

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

## PLANNING BOARD

*The first meeting of the Farmington Planning Board was held on January 21, 1959.*

**Wednesday, June 5, 2024 • 7:00 p.m.**

### **MINUTES—APPROVED**

*The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Planning Board adopted Rules of Procedure. The audio recording is retained for 12 months. Video recordings of the meetings are posted on the Town of Farmington’s YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).*

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

*R = Attended via remote video conference.*

**Board Members Present:** Edward Hemminger, *Chairperson*  
Adrian Bellis  
Timothy DeLucia  
Douglas Viets

**Board Member Excused:** Aaron Sweeney

**Staff Present:**  
Ronald L. Brand, Town of Farmington Director of Development and Planning  
Cadin Lloyd, Town of Farmington Code Enforcement Officer  
Collin Sowinski, Town of Farmington Engineer, MRB Group, D.P.C.—**R**

**Attending:**  
James M. Baker, P.E., President, Foundation Design, P.C., 46A Sager Drive,  
Rochester, N.Y. 14607  
John and Paulette Costanza, 6022 Redfield Drive, Farmington, N.Y. 14425  
Scott DeHollander, P.E., DeHollander Design, 7346 Dryer Road, Victor, N.Y. 14564  
Bonnie Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425—**R**  
James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425  
Jared P. Hirt, Esq., Evans Fox LLP Attorneys, 100 Meridian Centre Boulevard, Suite 300,  
Rochester, N.Y. 14618—**R**

Jayne and TJ VerSchage, 427 County Road 8, Farmington, N.Y. 14425

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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 January 3, 2024.

**2. APPROVAL OF MINUTES**

**Minutes of May 15, 2024:**

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the minutes of the May 15, 2024, meeting be approved.

Motion carried by voice vote. Mr. Bellis abstained due to his absence from the meeting on May 15, 2024.

**3. LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on May 29, 2024:

**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 5th day of June 2024 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 #0503-24: DEHOLLANDER DESIGN, INC., C/O SCOTT DEHOLLANDER, P.E., 7346 DRYER ROAD, VICTOR, N.Y. 14564:** Preliminary Five- (5-) Lot Subdivision Plat approval of land, Lots #1 through #5, identified as Tax Map Account 9.03-1-6.000, containing a total of approximately 12.4 acres of land and as further to be identified as Preliminary Plat, Scout Plains subdivision. All five (5) proposed lots will remain as vacant unapproved Building Lots with each subject to Final Site Plan approval by the Town Planning Board. The property is located along the east side of County Road 8 and the north side of Holtz 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.

By order of:  
Edward Hemminger, Chairperson, Planning Board

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

**PB #0702-23                      Continued Preliminary Three-Lot Re-subdivision Application**

**Name:**                      APD Engineering and Architecture, c/o Christopher Kamar, P.E.,  
615 Fishers Run, Victor, N.Y. 14564, representing the Fowler  
Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

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

**Zoning District:**              RS-25 Residential Suburban

**Request:**                      Preliminary Three-Lot Re-Subdivision Plat approval of land,  
identified as Tax Map Accounts 29.13-1-5.100 and 29.13-1-5.200,  
containing a total of 12.091 acres of land; and as further to be  
identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B  
of the Pheasants Crossing Subdivision owned by Fowler Family  
Trust. The proposed Action involves creating Lot #R-5A con-  
sisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and  
Lot #R-5C consisting of 3.442 acres all of which are to remain  
vacant as non-approved building lots requiring site plan approvals  
before any Building Permits may be issued.

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

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

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

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

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

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

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

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

On August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and requested that the applicant provide additional information which the Planning Board deemed necessary for their determining the application complete. The Planning Board then continued the Public Hearing on the subdivision application to the meeting on September 6, 2023.

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

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

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

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

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

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

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

On February 7, 2024, the Public Hearing was convened; the Planning Board referred this application to the Ontario County Planning Board and to the Town Clerk of Victor, N.Y., under the provisions of Section 239-nn of the New York State General Municipal Law; and continued the Public Hearing to the meeting on April 3, 2024.

On March 25, 2024, the Zoning Board of Appeals had no objections to the Planning Board's request to be designated as the Lead Agency for making the determination of significance upon this application under the State Environmental Quality Review Act (SEQRA).

On April 3, 2024, the Public Hearing was reconvened and testimony was received, following which the Public Hearing was continued to the meeting on April 17, 2024.

On April 17, 2024, the Public Hearing was reconvened, testimony was received, and supplemental information was requested to be submitted by April 24, 2024. The Public Hearing was continued to the meeting on May 1, 2024.

On May 1, 2024, the Public Hearing was reconvened, testimony was received, and the applicant's attorney requested that the Public Hearing be continued to allow additional time for the preparation of the supplemental information which had been requested at the meeting on April 17, 2024. The Public Hearing was continued to the meeting on May 15 2024.

On May 15, 2024, the Public Hearing was reconvened and testimony was received which included a Soils Report from James Baker, P.E.; a Soils Map from Venezia & Associates; and a Soils Map Overlay from Venezia & Associates. The Public Hearing was continued to the meeting this evening (June 5, 2024) to provide time for the Planning Board, the Town staff and the Town Engineer to complete their reviews of this requested supplemental information.

There were no objections to this continuation from Mr. Fowler (who was present at the meeting on May 15, 2024) or from his attorney.

Also on May 15, 2024, the Public Hearing was continued to the meeting this evening (June 5, 2024).

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Fowler and Mr. Baker attended in the meeting room. Mr. Hirt attended via remote video conference.

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—Begin audio transcription—

*(Note: The time stamps in the following transcription refer to the clerk's recording of the meeting. These time stamps do not correspond to the Town video which is posted on the social media YouTube site)*

(7:08) Mr. Hirt: I understand we're before the board tonight. I did see the proposed resolution looking for a continuation which I understand the purpose of that continuation is to allow Mr. Baker to conduct some further studies on the subject property. I did speak with Ron Brand earlier today, and, you know, I guess my, my concern with this is that we—on behalf of the applicant—we did provide the report from Mr. Baker which did detail the types of soil on the property and also concluded—or gave his conclusion—as to the viability of the project in terms of constructing a home on the subject property. And I understand that the board has additional questions or areas of concern that it has raised. But my issue is—it's expensive for my client to go through this process of going through and getting borings. I talked to Mr. Baker earlier and we're putting the cart before the horse, I guess is kind of one of my concerns, in a sense that it will probably be another \$3,000 for Mr. Baker to go there, do some borings, take some additional samples, and it seems like some of these things would be better addressed at the time of building permit. So, I'm just trying to get some clarity from the board if this is the last thing that we need to do, or are there any other issues that board sees that are so open that need to get addressed?

(8:48) Mr. Hemminger: Well certainly we can check with the board after we talked to staff and that, but I'll tell you straight up from my standpoint as the chairperson—my concern especially in this case is that if we don't know what the soils are, especially in the building area, how do we know that a dwelling can be built, and how close can that be built to the cliff, or the steep slope, whatever you want to call it. So, I think that the—from my standpoint—I think that I don't understand how we could complete the environmental record if we didn't know for a fact that a house or a dwelling could be built on the proposed lot. But I'll turn it over to Ron, because Ron is more of an expert than I am at that, so Ron, it's up to you.

(9:43) Mr. Brand: The need for the information is the only thing that I'm aware of—neighbors and the residents have asked for clarification of. They provided a letter from an appraiser. I

believe it's in the Town's best interest to have the soils report from Mr. Baker. And, otherwise, you can request it. If they don't want to give it to you, you always have the option of post-deciding it and going that route, which we really don't want to do.

(10:28) Mr. Hirt: I apologize. I can't see. Is Jim Baker there?

(10:30) Mr. Fowler and Mr. Hemminger: Yes. He's here.

(10:34) Mr. Hirt: He is. I guess, Jim, I would turn it over to you—because you are the—whether you want to be or not—the expert in the area and you've heard the comments from the Planning Board and also from Ron, to perhaps maybe address some of those concerns.

(10:48) Mr. Hemminger: Yes, Jim, welcome back, by the way.

(10:50) Mr. Baker: Thanks.

(10:51) Mr. Hemminger: It's been a while.

(10:53) Mr. Baker: So I went out and looked at the parcel initially before the survey was done, and initially thought—I was reasonably comfortable that it was a buildable lot. You could build a house on that. The final design was going to impact just where you put it and, you know, how it was situated. But I felt it was reasonable—that the slopes were reasonably stable based on the tree growth, and you're looking at conditions there. I read the letter from the appraiser—the land appraiser—who had some concerns and I also got the data from the site—from the civil engineer—the survey—who further defined the slope, and it's a slope, but it's certainly not a super steep slope. And, if you saw my May letter, I did some analysis, and you look at the building code provisions that dictate a certain setback at the top of the slope relative to the structure and the foundations, and thought there were a whole plethora of scenarios that would make it would make it code compliant. Based on the height you could set the building way back, or if you wanted to be closer to the slope face you could drop the elevation down, as in put in a basement. And all of those would be code compliant configurations. So that's what the code requires. I also applied my own, you know, geotechnical engineering background—and said do I think this is a reasonable thing to do based on the data we have now. And I felt comfortable the first time I wrote the letter and I felt more comfortable the second time when I had real survey information and a chance to really review the code issues.

(12:35) Mr. Baker: So, you know, the other piece that Venezia gave me was a real defined definition of the soil types, you know, the Howard soils. And there were some meeting minutes last time that said where [did] that data come from. Just for background, it comes from the Department of Agriculture, the United States, the Soil Conservation Service. They did mapping. They did a certain amount of exploration and came up broad swaths of what they expect the soils to be there. So, I didn't just pull the data out of the air. And based on that, I'm very comfortable that it's a buildable lot. I haven't done test holes on the parcel. If it's deemed that I have to do that, I guess Jim will have to decide if he wants to have that done or not. But based on the data I have and my experience in the area, I'm pretty comfortable. That's why I wrote the letter twice, so to speak.

(13:32) Mr. Hemminger: Okay. Ron?

(13:36) Mr. Brand: You want to talk about your conversation you had today with MRB?

(13:40) Mr. Baker: I saw that MRB had sent a list of, you know, three or four items and I took a look and Jared passed it on to me, and basically those are special inspections—things that are typically required as part of a structural engineering set of plans to build a building. And, those are things we tell them they should include as part of the testing inspection process during construction. They're part of the building code. So, we do a lot of commercial high-rise type of work, and that's the level of review and oversight and testing that gets done on those. I would say there's probably a lot of the houses in the Town that get built without that complete level of code-driven oversight, but certainly I would say that if you require that level of code-driven oversight then it would eliminate the sense of the potential unknowns. Someone would have to go out and check conditions during construction and confirm that they are as reasonably stable as I believe they are based on my analysis to date. So, but they are a building code/certificate of occupancy checklist. They're really not designed to be—they're really not intended to be a pre-design requirement. They say, be sure that it complies with the design report. Well, we have to have a design report to say it's compliant. They say to be sure that the fill is all placed and compacted to 95 percent. Well, he's not going to place any fill on the site until he has a permit and set of plans to proceed. The items really don't apply to the design at the approval stage. They apply to C of O, somewhere between permit set and issuing a Certificate of Occupancy. That's a checklist for the code enforcement people to say—did all these things get done—yes—therefore, we comply with the building code requirements.

(15:38) Mr. Hemminger: Ron?

(15:39) Mr. Brand: I believe we have a guest online from MRB tonight.

(15:48) Mr. Hemminger: Collin, can you hear us? Oh, gotcha' now. Collin—did you hear the question? I guess they want you to jump in and comment on the conversation today with—between somebody—Lance—and Jim.

(16:18) Mr. Sowinski: [?] was there was additional conversation that kind of—explained more where we're coming from, at least after that email was sent out. Is that correct?

(16:40) Mr. Brand: I can't answer that. I wasn't—

(16:42) Mr. Hemminger: We weren't privy to that, I don't think.

(16:46) Mr. Baker: I spoke with Lance and wanted to understand the intent of this list of items. I explained that I use this list because it's a building code requirement for code enforcement and compliance and certificate of occupancy-type situations and I got an understanding from him that that's the way they intended it, as well. That those are the standards that construction should be held to during the construction process.

(17:19) Mr. Hemminger: Anything else to add, Collin?



(17:22) Mr. Sowinski: Just taking a look at my notes here, for a second here.

(17:35) Mr. Hemminger: Certainly, I mean, my concern—I don't know about the rest of the board—is that if we finish the environmental assessment, which would give the Zoning Board the ability to move forward and do their zoning things, I'm concerned that we get to a point where we get ready to build, at some point, and all of a sudden we find that we can't build, because of some type of soil conditions, or something like that. It's a unique situation, I think, at least what I've been doing in 25 years, building that close to a slope, so, I mean, that's certainly what my comment is. Jim—you want to make a comment?

(18:29) Mr. Fowler: Let's make an assumption here.

(18:33) Mr. Hemminger: Okay.

(18:34) Mr. Fowler: The assumption is I have \$10 million in assets. Is there any reason I can't build a house on that lot?

(18:44) Mr. Baker: No.

(18:45) Mr. Fowler: That's it.

(18:46) Mr. Hemminger. Okay. I mean, I understand where you're coming from, I mean, so. Collin, anything else?

(18:52) Mr. Sowinski: I don't think I really have anything I could add beyond what Lance discussed with Jim.

(18:57) Mr. Hemminger: Okay. Ron?

(19:00) Mr. Brand: I have nothing more to add. I just ask for the information from the Town Engineer as a I got it and it's in the report.

(19:09) Mr. Hemminger: Okay. Anything from Code on the discussions? This is a Public Hearing. Anybody want to speak for or against this application? It's a Public Hearing. Anyone want to speak for or against this application?

(19: 25) Mr. Fowler: Me.

(19:26): Mr. Hemminger: Go ahead, Jim

(19:27) Mr. Fowler: Jerod—are you still there?

(19:28) Mr. Hirt: I am.

(19:28) Mr. Fowler: Do we want to address anything about the Town stating anything about conditioning that this test—has to be done when we do the building permit?

(19:51) Mr. Hirt: The question I have right now, I guess, for the board itself is—does the board feel comfortable, given the comments from Mr. Baker, that it is not going to request or require a boring of the property? Are you comfortable with his comments that he sufficiently addressed everything?

(20:16) Mr. Hemminger: Well, that would be the next step—would be to talk to the board members once we get done with the public part of this, and see where the board members come down. I mean, that would be the next step, so—do we have anybody else in the room that wants to speak about this project? If you do, you need to speak now. Nobody? Okay, I don't think anyone's online. Is anybody online would like to speak for or against this application?

(20:46) Mr. Hemminger: Okay, let's start with Tim. Tim—what are your thoughts on this? You think we should have the boring or do you think we can approve the environmental record without the boring?

(21:00) Mr. DeLucia: That was a recommendation from our engineers, correct?

(21:08) Mr. Hemminger: I believe—Ron—where did the recommendation come from—the combination of discussions with engineers?

(21:10) Mr. Brand: I asked the Town Engineers what do we need in the way of soil documentation on this project. They sent me back an email which is in the resolution, and there's nobody here from the engineering firm tonight to explain whether what they heard here tonight is acceptable or not. So my only suggestion to you is you continue this to the 19th.

(21:36) Mr. Hemminger: And then just—because Lance isn't here and Collin doesn't have the information. Doug. Or, Tim?

(21:42) Mr. DeLucia: That's kind of where I'm coming from. I would like to hear more specifics from our engineers to determine—before I can decide whether or not it's needed or not. I mean, I understand, based on this letter that I'm looking at—there's an assessment of the type of soil and the fact that there could be a building on this lot, but that's not based on core samples. It's based on information that was provided by—I don't know—I can't remember what said about that.

(22:26) Mr. Hemminger: Right, okay, so you're basically saying we should continue it until we can get basically Lance to come in.

(22:32) Mr. DeLucia: I need to hear it from them.

(22:34) Mr. Hemminger: Okay, Doug?

(22:37) Mr. Viets: I have a couple of questions. With the borings, were they true borings or were you just going to do like split spoons or something like that?

(22:45) Mr. Baker: No, we did not do any borings on the site.

(22:46) Mr. Viets: Well, what would you be proposing there—what, I guess, like, what if we asked from the Town Engineer? Have they said borings or split spoon where you're taking the sample. I guess, a little bit of concern I have is some of those maps—some of them from years ago—and are not always that accurate, and because of the accuracy of we need to find these layers out there, which split spoons be something that might be a little bit more quicker for you guys to do and just do a visual classification of that soil in the field as opposed to, like, running a true boring out there.

(22:29) Mr. DeLucia: Tell me what a split spoon is. I don't understand what that is.

(22:31) Mr. Viets: Instead of having like a big drill—typically on commercial projects you go out there with a drill rig, and a drill rig has—the casing needs to be put in the ground, the hammer drops down in, and determines the number of blows—that gives you kind of the soil strength and then you pull the core sample out and then do a classification of the soil or run even further tests. A split spoon typically would only go down three or four feet, but you would be able to get into that upper layer and when you pull that out—it's kind of like an ice auger, so when you twist the handle it drives this hollow tube down into the ground that basically pulls out a sample of the soil. By doing that, you can then look at the soil and with the expertise of the geo-tech you can visually classify that soil as confirming that this is what the ag map shows.

(24:27) Mr. DeLucia: According to the letter, it said that the Soil Conservation Service mapping indicated what the soil types—

(24:34) Mr. Viets: Yeah, that's what I referred to as ag map. Those have been around for years and years. They're usually fairly accurate but when you're looking for the precision like could be in this case—

(24:44) Mr. Baker: If you're asking me what could be something basic I could do to confirm that the Soil Conservation Service mapping, I would say that get out there with a backhoe, and dig some four- to six-foot-deep holes to review and confirm the soil classifications and that the soils are stable in place as I believe they are. That would necessarily require getting a machine out there so there's going to be a little bit of disturbance and some trees knocked down or whatever to get to the areas, but that would be something relatively straightforward.

(25:18) Mr. Viets: Okay, I was just thinking maybe a less invasive procedure. I get where you—

(25:22) Mr. Hemminger: But even with that, that's less than the \$3,000—

(25:27) Mr. Fowler: Well, the \$3,000 is not including the people to come in to dig the holes on the property. We're talking another two grand on top of that. This is expensive.

(22:40) Mr. Hemminger: Yeah. I didn't think it was cheap. Nothing today is cheap.

(22:47) Mr. Hirt: I still have confusion as it relates to the board—is the concern the actual viability and ability to build a home on this lot, or is it the impact the home would have on the slope? What is it that is concerning the board that their looking for clarification?

(26:10) Mr. Hemminger: Ron?

(26:12) Mr. Brand: Let me try to clarify. Lot C has some setbacks that are required from the front building line, which is the wide part of the lot—not the flagpole.

(26:28) Mr. Hemminger: Right.

(26:29) Mr. Brand: We don't have information—I mean—let me ask this question of you: You've got a new surveyor and a new map. This new map that has been prepared by Venezia—is it based on information that they got from your previous engineer?

(26:53) Mr. Fowler: Venezia is the only person who has been doing the maps. There wasn't anybody else. All the maps have been done by him.

(27:06) Mr. Brand: Even the ones with APD Engineering on it?

(27:10) Mr. Fowler: All the maps that you will submit to the Town have all been through him. I don't know if APD submitted some maps that were basically for clarification of things, but all the official mapping has been done by Venezia.

(27:31) Mr. Baker: Who did the survey that determined the surface grades and topography? Was that Venezia?

(27:34) Mr. Fowler: Yes. APD has done nothing out there.

(27:40) Mr. Viets: Just the site plans, though. Didn't they prepare—

(27:42) Mr. Fowler: Just the site plans—

(27:44) Mr. Viets: But they didn't do the survey.

(27:48) Mr. Fowler: Venezia did all the rest of it.

(27:52) Mr. Hemminger: Okay. Adrian?

(27:54) Mr. Bellis: I mean, I was just going to say that I'd want to hear what Lance has to say to get a little more clarification to make sure we're on one page, not knowing tonight, because they communicated. We're hearing this and that but we're not hearing the other side.

(28:11) Mr. Hemminger: I tend to agree. My biggest concern is—maybe it's because I'm not an engineer—it's I don't want to be put into a situation to approve the environmental record and say everything is “clean and green” and ready to build, and then turnaround and find out

that, oh, hell, it can't build there because the soils are off and we can't build within X number of feet of the steep slope, or whatever you want to call it, so now we've got to go back a-ways and—oh, by the way—we can't put a—we don't have enough space on the parcel that's buildable to build a dwelling. So, that's where I'm coming from. I don't want to put the Town in a situation where we approved the environmental record on something that we're using old agricultural data on, when it's a relatively sensitive—at least in my perception—a sensitive lot because of the shape of the buildable area. It's limited. Let's be honest—it's very limited. Now, like you said, for \$10 million you can build almost anything. But the point really is—is if you don't build on it and you sell it to somebody else as a buildable lot and all of a sudden they go—why did the Town let me buy this as a buildable lot when it's not buildable? I mean—stop me when I'm wrong—but those are my types of concerns from the Town's standpoint and from the Planning Board's standpoint. Jim?

(30:06) Mr. Fowler: I think I heard out of Ron's mouth that Jim here is probably one of the better people for analysis for soil.

(30:15) Mr. Hemminger: I don't disagree what that at all. I agree completely.

(30:19) Mr. Fowler: And he's done two reports now telling you his professional opinion this is a very buildable lot. I don't know why we have to go farther than that, because when somebody goes to build on that piece of property, they're going to have to do the core samples. They're going to have to determine, based on the core samples, what type of house they're going to put on the property, whether it has to be a slab, or whether it has to be 12 feet deep or six feet deep—those core samples are gonna' tell them what they have to do. But there's going to be a dwelling on the property.

(30:56) Mr. Brand: Jim—Mr. Baker—the soils classification that are shown on the Venezia drawings—where did they come from?

(31:11) Mr. Baker: They came from the Soil Conservation Service mapping.

(31:15) Mr. Brand: And they could cite that on the map, somehow, what the source of that was?

(31:22) Mr. Baker: Absolutely. And I believe they put that map together based on a request from one of the town boards that wanted to see the soils types, maybe because the assessor had talked about a concern for some sensitive soil, so the Venezia map of soils shows what the soils types are on the slope.

(31:40) Mr. Brand: And that study that you're talking about—is that the Yates—Ontario County soil report?

(31:49) Mr. Baker: Right.

(31:51) Mr. Brand: I've looked at that report. I don't see those soils classifications in that report, so I'm questioning where they came from. I'm also questioning the fact that they—

Venezia Associates—have color-coded and grouped two different soil classifications in one general area without distinguishing where they are. Now, I've been around a couple of days, and I really am shocked to see for the first time in 50-some years two soils having identical characteristics. Is that possible?

(32:42) Mr. Baker: Kind of catch me a little flat-footed, so I'm a little taken aback that you feel that the Venezia mapping isn't an accurate portrayal transfer of the data over. Are you asking if different soil characteristics can have the same engineering properties in terms of my concerns. Yes.

(33:00) Mr. Brand: The Venezia map has a blue line, wide, going across the slopes. And they're saying within that blue line there are two soil classifications, but they don't distinguish where they are within that blue line.

(33:17) Mr. Baker: Sometimes the mapping does have an intermixing of two different soil types when you're in a transition from one type to another. I've seen that with [?] on some slopes up in Irondequoit. It's a transition or mixture of these different soil types from one zone to another. But that's a general statement. I'm not speaking to your specific concern here tonight.

(33:42) Mr. Brand: Well, I just—I understand your soil report that you did was based upon the Venezia mapping. Is that correct?

(33:54) Mr. Baker: Right.

(33:56) Mr. Brand: Okay. I'm kind of confused as to what the source of that information was that's on the Venezia mapping.

(34:07) Mr. Fowler: Did you want to make a phone call?

(34:14) Mr. Hirt: There's two ways to resolve that. We could have Venezia clarify that, and I guess the question is, if he can clarify that, is that sufficient? My concern in all of this, with the board—just trying to get an understanding of if there are any other concerns out there, other than what we're discussing today with regard to the soils? We've got an application—

(34:47) Mr. Hemminger: I think the answer is very clear. I don't believe we do. I think the soils is the one thing we have left. I don't think we have hit upon anything else that we believe that's there. Now, so, in thinking this over as we're talking about this, it seems that we need—well, my recommendation and let me see how the guys think about this—would be to basically continue this to some date. I'll hold the date open until you hear what I've got to say. But I think that the applicant and staff need to sit down with the engineer and let's clear up exactly what we expect and need, and then, with that, when we come back, we'll be very clear whether we need the actual borings, whether the engineer is okay with it, whether—what Ron brought up about the mapping compared to the soil types. We have that meeting and get down to the bottom of exactly what we feel we need. Staff—I can be there, as well. And we'll talk about it. Let's get it straight so we don't turn around—Number 1—and incur the applicant a signifi-

cant amount of cost above and beyond what we need to have, so the engineer, and staff and the board can make a determination based on the soil types. Does that make sense, Jim?

(36:19) Mr. Fowler: I think I'm okay with it. Jerod, what do you think?

(36:23) Mr. Hirt: I'm fine with that—I'm just—I'm find with that.

(36:26) Mr. Hemminger: So, our next meeting is—I know, the resolution says to the 17th of July. Right?

(36:39) Mr. Brand: That's because you only have one meeting in July.

(36:42) Mr. Hemminger: That's right. We only have one meeting in July. So, July 17th.

(36:49) Mr. Hirt: I apologize. There's another meeting in June, correct?

(36:52) Mr. Brand: Yes.

(36:53) Mr. Hemminger: By the time you guys have the meeting and decide what we want, I say it would be almost impossible to get everything out in time for that one, and there's a ton of things on that agenda to start with. That's going to be a packed agenda. So let's plan on the 17th of July, but it's incumbent upon you guys to get with staff and we sit down, we have this meeting as early as we can so we know what's going on, and Heaven forbid, that if we get—if the applicant knows exactly what we're looking for, maybe, do that meeting, it can be completed before we even have the next meeting. Does that make any sense? Jim, does that make sense? Ron, am I making sense, or am I—?

(37:42) Mr. Brand: I would suggest that maybe we continue this Public Hearing to your meeting on the 19th, is it?

(37:58) Mr. Hemminger: June 19th?

(37:59) Mr. Brand: Yes, and at that time you have a report back from the staff as to what they have found from the meeting with everybody, and Venezia, to identify what's going on. And at that point if you have enough information, then you could close the Public Hearing and direct the SEQR documents to be prepared for your meeting on the 17th. I mean, that saves time [?] July 17th—you know, we're going to not wait. I mean, I like Jim but I don't want to see him here every night!

[Laughter]

(38:42) Mr. Hemminger: So, June 19th, okay, Jim? That means we got—in the next couple weeks—we've got to this meeting set up.

(38:51) Mr. Hirt: Ron's been very cooperative in helping out there and I'm confident we can get that done.

(38:56) Mr. Hemminger: Okay, so then what we have is, basically, a continuation request. We can't really use this resolution. So let's just do a continuation to June 19th requesting a report from staff of a meeting with the surveyors, the rest of Jim's team, as well as engineering and the staff. And you can invite me. If I'm available I'll be there and then we'll know from that, exactly—everybody will be on the same sheet of music, theoretically—and we'll go from there, because this board is pretty good about taking guidance—certainly we don't take anything much more than that—from staff and how we move forward. You guys okay with that? Staff, you okay with that?

(39:53) Mr. Brand: Jim, if you could give Dan an email letting him know what days you're available and we'll try to work around, Lance, and get all these people—

(40:09) Mr. Hemminger: Okay, so the continuation resolution is that it will be continued until the June 19th meeting where we expect a report from staff on a meeting between the surveyor, Jim's team, as well as staff. Are we okay with that? Board?

End transcription

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There were no objections from board members to Mr. Hemminger's suggestion to continue this application to June 19, 2024, at which time the staff will present a report on the meeting to be held with the surveyor, the applicant's team and the Town staff.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING  
UPON THE PROPOSED ACTION TO ALLOW FOR THE CREATION OF A PROPOSED  
THREE-LOT PRELIMINARY RE-SUBDIVISION PLAT FOR THE FOWLER FAMILY TRUST**

**PB #0702-23**

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

**ACTION: Adjournment and Continuation of the Public Hearing Upon  
the Proposed Three-Lot Re-Subdivision Plat for the Fowler  
Family Trust**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has on May 15, 2024, adjourned and continued the Public Hearing upon this application to tonight's meeting, to provide time for Town Staff to review a four- (4-) page soil's report from James Baker, P.E., President, Foundation Design, P.C.; and two (2)



drawings prepared by Venezia Associates identified as Preliminary Re-Subdivision Plat and Soils Overlay, Lots R5-A and R5-B, Pheasants Crossing, Subdivision Tract; and

**WHEREAS**, the Planning Board tonight has re-opened and continued the Public Hearing upon this application and has received testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to table further deliberations upon the above referenced Action and adjourns the Public Hearing to be continued on Wednesday, June 19, 2024, to provide time for the Applicant, his soil’s engineer and his attorney, for the Applicant’s surveyor, for the Town Engineer, and for the Town staff to meet and to resolve the content for a soil’s report for the Planning Board’s consideration at their next meeting on Wednesday, June 19, 2024.

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

Motion carried.

**5. NEW PUBLIC HEARING: PRELIMINARY FIVE-LOT RE-SUBDIVISION**

**PB #0503-24 New Preliminary Five-Lot Re-subdivision Application**

**Name:** DeHollander Design, Inc., c/o Scott W. DeHollander, 7346 Dryer Road, Victor, N.Y. 14564

**Location:** Northeast corner of County Road 8 and Holtz Road

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

**Request:** Preliminary Five-Lot Re-Subdivision Plat approval of land, Lots #R-1 through #R-5, identified as Tax Map Account #9.03-1-6.000, containing a total of approximately 12.4 acres of land and as further to be identified as Preliminary Re-Subdivision Plat, Scout Plains Subdivision. All five proposed lots will remain as vacant

unapproved Building Lots with each subject to Final Site Plan approval by the Town Planning Board.

On April 17, 2024, the Planning Board determined that this application was complete, scheduled the Public Hearing to be held this evening (June 5, 2024), and established the State Environmental Quality Review 30-day coordinated review period from April 18–May 17, 2024.

Prior to the meeting this evening, Mr. DeHollander provided the following information:

The proposed residential subdivision creating five lots ranging in size from 1.1 acres to 5.1 acres in size. All lots will be served by municipal water and individual onsite wastewater systems. The wastewater systems are “conventional types” as defined by the New York State Department of Health. The proposed lots exceed the zoning requirements for area and setback of the Town’s A-80 Agricultural Zoning District.

—*Scott W. DeHollander, April 10, 2024*

Mr. Hemminger opened the Public Hearing on this application.

Mr. Bellis recused himself from taking part in the discussion and action on this application due to a conflict of interest.

Mr. DeHollander presented this application.

He said that he is both the owner [of the property] and the engineer on this project, and reviewed the details of the application (see information above). Mr. DeHollander said that three of the five proposed lots will be off the County Road 8 side and that the remaining two lots will be off the Holtz Road side.

Mr. Brand said that the State Environmental Quality Review (SEQR) 30-day coordinated review period with the Involved Agencies (New York State Department of Environmental Conservation, New York State Department of Health, Ontario County Department of Public Works, Town of Farmington Water and Sewer Department, and Town of Farmington Highway Department) ended on May 17, 2024, and that no objections were received to the Planning Board’s intent to be designated as the SEQR Lead Agency for making the determination of significance on this application. Mr. Brand said that draft resolutions have been provided for the board’s consideration this evening to designate itself as the SEQR Lead Agency, to make the SEQR determination of non-significance, and to approve the five-lot re-subdivision with conditions.

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

Ms. VerSchage (427 County Road 8) said that she lives on County Road 8 [next to proposed Lot #5]. She said that when it rains, there is a lot of water in the front area near the trees and that the water then goes into her side yard and goes under her driveway to a pond. Ms. VerSchage asked how will this [drainage] work out with the new septic system which will be installed on proposed Lot #5. She asked about a perc test on the proposed lot.

Mr. DeHollander said that they will avoid development in this area of proposed Lot #5. He said that their intention is to use this area for the natural impoundment of stormwater and to actually improve the drainage there by holding back more water. He said that their calculations show that any imperviousness which may be added to the site [by the development on Lot #5] would be mitigated by slowing the water in that location so that there will be no off-site impact. Mr. DeHollander said that all of the stormwater mitigation will be on proposed Lot #5 on their side of the property line.

Mr. Hemminger said that the Town Engineer will review Mr. DeHollander's plans and calculations very clearly so that when they are done with the project and its design that no more stormwater than is currently coming off the property will come off. He said that stormwater coming off the property [after development] would be the same amount [as the existing runoff], and typically will be less, because of the design of the stormwater retention improvements on the property.

Mr. VerSchage, who is Ms. VerSchage's son, said that what his mother is getting at is that after the new septic systems are in she is concerned about the possibility of malfunctions of leaching of the septic systems of five new homes and contaminating the pond [on the VerSchage property], especially because this area floods already every now and then.

Mr. DeHollander said that there will be significant separation from the proposed septic system locations [and the adjacent VerSchage property]. He said that these separations are shown on the site plan map which has been submitted to the Town. He said that if they had not made consideration for the proposed septic systems, houses, and the drainage, they might have had something that would not work. He said that they have spent the time now at this stage to make sure that what they are proposing from a lot line perspective accomplishes this. Mr. DeHollander also said that there is not a worry relative to the infiltration rate and the possibility of some sort of contamination. He said that their perc rates were acceptable and all of the effluent from the septic tanks will be directed to an infiltration field. Mr. DeHollander said that there will be no surface discharge.

Mr. Hemminger then asked again if there were any other public comments.

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

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

Motion carried by voice vote. The Public Hearing on PB #0503-24 was closed.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY RE-SUBDIVISION PLAT, SCOUT PLAINS PROJECT  
SEQR DESIGNATION AS LEAD AGENCY, AND ACCEPTING PARTS 2 AND 3  
OF THE FULL ENVIRONMENTAL ASSESSMENT FORMS (FEAF)**

**PB #0503-24**

**APPLICANT: DeHollander Design, Inc., c/o Scott DeHollaner, P.E.,  
7346 Dryer Road, Victor, New York 14564**

**ACTION: Lead Agency Designation and Accepting Parts 2 and 3 of the  
Full EAF—Preliminary Re-Subdivision Plat Application,  
Scout Plains Subdivision Tract.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) did on April 17, 2024, classify the above referenced Action as being a Type I Action, under the provisions of the State Environmental Quality Review Act (SEQRA) and determined it to be subject to a coordinated review with Involved and Interested Agencies under the provisions of 6NYCRR, Part 617.4, of article 8 of the New York State Environmental Conservation Law (ECL); and

**WHEREAS**, the Board did establish a 30-day public review and comment period upon said Action which began on Thursday, April 18, 2024, and ended at noon on Friday, May 17, 2024; and

**WHEREAS**, the Board did on April 17, 2024 declare its intent to be designated Lead Agency, on June 5, 2024, for making the required Determination of Significance upon the above referenced Action; and

**WHEREAS**, the Board has determined, in accordance with the provisions of Part 617.6 of the above referenced provisions of the ECL, that there is no other Involved Agency objecting to the Board being designated as the Lead Agency.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby designate itself as the Lead Agency, for making the required Determination of Significance upon the above referenced Action, in accordance with the provisions of Part 617.7 of the ECL.

**BE IT FURTHER RESOLVED** that the Board tonight, as the designated Lead Agency under the ECL, has received and reviewed the drafts for Parts 2 and 3 of the Full Environmental Assessment Forms (FEAF) prepared by the Town Director of Planning & Development and does hereby move to accept these documents as being a reasoned evaluation of the environmental impacts likely to occur as the result of the Action proposed.

**BE IT FINALLY RESOLVED** that copies of this resolution are to be provided to the identified Involved Agencies, the applicant, and Town Agencies.

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

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

Motion carried.

■ 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 submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY RE-SUBDIVISION PLAT, SCOUT PLAINS PROJECT  
SEQR DETERMINATION OF NON-SIGNIFICANCE**

**PB #0503-24**

**APPLICANT: DeHollander Design, Inc., c/o Scott DeHollaner, P.E.,  
7346 Dryer Road, Victor, New York 14564**

**ACTION: Determination of Significance under the provisions of the State  
Environmental Quality Review (SEQR) Regulations of the  
Preliminary Subdivision Plat approval for the development of  
land (Tax Map Account #9.03-1-6.000, 12.4 acres) into five (5)  
single-family residential sites.**

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

**WHEREAS**, the Board has completed a coordinated review with involved agencies and is designated as the Lead Agency under SEQR Regulations for making the required determination of significance upon said Action; and

**WHEREAS**, the Board has conducted a referral under the provisions of Sections 239-l and -m of the New York State General Municipal Law with the Ontario County Planning Board (Referral # 94 of 2024) and has closed the Public Hearing (on Wednesday, June 5, 2024) upon said Action; and

**WHEREAS**, the Board, has received and reviewed the Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs) for said Action, dated June 5, 2024, prepared by the Town Director of Planning and Development; and

**WHEREAS**, the Board has given consideration to the public comments provided during the public hearing upon said Action; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby accept Parts 1, 2 and 3 of the FEAF, for the above referenced Action.

**BE IT FURTHER RESOLVED** that the Board, having reviewed the public record upon the above referenced Action, does hereby conclude 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 site 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 on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Letter dated June 8, 2017 (File 17PR03555), or will the proposed Action impair the existing community or neighborhood character; 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 resulting from the proposed Action; and
- (viii) there will be a change in the use of current active agricultural land resulting from the proposed Action; and
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the 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 impact on the environment.

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

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

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

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

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

Motion carried.

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

**TOWN OF FARMINGTON  
PLANNING BOARD RESOLUTION**

**PB #0503-24**

**APPLICANT: DeHollander Design, Inc. c/o Scott DeHollander, P.E.  
7346 Dryer Road, Victor, N.Y. 14564**

**ACTION: Approval with conditions of a Preliminary Five-Lot Re-Subdivision Plat, Lots #1 thru #5, located along the east side of County Road 8 and the north side of Holtz Road, as non-buildable Lots subject to Final Site Plan Approval.**

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

**WHEREAS** the Planning Board has, by separate resolution made a determination of non-significance thereby completing the environmental record upon said Action; and

**WHEREAS** the Planning Board has given consideration to the Ontario County Planning Board Referral No. 94 of 2024, dated May 8, 2024; and

**WHEREAS** the Planning Board tonight has closed the Public Hearing on the above referenced Action; and

**WHEREAS** the Planning Board tonight has closed the public hearing record upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to approve the above referenced Action, with the following conditions:

1. Preliminary Re-Subdivision Plat Approval is based upon the drawing prepared by Scott DeHollander, dated 1/2024, identified as Project No. 000124, Named “Scout Plains Subdivision,” and entitled “Preliminary Application Site and Utility Plan,” Sheet No. 1, and is hereby subject to the following changes:
  - a. The drawing is to be entitled . . . “Preliminary Re-Subdivision Plat Application, Lots Nos. 1 through 5, Scout Plains Project.”
  - b. The drawing’s general note which identifies the Action is to be corrected to read... “The Action is identified as the Re-Subdivision of Tax Map No. 9.03-1-6.000, containing a total of 12.4 acres of land into five (5) residential lots in conformance with the Zoning Schedule for Chapter 165 Attachment



- 1, Lot Area, Bulk and Coverage Requirements, for the A-80 Agricultural District.”
- c. The drawing’s general note reference to a Final Plat prepared by Greene Surveying for Scout Plains Subdivision for boundary information is to be removed from the drawing. The Town has no record of such a final plat approval.
  - d. The drawing’s general note reference to minimum zoning criteria is to be amended to read as follows: “Chapter 165 of the Town Code, entitled Zoning Law, Article IV District Regulations, Section 18. A-80 Agricultural District, subsection E. (3) Lot size requirements: The minimum lot size requirements in this §165-18, E (1) shall not apply upon lands which will allow a standard New York State Department of Health designed septic system. Upon such lands, the dimensional requirements shall be as follows:”
  - e. The drawing’s general note to the site being located within a Zone C Area is to be amended by correcting the reference shown. The correct reference is to read . . . “Entire Site located within a Zone C, Area of Minimal Flood Hazard, shown on the Flood Insurance Rate Map, Community Number 361299, Panel Number 0010B, dated September 30, 1983.”
  - f. The drawing’s signature block is to be amended as shown on Appendix G-13.0 of the Town’s Site Design and Development Criteria.
  - g. The drawing is to be amended to provide a North Arrow.
  - h. A completed Agricultural Data Statement is to be completed, prior to the submission of the amended preliminary drawing, in compliance with the provisions for §283-a of the New York State Town Law.
  - i. The Front Setback Line from each highway is to be shown across the proposed properties.
2. There is to be a general note added to the preliminary plat drawing that reads . . . “No Building Permit shall be issued for any of the five (5) proposed residential lots until Final Site Plan Approval has been granted by the Planning Board.”
  3. There is to be a general note added to the preliminary plat drawing that reads . . . “Prior to the issuance of a Building Permit, a Park and Recreation Fee, in the amount established by the Town Board, is to be paid to the Town Clerk.”
  4. The drawing’s Revision Box is to be amended identifying the changes made by this resolution.

- 5. Preliminary Re-Subdivision Plat Approval with conditions is valid for a period of 180 days from today and shall automatically expire unless the above conditions of approval have been made and the revised plat drawing signed by those identified below herein.

**BE IT FURTHER RESOLVED** that once the above conditions of approval have been made to the original submitted drawing then one (1) paper copy and an electronic copy of the revised drawing is to be submitted to the Town Code Enforcement Officer (CEO) for his review and acceptance. Upon accepting the revised drawing, the CEO shall instruct the signing thereof by the Town Planning Board Chairperson.

**BE IT FURTHER RESOLVED** that once the amended preliminary plat drawing has been signed and returned to the Applicant, then an application for Final Re-Subdivision Plat approval; and any separate application(s) for Final Site Plan approval, for whatever Lots are seeking to be developed may be submitted for scheduling and consideration by the Planning Board at a future meeting.

**BE IT FINALLY RESOLVED** that certified copies of this resolution are to be sent to the Applicant, Town Staff, the Town Engineer and filed with the Town Development Office.

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

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

Motion carried.

Mr. Bellis then rejoined the Planning Board.

**6. OPEN DISCUSSION**

***Director of Development and Planning:***

Mr. Brand provided the following information:

- Construction is underway on the Transportation Alternatives Program (TAP)— Sidewalks, Trail Connections and Bike Lanes Project. Bids for this project were opened on February 14, 2024. On June 21, 2022, the Commissioner of the New York State Department of Transportation had notified the Town of an award of \$1,769,000 of Federal highway funds to be matched with \$445,000 of Town funds for this project. A Pre-Construction Meeting was held with the contractor in May.

The notice to proceed was issued to the contractor on May 2, 2024, and the first progress meeting with the contractor has been held.

The contractor is now constructing the sidewalk on the south side of County Road 41 between the Auburn Trail crossing and State Route 332. Two areas for sidewalks and the connection to the Auburn Trail off from County Road 41 have already been boxed out. The Town and the contractor are now awaiting the bridge specifications from the manufacturer for the sidewalk crossings of Beaver Creek, following which the specifications will be reviewed by the Town Engineer.

Mr. Brand also said that the owner of Meyer's RV Superstore of the Finger Lakes (6200 State Route 96) has purchased an adjacent property to the north of the store and will be working with the sidewalk contractor outside the scope of the TAP project for the construction of a length of sidewalk along the Meyer's property on the east side of Mertensia Road.

- Drawings for the Farmington Market Center project (the Tops Supermarket site on the south side of State Route 96) are expected to be submitted next week.
- The consulting attorney on the Whitestone Incentive Zoning Project is expected to soon submit the list of requested permitted uses for the Town Board's consideration for this project. The applicant proposes the development of approximately 65.1 acres on the east side of State Router 32 and the south side of County Road 41 with mix uses such as a modern a modem self-storage facility on the County Road 41 frontage, and a market rate multifamily residential community on the larger interior portion of the property. The proposal is to re-subdivide the property into five lots, with Lot 1 being proposed for the multifamily residential community, Lot 2 for the self-storage operation, and Lots 3, 4 and 5 proposed for development of GB type uses/ development, such as a four-story hotel, a Quick Service Restaurant, and an office/ commercial use.

The multifamily portion of the project includes 280± market rate units in 28 buildings, with a clubhouse, parking, landscaping, village green, sidewalks and other site improvements. The buildings are proposed to include 10 units each, with a mix of one-, two- and three-bedroom units. The density of 6.91 units/acre is below the maximum density permitted in the Town's RMF District. Both garage and surface parking are included. Every unit has a garage, with the three-bedroom units having two-car garages, with driveway parking, and pockets of guest parking located around the community. The clubhouse may include a leasing office, fitness center, pool and/or other amenities for residents. Internal pedestrian trail and sidewalks are incorporated within the project to provide connectivity for the project and expand the Town's sidewalk system and access to the Auburn Trail. A substantial vegetative buffer is proposed to be maintained between the project and the adjacent residential neighborhood.

- The passing of Mark D. Stevens, 66, on April 23, 2024, was noted. Mr. Stevens was the Chief Executive Officer of the S. B. Ashley Management Corporation of Rochester, N.Y., the developer of the Hathaway's Corners residential project in Farmington. Mr. Brand said that Mr. Stevens was a man who always gave his word and stood by it.

### ***Board Members' Comments:***

Mr. Hemminger requested that the Town staff keep on top of the Fowler Family Trust application to assure that this project continues to move along.

Mr. Viets said that the New York State Department of Environmental Conservation is looking at wetland regulations and that the Town should keep an eye out for new regulations and new wetland maps.

## **7. PUBLIC COMMENTS**

Mr. Costanza (6022 Redfield Drive) said that he will be unable to attend the next session of the continued Public Hearing to be held on June 19, 2024, on the Sky Solar Project and that he would like to present some additional written material to the Planning Board this evening. Mr. Hemminger said that it would be inappropriate for the board to accept new material regarding the Sky Solar project at the meeting this evening because of the announced continuation date of June 19th. He suggested that perhaps Mr. Costanza could arrange to have someone else from Redfield Drive attend the Public Hearing session on June 19th to submit this written material.

## **8. TRAINING OPPORTUNITIES**

### **■ 2024 Municipal Bootcamp Trainings:**

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

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

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

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

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

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

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

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

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

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

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

Questions and registration:

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

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

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

■ **General Code e-Code**

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

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

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

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

**9. 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 7:55 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, June 19, 2024, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. This meeting will also be available via remote video conference.

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

Respectfully submitted,

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