

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, August 2, 2023 • 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
Douglas Viets

Board Member Excused: Aaron Sweeney

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer
Tim Ford, Town of Farmington Highway Superintendent
Collin Sowinski, Town of Farmington Engineer, MRB Group D.P.C.

Attending:
Suzanne Mandrino, 5996 Marsh Circle, Farmington, N.Y. 14425

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 4, 2023.

2. APPROVAL OF MINUTES

A. Minutes of July 5, 2023:

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, that the minutes of the July 5, 2023, meeting be approved.

Motion carried by voice vote. Mr. Bellis abstained due to his absence from the meeting on July 5, 2023.

B. Minutes of July 19, 2023:

Due to the absences of Mr. DeLucia and Mr. Viets from the Planning Board meeting on July 19, 2023, the minutes of that meeting could not be approved this evening for lack of a quorum of those who were present on July 19th. The approval was held over until the next meeting of the Planning Board on September 6, 2023.

3. LEGAL NOTICE

None.

4. 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 consisting 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 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 submit an application to the Zoning Board of Appeals for an area variance for lot width.

On September 16, 2020, the applicant received Preliminary Two-Lot Resubdivision 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) open 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 agrees with the 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 of significance, the ZBA then requests 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.

The Public Hearing on the applicant's subdivision application was opened by the Planning Board on July 19, 2023.

Mr. Hemminger reconvened the Public Hearing this evening on the subdivision application.

He said that a letter was received this afternoon (August 2, 2023) from Christopher V. Kamar, P.E., Senior Principal of Engineering of APD Engineering/Architecture (the applicant's engineer), in which Mr. Kamar acknowledged receipt of a draft resolution which had been prepared for the board's consideration this evening regarding the board's request for additional information regarding the subdivision application. In the letter, Mr. Kamar requested that the application be tabled until the next available Planning Board meeting to enable the applicant to address the issues which were raised in the draft resolution.

Mr. Hemminger then asked if anyone in the meeting room or on the remote video conference wished to speak for or against this application, or ask questions.

There were no questions or comments from those in the meeting room. There were no attendees on the remote video conference.

■ 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
DESIGNATION AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY
REVIEW REGULATIONS FOR MAKING A DETERMINATION OF SIGNIFICANCE**

PB #0702-23

APPLICANT: APD Engineering & Architecture, 615 Fishers Run, Victor, N.Y. 14564; representing the Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425

ACTION: SEQR Lead Agency Designation, Preliminary Three Lot Re-Subdivision Plat Approval for Tax Map Accounts Number 29.13-1-5.100 containing a total of 7.9 acres of land and Number 29.13-1.5.200 containing a total of 4.2 acres into three (3) proposed lots (Lot #R5-A, 6.437 acres; Lot #R5-B, 2.212 acres; and Lot #R5-C, 3.442 acres). All three (3) proposed Lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

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

WHEREAS, the Planning Board has received a reply from the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board), dated July 24, 2023, stating the Zoning Board's agreement with the Planning Board's declared intent to be designated as the Lead Agency, under the provisions of § 617.6 of the State's SEQR Regulations; and tonight, has received testimony that will be entered into the Public Hearing record upon the above Action; and

WHEREAS, there are a number of procedures that have been identified which must first be addressed before the Planning Board intends to close the Public Hearing on the above Action.

NOW THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as the Lead Agency under SEQR for making the required determination of significance upon the above Action.

BE IT FINALLY RESOLVED that the Planning Board directs the Clerk of the Board to provide a certified copy of this resolution to the Town Zoning Board of Appeals, the Applicant and the Applicant's Engineer.

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

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

Motion carried.

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

**FARMINGTON PLANNING BOARD RESOLUTION
CONTINUATION RESOLUTION**

PB #0702-23

APPLICANT: APD Engineering & Architecture, 615 Fishers Run, Victor, N.Y. 14564; representing the Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425

ACTION: Continuation Resolution: Preliminary Three Lot Re-Subdivision Plat Approval for Tax Map Accounts Number 29.13-1-5.100 containing a total of 7.9 acres of land and Number 29.13-1.5.200 containing a total of 4.2 acres into three (3) proposed lots (Lot #R5-A, 6.437 acres; Lot #R5-B, 2.212 acres; and Lot #R5-C, 3.442 acres). All three (3) proposed Lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

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

WHEREAS, the Planning Board has received additional testimony at tonight’s Public Hearing which identifies a number of procedures that must first be addressed before the Planning Board can determine receipt of a complete application; and

WHEREAS, the Planning Board has previously declared that all procedures must first be addressed before the Planning Board intends to close the Public Hearing on the above referenced Action.

NOW THEREFORE BE IT RESOLVED that the Planning Board does hereby move to table further deliberations upon the above referenced Action.

BE IT FINALLY RESOLVED that the Planning Board does hereby adjourn this Public Hearing and agrees to continue it to the Board’s scheduled meeting on **September 6, 2023**, and directs the Clerk of the Board to provide a certified copy of this resolution to the Town Zoning Board of Appeals, the Applicant and the Applicant’s Engineer.

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

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

Motion carried.

Following the vote on this resolution, Mr. Hemminger requested that the meeting record indicate that he would like the applicant and his engineer to review the draft resolution which had been prepared for the board’s consideration this evening, but which was not acted upon. In the draft resolution, the board identified several requirements in Town Code § 144-12 for the applicant’s review and acceptance prior to the board having the ability to make a determination that the Town has received a complete application.

Mr. Hemminger requested that the applicant and his engineer provide the requested additional information in time to allow Town staff to review it prior to the next Planning Board meeting scheduled for Wednesday, September 6, 2023.

Mr. Delpriore said that the additional information must be submitted by the applicant and his engineer by August 16, 2023, to allow time for the Town staff and the Planning Board to review the additional information for the next meeting on September 6th.

5. FINAL SITE PLAN

PB #0801-23 New Final Site Plan Application

Name: Lee Maslyn, 4504 Kear Road, Canandaigua, N.Y. 14424

Location: Canandaigua–Farmington Town Line Road, east of Payne Road

Zoning District: A-80 Agricultural District

Request: Final Site Plan approval to erect a single-story 2,287-square-foot single-family residence with attached garage including site improvements to the grading, drainage and utilities.

On May 17, 2023, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application (Type II Action) and the Preliminary Site Plan with conditions (PB #0505-23).

Mr. Delpriore said that he received an email from the applicant’s engineer that he [the engineer] could not attend the meeting this evening, that the engineer received the draft resolution which had been prepared for the board’s consideration this evening, and that the engineer agreed with the draft conditions of approval.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPROVAL WITH CONDITIONS**

PB #0801-23

APPLICANT: Lee Maslyn, 4504 Kear Road, Canandaigua, N.Y. 14424

ACTION: Final Site Plan approval to construct a single-family dwelling and related site improvements on land located along the north side of Canandaigua–Farmington Town Line Road, east of Payne Road and west of County Road 28.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight open a public meeting upon the above referenced Action, received testimony that has been entered into the public record, and by separate resolution, made a Type II Classification under the State’s Environmental Quality Review (SEQR) Regulations, thereby completing the environmental record upon said Action; and

WHEREAS, the Planning Board has reviewed the application, the Town Staff comments and the public record.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Final Site Plan Approval with the following Conditions of Approval specified below herein.

1. Final Site Plan Approval is based upon the set of drawing submitted by Marks Engineering, P.C., entitled “Final Site Plan For Lee Maslyn, Canandaigua/ Farmington Town Line Road,” drawings number EX100 (dated 6/30/23, prepared by David M. Parrinello, NYSPLS), C100 (dated 07/11/23), C500 (dated 07/11/23) and C501 (dated 07/11/23) prepared by Marks Engineering, P.C., as are to be further revised:

- a. A noted is to be added to drawing number C100 that water service shall be installed within a full sand envelope; and
- b. Drawing number C 501 is to be amended to identify all of the Appendices to the Town’s Site Design and Development Criteria are to be dated 2023.

BE IT FURTHER RESOLVED that the Applicant’s Engineer is to make the above specified revisions to said drawings, note said revisions in the drawings revision boxes and submit one (1) revised set to the Town Code Enforcement Officer for his review and acceptance. Once accepted, Town Staff and then the Planning Board Chairperson shall sign one set which is to be filed in the Town Development Office and one (1) set of signed drawings shall be returned to the Applicant’s Engineer.

BE IT FINALLY RESOLVED that this resolution approving the above referenced Final Site Plan with conditions shall expire within 180 days from today unless all drawings have been signed by all Town Staff and the Planning Board Chairperson, or the Planning Board receives a written request from the Applicant requesting an extension thereto.

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

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

Motion carried.

6. FINAL SITE PLAN

PB #0802-23 New Final Site Plan Application

Name: Brent G. Rosiek, P.E., Rosiek Engineering, 987 Mile Square Road, Pittsford, N.Y. 14534; representing Suzy Mandrino, 7310 Shallow Creek Trail, Apartment F, Victor, N.Y. 14564

Location: 1500 Block of New Michigan Road (west side of New Michigan Road, south of County Road 41)

Zoning District: A-80 Agricultural District

Request: Final Site Plan approval to erect a 2,600±-square-foot two-story single-family residence, with a 780±-square-foot garage with a 625±-square-foot bonus storage on the second story, on-site private well and private on-site raised-fill wastewater treatment system.

On March 1, 2023, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application (Unlisted Action), the SEQR determination of non-significance and the Preliminary Site Plan with conditions (PB 30301-23).

Ms. Mandrino attended the meeting this evening.

Mr. Hemminger asked her if there were any changes in the application [since the Preliminary Site Plan had been approved in March]. Ms. Mandrino said that there have been no changes.

Mr. Hemminger then asked her if she had received the Final Site Plan draft approval resolution and if she agreed with the conditions. Ms. Mandrino indicated that she agreed with the conditions.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN—APPROVAL WITH CONDITIONS**

PB #0802-23

APPLICANT: Brent G. Rosiek, P.E., Rosiek Engineering, on behalf of Suzanne Mandrino, 5996 Marsh Circle, Farmington, N.Y. 14425

ACTION: Final Site Plan Approval with Conditions for a single-family dwelling and related site improvements on a 14-acre site, Lot #2-RA, of the Anthony Mandrino Re-subdivision Plat, located along the west side of New Michigan Road, south of Amber Drive and north of Monarch Drive.

WHEREAS, the Planning Board (hereinafter referred to as Planning Board) tonight has conducted a public meeting upon said Action giving consideration to the comments provided; and

WHEREAS, the Planning Board as the designated responsible agency, in accordance with the procedures and provisions contained within Part 617 NYCRR, a part of Article 8 of the New York State Environmental Conservation Law (the State's SEQR Regulations) for the above classified Unlisted Action, has made a determination of significance thereon; and

WHEREAS, as part of tonight's public meeting there was discussion about the applicant's drawings prepared by Rosiek Engineering, entitled "Final Site Plan, Suzy Mandrino Prop-

erty, 1578 New Michigan Road,” further identified as Project Number 204-12, dated 6/29/23, Drawing Numbers G-1, C-1, D-1.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Final Site Plan Approval of the above referenced Drawing Numbers G-1, C-1 and D-1 with the following conditions:

1. All comments contained in the Town Engineer’s February 21, 2023, letter to the Town Director of Planning and Development are to be addressed in writing and amendments made, as may be necessary, to the drawings submitted prior to the Town Engineer signing the Final Site Plans.
2. The Zone A5 Base Flood Elevation for this Action is to be added to the Final Site Plan drawing number C-1.
3. All Details drawings shown on drawing D-1, which reference the Town’s Site Design and Development Criteria, are to be amended to read 2023.

BE IT FURTHER RESOLVED that Final Site Plan Approval is valid for a period of 180 days and shall automatically expire unless revised drawings have been signed by Town Department Heads and the Town Engineer.

BE IT FURTHER RESOLVED that once the above identified revisions have been made to the drawings, the applicant’s engineer is then to submit one paper copy to the Town Code Enforcement Officer for his review and acceptance. Once accepted, the Town Department Heads and Town Engineer will sign the amended Final Site Plan Drawings. Once signed, the drawings will be scanned and return to the applicant’s engineer and distributed to Town Staff and the Town Engineer.

BE IT FINALLY RESOLVED that the applicant and the applicant’s engineer are hereby given notice that no Building Permit(s) shall be issued by the Town Code Enforcement Officer until all of the conditions of Final Site Plan Approval have been granted by the Planning Board, shown on Final Site Plan drawings and signed by Town Department Heads and the Town Engineer; and a pre-construction meeting has been conducted with the applicant and the applicant’s engineer.

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

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

Motion carried.

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

- The Town Board made a State Environmental Quality Review (SEQR) determination of non-significance for the Farmington Market Center Incentive Zoning application. Mr. Brand said that the Town is ready to move forward on this project and has requested a meeting with the owner of the property which is located on the south side of State Route 96 (the Tops Supermarket site).
- Letters of support and draft Town Board resolutions are now being written to accompany grant applications on behalf of various church, arts, and cultural organizations in the Town.
- The Ontario County Planning Staff is preparing a grant application for Phase 1 funding of the Ganargua Creek, Beaver Creek and Black Brook Creek Inter-Municipal Drainage Study.

Code Enforcement Officer:

Mr. Delpriore said that new flood maps from the Federal Emergency Management Agency (FEMA) are in progress. He said that these maps have not been updated since 1983 and that the Town is in the process of reviewing the maps to identify changes which will affect properties in the Town. Mr. Delpriore said that the changes have not affected too many Farmington properties and not nearly the number of changes which will affect other municipalities.

He also said that there are no applications or board actions for the previously scheduled Planning Board meeting on August 16, 2023. He asked if this meeting should be officially cancelled. Mr. Hemminger said yes. Mr. Delpriore said that the cancellation notice will be posted.

Mr. Delpriore also said that the Farmington Volunteer Fire Association annual carnival will take place this weekend (August 3–5) with the parade to be held on Friday evening, August 4th.

Highway and Parks Superintendent:

Mr. Ford said that paving projects on Mertensia Road and Fallow Lane have been completed. Paving work on Cline Road and Brownsville Road is expected to be completed next week or the week after.

Mr. Hemminger asked if Mr. Ford had any information on the road improvement project on County Road 8. Mr. Ford said that he has not heard an update on this project from Ontario County.

Planning Board Members:

Mr. Bellis asked about the construction of the Loomis Hidden Treasures mini-storage project which is now in progress on the north side of Loomis Road. (The Final Site Plan for this project was approved by the Planning Board on September 1, 2021 (PB #0901-21).

He said that the Planning Board had approved a stone façade in compliance with the Special Use Permit regulations but that the façade has been constructed of a metal material.

Mr. Hemminger said that the installation of a metal façade was made as a field change because the stone façade material was not available. He said that the Town staff conferred with him regarding the field change [of the façade material]. He said that change orders are made regularly and that he did not have a problem with the endorsement of the field change because the Town staff informed him about it, and because the mini storage units will be screened on the front [along Loomis Road] and on the back [along the New York State Thruway].

Mr. Bellis said that this field change was more than simply moving a light pole a few feet on a property. He said that this change involved the design of the structure and that the plan should have been resubmitted to the Planning Board because the change affected the design of the mini storage units.

Mr. Viets said that the requirements of mini storage units are specifically spelled out in the Special Use Permit regulations regarding façades which have frontage along highways.

Mr. Bellis said that a field change which changes the entire “look” of a structure should be re-presented to the Planning Board.

Mr. Hemminger said that this discussion provided good feedback for him. He said that the decision to approve the field change was his and that he personally felt that it was okay because of the front and rear screening of the structure. Mr. Hemminger said that he will be more sensitive in the future to the extent of field changes and will bring these types of changes to the board for review.

Mr. Delpriore said that the Code Enforcement Officer has the authority to approve field changes, per the Town Code, and that technically he could have approved this change without board approval. Mr. Delpriore said that this allows projects to keep moving. He said that he has never done this, and that he always reviews field changes with the Planning Board chairperson. Mr. Bellis said that this could be a gray area.

Mr. Viets asked about the status of the construction of this project. Mr. Delpriore said that the structures are completed and that the remaining work involves installation of fences and landscaping.

Mr. Hemminger said that in the future he will be more sensitive regarding field changes and will do his best to bring extensive field changes to the attention of the board.

8. PUBLIC COMMENTS

None.

9. TRAINING OPPORTUNITIES

■ 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>

■ 4th Thursday 2023 Monthly Municipal Boot Camp Program Presented by MRB Group, and Hancock and Estabrook

<https://register.gotowebinar.com/register/5013248983683015766>

Thursday, September 28, 2023, 6 p.m. to 7 p.m.: Transforming Former Industrial Properties

Thursday, October 26, 2023, 6 p.m. to 7 p.m.: Preventing Sexual Harassment

Thursday, December 14, 2023, 6 p.m. to 7 p.m.: Case Studies: Good and Bad of 2022

10. 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 7:25 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, September 6, 2023, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and also via remote video conference.

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

Respectfully submitted,

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