

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

## **PLANNING BOARD** **Wednesday, February 16, 2022 • 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).*

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

**Board Members Present  
at the Town Hall:**

- Edward Hemminger, *Chairperson*
- Adrian Bellis
- Timothy DeLucia
- Aaron Sweeney
- Douglas Viets

**Staff Present at the Town Hall:**

- Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
- Ronald L. Brand, Town of Farmington Director of Development and Planning
- Dan Delpriore, Town of Farmington Code Enforcement Officer
- Tim Ford, Town of Farmington Highway Department

**Present at the Town Hall:**

- Frank J. Armento, AICP CEP, Manager, Environmental and Planning Group, Fisher Associates, 55 Chicago Street, Buffalo, N.Y. 14202
- David Capps, 768 Hook Road, Farmington, N.Y. 14425
- Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450
- Don Giroux, 1602 Cornfield Circle, Farmington, N.Y. 14425
- Nicole Lake, WPIT, Project Manager, Fisher Associates, 180 Charlotte Street, Rochester, N.Y. 14607
- John LeFrois, LeFrois Builders and Developers, 1020 Lehigh Station Road, Henrietta, N.Y. 14467
- Chief Phil Robinson, Farmington Volunteer Fire Association
- Mark Schmidt, TOMRA NY Recycling, LLC, 5923 Loomis Road, Farmington, N.Y. 14425
- Jeremy Stambovsky, TOMRA NY Recycling LLC, [illegible] Connecticut

Others [illegible]

**Present via Zoom Video Conference:**

Michael Cerone, MIII Enterprises LLC, 6061 Carmen's Way, Farmington, N.Y. 14425

Others [unidentified]

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**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 February 2, 2022.

**2. APPROVAL OF MINUTES OF FEBRUARY 2, 2022**

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, that the minutes of the February 2, 2022, meeting be approved.

Motion carried by voice vote.

**3. LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua Daily Messenger newspaper on Wednesday, February 9, 2022:

**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 16th day of February 2022 commencing at 7:00 p.m. in the Farmington Town Hall, Main Meeting Room, 1000 County Road 8, Farmington, N.Y. 14425 for the purpose of receiving testimony upon and giving consideration to the application of:

**PB #0203-22: DAVID AND ANGELA CAPPS, 768 HOOK ROAD, FARMINGTON, N.Y 14425:** Preliminary Two-Lot Subdivision Plat approval of Land, identified as Tax Map Account 17.00-1-63.200, containing a total of 12.025 acres of land; and as further to be identified as Subdivision of Lands by Angela Capps. The proposed Action involves creating Lot #1 consisting of 1.125 acres with existing house and Lot #2 consisting of 10.900 acres to remain vacant as a non-approved building lot requiring site plan approval before any Building Permits may be issued. The property is located at 768 Hook Road; and is zoned A-80 Agricultural District.

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

Ed Hemminger, Chairman, Planning Board

#### 4. CONTINUED FINAL SITE PLAN

**PB #0103-22**                    **Continued Final Site Plan Application**

**Name:**                        MIII Enterprises LLC, 6061 Carmen’s Way,  
Farmington, N.Y. 14425

**Location:**                    6061 Carmen’s Way

**Zoning District:**            IZ Incentive Zoning

**Request:**                    Final Site Plan approval for Phase 3A of the Cerone Incentive Zoning Project (MIII Enterprises, Auburn Junction) to erect a 19,900-square-foot single-story medical/retail structure with associated site amenities to include sidewalks, landscaping, lighting and parking facilities.

February 14, 2017: The Town Board approved the rezoning of this property to Incentive Zoning (Town Board Resolution #102-2017).

June 21, 2017: The Planning Board approved the State Environmental Quality Review (SEQR) determination for this application (determination of non-significance).

July 5, 2017: The Preliminary overall Site Plan with conditions was approved by the Planning Board (PB #0501-17) and a copy filed with the Town Clerk’s Office.

January 3, 2018: The Final Site Plan for Phase 1 with conditions was approved by the Planning Board (PB #1209-17).

December 5, 2018: Amendments to the Preliminary Site Plan and the Final Site Plan resolutions (PB #0501-17 and PB #1209-17) were approved by the Planning Board.

March 6, 2019: Amendments to the Preliminary Site Plan and the Final Site Plan resolutions (PB #0501-17 and PB #1209-17) were reapproved by the Planning Board.

October 16, 2019: The Final Site Plan for Phase 2 with conditions was approved by the Planning Board (PB #1004-19).

November 20, 2019: The SEQR classification (Type II Action) and the Special Use Permit for U-Haul Trucks (PB #1101-19) were approved with conditions by the Planning Board.

November 18, 2020: A Final Site Plan Amendment to Phase 2 (PB #1004.1-19) was approved by the Planning Board.

January 5, 2022: The Planning Board issued a Report and Recommendation to the Town Board regarding a Modified Incentive Site Plan and Allowed Medical Use for Phase 3A of the Cerone Incentive Zoning Project.

January 19, 2022: The Planning Board continued with 35 conditions the Final Site Plan application to the meeting this evening (February 16, 2022).

Mr. Destro (BME Associates) and Mr. LeFrois (LeFrois Builders and Developers) presented this application in the meeting room. Mr. Cerone (MIII Enterprises) attended via Zoom video conference.

Mr. Destro said that revised plans have been submitted which address the Planning Board's comments from January 19, 2022. He said that the major changes include the elimination of the temporary turnarounds in the parking lot to provide for a continuous flow [of traffic] and the elimination of six parking spaces on the north side of the building and their replacement with foundation plantings and trees.

Mr. Destro acknowledged receipt of an MRB Group engineering comment letter. He said that all comments have been addressed, and that MRB Group has approved the Stormwater Pollution Prevention Plan (SWPPP) and the applicant's Letter of Credit estimate (consideration of which is also on the Planning Board agenda this evening).

Mr. Destro said that the updated building renderings—which were submitted to the Planning Board and to the Town staff prior to the meeting this evening—depict the updated north side of the building with the removal of the parking spaces and the landscaping improvements. He said that the elevation rendering of the rear [west side] of the building depicts the awnings and bollards.

Mr. LeFrois then displayed building materials and color samples. He said that the front [east side] of the building will be a two-color stucco-type material. He also discussed the types of glass and roofing materials which will be used. Mr. Hemminger asked if HVAC units would be installed on the roof. Mr. LeFrois said that four rooftop grills will be installed on the roof and will be screened.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening for Final Site Plan approval with conditions. In response to the draft resolution, Mr. Brand said that Mr. Destro submitted a revised draft with suggested corrections to several of the conditions. Mr. Brand said that these suggestions have been coordinated with Mr. Hemminger and that both he and Mr. Hemminger agree with the recommended changes. Mr. Brand also said that it appears from the Building Elevation drawing on display tonight that only one tree is shown on the elevation of the north side of the building. Mr. LeFrois said that three trees are planned on the north side of the building, although it may seem as though they are not well depicted on the elevation. Mr. Brand expressed his appreciation for the clarification of this point.

Mr. Delpriore said that he and the Town staff have worked with Mr. LeFrois and Mr. Destro regarding the previous comments of the Planning Board and the staff. He said that he is comfortable with the recommendation that the application is ready to move forward this evening.

Mr. Brabant confirmed that all MRB Group engineering comments have been addressed and that MRB Group has approved the SWPPP.

Fire Chief Robinson asked about the proposed medical tenant and the possible use of hazardous medical materials on the site. Mr. Destro said that one medical-use occupant is expected to use 10,000 square feet of space at the southern end of the building and may need additional space in the future.

Mr. Cerone said that the medical tenant will take up a little more than half of the building and may be interested in using more space over time. He said that his theory was to construct the entire shell of the building if the medical tenant were to fulfill at least half of the square footage. He said that the construction of the entire shell will reduce his costs [of future construction], will draw better attention to the building by the public and the broker, and will help to attract tenants to the remaining portion of the building and the additional building pads along the State Route 332 road frontage.

Mr. Cerone said that as of now he has a signed lease for 10,000 square feet and that quite possibly the tenant will take even more.

Mr. Hemminger said that Chief Robinson asked about the use of hazardous medical materials. Mr. LeFrois said that the medical tenant will be a type of doctor's office with patient care and that special medical materials will not be in use.

Mr. DeLucia, Mr. Viets, Mr. Bellis and Mr. Sweeney said that their concerns have been addressed and that they had no additional comments this evening.

Mr. Hemminger extended thanks to Mr. Cerone and Mr. Destro for working with the board and the Town staff on this application. He said that he agrees with Mr. Brand that Mr. Destro's proposed amendments to the draft approval resolution are fine.

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

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

Mr. Hemminger asked Mr. Destro if he understood the draft resolution and if he agreed with the conditions. Mr. Destro said that he agreed with the draft conditions of approval with the amendments which he suggested, as follows:

Revised Paragraph #3: **WHEREAS**, the Applicant is no longer proposing to construct a single-story plaza type commercial building having a total of 21,900 square feet in area and instead is proposing the construction of a single-story plaza type commercial (commercial/business/medical use) building have a total square footage not to exceed 19,900 square feet in area along with the construction of 125 (108 with 17 land-banked) on-site parking spaces and drive aisles as shown within what is now to be known as Phase 3A of the Overall Preliminary Site Plan for the Cerone Incentive Zoning Project; and

Revised Condition #5: Drawing No. 02, Final Phase 3A, Modified Incentive Zoning Site Plan, is to have a note added that identifies tht the service road shown between the plaza type building and the mini-warehouse project is to be striped with a centerline, and the proposed loading area is to be hashed out.

Revised Condition #6: Drawing No. 11, Detail Sheet, shows the details for the proposed dumpster enclosure as is noted on Drawing No. 02. The dumpster enclosure design is to include the detail of a man door so the main doors would only need to be open when the haulers are emptying the trash containers, and a detail for the front of the gate.

Draft Condition #8: This condition can be removed as this note is already Site Note #9 on the Site Plan.

Draft Condition #9: This condition can be removed as this note is already Site Note #10 on the Site Plan.

Draft Condition #11: This ondition can be removed as this note is already Site Note #13 on the Site Plan.

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
 CERONE INCENTIVE ZONING PROJECT (MIII ENTERPRISES LLC)  
 FINAL SITE PLAN AMENDMENT, PHASE 3A**

**PB #0103-22**

**APPLICANT: Michael Cerone, MIII Enterprises LLC, 6061 Carmen’s Way,  
 Farmington, N.Y. 14425**

**ACTION:** **Cerone Incentive Zoning Project (MIII Enterprises LLC) Final Site Plan Amendment Phase 3A: Construction of a single-story plaza type building having a total square footage not to exceed 19,900 square feet and related site improvements shown on the Amended Preliminary Overall Site Plan Incentive Zoning Map for the above referenced Project.**

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

**WHEREAS**, the Town Board has previously made a Determination of Non-Significance upon the Action to create an IZ Incentive Zoning District for this property, as provided for further under Part 617 of the State Environmental Quality Review Regulations; and

**WHEREAS**, the Applicant is no longer proposing to construct a single-story plaza type commercial building having a total of 21,900 square feet in area and instead is proposing the construction of a single-story plaza type commercial (commercial/business/medical use) building having a total square footage not to exceed 19,900 square feet in area along with the construction of 125 (108 with 17 land-banked) on-site parking spaces and drive aisles as shown within what is now to be known as Phase 3A of the Overall Preliminary Site Plan for the Cerone Incentive Zoning Project; and

**WHEREAS**, the Applicant is now proposing to create Phase 3B of the Overall Preliminary Site Plan for the Cerone Incentive Zoning Project which will include two (2) freestanding commercial type buildings that have always been a part of said overall plan; and

**WHEREAS**, the Planning Board, at its meeting on Wednesday evening, January 19, 2022, adopted a resolution directing amendments to be made to the drawings prepared by BME Associates, P.C., identified as 2818-01 through 2818-11, Project No. 2818, having a date issued December 9, 2021, and entitled “Final Phase 3A Site Plans, Route 332 MIII Enterprises at Auburn Junction;” and

**WHEREAS**, the Planning Board has received a revised set of the above referenced drawings dated February 2, 2022; and

**WHEREAS**, the Planning Board has considered the comments made at tonight’s meeting regarding the above referenced amendments for the Cerone Incentive Zoning Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to grant Final Site Plan Approval for the proposed Action with the following conditions:

1. Final Site Plan Approval for Phase 3A is based upon the set of final plan drawings identified as 2818-01 through 2818-11, prepared by BME Associates, P.C., identified as Project No. 2818, having a revised date issued February 2, 2022, and entitled “Final Phase 3A Site Plans, Route 332 MIII Enterprises at Auburn Junction,” as further amended below in this resolution.

2. The Building Elevation drawing prepared by LeFrois Builders & Developers, Sheet No. ST-1, dated February 2022, and entitled “Rendering View 2—Foundation Plan,” is to add bollards around the rear entrance doors to the building.
3. The Building Elevation drawing prepared by LeFrois Builders & Developers, Sheet No. ST-1, dated February 2022, and entitled “Rendering View 3—Foundation Plan,” is to be amended to reflect the removal of the parking spaces along the north side of the proposed plaza type building, and to show the proposed sidewalk and a landscaped area that agrees with the revised landscape drawing 2818-07.
4. Signature blocks are to be added to the cover page for the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Engineer; and the Planning Board Chairperson.
5. Drawing No. 02, Final Phase 3A, Modified Incentive Zoning Site Plan, is to have a note added that identifies that the service road shown between the plaza type building and the mini-warehouse project is to be striped with a centerline, and the proposed loading area is to be hashed out.
6. Drawing No. 11, Detail Sheet, shows the details for the proposed dumpster enclosure as is noted on Drawing No. 02. The dumpster enclosure design is to include detail of a man door so the main doors would only need to be open when the haulers are emptying the trash containers, and a detail for the front of the gate.
7. Drawing No. 02, Final Site Plan, is to have a note added that reads . . . “Final Site Plan Approval, February 16, 2022, does not include Final Sign Site Plan Approval which will be submitted separately to the Planning Board.”
8. Prior to the issuance of a Certificate of Occupancy for the proposed one-story retail/medical use building, there is to be a separate Overall Preliminary Site Plan for Phases 1, 2, 3A and 3B of the Route 332 MIII Enterprises at Auburn Junction Incentive Zoning Project approved by the Planning Board and filed with the Town Clerk’s Office and the Town Development Office. Said overall drawing is to contain a note referencing Town Board Resolution No. 60 of 2022, dated January 11, 2022.
9. Once all amendments to the set of Final Site Plan drawings and the Building Elevation drawings have been made, one paper set of these revised drawings for Phase 3A is to be submitted to the Town Code Enforcement Officer (CEO) for his review and acceptance.
10. Upon acceptance by the CEO, the Applicant’s Engineer, BME Associates, P.C., is to submit one (1) mylar of the above referenced drawings and one additional set of the Building Elevation Drawings for signatures. Upon signing, the mylar and one



set of the Building Elevation Drawings will be returned to BME Associates, P.C., for making copies thereof and distribution to those listed below.

- 11. One set of all of the signed drawings is to be filed in the Town Development Office and one set each is to be provided to: the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers; Greg Trost, Assistant Resident Engineer, NYSDOT Ontario County Office; and the applicant.
- 12. Final Site Plan Approval is valid for a period of 180 days and shall become null and void if revised drawings have not been signed and filed.

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.

Following the vote, Mr. Destro asked about the scheduling of a Pre-Construction Meeting. Mr. Delpriore said that a Pre-Construction Meeting could be held on Friday, March 4, 2022, during the scheduled Project Review Committee Meeting, provided that all items on the Pre-Construction Meeting Checklist—which has been provided to Mr. Destro—are addressed. Mr. Destro acknowledged receipt of the Pre-Construction Meeting Checklist.

**5. NEW PUBLIC HEARING: NEW PRELIMINARY TWO-LOT SUBDIVISION**

**PB #0203-22            New Preliminary Two-Lot Subdivision Application**

**Name:**                    David and Angela Capps, 768 Hook Road, Farmington, N.Y. 14425

**Location:**                768 Hook Road

**Zoning District:**        A-80 Agricultural District

**Request:**                Preliminary Two-Lot Subdivision Plat approval of Land, identified as Tax Map Account 17.00-1-63.200, containing a total of 12.025 acres of land; and as further to be identified as Subdivision of Lands by Angela Capps. The proposed Action involves creating Lot #1 consisting of 1.125 acres with existing house and Lot #2 consisting of 10.900 acres to remain vacant as a non-approved building lot requiring site plan approval before any

Building Permits may be issued. The property is located at 768 Hook Road; and is zoned A-80 Agricultural District.

Mr. Hemminger opened the Public Hearing on this application.

Mr. Capps presented this application in the meeting room.

He said that he would like to divide off Lot #1 upon which his existing home is located and create Lot #2 to eventually build a smaller home on this new lot.

Mr. Brand said that a draft resolution has been provided for the board's consideration this evening to continue the application with nine proposed conditions. He acknowledged receipt of a revised subdivision plat yesterday from the applicant's engineer and said that the Town staff has determined that the application should be continued to a subsequent meeting to provide an opportunity for the board and the public to review the revised plat.

Mr. Brand said that the Town staff has questions regarding the need for the 27-foot-wide strip of land along the north side of proposed Lot #1 as shown on the subdivision plat. He said that it would be better to have this area be part of Lot #1 to allow room for expansion of the onsite wastewater treatment system.

Mr. Hemminger said that typically a preliminary two-lot subdivision plat application does not have this many conditions. He said that some of the conditions have been addressed with yesterday's (February 15, 2022) submittal of the revised plat by the applicant's engineer but that he would suggest that each of the conditions should be addressed and that a revised Preliminary Subdivision Plat application be placed on a subsequent Planning Board agenda.

Mr. Delpriore said that the Town Zoning Officer has concerns about the conditions of approval. He said that the Zoning Officer also recommended that the application be continued to a subsequent meeting to provide time for the applicant and his engineer to work with the Town staff to address the outstanding issues.

Mr. Hemminger asked if the application will be ready for the next meeting (March 2, 2022) or the second meeting next month (March 16, 2022). Mr. Delpriore said that this would depend upon how quickly Mr. Capps and his engineer can address the conditions of approval. Mr. Capps said that he can get right on it and get these done. Mr. Bellis asked about the board's cut-off date for the next meeting. Mr. Delpriore said that revised materials would have to be submitted by Wednesday, February 23, 2022, to be considered at the Planning Board meeting on March 2, 2022.

Mr. Hemminger again suggested that Mr. Capps and his engineer arrange to meet with the Town staff to review the issues and to provide time for his engineer to revise the plat. Mr. Delpriore requested that Mr. Capps contact the Development Office tomorrow (February 17, 2022) to set up the meeting.

Mr. Ford said that both driveways [the existing driveway for Lot #1 and the driveway to Lot #2] must be brought up to Town specifications. He said that the portion of the driveways within the Town right-of-way must be paved from the travel lane and the driveways must be level 30 feet in from the travel lane. He also said that the driveways must be sloped inward to avoid having surface water flow into the road. Mr. Hemminger said that these improvements are required of all applicants to assure that everything is brought up to the specifications of the Town Code when a new plan is submitted.

Mr. Ford also said that the culvert pipe under the new driveway [Lot #2] must be the same size as the existing culvert pipe.

Mr. Brabant said that MRB Group issued an engineering comment letter on this application in which it was noted that the proposed lots do not meet Town zoning criteria. He suggested that the applicant should have flexibility to make the modifications for a plan which meets the zoning criteria to move forward. He said that the applicant otherwise will have a lot which does not comply with the Town Code.

Mr. Hemminger said that if a lot does not comply with the Town Code, the applicant would have to either revise the plan to bring it compliance or submit an application to the Zoning Board of Appeals (ZBA) for a variance from the code requirements.

Mr. Capps asked what does not meet the Town Code.

Mr. Brabant said that this refers to lot size dimensions. He said that the application [as presented] does not have the minimum lot sizes.

Mr. Capps said that the lot has the standard New York State septic.

Mr. Hemminger said that the zoning code has a minimum lot size.

Mr. Brabant said that lot size was one of the issues [which were identified by the Town staff] and that it is important to point out that the initial plan had some issues which have to be corrected before the application can move forward. He also said that an easement may be required if the applicant plans to transfer from one lot to the other, and that any existing utility connections to the septic and water main must be shown.

Mr. Hemminger asked if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests to speak from those in the meeting room.

Mr. Hemminger then asked if anyone on the video conference call wished to speak for or against this application, or to ask questions. There were no requests to speak from those in the video conference call.

Mr. Delpriore recommended that the application be continued to the second meeting in March to provide time for the applicant and his engineer to address the conditions of approval, and

to provide time for the Town staff and the members of the board to review the revised materials.

Mr. DeLucia asked if the board could act upon the State Environmental Quality Review (SEQR) resolution this evening. Mr. Hemminger said yes.

Mr. Viets and Mr. Bellis had no comments or questions this evening.

Mr. Sweeney asked if the two buildings shown on Lot #2 are permitted. Mr. Capps said yes.

Mr. Hemminger again requested Mr. Capps to work with the Town staff as quickly as possible, especially to determine if there are zoning issues [which must be resolved prior to action upon the application by the Planning Board].

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  
SEQR CLASSIFICATION, CRITERIA, FINDINGS AND DETERMINATION OF SIGNIFICANCE**

**PB #0203-22**

**APPLICANTS: David and Angela Capps, 768 Hook Road,  
Farmington, N.Y. 14425**

**ACTION: Two-Lot Preliminary Subdivision Plat, David and Angela  
Capps Subdivision, 768 Hook Road**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the provisions of Parts 617.4 and 617.5 of 6 NYCRR Part 617, the State's Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has received the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**WHEREAS**, the Planning Board has received Part 2 of the SEAF that has been prepared by the Town's Director of Planning and Development; and

**WHEREAS**, the Planning Board has considered the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in the above referenced FEAFs, and the 2021 Edition of the Town of Farmington Comprehensive Plan which has been prepared in the format of a Draft Environmental Impact Statement.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board determines that the proposed Action identified above herein is classified as an Unlisted Action under the SEQR Regulations.

**BE IT FURTHER RESOLVED** that the Planning Board has reviewed the Part 2 SEAF identified above herein, finds it to be complete, and therefore, does accept said document.

**BE IT FURTHER RESOLVED** that the Planning, based upon its reviews of the materials described above herein, reasonably concludes the following impacts are expected to result from the proposed Action, 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 community or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas within the community; 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 within the community; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action; and
- (iv) the overall density of the Action is likely to remain the same and is anticipated to be consistent with the Town's Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources in the community that will likely be adversely affected by the proposed action, or impair the existing community or neighborhood characters; and
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action; and
- (vii) there will not be any hazard created to human health; and
- (viii) there will be changes in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses, which have been anticipated in the proposed Action and are felt likely not to have a major adverse impact upon the environment; and

- (ix) there will not be a large number of persons attracted to the community for more than a few days when compared to the number of persons who would come to such a place absent the action; and
- (x) there will not be created a material demand for other actions that would result in one of the above consequences; and
- (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 adverse impact upon the environment.

**BE IT FURTHER RESOLVED** that based upon the above referenced information, analysis of the SEQR Criteria above and the supporting documentation referenced above, the Planning Board finds that the proposed action WILL NOT result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance upon said Action.

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. 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  
DAVID AND ANGELA CAPPS TWO-LOT PRELIMINARY SUBDIVISION PLAT  
CONTINUATION**

**PB #0203-22**

**APPLICANTS: David and Angela Capps, 768 Hook Road,  
Farmington, N.Y. 14425**

**ACTION: Two-Lot Preliminary Plat, David and Angela Capps  
Subdivision, 768 Hook Road**

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

**WHEREAS**, the Planning Board has tonight under separate resolution made a determination of non-significance upon the proposed two-lot subdivision of land referenced above; and

**WHEREAS**, the Planning Board has considered the testimony received at tonight's Public Hearing held upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to table further discussion upon this proposed Action, continues the Public Hearing thereon to March 16, 2022, and directs the Applicant's Land Surveyor to make the following amendments to the Preliminary Site Plan drawing for re-submission to the Planning Board to enable continuation of this Action.

1. The Zoning Note listed on the drawing identifies the A-80 District and notes the minimum lot size is 80,000 square feet, minimum lot width is 300 feet and the minimum lot depth is 250 feet. The proposed Lot #1, as drawn, has a total calculated area of 1.125 acres [49,500 square feet], a lot width of 191 feet and a lot depth of 236.53 feet. This mapped lot needs to either meet the 80,000-square-foot dimensions or documentation provided on the drawing that the existing on-site sanitary waste treatment system has been installed as a conventional system in accordance with the New York State Health Department's regulations, and therefore, list the dimensional criteria for a 40,000-square-foot lot as provided for in Chapter 165 of the Town Code.
2. The Planning Board will need shown on the drawing for Lot #1 an area, located outside the right-of-way for Hook Road, that can be used to accommodate future construction of a replacement on-site sanitary sewer system for the existing dwelling.
3. The title of a revised drawing is to read . . . "Preliminary Subdivision Plat, Lots #1 and #2, Angela Capps."
4. There is to be a note added to a revised drawing that identifies Lot #1 lies within Zone C, Area of Minimal Flood Hazard, per FEMA Flood Insurance Rate Map, Community Number 361,299, Panel Number 0004 B, dated September 30, 1983.
5. The revised drawing is to show the location of the public water service to the existing dwelling on Lot #1.
6. The existing gravel/stone driveway for Lot #1 may need to be re-surfaced providing a black-topped connection to the south bound travel lane of Hook Road. The distance for this driveway connection is identified in the Town's Site Design and Development Criteria. The Town Highway Superintendent is to be consulted on this

requirement. If it is determined that this black-top connection isn't required, then a note to this effect is to be placed on the revised plat map drawing.

- 7. There is shown on the existing plat map for Lot #2 a leach field that does not appear to be connected to any dwelling. The purpose for showing this leach field needs to be documented on the revised plat map. Also, it needs to be determined if this leach field was installed in accordance with the requirements contained within Chapter 87 of the Farmington Town Code. If it was installed in accordance with the Town Code then a note needs to be added to the drawing identifying the permit that was issued.
- 8. Signature lines are to be added to the revised Preliminary Plat Map for signing by the Town Highway Superintendent, the Acting Town Water and Sewer Superintendent, and the Town Engineer.
- 9. The revised Preliminary Plat needs to show how access to the existing buildings located on Lot #2 is going to be provided.

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.

**6. NEW PRELIMINARY SITE PLAN**

**PB #0204-22            New Preliminary Site Plan Application**

**Name:** TOMRA NY Recycling LLC, 5923 Loomis Road, Farmington, N.Y. 14425

**Location:** 5923 Loomis Road

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

**Request:** Preliminary Site Plan approval to expand the facility parking lot to the south, to the edge of the delineated wetland boundary.

Mr. Stambovsky and Mr. Schmidt (TOMRA NY Recycling) and Ms. Lake and Mr. Armento (Fisher Associates) presented this application in the meeting room.



Mr. Stambovsky said that the intent of the project is to install a new glass line processing system in the southeastern interior portion of the building. With this comes some exterior site modifications which have to be implemented in order to accommodate the interior relocation of the glass line. Mr. Stambovsky said that the site plan includes the relocation and upgrading of the scale and the installation of some concrete surface in the area of disturbance to avoid damage to blacktop.

He said that the project will result in a new more modernized glass line system.

Mr. Hemminger said that the current application provides the Town with the opportunity to work with the applicant to bring the existing conditions on the site, including operating conditions, into compliance with the Town Code.

Mr. Brand said that two draft resolutions have been prepared for the board's consideration this evening, i.e., the State Environmental Quality Review (SEQR) classification (Unlisted Action) and determination of significance, and Preliminary Site Plan approval with conditions. He said that the draft approval resolution includes conditions regarding the finalization of the applicant's operating plan and the compliance with previous conditions of approval from approximately 20 years ago. Mr. Brand said that operations on the site may have changed since then, and that the Town staff and the board want to make sure that the current operations are consistent with the previous approvals.

Mr. Brand said that consideration must be given to the appearance of the site, which is highly visible from the New York State Thruway. The concerns are regarding the parking of trailer vehicles upon the travel lanes for Town-dedicated Tomra Trail, and plastic and paper debris clustered along the Thruway fence. He said that these details can be worked out by the applicant and the Town staff and will ultimately provide the Code Enforcement Officer with a plan to which the applicant and the Town will agree, and which can be followed and administered as the company continues to proceed with its growth and development.

Mr. Brand said that he is ready to have the Planning Board grant approval of the Preliminary Site Plan with conditions this evening and that the final details [of the application] can be worked out prior to submission of the Final Site Plan application.

Mr. Delpriore said that the Town staff is concerned about property maintenance and would like to address some zoning complaints regarding the appearance and use of the site. Among the issues to be addressed are annual fire inspections, the functioning of the existing drainage and the stormwater pond (including maintenance and catch basins), and the acquisition of easements to provide the Town with emergency access to the stormwater pond and stormwater facilities. Mr. Delpriore said that he is comfortable with the draft approval resolution and with moving the application forward this evening. He said that the applicant's maintenance plan, however, needs to be tweaked and that the applicant is working in the right direction with the Town staff.

Mr. Ford said that the applicant has traditionally plowed and maintained Tomra Trail, which he said was constructed to provide access to a formerly landlocked parcel of land. Mr. Ford

said that TOMRA NY Recycling now owns the formerly landlocked parcel and that the company is the only user of the road. Mr. Ford said that he would like the Town to pursue abandoning the road and transferring it to TOMRA NY Recycling.

Mr. Hemminger said that the construction of a hammerhead turnaround at the end of the road by the company for the use by Town snowplows would be required if the road is not abandoned by the Town. He suggested that the Town staff and the applicant work out these details with their attorneys.

Mr. Ford said that he would prefer that the Town have no responsibility for the maintenance of the road. Mr. Stambovsky said that he likes the idea of taking [the company's ownership] of the road. Mr. Delpriore said that the Town would still require access along the road for emergency services to the site. Mr. Ford said that an easement to the Town would be required to provide access to the fire hydrant on the applicant's property.

Mr. Armento said that Fisher Associates would like to come up with a solution that will work best for the Town and TOMRA NY Recycling.

Mr. Brand said that the issue of the abandonment of the road can be dealt with later. He said that the current application involves site plan approval along an existing Town-dedicated road [Tomra Trail]. He said that while a hammerhead turn around is being researched by Fisher Associates, the solution may be a simple easement area defined at the south end of Tomra Trail to allow Town snowplows the ability to turn around without having trailers blocking the area. This area is to be shown on the Final Site Plan drawing, and the liber and page for the easement is to be provided before the Certificate of Compliance is issued by the Code Enforcement Officer. If Tomra Trail is subsequently abandoned, then the easement area no longer would be necessary and could be removed.

Mr. Delpriore said that the board may wish to consider a condition of Final Site Plan approval that the issue of the road must be addressed prior to the issuing of a Certificate of Compliance.

Mr. Brand asked about the parking of trucks and other vehicles on Tomra Trail. He said that this is an issue which must be addressed. Chief Robinson said that the fire department must be able to access the site with a route of ingress.

Mr. Armento said that the main issue is that the site is constrained and that it is his understanding that the parking of vehicles on Tomra Trail is a necessary part of the operation. Mr. Stambovsky said that this [the road] is where they stage trailers [in preparation for loading]. He said that the road is not used as a parking area, but that is the only straightaway that they have. Mr. Stambovsky said that they cannot operate their business without being able to stage trailers there [on the road] and that they can work it out to have the trailer staging on one side of the road. But, he said, they have to be able to stage the trailers.

Mr. Brand said that these details must be part of the operating plan to avoid the creation of hazards which are not intended, and to assure access to the site by emergency vehicles.

Mr. Hemminger said that this [the use of the road for trailer staging] must be documented in the operating plan to provide the Code Enforcement Officer with some “teeth” [for monitoring and enforcement].

Mr. Brand said that the operating plan should also include the number of trailers to be staged on the road. Mr. Hemminger said that the Town does not wish to have any fire department-related issues [with emergency access to the site].

Mr. Brabant asked if a hammerhead turnaround [at the end of Tomra Trail] should still be shown on the plans if the abandonment of Tomra Trail does not occur. Mr. Brand said that half of the hammerhead turnaround will be on the adjacent parcel of land. He said that the south end of Tomra Trail will be a defined area for the hammerhead turnaround and that there should be no trailers parked or staged on the turnaround in the winter. Mr. Brabant said that the hammerhead turnaround should be shown on the plans, at least for now.

Mr. Brabant said that the Town will require an easement for access to the fire hydrant and to the stormwater management facility. He said that the easement must encompass both the stormwater management facility and the hydrant.

Mr. Brabant requested that the issues regarding the existing stormwater pond be documented by the applicant to show the existing conditions and the proposed remediation measures. He said that the specific stormwater calculations can be provided as part of the Final Site Plan application.

Mr. Brabant also informed the applicant that the Town has adopted a standard Stormwater Maintenance Agreement form which the applicant will be required to sign prior to the issuing of a Certificate of Compliance.

Chief Robinson discussed having clear access to the fire hydrant [on the property]. He said that it will be a concern if the fire department has to wait for vehicles or trailers to be moved [in time of emergency].

Mr. Hemminger asked if there are any issues with water service to the hydrant. Mr. Brabant said that Acting Water and Sewer Superintendent Robin MacDonald reported that the hydrant meets the Town’s criteria.

Mr. Brand said that the installation of bollards around the fire hydrant for its protection will be a condition of Final Site Plan approval.

Mr. Stambovsky said that another issue of operations is that the company is very constrained in the back portion of the property and must park no more than two or three trailers in the front. He said that he would like to resolve the frontage issues but that it is difficult to find locations on the property to park trailers during snow-removal operations. Mr. Stambovsky said that he wanted to raise this issue now for discussion.

Mr. Hemminger asked if this [the parking of trailers in the front of the property] is permanent. Mr. Schmidt said that these are not empty trailers. He said that they are box trucks and dump trucks. Mr. Schmidt said that only in rare occasions are empty trailers parked out front due to snow removal in the back lot. He said that they shuttle equipment. Mr. Hemminger asked if they are just parked. Mr. Schmidt said that they are moved throughout the day. Mr. Hemminger said that the Town does not want storage trailers outdoors in the front [of the property]. Mr. Schmidt said that the storage trailers are parked in the back.

Mr. Delpriore said that the board may wish to consider some form of screening of these trucks along the Loomis Road frontage of the property.

Mr. Sweeney asked about the glass line. Mr. Stambovsky said that the glass line is located inside the building and that the product [crushed glass] is stored outdoors where it is piled, loaded and shipped out. Mr. Sweeney asked about the possibility of glass breakage which would create debris which could flow into the site's drainage facilities.

Ms. Lake said that there are bunkers to separate the glass. She said that the glass is stored within the bunkers prior to be loaded into trailers for shipment off the site. She said that the bunkers are lined with concrete walls which hold in the glass particles.

Mr. Sweeney expressed concern about glass particles which could be washed into the storm and catch basins. He asked about screening to prevent this and to avoid glass particles and other debris from entering the stormwater management facility. He also asked about quarterly inspections. Ms. Lake said that drainage socks have been installed on the catch basins to prevent this [debris from entering the drainage system]. Additionally, she said that the glass particles are not stored outdoors for very long, and that the glass is moved within 24 hours to 48 hours after it has been exported out of the building.

Mr. Sweeney said that he also would like to see some landscape screening along the [Loomis Road] frontage.

Mr. Bellis asked if the existing outdoor bunkers will remain. Mr. Stambovsky said that the number of bunkers on the west side may be reduced and that several may be consolidated inside the building. He said that the existing bunkers may remain in place until the existing glass line is discontinued. Mr. Bellis said that the removal of some of the outdoor bunkers may provide more room for the parking of the trailers.

Mr. Bellis asked if trailers could be accommodated if Tomra Trail were to be extended. Mr. Stambovsky said that the trailers could then be staged further back [on the property]. Mr. Schmidt also said yes.

Mr. Bellis requested that an alternate location for the parking of trucks in the front of the property [along Loomis Road] be considered.

Mr. Viets said that he will review the Final Site Plan as the applicant continues to work with the Town staff on the details of the operations plan.

Mr. DeLucia said that he agrees with the conditions of approval on the draft resolution and that the MRB Group engineering comment letter covers each of his concerns.

Mr. Hemminger said that the operations and maintenance plan is critical for this project. He said that the plan will provide the Town staff with the ability to ensure that the company is following the plan, especially regarding the appearance of the property.

Mr. Hemminger also said that the Town requires dust-free surfaces for all parking lots and travel lanes as a standard and that the issue of the abandonment of Tomra Trail is between the applicant and the Town. He requested that the applicant arrange a meeting with the Town staff to resolve the outstanding issues. He said that the Final Site Plan application will be submitted to the Planning Board when the Town staff is comfortable that the issues have been addressed. Mr. Hemminger said that working with the Town staff will make the process go smoothly.

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  
SEQR CLASSIFICATION, CRITERIA FINDINGS AND DETERMINATION OF SIGNIFICANCE**

**PB #0204-22**

**APPLICANT: TOMRA NY Recycling LLC, 5923 Loomis Road,  
Farmington, N.Y. 14425**

**ACTION: SEQR Determination for Preliminary Site Plan for expansion  
to the existing site associated with the installation of glass  
processing system upgrade in the southeast corner of the  
existing on-site building.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the provisions of Parts 617.4 and 617.5 of 6 NYCRR Part 617, the State's Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has received the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**WHEREAS**, the Planning Board has received Part 2 of the SEAF that has been prepared by the Town's Director of Planning and Development; and

**WHEREAS**, the Planning Board has considered the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in the above referenced FEAFs, and the 2021 Edition of the Town of Farmington Compre-

hensive Plan which has been prepared in the format of a Draft Environmental Impact Statement.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board determines that the proposed Action identified above herein is classified as an Unlisted Action under the SEQR Regulations.

**BE IT FURTHER RESOLVED** that the Planning Board has reviewed the Part 2 SEAF identified above herein, finds it to be complete, and therefore, does accept said document.

**BE IT FURTHER RESOLVED** that the Planning, based upon its' reviews of the materials described above herein, reasonably concludes the following impacts are expected to result from the proposed Action, 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 community or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas within the community; 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 within the community; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action; and
- (iv) the overall density of the Action is likely to remain the same and is anticipated to be consistent with the Town's Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources in the community that will likely be adversely affected by the proposed action, or impair the existing community or neighborhood characters; and
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action; and
- (vii) there will not be any hazard created to human health; and
- (viii) there will be changes in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses,

which have been anticipated in the proposed Action and are felt likely not to have a major adverse impact upon the environment; and

- (ix) there will not be a large number of persons attracted to the community for more than a few days when compared to the number of persons who would come to such a place absent the action; and
- (x) there will not be created a material demand for other actions that would result in one of the above consequences; and
- (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 adverse impact upon the environment.

**BE IT FURTHER RESOLVED** that based upon the above referenced information, analysis of the SEQR Criteria above and the supporting documentation referenced above, the Planning Board finds that the proposed action WILL NOT result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance upon said Action.

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. 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  
TOMRA NY RECYCLING LLC  
PRELIMINARY SITE PLAN APPROVAL**

**PB #0204-22**

**APPLICANT: Tomra NY Recycling, LLC, 5923 Loomis Road,  
Farmington, N.Y. 14425**

**ACTION:**                    **Preliminary Site Plan Approval for expansion to the existing site associated with the installation of glass processing system upgrade in the southeast corner of the existing on-site building.**

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

**WHEREAS**, the Planning Board has received and has considered the Ontario County Planning Board’s Referral #28-2022, dated February 9, 2022, recommending approval of this Action; and

**WHEREAS**, the Planning Board has tonight under separate resolution accepted Part 2 of the Short Environmental Assessment Form (SEAF), and has made a determination of non-significance upon the proposed Action; and

**WHEREAS**, the Planning Board has considered the testimony received at tonight’s public meeting held upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to approve the Preliminary Site Plan Application with the following conditions:

1. Preliminary Site Plan approval is based upon the packet of information submitted by the Applicant’s Engineer, Fisher Associates, and the set of drawings entitled “Tomra NY Recycling, LLC, Tomra NY Recycling Project, Preliminary Design,” Project Number 210357, having an issue date of 01/04/2021, as further amended by the following conditions below.
2. All drawings submitted with this application are to be entitled Preliminary Site Plan.
3. Tomra Trail is a dedicated Town highway. The Applicant’s Engineer is to work with the Town Highway Superintendent to define an area at the south end of Tomra Trail for providing a turnaround area for Town Highway Equipment. This area is to be delineated on the Final Site Plan drawing and an easement for this area is to be prepared, accepted by the Town and then filed with the County Clerk’s Office. The liber and page for said easement is to then be filed in the Town Clerk’s Office. No certificate of compliance shall be issued by the Town Code Enforcement Officer for this project until said filings have occurred.
4. There is to be a note added to the Preliminary and Final Site Plan drawings [C-140] that no parking on the pavement of Tomra Trail is allowed.
5. There is to be a note added to the Final Site Plan drawings [C-140] that no empty trailers are to be parked within the Front Yard portion of the site.



6. The existing watermain shown on the Preliminary Site Plan drawings is to be labeled on drawing [C-105] along with size of the watermain and its material prior to the Town Engineer's signing of the Preliminary drawings.
7. The proposed catch basins located within the proposed stormwater easement area are to be storm manholes. All references to the catch basins are to be amended on any drawing. The Town of Farmington Site Design and Development Criteria Manual contains design details for Storm Sewer and Catch Basin Manholes [detail ST-6.0] and Trench Detail [W-13.0]. These details are to be added to the appropriate preliminary drawings prior to the Town Engineer's signing of the Preliminary Site Plan drawings.
8. The Town Engineer's Report, dated February 9, 2022, contains a list of their concerns that is to be addressed in writing along with all required revisions to the application submitted, including drawings, for Preliminary Site Plan approval. Some of these items are to be provided prior to the Town Engineer's signature on the preliminary drawings. Others can be provided on the Final Site Plan application drawings. The Applicant's Engineer is to consult with the Town's Engineer on this matter.
9. There are to be two (2) bollards shown on the Preliminary and Final Site Plan drawings near the existing fire hydrant at the south end of Tomra Trail. The exact locations for these two (2) bollards is to be coordinated with the Town's Acting Water and Sewer Superintendent. These bollards are to be installed prior to the issuance of the Certificate of Compliance by the Town Code Enforcement Officer for this project.
10. Drawing C-110, Overall Existing Conditions Plan, identifies an area of the site used for storing Debris and Pallets. Drawing C-120, Existing Conditions Plan, shows this area is being removed but does not identify how this area is going to be used. This information will be required on the Preliminary and Final Site Plan drawings.
11. The Engineer's Report document [prepared by Fisher Associates] contains recommendations [located in the Drainage Design Report portion] for restoring the stormwater pond to record conditions and functionality. Prior to the submission of the application for Final Site Plan Approval, the Applicant's Engineer shall, in coordination with Town Staff, prepare a Stormwater Maintenance Agreement (SMA) that is to be accepted by the Town's MS4 Stormwater Manager and the Town Engineer. Any required easements shall then be accepted by the Town Board, filed with the County Clerk's Office. and the liber and page for said easement(s) shall be filed with the Town Clerk's Office and the Town Development Office. No Certificate of Compliance shall be issued by the Town Code Enforcement Officer for this project until said filings have occurred.
12. The Preliminary Site Plan drawings are to be revised to show the boundaries of all existing wetlands, wetland buffers, streams and other waterbodies.

13. A copy of the wetland delineation that is noted in the Applicant's Engineer's Report, as being performed, along with a copy of all correspondences with the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers, is to be provided to the Town Development Office and the Town Engineers prior to submission of a Final Site Plan application.
14. Contour labels are to be provided on the Preliminary Overall Existing Conditions drawing [C-105] prior to signing by the Town Engineer.
15. A site data table is to be added to drawing [C-105] as part of the Preliminary Site Plan application. Said table identifies the zoning of the project site, the dimensional and area requirements, existing conditions, and proposed conditions. This information is to be included prior to the Town Engineer's signing of the Preliminary drawings.
16. The Applicant and the Applicant's Engineer are to work with the Town Director of Planning and Development, the Town Highway Superintendent, the Acting Town Water and Sewer Superintendent, the Town Code Enforcement Officer, and the Town Engineer to finalize the Attachment G, the proposed Property Maintenance Policy, dated January 2022. Said Policy is to be completed and included with the submission of the application for Final Site Plan approval. This Policy document is to be implemented by the Applicant starting on the date of Final Site Plan approval by the Planning Board, and a signed copy of said Policy is to be maintained on file in the Town Development Office. Should a need arise to further amend said filed Policy, any amendments thereto shall be administered by the Town Code Enforcement Officer and signed by the Applicant.
17. Table 1: Maintenance Tasks, lists site features, tasks, etc. The Parking Lots and Asphalt Drive Areas do not mention the large gravel area of the site where empty tractor trailers are parked. The Property Maintenance Policy is to identify the manner the Applicant will be providing for this large gravel area to have a dust-free surface. This needs to be included in the revised Property Maintenance Policy. Also, there are two sections within the Policy on Stormwater Management which identifies annual and seasonal inspections along with corrective actions. There is no mention of a SMA or the Town's MS4 Program requirements [including inspections]. As noted above herein, there will be a condition of Final Site Plan approval that this Property Maintenance Policy is to be prepared, accepted by the Town and then filed with the Town Development Office. and updated as may be deemed necessary either by the applicant, or the Town.
18. Those portions of the site shown on Final Site Plan drawings, that are going to remain gravel need to be identified, and a determination made by the Planning Board whether this is acceptable. There may need to be a variance application if compliance with a "dust free" surface is not provided.

- 19. Preliminary Site Plan Approval is valid for a period of 180 days from today and shall automatically expire if revised drawings are not signed by Town Officials.
- 20. Once a revised set of preliminary drawings have been reviewed by the Town Code Enforcement Officer and accepted, then an application for Final Site Plan approval will be entertained by the Planning Board.

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

Mr. Armento asked if there will be adjustments to several of the conditions of approval regarding issues which were discussed this evening. Mr. Brand said that these issues—such as parking vehicles in the front of the building along the Loomis Road frontage—concern the operating procedure and can be addressed during the Final Site Plan application stage. Mr. Armento confirmed that these issues will be addressed at the Final Site Plan stage, per the discussions this evening.

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.

Following the vote, Ms. Lake asked about the schedule for the board’s consideration of the Final Site Plan. Mr. Hemminger said that this will depend upon how quickly the applicant will be able to address the issues which were discussed this evening and submit the Final Site Plan application, including all MS4 stormwater documents and a revised operating plan. Mr. Delpriore said that the submittal date is March 10, 2022, for the Planning Board meeting to be held on April 6, 2022. He suggested that Ms. Lake contact the Development Office as soon as possible to schedule a meeting with the Town staff.

**6. PLANNING BOARD ACTION ITEMS**

**A. Major Thoroughfare Overlay District (MTOD) Site Design Guidelines, and Main Street Overlay District (MSOD) Streetscape Design Guidelines for the Route 96 Corridor:**

Mr. Hemminger suggested that action upon the Major Thoroughfare Overlay District (MTOD) Site Design Guidelines and the Main Street Overlay District (MSOD) Streetscape Design Guidelines for the Route 96 Corridor be continued to the Planning Board meeting to be held on March 16, 2022.

There were no objections to this suggestion from board members or the Town staff.

**B. American Equipment: Letter of Credit Release (Final):**

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
LETTER OF CREDIT—FINAL RELEASE  
AMERICAN EQUIPMENT, 6112 COLLETT ROAD**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated February 11, 2022, to approve the final release of funds from the established Letter of Credit for the above referenced project; and

**WHEREAS**, the Planning Board has also received and reviewed the signed Letter of Credit Release Form (G-2.0); and the signed Final Inspection Form for Expiring Sureties (G-4.0); and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector, Town Department Heads and the Town Engineers, does hereby recommend that the Town Board take formal action to recommend approval of the request for the final release of funds from the established letter of credit in the total amount of \$72,811.55.

**BE IT FURTHER RESOLVED** that the Town Supervisor is to sign the above referenced Town Surety Release Form (G-2.0) upon the Town Board's authorization on February 22, 2022.

**BE IT FURTHER RESOLVED** that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicant, Timothy O. Lawless, American Equipment, 6112 Collett Road, Farmington, N.Y. 14425; Linc Swedrock, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450; Tom Danks, BME Associates, 10 Lift Bridge Lane, Fairport, N.Y. 14450; Tim Ford, Town Highway and Parks Superintendent; Robin MacDonald, Acting Town

Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

The following vote 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.

**C. Cerone Incentive Zoning Project (MIII Enterprises, Auburn Junction):  
Letter of Credit Establishment—Site Improvements, Phase 3A:**

■ A motion was made by MR. SWEENEY, 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  
LETTER OF CREDIT ESTABLISHMENT—SITE IMPROVEMENTS  
CERONE INCENTIVE ZONING PROJECT (MIII ENTERPRISES, AUBURN  
JUNCTION) PHASE 3A**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated February 15, 2022 from Lance S. Brabant, Director of Planning and Environmental Services, MRB Group, D.P.C., the Town Engineers, to accept a Letter of Credit for site improvements to be made within the above referenced Project, located along the east side of New York State Route 332, south of Carmen’s Way; and

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

**WHEREAS**, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render a recommendation to the Town Board whether to honor the requested establishment of the Letter of Credit or acceptable form of surety.

**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 a Letter of Credit in the total amount of \$97,304.74.

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.

**D. Report and Recommendation to the Town Board:  
Farmington Market Center Incentive Zoning Application:**

**Applicant:** Angelo Ingrassia, Farmington Market Center LLC,  
550 Latona Road, Building E, Suite 501, Rochester, N.Y.  
14626

**Location:** South side of State Route 96, east of Mertensia Road, west  
of the intersection of State Route 332 and State Route 96.

**Request:** Rezoning from GB General Business to IZ Incentive Zoning,  
18.3 acres:  
Tax Map #29.00-01-39  
Tax Map #29.00-01-40  
Tax Map #29.00-01-41.1

September 1, 2017: Initial discussion of this project by the Project Review Committee.

January 22, 2019: Presentation to the Town Board by Michael Montalto (Costich Engineering).

February 6, 2019: Presentation to the Planning Board by Mr. Montalto.

February 20, 2019: Planning Board Report and Recommendation to the Town Board, approved.

March 1, 2019–January 7, 2022: Project Review Committee discussions.

January 25, 2022: Submission of an amended Farmington Market Center Incentive Zoning application by Mr. Montalto, on behalf of the applicant, as follows:

On behalf of our client Farmington Center LLC, we are submitting a revised Incentive Zoning letter and plan for the above referenced properties. The Incentive Zoning letter has been revised from the January 20, 2020, letter based on Town Board meetings, Project Review Committee meetings and meetings with Town staff. The plan has been revised to reflect the following changes:

1. The future signalized intersection that was planned for the project has been relocated to the GLN Farmington Realty Project (LeFrois Development) adjoining lands to the east.
2. The planned Canandaigua National Bank facility has been relocated within the project from the eastern corner of the existing Route 96 site access to the far eastern portion of the site adjacent to the new signalized intersection.
3. The two-story 18,400-square-foot building at the southeastern portion of the project has been removed and replaced with a 21,000-square-foot addition to the “plaza” building.
4. The future 4,367± -square-foot restaurant building has been removed and replaced with a 2,000± -square-foot specialty drive-through facility.
5. The Tops fuel kiosk area has been located further east on the property.
6. Building and pavement setbacks for the four “outparcel” areas along the frontage of State Route 96 have been increased to be consistent with recently granted Area Variances for other properties within the project vicinity and *Streetscape Design MTOD/MSOD Route 96 Main Street Corridor* recommendations for structure placement.

**Project:**

The applicant has proposed a phased expansion of the approximately 18.3-acre site located on the south side of State Route 96 immediately east of the intersection of State Route 96 and Mertensia Road. The site is currently operating as the Tops Market and Canandaigua National Bank facilities. The site is comprised of three parcels of land having tax account numbers 29.00-01-39, 29.00-01-40 and 29.00-01-41.1. Expansion of the property will allow for a number of uses including relocation of the existing Canandaigua National Bank, addition of a Tops fueling kiosk to supplement their market operation, Mavis Tire facility, specialty drive-through facility and plaza expansion. The properties are currently zoned General Business (GB). The applicant intends to further subdivide the property to allow for individual financing of the uses by the occupants. The parcels will continue to operate as a single property and will be under a reciprocal easement agreement for utilities, access and parking.

The project will consist of approximately 37,640 square feet of uses including banking, fueling, retail/service facilities, specialty drive-through and retail expansion:

- Canandaigua National Bank will be relocated to a 2,220-square-foot stand-alone facility;
- Tops Markets will add six fueling dispensers with a kiosk;
- A 6,720-square-foot (eight bay) Mavis Tire facility is to be constructed;
- A future 5,700± square-foot two-tenant building with drive-through facility is to be constructed;
- A future 2,000± -square-foot speciality drive-through; and a
- A future 21,000± -square-foot retail building expansion on the east end of the current building.

The specialty building, two-tenant building, Canandaigua National Bank facility and Tops fueling kiosk are to be developed as outparcel-based facilities enhancing the aesthetics of the Route 96 corridor.

**Requested Zoning Incentives:**

Relief from various dimensional requirements as required by the Major Thoroughfare Overlay District (MTOD) Regulations:

Relief from setback requirements to allow buildings to be less than 50 feet from an access road as required by the Major Thoroughfare Overlay District Regulation § 165-34 G (2).

Relief from setback requirement to allow the internal corner clearance for the CNB entrance to be less than the 150 feet as required by the mtod Regulation § 165-34 J (2) (b) (1). Corner clearance for the proposed intersection is from the internal plaza access for the CNB facility to Mercier Boulevard Extension (Local Collector).

Relief from internal driveway clearance requirements to allow internal driveway spacing to be less than the 75 feet as required by the MTOD Regulation § 165-34 J (2) (b) (1).

No need for Special Permits as would be otherwise required by the General Business District Regulations:

Special Use Permit for Fuel Kiosk, § 165-28 (2)



Special Use Permit for Automotive Use—Mavis Tire, § 165-28 (2)

Special Use Permit for Two-Tenant Building with Drive-Through to be used for fast-food establishments

No need to provide 40,000-square-foot minimum lots (minimum lot for each separate permitted use.

Relief from internal lot line setback requirements for each separate permitted use:

Lots fronting State Route 96 (Lot 4, 5 and 6) to be less than the required 200-foot depth.

Lot 2 (internal lot for plaza expansion) to have zero front setback.

No need for an Area Variance for spacing from a nearby gasoline dispensing station (Byrne Dairy):

Tops Fuel Kiosk to be located within 1,500 feet of another motor vehicle station, convenience store/petroleum station, or petroleum station on the same side of the road (§ 165-77D).

Mavis Tire Center to be located within 1,500 feet of another motor vehicle station, convenience store/petroleum station, or petroleum station on the same side of the road (§ 165-77D).

Relief from bank teller stacking requirement of 10 reservoir spaces to be provided for each drive-up teller's window (inclusive of drive-up ATM). Applies to new Canandaigua National Bank facility and existing in-line bank space.

Parking requirements based upon Uniform Building Code requirements instead of § 165-37 A (11), outdated off-street parking and loading requirements. Relief from individual lot parking requirements, as the properties will operate under a Reciprocal Easement Agreement (REA) for utilities, access and parking.

### **Proposed Zoning Amenities:**

The following descriptions are being provided for the proposed zoning amenities as shown on the drawing prepared by our offices entitled "Market Center, 6139–6179 N.Y.S. Route 96, Overall Incentive Zoning Site Plan," drawing number 5950, CN106, sheet 1 of 1, dated 12/20/2018, last revised 01/17/2020. The descriptions are intended to summarize the amenities.

- 1. Mercier Boulevard Extension:** Monetary contribution to the Town for cost sharing with the Town and GLN Farmington Realty for the extension of Mercier Boulevard.

2. **Mercier Boulevard/Route 96 Intersection Signalization:** Monetary contribution to the Town for cost sharing with the Town and GLN Farmington Realty for the signalization of the Mercier Boulevard/Route 96 intersection.
3. **Route 96 Main Street Overlay District Off-Site Lighting Improvements:** Monetary contribution to the Town for the installation of a total of 18 additional off-site streetlight poles and fixtures for furtherance of the Route 96 Main Street Overlay District standards. Streetlights are to be installed at the intervals specified in the Town's MSOD Main Street Overlay District regulations. Streetlights to be installed by the Town.
4. **Beaver Creek Sanitary Sewer Force Main Contribution:** Monetary contribution to the Town for the Beaver Creek Sanitary Sewer Force Main Improvement project.
5. **Mertensia Road Pedestrian Signal Improvements:** Installation of the fourth (and final) leg of the Mertensia Road intersection pedestrian signal elements and crosswalk.
6. **Mertensia Road Off-Site Sidewalk Improvements:** Installation of public sidewalk. Sidewalk to provide a connection to the onsite sidewalk to be constructed on the east side of Mertensia Road to the intersection of Creek View Road.

#### **Cash Value of the Proposed Amenities:**

*The cash value of associated with construction of amenities is an estimation of the probably value of improvements proposed by the applicant. The cash value of the amenities is not a fixed value to be utilized for establishing/limiting developer contributions. Monetary contributions to the Town are fixed dollar values.*

1. **Mercier Boulevard Extension:** Monetary contribution to the Town for cost sharing with the Town and GLN Farmington Realty for the extension of Mercier Boulevard. **Cash value \$85,000.**
2. **Mercier Boulevard/Route 96 Intersection Signalization:** Monetary contribution to the town for cost sharing with the Town and GLN Farmington Realty for the signalization of the Mercier Boulevard/Route 96 intersection. **Cash value \$75,000**
3. **Route 96 Main Street Overlay District Off-Site Lighting Improvements:** Monetary contribution to the Town for the installation of additional off-site streetlight poles and fixtures for furtherance of

the Route 96 Main Street Overlay District standards. **Estimated cash value \$35,000**

4. **Beaver Creek Sanitary Sewer Force Main Contribution:** Monetary contribution to the Town for the Beaver Creek Sanitary Sewer Force Main Improvement project. **Cash value \$75,000**
5. **Mertensia Road Pedestrian Signal Improvements:** Installation of the fourth (and final) leg of the Mertensia Road intersection pedestrian signal elements and crosswalk. **Estimated cash value \$29,640**
6. **Mertensia Road Off-Site Sidewalk Improvements:** Installation of a five-foot-wide concrete sidewalk between the sidewalk/crosswalk at the southeast corner of the intersection of State Route 96 extending south along the east side of Mertensia Road connecting to the intersection with Creek View Trail. **Estimated cash value \$38,903**

**Total cash value of offered amenities: \$338,543**

#### **Schedule for Delivery of Amenities:**

1. **Mercier Boulevard Extension:** Monetary cash contribution in the amount of \$85,000 to the Town for cost sharing with the Town and GLN Farmington Realty for the extension of Mercier Boulevard to be made within 90 days of the Town Board's decision to approve the Incentive Zoning rezoning application. The monies shall be placed in a capital project account for the Mercier Boulevard Project.
2. **Mercier Boulevard/Route 96 Intersection Signalization:** Monetary cash contribution in the amount of \$75,000 to the Town for cost sharing with the Town and GLN Farmington Realty for the signalization of the Mercier Boulevard/Route 96 intersection to be made within 60 days of the New York State Department of Transportation's determination that warrants are met for the signalization components of the intersection of Mercier Boulevard and Route 96.
3. **Route 96 Main Street Overlay District Off-Site Lighting Improvements:** Monetary cash contribution in the amount of \$35,000 to the Town for the installation of additional off-site streetlight poles and fixtures for furtherance of the Route 96 Main Street Overlay District standards to be made prior to the issuance of the first Certificate of Occupancy/Compliance for any of the on-site improvements.

4. **Beaver Creek Sanitary Sewer Force Main Contribution:** Monetary cash contribution in the amount of \$75,000 for the Beaver Creek Sanitary Sewer Force Main Improvement Project, payment to be made in two installments. \$56,250 to be paid within six months of the Town Board’s decision to approve the Incentive Zoning rezoning application, or not later than December 31, 2022, whichever comes first. The remaining \$18,750 installment to be paid to the Town no later than December 31, 2023.
  
5. **Mertensia Road Pedestrian Signal Improvements:** Installation of the fourth (and final) leg of the Mertensia Road intersection pedestrian signal elements and crosswalks. There is to be an application made by the applicant’s engineer to the Region 4 Office of the New York State Department of Transportation within three months of the Town Board’s decision to approve the Incentive Zoning rezoning application. The applicant shall complete the signal improvements to be completed on or before December 31, 2022, or before the first C of O is issued for any approved building.
  
6. **Mertensia Road/State Route 96 Sidewalk Improvements:** Installation of public sidewalk. Applicant shall install sidewalks that provide a connection from the southeast corner of the pedestrian crossing of the intersection of State Route 96 and Mertensia Road and constructed along the east side of Mertensia Road south to the intersection of Creek View Road. Sidewalks are also to be constructed along the south side of State Route 96 from the intersection with Mertensia Road east to the current entrance to the plaza from State Route 96. Sidewalk improvements are to be completed by May 31, 2023, or before the first C of O is issued. A Performance Bond in the total amount of these amenities is to be filed with the Town Clerk’s Office within 60 days of the date of the Town Board’s decision to approve the Incentive Zoning rezoning application.

**Amenities: Cash and Estimated Values:**

<b>#1</b>	<b>Mercier Boulevard Extension</b>	Phase 1: \$85,000 cash
<b>#2</b>	<b>Mercier Boulevard/Route 96 Intersection Signalization</b>	Future phase: \$75,000 cash
<b>#3</b>	<b>Route 96 Main Street Overlay District Off-Site Lighting Improvements</b>	Phase 1: Estimated value \$35,000

<b>#4</b>	<b>Beaver Creek Force Main</b>	Phase 1: \$56,250 cash Future phase: Estimated value \$18,750
<b>#5</b>	<b>Mertensia Road Pedestrian Signal Improvements</b>	Phase 1: Estimated value \$29,640
<b>#6</b>	<b>Mertensia Road Route 96 Sidewalk Improvements</b>	Phase 1: Estimated value \$38,903

**Summary:**

Phase 1:	Cash	\$141,250
	Estimated value	103,543
Future phase:	Cash	\$93,750

**Total estimated and cash value of amenities, all phases: \$338,543**

To aid in the review, the following were submitted:

1. Previous copy of the Overall Incentive Site Plan, sheet CN106, last revised 01/21/2020.
2. Updated copy of the Overall Incentive Site Plan, sheet CN 106, last revised 01/07/2022.
3. Tops Market Center, Re-Subdivision Map, last revised 09/10/2021.
4. Copy of Canandaigua National Bank Elevations.
5. Copy of Mavis Tire Building Elevations.
6. Copy of Tops Fuel Kiosk Renderings.

It is further acknowledged that as a function of site plan reviews/approvals for the project that the development plans shall incorporate the following project elements in addition to the six amenities outlined above:

1. Restriction on Issuing Building Permits: Canandaigua National Bank and Tops Fueling Kiosk. No building permits shall be issued by the Town Code Enforcement Officer for either of these two sites until there has been Final Site Plan approval granted by the Town Planning Board. No Certificate of Occupancy shall be issued by the Town Code Enforcement Officer for these two sites until there has been a connection to the adjacent Mercier Boulevard Extension and the redesign and reconstruction of the existing

entrance to the plaza from State Route 96 has been completed, provided that the adjacent Mercier Boulevard connection has been completed.

2. Restriction on Certificates of Occupancy. No Certificates of Occupancy shall be issued by the Town Code Enforcement Officer for any other proposed site development until the entire site has been brought into compliance with Town Code provisions contained in Chapter 165-100. At a minimum, there is to be on-site sidewalks constructed from the current State Route 96 entrance to the existing plaza building and from the sidewalks along the east side of Mertensia Road into the site connecting to the sidewalks extending south from State Route 96 prior to the first Certificate of Occupancy.
3. While the pedestrian crossing improvements are underway at the intersection of State Route 96 and Mertensia Road, and before the issuance of a Certificate of Occupancy for any building within the first phase of the project, a section of five-foot-wide concrete sidewalk shall be constructed between said intersection and the existing main entrance to the plaza from State Route 96 along with the addition of crosswalk striping at the entrance.
4. Five-foot-wide sidewalks connecting the public sidewalk along the south side of State Route 96 to the Tops fueling facility and to the new Canandaigua National Bank facility are to be included in the site development plans for the project, and are to be installed prior to the issuance of a Certificate of Occupancy for either facility.
5. Within three months of the Town taking dedication of any phase of Mercier Boulevard connecting to a future intersection with State Route 96, a new entranceway connecting the site to Mercier Boulevard (weather permitting) shall be completed by the developer and said connection shall occur prior to issuance of a Certificate of Occupancy for either the Canandaigua National Bank or Tops fueling facility. As part of this new entranceway, the developer shall construct, to Town Standards, a hammerhead turnaround on said incentive zone site along with a permanent easement to the Town and provide the Town with an easement for snow storage, on a portion of the proposed incentive zone site within the hammerhead turnaround.
6. Upon making the developer making the above cited connection of the site to Mercier Boulevard, the existing site entrance to Route 96 shall be reconfigured to be a right in/right out access and shall be constructed within 90 days (weather permitting) of said connection, and prior to the issuance of a Certificate of Occupancy.
7. No additional access points to Route 96 shall be allowed to/from the incentive zoning site from along this portion of Route 96.

8. There are to be provided a total of 14 streetlights, four benches and four trash receptacles provided along the State Route 96 frontage, by the developer, and spaced at the intervals specified in the Town's MSOD Main Street Overlay District regulations. These streetscape improvements are to be installed across the entire frontage of the overall site plan for this incentive zoning project and these streetlights shall be operational within six months of the Town Board's decision to approve the Incentive Zoning rezoning application, or December 31, 2023, whichever comes first.

—Michael P. Montalto, Costich Engineering, D.P.C.

Mr. Montalto said that the applicant is seeking tenants for the specialty drive-through building. He said that the building setbacks from State Route 96 will be consistent with the proposed buildings to be constructed in the adjacent GLN Farmington Realty project to the east.

Mr. Hemminger said that Canandaigua National Bank, the Tops fuel kiosk and Mavis Tire will be in the first phase of the development. He asked if these parcels will be subdivided off from the overall site. Mr. Montalto said yes. He said that the applicant is intending to subdivide these individual parcels and to acquire reciprocal easements for access. Mr. Montalto said that he has indicated that there are seven separate lots as part of the Incentive Zoning application.

Mr. Brand said that the purpose of the presentation this evening is to introduce this application to the Planning Board. He said that the Town Board has requested that the Planning Board submit a Report and Recommendation on this application.

Mr. Brand said that the presentation this evening is the result of a two-year process which involves the applicant's recognition of several new Town regulations which include the number of driveway cuts on State Route 96. He said that what we have here is a project that can move forward to accomplish the goals which the Town is looking for in this area. Mr. Brand said that there may be some fine tweaking regarding what the Town Board members are looking for, and a balance of incentives and amenities.

Mr. Hemminger said that the Town Board will approve the incentives and the amenities, but the Planning Board may wish to recommend additional incentives for the Town Board's consideration.

Mr. Bellis asked about monument signs on the road. Mr. Montalto said that the Town Code allows one sign per building. Mr. Delpriore said that signage will be a question and that the applicant may wish to consider the addition of a signage incentive. If not, Mr. Delpriore said that the applicant may have to seek Area Variances from the Town Board (through the Incentive Zoning process) for individual signs. Mr. Bellis said that he would not like to see a separate sign on each parcel

and that he would prefer one main sign with listings of the businesses, similar to the Auburn Junction sign at the intersection of State Route 332 and Carmen's Way.

Mr. Delpriore said that signs on the buildings will be another question. He said that the Canandaigua National Bank will face two roads [Route 96 and Mercier Boulevard] and that the bank may request two signs [one facing each road]. He said that signage needs for the various sites is something that the applicant should consider as part of the Incentive Zoning application.

Mr. Hemminger said that the applicant will have to follow the provisions of the Town Code if signage is not included in the Incentive Zoning application.

Mr. Montalto said that several tenants have not yet been identified. He said that the applicant will work with the Town staff on this, but that he is concerned about locking in the [signage] details at this time.

Mr. Delpriore said that he would not want to see a situation in which the applicant would have to request Incentive Zoning sign variances. He said that these potential sign applications would go back to the Town Board, and not to the Zoning Board of Appeals, because of the Incentive Zoning approval. Mr. Delpriore said that Incentive Zoning variances follow a different process. Mr. Hemminger said that the applicant would be better off to resolve these sign issues upfront in the process.

Mr. Viets asked about the bypass [looped] lane shown on the east end of the proposed 21,000 square foot building addition. Mr. Montalto said that this is for the use of a drive-through.

Mr. Viets suggested the construction of more uniform parking lot islands. He said that this is something which the board will look for. Mr. Montalto said that they are trying to channelize and define this for a main traffic flow.

Mr. Viets also said that the board will be looking for an improved architectural design for the Mavis Tire Store, rather than the usual design of Mavis Tire facilities.

Mr. DeLucia asked if the exit onto Mertensia Road on the west side of the site is necessary. He said that this exit could become less safe with the increased traffic, especially with drivers who often cross Mertensia Road to enter the Byrne Dairy Store on the west side of Mertensia Road. He asked if this exit would be really needed with the traffic flow around the tenant buildings. Mr. Hemminger said that this issue could be brought to the attention of the Town Board in the Planning Board's Report and Recommendation. Mr. DeLucia said that perhaps it would be safer for traffic to enter and exit the site at the signalized intersection.

Mr. Montalto said that it could become more difficult for the neighbors if the Mertensia Road exist is cut off. He said that the SRF Associates traffic study indicated that this road access eases traffic, but that he would be happy to continue to look at



this. He said that his first reaction [to this suggestion] is that the Town is concerned with pedestrian connectivity to the south and that the removal of the Mertensia Road access would be counterintuitive to this connectivity.

Mr. DeLucia said that he did not think that it [the Mertensia Road access] would be missed. Mr. Hemminger said that this could be a feedback item from the Planning Board to the Town Board to review this issue closely, but that the Town Board will make the final decision.

Mr. Bellis asked about the timing of the installation of the stormwater ponds. Mr. Brabant said that ultimately the stormwater ponds are required as part of the first phase to accommodate the full build-out of the site. But he said that if the ponds are separated and become part of a future phase, then the installation would become part of that future phase.

Mr. Hemminger requested that board members submit their comments to him and that he will forward them to the Town staff for inclusion in the draft Planning Board Report and Recommendation to the Town Board.

Mr. Viets asked about plans for the “old” Canandaigua National Bank which is now located in the western portion of the Tops Supermarket building. Mr. Montalto said that he expects that the current bank facility will remain. He said that the applicant does not yet have a solid use for this space [when Canandaigua National Bank moves to its new location] but that it is his experience that a vacant bank facility is often replaced with another bank. He said that the applicant’s intent is to leave the space as is for now.

Mr. Brand said that the Town Board has requested that the Planning Board Report and Recommendation on this application be submitted in time for the Town Board meeting on March 22, 2022.

There were no additional comments on this discussion item this evening.

**E. Draft Local Law Review: Agricultural/Construction Equipment Repairs and Painting Operations, Special Use Permit Regulations:**

Mr. Brand said that a draft local law has been prepared for consideration by the Town Board to amend Town Code Chapter 165 to provide Special Use Permit criteria to allow the repair and painting of agricultural and construction equipment in the General Industrial and Limited Industrial Zoning Districts, and that this use should not be excluded from the A-80 Zoning District.

Mr. Brand said that a resident has been operating this type of business for the past seven years under a Temporary Use Permit, which is the maximum period of time allowed by the Town Code for this type of permit.

Mr. Brand said that this proposed local law has been referred to the Planning Board just for information at this time. He requested that any comments be submitted to him or to Mr. Hemminger prior to the Town Board's public hearing in March.

Mr. Bellis asked about the screening of the resident's equipment if an existing structure on his property were to collapse. Mr. Delpriore said that the Town Code requires that the equipment must be screened. Mr. Bellis said that the resident would require screening of type, a berm or construction of another building [if the current building collapses]. Mr. Viets said that the proposed local law requires that the equipment must be fully screened.

Mr. Bellis asked if there have been any issues with the resident's current operation. Mr. Delpriore said no, and that that there have been no violations [of the terms of the Temporary Use Permit].

## 7. OPEN DISCUSSION

### *Director of Development and Planning:*

Mr. Brand reported on the following topics:

- The local law on the new solar regulations has not yet been processed by New York State for filing. [On Friday, February 18, 2022, the Town Clerk reported that Local Law #2 of 2022 was filed with the Secretary of State on February 8, 2022 and is now in effect.]
- The Town staff recently met with a prospective applicant regarding a proposed Incentive Zoning project to be located east of the Hickory Rise Subdivision. Mr. Brand said that there still would be one parcel of land between the proposed site and the Hickory Rise Subdivision. He said that this application would involve two parcels of land and would extend south to State Route 96 for construction of residential single-family homes. He said that the frontage along the north side of State Route 96 would remain for some type of commercial or limited industrial uses. No date is known when this application will be submitted to the Town Board for its consideration.
- Mr. Brand said that he will follow up with the New York State Department of Transportation on the posting of "No Parking" signs.
- No information has been received on the status of the 2021–2022 Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program grant. The application for this grant was presented at a public information meeting which was held at the Town Hall on August 3, 2021.

The TAP–CMAQ Program, is a Federal Highway Administration Program which provides reimbursement of up to 75 percent of project-related costs for non motorized transportation improvements, with the remaining 25 percent to be provided by the Town. The Program’s goals and objectives are focused toward improving non-driver access to jobs, education, services, public transit and community amenities by providing non-motorized alternatives, increasing the number of trips taken by pedestrians and/or bicyclists, and improving bicycle and pedestrian safety programs.

If approved, the grant award will fund the construction of approximately 17,000 lineal feet of sidewalks and the construction of a 350-foot pedestrian bridge across Beaver Creek and along the south side County Road 41. The total grant estimate is \$1,996,800. The TAP-CMAQ is a matching grant. The Federal share would be 75 percent (\$1,497,600). The Town share would be 25 percent (\$499,200).

***Code Enforcement Officer:***

Mr. Delpriore said that the Preliminary Site Plan application for A Safe Place Storage (PB #0803-21), which was continued from the meeting on January 19, 2022, will be on the Planning Board agenda on March 2, 2022, contingent upon the approval of the applicant’s Area Variance application by the Zoning Board of Appeals on February 28, 2022.

He said that a preliminary two-lot subdivision of 117.917 acres of land at 452 Bowerman Road (PB #0301-22, the Shirley B. Bowerman Estate) will also be on the March 2nd agenda. Mr. Delpriore said that the applicant has requested both Preliminary and Final Subdivision approvals at the same meeting and that the Town staff is currently working through quite a few concerns. Mr. Hemminger said that the Planning Board will not be able to consider both applications at the meeting on March 2nd if the Town staff cannot work out the issues with the applicant. Mr. Delpriore said that the applicant has been made aware of this and is more receptive to working with the Town staff, but that there is a long way to go.

Mr. Delpriore said that the Town moratorium on solar projects ended on February 10, 2022, and that the Development Office has had inquiries about new solar applications.

He also said that a site plan application is expected to be submitted for a 4,000-square-foot addition to the American Equipment maintenance building at 6112 Collett Road. He said that the proposed addition was included on the plans when the Planning Board approved the construction of the 18,150-square-foot one-story maintenance building on August 15, 2018 (PB #0803-18).

Mr. Delpriore said that a Pre-Certificate of Occupancy inspection is planned on March 4, 2022, for the Meyer’s RV project at the northwest corner of State Route 96 and Mertensia Road. He said that the applicant must show progression that the existing building will be

demolished prior to the issuing of a Certificate of Occupancy, and that there may be a day or two transition between the use of the existing and the new building.

***Highway and Parks Superintendent:***

Mr. Ford said the stormwater management ponds and pipes at the Phillips Landing Subdivision have been cleaned by the Town staff and water is flowing.

***Town Engineer:***

Mr. Brabant said that MRB Group is working with the Town staff on updates to the Site Design and Development Criteria. He said that sidewalk regulations are being updated that exceed the State DOT's standards, that streetlight pole design detail issues (break-a-way bases) will be reviewed, and that a package will be submitted to the New York State Department of Transportation and then to the Town Board for approval of amendments to the Site Design and Development Criteria.

***Board Members' Comments:***

Mr. Viets said that he met with a group of students from Syracuse University who are working on a capstone project for their graduation this year. Mr. Viets said that the students will be designing concept plans for the use of the Town's recently-acquired property adjacent to the west of the Town Park on County Road 8. A presentation of their report is planned in May.

Mr. Hemminger asked about the status of the American Equipment project on Collett Road. Mr. Delpriore said that the project is wrapped up as noted by the final Letter of Credit release earlier this evening.

Mr. Hemminger also said that a field change was approved by the Town staff for the relocation of streetlights along the north side of State Route 96 and across from the ice cream/hair salon business which is now under construction in the Redfield Grove Incentive Zoning Subdivision (Lot #72). He said that the relocation of the streetlights will not affect the illumination of the sidewalk.

Mr. DeLucia asked about the status of the Auto Wash facility being constructed on the northeast corner of State Route 96 and Mertensia Road. Mr. Delpriore said that a utility pole and a flood light on State Route 96 had to be removed as conditions of Final Site Plan approval. He said that both have been removed, that other streetlight poles are on back order, and that although the applicant was hoping to open in late-February, it looks as though the opening may be extended into mid-March.

Mr. Bellis asked about the status of the Loomis Road Industrial Park project. Mr. Delpriore said that the Public Hearings on the Preliminary Site Plan and the Special Use Permit both have been continued to the meeting to be held on March 16, 2022. He said that he spoke with the owners and that they may go ahead with the Special Use Permit on March 16th but that they may request that the Preliminary Site Plan application be continued. He said that the Town staff is continuing to work with the owners on this. The application was opened at the Project Review Committee meeting on December 4, 2020. The Final Re-Subdivision Plat was approved with conditions on July 7, 2021 (PB #0702-21). The Public Hearing on the Preliminary Site Plan was opened on August 18, 2021.

## 8. PUBLIC COMMENTS

None.

## 9. TRAINING OPPORTUNITIES

### ■ 2022 Municipal Bootcamp:

Hancock Estabrook and MRB Group are offering a free annual training program to assist local governments, municipal officials, and planning and zoning boards. The program will include 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program in the series will be provided remotely on the fourth Thursday of each month with subject matter experts from MRB Group and knowledgeable attorneys from Hancock Estabrook LLP. Topics will be ively, useful and—potentially as important—qualify for the education requirements for members of planning boards and zoning boards of appeal.

Remaining sessions in 2022:

***Thursday, February 24, 2022, 6:00 p.m. to 7:00 p.m.***

Planning for Success: The Planning Board Role in Community Development

***Thursday, March 24, 2022, 6:00 p.m. to 7:00 p.m.***

How Appealing: The Role of the Zoning Board of Appeals in Community Development

***Thursday, April 28, 2022, 6:00 p.m. to 7:00 p.m.***

Here Comes the Sun: Shaping Solar and Battery Storage Projects

***Thursday May 19, 2022, 6:00 p.m. to 7:00 p.m.***

Keep the Grass Green and the Water Clean: Your Role in SEQR Review

***Thursday, June 23, 2022, 6:00 p.m. to 7:00 p.m.***

How it All Fits Together: Long-Range Plans and Near-Term Challenges

***Thursday, July 28, 2022, 6:00 p.m. to 7:00 p.m.***

Ask Us Anything: Hot Topics in Planning, Zoning and Community Development

***Thursday, September 22, 2022, 6:00 p.m. to 7:00 p.m.***

What Not to Say and What Really Not to Do: Avoiding Sexual Harassment

***Thursday, October 27, 2022, 6:00 p.m. to 7:00 p.m.***

A History Lesson: Managing Projects with Historic Significance

***Thursday, December 22, 2022, 6:00 p.m. to 7:00 p.m.***

Santa's Nice and Naughty List: The Best and Worst of 2022

*Select this link for the 2022 Municipal Bootcamp information page. RSVP and registration tab are at the bottom of the website page.*

<https://www.hancocklaw.com/events/the-2022-municipal-bootcamp/>

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

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

***The Essentials of Planning and Zoning:***

Introduction to Planning, Zoning and Land Use

Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan

Understanding and Applying SEQRA (NY State Environmental Quality Review Act)

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

***Meeting Process and Communication:***

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

Working with Elected Officials and Understanding Everyone's Role in Planning

The Open Meetings Law for Zoning and Planning Boards, Part 2

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

**■ 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>

**10. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:45 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, March 2, 2022, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and via Zoom video conference.

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

Respectfully submitted,

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John M. Robortella, Clerk of the Board

L.S.