

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

## **PLANNING BOARD** **Wednesday, November 3, 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.*

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

**Board Members Present:** Edward Hemminger, *Chairperson*  
Adrian Bellis  
Timothy DeLucia  
Douglas Viets

**Board Member Excused:** Aaron Sweeney

**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:**  
Jerry Goldman, Esq., Woods Oviatt Gilman LLP, 700 Crossroads Building, 2 State Street,  
Rochester, N.Y. 14614  
Timothy Niemiec, Senior Architectural Designer, LaMacchia Group,  
157 North Milwaukee Street, Milwaukee, Wisconsin 53202  
Gardner and Sally Soule, 415 Cline Road, Victor, N.Y. 14564  
Jim Stathopoulos, G&A Development and Construction Corporation, 101 North Street,  
Canandaigua, N.Y. 14424  
Matt Tomlinson, CPESC Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614

**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:**

None

**Others Present via Zoom Video Conference:**

Mary Neale, 6032 County Road 41, Farmington, N.Y. 14425

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 OCTOBER 20, 2021**

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the October 20, 2021, meeting be approved.

Motion carried by voice vote. Mr. Hemminger abstained due to his absence from the meeting on October 20, 2021.

**3. LEGAL NOTICE**

None.

**4. CONTINUED PUBLIC HEARING: PRELIMINARY SUBDIVISION**

**PB #0801-21 Continued Preliminary Subdivision Application**

**Name:** G&A Development and Construction Corporation, c/o Jim Stathopoulos, 101 North Street, Canandaigua, N.Y. 14424

**Location:** West side of State Route 332, south of State Route 96

**Zoning District:** GB General Business, MTOD Major Thoroughfare Overlay District, MSOD Main Street Overlay District

**Request:** Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Accounts 29.00-1-19.110 and 29.00-1-20.110 containing a total of 9.976 acres of land; and as further to be identified as Preliminary Re-Subdivision Plat Map for Lot #R-1, #R-2

and #R-3, G&A Development & Construction Corporation. The proposed Action involves creating Lot #R-1 consisting of 7.384 acres, Lot #R-2 consisting of 1.019 acres, and Lot #R-3 consisting of 1.573 acres. Lot #R-1 and Lot #R-2 are to remain vacant as non-approved building lots requiring site plan approval before any Building Permits may be issued. Lot #R-3 is partially developed with an existing building and related site improvements known as Farmington Commons Plaza.

This application was reviewed by the Project Review Committee (PRC) on May 7, 2021; July 2, 2021; August 6, 2021; and September 3, 2021 (brief PRC discussion).

The Public Hearing on this application was opened on August 4, 2021; reconvened on September 1, 2021, and on October 6, 2021; and continued to the meeting this evening (November 3, 2021).

On August 4, 2021, the Planning Board classified this application as a Type II Action under the State Environmental Quality Review (SEQR) regulations.

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Tomlinson (Marathon Engineering), Mr. Stathopoulos (G&A Development and Construction Corporation) and Mr. Goldman, Esq. (Woods Oviatt Gilman LLP) presented this application.

Mr. Tomlinson acknowledged receipt of the comments which were received at previous meetings from the Planning Board, the Town staff and MRB Group. He also said that the comments regarding the easements have been discussed with the owner and the surveyor, and that these comments will be addressed.

Mr. Brand said that he had no additional issues with the Preliminary Re-Subdivision application and that he is ready to go with the draft approval resolution. Mr. Delpriore and Mr. Giroux also said that they have no additional comments on the resolution. Mr. Brabant acknowledged that all MRB Group engineering comments have been addressed by the applicant.

Mr. Hemminger asked 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 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.

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

■ A motion was made MR. DELUCIA, seconded by MR. BELLIS, that the Public Hearing be closed.

Motion carried by voice vote. The Public Hearing on PB #0801-21 was closed.

Mr. Hemminger said that Mr. Tomlinson has agreed with the conditions of approval on the following draft resolution:

■ A motion was made by MR. DELUCIA, 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:

**FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY RE-SUBDIVISION PLAT APPLICATION, LOTS #R-1, #R-2 AND #R-3,  
G&A DEVELOPMENT & CONSTRUCTION CORPORATION**

**PB #0801-21**

**APPLICANT: Jim Stathopoulos, c/o G&A Development and Construction Corporation, 101 North Street, Canandaigua, N.Y. 14424**

**ACTION: Preliminary Re-Subdivision Plat approval for the creation of proposed Lot #R-2, a part of the proposed Preliminary Plat Map prepared for Lots #R-1, #R-2 and #R-3, G&A Development and Construction Corporation, a 44,408.3-square-foot lot**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) on Wednesday, October 6, 2021 re-opened the continued Public Hearing and continued its deliberations upon the above referenced Action; and

**WHEREAS**, the Board has received and has given consideration to the Zoning Board of Appeals decision (File ZB #0701-21) dated September 27, 2021, which results in Conditional Approval of a requested Side Yard Setback Area Variance to allow the proposed roof over-hang, for the proposed credit union building on Lot #R-2, that is to be located 18.6 feet from the south Lot Line; and

**WHEREAS**, the Board has received testimony at tonight's continued Public Hearing upon the above referenced Application (PB #0801-21).

**NOW THEREFORE BE IT RESOLVED** that the Board does hereby grant Preliminary Re-Subdivision Plat Approval for proposed Lots # R-1, #R-2 and #R-3 with the following conditions:

1. Preliminary Re-Subdivision Plat Approval for proposed Lots #R-1, #R-2 and #R-3 is based upon the Preliminary Re-Subdivision Plat Map drawing prepared by

Magde Surveying, having a date of 6/24/21, and is hereby subject to the following amendments that are to be made to the revised Preliminary Plat Map:

- a. The Project Statistics General Note 1.1 (Property Owner) is to identify the property owner as G&A Development & Construction Corporation; and
  - b. The Project Statistics General Note 1.4 (Parcel Size) is to reflect the total acreage as shown on the Plat Map for the three (3) proposed Re-subdivided Lots as being 9.976 acres, or the acreages for each of the three (3) proposed Lots are to be recalculated to show the 10.19 acres in Development Parcel that is shown on the drawing; and
  - c. The Project Statistics Zoning Regulations Note 2.2 (Town Law 280-a) is to be changed from Variance Required to Variance Granted; and
  - d. There is to be a new Note 2.5 added to the drawing to identify the Town Zoning Board of Appeals decisions, dates and conditions of approval for ZB #0701-21 and #0703-21; and
  - e. The Project Statistics Zoning Regulations Note 2.3 (Variances/Waiver) is to either further clarified by citing the file numbers and dates for granting any variance(s)/waiver(s) to the provisions of Section 165.37 (Off-street Parking and Loading) of the Farmington Town Code, or this reference is to be removed from the drawing.
2. The applicant is to provide the Town with a copy of the “24' Wide Cross-Operating Easement” that is identified on the drawing as Reference 4. This will enable to Town to determine that the variance §280-a of New York State Town Law that was granted for proposed Lot #R-2 does indeed have a right of access across not only the frontage of Lot #R-2 but Lots #R-1 and #R-3 as well.
  3. The drawing is to identify the liber and page for what appears to be a cross-operating easement, an area shown on proposed Lot #R-3 between the Burger King Restaurant building and the adjacent Lot #3 (the Aldi’s Inc. Lot) and extending into the proposed Lot #R-1.
  4. The above referenced Preliminary Re-Subdivision Plat Map is to show a Revision Box and identify all revisions made to the original map dated 6/24/21.
  5. Once these conditions of approval have been made to a revised Preliminary Plat Map drawing, then one (1) paper copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted then the four (4) identified persons will sign the drawing. The signed drawing will then be scanned by the Development Office staff with copies provided electronically to the Applicant’s Engineer and the various departments.

- 6. Once the signed Preliminary Re-Subdivision Plat Map has been returned the Applicant’s Engineer may make application to the Town for Final Re-Subdivision Plat Map approval and will be placed on a future Planning Board Meeting Agenda.
- 7. Preliminary Re-Subdivision Plat Approval is valid for 180 days from today and shall expire unless revised drawing(s) have been signed and filed in the Town Development 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; and the Applicant’s Attorney.

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

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

Motion carried.

**5. CONTINUED PRELIMINARY SITE PLAN**

**PB #0802-21 Continued Preliminary Site Plan Application**

**Name:** G&A Development and Construction Corporation, c/o Jim Stathopoulos, 101 North Street, Canandaigua, N.Y. 14424

**Location:** West side of State Route 332, south of State Route 96

**Zoning District:** GB General Business, MTOD Major Thoroughfare Overlay District, MSOD Main Street Overlay District

**Request:** Preliminary Site Plan approval to erect a 2,600-square-foot single-story financial institution upon Lot #R-2.

This application was reviewed by the Project Review Committee (PRC) on May 7, 2021; July 2, 2021; August 6, 2021; and September 3, 2021 (brief PRC discussion).

On August 4, 2021, the Planning Board classified this application as an Unlisted Action under the State Environmental Quality Review (SEQR) regulations and established the SEQR 30-day review period from August 5, 2021, to September 3, 2021.

On August 4, 2021, the consideration of the Preliminary Site Plan was continued to September 15, 2021.

On August 18, 2021, the board recalled Resolution #0802-21 (August 4, 2021) regarding the SEQR classification of the Preliminary Site Plan as an Unlisted Action and reclassified the Preliminary Site Plan as a SEQR Type II Action.

On September 15, 2021, consideration of the Preliminary Site Plan was continued to the meeting on October 6, 2021.

On October 6, 2021, consideration of the Preliminary Site Plan was continued to the meeting this evening (November 3, 2021).

Mr. Hemminger resumed the discussion on this application.

Mr. Tomlinson (Marathon Engineering), Mr. Stathopoulos (G&A Development and Construction Corporation), Mr. Goldman, Esq. (Woods Oviatt Gilman LLP) and Mr. Niemiec (LaMacchia Group) presented this application.

Mr. Tomlinson acknowledged receipt of previous comments from the Planning Board, the Town staff and MRB Group on this application. He said that these have been incorporated in the revised plans which have been submitted to the Town and also which have been discussed earlier today with Mr. Brand and Mr. Giroux regarding the boring of the shared access service road.

Mr. Tomlinson then summarized the revisions as follows:

- The interior road frontage of the property will be improved to provide for a consistent pavement width of 26 feet. Additional curbing will be constructed from the current end point and will match the existing curb.
- Mr. Stathopoulos will repair the existing potholes on the shared access service road prior to winter snowplowing. Mr. Tomlinson said that this will be preventive maintenance for this season and that the shared access service road improvements (as discussed above) will not be made this year.
- The original plans included vehicle turning movements which were calculated with a generic fire truck. Mr. Tomlinson said that vehicle turning movements were recalculated with the specifications of the actual Farmington Pierce Aerial ED808 with an overall length of 40.9 feet which were provided by the Farmington fire chief and Mr. Delpriore. Hard copies of the revised turning movement calculations and drawings were provided to the board this evening. Mr. Tomlinson said that the revised calculations [using the specifications of the actual Farmington aerial truck] show that the vehicle can maneuver through the plaza entrance off State Route 96 and around the proposed credit union building.
- Regarding an open question on light spill within a common area development, Mr. Tomlinson reviewed Town Code §165-64 (Exterior Lighting, which controls unwanted glare and light trespass onto neighboring properties, roadways and the night

sky). He referred to draft condition of approval #7a which requires that a note be added to the site plan that “. . . all site lighting associated with the drive-up teller service for the proposed credit union building shall comply with Town Code and the New York State ATM Safety Act requirements.” Mr. Tomlinson said that the revised plans show a visual-barrier fence but that the plans do not yet show the final design of this fence. He said that there are no concerns from the owner regarding the impact upon the adjacent Burger King Restaurant of headlights [from the credit union property]. Mr. Tomlinson then read aloud § 165-64 (M) Light trespass, i.e.,:

Light trespass shall be limited to the following: (1) In all zoning districts, at the pavement edge of adjoining public roads: a maximum of 0.5 footcandle, except for site access points where a maximum of one footcandle at the pavement edge is permitted.

He said that there will be no light spill at the edge of the road and that the application is in compliance [with this section of the Town Code]. He said that the right-of-way itself is actually where the 0.5 footcandle falls.

He then read aloud § 165-64 (M) (3), i.e., “Nonresidential districts: no maximum limit; however, light trespass shall be based upon adjoining uses and light levels to insure that IESNA standards are not exceeded.” He said that the IESNA and New York State ATM regulations supercede any of the spill requirements, that there are no maximum requirements, that there may be some overlapping light because the Burger King Restaurant and the proposed credit union will control their own lights, but that the area will be well lit and there are no code restrictions. Mr. Tomlinson said that he wanted to make sure that this was put on the record and that the application will be in compliance on what is being proposed.

Mr. Tomlinson acknowledged receipt of the MRB Group comment letter of November 2, 2021. He said that for the most part the engineering comments are technical in nature and that several comments are related to the lighting and to the overall concept plan. Mr. Tomlinson said that the engineering comments include requests for a Standard Detail for the hydrant unit (Final Site Plan and General Comment #2), for the construction sequence to be updated to reflect when the State Route 96 entrance improvements will be completed (Final Site Plan and General Comment #3), and for submission of a revised Stormwater Pollution Prevention Plan (SWPPP). Mr. Tomlinson said that these will be hammered out with Mr. Brabant prior to submission of the Final Site Plan. He said that they see no issues with these comments of which they cannot work through as the application moves to [the] Final [Site Plan stage].

Mr. Tomlinson referred to draft condition of approval #3 regarding the request to amend Drawing C1.0 (Layout Plan) to identify the location for the four-foot-high visual barrier, either natural or manmade, which is to be installed along the south property line between the proposed credit union building (Lot #R-2) and the adjacent Burger King Restaurant site (Lot #R-3). He said that they are working through what this fence will look like and will have the details for consideration prior to the Final Site Plan.



Mr. Tomlinson referred to draft condition of approval #4 regarding the request to add a section of five-foot-wide concrete sidewalk between the northern driveway entrance/exit and the adjacent property line (Lot #R-1). Instead of this sidewalk, he said that the applicant would like to propose the granting of a pedestrian sidewalk easement over the frontage of the lot to allow for a future sidewalk installation, but not necessarily to install a sidewalk at this time because they do not know the location of the connection and because the current configuration of the shared access service road does lend itself to a sidewalk connection immediately adjacent to the drive aisle.

Mr. Hemminger said that an easement is different from a commitment [of the applicant] to construct the sidewalk. He said that he wants to make sure that this would be both an easement and a commitment [of the applicant] to construct the sidewalk, as opposed to having the Town construct it.

Mr. Tomlinson said that it [the easement] would be on private property and that it is clearly stated by the board and the applicant that there needs to be some thought for pedestrian connectivity within the development.

Mr. Tomlinson said that they have a plan in place with Geotech Engineering and Testing to take borings to determine if any work is required on the shared access service road to bring it into compliance with the Town Code and suitability for emergency vehicles. He referred to draft condition of approval #5 which requires that Drawing C1.0 (Layout Plan) be amended to show the locations of the borings, which are required by the Zoning Board of Appeals (ZB #0703-21). Mr. Tomlinson requested that this detail be provided on the Final Site Plan because it will be a construction detail of clarification.

Mr. Tomlinson discussed draft condition of approval #7d which requires that “additional landscaping be added to the single Celebration Maple shown on Lot #R-1. There are to be at least six (6) additional Celebration Maple trees planted along the east property line between Lots #R-1 and #R-2.” Mr. Tomlinson said that he reached out to the applicant’s landscape architect who indicated that this number of maples along this area may be quite crowded and could impinge upon the area. Mr. Tomlinson said that the planting of the trees (and the possibility of having to take them down in the future if they impact upon one another) does not make sense if they face the blank wall of the plaza. Mr. Tomlinson said that they will plant the trees if the board requires it, but that it would be premature to landscape the edge [of the property] at this time with this number of trees. He said that they would like to have a discussion point with the board to determine the intention of this condition.

Regarding the entrance along State Route 96 (draft condition of approval #8) Mr. Tomlinson said that they would like to modify the island in such a way as to cut that off. He said that what they are going to do is to cut this parking back by a couple of spaces to maintain the existing 10-inch caliper tree. He said that the cost to relocate the tree would be significant and that they will actually be able to add a couple of [parking] spaces versus what they will remove (a total of three on the end) which would more than make up for the removal of the several spaces to keep the tree.

Regarding draft condition of approval #8, Mr. Tomlinson said that the revised plans address the comment that the proposed crosswalk is to have Pedestrian Crossing Signs installed and the crosswalk striping is to be maintained (Route 96 Entrance Plan, Drawing C6.0).

Mr. Niemiec said that LaMacchia Group only handles the design of financials. He said that the client [for the proposed credit union] does not yet wish to be disclosed. Mr. Niemiec described the architectural elevation renderings of the credit union building (northeast, southwest and northwest elevations, floorplan, and selected colors and materials) which were presented this evening. He said that the building design is an amalgam of the client's new branding, that the client already has a few branches in a more traditional design, and that the client wanted the Farmington location to be more modern and contemporary. He said that more contemporary colors with high contrast of beige brick with charcoal have been selected.

Mr. Niemiec said that the entry tower on the northeast corner of the building has been designed to be a focal point [of the building when viewed] from the street. He described the clarity of the glass to show the interior which will include dimensional pieces on the wall and digital marketing.

Mr. Niemiec said that apart from the traditional design of a branch, they tried to keep the large glass piece in front which is actually the lobby. The interior will include marketing pieces and the internet as ways for the [credit union] membership to come in and receive a full experience. Mr. Niemiec said that there will be no teller lines and that a pod system will be used.

He said that there will be two drive-through lanes with an option for a third lane.

Mr. Hemminger asked if the final design will be similar to the elevations. Mr. Niemiec said that the elevations represent the final version. but he said that the signage is not yet specific.

Mr. Goldman said that he will hold his comments until staff comments have been received this evening.

Mr. Brand complimented Mr. Stathopoulos on his commitment to make repairs to the shared access service road. Mr. Brand said that these repairs will be very timely and most appropriate. He also thanked Mr. Stathopoulos for listening to the complaint about the condition of the west end of the plaza, to make a correction with a different alignment, and to make a connection to the sidewalk between State Route 96 and the plaza.

Mr. Brand said that the planting of six additional Celebration Maple trees along the property line between Lots #R-1 and #R-2 (draft condition of approval #7d) was proposed because the Preliminary Site Plan is showing only one tree located on Lot #R-1 when additional trees along this portion of the overall site would be more aesthetically pleasing, and because the timing of the future development of the Lot #R-1 site is not yet known. It could be several years in the making.

He said that the the requirement of the Zoning Board of Appeals (ZBA) that a fence be installed along the south property line to separate the Burger King Restaurant and the proposed credit union building is more than just to reduce light trespass. He said that the ZBA was also looking at a security issue when requiring the fence which would discourage someone who may be waiting in the Burger King Restaurant parking lot from easily entering the credit union property and the auto teller lanes for some illegal purpose.

Mr. Brand said that he and Mr. Giroux spoke with Mr. Tomlinson today on a conference call regarding the locations of the borings which will determine the condition of the base of the shared access service road. Mr. Brand said that this is something of which Jim [Mr. Stathopoulos] must be aware as the site develops, and that the ZBA made these borings a condition of approval of the § 280-a of New York State Town Law Area Variance, which is based upon the determination that the shared access service road can sustain the vehicles (construction, delivery and emergency types) which will use the road. He said that this was the rationale for the ZBA's condition of approval.

Mr. Brand said that he has no reason to doubt that the site plan will be approved. He said that there are some things to be added which are called for by the Town Code, and that when they are [added] he sees no reason that the Planning Board cannot move on the Preliminary and the Final Site Plans.

Mr. Brand said that Mr. Delpriore has indicated that the proposed building-mounted and monument signs are large and may require zoning variances. He said that the applicant should get moving on this now.

Mr. Delpriore said that the signage seems to be too large and may exceed the Town Code dimensions. He requested that the applicant review the Major Thoroughfare Overlay District (MTOD) and Main Street Overlay District (MSOD) regulations for signage.

Mr. Delpriore also said that the Town fire marshal has not yet reviewed in detail the revised emergency vehicle turning calculations but that the calculations seem to work on paper. He said that the Town staff seeks to perform its due diligence and that the fire marshal will consult with the Town fire chief on the revised calculations which were submitted today.

Mr. Delpriore informed the applicant that the Town Code was amended last month by the Town Board and that the proposed credit union building will require fire suppression sprinklers. He also said that the Water and Sewer Department is questioning whether the size of the water line coming into the building will be of a large enough diameter to accommodate a sprinkler system.

Mr. Giroux said that the borings will determine if the consistency of the shared access service road is of such structure that it will withstand the traffic of the credit union after it is built and the use of the road by construction vehicles. He said that if it [the road] is questionable now, it may be gone [in the future], and this is the reasoning for checking the base now.

Mr. Hemminger said that the borings and the condition of the shared access service road must be determined and mitigated [if necessary] before the board will approve the Final Site Plan.

Mr. Brabant said that all MRB Group Preliminary Site Plan comments have been addressed. He said that these comments included the topics of lighting, access from State Route 96, construction sequencing and the designation of an appropriate staging area. He said that comments on stormwater and the SWPPP can be addressed at the Final Site Plan stage.

Mr. Delpriore said that the comments about the installation of fire suppression sprinklers were discussed by Mr. Sweeney at a previous meeting and that this was the impetus for the Water and Sewer Department to inquire about the diameter of the water line which will serve the credit union building. He also said that Mr. Sweeney's comment about the installation of a Knox Box (wall mounted safe for emergency access keys) will be considered at the time of the application of the building permit.

Mr. DeLucia said that he is pleased with the revisions to the plan thus far. He said that his previous concern regarded the access onto the applicant's property from State Route 96, that the Town staff review was complete with their comments, and that he appreciates and likes the design of the building.

Mr. Viets asked about the height of the canopy if a third teller lane were to be added in the future. Mr. Niemiec said that the canopy would not be extended. He said that it is as far as it will go.

Mr. Viets asked about the monument sign in front. Mr. Tomlinson said that he and Mr. Niemiec will work with Mr. Delpriore to avoid a Town Code issue and to avoid having to apply for a variance. Mr. Tomlinson said that they cannot submit the sign application until the client's name is disclosed. Mr. Niemiec said that they will calculate the square footage of the sign [when the client's name is disclosed].

Mr. Viets asked if there will be both a monument sign and a building-mounted sign. Mr. Niemiec said yes. He reviewed the design of the signs on the hard copies and on the video screen. Mr. Niemiec said that the square footage can be adjusted [to avoid having to apply for an area variance].

Mr. Niemiec said that the existing Burger King Restaurant sign is located in the green area between the shared access service road and State Route 332. He said that they wish to keep the credit union sign also within this area and in alignment with the Burger King Restaurant sign.

Mr. Bellis asked if there would be light spillage over the shared access service road and onto State Route 332. Mr. Tomlinson said that there could be. He said that light spillage goes to the right-of-way. He also said that there are several existing light poles [along the shared access service road]. Mr. Tomlinson reviewed the location of the sidewalk and the

light spill. He said that the lighting from the credit union will provide additional illumination and vehicular safety at night, and will add to the existing lighting which is now provided by the ALDI Supermarket and the Burger King Restaurant.

Mr. Bellis said that he preferred that this evening's application for Preliminary Site Plan approval be continued to a subsequent meeting to provide the time to make sure that everything is checked.

Mr. Hemminger said that the building elevation renderings are important, that fire suppression sprinklers are required by the Town Code, and that the applicant must make sure that there is enough water [to serve the building and the sprinklers]. He said that he was pleased that the applicant had a good discussion with the Town staff on the location of the road borings. Mr. Hemminger said that he did not have a problem with approving the Preliminary Site Plan with a condition that the borings on the shared access service road must be completed, but he said that the board will not approve the Final Site Plan if it were to be determined that the shared access service road must be replaced.

Mr. Hemminger also requested that the applicant take a look at the north side for screening.

He then reviewed the timeline for future meetings. He said that the Preliminary Site Plan application could be placed on the agenda of the December 1, 2021, meeting if the revised materials are submitted to the Development Office by November 17, 2021, and are all in order.

Mr. Brand re-emphasized the signage issue. He said that the Ontario County Planning Board has a standing policy that a variance for a sign along major highways in the County will automatically be denied. He said that this places a burden on the local Planning Board that a majority + 1 vote of the board is required to override the County's recommendation of denial. He requested that the applicant look closely at the size of the signs to avoid a variance. Mr. Niemiec said that it is not their intention to apply for a sign variance.

Mr. Brand also requested that the applicant come up with an alternate internal vehicle circulation (as the build-out of the site moves forward) to avoid a sidewalk between State Route 332 and the credit union building, and to increase the green space on the site. He said that most customers would probably drive to the credit union and would not be walking to it. Mr. Hemminger said that this is a good idea and that he would rather have a commitment [from the applicant] to construct the sidewalk when it is needed. Mr. Tomlinson said that there are ADA requirements and that access for ADA compatibility must be provided.

Mr. Delpriore reminded the applicant that the Town Code requires that landscaping is required around any non-building-mounted signs.

Mr. Hemminger referred to previous comments by Mr. Sweeney regarding the condition of the area behind the existing plaza, such as screening of dumpsters. Mr. Hemminger requested that the applicant make sure that these concerns are reflected in the revised plans.

Mr. Stathopoulos said that they will arrange to meet with Mr. Delpriore and the Town staff to determine what the Town would like them to do [regarding the condition of the back of the plaza].

Mr. Hemminger said that he wanted to make sure that the applicant understands that the board is “pro” on this application. He said that the board wants this expansion into the Town but that the board wants to do everything as consistently as it can. He said that this area [of the Town] is considered the “Gateway to the Finger Lakes,” that this is a “gateway” project, that it is important that the board address it as a “gateway” project, and that the board takes as much time as needed to make it a “gateway” project. He said that the board is “pro” but that board wants it done right.

Mr. Goldman said that he appreciates Mr. Hemminger’s comments and the cooperation which they have had from the Town staff and the board on a variety of topics [related to this application]. He said that they are working through a number of these issues and that although they thought that they would have a conditional Preliminary Site Plan approval this evening, he would like to make sure that they capture everything [which has been requested]. He asked if the Project Review Committee on Friday, November 5, 2021, would be a good time to have a definitive compilation of what the board is looking for to enable the applicant to meet the November 17th date [for submission of the revised materials].

Mr. Hemminger said that the minutes of this evening’s meeting will reflect the discussion and that Mr. Delpriore will also have the details of what has been requested.

Mr. Tomlinson said that he is not hearing that a great deal of information must be added. He listed the items to be provided as follows:

1. Reservation of the sidewalk easement and the applicant’s commitment to construct the sidewalk.
2. Additional landscaping to be added to the single proposed Celebration Maple tree shown on Lot #R-1 along the property line between Lots #R-1 and #R-2.
3. The design of the visual-barrier fence (or screening).
4. The adequate size of the water service and installation of sprinklers.
5. Location of the borings on the shared access service road.

Mr. Hemminger said that the Preliminary Site Plan could be approved at the Planning Board meeting on December 1, 2021, if the revised materials are submitted by November 17, 2021, and if everything is in order.

Mr. Delpriore said that November 17th is the deadline but that the Development Office staff always would like to have the material sooner. He also summarized the items which have been required to be submitted by the application (*see* paragraph above).

Mr. Delpriore said that questions can also be clarified at the PRC meeting on Friday, November 5, 2021.

Following discussion, the following amendments were offered to the draft Preliminary Site Plan resolution:

Revised Condition #4: Drawing C1.0 (Layout Plan) is to be amended to show a ten-foot-wide pedestrian easement that is to be granted by the Applicant (Lot #R-2) to the owner of Lot #R-1 for the future construction of a five-foot-wide concrete sidewalk by the owner of Lot #R-1 between the northern driveway entrance/exit for the proposed credit union site (Lot #R-2) and the adjacent south property line (Lot #R-1), as part of further development of the remaining lands of the plaza. Construction of this section of sidewalk is to include all of the following design elements (e.g., ADA compliance, crosswalk striping of the driveway, Town Site Design and Development Criteria, etc.). The liber and page for this filed easement is to be provided to the Town prior to issuing a Certificate of Occupancy for the proposed development of Lot #R-2.

Revised Condition #7d: There is to be additional landscaping added to the single proposed Celebration Maple shown on Lot #R-1 along the property line between Lots #R-1 and #R-2.

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

Mr. Hemminger then asked if anyone on the Zoom video conference wished to comment or to ask questions on this application. 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. BELLIS, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as amended:

**FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SITE PLAN APPLICATION—CONTINUATION**

**PB #0802-21**

**APPLICANT:**           **Jim Stathopoulos, c/o G&A Development and Construction Corporation, 101 North Street, Canandaigua, N.Y. 14424**

**ACTION:**               **Preliminary Site Plan Approval, Lot #R-2, to develop a 2,600-square-foot single-story financial building 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 #0802-21).

**NOW THEREFORE BE IT RESOLVED** that the Board does hereby move to table any action being taken upon this application for Preliminary Site Plan Approval for Lot #R-2 and related site improvements on land comprising the Farmington Commons Plaza Site to allow the Applicant and the Applicant's Engineer the opportunity to provide the following additional information required by the provisions of the Farmington Town Code (Chapter 165-100) and the Major Thoroughfare Overlay District (MTOD) Site Design Guidelines, a part of Local Law Number 6 of 2009 to constitute a complete application:

1. Drawing CO.1 (Overall Concept Layout Plan) and CO.2 (Overall Concept Utility Plan) are to be amended to reflect the 100-foot Front Setback to the proposed building from the right-of-way along this portion of State Route 332.
2. Drawing CO.3 (Notes, Statistics and Legends) is to be amended to conform with the conditions of Preliminary Re-Subdivision Plat Approval (PB #0801-21).
3. Drawing C1.0 (Layout Plan) is to be amended to identify the location for the four-foot-high visual barrier, either natural or manmade, that is to be installed along the south property line between the proposed credit union building to be constructed (Lot #R-2) and the adjacent Burger King Restaurant Site (Lot #R-3).
4. Drawing C1.0 (Layout Plan) is to be amended to show a ten-foot-wide pedestrian easement that is to be granted by the Applicant (Lot #R-2) to the owner of Lot #R-1 for the future construction of a five-foot-wide concrete sidewalk by the owner of Lot #R-1 between the northern driveway entrance/exit for the proposed credit union site (Lot #R-2) and the adjacent south property line (Lot #R-1), as part of further development of the remaining lands of the plaza. Construction of this section of sidewalk is to include all of the following design elements (e.g., ADA compliance, crosswalk striping of the driveway, Town Site Design and Development Criteria, etc.). The liber and page for this filed easement is to be provided to the Town prior to issuing a Certificate of Occupancy for the proposed development of Lot #R-2.



5. Drawing C1.0 (Layout Plan) is to be amended to show the locations of the boring made along the shared access service road as required by the Town Zoning Board of Appeals (ZB #0703-21) and a Note added to this drawing identifying the results.
6. Drawing C1.0 (Layout Plan) is to be amended to identify the liber and page for the filed cross access driveway easement for all three (3) Lots.
7. Drawing C4.0 (Lighting and Landscaping Plan) is to be amended as follows:
  - a. There is to be a note added to the drawing that reads . . . “All site lighting associated with the drive-up teller service for the proposed credit union building shall comply with Town Code and the New York State ATM Safety Act requirements.”
  - b. There is to be additional landscaping shown in the area between the two driveways and across the site’s frontage along the shared access driveway.
  - c. There is to be additional landscaping shown in the rear portion of the site in the area around the proposed “Green Infrastructure Area.”
  - d. There is to be additional landscaping added to the single proposed Celebration Maple shown on Lot #R-1 along the property line between Lots #R-1 and #R-2.
  - e. The proposed parking lot pole light (PK33) shown near the northwest corner of the proposed building does not agree with the location shown on the Overall Concept Utility Plan (CO.2). These two drawings should be consistent with light pole locations.
  - f. Drawing C4.0 is showing a light pole (PK 53) that is located in the southwest corner of Lot #R-2 and appears to serve no purpose except for illuminating future development on Lot #R-1, a portion of the Burger King Parking lot and the ‘Green Infrastructure’ area of Lot #R-2.
  - g. Drawings CO.2 and C4.0 are showing three (3) building mounted light fixtures that are not described anywhere on the drawings. Also, these three light fixtures do not appear to be reflected in the illumination pattern shown on Drawing C4.0. Either remove these fixtures or provide details on the drawing.
8. The Route 96 Entrance Plan (C6.0) is to be amended by showing the relocation of the northern 10-inch caliper tree, instead of its removal, to a new location between the proposed seven (7) new parking spaces and the existing driveway entrance/exit to State Route 96. In addition, the proposed crosswalk is to have Pedestrian Crossing Signs installed and the crosswalk striping is to be maintained.

- 9. There are to be separate drawing(s) provided that identify the Architectural Design Characteristics for the proposed credit union building which are consistent with the guidelines provided for in Local Law Number 6 of 2009 and last amended by the Planning Board February 19, 2020.

**BE IT FURTHER RESOLVED** that once all of these amendments have been made to the set of drawings 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 continue its deliberations at a future meeting.

**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; and the Applicant’s Attorney.

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

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

Motion carried.

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

**PB #1101-21 New Final Re-Subdivision Plat Application**

**Name:** Gardner N. Soule, Jr., 415 Cline Road, Victor, N.Y. 14564

**Location:** 415 and 417 Cline Road

**Zoning District:** A-80 Agricultural

**Request:** Final Two-Lot Re-Subdivision approval of land identified as 415 and 417 Cline Road Lot #109 containing a total of 4.974 acres of land, and as further to be identified as Lands Owned by Gardner N. Soule Jr. and Sally E. Soule. The proposed Action involves creating Lot #R109-A consisting of 2.940 acres and Lot #R109-B consisting of 2.034 acres.

The State Environmental Quality Review (SEQR) determination for this application (Negative Declaration) and the Preliminary Two-Lot Re-Subdivision Plat were approved by the Planning Board on June 16, 2021.

Gardner and Sally Soule presented this application in the meeting room.

Mr. Soule said that an inspection of the seepage pit has been scheduled for two weeks from tomorrow. He acknowledged that this inspection must be completed and approved in accordance with the Town Code prior to the issuing of a Certificate of Occupancy for Lot #2. Mr. Brand said that the inspection and approval of the on-site wastewater treatment facility (septic tank and seepage pit) have been included in Condition #2 on the draft Final Subdivision Plat approval resolution which has been prepared for the board's consideration this evening.

Mr. Delpriore also acknowledged this required inspection. He said that the applicant is working toward this, that the applicant's surveyor has submitted a note in which he indicated that he will comply with the draft conditions of approval, and that he [Mr. Delpriore] has no changes to the draft resolution.

Mr. Brabant asked if the subdivision plat shows the sewer connection to both lots. Mr. Delpriore said that the back lot will have a seepage pit. Mr. Brabant said that he is okay with this.

Mr. Hemminger asked 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 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.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
FINAL SUBDIVISION PLAT**

**PB # 1101-21**

**APPLICANTS: Gardner and Sally Soule, 415 Cline Road, Victor, N.Y. 14564**

**ACTION: Final Two Lot Subdivision Plat Approval of land located along the east side of Cline Road, North of Gillis Road.**

**WHEREAS**, the Planning Board has tonight conducted a public meeting upon this proposed Action; and

**WHEREAS**, the Planning Board has given consideration to the public hearing record and to the Ontario County Planning Board referral #120-2021, dated June 9, 2021, on this Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve of the Final Subdivision Plat application with the following conditions:

1. Final Subdivision Plat Approval is based upon the drawing prepared by R Morris Surveying, PLS, PLLC dated 10/11/21, Project No. 03454 Final, entitled “Final Plat of Lot #1 & #2 of the Gardner N., Jr. & Sally E. Soule Subdivision,” as is hereby amended by these conditions of approval contained below herein.
2. There is to be no Certificate of Occupancy issued for Lot #2 until the on-site wastewater treatment facility (septic tank and seepage pit) have been inspected and approved in accordance with the provisions of Chapter 126 of the Farmington Town Code.
3. There is to be a note added to the Final Subdivision Plat Map to this effect.
4. Once all of the above conditions of Final Subdivision Plat Approval have been made on the drawings one (1) copy of the drawing is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a mylar of the Final Subdivision Plat Map is to be submitted to the Town for signing.
5. Once signed, the Applicant’s Surveyor is to provide signed copies to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Engineer; and the Town Development Office.
6. Once the mylar is signed, then the mylar and two (2) paper prints of the Final Plat Map are to be filed in the Ontario County Clerk’s Office within 62 days of signing by the Planning Board Chairperson. Failure to file the final plat within this time period shall make the Planning Board Chairperson’s signature null and void and a revised date will need to be affixed to the map. Then copies of the amended Final Plat Map are to be made and filed with those listed above herein.
7. Final Subdivision Plat Approval is valid for a period of 180 days and shall expire unless renewed by the Planning Board, or the required town signatures have been placed on the revised drawings.

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

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

Motion carried.

Following the vote, Mr. Soule said that he will contact Mr. Delpriore to be sure that the inspection report is provided to the Town. Mr. Hemminger said that the subdivision plat will be signed when the inspection report indicating the approval of the seepage pit is received in the Development Office.

## 7. NEW PRELIMINARY SITE PLAN

### **PB #1002-21                      New 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).

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 plan to construct a single-family residence on proposed Lot #2 which will be located on the north side of Fox Road, west of Yellow Mills Road. He asked if the Final Subdivision Plat and the Preliminary Site Plan were to be approved this evening.

Mr. Hemminger said that only the Preliminary Site Plan application is being considered this evening.

Mr. Brand said that it is his understanding that the Development Office is awaiting the submission of the revised Preliminary Two-Lot Subdivision Plat. Upon submission of the revised plat by the applicants' engineer, it will be reviewed to determine compliance with the conditions of Preliminary Two-Lot Subdivision Plat approval, and if so, the Preliminary Plat will be signed and the applicants may then apply for Final Two-Lot Subdivision Plat approval.

Mr. Delpriore confirmed that that the Development Office is awaiting the revised Preliminary Two-Lot Subdivision Plat for review. He said that only the Preliminary Site Plan is on this evening's agenda.

Mr. Greene asked if there were any questions on the Preliminary Site Plan application.

Mr. Brand said that the draft resolution which has been prepared for the board's consideration this evening indicates that the Planning Board does not accept Part 1 of the State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF) which had been submitted by the applicants' engineer. He said that the resolution includes three items which must be corrected prior to the board's determination that Part 1 of the Short EAF is complete and that the environmental record on this application can be completed.

Mr. Hemminger confirmed that the board does not have a complete SEQR Part 1 Short EAF. He requested that the applicants' engineer address this and provide a complete Part 1 prior to the deadline of the next meeting to enable the board to move forward with the SEQR determination and the consideration of the Preliminary Site Plan application.

Mr. Greene said that he thought that the project engineer had submitted the requested changes to the Part 1 Short EAF.

Mr. Delpriore asked when the changes might have been submitted.

Mr. Greene said that the changes were submitted a couple of days ago. He said that they [the changes] were just a couple of minor items.

Mr. Brand said that any minor incorrect items in the SEQR process are subject to issues of not having a complete and acceptable environmental review. He said that the board is looking for a complete and accurate SEQR Part 1 EAF.

Mr. Hemminger asked if the submission of the changes can be verified, or if not, that the applicants' engineer resend the changes to the Development Office.

Mr. Greene asked that the changes be explained for his clients (who were on the Zoom video conference).

Mr. Brand then read aloud from the draft resolution the corrections which are required to the SEQR Part 1 EAF:

- a. The name of Action or Project is to be "Preliminary Site Plan, Lot #2, James and Nancy Falanga Subdivison."
- b. The Brief Description of Proposed Action is to read "Preliminary Site Plan Approval, Lot #2, containing a total of 6.329 acres of land, for a single-

family dwelling with public water supply and private on-site wastewater treatment system.”

- c. The date of the amended Part 1 is to read some date in 2021.

Mr. Greene said that the changes had been resent back [to the Development Office].

Mr. Bellis said that even if the changes were received a day or two ago, the packets for this evening’s board meeting had already been prepared and the board would not have been able to consider them at the meeting tonight.

Mr. Delpriore asked Mr. Greene who sent the changes [to the Development Office].

Mr. Greene said that the changes were sent by Mike Sponable [the project engineer].

Mr. Delpriore said that he will check his email but that he has not seen an email from Mr. Sponable.

Mr. Greene said that it looks like we are splitting hairs.

Mr. Hemminger said that the board takes SEQR seriously and that he apologizes if he [Mr. Greene] thinks that this is minor.

Mr. Brabant said that MRB Group issued an engineering comment letter on this application on October 29, 2021. He noted that a carry-over from the subdivision application is that the subdivision plat must be stamped and signed prior to signatures.

Regarding the site plan application, Mr. Brabant said that the engineering comments relate to erosion and sediment control notes which must be added to the plan.

Mr. Hemminger asked if anyone in the meeting room wished to speak on this application or to ask questions. Mr. Hemminger then confirmed that other than the board members and Town staff, there were no citizens 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.

Mr. Delpriore said again that he checked his email and that he does not see an email from Mr. Sponable. He said that he will check with the Development Office staff in the morning (on the receipt of the requested changes to the Preliminary Site Plan resolution).

Mr. Hemminger said that the key for the applicants and their engineer is to provide the required information for the SEQR Part 1 EAF which will enable the board to complete the environmental record and begin consideration of the Preliminary Site Plan. He re-

quested that Mr. Greene reach out to Mr. Delpriore and to Mr. Brand if he has any questions on the procedure.

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

■ A motion was made by MR. VIETS, 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  
PRELIMINARY SITE PLAN APPROVAL LOT #2, JAMES AND NANCY FALANGA  
SUBDIVISION  
SEQR CLASSIFICATION**

**PB #1002-21**

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

**ACTION: State Environmental Quality Review (SEQR) Classification of a  
Preliminary Site Plan Approval for Lot #2 of the James and  
Nancy Falanga Subdivision located along the north side of Fox  
Road and the west side of Yellow Mills Road**

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

**WHEREAS**, the above referenced Action involves preliminary site plan approval for Lot #2 of the James and Nancy Falanga Subdivision, containing a total of 6.329 acres of land; and

**WHEREAS**, the applicants are proposing to construct a detached single-family dwelling and a related on-site wastewater management facility upon approximately .99 acres of the total 6.329 acre site; and

**WHEREAS**, the Board has completed its review of the classifications for Actions contained in § 617.4 and § 617.5 of the New York State SEQR Regulations, a part of the New York State Environmental Conservation Law (ECL), article 8; and

**WHEREAS**, the Board has also reviewed the Part 1 of the Short Environmental Assessment Form that has been prepared and submitted by the Applicant’s Project Engineer, Michael G. Sponable, dated 9/8/01.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby classify the above proposed Action as being an Unlisted Action, under the provisions of Part 617 of the ECL.



**BE IT FURTHER RESOLVED** that Unlisted Actions are subject to review under Part 617 of the ECL and a determination of significance must be made prior to the Board taking Action.

**BE IT FURTHER RESOLVED** that the Board does not accept the Part 1 referenced above and directs the following corrections to be made to said amended Part 1 of the Short Environmental Assessment Form:

- a. The name of Action or Project is to read “Preliminary Site Plan, Lot #2, James and Nancy Falanga Subdivision.”
- b. The Brief Description of Proposed Action is to read “Preliminary Site Plan Approval, Lot #2, containing a total of 6.329 acres of land, for a single-family dwelling with public water supply and private on-site wastewater treatment system.”
- c. The date of the amended Part 1 is to read some date in 2021.

**BE IT FURTHER RESOLVED** that upon receipt of an amended Part 1, in the manner specified above herein, the Board will at a future public meeting determine if it is complete. Once the Board has made such a determination then it will continue its review of the potential impacts associated with the proposed Unlisted Action, which will include the preparation of Parts 2 and 3 of the State’s Environmental Assessment Forms. Once these Forms have been reviewed and accepted by the Board as part of a future public meeting, then the Board may consider the Criteria set forth in § 617.7 of the State’s SEQR Regulations in making its required Determination of Significance.

**BE IT FINALLY RESOLVED** that the Board recognizes that compliance with the State’s SEQR Regulations must first be satisfied before it may act upon any proposed Action and does hereby declare this application to be incomplete.

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

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

Motion carried.

**8. PLANNING BOARD ACTION ITEM**

**Letter of Credit Establishment—Auburn Meadows Subdivision Section 8S:**

■ 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  
AUBURN MEADOWS SUBDIVISION INCENTIVE ZONING PROJECT  
LETTER OF CREDIT ESTABLISHMENT—SECTION 8S**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated October 29, 2021, from Lance S. Brabant, CPESC, Director of Planning and Environmental Services, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for site improvements to be located within the above referenced project; and

**WHEREAS**, said request has also been reviewed and accepted by the Town Construction Inspector; and

**WHEREAS**, the Planning Board has also received and reviewed the Letter of Credit along with the Applicant’s Engineer’s Estimates of Value attachment thereto; and

**WHEREAS**, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested establishment of the Letter of Credit.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to establish of Letter of Credit in the total amount of \$886,779.37.

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

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

Motion carried.

## 9. OPEN DISCUSSION

### ***Director of Development and Planning Report:***

Mr. Brand reported on the following topics:

- 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 Reports, 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).

- The Comprehensive Plan Update Committee conducted a Public Hearing on the draft 2021 Comprehensive Plan Update on October 28, 2021. The draft has been posted on the Town website and will be referred to the Town Board on Tuesday, November 9, 2021, to begin the adoption process which will include the first of two Town Board Public Hearings, followed by a referral to the Ontario County Planning Board, and finally a second Town Board Public Hearing.

***Code Enforcement Officer:***

Mr. Delpriore reviewed the agenda for the Planning Board meeting on November 17, 2021, as follows:

PB #0703-21 Loomis Road Industrial Park Preliminary Site Plan (Lot #4)

PB #0804-21 Loomis Road Industrial Park Special Use Permit

PB #1002-21 James and Nancy Falanga Preliminary Site Plan

PB #1102-21 Gerstner Medical Final Two-Lot Subdivision

PB #1103-21 Gerstner Medical Final Site Plan

Mr. Delpriore said that Supervisor Ingalsbe met with the Loomis Road Industrial Park applicants who said that they plan to develop the Loomis Road Industrial Park but that they cannot move forward immediately due to several other ongoing projects. Mr. Bellis said that it would be wise to ask the applicants to provide a date to which the application should be continued [to avoid having monthly continuation resolutions]. Mr. Hemminger said that the board understands that the applicants have other projects in progress at this time, that the Town looks forward to this development, and that the board will continue the consideration of the applications when the applicants are ready.

***Highway and Parks Superintendent:***

Mr. Giroux said that Town Highway Department crews have been working to improve local drainage swales and pipes following the recent heavy rains. He also said that the equipment is now being prepared for the winter snowplowing season.

***Board Members' Comments:***

Mr. Hemminger extended appreciation to Mr. Brand, to Mr. Delpriore and the Development Office staff, to Mr. Robertella, and to Mr. Brabant and MRB Group for their work on the two-year Delaware River Solar Article 78 Proceeding which had been brought by James and Nancy Falanga, Daniel Geer and James Redmond against the Planning Board, Roger and Carol Smith (the property owners) and Delaware North (the applicant) regarding the proposed solar farm on the Smith property on the southwest corner of Fox Road and Yellow Mills Road. Mr. Hemminger reported that Ontario County Supreme Court Justice Doran ruled in favor of the Planning Board in a decision which was issued on October 29, 2021 (State of New York, County of Ontario, Supreme Court, Index #126079-2019). Mr. Hemminger said that the Planning Board appreciates that the entire staff pulled together throughout the process and that this was a great lesson which showed that the board did the right thing and asked the right questions.

Mr. Bellis asked about the status of construction progress at the Meyer's RV site on the northeast corner of State Route 96 and Mertensia Road and at the Auto Wash Car Wash site on the opposite corner. Mr. Delpriore said that both sites are awaiting the paving of the top course. Mr. Giroux said that the asphalt plants may continue in operation into December if the weather cooperates.

Mr. Delpriore said that Dunkin' Donuts on State Route 332 is closed for several weeks for interior remodeling. He said that the exterior commercial speech sign will be changed but that an application to the Planning Board is not required because the size and the location of the sign on the site will not change.

**10. PUBLIC COMMENTS**

None.

**11. 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](mailto: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>

**12. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:30 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, November 17, 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,

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