

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, October 20, 2021 • 7:00 p.m.

MINUTES—APPROVED

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

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

Board Members Present: Douglas Viets, *Acting Chairperson*
Adrian Bellis
Timothy DeLucia
Aaron Sweeney

Board Member Excused: 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

Applicants Present at the Town Hall:
None

Applicants Present via Zoom Video Conference:
Dylan, 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/unidentified

Others Present via Zoom Video Conference:
None/unidentified

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Acting Chairperson Doug Viets.

Mr. Viets 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 6, 2021

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the minutes of the October 6, 2021, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, October 13, 2021:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 20th day of October 2021 commencing at 7:00 p.m. in the Farmington Town Hall, Main Meeting Room, 1000 County Road 8, Farmington, N.Y. 14425, for the purpose of receiving testimony and giving consideration to the application of:

PB #1001-21: JAMES AND NANCY FALANGA, 395 ELLSWORTH ROAD, PALMYRA, N.Y. 14522: Preliminary Two-Lot Subdivision Plat approval of land identified as Tax Map Account 10.00-1-70.000 containing a total of 95.7 acres of land, and as a further to be identified as Subdivision Plan of Land owned by James J. and Nancy A. Falanga for Lot 1 and Lot 2. The proposed Action involves creating Lot 1 consisting of 89.371 acres and Lot 2 consisting of 6.329 acres. Both lots are to remain vacant as non-approved building lots requiring site plan approval before any Building Permits may be issued. The property is located on the north side of Fox Road, west of Yellow Mills Road, and is zoned A-80 Agricultural District.

ALL PARTIES IN INTEREST will be given an opportunity to be heard in respect to such application. Persons may appear in person or by agent or via Zoom.

Edward Hemminger, Chairperson
Planning Board

4. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN**PB #0703-21 Continued Public Hearing: Preliminary Site Plan Application**

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

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

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

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

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

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

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

On September 15, 2021, the Planning Board continued the Public Hearing on the Preliminary Site to the meeting this evening (October 20, 2021).

Mr. Viets reconvened the Public Hearing.

Mr. Delpriore said that he spoke with the applicant and the applicant's engineer who said that the applicant is currently working on a project in Victor, N.Y., which is taking more time than expected. Mr. Delpriore said that the applicant is asking the Planning Board to continue the consideration of the application to provide time for them to prepare a complete application.

Mr. Delpriore said that a resolution has been prepared for the board's consideration this evening to continue the Preliminary Site Plan application to November 17, 2021.

He also said that the applicant's engineer has been requested to provide an update to the Town staff at the Project Review Committee meeting to be held on Friday, November 5, 2021.

Mr. Viets asked if anyone on the Zoom video conference wished to speak for or against this application, or to ask questions. (There were no applicants or citizens in the meeting room.) 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. 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
PRELIMINARY SITE PLAN—CONTINUATION OF DELIBERATIONS**

PB #0703-21

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

**ACTION: Continuing the public hearing and the Board's deliberations
upon this Action to Wednesday, November 17, 2021**

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

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

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

WHEREAS, the Applicant's Project Engineer, Connor Kilmer, DDS Companies, in a letter dated October 11, 2021, to the Town Planning Board Chairperson, has requested a continuation of this public hearing to Wednesday, November 17, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to table any further discussion upon this Action at tonight's meeting, to continue the Public Hearing

hereon to Wednesday, November 17, 2021, commencing at 7:00 p.m.; and to continue further public discussion and Board deliberation at that time.

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

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

Motion carried.

5. CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT

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

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

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

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

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

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

Also on September 15, 2021, the Planning Board continued the Public Hearing on the Preliminary Site to the meeting this evening (October 20, 2021).

Mr. Viets reconvened the Public Hearing.

Mr. Delpriore referred to his comments earlier this evening regarding the Loomis Road Industrial Park Preliminary Site Plan. He said that the applicant and his engineer have requested that the consideration of the Special Use Permit also be continued to November 17, 2021, to run concurrently with the board’s consideration of the Special Use Permit.

Mr. Viets asked if anyone on the Zoom video conference wished to speak for or against this application, or to ask questions. (There were no applicants or citizens in the meeting room.) 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. SWEENEY, 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
SPECIAL USE PERMIT AND CONTINUATION OF DELIBERATIONS**

PB #0804-21

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

**ACTION: Continuing the public hearing and the Board’s deliberations
upon this Action to Wednesday, November 17, 2021**

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

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

WHEREAS, the Board has tonight received testimony on the above referenced applica- tion; and

WHEREAS, the Applicant’s Project Engineer, Connor Kilmer, DDS Companies, in an letter dated October 11, 2021, to the Town Planning Board Chairperson, has requested a continuation of this public hearing to Wednesday, November 17, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to table any further discussion upon this Action at tonight’s meeting, to continue the Public Hearing hereon to Wednesday, November 17, 2021, commencing at 7:00 p.m.; and to continue further public discussion and Board deliberation at that time.

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

Adrian Bellis Aye
Timothy DeLucia Aye

| | |
|------------------|---------|
| Edward Hemminger | Excused |
| Aaron Sweeney | Aye |
| Douglas Viets | Aye |

Motion carried.

6. NEW PUBLIC HEARING: PRELIMINARY TWO-LOT SUBDIVISION

PB #1001-21 New Public Hearing: Preliminary Two-Lot Subdivision 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 Two-Lot Subdivision Plat approval of land identified as Tax Map Account 10.00-1-70.000 containing a total of 95.7 acres of land, and as afurrther to be identified as Subdivision Plan of Land owned by James J. and Nancy A. Falangaa for Lot 1 and Lot 2. The proposed Action involves creating Lot 1 consisting of 89.371 acres and Lot 2 consisting of 6.329 acres. Both lots are to remain vacant as non-approved building lots requiring site plan approvala before any Building Permits may be issued.

Mr. Viets opened the Public Hearing on this application.

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

Dylan Falanga said that this application involves the two-lot subdivision of land for a future house project. He said that Mr. Greene has been hired to survey the land and to create the site plan.

Mr. Brand said that this evening’s application involves creating two lots on the north side of Fox Road, west of Yellow Mills Road, in the A-80 Agricultural Zoning District, i.e., proposed Lot #1 consisting of 89.371 acres and proposed Lot #2 consisting of 6.329 acres. He said that the applicants are requesting approval for non-buildable lots at this time. Mr. Brand said that no details on water or septic have been submitted at this stage.

Mr. Delpriore said that the Ontario County Planning Board determined this application to be an Exempt Action. He referred to the analysis provided by the Ontario County Senior Planner (*see* Preliminary Two-Lot Subdivision resolution, pp. 11–14).

Mr. Delpriore said that the Town staff has completed a review of the application and that the staff's comments have been addressed in the draft Preliminary Two-Lot Subdivision resolution which has been prepared by Mr. Brand for the board's consideration this evening.

Mr. Delpriore also said that the applicant plans to submit the Preliminary Site Plan application following the approval of the Preliminary Subdivision application. Mr. Delpriore said that both the final subdivision and the final site plan applications will then move concurrently through the Planning Board process. Procedurally, he said that the consideration this evening is only regarding the subdivision. He said that he is aware that there are questions about the site plan, but that [the process] is to take one thing at a time.

Mr. Brabant said that MRB Group issued an engineering comment letter on October 15, 2021 (*see* MRB Group letter in the project file). He said that the engineering comments were minor in nature and that the applicant's surveyor provided a response letter on October 18, 2021, in which the surveyor indicated that the comments will be addressed. Mr. Brabant said that he had no other comments related to the subdivision at this time.

Mr. Viets asked if anyone on the Zoom video conference wished to speak for or against this application, or to ask questions. (There were no applicants or citizens in the meeting room.) There were no requests from those on the Zoom video conference.

Mr. Sweeney discussed the forest area on the parcel. He asked how much of the forested land will be cut, compared to how much is there now. Mr. Brand said that this question refers to details which will be discussed when the Preliminary Site Plan is considered by the board. Mr. Brabant said that the State Environmental Quality Review (SEQR) resolution to be considered this evening is related only to the Preliminary Subdivision. He said that the site plan involves the disturbance of land and possible clearing of trees, and that another SEQR resolution for the site plan will be specific to that application and pertaining to that aspect [of the project].

Mr. Brabant said that he has not yet seen the site plan [for the new house]. He said that the application this evening is for the subdivision of the land, which involves only lines on a drawing with no actual disturbance [on the site]. He said that Mr. Sweeney raises a good question regarding the land disturbance. Mr. Sweeney said that he will hold this question for the site plan discussion [at a future meeting].

Mr. Bellis, Mr. DeLucia and Mr. Viets had no comments on the subdivision this evening.

Mr. Bellis said that if the applicants [James and Nancy Falanga] are okay with the draft resolutions, then the board could move on this application this evening.

Mr. Brabant said that there is water available [to the site], which is one of the elements which we [the Town] look for in a subdivision application, and potentially accessible driveways and sight distances [for access to both proposed lots]. He said that the details on sewers cannot be confirmed at this time and will be determined at the site plan stage.

Mr. Greene asked if there are any issues which had not been addressed by his response letter to MRB Group.

Mr. Delpriore said that Mr. Greene's response letter to the MRB Group comments and to the draft resolution was just received today (October 20, 2021) and has not yet been fully reviewed by the Town staff or submitted to the board. Mr. Delpriore said that the conditions of Preliminary Two-Lot Subdivision Plat approval in the draft resolution are the standard conditions of every subdivision application. Mr. Delpriore said that Mr. Greene may have some concerns with the conditions of approval, but that these are standard conditions [for subdivision applications].

Mr. Greene asked if this evening's action will be Preliminary Two-Lot Subdivision approval. Mr. Brand said yes, with the conditions of approval which are included in the draft resolution.

Mr. DeLucia asked Mr. Greene if he is okay with the draft conditions of approval. Mr. Greene said yes, that he has addressed them, and that it is all straightforward.

Mr. Viets asked if the Falangas are also okay with the draft conditions of approval. Dylan Falanga said yes, that they are also all set.

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

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

Motion carried by voice vote. The Public Hearing on PB #1001-21 was closed.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY TWO-LOT SUBDIVISION PLAT, JAMES AND NANCY FALANGA
SEQR CLASSIFICATION**

PB #1001-21

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

ACTION: State Environmental Quality Review (SEQR) Classification of a Preliminary Two- (2-) Lot Subdivision Plat, Lots #1 and #2, 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 Hearing upon the above referenced Action; and

WHEREAS, the above referenced Action involves a two-lot subdivision plat for Tax Map Account #10.00-1-70.000 containing a total of 95.7 acres of land, creating proposed Lot #1, to contain a total of 89.371 acres of land and proposed Lot #2, to contain a total of 6.329 acres of land; and

WHEREAS, both lots are, at this time, classified as Non-Approved Building Lots requiring site plan approvals before any Building Permits may be issued; and

WHEREAS, § 617.5 (c) (23) of the New York State SEQR Regulations reads . . . “mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns” to be a Type II Action.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby classify the above proposed Action as being a Type II Action, under the provisions of Part 617, of the New York State Environmental Conservation Law, Article 8, the State’s SEQR Regulations.

BE IT FURTHER RESOLVED that Actions classified as being a Type II Action are not subject to review under Part 617, as these Actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the State’s Environmental Conservation Law, Article 8.

BE IT FINALLY RESOLVED that a copy of this resolution is to be placed in the Project File and a copy provided to the Applicants.

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

| | |
|------------------|---------|
| Adrian Bellis | Aye |
| Timothy DeLucia | Aye |
| Edward Hemminger | Excused |
| Aaron Sweeney | 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
PRELIMINARY TWO-LOT SUBDIVISION PLAT, JAMES AND NANCY FALANGA
APPROVAL WITH CONDITIONS**

PB #1001-21

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

**ACTION: Preliminary Two-Lot Subdivision Plat approval with
conditions, Lots #1 and #2, 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 Hearing upon the above referenced Action; and

WHEREAS, the above referenced Action involves a two-lot subdivision plat of Tax Map Account #10.00-1-70.000 containing a total of 95.7 acres of land, creating proposed Lot #1, to contain a total of 89.371 acres of land and proposed Lot #2, to contain a total of 6.329 acres of land; and

WHEREAS, both lots are, at this time, classified as Non-Approved Building Lots requiring site plan approvals before any Building Permits may be issued for site development; and

WHEREAS, the proposed Action, according to the Ontario County Planning Board By-laws, Appendix B, item B.11, is listed as an exempt referral; and

WHEREAS, the County's Senior Planner has provided the following analysis: "The parent lot is 98 acres characterized as vacant farmland. According to Oncor, the lot is bisected by a stream that appears to drain lands south of Fox Road. There is a floodplain +/- 250 feet wide along the stream corridor and a NYSDEC regulated wetland covering the vegetated area along the stream on the northern half of the parent parcel. The minor areas of 16 to 30 percent along the stream corridor and in the vegetated area east of the stream 175 feet and 250 feet north of Fox Road. Dominant soils on the parent and new lot are Palmyra cobbly loam with slopes less than 15 percent. The 50 acres with slopes less than 8 percent are prime farmland and the remaining 13 acres with slopes of 8 to 15 percent are farmland of statewide importance. The Palmyra cobbly loam soils are in hydrologic soil group B and not hydric. Permeability is high and erodibility is medium. The proposed lot is located south and east of the wetland and floodplain areas and appears to be located near the eastern edge of the vegetated area. The proposed lot includes 420 feet of road frontage. The proposed lot does not appear to interfere with access to remaining farm fields though there will be no vegetative buffer between the proposed house and remaining field areas;" and

WHEREAS, the Board has received testimony at tonight's Public Hearing upon the proposed Action.

NOW THEREFORE BE IT RESOLVED that the Board does hereby grant Preliminary Subdivision Plat Approval of the above referenced Action with the following conditions:

1. The title of the plat map is missing the word Preliminary, which is required by New York State Town Law and the Town Code, and is to be added before signing of the Preliminary Subdivision Plat Map.
2. The title of the drawing is to be amended to read: "Preliminary Two Lot Plat, Lots #1 and #2, James & Nancy Falanga Subdivision."
3. The mapped Flood Zones A and C, as shown on the Flood Insurance Rate Map, Community # 361299, Panel # 0010B, having an Effective Date of September 30, 1983, is to be delineated on the Preliminary Plat Map. The Map is to contain referenced to this mapped information.
4. The mapped New York State Freshwater Wetland, MC-4, Ontario County Map 2 of 22, Macedon Quadrangle, is to be delineated on the Preliminary Plat Map. In addition, there is to be a note added to the map identifying this mapped freshwater wetland on the property.
5. The location of all fire hydrants located along the highway frontages is to be added to the drawing.
6. The Plat Map will need delineation of Lot #1 and Lot #2 added along with the respective acreages for each lot. For example, one lot identifies 6.329 acres to the highway centerline. The other lot states 90 +/- acres. The second lot should read 89.371 acres to centerline.
7. The linear dimensions of the highway frontages (Fox Road and Yellow Mills Road) are missing from the drawing and are to be added.
8. The Plat Map Legend only identifies the Limitations required. It is missing the information for what is being proposed.
9. The intersection of Fox Road and Yellow Mills Road is incomplete. As shown, Yellow Mills Road is at a T intersection with Fox Road. This intersection is shown correctly on the Map's Location Sketch.
10. The names of the property owners located across the frontages of the streets from the proposed subdivision are missing and are to be added to the drawing.

11. There are Map References that read: 1) James J. & Nancy A. Falanga; and 2) Dylan Falanga. There is no reference to why these names are listed. Either identify why they are references or remove them from the drawing.
12. There is to be a note added to the drawing that reads . . . “The two proposed lots are not approved building lots. Before any site development is allowed site plan approval shall be required by the Planning Board.”
13. The scale shown on the Plat Map reads 1" = 200'. However, the size of the print submitted does not reflect this scale. Before submission of revised Preliminary Plat Maps for signatures, the land surveyor is to correct this matter on the drawing.
14. There are structures locate to the west of the proposed Lot #2 and are to be shown on the Map along with the distance to the lot line.
15. There is farm lane located to the west of the proposed Lot Line for Lot #2, and is to be shown on the drawing with distance to the Lot #2 western Lot Line.
16. Signature lines are to be added for: the Town Highway Superintendent; the Acting Town Water and Sewer Superintendent; and the Town Engineer. These signature lines are to be placed on the drawing in accordance with the Town Site Design and Development Criteria.
17. All comments contained in the MRB Letter dated October 15, 2021, are to be addressed on the amended Preliminary Plat Map before signing by the Town Engineer.

BE IT FURTHER RESOLVED that once all the above conditions of approval have been made to a revised Preliminary Plat Map and shown on the drawings, including the map’s revision box, then one (1) paper print of the amended plat map is to be provided to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a total of four (4) additional copies are to be submitted for signing by Town Officials.

BE IT FURTHER RESOLVED those once signatures have been affixed to the amended Preliminary Plat Map then the Applicant may make application to the Town Development Office for Final Subdivision Plat Approval, which will be scheduled for a future Board meeting.

BE IT FURTHER RESOLVED that this resolution of Conditional Preliminary Plat Approval shall expire within 180 days from today’s date unless revisions have been made and signatures affixed to the amended Preliminary Plat Map.

BE IT FURTHER RESOLVED that Preliminary Site Plan approval of either for site development of these two (2) proposed lots may involve the physical alteration of 2.5 acres of land or more, such Action is classified as a Type I Action under Part 617.4 (a) (6) (i)

and (8) of the New York State Environmental Conservation Law, Article 8. A classification of such site development plan(s) will be made by this Board, at a future date.

BE IT FURTHER RESOLVED that this Tax Map Account has been receiving an Agricultural Land Use Exemption, which at the time of future proposed site development of either lot, may be subject to roll-back penalty(ies) provided for under the New York State Agriculture and Markets Law and/or the New York State Real Property Law.

BE IT FINALLY RESOLVED that a copy of this resolution be placed in the Project File and a copy provided to the Applicants and the Applicants’ Surveyor.

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

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

Motion carried.

7. CONTINUED PRELIMINARY SITE PLAN

PB #0803-21 Continued Preliminary Site Plan Application

Name: Paul Gillette, 6025 Denny Drive, Farmington, N.Y. 14425

Location: North side of Denny Drive and south of Collett Road

Zoning District: LI Limited Industrial

Request: Preliminary Site Plan approval to erect seven (7) new single-story storage buildings of various sizes ranging from 3,000 square feet to 17,835 square feet, totaling approximately 57,035 square feet.

This application was reviewed by the Project Review Committee on July 2, 2021; August 6, 2021; and October 1, 2021.

On August 4, 2021, the Planning Board began the consideration of this application and continued the discussion to the meeting on September 15, 2021.

On September 15, 2021, the Planning Board approved the State Environmental Quality Review (SEQR) classification for the Preliminary Site Plan (Unlisted Action) and requested that the applicant submit a Short Environmental Assessment Form. The consider-

ation of the Preliminary Site Plan was then continued to the meeting this evening (October 12, 2021).

Mr. Delpriore said that Mr. Gillette attended the Project Review Committee (PRC) meeting on October 1, 2021, at which he was informed of additional requirements to comply with new provisions of the Town Code which were recently approved by the Town Board related to fire suppression sprinklers. Mr. Delpriore said that the discussion at the PRC meeting also included possible zoning variances which may be required.

Mr. Delpriore said that Mr. Gillette's engineer has requested additional time to prepare revised plans as they look at the site differently and determine what they need to do [regarding this project].

Mr. Delpriore also said that Mr. Gillette needs additional time because his surveyor is backlogged [with work] and cannot return to the site until next week.

Mr. Viets asked if board members had comments or questions on this application.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
CONTINUATION**

PB #0803-21

**APPLICANT: A Safe Place Storage, c/o Paul Gillette, 6205 Denny Drive,
Farmington, N.Y. 14425**

ACTION: Preliminary Site Plan Approval for six (6) single story mini-warehouse storage buildings, one (1) 17,835-square-foot climate-controlled self-storage building and related site improvements on a 5.5-acre site that is located along the south side of Collett Road, the east side of Commercial Drive and the north side of Denny Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has at tonight's public meeting opened discussion and received comments upon the above referenced Action; and

WHEREAS, the Board has given consideration to the Applicant's Engineer's email request, dated Friday, October 15, 2021, to the Town Code Enforcement Officer, for a continuation upon the above referenced Action to enable a complete package of what was

requested by members of the Town’s Project Review Committee, at a meeting held earlier this year. In addition, the Applicant’s Engineer cites delay in receiving survey work that is necessary for the design of the Commercial Drive extension to the south and data for completing the lot line adjustment and preliminary site plan drawings.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby move to continue its deliberations upon the proposed Action, to the December 15, 2021, meeting, with the following conditions:

1. The Applicant must make application for a Special Use Permit as required under the provisions contained in §165-84.1 A. of the Farmington Town Code.
2. The Applicant is either to combine the two lots into one lot, or the Applicant is to make application to the Zoning Board of Appeals for an area variance to the minimum separation requirement of 1,500 feet from an existing mini-warehouse site (§165-84.1 B.).
3. The Applicant is to redesign the site plan drawing to avoid showing any structures being placed within the existing sanitary sewer easement that bisects the property.
4. All of the previous staff comments that have been provided as attachments to the Planning Board’s August 4, 2021, resolution are to be addressed in writing.
5. The Applicant is to submit a complete package to the Town Development Office by noon on Friday November 12, 2021, for distribution of a complete package of items for the Planning Board’s meeting on December 15, 2021.
6. The Applicant and the Applicant’s Engineer are to attend the December 3, 2021, Project Review Committee Meeting to discuss the lot line adjustment and preliminary site plan drawings and the Special Use Permit Application with Town Staff.
7. If these conditions are not met, then the Planning Board, at its meeting on December 15, 2021, shall consider taking appropriate action at that time.

BE IT FINALLY RESOLVED THAT the Board does hereby declare its intent to take action upon this application at its scheduled meeting on Wednesday, December 15, 2021, based upon the availability and adequacy of the information requested above herein from the Applicant.

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

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

Motion carried.

8. **PLANNING BOARD ACTION ITEMS**

Partial Letter of Credit Release—Hathaway’s Corners, Phase 1:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT—PARTIAL RELEASE #3
HATHAWAY’S CORNERS, PHASE 1, EARTHWORK GRADING**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated October 12, 2021, to approve the partial release of funds (Release #3) from the established Letter of Credit for the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the signed Letter of Credit Town Surety Partial Release Form (G-1.1) and the signed Letter of Credit Release Form (G-2.0); 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, Town Department Heads and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request for the third partial release of funds from the established letter of credit in the total amount of \$242,125.22.

BE IT FURTHER RESOLVED that the Town Supervisor is to sign the above referenced Town Surety Release Form (G-2.0) upon the Town Board’s authorization on October 26, 2021.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicant, Mark Stevens, Hathaway’s Corners, LLC; the Applicant’s Engineers, Ryan Destro, P.E., BME Associates; Applicant’s Engineer, Tom Danks, BME Associates; Don Giroux, Town Highway and Parks Superintendent; Robin MacDonald, Acting Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer;

Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

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

Motion carried.

9. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand reported on the following topics:

- The Delaware River Solar Decommissioning Plan has been filed in the Ontario County Clerk's Office. The Town is now waiting for the applicant to submit the Letter of Credit which must be filed with the Town Clerk. The applicant may then request a Pre-Construction Meeting following the filing of the Letter of Credit.
- Ontario County Supreme Court Justice Craig Doran has issued a ruling which dismissed the Article 78 Proceeding which was brought by several Farmington residents regarding the Delaware River Solar project. Mr. Brand said that the Town has offered one hour of training for board members upon their review of Justice Doran's decision (Ontario County Supreme Court Index #126079-2019, October 18, 2021). He said that the ruling includes a great deal of State Environmental Quality Review (SEQR) ramifications and that the Planning Board did a great job [in the consideration of the Delaware River Solar application]. Mr. Brand said that the training session will be scheduled upon the return of Mr. Hemminger.
- A packet of materials has been submitted by Costich Engineering on behalf of the owner of the Farmington Market Center (Tops Supermarket plaza) for a revised Incentive Zoning application for the development of the site. Mr. Brand said that the revised design includes new buildings to the east of Tops Supermarket and the relocation of several previously proposed structures. He said that the Town staff will meet tomorrow (October 21, 2021) to review the amenities which have been offered by the applicant and the incentives which will be requested by the Town. He said that the Town staff will then issue a recommendation to the Town Board regarding a response to the developer's proposal.

- The Comprehensive Plan Update Committee will hold a Public Hearing on the draft 2021 Comprehensive Plan Update on Thursday, October 28, 2021, at 6:30 p.m. at the Town Hall (in person or via Zoom video conference). Mr. Sweeney and Mr. DeLucia will be among the Committee members who will present the chapters of the Plan to the public. Mr. Delpriore will provide technical assistance for the Zoom presentation.

Code Enforcement Officer:

Mr. Delpriore said that the Town received a grant to convert existing hard-copy files into digital images. He said that the Development Office staff has been cataloging and boxing the paper files which will be picked up by the scanning vendor this week. The grant covers the digitization of approximately 90 percent of the Development Office files. The project will take approximately six months.

Mr. Delpriore also reviewed the upcoming applications which will be scheduled for the November and December meetings of the Planning Board.

Highway and Parks Superintendent:

Mr. Giroux said that the Highway Department staff is now beginning to install the iron for placing snowplows onto the Town trucks. He said that in previous years, the Town has had to salt the roads prior to Halloween.

Mr. Giroux said that the Highway Department has been given approximately 300 tons to 400 tons of highway millings from the stockpile at American Equipment on Collett Road, and that approximately 400 tons of millings have been offered to the Town Water and Sewer Department. Mr. Giroux said that the Highway Department will move the millings for the Water and Sewer Department if needed. He said that the owner of American Equipment has informed the Town that additional millings will be delivered to the site [from other projects] and that the owner will provide what the Town needs and will then sell the remaining millings. Mr. Viets said that the owner of American Equipment needs to understand that removing the millings from the site is not an option.

Mr. Giroux also said that the pedestrian crossing signals for County Road 41 at the intersection with the Auburn Trail have been delivered. He said that Supervisor Ingalsbe has signed the paperwork for the highway work permit in the County road right-of-way, and that a stake-out has been called in. Mr. Giroux said that he would like the crossing signals to be operational by the end of this month. He said that they are push-button activated signals similar to the pedestrian crosswalk signals on Main Street in the City of Canandaigua.

Town Engineer:

Mr. Brabant said that MRB Group is working on updates to the Town's site design criteria as they relate to lighting fixtures. He said that this work focuses on the details of the lighting fixtures and additional requests from the New York State Department of Transportation. The project is expected to be completed before the end of the year.

Board Members' Comments:

Mr. Sweeney asked about questions which he had on the State Environmental Quality Review (SEQR) regarding the James and Nancy Falanga subdivision application (which was discussed earlier this evening). Mr. Delpriore said that Mr. Sweeney raised great questions but that they were related to the forthcoming site plan application. Mr. Brabant asked about the board's procedure for submitting questions. Mr. Delpriore said that questions should be submitted to Mr. Hemminger (the Planning Board Chairperson) who will forward the questions to the appropriate member of the Town staff. Mr. Delpriore said replies are provided to board members in their packets or are submitted to Mr. Brand for inclusion as conditions of approval in draft resolutions. Mr. Delpriore also said that applicants may provide answers in advance or often may provide the answers at a board meeting.

Mr. Sweeney also asked about having a SEQR resolution for a subdivision application. Mr. Brand said that a SEQR classification is required for any action to be taken upon a proposed subdivision. Mr. Brabant said that a SEQR resolution is required for every action taken by the Planning Board. He said that a subdivision typically is classified as a SEQR Type II Action because it [a subdivision] requires no formal environmental review and does not disturb land. He said that site plans typically require a more extensive environmental review and may be classified as an Unlisted Action or as a Type I Action. Mr. Brabant said that the Falanga subdivision this evening required a separate SEQR resolution because it only involved the drawing of lines on a map. He said that the site plan will be considered as a separate application and that a separate SEQR resolution will be required. He also said that at some times a SEQR resolution could run concurrently with both subdivision and site plan applications if they are considered together. In this instance, the Town had not received a site plan application when it received the subdivision application.

Mr. Brand said that the Town staff will determine if the Falanga site plan application will be classified as an Unlisted Action or a Type I Action based upon the details of the project. He said that the property is located within an established State Agricultural Use District where, under SEQR, the thresholds for classifying actions are reduced by 75 percent.

Mr. Delpriore said that the board's action this evening [on the Falanga subdivision] began the creation of two separate tax parcels in the Town but did not have the impact of a site plan upon the land.

Mr. Brabant said that Mr. Sweeney's comments [regarding the forested land] are important for a site plan application which will create a new residential lot. He said that while the

comments are good questions to ask, they are not weighted the same, under SEQR, as a site plan action.

Mr. Bellis asked about the progress at Meyer's RV on State Route 96. Mr. Delpriore said that there have been several issues, but nothing that could not be handled by the Town staff. He said that Phase 2 of the Meyer's RV project is moving full steam but that he is concerned about the timing of the installation of the Phase 1 pavement binder. Mr. Delpriore said that the contractor is about a week behind schedule [in Phase 1] due to the time which was required for the installation of the water line. He said that curbing will be installed tomorrow (October 21, 2021), that the sidewalk is not yet complete, and that the pavement binder is scheduled for installation next week.

Mr. Bellis asked about the streetlights along the Meyer's RV frontage on State Route 96. He said that the streetlights are not yet illuminated at night. Mr. Delpriore said that he will look into this. Mr. Brabant asked about the business hours. Mr. Delpriore said that the business is not open at night.

Mr. Bellis asked about the installation of the doors and windows at the America's Best Value Inn construction site on State Route 96. Mr. Delpriore said that the windows have been delivered and that the applicant is awaiting delivery of some of the doors.

Mr. Brand asked about the installation of the sidewalks along Mertensia Road by the Auto Wash car wash applicant. Mr. Delpriore said that he will look into this. He said that the contractor is not wasting any time [on the renovation of the existing car-wash building].

Mr. Brand asked Mr. Delpriore to report on the proposed relocation of storage containers and office trailers on the Hathaway's Corners site. Mr. Delpriore said that the contractor at the Hathaway's Corners project (southwest corner of State Route 332 and County Road 41) plans to relocate the construction trailers and storage facilities to an area which the applicant owns between the Mexican restaurant the dentist's office along the west side of State Route 332. He said that some storage facilities may be moved in the near future but that the relocation of the construction trailers may be delayed due to the scheduling of the installation of electric service by RG&E. Mr. Brand said that the applicant has stated that he would like the existing storage/office area along State Route 332 and Barry Place cleaned up and made ready for construction next summer of apartments which will be located in this area of Hathaway's Corners site.

Mr. Bellis asked about the roads in Hathaway's Corners. Mr. Delpriore said that the Town Board is expected to take dedication of the public roads at its next meeting (Tuesday, October 26, 2021) and that the applicant would like to have all the public roads dedicated by winter. Mr. Giroux said that several lengths of the roadway pavement binder were installed today (October 20, 2021) and that the contractor is working on sidewalks along Barry Place, and on road gutters and a swale around a box culvert in other areas of the site. He said that the applicant is feverishly working on the dedication of these public roads.

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 sessions in 2021:

Thursday, October 28, 2021, 6:00 p.m. to 7:00 p.m.

Session 9: Well, Aren't You Special?

Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.

Session 10: All the Right Forms in All the Right Places

Questions to:

Wendy A. Marsh, Partner, Hancock Estabrook

wmarsh@hancocklaw.com

(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group

matt.horn@mrbgroup.com

(315) 220-0740

Registration link:

<https://register.gotowebinar.com/rt/4608077833213548299>

■ New York Planning Federation 2021 Summer Programming

“The Essentials of Planning and Zoning”

“Meeting Process and Communication”

“Clean Energy”

“Planning Past, Present & Future”

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

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

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

12. ADJOURNMENT

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

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, November 3, 2021, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and via Zoom video conference.

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

Respectfully submitted,

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