Board Resolution, copies of all documents, including draft resolutions, to be discussed at the Board meeting shall be made accessible to the public. In addition, every effort shall be made for the Town's webmaster to post such documents on the Town website www.townoffarmingtonny.com. All draft resolutions shall be shadow marked with the word "DRAFT" across each page. All such draft resolutions and documents shall be removed from the Town's website within 24 hours of the Board making a decision on the application.

No draft resolution that has been provided to the Board and posted on the Town's website, in accordance with the State's Open Meetings Law requirements and established Town Board policy, shall be negotiated, renegotiated or otherwise materially amended by the Board based on information presented to the Board during the public meeting. Such new information shall be treated the same as any other new information being submitted without advance public notice and the resolution may be held over to the next Board Meeting to allow for any changes to the resolution to be posted and to allow for the public review of said changes prior to the meeting where action is to be taken. The Board may add or change conditions of approval if not significant without holding the resolution over until the next Board Meeting.

8. Voting

The members of the Board shall be eligible to vote on the Board Meeting Minutes only when they were present for the meeting. As appropriate, Board members shall, at the outset of any application, give public notice of their financial or other private interests in any project that is pending before the Board. Where such disclosure is made, the Board Member shall be deemed to be in compliance with the provisions of Article 18 of the New York State General Municipal Law or any amendments thereto, relating to Conflicts of Interest, as well as compliance with the Code of Ethics contained in Chapter 17 of the Town of Farmington Code.

In all matters voted on by the Board, except for a vote to override a County Planning Board recommendation, there must be a majority of the entire membership voting the same way in order for an action to be approved, denied, or modified.

In the instance of a resolution to override a County Planning Board recommendation, there must be a majority plus one vote of all members. Otherwise, the vote fails to override and the Planning Board must comply with the recommendation contained in the County referral. On other matters, a 2 to 2 vote taken by the Board on an application results in a no action being taken and will need to be reconsidered by the Board at a future meeting. All Board members shall record their vote by roll call taken by the Clerk of the Board and duly recorded in the minutes.

In no instance shall the Board vote to approve, modify, or deny a Sketch Plan. The Board shall only make comments or suggestions to the applicant.

Prior to taking a roll call vote on an application, the Chairperson shall ask the applicant if he or she understands the resolution that is about to be acted on, and if the applicant has any questions, concerns, or objections to any part thereof.

A copy of all resolutions (decisions made) by the Board shall be filed with and date-stamped by the Town Clerk's Office prior to being mailed by the Clerk of the Board, within five (5) business days, to the applicant and the original resolution filed with the Town Clerk's Office, date stamped and a copy then made and filed with the Town Development Office. Any additional copies noted in the resolution shall be provided by the Clerk of the Board.

9. State Environmental Quality Review (SEQR)

The Board's review and approval of all applications shall be subject to the requirements set forth in the New York State SEQR Regulations.

10. County Planning Recommendations and Board Voting Requirements

In the instance where the Ontario County Planning Board has rendered an advisory report, under the provisions of Sections 239-l, -m, and -n of the New York State General Municipal Law and the County Planning Board recommends modification or denial of an application, the Board, in

order to override the County's recommendation must first have a majority plus one vote (4 of the 5 Board Members) recorded on a separate resolution that sets forth the reasons for overriding the County's recommendation.

Failure by the Board to override the County's recommendation by a majority plus one vote of the entire Board results in a denial or modification of the application. In the event the Board does override the County's recommendation, the Board shall by separate resolution set forth its reasons for overriding the County and must file a copy of said resolution with the County within the time frame prescribed in the above referenced sections of the New York State General Municipal Law.

For any application referred to the Ontario County Planning Board, a certified copy of the final action taken on the subject referral shall be filed by the Clerk of the Board with the county within thirty (30) days after final action is taken.

11. Votes, When Recorded

Board members shall record their vote by stating either an "aye" or "nay" on a question. Votes shall be entered in the Minutes. All votes shall be taken in public, either by voice or by roll call by the Clerk of the Board for each Board member present. A member who is absent from the vote shall be noted as being either absent or excused in the roll call voting. A Board member may abstain from voting. When a Board member exercises this right, it is not necessary for the Board member to state his or her reason(s) for abstaining unless there is disclosure of a conflict of interest associated with an application.

12. Privilege of the Floor

During Public Comment Time, any person, on request granted by the Chairperson, may address the Board on a matter of public concern. The time allotted for addressing the Board shall be limited by the Chairperson depending on specific circumstances. In no instance shall the Privilege of the Floor be used to make additional comments on an application pending before the Board when the Public Hearing has been closed or continued.

13. Public Notification

Public meeting notice shall be given in the manner prescribed by New York State Town Law and the posting of property requirements set forth in the Farmington Town Code. In addition, public meeting notice shall be given by posting the notice on the Town's website www.townofarmingtonny.com at least five (5) business days prior to said meeting.

When an application has been continued by the Board, the posting of the Public Notification Sign shall continue to be displayed on the subject site.

Any property not properly posted shall not be heard by the Board and the matter shall be continued to the next Board Meeting. All signs shall remain on the property until the Board has taken final action on the application. All signs, once final action has been taken, are to be returned to the Development Office by the Code Enforcement Office.

14. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in the various sections of the Farmington Town Code and the New York State Town Law, New York State Public Officers Law, the State Environmental Quality Review (SEQR) Regulations and the provisions contained in Sections 239-1, -m and -n of the New York State General Municipal Law.

15. Decisions

Within five (5) business days of the Board's decision having been made on an application, the Clerk of the Board shall file a certified copy of said decision with the Town Clerk, mail a signed copy thereof to the applicant, and provide a signed copy to the Town Development Office.

16. Draft Meeting Minutes

The Board members shall be mailed (either electronically or by U.S. Mail) draft meeting minutes within ten (10) business days of the date of the subject meeting. Draft meeting minutes shall be identified as being a draft.

17. Corrections to the Draft Meeting Minutes

The Board members shall, whenever possible, notify the Clerk of the Board by e-mail of all corrections to the previous meeting minutes prior to the date of the next meeting. This e-mail shall be copied to members of the Board. Staff members shall provide any recommended changes to the Clerk of the Board and to all members of the Board for their approval. If subsequent draft copies are prepared, corrections shall be indicated in red.

18. Approved Meeting Minutes

At the Board meeting, the Board, having reviewed the Draft Meeting Minutes, will (as part of the public meeting record), take action to accept the Minutes either with or without corrections. Once the Minutes have been approved by a voice vote of at least three Board members present at the meeting, the vote shall be recorded in the meeting minutes. The Clerk of the Board shall then, within five (5) business days, file a certified copy with the Town Clerk's Office to be date stamped and filed, as well as providing electronic copies to the Town Board members, the Board Chairperson and the Town Clerk, and to the Administrator in the Town Development Office for

posting on the Town's Website. A second date stamped certified copy of the approved minutes shall also be filed with the Town Development Office.

19. Audio Recordings of Board Meetings

Audio recordings of the proceedings of the Board meetings shall be maintained by the Clerk of the Board for a period of twelve (12) months after the date the transcription (meeting minutes) has been approved by the Board. When requested by the Chairperson, said audio recordings shall be maintained by the Clerk of the Board for an additional period of time as specified by said Chairperson.

20. Layover

A resolution, application or action before the Board may be laid over until the next regular session of the Board if so requested by any member of the Board, unless by doing so the application would otherwise be approved by default of the Board. No further action may be taken on the resolution or its amendments, but limited discussion may occur at the discretion of the Chairperson. However whenever possible, Board members should first attempt to resolve the issue(s) leading to a layover. If a layover is imminent, the Chairperson should be notified of such action prior to the start of the regular Board meeting. When it becomes apparent to a member of the Board that a layover is being contemplated, said member shall bring this matter to the Chairperson's attention as soon as possible.

Any action on a laid over resolution must take place at the next scheduled meeting. No resolution shall be laid over a second time. No resolution shall be laid over if it is determined that such action would violate the time limits contained in various sections of the New York State Town Law.

No layover can occur at the last meeting of the year because the next meeting in the following year may not have the same members on the Board who originally laid the matter over. The Board may vote to table the matter in this case and the new Board, when constituted, can offer a resolution to bring up the tabled resolution off the table with a motion and a second followed by a voice vote of the entire Board.

21. Amendment of Procedures

The Board, on a resolution to amend, may amend these Rules of Procedures from time to time. Once amended, copies of the amended Rules of Procedure shall be distributed to all having received the original adopted Rules of Procedure for the given year and posted on the town's website.

22. Board Discussion

The Chairperson, at his/her discretion, may limit the discussion between any Board member and the applicant, staff and/or the general public.

23. Board Resolutions

All resolutions for the Board, except for those identified elsewhere in these Rules of Procedures, or those to close a public hearing, are to be in writing and drafted by the Town's Director of Planning and Development. The resolutions are to be read by the Clerk of the Board unless the Board members agree by a motion, second and voice vote that the reading in this case is not necessary. The Chairperson can opt to have only the conditions of approval read if it is a standard resolution and not controversial. The contents of the resolutions are to be clear and understandable to the Board members as well as to the applicant.

The Board resolutions are to contain a clear and understandable listing of all Conditions of Approval that are to be incorporated within the "Approval of the Resolution" as read by the Clerk of the Board, prior to voting on by the Board. Before voting on said resolution, the Chairperson shall ask the applicant if he or she understands the action and any conditions contained therein. The Clerk shall note this question and the applicant's response in the Minutes.

24. County Referrals

Both the Director of Planning and Development and the Code Enforcement Officer will review all Board referrals for completeness before they may be transmitted to the Ontario County Planning Board. The Chairperson will sign the referral form, or in the Chairperson's absence, the Chairperson may direct Town Staff to do so. Town staff shall provide a copy of the referred application packet to the Town's representative on the Ontario County Planning Board. All referrals submitted to the County shall comply with the monthly deadline published by the County Planning Board for their monthly reviews and recommendations.

25. Acting Chairperson

With the adoption of this resolution, the Board determines that the Acting Chairperson for 2018 will be board member Adrian Bellis. In the event Mr. Bellis is not available, then Douglas Viets shall serve as the Acting Chairperson. In the absence of the Chairperson, the Acting Chairperson shall perform all of the functions, which are normally the responsibility of the Chairperson. This is to include the signing of documents.

26. Training Requirements and Training Update Classes

All Board members and the Town's representative on the Ontario County Board, shall be required to complete at least:

- a. Twelve (12) hours of suitable training during the first full calendar year of their first term in office; or
- b. Nine (9) hours of suitable training during the remaining nine months, of the first full calendar year, of their first term in office; or
- c. Six (6) hours of suitable training during the remaining six months, of the first full calendar year, of their first term in office; or
- d. Four (4) hours of suitable training during the remaining three months, of the first full calendar year, of their first term in office; and then
- e. Eight (8) hours of suitable training, each year for the remaining term in office.

This requirement may be satisfied by training sessions that are offered throughout the year by attending state conferences and seminars and/or at county or regional training classes for the purpose of receiving updates to the state's requirements pertaining to Board members. Also included are presentations by the Town Engineer or other individual or group, as approved by the Town Board.

In addition to the above training classes and seminars, a Board member may, with the Chairperson's approval, substitute up to two (2) hours of such training with one-on-one training with the Town's Director of Planning and Development. In such instance, the Director of Planning and Development shall certify to the Chairperson, the Town Supervisor and the Town Clerk that such training has been received.

Requests to receive training by members of the Board are to be coordinated with, and approved by, the Chairperson and then the completed training registration form must be submitted by each Board Member directly to the Confidential Secretary to the Town Supervisor. The Confidential Secretary will prepare a voucher, if there is a fee for the training, and submit it for approval by the Town Board. If the training exceeds \$100.00 it must be approved via resolution; training under \$100.00 requires approval of the voucher only.

As soon as possible following the Board member's attendance at a training session, it shall be the responsibility of the Board member to submit documentation received at the training session to the Chairperson, who, according to a Town Board resolution adopted October 23, 2007, is required to maintain copies of all certificates of attendance. The Board Member shall also provide certificates of attendance to the Confidential Secretary to the Town Supervisor and the Town Clerk, as outlined in the October 23, 2007, resolution. The Confidential Secretary to the Town Supervisor shall maintain her or his own annual training log for each Board and shall coordinate, in the fall of each year, with the Chairperson to identify the status for each Board Member. In the event the Town Board amends the Town's Training Requirements, this Section of the 2017 Rules of Procedure shall also be amended as necessary.

27. Attendance at Public Meetings, and Committee Meetings

Board members are encouraged to attend other public meetings regarding issues pertinent to planning in order to obtain the thoughts and ideas of others pertaining to any and all important Town issues.

Board members are also encouraged to attend any of the Town's standing committee meetings regarding issues pertinent to the Town's planning, (i.e., Agricultural Advisory Committee, Historical Preservation, Conservation Board, etc.) which are held monthly at the Farmington Town Hall.

Board Members at such meetings are also encouraged to speak on behalf of the Board providing only the general overview of the current applications that maybe pending before the Board. However, in no event shall Board members express their own personal thoughts on a matter that is currently pending before the Board. Also, no Board member shall speak in such a manner as to imply that what is being said is the official position of the Board. Only the Chairperson may speak on behalf of the Board when authorized to do so by a Board vote. Also, when speaking at such meetings, Board members shall identify themselves as residents of the Town and members of the Board.

The Chairperson shall attend Town Board meetings, which are normally held on the second and fourth Tuesday of each month, to report on any important pending applications or matters pertaining to the growth and/or development of the Town of Farmington.

In the event a Board member determines that he or she will not be able to attend a public meeting of the Board, said member shall notify the Chairperson as soon as possible.

Should it become necessary to cancel a scheduled Board meeting, as much public notice as possible shall be given by the Town Development Office staff. Such public notice shall include the posting on the Town Hall Bulletin Board, posting on the entrance doors to the Town Hall and posting on the Town's Official Website. In addition, notification is to be made to the Town's Official Newspaper, of the meeting cancelation. In the event a public hearing has been scheduled for a meeting that is to be canceled, then the date of said rescheduled public hearing shall be included in the public notices listed above herein.

28. Override of Rules

By a majority vote, the Board may override any of these rules except for the layover and training rules.

29. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in both the New York State Town Law and the Farmington Town Code. In addition to these duties and responsibilities, all Board members shall attempt to visit each site under consideration prior to the scheduled meeting.

All Board members are expected to be familiar with the contents of the adopted *Town of Farmington Comprehensive Plan*, the adopted *Town of Farmington Site Design and Development Criteria Manual*, the adopted *Town of Farmington Site Design Guidelines (Reference: Local Law #7 of 2009)*, the adopted *Town of Farmington Agricultural and Farmland Protection Plan*, and the Farmington Town Code.

30. Support Personnel and Town Staff Attendance

The Chairperson may request the presence of Town staff and/or members of Town boards and or committees to attend Board meetings or the annual organizational meeting if pertinent information is needed by the Board that may be beyond the comments presented in the Board packets. Notice of such requests will be made following receipt of the Board packets and the meeting agenda and will be subject to the availability of the Town Staff or the requested support personnel for the Town.

31. Site Design Guidelines

The Town Planning Board, as part of its annual meeting, is required to review and take action on the “Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines” which are an attachment to Local Law Number 7 of 2009. Once acted upon, a certified copy of the Planning Board Resolution adopting said Site Design Guidelines shall be filed with the Town Clerk, the Town Development Office, the Town Code Enforcement Officer, the Town Engineer and the Town Director of Planning and Development.

Should a need arise during the year to amend these Guidelines, the Board shall direct Town Staff to make such an amendment thereto and then take action to adopt said amended version following a public meeting where said action is documented. Once filed with the Town Clerk’s Office, copies shall be posted on the Town Website and made available to the general public.

32. Comprehensive Plan Maintenance

In accordance with the contents of Chapter 5, Implementation Chapter, *Town of Farmington Comprehensive Plan*, the Board is to prepare a report to the Town Operations Committee in July of each year. Said report is then to be reviewed and submitted by the Town Operations Committee to the Town Board for their acceptance at each year’s organizational meeting. The report will summarize the implementation actions underway and identify those actions to be undertaken during the coming year. Each year’s report, once accepted by the Town Board, will become an

amendment to the current *Comprehensive Plan* and will be noted by Town Board resolution and entered into Appendix C, Public Participation, of said Plan.

33. Surety

Letter of Credit or Form of Surety Estimate:

The Board shall receive from the Town Director of Planning and Development a packet of information pertaining to the establishment of a Letter of Credit, or some other form of surety, for certain site improvements that ultimately will be dedicated to the Town. The packet is to include the Applicant's Engineering Estimate of the Letter of Credit describing the materials to be installed and the cost for these materials and a completed Appendix A-2 Form (Town Site Design and Development Criteria Manual). In addition, the packet is to include a cover letter from the Town Engineer citing the Town Construction Inspector's concurrence with the estimate. The packet shall also contain a memorandum from the Director of Planning and Development requesting this surety matter be acted upon by the Board at a specific meeting. In addition, the packet is to include a draft Board Resolution to accept the Letter of Credit Estimate and to recommend to the Town Board that a Letter of Credit, or an acceptable surety form be established for the referenced project. In addition, the packet shall also include a cover transmittal memo from the Board Chairperson to the Town Board requesting the proposed Letter of Credit be placed upon a Town Board Agenda. Finally, the packet is to include a draft Town Board Resolution accepting the Letter of Credit Estimate and directing a Letter of Credit be posted with the Town Clerk for the subject action.

Partial or Final Release of Funds from the Letter of Credit or Form of Surety:

The process for a release of surety (either partial or final) shall only be entertained by the Board when the requirements set forth in Chapter 144, Section 32. F. of the Town Code have been satisfied. In particular, the Board receives from the Director of Planning and Development a packet of information pertaining to the release of funds from the Letter of Credit or Surety Form, a completed and signed Appendix A-1 Form (Town Site Design and Development Criteria) and a cover letter from the Town Engineer specifying the requested release. The packet shall also contain a draft Board Resolution, a draft transmittal memo to the Town Board and a draft Town Board Resolution requesting said resolution be acted upon by the Town Board.

Establishment of a Maintenance Bond:

If the request is for the final release of funds in the Letter of Credit or Form of Surety, then the Board Resolution shall recommend that the Town Board first establish a Maintenance Bond for a period of two years from the date of formal dedication of the site improvements. As part of the packet of information to be received by the Board, from the Director of Planning and Development, there is to be a completed and signed Appendix B-1 Form (Town Site Design and Development Criteria). The remainder of the packet received shall include a cover memo from the Director of Planning and Development, a draft Board Resolution, a transmittal memo to the

Town Board from the Board Chairperson and a draft Town Board Resolution to establish a Maintenance Bond prior to the final release.

Release of Maintenance Bond:

A request for the release of a Maintenance Bond shall be submitted by the Director of Planning and Development to the Board as part of a packet of materials for the Board's consideration and action. Included in the packet will be a completed and signed Appendix B-3 Release of Final Monies (Town Site Design and Development Criteria), a cover memo, a draft Planning Board Resolution, a transmittal memo to the Town Board from the Board Chairperson and a draft Town Board Resolution. Once the Town Board has acted upon the request to release the final monies, the Town shall then release the Bond being held.

34. Filing

All adopted Rules of Procedure, as may be amended from time to time, shall be filed with the Town Clerk's Office, placed on the Town's website and, otherwise, be made available for public inspection on demand.

35. Effective Date

All adopted Rules of Procedure shall become effective on filing in the Office of the Farmington Town Clerk

36. Distribution

Certified copies of the 2018 Board Rules of Procedure shall be filed with the Town Clerk, all Town Board Members and department heads, and posted on the town's website. A copy of the 2018 Board Rules of Procedure shall also be kept on file in the Town Development Office.

37. Conflict with New York State Town Law or Town Code

If any of these rules conflict with any provisions of the New York State Town Law or any section of the Farmington Town Code, the New York State Town Law or the Farmington Town Code provisions shall take precedence and that portion of these rules shall be disregarded with the remainder of the rules retaining their effectiveness.