

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD

Wednesday, November 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.

The meeting was conducted at the Farmington Town Hall and via Zoom video conference.

Board Members Present: Edward Hemminger, *Chairperson*
Timothy DeLucia
Aaron Sweeney
Douglas Viets

Board Member Excused: Adrian Bellis

Staff Present at the Town Hall:

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

Applicants Present at the Town Hall:

Alexander H. Amering, P.E., Costich Engineering, 217 Lake Avenue, Rochester, N.Y. 14608
Kevin Bragg, Chrisanntha Construction Corporation, 4661 Dewey Avenue, P.O. Box 165,
Gorham, N.Y. 14461-0165

Applicants Present via Zoom Video Conference:

James and Nancy Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Michael Greene, Greene Land Surveying PLLC, 403 E. Miller Street, Newark, N.Y. 14513

Others Present at the Town Hall:

Chief Phil Robinson, Farmington Volunteer Fire Association

Others Present via Zoom 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.

2. APPROVAL OF MINUTES OF NOVEMBER 3, 2021

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

Motion carried by voice vote. Mr. Sweeney abstained due to his absence from the meeting on November 3, 2021.

3. LEGAL NOTICE

None.

4. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN

PB #0703-21 Continued Public Hearing: Preliminary Site Plan Application

Name: Loomis Road Industrial Park LLC, 120 Linden Oaks,
Rochester, N.Y. 14625

Location: North side of Loomis Road between the New York State Thruway
and Loomis Road

Zoning District: GI General Industrial and MTOD Major Thoroughfare Overlay
District

Request: Preliminary Site Plan approval to develop Lot #4, a 4.672-acre site for a 12,600-square-foot building, and approval of related Overall Site Improvements to be installed within the 32.80-acre proposed 10-Lot Loomis Road Industrial Park, located along the north side of Loomis Road and the south side of the New York State Thruway (I-90)

This application was reviewed by the Project Review Committee on December 4, 2020; January 8, 2021; February 5, 2021; March 5, 2021; April 1, 2021; May 7, 2021; June 4, 2021; July 2, 2021; September 3, 2021; October 1, 2021; and November 5, 2021.

The Final Re-Subdivision Plat for the Loomis Road Industrial Park was approved by the Planning Board on July 7, 2021 (PB #0702-21).

On July 7, 2021, the Planning Board classified the Preliminary Site Plan application (PB #0703-21) application as a Type I Action under the State Environmental Quality Review (SEQR) regulations, declared its intent to be designated the SEQR Lead Agency for making the determination of significance upon this application, and established the SEQR 30-day coordinated review period from July 8, 2021, to August 9, 2021.

On August 18, 2021, the Planning Board opened the Public Hearing on the Preliminary Site Plan, designated itself as the Lead Agency for making the determination of significance upon this application, determined that this Action will not result in any significant adverse environmental impacts, and continued the Public Hearing to the meeting on September 15, 2021.

On September 15, 2021, the Planning Board approved the SEQR Criteria for Determining Significance, the Short Environmental Assessment Form Part 2—Impact Assessment, the Short Environmental Assessment Form Part 3—Determination of Significance, and continued the Public Hearing on the Preliminary Site Plan to the meeting on October 20, 2021.

On October 20, 2021, the Planning Board reconvened the Public Hearing on the Preliminary Site Plan and subsequently continued the Public Hearing to the meeting this evening (November 17, 2021).

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Delpriore said that a letter dated November 11, 2021, was received from Project Engineer Connor Kilmer of DDS Companies in which Mr. Kilmer requested that the Preliminary Site Plan and the Special Use Permit (PB #0804-21) applications be continued to January 19, 2022.

Mr. Delpriore said that he followed up with Mr. Kilmer by telephone and that Mr. Kilmer's clients are adamant about pursuing the Loomis Road Industrial Park in Farmington but that his clients are dealing with time and financial matters on a current project and have not yet had the time to pursue due diligence on the Farmington application. Mr. Delpriore said that Mr. Kilmer will advise if the continuation date of January 19, 2022, would have to be further extended. He said that his clients are requesting the extensions to avoid having to lose what they have already put in [on these applications to date].

Mr. Hemminger asked twice if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests from those in the meeting room.

Mr. Hemminger then asked twice if anyone on the Zoom video conference wished to speak for or against this application, or to ask questions. There were no requests from those on the Zoom video conference.

Mr. Hemminger said that he appreciates that the applicants are not trying to “push” the project through when they are not yet ready. He said that the board will provide the time for them [to prepare a complete application].

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

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the continuation resolution for this application (PB #0703-21, Preliminary Site Plan) and the continuation resolution for the accompanying application on this evening’s agenda (PB #0804-21, Special Use Permit) be blocked for concurrent action, that the readings of the following resolutions be waived, and that both of the resolutions be approved as amended with the requested continuation date of January 19, 2022:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN—CONTINUATION OF DELIBERATIONS**

PB #0703-21

APPLICANT: Loomis Road Industrial Park LLC, 120 Linden Oaks,
Rochester, N.Y. 14625

**Continuing the Public Hearing and the Board’s deliberations
upon this Action to Wednesday, January 19, 2022**

ACTION: Preliminary Site Plan Application, Lot #4, Loomis Road
Industrial Park, to operate a motor vehicle service facility in
accordance with the provisions in Chapter 165, Article VI,
Section 77 of the Farmington Town Code

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has tonight opened the Public Hearing upon the above referenced application for Preliminary Site Plan approval, hereinafter referred to as Action; and

WHEREAS, the Board has tonight received testimony on the above referenced application; and

WHEREAS, the Applicant’s Project Engineer, Connor Kilmer, DDS Companies, in a letter dated November 11, 2021, to the Town Planning Board Chairperson, has requested a continuation of this Public Hearing to Wednesday, January 19, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to table any further discussion upon this Action at tonight’s meeting, to continue the Public Hearing hereon to Wednesday, January 19, 2022, commencing at 7:00 p.m.; and to continue further public discussion and Board deliberation at that time.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

(See below for the accompanying Special Use Permit resolution.)

5. CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT

PB #0804-21 Continued Public Hearing: Special Use Permit Application

Name: Loomis Road Industrial Park LLC, 120 Linden Oaks, Rochester, N.Y. 14625

Location: North side of Loomis Road between the New York State Thruway and Loomis Road

Zoning District: GI General Industrial and MTOD Major Thoroughfare Overlay District

Request: Special Use Permit to operate a motor vehicle service building upon Lot #4 of the Loomis Road Industrial Park Subdivision according to Chapter 165-77 of the Town of Farmington Codes.

This application was reviewed by the Project Review Committee on December 4, 2020; January 8, 2021; February 5, 2021; March 5, 2021; April 1, 2021; May 7, 2021; June 4, 2021; July 2, 2021; September 3, 2021; October 1, 2021; and November 5, 2021.

The Public Hearing on this application was opened on September 15, 2021, at which the State Environmental Quality Review (SEQR) classification was approved by the Planning Board (Type II Action).

Also on September 15, 2021, the Public Hearing on this application was continued to the meeting on October 20, 2021.

On October 20, 2021, the Public Hearing was continued to the meeting this evening (November 17, 2021).

TOWN OF FARMINGTON PLANNING BOARD RESOLUTION SPECIAL USE PERMIT—CONTINUATION OF DELIBERATIONS

PB #0804-21

APPLICANT: Loomis Road Industrial Park LLC, 120 Linden Oaks,
Rochester, N.Y. 14625

**Continuing the Public Hearing and the Board's deliberations
upon this Action to January 11, 2022**

ACTION: Special Use Permit Application Lot #4, Loomis Road Industrial
Park, to operate a motor vehicle service facility in accordance
with the provisions in Chapter 165, Article VI, Section 77 of the
Farmington Town Code.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has tonight opened the Public Hearing upon the above referenced application for Special Use Permit approval, hereinafter referred to as Action; and

WHEREAS, the Board has tonight received testimony on the above referenced application; and

WHEREAS, the Applicant's Project Engineer, Connor Kilmer, DDS Companies, in a letter dated November 11, 2021, to the Town Planning Board Chairperson, has requested a continuation of this public hearing to Wednesday, January 19, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to table any further discussion upon this Action at tonight's meeting, to continue the Public Hearing hereon to Wednesday, January 19, 2022, commencing at 7:00 p.m.; and to continue further public discussion and Board deliberation at that time.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

6. CONTINUED PRELIMINARY SITE PLAN

PB #1002-21 Continued Preliminary Site Plan Application

Name: James and Nancy Falanga, 395 Ellsworth Road,
Palmyra, N.Y. 14522

Location: North side of Fox Road, west of Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval to erect a single-family residence upon Lot #2 of the Falanga Two-Lot Subdivision.

On October 20, 2021, the Planning Board approved the applicants' accompanying Preliminary Two-Lot Subdivision Plat (PB #1001-21) and the State Environmental Quality Review (SEQR) classification for the subdivision (Type II Action).

On November 3, 2021, the Planning Board began the consideration of this Preliminary Site Plan application (PB #1002-21) and determined that the Short Environmental Assessment Form Part 1 which had been submitted by the applicants' engineer contained several errors which required correction by the applicants' engineer. The Preliminary Site Plan application was then continued to the meeting this evening (November 17, 2021).

Mr. Greene (Greene Land Surveying) presented this application via Zoom video conference. James and Nancy Falanga were also on the Zoom video conference.

Mr. Greene said that the applicants would like to construct a single-family residence with a private wastewater disposal system and public water service on a six-acre site [on the north side of Fox Road].

Prior to the meeting, Michael Sponable, P.E., of Greene Land Surveying, submitted a line-by-line response to the Preliminary Site Plan draft resolution conditions of approval and to the MRB Group engineering comment letter of October 29, 2021 (*see* letters from Mr. Sponable in the project file).

Mr. Brand said that a resolution has been prepared for the board's consideration this evening to approve the Preliminary Site Plan with conditions.

Mr. Delpriore said that the Town staff thoroughly reviewed the Preliminary Site Plan and that nothing is out of the ordinary.

Mr. Brabant said that the MRB Group engineering comments have been addressed and that he has reviewed the Preliminary Site Plan draft approval resolution.

Mr. Hemminger said that the State Environmental Quality Review (SEQR) classification for this application has been determined to be an Unlisted Action. He said that the board will consider a resolution this evening for the SEQR Criteria for Determining Significance. He said that the board has received the Short Environmental Assessment Form Part 1—Project Information from the applicants' engineer. The board has also received the Short Environmental Assessment Form Part 2—Impact Assessment, and the Short Environmental Assessment Form Part 3—Determination of Significance, which have been prepared by the Town staff.

Mr. Hemminger asked if anyone in the meeting room wished to speak on this application or to ask questions. There were no requests from those in the meeting room.

Mr. Hemminger then asked if anyone on the Zoom video conference wished to speak on this application or to ask questions. There were no requests from those on the Zoom video conference.

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

■ A motion was made by MR. SWEENEY, 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
SEQR CRITERIA FOR DETERMINING SIGNIFICANCE**

PB #1002-21

APPLICANTS: James and Nancy Falanga, 395 Ellsworth Road,
Palmyra, N.Y. 14522

ACTION: Preliminary Site Plan approval, Lot #2, James and Nancy
Falanga Subdivision, to construct a single-family dwelling and
related site improvements

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), based upon its review of the Criteria contained in § 617.4 and 617.5 of NYCRR, Article 8, New York State Environmental Conservation Law (the State's Environmental Quality Review [SEQR] Regulations), finds the above referenced Preliminary Site Plan is neither listed as a Type I Action or a Type II Action; and

WHEREAS, the Planning Board has reviewed Parts 1 and 2 of the Short Environmental Assessment Form (hereinafter referred to as SEAF).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby classify the above referenced Preliminary Site Plan as an Unlisted Action.

BE IT FURTHER RESOLVED that the Planning Board does hereby accept the Part 1, the findings contained in Part 2 of the SEAF, and the completed Part 3 of the SEAF and directs the Planning Board Chairperson to sign and date the SEAF Part 3.

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

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

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

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

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, 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
PRELIMINARY SITE PLAN APPLICATION**

PB #1002-21

APPLICANTS: James and Nancy Falanga, 395 Ellsworth Road,
Palmyra, N.Y. 14522

ACTION: Preliminary Site Plan approval, Lot # 2, James and Nancy
Falanga Subdivision, to construct a single-family dwelling and
related site improvements

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight continued its deliberations upon the above referenced Action; and

WHEREAS, the Board has received testimony at tonight's continued public meeting upon the above referenced Application (PB #1002-21).

NOW THEREFORE BE IT RESOLVED that the Board does hereby move to grant preliminary site plan approval for the above referenced Action with the following conditions:

1. The drawing's title is to be amended to read . . . "Preliminary Site Plan, Lot #2, James and Nancy Falanga Subdivision."

2. The site plan drawing is to be amended to delineate both Lot #1 and Lot #2.
3. The site plan drawing lacks the design details for the proposed driveway, including the minimum radius standard contained in the Town's Site Design and Development Criteria. This detail is to be added to the revised Preliminary Site Plan drawing.
4. There is to be a note added to the drawing that reads . . . "Driveway pavement shall be installed at least 10 feet back from the edge of the west bound travel of Fox Road."
5. The site plan is to identify the location(s) of nearby fire hydrant(s) from the driveway entrance.
6. There is to be signature blocks added to the drawing for: the Town Highway Superintendent; the Acting Town Water and Sewer Superintendent; the Town Engineer; and the Town Planning Board Chairperson.
7. There is to be a note added to the drawing that reads . . . "No site development is identified within, or within any regulated buffer area, of either a federal or state freshwater wetland boundary."
8. The size of the Location Sketch shown on the drawing is to be reduced in size to allow for the information required above herein to be placed on the drawing.
9. There is to be a note added to the drawing that reads . . . "A radon system is to be installed as part of the proposed single-family dwelling."
10. There is to be a note added to the drawing that reads . . . "A Town Highway Work Permit is required prior to the start of any site development."
11. A silt fence is to be shown around the entire boundary of Lot #2.
12. There is to be a note added to the drawing that reads . . . "A public safety sign, both design and location, is to be added at the driveway."
13. The plan is to be amended to show the curb stop for the water line goes to the right-of-way boundary and not the meter pit. The meter pit is private.
14. The Town of Farmington Typical Water Service detail (Appendix W-4.0 Town Site Design and Development Criteria) is to be added to the drawing.
15. The Town of Farmington Meter Pit detail (Appendix W-8.0 Town Site Design and Development Criteria) is to be added to the drawing.

16. All Site Plan Review and General Comments contained in the October 29, 2021 letter from Lance S. Brabant, CPESC, Director of Planning and Environmental Services, MRB Group, D.P.C. are to be addressed on the amended Preliminary Site Plan drawing.
17. Preliminary Site Plan Approval is valid for a period of 180 days from today during which the revised drawing is to be submitted for signatures by those Town Officials listed above herein. Failure to obtain these signatures within said time period shall result in the Preliminary Site Plan approval becoming null and void.

BE IT FURTHER RESOLVED that once all of the above amendments have been made to the drawing under review as part of this application and reviewed by the Town Director of Planning and Development, the Town Code Enforcement Officer and the Town Engineers then the Planning Board will accept a separate application for Final Site Plan Approval at a future meeting.

BE IT FURTHER RESOLVED that no Building Permit shall be issued or site development allowed by the Town Code Enforcement Officer until Final Subdivision Plat Approval and Final Site Plan Approval for Lot #2 has been granted by the Planning Board, all final drawings signed by those listed above herein, the Final Subdivision Plat filed in the Ontario County Clerk's Office, the Liber and Page of the filing has been provided to the Town Development Office and any required letter of credit as part of Final Site Plan Approval has been posted with the Town Clerk's Office.

BE IT FURTHER RESOLVED that the Board directs the Clerk of the Board to provide a copy of this resolution to: the Applicant; the Applicant's Engineers; Town Staff; and the Town Engineer.

Mr. Hemminger asked Mr. Greene if he was okay with the conditions of approval. Mr. Greene said that there are no conditions which have not already been addressed and that the conditions of approval are nothing out of the ordinary.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

Following the vote, Mr. Greene asked about the procedure for submitting the Final Site Plan application. Mr. Delpriore said that a Final Site Plan application form must be submitted to the Development Office with 11 copies of the Final Site Plan. Mr. Delpriore said that the procedure for the Final Site Plan application is similar to the procedure for the Preliminary Site Plan.

7. NEW FINAL TWO-LOT SUBDIVISION

PB #1102-21 New Final Two-Lot Subdivision Application

Name: Gerstner Medical, 1175 Pittsford–Victor Road, Suite 140, Victor, N.Y. 14534

Location: 5801 County Road 41

Zoning District: PD Planned Development and MTOD Major Thoroughfare Overlay District

Request: Final Two-Lot Subdivision Plat approval of Land, identified as Tax Map Account 29.00-2-23.142, containing a total of 3.014 acres of land; and as further to be identified as Final Subdivision Plat Map for Lot 1 and Lot 2, Gerstner Medical Quentonshire Drive. The proposed Action involves creating Lot 1 consisting of 1.636 acres and Lot 2 consisting of 1.378 acres. Lot 2 is to remain vacant as non-approved building lot requiring site plan approval before any Building Permits may be issued.

This application was reviewed by the Project Review Committee on June 4, 2021; August 6, 2021; September 3, 2021; October 1, 2021; and November 5, 2021.

On August 18, 2021, the State Environmental Quality Review (SEQR) classification for this application (Type II Action) and the Preliminary Subdivision Plan were approved by the Planning Board, and at which meeting the Public Hearing on the subdivision application was closed.

Mr. Amering (Costich Engineering) presented this application in the meeting room. Mr. Bragg (Chrisanntha Construction Corporation) also attended.

Mr. Brand said that he had no questions on the Final Two-Lot Subdivision Plat.

Mr. Delpriore said that the issues from the Preliminary Two-Lot Subdivision Plat application have been addressed and that the Town staff is ready to go on this application.

Mr. Brabant said that all MRB Group engineering comments have been addressed and that he has signed off on the Preliminary Two-Lot Subdivision Plat.

Mr. Hemminger asked Mr. Amering if he had any issues with the conditions of approval. Mr. Amering said no.

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

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, 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 SUBDIVISION PLAT**

PB #1102-21

APPLICANT: Gerstner Medical, 1175 Pittsford-Victor Road, Suite 140,
Pittsford, N.Y. 14534

ACTIONS: Final Subdivision Plat Approval, for Lots #1 and #2, T. Bene Properties, identified as Tax Map Account #29.00-2-23.142, containing a total of 3.014 acres of land located at the southeast corner of the intersection of County Road 41 and Quentonshire Drive

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has received and reviewed the above referenced Action; and

WHEREAS, the Board has under separate resolution classified the above referenced Action as a Type II Action under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Board has conducted a public meeting tonight, received testimony and has given consideration thereto; and

WHEREAS, the Board has received and given consideration to the Ontario County Planning Board's Referral No. 164-2021, a Class 1 with comments only.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby grant approval of the above referenced Action with the following conditions to be made to the drawing:

1. The drawing, prepared by Costich Engineering, Drawing No. 8401 VS100, Sheet 1 of 1, dated 07/13/2021, having a revision date of 10/14/21 and entitled "Preliminary Subdivision Plat, Lots #1 and #2, T. Bene Properties," is to have the title amended to read . . . "Final Subdivision Plat, Lots #1 and #2, T. Bene Properties."
2. General Note Number 2 is to be amended to read . . . "Before Building Permits may be issued for any site development of proposed Lot #2, Final Site Plan Approval shall be obtained from the Planning Board."

BE IT FURTHER RESOLVED THAT once the Applicant has made all amendments to the drawing, then please submit one (1) mylar and one (1) paper print of the amended drawing to the Town Code Enforcement Officer (CEO) for his review and acceptance.

Once accepted, signatures will be affixed to both drawings and the mylar returned to the Applicant's Engineer for making additional paper copies which are then to be filed within thirty (30) days with the Town Officials.

BE IT FURTHER RESOLVED THAT once all signatures have been affixed on the Final Plat mylar, then the Applicant is to submit the mylar and two (2) paper prints for filing in the Ontario County Clerk's Office within sixty-two (62) days of the date signed by the Planning Board Chairperson. Failure to do so will make the Final Plat Map null and void. A copy of the Liber and Page filing of the Final Plat drawing is to be provided to the Town Development Office.

BE IT FINALLY RESOLVED THAT copies of this resolution are to be provided to the Applicant, the Applicant's Engineers and Town Staff.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

8. NEW FINAL SITE PLAN

PB #1103-21 New Final Site Plan Application

Name: Gerstner Medical, 1175 Pittsford–Victor Road, Suite 140,
Victor, N.Y. 14534

Location: 5801 County Road 41

Zoning District: PD Planned Development and MTOD Major Thoroughfare
Overlay District

Request: Final Site Plan approval to erect a 7,500-square-foot two-story medical office and medical equipment sales facility with associated site improvements to include all applicable utility service, landscaping, lighting and parking facilities.

This application was reviewed by the Project Review Committee on June 4, 2021; August 6, 2021; September 3, 2021; October 1, 2021; and November 5, 2021.

On August 18, 2021, the Planning Board approved the accompanying Preliminary Subdivision Plat with conditions (PB #0805-21) and the State Environmental Quality Review (SEQR) classification (Type II Action) for the Preliminary Subdivision Plat.

On September 15, 2021, the Planning Board approved the SEQR classification for the Preliminary Site Plan (Unlisted Action) and the Preliminary Site Plan with conditions.

Mr. Amering (Costich Engineering) and Mr. Bragg (Chrisanntha Construction) presented this application in the meeting room.

Mr. Delpriore said that the Town staff has not signed the Preliminary Site Plan drawings because several conditions of Preliminary Site Plan approval have not yet been addressed, i.e.:

Preliminary Site Plan Condition of Approval #1 (i):

The Building Elevation drawing does not appear to reflect the design guidelines contained in the MTOD Major Thoroughfare Overlay District (MTOD). A revised Preliminary Building Elevation drawing, in color, is to be submitted prior to Preliminary Site Plan Approval being granted.

Preliminary Site Plan Condition of Approval #2:

The Planning Board does hereby not accept the Exterior Elevations Drawings A-1 prepared by Hanlon Architects, dated 7-13-21, Project No. 21-004, finding this drawing does not meet the standards contained in the Town's adopted MTOD Major Thoroughfare Overlay District and directs resubmission of new exterior building elevation drawings.

Preliminary Site Plan Condition of Approval #4:

Once revised Building Elevation Drawings have been submitted and approved by the Planning Board, along with amended Site Plan Drawings, then Town Staff may sign the revised drawings.

—Planning Board Preliminary Site Plan Approval Resolution,
September 15, 2021

Mr. Delpriore said that the Planning Board must first approve the revised elevations in order for the Town staff to then sign the Preliminary Site Plan drawings.

Mr. Delpriore said that if the board will approve the revised elevations this evening, the Final Site Plan application could then be continued to the next meeting (December 1, 2021).

Mr. Amering said that comments from the Planning Board, the Town staff and MRB Group which had been received at the Preliminary Site Plan stage have been addressed and have been incorporated on the revised plans. He said that the MRB Group letter on the Final Site

Plan included comments which were technical in nature on erosion control, stormwater, and construction details. Mr. Amering said that he is comfortable working through these comments.

Mr. Amering said that elevation drawings were submitted just prior to the previous Planning Board meeting which may not have provided the board with enough time for constructive comments. He said that the elevations which are presented this evening are essentially the same but that several new features have been incorporated. He said that the elevations were changed between the preliminary submission and the appearance at the board meeting for the Preliminary Site Plan discussion. The new features include:

- Relief focusing on the northwest primary corner entrance to the building, which will be the corner of the building which will be the most prominent when viewed from the road. Mr. Amering said that the majority of the traffic will be coming from County Road 41. These features will be seen on the west and north façades of the building.
- A number of aluminum and glass storefront windows, and awnings, will be installed.
- Roof features will stand slightly higher than the remainder of the roof.
- Some features (the window systems) will carry around to the north and west façades and will transition toward the back of the building (the east and south façades). Several windows on the east and south façades will be located in the warehouse portion of the building where there will be no need for a great deal of light penetration.
- To address a previous comment from the Planning Board, the overhead door facing Quentonshire Drive has been replaced and reduced with a double mandoor. Landscaping will serve to buffer the visibility of the door [from the road].
- The building itself will be set lower than the adjacent residential property. The land slopes out to County Road 41. Mr. Amering said that it is good planning practice to have the commercial properties lower than the residential properties.
- The roof system will be flat with gutters and downspouts.

Mr. Hemminger asked if there will be any HVAC units on the roof. Mr. Bragg said no. He said that the air conditioning units will be located on the ground on the side of the building.

Mr. Amering said that Quentonshire Drive is a Town road, and that public sewer and water utilities are available. He said that was not much was required from outside agencies [for this application].

Mr. Brand asked about the signing of the Preliminary Site Plan drawings. Mr. Hemminger said that the Preliminary Site Plan was approved by the Planning Board [on September 15, 2021] but that the drawings have not yet been signed. Mr. Delpriore said that the plans could not be signed by the Planning Board chairperson or by the Town staff because the Planning Board has not yet approved the revised elevations, which was a condition of Preliminary Site Plan approval.

Mr. Hemminger said that the applicant may return at the next meeting of the board [on December 1, 2021] for the Final Site Plan if the board were to approve the revised elevations this evening.

Following the review of the revised elevations by the Town fire marshal, Mr. Delpriore said that it has been determined that a third section of paved driveway (hard surface) on the east side of the property is not required for fire equipment access. He said that the fire department aerial truck can reach the building from two hard-surface points on the property. He said that it did not make sense to increase the area of impervious surface with additional paving when it would not be beneficial to the fire department.

Mr. Delpriore also requested that the applicant review the diameter of the water line which will enter and serve the building. He informed the applicant that the Town Code has been amended and that sprinklers are required in this building. He said that the applicant must assure that the water service will handle the sprinklers. Mr. Bragg said that they anticipate the upgrade of the proposed one-inch water line to a four-inch water line coming into the building.

Mr. Brabant said that MRB Group issued an engineering comment letter and has been working with Costich Engineering. He said that the applicant was initially trying to achieve drainage improvements for both the applicant's site and for the neighboring property, but that the applicant was not able to accommodate the drainage improvements with the neighboring property. Instead, Mr. Brabant said that the applicant will now meet and exceed the New York State Department of Environmental Conservation requirements for their site by enhancing stormwater measures by oversizing the drainage improvements for their site to accommodate what could not be achieved on the neighboring property.

Mr. Brabant said that some final technical engineering comments will be addressed with the applicant prior to Final Site Plan approval and receipt of the DEC permit. He also said comments related to the Stormwater Pollution Prevention Plan (SWPPP) also will be addressed.

Mr. Brabant also said that the plans must be revised to depict the upsizing of the water service to accommodate the amended Town Code which requires sprinklers in the building.

Mr. Brand asked if additional lawn area was added to the south portion of the property near the scrub area. Mr. Bragg said that more bio area was added per the MRB Group comments on stormwater. Mr. Amering said that some bioswales will take the runoff from the downspouts from the building. Mr. Brabant said that this is the area which is identified as a

bioswale which wraps around the southwest and southeast corners of the building. He said that these have been added to the revised plans.

Mr. Hemminger said that the board's goal this evening is to approve the revised elevations in order for the Town staff to be able to sign the Preliminary Site Plan drawings. He asked if board members have any additional comments which could be addressed prior to the submission of the applicant's Final Site Plan drawings.

Mr. Viets said that one plan sheet has a wrong indication on the north side of the building. He asked that this be addressed.

Mr. Viets also said that it appears from the elevations that the building colors will be white and gray, that the colors look good, and that he wanted this on the record [in case black-and-white elevations were to be submitted at some point in the future]. He also said that the windows are suitable and that he liked the replacement of the overhead door with the mandoor.

Mr. Sweeney asked about signage on the north facing and if these measurements have been taken into account. Mr. Amering said that the notation on the drawing is for reference only at this point. Mr. Bragg said that the applicant will submit a separate sign application.

Mr. Sweeney asked if additional landscaping has been added. Mr. Amering said that the additional landscaping which is shown on the drawings address the buffer calculations from the MRB Group comment letter. Mr. Brabant said that this is due to the commercial building location near a residential area which requires additional landscaping. Mr. Viets said that more dense landscaping is required when a commercial building buffers a residential property. Mr. Brabant said that the board still has purview over the landscaping, but that the applicant has added more. Mr. Sweeney said that this point was noted during his review of the plans.

Mr. Hemminger said that he likes the "look" of the elevations. He said that he was pleased that the fire access on the east side of the building and that the removal of the overhead door have been addressed.

■ A motion was made by MR. HEMMINGER, seconded by MR. SWEENEY, that the Planning Board approves the revised architectural elevation renderings as presented by the applicant this evening (Exterior Elevation Drawing A-1, dated 10-12-21, prepared by Hanlon Architects), that the Planning Board determines that the conditions of Preliminary Site Plan approval have now been satisfied, that the Town staff and the Planning Board Chairperson may now sign the Preliminary Site Plan drawings, and that consideration of the Final Site Plan application be continued to December 1, 2021.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis
Timothy DeLucia

Excused
Aye

Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

Following the vote, Mr. Hemminger requested that the applicant review the Final Site Plan draft conditions of approval [which had been prepared for this evening's meeting] and that these issues be addressed on the Final Site Plan which will be on the agenda on December 1, 2021. He said that the board did not wish to "push" something through this evening, that the board wanted to correct the administrative issues and that the board wanted to move forward. Mr. Hemminger said in theory that only the approval of the elevations should have been this evening's agenda for approval, and not the Final Site Plan.

Mr. Bragg asked if the Town has an Architectural Review Board. Mr. Hemminger said now, not yet. He said that architectural reviews are now conducted by the Planning Board.

Mr. Brabant suggested that the applicant submit the engineer's Letter of Credit estimate as soon as possible (for stormwater, infrastructure and landscaping) to keep the application moving along. Upon receipt, he said that MRB Group would then refer the Letter of Credit estimate to the Planning Board for the board's review and recommendation to the Town Board for acceptance. Mr. Brabant said that the filing of the Letter of Credit with the Town Clerk is a prerequisite for the scheduling of a Pre-Construction Meeting.

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

9. PLANNING BOARD ACTION ITEMS

SEQR Training:

Mr. Hemminger said that SEQR training will be postponed this evening due to the absence of Mr. Bellis. The SEQR training will be held when all board members will be in attendance.

10. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand reported on the following topics:

- The 2021 Comprehensive Plan Update has been received by the Town Board which has scheduled a Public Hearing on the Plan on Tuesday, December 14, 2021. Following the Public Hearing (and any amendments which may be offered at the hear-

ing) the environmental record on the Plan will be completed and the Plan will then be referred to the Ontario County Planning Board for review and comment.

- The Auburn Trail project was officially closed today with the installation of the pedestrian crossing signals earlier this week at the County Road 41 Auburn Trail crossing. Trail users are asked to use caution and be aware of oncoming vehicles when activating the signals and crossing County Road 41.
- In advance of the expiration of the Farmington moratorium on solar projects which will expire in February, the Farmington Solar Steering Committee will hold workshop meetings to draft revisions to the Town's local law on Solar Photovoltaic (PV) Systems and to make recommendations to the Town Board.

The meetings will be held in the Town Hall at 6:30 p.m. on Thursday, November 18, 2021; Monday, December 6, 2021; and Thursday, December 16, 2021 (if needed).

The meetings are open to the public and will be held in person and via Zoom video conference.

The Solar Committee is working on amendments to the Farmington Solar Photovoltaic (PV) Systems law, §165-65.3 of the Farmington Town Code, as well as amendments to other sections of the Farmington Town Code (§165-99 and §165-100).

A moratorium on Large Scale Solar Photovoltaic (PV) Systems remains in effect and will end on February 10, 2022. The proposed amendments are to be completed and submitted to the Farmington Town Board in December, for review and further submission to the Ontario County Planning Board in January. A public hearing will be held by the Town Board, on Tuesday, January 25, 2022, to consider the adoption of the amendments.

Summary of the revisions:

Section 1 lists Large-scale ground-mounted solar PV systems as special permitted uses in the A-80, GB and LI Districts.

Section 2 repeals §165-65.3 in its entirety with a new §165-65.3 (new intent section, including reference to International Code and other relocated sections from the existing code provisions).

Section 3 establishes a new Section 165-85 within Article VI which addresses special use permit and site plan approvals. This is the largest change to the existing regulations which has been created based upon our efforts with the Planning Board granting Special Use Permits, Site Plan Approval, Annual Reports, Third-year Re-

ports, Decommissioning Plan and Surety for any large-scale ground mounted system.

Section 4 contains amendments to §165, Article VIII, Administration and Enforcement, Section 99 and Section 100 (Site Plan Approvals) of the Town Code.

Mr. Viets will represent the Planning Board on the Solar Steering Committee. Other Committee members are Nate Bowerman (Town Board), Hal Adams (Agricultural Advisory Committee), Jody Binnix (Zoning Board of Appeals), Dan Delpriore (Code Enforcement Officer), John Weidenborner (Zoning Inspector), and Kim Boyd (Conservation Board).

Code Enforcement Officer:

Mr. Delpriore reviewed upcoming Planning Board applications which includes a Public Hearing to be held on December 1, 2021, on a four-lot subdivision at 5143 Rushmore Road in the A-80 Agricultural District.

Mr. Delpriore reported on the Farmington Commons Plaza on-site meeting which was held recently by Town staff and Jim Stathopoulos, the owner of plaza, regarding repair and maintenance issues to be completed in advance of winter weather. Seven color photographs which depict the proposed improvements were displayed on the video screen. Mr. Stathopoulos provided the following summary:

1. We have contracted with Pooler Enterprises to install a 2-foot wide x 1-foot deep temporary shoulder along the edge of the roadway. They will be using, as requested by Mr. Giroux, millings to fill in the area I have shown. We will also, once completed, install lane delineators to outline the edge of the roadway for clarity to motorists. Denny Pooler has indicated that they will be able to complete this work within the next two to three weeks as they are wrapping up a few other projects.
2. We shall be removing the wood walls of the existing dumpster enclosure and replacing them with CMU block walls as shown in the diagram. The intent is to expand the area for more dumpsters. Once completed, we will also reconfigure the gates to allow for enclosure of the area.
3. We have sent out a notice to all tenants, that effective immediately, no trash storage will be allowed in the back of the building. Trash must either be put into the dumpsters or stored inside the building until the end of the day when it can then be taken to the dumpster. We will monitor this on our own, and if they do not comply, we will

hire a service to remove the debris daily and charge back to the tenants.

4. The existing glass vision areas in the back of the plaza will be removed and replaced with studs, insulation and EIFS to match the rest of the plaza. The only item that will remain is the door exit. The doors themselves will have the glass removed and replaced with an opaque panel. They will also be marked with “EXIT ONLY” so that all who pass by know that there will be no access to the store from the back of the plaza.
5. We will install new stop signs at the intersection of the road behind the plaza and the front of the plaza to slow traffic down. It was decided that while this will not stop all motorists from traveling at a higher rate of speed, it will perhaps slow them down enough to make it safer. This was the alternative to installing speed bumps which would interfere with the plowing operations.
6. Finally, there is a dumpster at the end of the west end of the parking lot that is not ours, and we are not sure how it got there. We have asked Waste Management to remove by the end of the month or we will remove it and dispose of it on our own.

Mr. Stathopoulos wrote in a memo that the plan is to complete this work as quickly as possible, depending upon weather and availability of contractors. He said that he has submitted Requests For Proposals to contractors and that he will notify the Town when he receives firm dates.

(See Attachment #1: Farmington Commons Plaza Photos, pp. 28–34 of the minutes).

Mr. Hemminger asked about the borings of the shared access driveway. Mr. Delpriore said that the borings have been taken and that the Town is awaiting the result. Mr. Brabant said that the applicant [for the proposed credit union building] may have to change the plans if repairs to the shared access driveway are required [to bring the driveway into compliance with Town standards].

Regarding the Meyer’s RV project on State Route 96, Mr. Delpriore said that the front driveway has been paved and that a portion of the sidewalk along the east side of Mertensia Road has been completed. He said that RG&E has approved the installation of an electrical transformer, following which the streetlights—which have already been installed—will be energized. Mr. Delpriore also said that the flagpole has been installed on the property and that it will be one of the highest points in Farmington with a large U.S. flag which have become a feature of the Meyer’s RV locations. He said that the applicant plans to have the building closed in within the next few weeks.

Highway and Parks Superintendent:

Mr. Giroux discussed stormwater concerns in the Phillips Landing Subdivision. He said that maintenance has been performed on several of the drainage structures and retention ponds, and that the ponds are now working as designed. He said that the Town has a plan [for maintenance of the ponds], that he has received the photographs which were submitted by residents at the Town Board meeting on November 9, 2021, and that he will be speaking with residents again with recent photographs which show the results of the maintenance which has been performed.

Mr. Hemminger said that a number of residents of the Phillips Landing Subdivision attended the Town Board meeting on November 9, 2021, regarding issues of water, sewer back-ups, and drainage concerns.

Town Engineer:

Mr. Brabant said that the stormwater ponds in the Phillips Landing Subdivision are of an older design and were not designed for stormwater infiltration. He said that stormwater is dispersed from one pond to another and that the Town is focusing on the cleaning of the ponds, the cleaning of the inlets and outflows, and the removal of vegetation around the inlets. Mr. Brabant also said that over time the ponds may fill with sediment and debris and that the ponds may have to be dredged in the future.

Mr. Giroux said that the water level in one of the ponds went down approximately 15 inches following the cleaning of the outflow. He said that the elevation on one of the ponds was readjusted and that the inlet portion now works more like a siphon with clean running water and with less opportunity to plug up.

Farmington Volunteer Fire Association:

Chief Robinson said that the fire department is anticipating calls for service during the winter months. He encouraged residents to inspect and have chimneys cleaned in advance of the use of fireplaces in the homes.

He also noted that structure fire calls are down.

Board Members' Comments:

Mr. Sweeney asked if there is a State law which requires motorists to stop for pedestrians at marked crossings (in reference to the new pedestrian crossing signals on County Road 41 at the intersection with the Auburn Trail). Mr. Giroux said that motorists are required to stop at the flashing signals. Mr. Sweeney asked if motorists will have a grace period regarding the new signals. Mr. Giroux said that he will inform the Ontario County Sheriff's

Office tomorrow (November 18, 2021) that the new crossing signals are operational. He said that the Sheriff's Office will provide education on the requirement of motorists to stop when the signals are activated by pedestrians. He said that the Town has provided the safety measures and that this now turns to enforcement [by the Sheriff's Office].

Mr. Sweeney also asked about the timing of the discussion of the proposed improvements at the Farmington Commons Plaza (southwest corner of State Route 332 and State Route 96) in conjunction with the application for a credit union building on the property.

Mr. Delpriore said that the board has an opportunity to review the current uses and operations on a property when a new project, such as a subdivision and/or a site plan, may be proposed on the property. He said that this is the case with the Farmington Commons Plaza property on which a subdivision of the credit union building and a site plan have been submitted. The credit union application provided the opportunity for the Town to review the entire site and to determine its compliance with the current Town Code.

Mr. Hemminger said that the review [of the current conditions on the property] with references in the Planning Board minutes and especially in approval resolutions provide the Development Office staff with documented requirements and the authority to enforce the applicant's agreements with the board.

For example, Mr. Delpriore said that the code officers may not have enforcement ability until the details on installing and maintaining landscape appear in the Planning Board minutes or in an approval resolution.

In the case of the credit union building on the Farmington Commons Plaza property, Mr. Hemminger said that the plaza predates many of the Town regulations and Major Thoroughfare Overlay District (MTOD) standards. He said that the current credit union application provides the Town with the ability to review the current use and to require updates for compliance with the Town Code if needed.

11. PUBLIC COMMENTS

None.

12. TRAINING OPPORTUNITIES

■ 2021 Municipal Bootcamp:

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program will be

provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MRB Group.

Remaining session in 2021:

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>

■ New York Planning Federation 2021 Summer Programming

“The Essentials of Planning and Zoning”

“Meeting Process and Communication”

“Clean Energy”

“Planning Past, Present & Future”

Each session lasts about an hour. Watch at your convenience for training credit hours.

To enroll: **nypf@nypf.org** to receive a link to watch any program in the NYPF library. Include your municipality and position.

■ 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>

13. ADJOURNMENT

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

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, December 1, 2021, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and via Zoom video conference.

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

Respectfully submitted,

John M. Robortella, Clerk of the Board L.S.

Attachment #1:

Farmington Commons Plaza photographs (7).



Farmington Commons Plaza, November 17, 2021, photo #1.



Farmington Commons Plaza, November 17, 2021, photo #2.



Farmington Commons Plaza, November 17, 2021, photo #3.



Farmington Commons Plaza, November 17, 2021, photo #4.



Farmington Commons Plaza, November 17, 2021, photo #5.



Farmington Commons Plaza, November 17, 2021, photo #6.



Farmington Commons Plaza, November 17, 2021, photo #7