

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, February 7, 2024 • 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. Video recordings of the meetings are posted on the Town of Farmington's YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).

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

R = Attended via remote video conference.

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Aaron Sweeney
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
Tim Ford, Town of Farmington Highway Superintendent
August Gordner, Town of Farmington Code Enforcement Officer

Attending:

Robert Brenner, Partner, Canandaigua Development Company LLC, 28 South Main Street,
Canandaigua, N.Y. 14424
Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450
Barb and Lou DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425
Maureen and Patrick Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425
Jim Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425
Peter Gorman, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614—**R**
Jessica Gulla, Esq., Evans Fox LLP Attorneys, 100 Meridian Centre Boulevard, Suite 300,
Rochester, N.Y. 14618—**R**
Pete Leblond, 6262 Pheasants Crossing, Farmington, N.Y. 14425

Matthew Tomlinson, Partner, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614
Griffin Wiegel, Conifer LLC, 1000 University Avenue, Suite 500, Rochester, N.Y, 14607

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 3, 2024.

2. APPROVAL OF MINUTES

Minutes of January 17, 2024:

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, that the minutes of the January 17, 2024, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None.

**4. CONTINUED PUBLIC HEARING:
CONTINUED PRELIMINARY THREE-LOT SUBDIVISION**

PB #0702-23 Continued Preliminary Three-Lot Subdivision Application

Name: Christopher Kamar, P.E., 615 Fishers Run, Victor, N.Y. 14564, representing the Fowler Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

Location: 6240 Pheasants Crossing and the adjacent parcel to the south

Zoning District: RS-25 Residential

Request: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A con-

sisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued.

On August 19, 2020, the Planning Board conducted a Public Hearing on the applicant's request for a three-lot re-subdivision of 12.0938 acres of land of Lot #5 of the Pheasants Crossing Subdivision to create Lot #R-5A of 1.541 acres, Lot #R-5B consisting of 4.181 acres and Lot #R-5C of 6.368 acres (PB #0802-20). The Public Hearing was closed. No action was taken. The applicant informed the Planning Board at that time that he would apply to the Zoning Board of Appeals for an area variance for lot width.

On September 16, 2020, the applicant received Preliminary Two-Lot Re-subdivision Plat approval (PB #0902-20).

On November 18, 2020, the applicant received Final Two-Lot Re-Subdivision Plat approval (PB #1103-20).

On July 24, 2023, the Farmington Zoning Board of Appeals (ZBA) opened its Public Hearing on the applicant's Area Variance application to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125 feet) for proposed Lot #R-5C (ZB #0301-23).

The ZBA then approved the following actions on July 24, 2023:

- The ZBA agreed with the declared intent of the Planning Board that the Planning Board be designated as the State Environmental Quality Review (SEQR) Lead Agency for making the required determination of significance on the subdivision application.
- Following the Planning Board's SEQR determination and a determination of significance, the ZBA then requested that the Planning Board to provide a written recommendation to the ZBA concerning the Area Variance application.
- The ZBA continued the Area Variance application to August 28, 2023.

On August 28, 2023, the ZBA continued the Area Variance application to November 27, 2023, because the Planning Board has not yet determined that the application is complete.

On July 19, 2023, the Public Hearing on the applicant's subdivision application was opened by the Planning Board and was continued to August 2, 2023.

On August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and requested that the applicant provide additional information which the Planning Board deemed necessary for their determining the application

complete. The Planning Board then continued the Public Hearing on the subdivision application to the meeting on September 6, 2023.

On September 6, 2023, Mr. Fowler said that the additional information which had been requested by the Planning Board at their August 2nd meeting, had been submitted to the Town staff. Mr. Hemminger and Mr. Delpriore acknowledged receipt of the additional information but said that it had not been received in time for the September 6th meeting for the Town staff to review and for the Board to make a determination if the application was complete. The Planning Board then continued the Public Hearing on the re-subdivision application to the meeting on October 4, 2023.

On October 4, 2023, the Public Hearing was reconvened, testimony was taken from the applicant and from citizens, and the application was continued to the meeting on November 1, 2023). The applicant was requested to submit additional information to the Town Development Office by Wednesday, October 18, 2023, at 12:00 noon to be considered by the Planning Board on November 1, 2023.

On November 1, 2023, the Public Hearing was reconvened, testimony was taken from the applicant, and the application was continued to the meeting on December 6, 2023, at the request of Mr. Fowler. He was requested to submit additional information to the Town Development Office by Wednesday, November 15, 2023, for placement on the agenda on December 6, 2023).

On November 27, 2023, the Zoning Board of Appeals (ZBA) continued its Public Hearing (ZB #0301-23) to Monday, January 22, 2024, to again provide time for the applicant to submit a complete application to the Planning Board for its review and acceptance as being a complete application. Also on November 27, 2023, the ZBA declared its intent to close its Public Hearing upon this Action at its meeting on Monday, January 22, 2024, if the applicant by that did has not provided the Planning Board with the requested additional information, and to deny without prejudice the requested Area Variance on the grounds that the applicant has failed to provide required information for the ZBA to take action upon.

On December 6, 2023, a letter was received from Jared P. Hirt, Esq. (Evans Fox Attorneys LLP) requesting that the application be tabled. The Public Hearing was continued to the meeting this evening (February 7, 2024).

On December 27, 2023, a letter was sent from Planning Board Chairperson Edward Hemminger to Mr. Hirt in response to Mr. Hirt's submittal package.

On January 17, 2024, the Planning Board approved a resolution to determine that this application is complete.

Mr. Hemminger reconvened the Public Hearing on this application.

Ms. Gulla presented this application via remote video conference. Mr. Fowler also attended.

Mr. Hemminger said that at the Planning Board meeting on January 17, 2024, the board received a packet of additional information which had been requested from the applicant. He said that the additional information was needed by the board, which is the designated Lead Agency under the State Environmental Quality Review Act (SEQR), to make the environmental determination, and that the receipt of the additional material now completes the application which can move forward in the review process.

Mr. Hemminger also said that the applicant has submitted a revised plat drawing which will necessitate the withdrawal of the applicant's current application for a Front Lot Line area variance with the Zoning Board of Appeals (ZBA) and the submission of a revised area variance application to the ZBA.

He then explained the process which will be followed for the application, i.e.:

- #1:** The applicant will withdraw the current area variance application to the ZBA and will submit a new ZBA application requesting an area variance for a Front Lot Line Width for proposed Lot R5-C to have 22 feet instead of the minimum Front Lot Line Width of 125 feet which is required in the RS-25 Residential Suburban District.
- #2:** Upon receipt of the revised ZBA application, the Town staff will refer the complete application to the Ontario County Planning Board and to the Town of Victor (neighboring municipality) for review.
- #3:** *Tentative for March 25, 2024:* The new ZBA application will be received by the ZBA; the ZBA is expected to request comments on the application from the Planning Board.
- #4:** *Tentative for April 3, 2024:* The Planning Board is expected to provide comments to the ZBA on the application and to make the SEQR environmental determination.
- #5:** *Tentative for April 22, 2024:* The ZBA will consider the Front Lot Line Width application to have 22 feet instead of the required minimum width of 125 feet.
- #6:** *Depending upon the timing of the determination of the area variance application by the ZBA:* The Preliminary Three-Lot Re-Subdivision Plat will be considered by the Planning Board.

Ms. Gulla said that the new ZBA application will be submitted to the Town next week. She said that she further understands that the Planning Board has a draft resolution for consideration this evening and that the applicant has no objections to anything in the draft resolution.

Mr. Brand said that this is good news from the applicant's attorney. He then summarized the draft resolution which has been prepared for the board's consideration this evening in which the Town staff is directed to refer the complete application to the Ontario County Planning

Board (OCPB) upon receipt of the new ZBA area variance application. Mr. Brand said that the OCPB would have returned the application to the Town without review if it were to have been submitted incomplete.

Mr. Hemminger asked if anyone in the meeting room wished to comment or ask questions on this application.

Ms. Dispenza (6237 Pheasants Crossing) said that the discussion of this last parcel in the subdivision has been going on for three or four years and that the proposal went from one to two [new lots]. She said that the neighborhood had no issue with two new lots but that she is trying to understand the process now that three new lots have been proposed. Ms. Dispenza referred to a 2022 letter from Town Code Enforcement Officer Dan Delpriore regarding the applicant's appeal for a flag lot and a [reduced] driveway width. She said that it seems that Town resources are being wasted for kicking the can down the road and seeing if something will stick. Ms. Dispenza said that based upon the volume of paperwork she does not understand why the Town guidelines are not more strict in terms of how many times even in a five-year period [that an application can be considered].

Mr. Hemminger said that the Planning Board is following a standard process in which the board and the applicant must adhere to State and Town regulations. He said that right now this is the process that we have, and that we have to live within the rules.

Ms. Dispenza said that she is thinking about all the hours which the board and the Town staff have spent [on this application].

Mr. Brand said that basically the application to the ZBA is an appeal of the Town Code Enforcement Officer's interpretation regarding the 125-foot required lot width at the road. He said that the applicant has submitted a revised application and is now asking for an area variance for a 22-foot lot width at the road instead of the originally proposed 30-foot lot width. Mr. Brand said that the application will be referred to the OCPB and to the Town of Victor as a neighboring municipality upon receipt of the new ZBA application. He said that the State law determines the way in which the Planning Board and the ZBA must operate.

Mr. Hemminger said that the Town will do everything possible to work with applicants if the applicants stay within the State and Town guidelines. He said that the Town will make an effort to work with residents who are concerned with protecting the character of their neighborhood and their properties.

Ms. Dispenza asked about upcoming meeting dates [for this application].

Mr. Hemminger reviewed the tentative schedule (*see* p. 5).

Ms. Dispenza asked if residents should attend both the ZBA and the Planning Board meetings.

Mr. Brabant said that the ZBA will not act upon the application until the Planning Board, as the Lead Agency under the State Environmental Quality Review Act, makes the environmental determination.

Mr. Hemminger again reviewed the expected schedule of actions upon this application. He said that once the application reaches the ZBA, it will be in their [the ZBA] court for however long it takes them [the ZBA] to consider the 22-foot wide area variance request.

Mr. Brand said that the ZBA could receive the application in February or March, depending upon when the OCPB provides its recommendation to the Town.

Ms. Gulla said, to clarify, that she expects the new ZBA application to be submitted to the Town by the end of next week. Mr. Hemminger said that the Town expects that this will be a withdrawal of the current ZBA application and the submission of the new application.

Mr. Leblond (6262 Pheasants Crossing) said that he does not like the proposal, that he does not like the three-lots idea and that he is against this [application]. Mr. Leblond said that the neighborhood is nice, that all the lots are about the same size, that two lots seem to fit appropriately in that space, but that three lots do not make sense. He said that a lot of the acreage is unusable, that it is not useable land, and that it is nice property on which to put two homes there, but not three. He said that no matter how you puzzle it up, it will not be good [to have three lots].

Mr. Hemminger said that the board takes all comments to heart and that the board's decision will be based on the facts. He said that all the facts will be reviewed when the board considers the environmental record. Mr. Hemminger also said that all of the information about this application is available at the Town building department for public review.

Ms. Dispenza asked about the new variance application for a lot width of 22 feet instead of the originally proposed 30 feet. Mr. Brand said that this refers to the width of the lot at the road. Ms. Dispenza said that currently the existing homes [in the subdivision] have an average lot width of 141 feet and driveways—which extend from the road to the homes—at a minimum of 90 feet in width. She said that she does not see how this [application] will fit consistently with what is now in the neighborhood and that all the other driveways are meant for at least two vehicles.

Mr. Hemminger said that the [driveway] space must provide room for the driveway and for the utilities. He said that these issues are expected to be discussed by the ZBA, and that this is their area to determine if they feel that it [the area variance application] is appropriate or not.

Mr. Hemminger then asked if anyone on the remote video conference wished to comment or ask questions on this application.

There were no questions or comments from those on the remote video conference.

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

Mr. Hemminger said that Ms. Gulla indicated previously in the meeting that there are no issues with the draft resolution which has been prepared for the board's consideration this evening.

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

TOWN OF FARMINGTON PLANNING BOARD RESOLUTION

PB #0702-23

**APPLICANT: Fowler Family Trust, 6176 Hunters Drive,
Farmington, N.Y. 14425**

**ACTION: Continuation of Public Hearing; Referral to Ontario County
Planning Board and to the Victor Town Clerk. Application for
the proposed Three-Lot Preliminary Re-Subdivision Plat, Lots
R5-A, R5-B and R5-C for the Fowler Family Trust**

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

WHEREAS, the Board, at their January 17, 2024, meeting received a packet of additional information that was previously requested by the Board, to enable the Board, the designated Lead Agency under the State Environmental Quality Review Act (SEQRA), to make a determination that it now has a complete application for making a determination of significance under the State Environmental Conservation Law, article 8; and

WHEREAS, the above referenced packet is intended to enable the Board to allow: for a referral to the Ontario County Planning Board for its review at their February 14, 2024, meeting; for a referral by the Town Clerk of Farmington to the Town Clerk of Victor, under the provisions of Section 239-nn of the New York State General Municipal Law; and for continuation of the Public Hearing upon this application which has been continued from the Board's meetings held on Wednesday, July 19, 2023; Wednesday, August 2, 2023; Wednesday, September 6, 2023; Wednesday, October 4, 2023; Wednesday, November 1, 2023; and Wednesday, December 6, 2023; and

WHEREAS, Town Staff also did identify in the January 10, 2024, email response that the revised plat drawing will necessitate the withdrawal of the current application (ZB #0301-23) with the Town of Farmington Zoning Board of Appeals (ZBA) for a Front Lot Line variance a new application to the Town Zoning Board of Appeals, for the area variance for proposed Lot R5-C, Lot Frontage along Pheasants Crossing, which at this time has not occurred; and

WHEREAS, Town Staff did identify the need for a Full Environmental Assessment Form (FEAF) to be submitted on the above referenced Action; and

WHEREAS, Town Staff did receive on Friday, January 26, 2024, a FEAF which was reviewed and accepted for said Action and which has tonight been reviewed by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the above referenced information makes the following determinations:

1. The Board does hereby accept the FEAF Part 1, prepared by Chris Kamar, P.E., APD Engineering/Architecture, dated January 25, 2024, for the proposed Action.
2. The Board does hereby accept as complete the revised drawing entitled “Preliminary Re-Subdivision Plat, Lots R5-A and R5-B, Pheasants Crossing Subdivision Tract,” having the latest revision date 01/17/2024, prepared by Venezia Professional Land Surveyors, and identified as Job #20051.
3. The Board by accepting the revised preliminary plat drawing referenced above herein directs the Applicant to make a new application to the Town of Farmington Zoning Board of Appeals, requesting an area variance for a Front Lot Line Width for proposed Lot R5-C to have twenty-two feet (22-feet) instead of the minimum Front Lot Line Width of 125-feet required within the RS-25 Residential Suburban District.
4. The Board does hereby accept as complete the Drawing No. EX2, entitled “Buildable Area Exhibit,” having a revised date 01/25/24, Project No. 19-0346, prepared by APD Engineering/Architecture.
5. The Board does hereby direct Town Staff to submit a complete application to the Ontario County Planning Board, under the provisions of Section 239-1 & -n of the New York State General Municipal Law for its review and recommendation, once a new application has been received by the Town Zoning Board of Appeals, for an area variance to allow a twenty-two-foot-wide (22-foot) Front Lot Line Width for proposed Lot R5-C.
6. The Board does hereby direct the Town Clerk to provide notice of a complete application for a preliminary three (3) lot re-subdivision of Lots R5A and R5B of the Pheasants Crossing Subdivision Tract to the Town of Victor Town Clerk, under the provisions of Section 239-nn of the New York State General Municipal Law requesting any comments thereon, once a new application has been received by the Town Zoning Board of Appeals, for an area variance to allow a twenty-two-foot-wide (22-foot) Front Lot Line Width for proposed Lot R5-C.
7. The Board does hereby direct the Applicant to withdraw the current application, ZB #0301-23, an area variance to allow a thirty-foot (30 foot) wide Front Lot Line for the previously proposed Lot R5-C, a part of the previous application that has

been amended tonight (PB #0701-23), as this variance no longer applies to the Preliminary Re-Subdivision Plat drawing referenced above herein that is now currently pending before this Board.

- 8. The Board does hereby direct the Applicant to prepare a new application for an area variance for proposed Lot R5-C, requesting a twenty-two-foot (22-foot) wide Front Lot Line width instead of the 125-foot minimum Front Lot Line width.
- 9. The Board does hereby direct the Applicant to submit information as part of the new area variance request that includes the revised Preliminary Plat drawing referenced above herein, the amended FEAF for the revised Preliminary Plat, and the amended “Buildable Area Exhibit” referenced above herein.

BE IT FURTHER RESOLVED that the Board does hereby adjourn tonight’s Public Hearing upon the amended “Preliminary Re-Subdivision Plat, Lots R5-A, R5-B and R5-C of the Pheasants Crossing Subdivision Tract,” to the Board’s scheduled meeting on Wednesday, April 3, 2024, to allow the Applicant time to submit a complete new application to the Town Zoning Board of Appeals, at their scheduled meeting date March 25, 2024, for a Front Lot Line Area Variance of twenty-two feet in width and for the Zoning Board of Appeals to receive and open a Public Hearing upon said new Application.

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be provided to the Town of Farmington Zoning Board of Appeals, the Applicant, the Applicant’s Attorney, the Applicant’s Engineer, the Town Director of Planning and Development, the Town Code Enforcement Officer and the Town Zoning Enforcement Officer.

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

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

Motion carried.

**5. CONTINUED PUBLIC HEARING:
OVERALL PRELIMINARY 186-LOT SUBDIVISION**

PB #1201-23 Overall Preliminary 186-Lot Subdivision Application

Name: Canandaigua Development Company LLC, 83 South Main Street, Canandaigua, N.Y. 14424

Location: North side of State Route 96, south side of Collett Road, east of Fairdale Glen

Zoning District: IZ Incentive Zoning

Request: Overall Preliminary Subdivision Plat approval involving a total of 186 single-family residential lots and three commercial lots, all of which are located on a total of 147.7 acres of land, identified as Tax Map Accounts 29.00-2-14.000 and 29.00-2-13.100; and as further identified as the Paddock Landing Subdivision, owned by Canandaigua Development Company LLC. The proposed Action involves creating a total of 186 residential lots with related site improvements on approximately 136.11 acres of land; and creating three commercial lots, containing a total of approximately 11.59 acres of land involving a total of 50,000 square feet of commercial buildings and related site improvements. The properties are generally located along the north side of New York State Route 96, east of Fairdale Glenn, south of Collett Road and west of County Road 8. The sites are zoned IZ Incentive Zoning.

See also the accompanying PB #1202-23 Site Plan application, below.

**6. CONTINUED PUBLIC HEARING:
OVERALL PRELIMINARY 186-LOT SITE PLAN**

PB #1202-23 Overall Preliminary 186-Lot Site Plan Application

Name: Canandaigua Development Company LLC, 83 South Main Street, Canandaigua, N.Y. 14424

Location: North side of State Route 96, south side of Collett Road, east of Fairdale Glen

Zoning District: IZ Incentive Zoning

Request: Overall Preliminary Site Plan approval to erect a total of 186 single-family residences with related site improvements and erecting three commercial buildings involving a total of 50,000 square feet of building space with related site improvements.

See also the accompanying PB #1201-23 Subdivision application, above.

On June 2, 2022, the original application for this subdivision and site plan was discussed by the Project Review Committee. The applicant proposed 216 single-family for-sale residential lots, and General Business and Limited Industrial uses along State Route 96.

On May 4, 2023, the current revised application for 186 single-family for-sale residential lots, and General Business and Limited Industrial uses along State Route 96, was discussed by the Project Review Committee.

On May 9, 2023, the Town Board established a new State Environmental Quality Review (SEQR) 30-day coordinated review period from May 9, 2023, to June 9, 2023.

On May 17, 2023, the Planning Board determined that the revised application contained substantial changes in the design of the concept plan.

On December 6, 2023, the Public Hearings on the Overall Preliminary Subdivision Plat and the Overall Preliminary Site Plan were opened, the Planning Board declared its intent to be State Environmental Quality Review (SEQR) Lead Agency for making the determination of significance, and the 30-day Coordinated Review Period was established from December 7, 2023, to January 12, 2024.

Also on December 6, 2023, the Public Hearings were continued to January 17, 2024.

On January 17, 2024, the Planning Board designated itself to be the State Environmental Quality Review (SEQR) Lead Agency for making the determination of significance and approved a resolution directing the preparation of a draft Full Environmental Assessment Form Part 2 and Part 3.

Mr. Hemminger concurrently reconvened the Public Hearings on PB #1201-23 and PB #1202-23.

Mr. Destro of BME Associates and Mr. Brenner of the Canandaigua Development Company attended the meeting this evening.

Mr. Destro said that these applications were again discussed at the Project Review Committee meeting on February 1, 2024, at which no new comments were provided by the Town staff. He acknowledged receipt of the two draft resolutions for subdivision and site plan approvals with conditions which were distributed prior to this evening's meeting, and that there were several new conditions of approval. Mr. Destro requested that action upon these two resolutions be continued to the next meeting to provide time for them to meet with the Town staff and to address these proposed conditions of subdivision and site plan approval.

Mr. Brand said that the Planning Board may take action this evening upon the State Environmental Quality Review determination. He suggested that the board accept Part 2 and Part 3 of the Full Environmental Assessment Form (FEAF), and the Supplement to Part 3 of the FEAF; determine the SEQR declaration; and continue the Public Hearing on the

subdivision and site plan as requested by Mr. Destro to February 21, 2024, to provide time for him and the applicant to meet with the Town staff to address the draft conditions of approval.

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

Mr. Hemminger then asked if anyone on the remote video conference wished to comment or ask questions on this application. There were no comments or questions from those on the remote video conference.

Mr. Bellis asked if continuing the Public Hearings to the next meeting on February 21, 2024, would be enough time for the Town staff and the applicant to meet and discuss the draft conditions of approval. He asked if they were all good with the timeline. Mr. Brand said that the Town staff is prepared to meet with the applicant next week and will have answers to Mr. Destro’s comments on the draft conditions of approval. He said that this timeline is based on a meeting which he attended this afternoon with Mr. Delpriore and Mr. Gordner.

Mr. Destro also said that their preference is to continue the Public Hearings to the next Planning Board meeting on February 21, 2024.

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
PADDOCK LANDING INCENTIVE ZONING PROJECT
SEQR DETERMINATION**

**PB #1201-23 Overall Preliminary 186-Lot Subdivision
PB #1202-23 Overall Preliminary Site Plan**

APPLICANT: Canandaigua Development Company LLC, 83 South Main Street, Canandaigua, N.Y. 14424

ACTION: Determination of Significance under the provisions of the State Environmental Quality Review (SEQR) regulations for the following Actions:

PB #1201-23:
Overall Preliminary Subdivision Plat approval involving a total of 186 single-family residential lots and three commercial lots, all of which are located on a total of 147.7 acres of land, identified as Tax Map Accounts 29.00-2-14.000 and 29.00-

2-13.100; and as further identified as the Paddock Landing Subdivision, owned by Canandaigua Development Company LLC. The proposed Action involves creating a total of 186 residential lots with related site improvements on approximately 136.11 acres of land; and creating three commercial lots, containing a total of approximately 11.59 acres of land involving a total of 50,000 square feet of commercial buildings and related site improvements. The properties are generally located along the north side of New York State Route 96, east of Fairdale Glenn, south of Collett Road and west of County Road 8. The sites are zoned IZ Incentive Zoning.

PB #1202-23:

Overall Preliminary Site Plan approval to erect a total of 186 single-family residences with related site improvements and erecting three commercial buildings involving a total of 50,000 square feet of building space with related site improvements.

WHEREAS, the Town of Farmington Town Planning Board (hereinafter referred to as Board) has determined the proposed Actions referenced above to be classified as a Type I Actions (hereinafter referred to as Actions) under Part 617 of the State Environmental Quality Review Act (SEQR) Regulations; and

WHEREAS, the Board has completed a coordinated review with Involved Agencies and is designated as the lead agency under SEQR Regulations for making the required determination of significance upon said Actions; and

WHEREAS, the Board has conducted a referral under the provisions of Sections 239-l and -m of the New York State General Municipal Law with the Ontario County Planning Board (Referrals #262.0 and #262.1 of 2023) and has closed the Public Hearing (on Tuesday, February 7, 2024) upon said Actions; and

WHEREAS, the Board, has received and reviewed the Parts 2 and 3 of the Full Environmental Assessment Forms for said Actions, dated February 7, 2024, prepared by the Town Director of Planning and Development; and

WHEREAS, the Board has given consideration to the public comments provided during the Public Hearing upon said Actions; and

WHEREAS, the Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQRA Regulations and the information contained within Parts 1, 2 and 3 of the (FEAF), the Part 3 Supplemental Narrative, along with supporting documentation and maps submitted with these two (2) applications.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby accept Parts 1, 2 and 3 of the FEAF, along with the Part 3 Supplemental Narrative for the above referenced Actions.

BE IT FURTHER RESOLVED that the Board having reviewed the public record upon the above referenced Actions does hereby conclude the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity; traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Actions; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Actions; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Actions; and
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Letter dated June 8, 2017 (File 17PR03555), or will the proposed Actions impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Actions;
- (vii) there will not be any hazard created to human health resulting from the proposed Actions;
- (viii) there will be a change in the use of current active agricultural land resulting from the proposed Actions;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Actions;

- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the proposed Actions WILL NOT result in any significant [Moderate to Large] adverse environmental impacts.

BE IT FURTHER RESOLVED that the Board does hereby make a Determination of Non-Significance upon said Actions and directs the Planning Board Chairperson to sign and date Part 3 of the Full Environmental Assessment Form, the State’s Negative Declaration Form.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file certified copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Forms, the Part 3 Supplement, and this Determination of Non-Significance Resolution, with the New York State Department of Environmental Conservation requesting publishing of this determination in the State’s Environmental Notice Bulletin; and to provide certified copies of these documents to the involved agencies, the Applicant, the Applicant’s Engineer and Town Development Staff; and to place of copy of this determination of non-significance in the file upon the above referenced Actions.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	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:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 PADDOCK LANDING INCENTIVE ZONING PROJECT
 CONTINUATION OF PUBLIC HEARINGS**

PB #1201-23 Overall Preliminary 186-Lot Subdivision

PB #1202-23 Overall Preliminary Site Plan

APPLICANT: Canandaigua Development Company LLC, 83 South Main Street, Canandaigua, N.Y. 14424

ACTION: Continuation of Public Hearings

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has tonight continued the Public Hearing upon the above referenced applications for Overall Preliminary Subdivision Plat and Overall Preliminary Site Plan approvals for development of approximately 148 acres of land, originally known as the Power Incentive Rezoning Project and now known as the Paddock Landing Incentive Zoning Project, located along the north side of State Route 96, generally east of the intersection of State Route 96 and Hook Road and west of the intersection of State Route 96 and County Road 8, and extending north to a small portion of access to Collett Road near the Ontario Central Railroad crossing; and

WHEREAS, the Applicant’s Engineer has requested the Board to continue said Public Hearings to allow time for a meeting to be held with Town Staff for the purpose of clarifying some of the conditions of approval contained in the draft resolutions.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to adjourn the public hearings upon the above referenced Actions and agrees to continue the public hearings on Wednesday, February 21, 2024.

BE IT FINALLY RESOLVED that the Board does hereby direct that copies of this resolution are to be provided to the Farmington Town Highway and Parks Superintendent; the Working Supervisor of the Farmington Town Water and Sewer Department; the Town Code Enforcement Officer; the Town Construction Inspectors; the Town Fire Marshal; the Town Engineers, MRB Group, D.P.C., Attn: Lance S. Brabant, Director of Planning Services; the Town Director of Planning and Development; the Applicant; and the Applicant’s Engineers.

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

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

Motion carried.

7. OTHER BOARD ACTIONS

PB #0201-24 Pintail Crossing Preliminary Re-Subdivision Plat Application

Name: Evan Van Epps for Brickwood Management, 25 Silverlight Way, Rochester, N.Y. 14624

Location: Pintail Crossing Apartment Project

Zoning District: RMF Residential Multi-Family

Request: Acceptance of an Application for Preliminary Re-Subdivision Plat Approval of Lots R1 and R2 of the Pintail Crossing Apartment Project; scheduling a Public Hearing for Wednesday, February 21, 2024; and directing the filing of a referral to the Ontario County Planning Board, for the development of 40 market rate rental townhouse dwelling units on approximately 6.1 acres of land, to be accessed by the extension of and dedication of Pintail Crossing.

This application was presented by Mr. Tomlinson of Marathon Engineering. Mr. Gorman of Marathon Engineering attended via Remote Video Conference. Mr. Wiegel of Conifer LLC attended in the meeting room.

Prior to the meeting, Mr. Tomlinson provided the following information:

The original Pintail Crossing project consisted of 112 apartment units in 14 buildings, plus a 3,300± square-foot community building on 15.9± acres that were rezoned by the Town Board to RMF Residential Multi-Family. Phase 1 of the project was approved by the Planning Board on February 21, 2018, and consisted of the construction of the Community Building, eight buildings containing 64 apartments (16 one-bedroom units, 32 two-bedroom units, and 16 three-bedroom units), associated parking lots, both stormwater management facilities, and the Bus Loop. Phase 1 also included the extension of Quentonshire Drive (dedicated road) by 350± feet and the construction of 875± feet of Pintail Crossing (private road).

Phase 2 was envisioned to include the construction of six buildings containing 48 apartments (eight one-bedroom units, 32 two-bedroom units, and eight 3-bedroom units), associated parking lots, and the remaining portion of Pintail Crossing (private road).

After Phase 1 was constructed, funding was not received for Phase 2 and that portion of the project is in the process of being sold and will now be developed by Brickwood Management. That development section is called Creekwood Extension, with the primary change being 40 market rate, for-rent units to be constructed, versus the 48 units originally anticipated. The

Town of Farmington has requested to take dedication of the currently private road known as Pintail Crossing after Conifer and Brickwood install some infrastructure improvements to the roadway. This will assist the Town in maintaining access through the Farmbrook neighborhood during planned infrastructure improvements.

Dedication of the Pintail Crossing roadway will result in the creation of four lots:

Pintail Crossing (now a dedicated roadway) 2.56± acres

Lot #1:

Pintail Phase 1 on the east side of Pintail Crossing 2.79± acres

Lot #2:

Pintail Phase 1 on the south side of Pintail Crossing 5.27± acres

Lot #3:

Creekwood Extension on the north side of Pintail Crossing 2.85± acres

Lot #4:

Creekwood Extension on the south side of Pintail Crossing 2.45± acres

As a result of the re-subdivision, 13 variances are now required, as there are now additional property lines from which setbacks must be calculated. (*see* letter from Marathon Engineering, January 10, 2024, in the project file, for specific variances).

*—Matthew Tomlinson, Partner, Marathon Engineering
January 10, 2024*

Mr. Tomlinson said that the Town staff asked if the applicant would dedicate the Pintail Crossing roadway to the Town. He said that the owner is on board with this but that the dedication of the road will require 13 zoning variances. He said that this would be a much more streamlined process without the road dedication, but that it is in the Town's interest to have a dedicated road and that the owner is agreeable to move forward with the additional zoning approvals which are now required.

Mr. Tomlinson said that this evening the board is requested to accept the application as complete and set the Public Hearing on the Preliminary Re-Subdivision Plat for February 21, 2024. He said that the applicant understands that the variances must be approved by the Zoning Board of Appeals (ZBA) prior to Planning Board action on the re-subdivision application. He also said that this project is contingent upon the property closing and the transfer of land [from Conifer LLC to Brickwood Management]. Mr. Tomlinson said that tonight is the first step.

He then reviewed the phases of the Pintail Crossing development on the drawing which was displayed on the video screen.

Mr. Brand said that the capital project to which Mr. Tomlinson referred is the replacement of the bridge on Wood Drive over a stream. He said that Ontario County is now working with New York State Department of Transportation for funding to enable replacement of the bridge and the installation of sidewalks along a portion of County Road 41.

Mr. Brand said that Wood Drive is a route used by Canandaigua City School buses and as an additional means of access to the Farmbrook subdivision on a daily basis. He said that a detour during the bridge closing through the Farmbrook subdivision would not be desirable, and that this led to the Town's interest in taking dedication of Pintail Crossing as a Town road.

Mr. Ford said that the Town has taken core samples on the current Pintail Crossing private road and that the private road is in good condition and they feel that there would be no problem for the Town to take it over. He said that the width of the private road is 20 feet instead of the Town's preferred 22 feet, but that with the Wood Drive bridge to be closed at some point in the future, it will be in the Town's interest to have Pintail Crossing as a Town-dedicated road.

Mr. Ford said that some sections of the Pintail Crossing private road will have to be replaced but that when the developer builds the section of the road out to Running Brook Road those sections would be built to Town specifications following which the Town will take dedication.

Mr. Gordner said that a big component [of the Pintail Crossing road dedication] will be an improved emergency access route when the Wood Drive bridge is closed. He said that this additional emergency access will be beneficial to the Town. Mr. Gordner also said that the applicant has been very good to work with but that the road dedication will create a number of zoning variances for the applicant.

Mr. Brabant said that the engineering material which has been provided meets the Town criteria and that he has no objections to the scheduling of a Public Hearing on this application.

Mr. Hemminger said that the action this evening is only to accept the application as complete; to set the Public Hearing on the Preliminary Re-Subdivision Plat for February 21, 2024; and to refer the application to the Ontario County Planning Board.

Mr. Hemminger also expressed concern to Mr. Tomlinson about the need for adequate parking for the apartment tenants. He said that no parking will be permitted on Pintail Crossing during the winter months after it becomes a dedicated Town road, and that other Town parking regulations will be enforced. Mr. Hemminger said that he will be especially looking closely at parking availability. Mr. Tomlinson said that they will have a response to the board regarding parking at the Public Hearing on February 21st.

Mr. Hemminger also asked if the buildings will have basements. Mr. Tomlinson said that they may have basements.

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

■ 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

PB #0201-24

APPLICANT: Evan Van Epps for Brickwood Management, 25 Silverlight Way, Rochester, N.Y. 14624

ACTION: Acceptance of an Application for Preliminary Re-Subdivision Plat Approval of Lots R1 and R2 of the Pintail Crossing Apartment Project; scheduling a Public Hearing for Wednesday, February 21, 2024; and directing the filing of a referral to the Ontario County Planning Board, for the development of 40 market rate rental townhouse dwelling units on approximately 6.1 acres of land, to be accessed by the extension of and dedication of Pintail Crossing.

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

WHEREAS, the Board has discussed this proposed Action with Town Staff at tonight's meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the above referenced information makes the following determinations:

1. The Board finds the application packet adequate for continuing its formal consideration of the Application to be identified as File PB #0201-24.
2. The Board does hereby accept the Short Environmental Assessment Form (SEAF) Part 1, prepared by Matthew Tomlinson, Project Manager, Marathon Engineering, as Agent for the above referenced Applicant; and Classifies the Proposed Action under 6NYCRR, Part 617, a part of Article 8 of the New York State Environmental Conservation Law (ECL), the State's Environmental Quality Review (SEQR) Regulations, as being an Unlisted Action.
3. The Board does hereby direct Town staff to schedule a Public Hearing upon the above referenced Action for Wednesday evening, February 21, 2024, commencing at 7:00 p.m. and to provide public notice thereof in accordance with established practices.

- 4. The Board directs Town Staff to submit a referral packet to the Ontario County Planning Board, under the provisions of Sections 239-l and -n of the New York State General Municipal Law, for review at their February 14, 2024, meeting.

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be provided to Town Development staff; the Town Engineers, MRB Group, D.P.C.; the Applicant, the Applicant’s Engineer; and Griffin Wiegel, Conifer LLC, 1000 University Avenue, Suite 500, Rochester, NY 14607.

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

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

Motion carried.

8. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

- The most recent edition of the Town Newsletter includes a link to the Parks and Recreation Survey. Mr. Brand said that the Newsletter was received in most homes on Saturday, February 3, 2024, and that more than 260 completed surveys have been received to date. He said that the Town may or may not send a reminder to residents to take the survey. The survey will close on February 29, 2024.
- The bids for the Transportation Alternatives Program (TAP), Phase 1—the Sidewalk, Trail Connections and Bike Lanes project—will be opened on Wednesday, February 14, 2024. On June 21, 2022, the commissioner of the New York State Department of Transportation notified the Town of an award of \$1,769,000.00 of Federal highway funds to be matched with \$445,000.00 of Town funds. Work on this project is scheduled to begin and be completed this year.
- Mr. Ford and Mr. Brand recently met with representatives from the New York State Department of Transportation (DOT) regarding traffic signal improvements at the existing intersections along State Route 332 between Collett Road in Farmington and Parkside Drive in Canandaigua. Mr. Brand said that the improvements will include the installation of traffic signals on utility poles at the intersections to avoid having signals in the middle of the intersections.

Mr. Ford said that the improvements also will now replace the left-turn flashing yellow light with a green arrow.

Mr. Brand said that the DOT representatives also discussed the installation of radar operated traffic signal detection units at intersections.

- An application for an Incentive Zoning development project at the Farmington Market Center on State Route 96 (the Tops Supermarket Plaza) may be presented to the Town Board on February 13, 2024, or on February 27, 2024. Mr. Brand said that a number of businesses have expressed interest in both locating and relocating upon this site and that to date the rezoning process has been long and drawn-out.
- New information regarding a release of funds from the Letter of Credit of the GLN Farmington Realty project on the south side of State Route 96 (east of the Farmington Market and west of the intersection of State Route 96 and State Route 332) has now been received. Mr. Brand said that the Town awaits some additional information and that this Letter of Credit release may be on the next Planning Board agenda, or on an agenda in March, depending upon how quickly the applicant will respond to the Town's request for additional information.
- Mr. Brand reminded the board that provisions of New York State law allow for the appointment of an alternate member of the Planning Board. He said that the board has not yet seen the need for the appointment of an alternate member but that this is something that the board should keep in mind.

Code Enforcement Officer:

Mr. Gordner said that the following applications will be on the Planning Board agenda on February 21, 2024:

PB #1201-23 Paddock Landing Overall Preliminary Subdivision Plat
Continuation of the Public Hearing

PB #1202-23 Paddock Landing Overall Preliminary Site Plan
Continuation of the Public Hearing

PB #0201-24 Pintail Crossing Apartment Project Four Lot Re-Subdivision
Opening of the Public Hearing

PB #0507-21 Blackwood Industrial Park (Union Crossing Development)
Final Site Plan amendment to increase the building size of the western structure.

Mr. Gordner also said that the final Preliminary Site Plan drawings for Farmbrook Subdivision Sections 7A and 7B were received in the building department today. Mr. Hem-

mingler said that he signed the drawings today. Mr. Gordner and Mr. Brabant both said that Final Site Plan drawings for Sections 7A and 7B is expected to be on a Planning Board agenda in March. The SEQR classification for this application (Type II Action) and the Preliminary Site Plan for Sections 7A and 7B were approved by the board on January 17, 2024 (PB #0103-24).

Highway/Parks Superintendent:

Mr. Ford commented on the mild winter so far this season.

9. PUBLIC COMMENTS

None.

10. TRAINING OPPORTUNITIES

■ **2024 Municipal Bootcamp Trainings:**

A free annual program to provide certification credits to newly elected officials, planning and zoning boards, and municipal officials presented by Hancock Estabrook and MRB Group.

Thursday, February 22, 2024, 6:00 p.m.–7:00 p.m.

Session 2: Planning Board Basics: Roles of the Planning Board in Community Development

Thursday, March 28, 2024, 6:00 p.m.–7:00 p.m.

Session 3: Zoning Board Basics: Roles of the Zoning Board in Community Development

Thursday, April 25, 2024, 6:00 p.m.–7:00 p.m.

Session 4: Environmentally Speaking: The Nuts and Bolts of SEQR

Thursday, May 23, 2024, 6:00 p.m.–7:00 p.m.

Session 5: A History Lesson: Challenges and Opportunities with Historic Properties

Thursday, June 27, 2024, 6:00 p.m.–7:00 p.m.

Session 6: Putting the Home in Hometown: Strategies for Attracting Housing Investment to Your Community

Thursday, July 25, 2024, 6:00 p.m.–7:00 p.m.

Session 7: From Big to Small: Translating Comprehensive Plans into Land Use Regulations

Thursday, September 26, 2024, 6:00 p.m.–7:00 p.m.

Session 8: Under the Tent: Open Meetings, Record Keeping, and Engaging the Public in Community Development

Thursday, October 24, 2024, 6:00 p.m.–7:00 p.m.

Session 9: Short, But Not Too Short: How Short-Term Rentals Are Changing the Development and Regulatory Landscape

Thursday, December 19, 2024, 6:00 p.m.–7:00 p.m.

Session 10: Santa’s Nice and Naughty List: The Best and Worst of 2024

Questions and registration:

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

■ **New York Planning Federation Recorded Webinars:**

For information: (518) 512-5270 or nypf@nypf.org

■ **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>

11. ADJOURNMENT

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, 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, February 21, 2024, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. This meeting will also be available via remote video conference.

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

Respectfully submitted,

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