

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, September 18, 2019, 7:00 p.m.

MINUTES—APPROVED

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

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Shauncy Maloy
Mary Neale
Douglas Viets

Staff Present:
Lance S. Brabant CPESC, Town of Farmington Engineer, MRB Group D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer

Applicants Present:
Michael J. Colacino, Vice President, Lyons National Bank, 470 Exchange Street,
Geneva, N.Y. 14456
Dan Crowley, Farmington United Methodist Church, 5925 County Road 41
Farmington, N.Y. 14425
Jeff Friend, District Manager, Lyons National Bank, 399 Exchange Street, Geneva, N.Y. 14456
John Malvaso, 1176 State Route 332, Farmington, N.Y. 14425
Brennan Marks, P.E., Marks Engineering, 42 Beeman Street, Canandaigua, N.Y. 14424
Edward G. Parrone, P.E., Parrone Engineering, 349 West Commercial Street, Suite 3200
East Rochester, N.Y. 14445
Scott Theriault, 125 Camelot Square, Apt. 152-E, Canandaigua, N.Y. 14424

Residents Present:
Pat Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522
Mark Robinson, 1309 Mertensia Road, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. Hemminger explained the emergency evacuation procedures. He asked everyone to please sign in and requested that cell phones and other devices be set on silent mode.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 6, 2019.

2. APPROVAL OF MINUTES OF SEPTEMBER 4, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the September 4, 2019, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on September 11, 2019:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington, 1000 County Road 8, Ontario County, New York, will hold a Public Hearing on the 18th day of September 2019, commencing at 7:00 p.m., for the purpose of considering the application of:

PB #0906-19: SCOTT THERIAULT, 125 CAMELOT SQUARE, APT. 152-E, CANANDAIGUA, N.Y. 14424: Preliminary Two-Lot Subdivision approval. Subdivision Plat of Lands of Scott Theriault creating Lot #1 consisting of 1.837 acres with the existing house and Lot #2 consisting of 3.508 acres to remain vacant as a non-approved building lot requiring site plan approval. The property is located at 504 Sheldon Road and is zoned A-80 Agricultural.

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

Ed Hemminger, Chairperson, Planning Board

4a. NEW PRELIMINARY SITE PLAN

PB #0907-19 New Preliminary Site Plan Application

Name: Farmington United Methodist Church, 5925 County Road 41, Farmington, N.Y. 14425

Location: 5925 County Road 41

Zoning District: RB Restricted Business

Request: Preliminary Site Plan approval to erect a 32-square-foot freestanding commercial speech sign with moving/motion signage to be located along the southeast corner of the intersection of State Route 332 and County Road 41.

4b. NEW FINAL SITE PLAN

PB #0908-19 New Final Site Plan Application

Name: Farmington United Methodist Church, 5925 County Road 41, Farmington, N.Y. 14425

Location: 5925 County Road 41

Zoning District: RB Restricted Business

Request: Final Site Plan approval to erect a 32-square-foot freestanding commercial speech sign with moving/motion signage to be located along the southeast corner of the intersection of State Route 332 and County Road 41.

Mr. Hemminger concurrently reconvened the discussion on PB #0907-19 and PB #0908-19, Preliminary and Final Site Plans, respectively, for the Farmington United Methodist Church.

The discussion on these applications were opened on September 4, 2019, and were continued to this evening’s meeting to provide time for the review of the applications by the Ontario County Planning Board (OCPB) on September 11, 2019.

The Zoning Board of Appeals approved with conditions the Area Variance for this commercial speech sign on August 26, 2019.

Mr. Crowley presented these applications.

He said that there would be no moving graphics on the electronic sign. The sign will display a message about upcoming church events. The message will be changed from time to time. Mr. Crowley said that the header on the sign will be “Farmington United Metho-

dist Church.” He said that the sign has been moved back five feet from the originally proposed location.

Mr. Brand said that he spoke with Mr. Crowley and that the remaining outstanding issue at this point is the landscaping around the sign.

Mr. Delpriore read aloud a letter that he received from Pastor Jeff Long regarding the proposed ground cover plantings around the sign. Mr. Delpriore said that this proposed planting schedule is usually not the board’s standard for landscaping around a freestanding sign.

Mr. Degear said that the Town staff recently restored portions of the church driveway and a fence following the installation of a new water line on County Road 41. He said that the public safety street address sign will complement this new work.

Mr. Crowley said that the required public safety sign at the driveway entrance to the church from County Road 41 has been installed.

Mr. Viets requested further details, specifically the size of the landscaping bed around the sign. He also requested that additional plantings—more than just ground cover—be provided around the sign, i.e., shrubs or perennials.

Mr. Viets also requested that the height of the sign be provided on the Final Site Plan.

Ms. Neale asked for an explanation about the sign. Mr. Crowley said that the sign will not have moving graphics. He said that it will display messages about upcoming church functions such as Maggie’s Camp, Thanksgiving dinner, Easter and Christmas worship services, and similar events.

Mr. Bellis requested that the applicant provide additional landscaping around the sign. He said that he had no other issues.

Mr. Crowley said that the sign will be similar in design to the electronic sign at the Farmington Fire Station on Hook Road. He said that the church and the sign vendor understand that the sign cannot have moving graphics.

Mr. Hemminger summarized the board’s requests this evening. They include additional landscaping around the sign the dimensions of the landscape bed, and the overall height of the sign.

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

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION—TYPE II ACTION
PB #0907-19**

**APPLICANT: Farmington United Methodist Church
5925 County Road 41, Farmington, N.Y. 14425**

**ACTION: Preliminary Sign Site Plan Approval, SEQR Classification, for
a 32-square foot freestanding commercial speech sign with
changeable copy message to be located on the property at the
above referenced address.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the conditions of approval from the following complete resolution:

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SIGN SITE PLAN APPROVAL WITH CONDITIONS**

PB #0907-19

**APPLICANT: Farmington United Methodist Church
5925 County Road 41, Farmington, N.Y. 14425**

ACTION: **Preliminary Sign Site Plan approval for a 32-square-foot freestanding electronic commercial speech sign with changeable copy message to be located on the property at the above referenced address**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has: reviewed the sign information and Sign Design Detail Drawing submitted by Skylight Signs Inc., 60 Industrial Park Circle, Rochester, N.Y. 14624; the drawing prepared by McFarland Johnson, identified as Drawing Number C-01, entitled “Sign Layout for the Farmington UMC,” dated August 2019; the Ontario County Planning referral #191-2019; the sketch drawing for landscaping for the Farmington UMC structure; and the public meeting record on the proposed Preliminary Sign Site Plan Application.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT the Board does hereby approve the proposed Preliminary Sign Site Plan for the Farmington United Methodist Church, based upon the above referenced documents and with the following conditions:

1. The Sign Layout Drawing prepared by McFarland Johnson is to be amended to show that the setback of the proposed sign is fifteen (15) feet from the highway right-of-way line from New York State Route 332.
2. The Sign Design Drawing prepared by Skylight Signs Inc., is to have a signature line added for the Planning Board Chairperson’s signing and dating of the drawing.
3. Prior to Final Sign Site Plan Approval, the note on the Sign Design Drawing prepared by Skylight Signs Inc., which reads . . . “FINAL HEADER GRAPHICS TO BE DETERMINED” is to be removed. Final Sign Site Plan will not be in effect until the final header graphics of the proposed sign is identified.
4. The new sign shall not consist of banners, balloons, pennants, ribbons, streamers, spinners or similar fluttering devices or flashing lights, animated or moving, parts as are further prohibited by §165-41 A (6) of the Town Code.
5. Prior to a Building Permit being issued for the new sign to be erected a detail landscaping plan is to be prepared and presented to the Town Code Enforcement Officer (CEO) for his review and acceptance. Said landscaping is to be installed prior to the issuance of a Certificate of Compliance by the CEO.
6. A Public Safety sign is to be erected at the driveway entrance to the Church from County Road 41 prior to the issuance of a Certificate of Compliance by the CEO. The details of said sign are contained in the Town of Farmington Site Design and Development Criteria.

- 7. Preliminary Site Plan Approval is valid for a period of 180 days and shall be expired unless revised drawing of the Sign Details has been submitted for signature.
- 8. Upon receipt of the Final Sign Detail Drawing with the changes made thereto in compliance with the above conditions, the Planning Board will entertain consideration of Final Sign Site Plan Approval as requested by File PB #0908-19 at a future meeting.

Mr. Hemminger asked Mr. Crowley if he understood the resolution and agreed with the conditions. Mr. Crowley said that he understood the resolution and agreed with the conditions.

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

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

Motion carried.

■ 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:

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SIGN SITE PLAN APPROVAL WITH CONDITIONS—CONTINUATION**

PB #0908-19

**APPLICANT: Farmington United Methodist Church
5925 County Road 41, Farmington, N.Y. 14425**

ACTION: Final Sign Site Plan for a 32-square-foot freestanding electronic commercial speech sign with changeable copy message to be located on the property at the above referenced address.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has: reviewed the sign information and Sign Design Detail Drawing submitted by Skylight Signs Inc., 60 Industrial Park Circle, Rochester, N.Y. 14624; the drawing prepared by McFarland Johnson, identified as Drawing Number C-01, entitled “Sign Layout for the Farmington UMC,” dated August 2019; the Ontario County Planning referral

#191-2019; the sketch drawing for landscaping for the Farmington UMC structure; and the public meeting record on the proposed Preliminary Sign Site Plan Application.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the requested Action for considering the granting of Final Sign Site Plan Approval is hereby tabled and continued to the October 2, 2019, meeting, provided that all of the conditions for Preliminary Sign Site Plan Approval have been completed, accepted by the Town Code Enforcement Officer and the drawings signed by the Planning Board Chairperson. If said conditions have not been met, then the application is to be continued to the October 16, 2019, meeting.

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

Motion carried.

5. NEW PRELIMINARY TWO-LOT SUBDIVISION

PB #0906-19 New Preliminary Two-Lot Subdivision Application

Name: Scott Theriault, 125 Camelot Square, Apt. 152-E, Canandaigua, N.Y. 14424

Location: 504 Sheldon Road

Zoning District: A-80 Agricultural

Request: Preliminary Two-Lot Subdivision approval, Subdivision Plat of Lands of Scott Theriault, creating Lot #1 consisting of 1.837 acres with the existing house and Lot #2 consisting of 3.508 acres to remain vacant as a non-approved building lot requiring site plan approval. The property is located at 504 Sheldon Road and is zoned A-80 Agricultural.

Mr. Hemminger opened the Public Hearing on this application.

Mr. Marks (Marks Engineering) presented this application. Mr. Theriault also attended.

Mr. Marks said that Mr. Theriault proposes to subdivide the existing lot into two lots for construction of a new single-family home on the southernmost parcel. He said that a standard in-ground septic system will be installed for the new home.

Mr. Marks said that he has received the draft Preliminary Subdivision resolution prepared by the Town staff and the MRB Group engineering comment letter. He said that he has no objections to the draft resolution or the engineering comments.

Mr. Brand said that a perc test determined that Proposed Lot #2 meets the criteria for a standard septic system and that the road frontage is not a concern at this time.

Mr. Brand said that a site plan application must be submitted to the Planning Board following the approval of the subdivision. He said that the application before the board this evening is only for the preliminary subdivision of the land.

Mr. Delpriore said that the setbacks of an existing shed on the property (Proposed Lot #1) may become a concern following the subdivision of the lot. He said that Proposed Lot #1 is the smaller of the two proposed lots and will be more of a triangle shape that may affect the setbacks of the existing shed. He said that the board may wish to note that the existing shed will be considered as a pre-existing non-conforming use when the new lot is created. This shed is also located in the front yard and would need a variance if ever replaced to be allowed in the same location.

Mr. Hemminger asked if variances will be required for the proposed new home. Mr. Marks said that the new home is planned on Proposed Lot #2 and that no variances will be required.

Mr. Brabant said that the MRB Group engineering comments are general and minor in nature. He said that a typo description of the water service must be corrected on the plans.

Mr. Delpriore said that the Town staff will have additional comments on the site plan.

Mr. Hemminger then asked if anyone in attendance wished to speak for or against the application, or to ask questions.

There were no comments or questions from those in attendance.

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

Motion carried by voice vote. The Public Hearing on this application was closed.

Board deliberations:

Mr. Bellis said that setback variances may be required if the applicant desires to place a new shed on the property following the subdivision of the land. He said that this should not hold up the approval of the subdivision and that the backyard of the existing home is a hill.

■ A motion was made by MR. MALOY, seconded by MR. BELLIS, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION—TYPE II ACTION**

PB #0906-19

**APPLICANT: Scott Theriault
125 Camelot Square, Apt. 152E, Canandaigua, N.Y. 14424**

ACTION: Preliminary Two-Lot Subdivision Plat Approval, SEQR Classification, creating Lot #1 consisting of 1.837 acres with an existing house and Lot #2 consisting of 3.508 acres to remain vacant as a non-approved building lot requiring site plan approval. The property is located at 504 Sheldon Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) (11) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (11) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Motion carried.

Mr. Marks said that the applicant had requested approval of the subdivision and the site plan simultaneously. He asked if there is a procedure regarding this. Mr. Delpriore said that he would ask the Planning Board chairperson if the Final Subdivision Plat and the site plan could be approved together following the approval of the Preliminary Subdivision Plat. Mr. Hemminger said that these applications are straightforward and that the

board could consider the Final Subdivision Plat, and the Preliminary and Final Site Plan applications together.

Mr. Hemminger asked Mr. Marks if he received the draft Preliminary Subdivision Plat resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions. Mr. Marks said that he received the resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions.

■ 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:

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY TWO-LOT SUBDIVISION PLAT APPROVAL WITH CONDITIONS**

PB #0906-19

**APPLICANT: Scott Theriault
125 Camelot Square, Apt. 152E, Canandaigua, N.Y. 14424**

ACTION: Preliminary Two-Lot Subdivision Plat Approval, creating Lot #1 consisting of 1.837 acres with an existing house and Lot #2 consisting of 3.508 acres to remain vacant as a non—approved building lot requiring site plan approval. The property is located at 504 Sheldon Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has: reviewed the drawing prepared by Marks Engineering, identified as Job 19-144, dated 07/05/2019 and entitled “Subdivision Plat of Lands Scott T. Theriault;” and the Public Hearing record on the proposed Preliminary Two-Lot Subdivision Plat Application.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (11) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT the Board does hereby approve the proposed Preliminary Two-Lot Subdivision Plat Application for the above referenced Applicant with the following conditions:

1. Preliminary Plat Approval is granted only for the Two-Lot Subdivision of Tax Map Account #9.03-1-24.00, dated 07/15/2019, prepared by Marks Engineering.
2. The drawing title is to be amended to read . . . “Preliminary Two-Lot Subdivision of Land Owned by Scott T. Theriault.”

3. The drawing is to be further amended by adding signature lines for the Town Highway and Parks Superintendent, the Town Water and Sewer Superintendent and the Planning Board Chairperson.
4. The drawing is to be further amended by adding a note that reads . . . “Lot #2 has a proposed on-site waste water treatment system that has a percolation rate which meets the standard New York State Department of Health designed septic system and, therefore, in accordance with the provisions of §165-19 E (3) of the Town Code the minimum lot width shall be 150 feet.”
5. Once the above amendments have been made to the drawing identified above herein, a total of four (4) paper prints are to be submitted to the Town Code Enforcement Officer (CEO) for his review and acceptance. Upon his acceptance, the Town Officials shall sign the amended drawings. One copy of the signed Preliminary Plat will be kept by the Town Highway and Parks Superintendent; one copy will be kept by the Town Water and Sewer Superintendent; one copy will be kept in the property file; and one copy will be returned to the Applicant’s Engineer. If additional copies of the signed Preliminary Plat are required then the Applicant is to provide those additional copies at the time of signing.
6. Once signed Preliminary Plat drawings have been completed then the Applicant may submit an Application for Final Subdivision Plat Approval of the Two-Lot Subdivision for placement upon a future planning board agenda.
7. Preliminary Subdivision Plat Approval is valid for a period of 180 days and shall be expired unless the amended Preliminary Subdivision Plat drawing has been submitted for signatures.

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

Motion carried.

6. NEW PRELIMINARY SITE PLAN

PB #0904-19 New Preliminary Site Plan Application

Name: John Malvaso, 1176 State Route 332, Farmington, N.Y. 14425

Location: 1176 State Route 332

Zoning District: GB General Business

Request: Preliminary Site Plan approval to modify the use of the existing house into a commercial/retail store in one half of the building and residential in the other half.

Mr. Parrone (Parrone Engineering) and Mr. Malvaso presented this application.

Mr. Parrone said that an existing residential home is located on this property at the corner of State Route 332 and West Commercial Drive. He also said that a commercial printing business was formerly operated from this home.

Mr. Parrone said that the owners of the property are Mr. Malvaso and Frank DiFelice. He said that they are planning on a future administrative subdivision and will have a reservation for a portion of the future bypass road as required by the Major Thoroughfare Overlay District (MTOD) in which this property is located. He said that this will be a reservation and there is not a need at this time for dedication to the Town; and that the reservation will be shown on a resubdivision plat (a lot line adjustment map) as part of the site plan for this application.

Mr. Hemminger asked if the existing residence will be occupied. Mr. Parrone said that the home will be occupied by the tenant who will also be operating the business. He said that the floor plan of the home meets the Town Code requirement that at least 51 percent of the home (the occupied area) be designated for residential use. Mr. Parrone said that the home is a Cape Cod style, that the southern portion of the structure will be used for the residence, and that the existing garage and addition will be used for the retail commercial use. He said that the floor plan meets the test of at least 51 percent of residential space as required by the Town Code Enforcement Officer.

Mr. Hemminger said that he was under the impression that an Area Variance was required. Mr. Parrone said that the Town Zoning Officer determined that an Area Variance was not required because the property has not yet been subdivided and that setbacks are not affected by this application.

Mr. Parrone said that the application was reviewed by the Ontario County Planning Board (Referral #182-2019, September 11, 2019). Mr. Brand said that the application was returned to the Town with comments regarding possible setback Area Variances; parking; and existing, proposed and future access to the property from State Route 332 and from a future collector road off West Corporate Drive.

Mr. Malvaso distributed color renderings of the proposed building-mounted and monument commercial speech signs for the business to be known as “PaPa T’s LIFEwCBD.” He said that the home was previously used for business purposes as a print shop and an insurance company, and that the building-mounted sign would be placed in one of the front windows that is currently boarded up. He said that both proposed signs do not exceed the Town’s maximum size of 32 square feet, that the building-mounted sign will be downlit (no uplighting) and that the lighting will be dark-sky compliant. Mr. Malvaso said that the monument sign at the road will be doubled sided and that lighting will also

be dark-sky compliant. He said that a lighting plan will be submitted as part of the Final Site Plan application.

Mr. Malvaso said that he has a tenant who currently operates a business in Canandaigua and who now seeks a retail location in Farmington near the New York State Thruway. He said that the business will sell CBD supplements, oils, lotions and dietary supplements. Mr. Malvaso said that the business will operate within the Federal hemp-based limits and will adhere to all guidelines. (*Clerk's Note:* Cannabidiol is extracted from the flowers and buds of marijuana or hemp plants. It does not produce intoxication and is said to treat a number of medical issues.)

Mr. Malvaso said that the business operator has no commitment for the sale of vaping or tobacco products.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening for Preliminary Site Plan approval with conditions. He asked about separate parking areas for the residential and business portions of the property.

Mr. Parrone asked about Draft Condition #3 that proposes access to the commercial portion of the property only from West Commercial Drive. Following discussion, it was the consensus of the board, the Town staff and the applicant to amend Draft Condition #3 as follows:

Revised Draft Condition #3: The site plan drawing is to be amended to show access to the commercial portion of the building to be provided by both West Corporate Drive and state Route 332 with appropriate signage.

Mr. Parrone said that he would like to request that the Planning Board grant both the Preliminary Site Plan and the Final Site Plan applications this evening. Mr. Brand referred to the comments of Mr. Hemminger at the beginning of the meeting regarding the board's Rules of Procedure. He said that the Rules of Procedure provide for separate Preliminary Site Plan and Final Site Plan applications.

Mr. Delpriore said that the comments from the Ontario County Planning Board (OCPB) referred to parking and designated traffic flows for residents and business customers. He reminded Mr. Parrone that the parking spaces for the public must be double striped. Mr. Parrone asked if it would be agreeable that signage be provided to indicate residential and business parking. Mr. Delpriore requested that a layout of the on-site parking for the home and the business be provided on the Final Site Plan drawing. Mr. Parrone said that he would provide this.

Mr. Hemminger asked about the distances from the house to the road, and about the State right of way. Mr. Delpriore said that the house will be considered as a pre-existing non-conforming structure. Mr. Brand and Mr. Hemminger discussed the distances to the State right of way and to the road gutter.

Mr. Hemminger asked about the total number of parking spaces. Mr. Parrone said that a total of five parking spaces are shown on the site plan, i.e., four parking spaces for the business customers and one parking space for the resident. Mr. Hemminger asked how many parking spaces are required by the Town Code. Mr. Parrone said that five parking spaces are required, based upon the Town Code requirements. Mr. Hemminger said that this would provide no parking spaces for the resident. Mr. Bellis also said that one customer parking space must be handicapped-accessible.

Mr. Delpriore asked about the parking space for the resident. Mr. Brabant said that five parking spaces meet the Town Code requirement for the business but that at least one additional space would be needed for the resident.

Mr. Parrone asked about reducing the required number of business parking spaces if a portion of the structure were to be used for storage. Mr. Delpriore said that the Town Code does not permit fewer than five parking spaces for the business. Mr. Hemminger said that Mr. Parrone will have to add at least one more parking space, for a total of six parking spaces (five for the business; one for the resident). Mr. Parrone acknowledged that the Final Site Plan will show a total of six on-site parking spaces.

Mr. Maloy asked about deliveries to the business and a designated loading zone for delivery trucks. Mr. Malvaso said that only small trucks (UPS, Federal Express, etc.) are expected. He said that no large trucks are expected.

Mr. Maloy asked if the building is ADA-accessible. Mr. Parrone said yes. Mr. Malvaso said that the home already has an ADA-compliant restroom and that there are no stairs to enter the business portion of the structure, which is the former garage.

Mr. Maloy asked about business hours. Mr. Malvaso said that the business will probably be open from 9:00 a.m. to 5:00 p.m. on weekdays and possibly longer on Saturdays.

Mr. Bellis asked about lighting for the business portion of the parking area and the width of the gravel portion of the driveway. Mr. Parrone said that the width of the gravel portion of the driveway varies and that two-way traffic can be accommodated at a point. Mr. Hemminger asked about the width of the front driveway. Mr. Parrone said that the width of the front driveway will accommodate two vehicles.

Mr. Bellis suggested that striping be installed on the front driveway, i.e., an “in” and an “out” arrow in lieu of a curb cut to direct motorists in and out of the driveway. Mr. Parrone noted that the Final Site Plan would delineate painted entrance/exit lanes from and to State Route 332. He said that there are no plans to change the width of the existing curb cut and, therefore, no permits from the New York State Department of Transportation will be required.

Mr. Bellis asked if five parking spaces were enough. He asked how many customers are expected at the business. He also said that he was not sure how many people would visit a CBD store. Mr. Malvaso said that CBD products are sold in Wegmans, CVS Phar-

macy and at other stores now. Mr. Parrone said that CBD products are not inexpensive and are used sparingly by customers. He said that a preponderance of customers [at any one time] is not expected. Mr. Malvaso said that his tenant now operates the majority of his sales via mail order working out of his condominium in Canandaiuga. He said that the business is currently an internet-based operation and that the tenant will also reside in the house.

Mr. Viets asked about the building-mounted and monument signs. He requested that the applicant verify that they will meet the Town Code requirements. He also reminded the applicant of the need for landscaping around the freestanding sign.

Mr. Hemminger said that he did not have an issue with the sign along the road. He questioned the purpose of the sign on the building, but he said that he would not have an objection to it if it meets the Town Code requirements. Ms. Neale suggested that the sign on the building would direct customers to the business and not to the residential portion of the structure.

Mr. Bellis asked about the location on the property for an additional parking space for the residential portion of the site. Mr. Malvaso said that only one person will reside in the house and, therefore, there is not a need for a second residential parking space.

Mr. Hemminger said that perhaps Mr. Malvaso should consider additional parking spaces at this time for flexibility on the property. He said that the use of the structure may change in the future and that it may not always be a CBD business. He noted that only one parking space for the resident does not provide for any guests to visit the site during business hours. Mr. Hemminger said that it is better address these issues at this time.

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

■ A motion was made by MS. NEALE, seconded by MR. VIETS, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION—TYPE II ACTION**

PB #0904-19

**APPLICANT: John Malvaso
1176 State Route 332, Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval, SEQR Classification,
modifications to an existing residential house to a mixed
residential/commercial business on one half of the structure
located at 1176 State Route 332.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) (9) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (9) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Motion carried.

Mr. Hemminger discussed Condition #3 in the draft Preliminary Site Plan resolution that has been prepared by the Town staff. There were no objections to the revision that was discussed earlier in the meeting (*see* p. 14, above).

Mr. Maloy asked about a condition of approval regarding a directional sign to encourage motorists to use the West Corporate Drive driveway to exit the property. Mr. Hemminger said that this could be accomplished with a combination of driveway striping and signage. Mr. Parrone said that this will be part of the appropriate signage to be installed.

Mr. Hemminger asked Mr. Parrone if he received the draft Preliminary Site Plan approval resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions as amended. Mr. Parrone said that he received the resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions as amended.

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

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS**

PB #0904-19

**APPLICANT: John Malvaso
1176 State Route 332, Farmington, N.Y. 14425**

ACTION: Preliminary Site Plan approval, modifications to an existing residential house to a mixed residential/commercial business on one half of the structure and related on-site improvements to property located at 1176 New York State Route 332.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the Ontario County Planning Board Referral #182-2019, dated September 11, 2019; the site plan drawings prepared by Parrone Engineering identified as Job No. 6788, dated August 21, 2019, drawings number C1.0 entitled “Site Plan for: 1176 NYS Route 332 DiFelice/Malvaso,” and number C2.0 entitled “Architectural Building Layout,” along with the public record on this application.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby grant Preliminary Site Plan Approval for the above referenced Action with the following conditions:

1. The Titles of the drawings submitted are to be changed to read Preliminary Site Plan and Preliminary Architectural Building Layout.
2. The site plan drawing is to be amended to show separation between the on-site parking spaces for the proposed commercial portion of the building and the on-site parking spaces for the residential portion of the building.
3. The site plan drawing is to be amended to show access to the commercial portion of the building to be provided by both West Corporate Drive and State Route 332 with appropriate signage..
4. The “existing gravel driveway” is to be amended to a dust-free surface as required in Chapter 165 of the Town Code.
5. The site plan drawing, as submitted, does not include any commercial speech sign application. If such commercial speech signage is to be considered the application will need to be amended, or a separate application for sign site plan approval may be required.
6. The note on the drawing C1.0 is to be removed and replaced with the following note: “No setback variance is required for this site plan application as it has been determined by the Town Code Enforcement Officer that this structure is a pre-existing non-conforming structure that is not being changed in size.”
7. The note 2.1 on the drawing C1.0 is to be corrected to identify the zoning for this parcel of land is GB General Business and not RB Restricted Business.

- 8. The site plan drawing will need to add a location and design details for the required Public Safety Signage to identify the street address along State Route 332 as being 1176. Details of said sign design are contained in the Town’s Site Design and Development Criteria.
- 9. All changes made to the original Preliminary Site Plan drawings are to be reflected in the revision boxes on both drawings.
- 10. Signature lines are to be provided on the drawings for the following: Town Highway and Parks Superintendent; Town Water and Sewer Superintendent; Town Engineer; and Town Planning Board Chairperson.
- 11. Once these amendments have been made to the Preliminary Site Plan drawings then five (5) sets are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then Town Signatures shall be affixed to the Preliminary Site Plan drawings.
- 12. Once signed by all departments, then one (1) copy each shall be provided to the following: Town Highway and Parks Superintendent; Town Water and Sewer Superintendent; Town Engineer; and the Project File. One (1) copy will be returned to the Applicant’s Engineer. In the event additional copies of the Preliminary Site Plan drawings are required then they are to be provided at the time of signing.
- 13. Once signed Preliminary Site Plan drawings have been completed then the Applicant may submit Final Site Plan drawings for consideration by the Planning Board and scheduling for a future meeting.
- 14. Preliminary Site Plan Approval is valid for a period of 180 days.

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

Motion carried.

7. PLANNING BOARD ACTION ITEMS

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the following two resolutions be blocked for concurrent action, that the readings be waived and that the following two resolutions be approved as submitted by Town staff:

A. Lyons National Bank—Letter of Credit Establishment and Recommendation to the Town Board

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ESTABLISHMENT AND RECOMMENDATION
TO THE TOWN BOARD
TOTAL AMOUNT—\$50,073.60
LYONS NATIONAL BANK, FARMINGTON BRANCH**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request, from Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, dated September 17, 2019, to accept a Letter of Credit for certain site improvements to be dedicated to the Town, in the total amount of \$50,073.60; and

WHEREAS, the above referenced Letter of Credit estimate has been reviewed by the Town Construction Inspector and the Town Engineers with both finding the quantities and prices identified in the document, for the portion of improvements to be dedicated at this time, to be consistent with the final site plan conditions and the private contractor pricing respectively; and

WHEREAS, the Planning Board is aware that acceptance of a Letter of Credit for these site improvements that are to be dedicated to the Town is a prerequisite to the Town Code Enforcement Officer’s scheduling a Pre-Construction Meeting; and

WHEREAS, the above referenced Letter of Credit is to remain on file and in effect for a period of time until formal acceptance by the Town Board of the dedication of the respective site improvements; and

WHEREAS, under the provisions of Chapter 144-32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested 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 Engineer, does hereby recommend that the Town Board take formal action to accept a Letter of Credit in the total amount of \$50,073.60; and to require said surety be filed with the Town Clerk prior to the scheduling of a pre-construction meeting for the Project.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide certified copies of this resolution to the following parties: Farmington Town Board; Farmington Town Clerk; Farmington Town Principal Account Clerk; Farmington Town Code Enforcement Officer; Thomas Kime, President, Lyons National Bank; and Lincoln Swedrock, P.E., BME Associates.

B. Hathaway’s Corners Project, Phase 1—Letter of Credit Acceptance

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ACCEPTANCE
HATHAWAY’S CORNERS PROJECT—PHASE 1 SITE IMPROVEMENTS**

Files PB #0202-19 and PB #0204-19

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated September 17, 2019, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for Phase 1 Site Improvements to be completed as part of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the 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 \$4,860,086.66.

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

Motion to approve the above two resolutions carried.

C. Street Scape Design Guidelines for the Route 96 Corridor

The board and the Town staff continued the discussion of the proposed Street Scape Design Guidelines for the Route 96 Corridor from the meeting on September 4, 2019.

Mr. Hemminger requested that the originally proposed eastern endpoint of the Corridor at the State Route 96/Hook Road/Beaver Creek Road intersection be extended to the east along the north side of State Route 96 to the Fairdale Glen

townhome development. There were no objections to this request. Mr. Brabant said that MRB Group has already included this extension on the revised document drawing.

Mr. Viets requested that the specification of the light poles be strong enough for the installation of banners or hanging flower baskets by the Town from time to time. Mr. Brabant said that an arm or fixture can be installed on the specified light poles and that they are rated to accommodate the weight of these features.

Mr. Maloy asked about the ability of the light pole foundations to handle the added weight of banners or other items. He also expressed concern about wind loads upon the poles with these items. Mr. Brabant said that he will double check the specifications.

Mr. Maloy asked about adding a guideline option to permit wrought iron fencing in addition to the split-rail fencing that is now included in the draft. He said that perhaps a restaurant may wish to use wrought iron fencing around an outdoor seating area. Mr. Brand said that a restaurant probably would not have outdoor tables along the State Route 96 frontage but might have outdoor seating along the side of a building facing into a parking lot where traffic movements would be slower. Mr. Brabant said that the split-rail fence was added to the guidelines because of the unusual circumstance of the stormwater facility along the Route 96 Corridor at the Byrne Dairy Store that is now under construction. Mr. Bellis said that realistically there would probably not be other stormwater facilities along the Corridor. Mr. Brand said that existing stormwater facilities at other businesses (i.e., Family Dollar, Meyers RV Campers, Generations Bank, etc.) are located behind the structures and not along the Corridor frontage. Mr. Brabant said that he will add wrought iron fencing to the guidelines to provide another option for businesses. Mr. Hemminger said that the Planning Board always has the ability to require what the board feels is appropriate for an application. He said that these are guidelines and are not Town Code.

Mr. Maloy asked about adding an option for river stone of a natural color in addition to the wood mulch that is included in the guidelines. Mr. Brabant said that he will add this to the revision.

Mr. Maloy asked about having a Public Hearing for business owners and residents who will be directly affected by these guidelines. Mr. Hemminger said that the guidelines that will be approved by the Planning Board will be submitted to the Town Board which will hold a Public Hearing. He said that the Town Board will distribute the guidelines to the Farmington Chamber of Commerce and others to get the word out. Mr. Maloy suggested that the guidelines also be posted upon the Town website to receive public comments. He said that the Planning Board has provided the overall sentiment for the guidelines and has a number of sample renderings that can be shared with the public.

There were no further comments or questions on the Street Scape Guidelines this evening.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the Street Scape Design Guidelines for the Route 96 Corridor be approved as amended per this evening’s discussion, and that the Guidelines be submitted to the Town Board.

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

Motion carried.

8. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported on the following topics:

- The Town has been served today with an Article 78 Proceeding regarding the Delaware River Solar project. The case is scheduled to be heard in State Supreme Court in Canandaigua on October 18, 2019, at 9:30 a.m. Mr. Hemminger noted that the Delaware River Solar Public Hearing on the subdivision, Special Use Permit and site plan applications has been continued to the Planning Board meeting on October 16, 2019. Mr. Brand said that the Planning Board’s legal counsel will advise on the procedure to be followed for this continued Public Hearing.
- Mr. Brand met with Angelo Ingrassia (the owner of the Farmington Market Center) and his engineer regarding the Incentive Zoning amenities that the applicant has proposed to the Town for this project. Mr. Brand said that a meeting with the New York State Department of Transportation will be scheduled following receipt of the amenities in writing from Mr. Ingrassia. He said that the Town may hear more on this project and the adjacent LeFrois site in the next several months.
- A revised application is expected for Phase 2 of the MIII Enterprises project (Always Locked Mini Storage on State Route 332 and Carmen’s Way). Phase 2 will propose construction of additional self-storage buildings behind the existing self-storage structures. Mr. Brand said that the applicant still must resolve the removal and redistribution of the topsoil pile that is currently on the portion of the property in Phase 1 and located along State Route 332; and striping of the center-line of Carmen’s Way. He said that the applicant may request a waiver of the

redistribution of the topsoil pile pending an agreement with a client who may propose the use of the proposed plaza-type building that is to be located in front of the existing self-storage buildings that are visible from along the State Route 332 frontage. Mr. Hemminger asked about the parking of rental trucks on the property. Mr. Brand said that the trucks will be relocated out of the frontage on the site. He also said that the applicant plans to plant a total of seven street trees along the State Route 332 frontage of the property in the next week or two.

Code Enforcement Officer:

Mr. Delpriore said that Cobblestone Arts Center (1622 State Route 332) is expected to submit a site plan application for construction of a cafeteria addition to the existing structure. He said that this application, and Phase 2 of the MIII Enterprises application, have been forwarded to the Ontario County Planning Board. Both applications are expected to be on the Planning Board agenda on October 16, 2019.

Water and Sewer Superintendent:

Mr. Degear said that a correction in the grade elevation for the new sewer line in the vicinity of Perez Drive and State Route 332 has been made and that the installation of the sewer line is now proceeding south to the Hathaway's Corners project, which is located on the southwest corner of State Route 332 and County Road 41. He said that installation of the new water line (underneath State Route 332) to the Hathaway's Corners site will begin following completion of the sewer installation.

Mr. Degear, speaking on behalf of Highway Superintendent Don Giroux, said that the contractor is completing work on the box culvert installation (crossing of Beaver Creek) underneath Canandaigua—Farmington Town Line Road near Estate Drive. He said that this installation and repaving of the road in the construction zone will be completed this season.

Mr. Degear said that work has begun for the installation of utilities at Beaver Creek Park. He said that several residents called the Town about the removal of some trees that were located within the existing hedge row on the park land. Mr. Degear said that the trees had to be removed for installation of the sewer and that no replanting over the sewer line will be made.

Town Engineer:

Mr. Brabant said that the updated Site Design Criteria is complete and has been delivered to the Town. The Town Board is expected to consider the adoption of the updated Criteria in October.

Mr. Brabant said that the Town’s MS4 Committee has been meeting to prepare the response to the New York State Department of Environmental Conservation audit of the Town’s MS4 program that was conducted in May. The Town’s response is due by mid-November. Mr. Brabant said that the Town may consider the adoption of a stormwater management plan as part of its MS4 community designation.

9. PUBLIC COMMENTS

None.

10. TRAINING OPPORTUNITY

**Genesee/Finger Lakes Regional Planning Council
Fall 2019 Regional Local Government Workshop**

Friday, November 15, 2019

Quality Inn & Suites, 8250 Park Road, Batavia, N.Y. 14020

Information: David Zorn, Genesee/Finger Lakes Regional Planning Council at
(585) 454-0190, ext. 14 or dave.zorn@gflrpc.org

11. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:15 p.m.

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, October 2, 2019, at 7:00 p.m.

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

Respectfully submitted,

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