

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, November 18, 2020 • 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.*

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In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 7, 2020, and extended by Executive Order 202.72 through December 3, 2020:

### **Suspension of law allowing the attendance of meetings telephonically or other similar service:**

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting was conducted at the Farmington Town Hall and via telephone/video conference format for those not wishing to attend in person. During the meeting, the agenda and each draft resolution was posted upon the video screen for the public, the applicants and the board members who were participating in the meeting via telephone/video format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on November 12, 2020.

This meeting was conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020, with the following revisions per the above reference to the Governor’s Executive Order:

- All applications will be introduced by the Planning Board Chairperson.
- The Planning Board Chairperson will ask for comments from the Town staff.
- The Planning Board Chairperson will ask for comments from the Planning Board.
- The applicant(s) will provide responses where needed at the direction of the Planning Board Chairperson.
- The Planning Board members will vote upon the application(s).
- Public comments will be received by thre Planning Board Chairperson only during the Public Comment agenda item.
- The meeting will be recorded and later fully transcribed by the Clerk of the Board.

**Board Members Present:** Douglas Viets, *Acting Chairperson*  
 Adrian Bellis  
 Timothy DeLucia  
 Shauncy Maloy

**Board Member Present via Remote Participation:** Edward Hemminger

**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  
 John Weidenborner, Town of Farmington Zoning Officer

**Applicants Present at the Town Hall:**  
 Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450  
 James Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425  
 Patrick Laber, P.E., Project Engineer, Schultz Associates Engineers and Land Surveyors PC,  
 129 S. Union Street, Spencerport, N.Y. 14559  
 John LeFrois, GLN Farmington Realty LLC, 1020 Lehigh Station Road, P.O. Box 230  
 Henrietta, N.Y. 14467  
 Joyce Pimm, 501 Hook Road, Farmington, N.Y. 14425

**Applicants Present via Telephone/Video Conference:**

Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580

Mark Meyer, Meyer's RV Superstore of Farmington, 6200 State Route 96,  
Farmington, N.Y. 14425

Charlie Robinson, Meyer's RV Superstore of Farmington, 6200 State Route 96  
Farmington, N.Y. 14425

**Others Present at the Town Hall:**

None

**Other(s) Present via Telephone/Video Conference:**

[Unidentified]

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**1. MEETING OPENING**

The meeting was called to order at 7:00 by Acting Chairperson Douglas Viets.

Mr. Viets said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020.

Mr. Hemminger's attendance via remote video conference from 335 Hersden Lane, Arnold, Maryland 21012, was noted as being in compliance with the "Town Boards and Committees Remote Participation in Public Meetings Policy and Procedures" adopted by the Farmington Town Board on September 8, 2020 (Town Board Resolution #326 of 2020).

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

**2. APPROVAL OF MINUTES OF NOVEMBER 4, 2020**

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the minutes of the November 4, 2020, meeting be approved.

Motion carried by voice vote.

**3. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN**

**PB #0903-20 Preliminary Site Plan Application**

**Name:** GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

**Location:** South side of State Route 96, west of State Route 332, and east of Mertensia Road

**Zoning District:** GB General Business and Major Thoroughfare Overlay District (MTOD)

**Request:** Preliminary Site Plan approval of Phase 1A to erect approximately 16,000 square feet of General Business space on the parcel identified as Tax Map 29.00-1-18.100. The property is zoned GB General Business and Major Thoroughfare Overlay District (MTOD)

This application was reviewed by the Project Review Committee on April 5, 2019; February 7, 2020; May 1, 2020; June 5, 2020; July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; and November 6, 2020.

The applicant presented concept plans to the Planning Board on March 4, 2020.

The Planning Board recommended the establishment of a Letter of Credit for partial site clearing in the amount of \$23,287.50 on August 5, 2020. The Town Board accepted this recommendation and directed that a Letter of Credit in the amount specified be filed with the Town Clerk’s Office.

The Planning Board designated itself as the Lead Agency for the State Environmental Quality Review (SEQR) determination on October 7, 2020, following a 30-day public review period during which no objections were received to the Planning Board’s designation from any of the Involved Agencies..

The Public Hearing on this application was opened on October 7, 2020, and was continued to the meetings on October 21, 2020; November 4, 2020; and to the meeting this evening (November 18, 2020).

Mr. Destro (BME Associates) and Mr. LeFrois (the applicant) presented this application.

Mr. Destro distributed a revised Concept Plan drawing for Phase 1A which removes the previously proposed car wash which was to have been located at the easternmost portion of the property adjacent to the Farmington Commons Plaza.

He said that the four buildings on the property now will be (from east to west) two commercial buildings (4,400 square feet and 4,800 square feet, respectively), a fast-foot restaurant with a drive-through window (3,500 square feet) and a bank (2,400 square feet). The proposed amount of space will be approximately 16,000 square feet.

Mr. Destro said that sidewalk location connections off State Route 96 have been adjusted based upon the previous comments from the Town staff and the Planning Board. He said that turning radii for emergency and customer vehicles within the development have been calculated for each of the buildings on the project site.

Mr. Destro said that the revised application that will be submitted to the Town in the next few days will include the adjusted traffic study which is now being prepared by SRF Associates of Rochester, N.Y.

He said that the Town-dedicated extension of Mercier Boulevard from the intersection with State Route 96 will serve all four buildings. Mr. Destro said that the traffic study will determine when the southern connection to Mercier Boulevard will be required.

He requested that the application be continued to the Planning Board meeting on December 16, 2020, to provide time for the board and the Town staff to review the revised traffic study and the full application package.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to continue the application as requested by Mr. Destro to December 16th. He said that a review and comment period for the State Environmental Quality Review (SEQR) Involved and Interested Agencies will be established upon receipt of the complete re-application. He said that this will enable the board to consider any comments at the December 16th meeting.

Mr. Brand said that he and Mr. Delpriore have also met with the owners of the adjacent Farmington Commons Plaza (at the southwest corner of State Route 332 and State Route 96) regarding their plans for development of several outparcels and how these plans might be integrated with Mr. LeFrois's project. Mr. Brand said that the Town hopes that these two projects will provide beneficial developments for the community. He said that the Town is anxious to see how the two projects will come together in a meaningful way.

Mr. Giroux said that the traffic pattern among the buildings in the revised plan is much better than on the first plan.

Mr. Brabant said that the Town appreciates the revisions which include accommodating the State Route 96 Street Scape corridor initiatives and the improved access within the project site for emergency vehicles and customer traffic. He said that he will submit an MRB Group engineering comment letter following receipt of the complete re-application materials (including the SRF Associates traffic study) prior to the next Planning Board meeting.

Mr. Viets then asked if anyone in attendance or online wished to speak for or against this application, or to ask questions.

There were no comments or questions on this application this evening from those in attendance or from those who were participating on the telephone/video conference.

Mr. Maloy said that he likes the revised traffic pattern.

Mr. Bellis said that he will continue to review the plans for the location of the sidewalk connections off State Route 96. He asked if the fast-food restaurant will have a drive-through window. Mr. LeFrois said yes.

Mr. DeLucia sent an electronic file of the revised concept plan drawing to Mr. Hemminger via email.

Mr. Hemminger said that he likes the traffic flow much better [than the original plan]. He also said that he appreciates not having a car wash on the property and the related elimination of the traffic complications that a car wash would have created on State Route 96.

Mr. Brand requested that Mr. Destro submit the complete re-application to the Town no later than Friday, November 20, 2020, at 12:00 p.m. He said that the re-application will be referred to the Ontario County Planning Board and to the SEQR Involved and Interested Agencies that afternoon.

Mr. Viets asked Mr. Destro and Mr. LeFrois if they received the draft resolution prior to the meeting, if they understood the resolution, and if they agreed with the conditions. Mr. Destro and Mr. LeFrois both said yes.

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

■ A motion was made by MR. MALOY, 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:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
GLN FARMINGTON REALTY LLC, PRELIMINARY SITE PLAN  
CONTINUING THE PUBLIC HEARING**

**PB #0903-20 Preliminary Overall Site Plan—Amended Application**

**APPLICANT:** GLN Farmington Realty LLC, c/o LeFrois Builders and Developers, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

**ACTION:** Preliminary Overall Site Plan approval to develop a 27.18 acre site, located along the south side of New York State

Route 96, west of New York State Route 332 and north of Mercier Boulevard with a total of four (4) General Business sites with buildings having a total of 16,000 square feet; and four (4) Office/Flex Space Buildings having a total of 150,000 square feet; and related site improvements. This Action involves continuing the Public Hearing.

**WHEREAS**, the Planning Board (hereinafter referred to as Board) on October 7, 2020, took action scheduling the continuation of a Public Hearing upon the above referenced Action to Wednesday, October 21, 2020; and

**WHEREAS**, the Board on November 4, 2020, agreed to the applicant’s request to continue the public hearing to Wednesday, November 18, 2020, to allow time for completion of a revised Traffic Impact Study of the proposed changes to Phase 1A of the Overall Site Development Plan; and

**WHEREAS**, the Board has at tonight’s meeting reconvened said Public Hearing and has received testimony upon the above amended Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby instruct the Town Director of Planning and Development, upon receipt of the above referenced Traffic Impact Study, to provide notice of this new information, along with the amended Part 1 of the Full Environmental Assessment Form and the revised Preliminary Site Plan Drawings for Phase 1A and the Overall Preliminary Site Plan Drawing to the Involved and Interested Agencies.

**BE IT FURTHER RESOLVED** that the involved and interested agencies be notified that they have until noon on Monday, December 14, 2020 to submit any additional comments, or concerns about the amended Phase 1A Plans.

**BE IT FINALLY RESOLVED** that the Board does hereby move to continue the Public Hearing on this amended Preliminary Site Plan to Wednesday, December 16, 2020, at 7:00 p.m.

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

Motion carried.

#### 4. CONTINUED PRELIMINARY SITE PLAN

##### **PB #1001.1-20 Preliminary Site Plan Application**

**Name:** Joyce Pimm, 501 Hook Road, Farmington, N.Y. 14425

**Location:** 501 Hook Road

**Zoning District:** RR-80 Rural Residential

**Request:** Preliminary Site Plan approval to erect a 100-square-foot steel/aluminum kennel to house chickens, to be located in the rear yard portion of the property at 501 Hook Road.

On July 27, 2020, the Zoning Board of Appeals (ZBA) approved with conditions the application for a Temporary Use Permit to keep chickens that are being used as emotional support animals for residents of the property. The Temporary Use Permit was approved subject to Site Plan approval by the Planning Board within 90 days of the ZBA approval. The Temporary Use Permit was approved for a period of two years commencing upon the date of Final Site Plan approval by the Planning Board or if the individuals who require the emotional support animals no longer reside at this residence.

On October 21, 2020, the Planning Board began the consideration of this application, approved the State Environmental Quality Review (SEQR) classification (Type II Action), and continued the application to the meeting this evening (November 18, 2020), to provide the applicant with time to submit additional information that was requested by the Planning Board at the meeting on October 21st.

Ms. Pimm presented this application. Prior to the meeting this evening, she provided the following information:

1. An 8 ½ x 11 sketch drawing identifying the location of a 10-ft. (wide) by 10-ft. (long) by 10 ft. (height) of a dog kennel with a chicken coop located inside said kennel containment;
2. Accompanying photos of the dog kennel and chicken coop;
3. Property Maps showing location of dog kennel with chicken coop enclosed;
4. A copy of Waste Management Dumpster rental; and
5. A commitment by Ms. Pimm to conducting routine maintenance of the chicken coop.

Mr. Brand said that several board members conducted site visits and viewed the improvements to the site that Ms. Pimm has made. He said that there are still several issues to be

addressed including the installation of some type of paneling to screen the view of the chicken coop from the neighboring property and a more permanent roof (instead of a tarp) over the coop.

Ms. Pimm said that she is waiting for final approval from the Planning Board prior to purchasing the more permanent roof.

Mr. Brand said that the conditions of approval [of this application] are not just for Ms. Pimm's site on Hook Road but take into account other properties for which residents may apply for keeping of chickens [on less than five acres]. He said that the Planning Board must set the bar at this level so that others will know the conditions with which they must comply. Mr. Brand said that the Town is not picking on Ms. Pimm but that she just happens to be in the first application in line. He said that the Town must be conscious of others who may submit similar applications.

Mr. Delpriore said that Ms. Pimm worked with Town Zoning Officer John Weidenborner on the details requested by the Planning Board at the previous presentation of this application. He said that the board's previous questions have been addressed and that he understands that Ms. Pimm has not yet purchased the permanent roof material and is waiting for approval of the application. Mr. Delpriore said that Ms. Pimm has provided photos of the proposed roofing material to be installed.

Mr. Delpriore said that the Development Office staff will conduct periodic inspections of the site to assure that the property is in compliance with the Planning Board and the Zoning Board of Appeals conditions of approval.

Mr. Bellis asked about the location of the buffering of the chicken coop. Mr. Brand said that the buffering is required to be installed along the north side of the dog kennel fence which will serve to buffer the chickens from the neighbors to the north.

Mr. Delpriore asked if the Planning Board would consider approving both the Preliminary Site Plan and the Final Site Plan applications this evening. He said that a condition of approval by the Zoning Board of Appeals requires that the Final Site Plan must be approved by the Planning Board by the end of this month.

Mr. Bellis said that he had no problem with approving the Preliminary and Final site plans this evening as long as the Development Office staff will confirm the installation of of the buffering and the permanent roof. Mr. Delpriore said that the Development Office staff will confirm these installations during site visits.

Mr. Brand requested that a separate project number be assigned to the Final Site Plan to avoid establishing a precedent for other applications. Mr. Delpriore said that the Final Site Plan would be processed by the Development Office staff if it is approved this evening.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SITE PLAN APPLICATION**

**PB #1001.1-20**

**APPLICANT: Joyce Pimm, 501 Hook Road, Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval to erect a one hundred- (100-) square-foot steel/aluminum kennel to house chickens, to be located in the rear yard portion of the property at the above address.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the following documents that have been submitted by Joyce Pimm:

1. An 8 ½ x 11 sketch drawing identifying the location of a 10-ft. (wide) by 10-ft. (long) by 10 ft. (height) of a dog kennel with a chicken coop located inside said kennel containment;
2. Accompanying photos of the dog kennel and chicken coop;
3. Property Maps showing location of dog kennel with chicken coop enclosed;
4. A copy of Waste Management Dumpster rental; and
5. A commitment by Ms. Pimm to conducting routine maintenance of the chicken coop.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby grant Preliminary Site Plan Approval with the following conditions:

1. The Preliminary Site Plan approval is based upon the above referenced documents governing the continued operation of the housing for the emotional support chickens.
2. The site material(s) stored outdoors is to be entirely cleaned-up and the above referenced dumpster removed from the site by November 30, 2020.
3. A more permanent roof is to be installed over the chicken coop not later than May 1, 2021.

- 4. All conditions of approval granted by the Zoning Board of Appeals (File ZB #0201-20) are to be complied with.
- 5. One Property Map is to be submitted with the Final Site Plan Application which is to be entitled “Chicken Coop Enclosure, 501 Hook Road.”
- 6. There is to be lattice installed along the north side of the dog kennel fence which will serve to buffer the chickens from the neighbors to the north.
- 7. A Final Site Plan Application is to be made within 30 days of today’s date.
- 8. Failure to comply with these conditions shall render the Preliminary Site Plan Approval Null and Void.

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
FINAL SITE PLAN APPLICATION**

**PB #1104-20**

**APPLICANT: Joyce Pimm, 501 Hook Road, Farmington, N.Y. 14425**

**ACTION: Final Site Plan Approval to erect a one hundred- (100-) square-foot steel/aluminum kennel to house chickens, to be located in the rear yard portion of the property at the above address.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the following documents that have been submitted by Joyce Pimm:

- 1. An 8 ½ x 11 sketch drawing identifying the location of a 10-ft. (wide) by 10-ft. (long) by 10 ft. (height) of a dog kennel with a chicken coop located inside said kennel containment;

- 2. Accompanying photos of the dog kennel and chicken coop;
- 3. Property Maps showing location of dog kennel with chicken coop enclosed;
- 4. A copy of Waste Management Dumpster rental; and
- 5. A commitment by Ms. Pimm to conducting routine maintenance of the chicken coop.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby grant Final Site Plan Approval with the following conditions:

- 1. The Final Site Plan approval is based upon the above referenced documents governing the continued operation of the housing for the emotional support chickens.
- 2. The site material(s) stored outdoors is to be entirely cleaned-up and the above referenced dumpster removed from the site by November 30, 2020.
- 3. A more permanent roof is to be installed over the chicken coop not later than May 1, 2021.
- 4. All conditions of approval granted by the Zoning Board of Appeals (File ZB #0201-20) are to be complied with.
- 5. One Property Map is to be submitted with the Final Site Plan Application which is to be entitled “Chicken Coop Enclosure, 501 Hook Road.”
- 6. There is to be lattice installed along the north side of the dog kennel fence which will serve to buffer the chickens from the neighbors to the north.
- 7. Failure to comply with these conditions shall render the Final Site Plan Approval Null and Void.

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

Motion carried.

**5. NEW FINAL RE-SUBDIVISION PLAT**

**PB #1103-20 Final Re-Subdivision Plat Application**

**Name:** James Fowler Jr., 6176 Hunters Drive, Farmington, N.Y. 14425

**Location:** 6240 Pheasants Crossing

**Zoning District:** RS-25 Residential

**Request:** Final Two-Lot Re-Subdivision Plat approval of land identified as Tax Map Account #029.13-1-5.000 containing a total of 12.0938 acres of land; and as further identified as Re-Subdivision Plat Approval Lot #5 of the Pheasants Crossing Subdivision owned by the Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 7.909 acres and Lot #R-5B consisting of 4.181 acres, both of which are to remain vacant as non-approved building lots requiring site plan approval for any Building Permits may be issued.

On August 19, 2020, the Planning Board opened a Public Hearing on the applicant's previous Preliminary Three-Lot Re-Subdivision Plat application (PB #0802-20). It was noted at that meeting the applicant would require approval of an Area Variance for proposed Lot #5C from the Zoning Board of Appeals or would have to revise the Re-Subdivision Plat to identify only two proposed re-subdivided lots with each proposed lot meeting the minimum lot width for the RS-25 Zoning District (i.e., 125 feet of frontage), thereby avoiding the need for an Area Variance.

The Public Hearing on PB #0802-20 was closed on August 19, 2020.

Following the meeting on August 19, 2020, the applicant submitted a revised Re-Subdivision Plat to identify only two proposed re-subdivided lots.

A Public Hearing was conducted on the revised Re-Subdivision Plat on September 16, 2020 (PB #0902-20). Testimony was received and the Public Hearing was closed at that meeting.

Mr. Fowler presented this application.

Mr. Brand said that a draft resolution has been prepared for board consideration this evening to approve Final Re-Subdivision Plat application for Lot #5 with conditions. He said that the final plat must be revised to include dates on the required signature lines (which Mr. Fowler's engineer can revise) and that the applicant will have 62 days to file the final plat in the Ontario County Clerk's Office after it is signed by the Planning Board Chairperson.

Mr. Delpriore wanted to make sure that Mr. Fowler is aware that this application is only for the re-subdivision of Lot #5. He said that separate site plan applications are required for building on each lot before any building permits may be issued. Mr. Delpriore said

that the lots to be created by this re-subdivision are non-buildable lots. Mr. Fowler said that he understands this.

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

Mr. Viets asked Mr. Fowler if he had reviewed the draft resolution and if he had any concerns with its' content. Mr. Fowler said he has reviewed the draft and is in agreement with it.

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

**FARMINGTON PLANNING BOARD RESOLUTION  
PHEASANTS CROSSING SUBDIVISION, FINAL RE-SUBDIVISION PLAT FROM LOT #5**

**PB #1103-20**

**APPLICANT:** Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424 on behalf of James Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425

**ACTION:** Final Re-Subdivision Plat Application, to create two (2) non-buildable lots (Lots R 5-A and R 5-B) from Lot #5, Pheasants Crossing Subdivision

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) has reviewed the drawing prepared by Venezia, Land Surveyors and Civil Engineers, entitled “Final Re-Subdivision Plat, Lot 5 Pheasants Crossing Subdivision, Creating Lots R 5-A and R 5-B,” and having a signed sealed date of October 15, 2020.

**NOW THEREFORE BE IT RESOLVED** that the Board, having reviewed both the Preliminary Plat Resolution (File PB #0902-20) and having compared said approved preliminary plat map to the above referenced final plat map, does hereby grant Final Re-Subdivision Plat Approval with the following Condition. There are to be dates added to each of the four (4) Signature Lines. Signing dates are required by Town Code, Chapter 144 and New York State Town Law, Section 276, for ensuring compliance with the filing requirements of the final mylar and prints in the Ontario County Clerk’s Office.

**BE IT FURTHER RESOLVED** that the Applicant is to submit one (1) mylar and three (3) paper prints of the amended Final Re-Subdivision Plat Map for signing by Town Officials, including the Planning Board Chairperson. The signed mylar and two (2) paper prints will be returned to the Applicant. The third (3rd) signed paper print is to be retained in the Town Development Office.

**BE IT FURTHER RESOLVED** that the Applicant is to make three (3) paper copies of the signed mylar which are to be returned to the Town Development Office for distribution to the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; and the Town Engineer. No subsequent application for Preliminary Site Plan Approval, for either Lot R 5-A, or Lot R 5-B, will be accepted in the Town Development Office until these signed paper copies have been filed with the Town.

**BE IT FINALLY RESOLVED** that the Applicant is hereby notified that he has sixty-two (62) days from the date of signing this final plat map by the Planning Board Chairperson for filing the signed mylar and two (2) paper prints in the Office of the Ontario County Clerk, or the signature and date will need to be amended.

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

Motion carried.

**6. PLANNING BOARD ACTION ITEMS**

**A. PB #1102-20 Meyer’s RV Superstore of Farmington Amended Final Site Plan – Phase 1**

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

**Location:** 6200 State Route 96

**Zoning District:** GB General Business

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

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

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

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

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

On October 21, 2020, the Planning Board began the consideration of the applicant's Amended Final Site Plan application, and continued the application to the meeting this evening (November 18, 2020).

Mr. Laber (Schultz Associates) presented this application in the Town Hall. Mr. Meyer and Mr. Robinson (Meyer's RV Superstore of Farmington) attended via audio conference call.

Mr. Laber said that the applicant has been working on the preparation of a revised construction schedule.

Mr. Meyer said that he is not happy that the project has been dragging along but that he now sees daylight at the end of the tunnel. He said that he has communicated with his contractor and that the contractor is comfortable that Phase 1 of the project can be completed by the time frames which are listed in the draft resolution that has been submitted by the Town staff and that is being considered by the Planning Board this evening. Mr. Meyer said that he sees no issues at this time.

Mr. Brand thanked Mr. Meyer for providing the Town staff with the opportunity to speak with him on a recent conference call [regarding the draft Phase 1 resolution] to discuss the timelines. Mr. Brand said that Mr. Meyer reinforced his commitment to the Town during the meeting. Mr. Brand said that he has every confidence that Mr. Meyer wants to be a part of the Farmington community and that he has made a commitment to the Planning Board to try and meet the timelines [in the draft resolution]. Mr. Brand also said that Mr. Meyer provided a signed letter dated November 16, 2020, to commit to the completion of Phase 1 of this project and that the Town hopes that everything will fall into place.

Mr. Brand said that the major items [to be addressed in Phase 1] are the completion of the stormwater management pond, the removal of the shale and other excavated materials from the site, and the completion of the work involved with the New York State Department of Transportation Highway Permit.

Mr. Brand complimented Mr. Meyer on his commitment to participate in the State Route 96 Street Scape corridor improvements and their importance to the community. Mr. Brand said that he appreciates Mr. Meyer's commitments.

Mr. Brand said that the draft resolution [for the approval of the Phase 1 Final Site Plan Amendment] was submitted to Mr. Meyer and to Mr. Laber prior to the meeting and that the Town staff is ready for the Planning Board to move forward on the Phase 1 amendment.

Mr. Brand said that he hopes that sales of recreational vehicles at Mr. Meyer's site will continue; and that site development will also continue progress. He noted that other business operators have been successful while dealing with the implications of the COVID 19 pandemic.

Mr. Meyer said that new recreational vehicles are not being built right now but that he hopes to deal with it. He said that these are very odd times.

Mr. Delpriore said that the Town staff met with Mr. Meyer to address the concerns of the Planning Board and the staff regarding the longevity of the time to complete the stormwater management pond and the removal of the excavated debris and shale from the property. He said that timeline dates have been included in the draft resolution and—from the sound of it—the applicant [Mr. Meyer] is okay with them.

Mr. Delpriore said that the Development Office will assume that the stormwater management pond is not complete until Mr. Laber reports to Mr. Brabant that the pond has been constructed to the site plan specifications, and that Mr. Brabant confirms the completion in writing to the Town.

Mr. Brabant said that MRB Group issued an engineering comment letter on November 4, 2020, related to the State Route 96 Street Scape improvements, sidewalks, and the removal of a drainage pipe and replacement with a drainage swale (per the New York State Department of Transportation) along the State Route 96 frontage of the property. Mr. Brabant said that these comments have been addressed by Mr. Laber in a response letter dated November 6, 2020.

Mr. Brabant said that the completion of the stormwater management pond is a requirement of the Town and is part of the sequence of construction which is the primary focus based upon the recent meeting of the Town staff and the applicant.

Mr. Brabant requested that Schultz Associates provide the approximate elevations and the extent of the improvements to the site. He said that Mr. Laber also provided the approved site plan to enable the comparison of the original plan to the work that has already been completed.

Mr. Brabant said that deficiencies from the approved plan have been identified and must be addressed prior to the Town's acceptance of the stormwater management pond. These deficiencies include the identification of the aquatic bench, the correction of the berm at the northeast corner of the pond, the emergency spillway to be installed in compliance with the elevations, and the installation of rip rap stone and the outlet structure in compliance with the approved plans.

Mr. Brabant said that the contractor must bring up portions of the site to the required elevations. He said that the deep pool cell is not deep enough and that it is approximately two feet off. Mr. Brabant said that it is a priority for the applicant to get this fixed.

Mr. Brabant said that Schultz Associates will first conduct a site inspection following completion of the deficiencies. Then MRB Group will conduct a re-evaluation to confirm that the volumes [of the stormwater management facility] match. Mr. Brabant said that his primary concern is to be sure that the stormwater management facilities are completed prior to any other work on the site. He said that the draft resolution [under consideration by the Planning Board this evening] adequately depicts these concerns.

Mr. Brabant also said that Acting Water and Sewer Superintendent Robin MacDonald expressed concern at the Project Review Committee meeting on November 6, 2020, regarding the sewer connection, as follows:

*Mr. MacDonald: Expressed concern about the new sanitary sewer connection as shown on the drawing. He said that the drawing shows the existing sewer connection, then a temporary connection, and then a new connection. He said that the Water and Sewer Department would rather not have three holes in the sanitary sewer line and would prefer one that works. He suggested that a temporary connection not be considered. Mr. Laber said that he will look into avoiding more connections than there needs to be.*

*—Farmington Project Review Committee Minutes,  
November 6, 2020, p. 35 of 68*

Mr. Bellis asked what would happen if the time deadlines in the draft resolution were not met. He said that he is nervous about what would happen if the deadlines are missed.

Mr. Brand said that Final Site Plan Phase 1 Amendment would become null and void if the deadlines are missed (*see* Draft Condition #15). He said that the applicant would then have to return to the Planning Board for an extension if he runs into difficulties.

Mr. Brabant said that if the applicant fails to address the conditions of approval by the deadlines, he [the applicant] would not have an approved project and would be forced to return to the Planning Board for a reapproval, an extension or an amendment.

Mr. Brand said that who knows where the COVID pandemic will take us and how it may affect these timelines.

Mr. Meyer said that he hears what the board is saying and that he feels that he can work on this. He said that there are a lot of balls in the air with COVID and the amount of rock that was discovered on the property, but that “pulling” the project this far into it would kill it. Mr. Meyer said that he understands and appreciates that the board wants it [the project] done but that there is only so much as he can do.

Mr. Bellis said that the project began more than a year before the pandemic (Preliminary Site Plan and Special Use Permit approved on September 19, 2018; Final Site Plan approved on November 7, 2018). He said that his lenience with him is almost zero. He said that the applicant is now at a point without the full build-out of the project, and that he can understand having the new building delayed, but not the whole thing.

Mr. Meyer asked what would happen if COVID closes everything down for 90 days. He asked then what would he do? Mr. Bellis said that he did not know. Mr. Meyer said that he did not know. Mr. Viets said that a circumstance like this is something that the board would consider. Mr. Bellis again said that the project began before the pandemic.

Mr. Bellis said that he is just leery on the timelines and is hopeful that Mr. Meyer can get Phase 1 done by the deadlines listed in the draft resolution:

- Excess material removed from the site on or before November 30, 2020.
- Construction of the stormwater pond completed, inspected and accepted by the Town on or before December 31, 2020.
- Installation of the Pedestrian Crossing Signal on or before May 1, 2021.
- New York State Department of Transportation Highway Work Permit requirements completed on or before May 31, 2021.
- On-site drive aisles and on-site parking to be blacktopped not later than May 31, 2021.
- “Main Street Scape” improvements installed on or before May 31, 2021.

- On-site lighting and connection to the shared access point with the adjacent Family Dollar Store to be completed no later than May 31, 2021.
- Application for Phase 2 Amendments to the Final Site Plan, including the building elevations and floor plan drawings submitted to the Town no later than July 1, 2021.

Mr. Meyer said that these dates should be attainable.

Mr. Laber said that it will be up to them to notify the Town before an issue [in meeting the deadlines] develops.

Mr. Delpriore said that the Town staff is frustrated with the past lack of communication with the applicant. He said that the comments at the Project Review Committee meetings have always been the same. Mr. Delpriore said that—moving forward—he hopes that the communication at the Project Review Committee meetings are used in a better way.

Mr. Bellis said again that he is leery and nervous [about the applicant's ability to meet the time deadlines]. He said that this is not the way that we [the Town] do projects. He said that the board wants to make sure that it is headed in a good direction for the Town and for everyone in general.

Mr. Bellis said that he is happy with Draft Condition #15 if it covers the failure of the applicant to comply with the conditions of approval.

Mr. DeLucia said that he understands the applicant's stated concerns. He said that [this draft resolution under consideration this evening] offers the applicant one more opportunity for the success of the project. He said that he is okay with the draft conditions of approval.

Mr. Hemminger said that this is a plan for the project to move forward. He said that he hopes that everything will work out well and that issues will be communicated by the applicant with the Town staff and the board.

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

Mr. Viets asked Mr. Laber and Mr. Meyer if they received the draft resolution prior to the meeting, if they understood the resolution and if they agreed with the conditions.

Mr. Laber said yes.

Mr. Meyer said that they can hit the dates but that they just do not need something else that comes up. He agreed that more communication is needed and that he will keep in contact if anything is coming up.

■ A motion was made by MR. DELUCIA, seconded by MR. MALOY, that the reading of the following resolution and that the resolution be approved.

**Discussion on the motion:**

Mr. Maloy asked that Mr. Viets read aloud Draft Condition #15. Mr. Viets read this condition aloud.

Mr. Bellis asked what would happen if the first deadline on November 30, 2020, was not met. Mr. Brand said that Mr. Meyer would have to return to the board and explain why. Mr. Bellis said that the board does not need this every week if he [Mr. Meyer] cannot make a deadline.

Mr. Brabant said that the staff will inform the board if an issue arises. He said that he hopes that the applicant will inform the Town in advance of an issue to enable the Town staff to get ahead of it, and not behind it.

Mr. Maloy said that the Town would know [about an issue] ahead of time.

Mr. Brand said that that if the applicant has a good reason [why a deadline was missed] then he did not see why the board would not honor it. He said that if there were no good reason, then the board could “pull the plug.”

Mr. Laber asked what would happen if the board “pulled the plug.” Mr. Bellis said that the board has never done this before.

Mr. Viets said that the board would have to consider the reason [for missing a deadline], such as the pandemic or the discovery of additional rock on the site.

Mr. Delpriore said that the board has different levels of “pulling the plug” on a project including the resubmittal of the application and having the applicant start from scratch.

Mr. Brand said that the applicant has a Final Site Plan approval [of this project] but that he has failed to meet the original conditions of this approval. He said that everyone understands the severity of the consequences and that we do not want to see this happen [reference to “pulling the plug”].

Mr. Bellis said that he just wants to understand the timelines.

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

**PB #1102-20**

**APPLICANT: Meyer’s RV Superstore of Farmington, 100 Sanford**

**Road North, Churchville, N.Y. 14428**

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

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

**WHEREAS**, the Planning Board has received a revised set of site plan drawings from Schultz Associates, the Applicant’s Engineers, which have been based in part upon information received from the Region 4 Office of the New York State Department of Transportation regarding closing-off of the existing raised driveway islands along the State Route 96 highway frontage; and

**WHEREAS**, the revised set of drawings has also included reference to the pending State Route 96 Street Scape Design Plan; and

**WHEREAS**, the Planning Board has given consideration to the Applicant’s letter, received on Monday, November 16, 2020, containing commitments to the Town; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve of the Final Site Plan Amendment—Phase 1 Application with the following conditions:

1. Final Site Plan Amendment, Phase 1 Approval, involves all site improvements excluding the Future Building and the on-site Sanitary Dumping Station; and is further based upon the Applicant’s commitment to the completion of the following items within the time frames identified herein:
  - a. The Stormwater Pond—Excess shale material and other material which had been previously buried on the site and discovered during the construction of this drainage facility improvement is to be removed from the site on or before November 30, 2020; and
  - b. The Stormwater Facility construction is to be completed, inspected and accepted by the Town, on or before December 31, 2020; and
  - c. The Applicant is to obtain the State Department of Transportation’s (DOT) Highway Work Permit for closing off the existing points of driveway access along State Route 96 and to commence

- work on the installation of the approved points of driveway access which is to be completed on or before May 31, 2021; and
- d. The Applicant may use stone as a temporary base for the driveway and on-site parking until blacktop plants open in the Spring of 2021; and
  - e. The on-site drive aisles and on-site parking facility are to be black topped not later than May 31, 2021; and
  - f. The Applicant is to install the Pedestrian Crossing Signal in the area shown on the DOT's Highway Work Permit, on or before May 1, 2021; and
  - g. All "Main Street Scape" improvements shown on the Phase 1 Drawings are to be installed on or before May 31, 2021; and
  - h. All on-site lighting and connection to the shared access point with the adjacent Family Dollar Store is to be completed not later than May 31, 2021; and
  - i. An Application for Phase 2 Amendments to the Final Site Plan, including the proposed Building Elevations and Floor Plans Drawings are to be submitted to the Town not later than July 1, 2021.
2. Final Site Plan Amendment Phase 1 Approval is further based upon the set of drawings prepared by Schultz Associates, Engineers & Land Surveyors, P.C., having the latest revision date November 5, 2020 and having Project No. 18.104, Drawing Numbers C-1 through C-7, entitled "Phase 1 Site Plan," as is further hereby amended by these conditions of approval contained below herein.
  3. All of the Conditions of Final Plat Approval, PB 1102-18, dated November 7, 2018, are to remain in effect unless otherwise modified herein.
  4. This Amended Phase 1 Site Plan Approval does not replace the previously approved set of drawings prepared by Hanlon Architects, identified as Project No. 18-052, Sheet No. A2, which is not dated, and entitled "Meyer's RV New Facility," as was to be further amended by the conditions of approval referenced above herein and as may be required below herein.
  5. Drawing Number C-1, of the Amended Final Site Plan Approval is to be further amended to show an additional street light located on the east side of the sidewalk along Mertensia Road and north of the driveway entrance from Mertensia Road.

6. This Drawing Number C01, of the Amended Final Site Plan Approval, does not replace the proposed pylon sign that originally was shown on drawing C-3, Final Site Plan, (File PB 1102-18, November 7, 2018) that is still to be relocated outside the defined limits of the Clear-vision Zone of the intersection of State Route 96 and Mertensia Road, as is otherwise required in §165-53 of the Town Code.
7. Sidewalks shown on Drawing Number C-1, Phase 1 Final Site Plan Approval, are to be installed across the site's frontages along State Route 96 and Mertensia Road on or before June 1, 2021.
8. All proposed easements are to be filed in the Ontario County Clerk's Office and recorded in the Town Development Office prior to the issuance of any Building Permits for development within the Phase 1 area.
9. Drawing Number C-1, Phase 1 Final Site Plan, is to be amended to show the two public safety (street address numbers) signs that are to be installed near the entrances on State Route 96 and Mertensia Road.
10. Drawing Number C-5, Phase 1 Final Site Lighting Plan, is to be amended by providing a relocated light fixture that will illuminate the access driveway from Mertensia Road to the site. The current drawing is showing this driveway area to be a dark.
11. Drawing Number C-2, Phase 1 Final Utility Plan, is to be amended by removing all designs and specifications for the proposed Sanitary Dumping Station, which is a Phase 2 site improvement. If the Applicant intends to install the two manholes shown on Drawing Number C-2 then all details regarding the connection of the proposed Sanitary Dumping Station shall be approved by the Acting Water and Sewer Superintendent before signing the Phase 1 Drawings. The proposed temporary connections are also to be approved by the Acting Water and Sewer Superintendent.
12. All drawings showing the sidewalk delineation at the intersection of State Route 96 and Mertensia Road are to be amended to show the delineation of the easement area deemed necessary to accommodate the future sidewalks, handicap ramps, and the space necessary for the installation of a new pedestrian crossing signal in the northeast corner of the intersection of State Route 96 and Mertensia Road.
13. Once all conditions of Final Site Plan Approval have been made on the drawings, one (1) copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then one (1) mylar set of the revised drawings are to be submitted to the Town for signing and returning to the Applicant's Engineer. Then the Applicant's Engineer is to provide one (1) copy of the signed Phase 1 Final Site Plan drawings to: the

Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Assistant Resident Engineer, New York State Department of Transportation, Ontario County Office; the Town Engineer; the Town Development Office; and two (2) sets returned to the Applicant’s Engineers, Schultz Associates. If additional copies of the Final Plans are deemed necessary, then those copies are to be provided by the Applicant’s Engineer. Once all signatures have been affixed to the Phase 1 Final Site Plan Drawings and a letter of credit has been received and filed with the Town Clerk, then the Town Code Enforcement Officer will schedule a Pre-Construction meeting.

- 14. Final Phase 1 Site Plan Approval is valid for a period of 180 days and shall expire unless renewed, or signatures have been placed upon the revised drawings.
- 15. Final Phase 1 Site Plan Approval shall remain in effect as long as the Applicant continues to comply with all of the above Conditions of Approval. Failure to comply shall render this approval Null and Void.

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

Motion carried.

**B. PB #1004-19 MIII Enterprises  
Amended Final Site Plan Application for Phase 2**

**Name:** MIII Enterprises LLC, 6061 Carmen’s Way,  
Farmington, N.Y. 14425

**Location:** 6061 Carmen’s Way

**Zoning District:** IZ Incentive Zoning

**Request:** Phase 2 Amended Final Site Plan approval to erect two single-story self-storage buildings with one building consisting of a total of 12,000 square feet and the second building consisting of a total of 6,000 square feet.

The Planning Board approved the State Environmental Quality Review (SEQR) determination for this application on June 21, 2017 (determination of Non-Significance).

The Preliminary Site Plan was approved on July 5, 2017 (PB #0501-17). The Final Site Plan for Phase 1 was approved on January 3, 2018 (PB #1209-17).

The Final Site Plan for Phase 2 was approved on October 16, 2019 (PB #1004-19).

The Amended Final Site Plan for Phase 2 was discussed at the Project Review Committee meetings on August 7, 2020; and November 6, 2020.

Mr. Cerone presented this application via the audio conference call.

He said that he is no longer proposing to construct two single-story self-storage buildings (that were previously identified as S7 Storage and S8 Storage on the plan) but that he now intends to go back to the original plan to construct three single-story self-storage buildings, two of which are 6,000-square-foot buildings and one of which is a 5,000-square-foot building.

Mr. Brand said that a number of the conditions of approval on the draft resolution that has been prepared for the board's consideration this evening include the removal of the "dirt stockpile" (shown on Drawing Number CA 100) and Mr. Cerone's desire to improve the appearance of the front of the property along State Route 332. Mr. Brand said that Mr. Cerone has made a commitment to do this.

Mr. Brand said that several pine trees on the property have died and that they must be replaced. Mr. Cerone said that he will have all of the dead trees removed soon and that they will be replanted in the spring. Mr. Brand and Mr. Viets said that this timeline will be fine and that the trees must be replanted no later than May 31, 2021.

Mr. Cerone also said that the U-Haul truck rental service that he offers will be discontinued at the end of this year. He said that with all the headaches of having offered this service, it is not worth it. He asked if there is procedure with the Town to discontinue this service. Mr. Viets said no.

Mr. Delpriore said that the draft resolution that the board will consider this evening includes details on landscaping and other conditions of approval that must be addressed by Mr. Cerone prior to the signing of the plans. Mr. Delpriore asked if Draft Condition #17 should be deleted. It was decided that this condition should be deleted and replaced with the details about the replacement of the dead trees, i.e.:

17. *All trees and other landscape plants that have not survived are to be replaced and replanted in compliance with their original locations as depicted upon the approved Final Site Plan, Phase 2 (PB #1004-19, October 16, 2019), and*

*verified by the Town Code Enforcement Officer, no later than May 31, 2021.*

*—New Draft Condition #17*

Mr. Cerone said that he will arrange with his contractor (Victor Excavating) to remove the dead trees soon and to replant them in the spring. He said that he would like to improve the appearance of the property sooner than later.

Mr. Giroux discussed the appearance of the site as viewed from State Route 332 and from Ivory Drive. He said that he has seen no maintenance whatsoever of the islands and plants in the vicinity of Ivory Drive, and that he doubted that the condition of the front of the property (along State Route 332) would allow it to be mowed and maintained. Mr. Giroux said that the appearance of the property, and the issues of landscaping and maintenance, were discussed months ago. He said that at this junction, he is disappointed that the trees have not yet been replaced and that the landscaping has not yet been addressed.

Mr. Cerone said that the area in the back of the property is wet and that he has had difficulties in making arrangements with landscape companies.

Mr. Giroux said that the landscaping was part of the original plan, that it has not yet been addressed, and that it [the appearance of the site] is only getting worse.

Mr. Cerone said that he disagreed that [the appearance of the site] is getting worse. He said that he pays the bills and that he knows what is getting done, and what is not.

Mr. Viets discussed Draft Condition #6 regarding the re-grading, seeding and maintenance of the front area which is to be maintained as a grassed (lawn) area of the site along State Route 332. Mr. Cerone said that he is working on this and that he wants to have a first-class facility. He said that he agrees [with the comments this evening] and that the Town staff and the board should not have the impression that he does not care. He said that he is more frustrated [than the Town staff and the board] and that he pays the bills.

Mr. Delpriore requested that the date in Draft Condition #6 be revised to May 31, 2021, for consistency with other dates in the resolution and with the Town guideline for the completion of landscaping in the spring. There were no objections to the revision of the date.

Mr. Brabant said that MRB Group issued an engineering comment letter on the Final Site Plan Amendment for Phase 2 of this project and that all engineering comments have been addressed.

Mr. Bellis asked for confirmation about the number of buildings to be constructed in Phase 2. Mr. Cerone confirmed that three buildings are planned. [referenced to Buildings #7, #8 and #9 as shown on the submitted drawings].

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

Mr. Viets asked Mr. Cerone if he had reviewed the draft resolution and if there were any comments or concerns with it. Mr. Cerone said that he had reviewed the draft and has no concerns.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
CERONE INCENTIVE ZONING PROJECT  
FINAL SITE PLAN AMENDMENT—PHASE 2**

**PB #1004.1-19**

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

**ACTION: Cerone Incentive Zoning Project—Final Site Plan  
Amendment Phase 2: Three (3) buildings and related  
site improvements**

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

**WHEREAS**, the Town Board has previously made a Determination of Non-Significance upon the Action to create an IZ Incentive Zoning District for this property, as provided for further under Part 617 of the State Environmental Quality Review Regulations; and

**WHEREAS**, the Applicant is now no longer proposing to construct two (2) single-story self-storage buildings that were previously identified as S7 Storage and S8 Storage, along with the related site improvements for these two buildings (File #PB 1004-19, dated 10/12/2019); and

**WHEREAS**, the Applicant is now intends to construct three (3) single-story self-storage buildings, two (2) of which are 6,000-square-foot buildings and one (1) is a 5,000-square-foot building, along with related site improvements; and

**WHEREAS**, the Planning Board has given consideration to the recommendation made by the Ontario County Planning Board (Referral #184-2020, dated November 12, 2020) comments only.

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

1. Final Site Plan Approval for Phase 2 is based upon the drawing number 6275, sheet 03 of 04, prepared by Costich Engineering, having the latest revision date October 14, 2020, which is identified as “ Overall Site Plan Route 332 MIII Enterprises at Auburn Junction, State Route 332-Phase II,” Sheet Number CA100, as is further amended by this resolution; and
2. A note is to be added to this drawing which reads . . . “This Final Site Plan approval amends the previous Final Site Plan Approval (File #PB 1004-19, dated 10/12/19); and is for the construction of three (3) single-story self-storage buildings identified as S7 Storage (5,000 S.F.); S8 Storage (6,000 S.F.); and S9 Storage (5,000 S.F.) along with related site improvements for these three (3) structures.”
3. Final Sign Site Plan Approval is also based upon the drawings prepared by Costich Engineering, having the latest revision date October 14, 2020 and identified as: Drawing #CA110, Drawings Page Numbers 04 of 04 entitled as “Route 332 MIII Enterprises at Auburn Junction, State Route 332—Phase II, Site Grading, Erosion Control & Landscape Plans.”
4. A note is to be added to this drawing which reads . . . “This Final Site Plan approval amends the previous Final Site Plan Approval (File #PB 1004-19, dated 10/12/19); and is for the construction of three (3) single-story self-storage buildings identified as S7 Storage (5,000 S.F.); S8 Storage (6,000 S.F.); and S9 Storage (5,000 S.F.) along with related site improvements for these three (3) structures.”
5. Final Site Plan Approval for the above two buildings and related site improvements is further subject to the Applicant’s compliance with all conditions of approval set forth in the Town Engineer’s October 17, 2019 letter to the Town’s Director of Planning and Development. Said additional conditions are identified as being comments numbers 1, 2, 3 4, 5 and 6.
6. There is to be a note added to Drawing number CA 100 that reads . . . “The front area of this site, the portion along the west side of New York State Route 332 is, on or before May 31, 2021, to be re-graded, seeded and maintained as a grassed (lawn) area.”
7. The “gravel areas” shown in the above referenced front area of this site on Drawing number CA 100 are to be removed. These areas are to be identified as lawn areas.
8. The “dirt stockpile” shown on Drawing number CA 100 is to be removed.

- 9. The “PHASE II WORK LIMITS” shown on Drawing number CA 100 is to be removed from the Town-owned Auburn Trail property.
- 10. The proposed “Gravel Areas” shown around the three (3) proposed buildings shall be changed to a surface material that is “dust free.”
- 11. Drawing number CA100 and CA110 are to have signature lines added for the Town Highway and Parks Superintendent and the Acting Town Water and Sewer Superintendent.
- 12. All Revision Boxes are to be updated as of the date of this Final Site Plan Phase 2 approval by the Planning Board.
- 13. Once all amendments to the set of Final Sign Site Plan drawings have been made, one paper set of the revised Final Sign Site Plan Drawings is to be submitted to the Town Code Enforcement Officer (CEO) for his review and acceptance.
- 14. Upon acceptance by the CEO, the Applicant’s Engineer, Costich Engineering, is to submit one (1) mylar of the above referenced drawings for signatures. Upon signing, the mylar will be returned to Costich Engineering for making copies thereof and distribution.
- 15. One set of the signed drawings is to be filed in the Town Development Office and one set each is to be provided to: the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers; Paul Colucci, The DiMarco Group; and the applicant. If additional copies of the signed Final Site Plan drawings are necessary then they are to be provided at the time of signing.
- 16. Final Site Plan Approval is valid for a period of 180 days and shall become null and void if signed drawings have not been completed.
- 17. All trees and other landscape plants that have not survived are to be replaced and replanted in compliance with their original locations as depicted upon the approved Final Site Plan, Phase 2 (PB #1004-19, October 16, 2019), and verified by the Town Code Enforcement Officer, no later than May 31, 2021.

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

Motion carried.

## 7. OPEN DISCUSSION

### *Director of Development and Planning:*

Mr. Brand discussed the following topics:

- A meeting was held with the owners of the Farmington Commons Plaza (located at the southwest corner of State Route 332 and State Route 96) regarding their plans to develop several outparcels on their property and to redesign the plaza entrance off State Route 96. The owners will discuss their plans with John LeFrois (who is developing the adjacent GLN Farmington Realty project) for possible coordination. Mr. Brand said that this coordination may provide for a more timely completion of the segment connection of Mercier Boulevard from its current endpoint at Farmington Gardens Apartments to the proposed extension to the south of the GLN Farmington Realty project.
- A meeting was held with the owner of 35 acres of land on Loomis Road regarding a proposed industrial park to include 10 to 12 lots and a Town-dedicated looped road system.
- The Comprehensive Plan Update Committee met on November 17, 2020, to discuss strategies for the presentation of the draft Plan to the public and to determine a meaningful manner for the public to provide comments during the pandemic. Mr. Brand said that Mr. DeLucia suggested a Facebook online public meeting, similar to the online meetings that are being held by the Victor Central School District. A meeting will be held on Friday (November 20, 2020) with Mr. Brand, Mr. DeLucia and Ms. Daniels (from the supervisor's office) on this. Mr. Brand said that the draft of the Plan is expected to be ready for public review in January 2021. He said that the Town Board will have 90 days to schedule a formal Public Hearing following receipt of the draft Plan referral from the Update Committee. The prospective schedule that was developed by the Committee is:

December 2020: Complete draft document to Committee members for review and comment.

January 2021: Schedule announced for reach-out to the public.

March/April 2021: Referral of the Plan to the Town Board.

May 2021: Formal Public Hearing by the Town Board; adoption by the Town Board

- Mr. Brand and Town Zoning Officer John Weidenborner met with Frank DiFelice

(DiFelice Development Corporation) regarding the relocation of gravel from Mr. DiFelice's property on Corporate Drive to a point on the east side of State Route 332 opposite the future signalized intersection at Savala Boulevard (on the Hathaway's Corners development). Mr. DeFelice intends to then redistribute the material on the site which would change the existing topography. Mr. Brand said that he advised Mr. DiFelice that Planning Board approval would be required to be sure that the provisions of the State's Municipal Separate Storm Sewer System (MS4) Program will not be violated. Mr. Brand also said that the location of the proposed gravel would be in an area of mature pine trees on Mr. DiFelice's property. He noted that the Planning Board would want those trees protected and perhaps relocated on the site. He also informed Mr. DiFelice that the site is zoned PD Planned Development, for a water park and related commercial use. Mr. Brand said that he advised Mr. DiFelice that any other use would require Town Board rezoning approval; and that a proposed developer may not wish to wait six months or more for consideration of a rezoning application.

- The consultants from Bergmann Associates met with State DOT, County Planning, and representatives from Farmington and Canandaigua regarding the State Route 332/State Route 96 Corridor Sub-Area Study that is now in progress. The consultants seek the identification of areas of concern to be addressed to sustain the ability of State Route 332 which now has been open as a four-lane highway from the New York State Thruway to the City of Canandaigua boundary since approximately 1999.
- It was just announced tonight, during this meeting, that the Canandaigua Town Hall will be closed for walk-in service for a period of time. Mr. Brand reported that several Canandaigua employees must quarantine due to possible COVID-19 exposures and one that there is one confirmed case.
- Mr. Brand reported that the Concerned Citizens of Farmington group (James Falanga, Nancy Falanga, Daniel Geer and James Redmond) have filed a second Article 78 concerning proceeding in New York State Supreme Court (Ontario County, Index #126079-2019) concerning the Delaware River Solar project proposed for property at the southwest corner of Yellow Mills Road and Fox Road. The proceeding seeks:
  - a. Annuling and vacating the Planning Board's August 7, 2019, Negative Declaration of Environmental Significance and resolution pursuant to Article 78;
  - b. Annuling and vacating the Planning Board's December 18, 2019, Negative Declaration of Environmental Significance and resolution pursuant to Article 78;
  - c. Annuling and vacating the Special Use Permit granted October 7, 2020.

- d. Annuling and vacating Preliminary Site Plan approval granted November 4, 2020.
- e. A preliminary injunction prohibiting respondent DRS from commencing any site work at the project site.
- f. A permanent injunction prohibiting DRS from commencing any site at the project site; and
- g. Attorneys' fees and costs and disbursements; together with other and further relief as the Court deems just and proper.

The proceeding is scheduled to be heard on December 14, 2020, at 10:00 a.m.

- The Planning Board is now considering the contents of a revised thorough and detailed Decommissioning Plan for the Delaware River Solar project. Mr. Brand said that the Planning Board will need to make a recommendation upon this revised draft and then refer it to the Town Board for their action. This acceptance of a Decommissioning Plan is a condition of the Special Use Permit that was approved on October 7, 2020.
- Finally, Mr. Brand reported that he has begun working on amendments to Chapter 165 of the Farmington Town Code, the Town's solar law.

***Code Enforcement Officer:***

Mr. Delpriore reported that the Delaware River Solar revised Preliminary Site Plan drawings have been submitted, reviewed, signed and returned to the applicant. He said that the applicant has submitted the Final Subdivision Plat and Final Site Plan applications which will be placed on the December 16, 2020, Planning Board agenda. Mr. Delpriore said that the Town's Special Legal Counsel has advised that, at this time, the Delaware River Solar application can move forward.

Mr. Delpriore reviewed other applications that will be on the board's December agendas including the Blackwood Industrial Park (southwest corner of County Road 8 and County Road 41). He said that he is also working with the Development Office Administrator, Sarah Mitchell, regarding possible revisions to office procedures dealing with the time lines for submittals of applications. He said that he will discuss these revisions with Mr. Hemminger and Mr. Brand prior to presentation to the board at a December meeting.

***Highway and Parks Superintendent:***

Mr. Giroux expressed his opposition to the proposed stockpile of gravel of the DiFelice property on the east side of State Route 332 opposite the future signalized intersection at

Savalla Boulevard. He emphasized that State Route 332 is recognized as the “Gateway to the Finger Lakes.”

Mr. Giroux said that work is progressing at Beaver Creek Park. The gravel for the parking area and the primary drainage work is complete. He said that the recent rainy weather slightly delayed construction of the buildings but the contractor is progressing very well.

The last portion of paving of Phase 2 of the Canandaigua–Farmington Town Line Road improvement project is scheduled for November 19, 2020, following which the road edges will be cleaned and the project will conclude for the season. Mr. Giroux also said that paving the first 10 feet of the apron to the entrance drive from Collett Road to the Town Highway Department campus also has been scheduled for November 19th.

***Town Engineer:***

Mr. Brabant said that MRB Group will provide an updated cost estimate on the Delaware River Solar project which reflect the current site plan revisions that had been requested by the board. He said that the estimate will be part of the final engineering review package for the board’s consideration of the Final Site Plan application in December.

Mr. Brabant also said that he will have engineering comments this week on the proposed Loomis Road self-storage project.

***Board Members’ Comments:***

Mr. Maloy asked about the status of other prospective solar project applications. Mr. Brand and Mr. Delpriore said that there have been a total of five applicants who have contacted the Development Office. Mr. Delpriore said that the applicants have been notified that the Town moratorium on future solar applications remains in effect at this time.

Mr. DeLucia asked about holding virtual and public meetings now that the COVID-19 “yellow” designation area is expanding throughout New York State and the number of cases are increasing in Ontario County. Mr. Delpriore said that the Town has a plan in place and that public meetings can return to virtual-only at any time. He said that the “yellow” designation allows public meeting gatherings of less than 25 persons, and thus far the Planning Board meetings have remained under this limit. He said that the Town monitors the pandemic conditions daily and that changes in the day-to-day operations of the Town Hall can be made immediately upon the decision of the Supervisor. Mr. Delpriore said that any board members, Town staff or the public also have the opportunity to attend the Planning Board meetings via audio/video conference. The log-in information is included on the meeting agendas which are posted on the Town website in advance.

**8. PUBLIC COMMENTS**

None.

**9. TRAINING OPPORTUNITIES**

■ **NYS Department of State Local Government Training Calendar posted here:**  
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**December 8, 2020**

Subdivision Review

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html>

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**December 15, 2020**

Floodplain Regulation

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html>

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**December 22, 2020**

Skills That Make Great Board Members

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html>

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**January 5, 2021**

Planning Board Overview

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html>

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**January 12, 2021**

Zoning Board of Appeals Overview

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html>

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

■ **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>

**10. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:40 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, December 2, 2020, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

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

Respectfully submitted,

\_\_\_\_\_  
John M. Robortella, Clerk of the Board

L.S.

## Appendix 1

### Delaware River Solar Applications

PB #1003-18	Preliminary Four-Lot Subdivision Plat
PB #1004-18	Preliminary Site Plan
PB #1006-18	Special Use Permit
ZB #0902-18	Area Variance Application
ZB #0903-18	Area Variance Application
ZB #0904-18	Area Variance Application
ZB #0905-18	Area Variance Application

These applications were reviewed by the Project Review Committee on:

August 3, 2018  
 September 7, 2018  
 September 6, 2019  
 November 1, 2019  
 February 7, 2020  
 March 6, 2020  
 July 2, 2020  
 August 7, 2020  
 September 4, 2020  
 October 2, 2020

The Zoning Board of Appeals (ZBA) classified this project as a Type I Action under the State Environmental Quality Review (SEQR) Regulations and established the 30-day SEQR public review and comment period from September 28, 2018, to October 29, 2018.

#### **September 24, 2018:**

The ZBA opened Public Hearings on four Area Variance applications.

The ZBA Public Hearings were reconvened on:

November 26, 2018  
 December 17, 2018  
 January 28, 2019  
 April 22, 2019  
 May 20, 2019  
 June 24, 2019  
 July 22, 2019  
 August 26, 2019, at which meeting the four Area Variance applications were denied.

#### **October 3, 2018:**

The Planning Board declared its intent to be designated Lead Agency under SEQR for making the determination of significance upon these applications.

The SEQR Involved and Interested Agencies that were identified by the Planning Board and that participated in the 30-day public review and comment period are:

- Involved Agency: New York State Energy Research and Development Authority
- Involved Agency: New York State Department of Environmental Conservation
- Involved Agency: U.S. Army Corps of Engineers
- Involved Agency: New York State Office of Parks, Recreation and Historic Preservation
- Involved Agency: Town of Farmington Planning Board
- Involved Agency: Town of Farmington Zoning Board of Appeals
- Involved Agency: Town of Farmington Highway and Parks Department
- Interested Agency: Ontario County Agricultural Enhancement Board
- Interested Agency: New York State Department of Agriculture and Markets
- Interested Agency: Town of Farmington Agricultural Advisory Committee
- Interested Agency: Town of Farmington Conservation Advisory Board
- Interested Agency: Town of Farmington Town Clerk
- Interested Agency: Town of Farmington Historian

**November 7, 2018:**

The Planning Board opened Public Hearings on:

- PB #1003-18 Preliminary Four-Lot Subdivision
- PB #1006-18 Special Use Permit
- PB #1004-18 Preliminary Site Plan

The Public Hearings were reconvened on:

- December 5, 2018
- January 16, 2019
- April 17, 2019
- May 15, 2019
- June 5, 2019
- July 17, 2019
- August 7, 2019
- September 4, 2019
- October 16, 2019
- November 20, 2019
- December 4, 2019
- December 18, 2019
- January 15, 2020
- February 19, 2020
- March 4, 2020 (Public Hearing on Preliminary Subdivision Plat closed)
- March 18, 2020 (meeting cancelled due to Covid-19 pandemic)
- April 15, 2020 (administrative action to continue the Public Hearings to an unspecified date)
- June 3, 2020 (administrative action to continue the Public Hearings to July 1, 2020)
- June 17, 2020 (administrative action to continue the Public Hearings to August 5, 2020)

August 5, 2020

- Preliminary Site Plan continued to September 16, 2020
- Special Use Permit Public Hearing closed

September 2, 2020 (Special Use Permit and Preliminary Site Plan)

September 16, 2020 (Special Use Permit and Preliminary Site Plan)

**August 7, 2019:**

The Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment Form.

**August 7, 2019:**

The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration).

**September 6, 2019:**

An Article 78 Proceeding was filed in Supreme Court (State of New York, Ontario County) by petitioners/plaintiffs Concerned Citizens of Farmington (James and Nancy Falanga, James Dennie, James Redmond, James and Ann Foley, Eric and Edith Chapman, Petrina Case and Daniel Geer vs. Town of Farmington (New York State Unified Court System Index #126079-2019).

**October 31, 2019:**

Delaware River Solar provided site plan revisions that were made because of the denial of the Area Variances by the Zoning Board of Appeals (*see* Farmington Planning Board minutes, November 20, 2019).

**November 1, 2019:**

Delaware River Solar provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP).

**November 6, 2019:**

The Planning Board accepted the revised State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 1 (as corrected at the meeting) and referred the second revised materials to the SEQR Involved Agencies and to the Ontario County Planning Board.

**November 12, 2019:**

The Ontario County Planning Board reviewed the second revised materials (Referral #226-2019) and retained referral #226-2019 as Class 1 (*see* Farmington Planning Board minutes, November 20, 2019).

**December 18, 2019:**

The Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment for the revised applications. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) for the revised applications on December 18, 2019.

**March 4, 2020:**

The Planning Board closed the Public Hearing on the Subdivision Plat application and approved the Preliminary Subdivision Plat (PB #1003-18).

**March 18, 2020:**

The Planning Board meeting was cancelled in compliance with the New York State Governor's Executive Order on public gatherings during the Covid-19 pandemic.

**April 3, 2020:**

The Town staff submitted a Special Use Permit draft approval resolution to the Planning Board for consideration.

**June 16, 2020:**

The Article 78 Proceeding in Supreme Court (State of New York, Ontario County) was dismissed without prejudice (New York State Unified Court System Index #126079-2019).

**July 15, 2020:**

The Planning Board acknowledged receipt of the applicant's responses to the Special Use Permit draft approval resolution of May 6, 2020.

**September 2, 2020:**

The Planning Board acknowledged receipt of the revised draft approval Special Use Permit approval resolution submitted by the Town's Special Legal Counsel.

**September 2, 2020:**

The Planning Board approved the first 90-day extension of Preliminary Four-Lot Subdivision Plat approval (PB #1003-18) to expire on Monday, November 30, 2020.

**September 16, 2020:**

The Site Plan and the Special Use Permit applications were continued to October 7, 2020.

**October 7, 2020:**

The Preliminary Site Plan (PB #1004-18) application was continued to November 4, 2020. The Special Use Permit (PB #1006-18) was approved.

**November 4, 2020**

The Preliminary Site Plan Public Hearing (PB #1004-18) was closed. The Preliminary Site Plan (PB #1004-18) was approved with conditions.