

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD **Wednesday, December 15, 2021 • 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 Zoom video conference.

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

Staff Present at the Town Hall:
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent

Staff Present via Zoom Video Conference:
Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.

Others Present at the Town Hall:
Chief Phil Robinson, Farmington Volunteer Fire Association

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 20, 2021.

2. APPROVAL OF MINUTES OF DECEMBER 1, 2021

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the December 1, 2021, meeting be approved.

Motion carried by voice vote. Mr. DeLucia abstained due to his absence from the meeting on December 1, 2021.

3. LEGAL NOTICE

None

4. PLANNING BOARD ACTION ITEMS

A. Gerstner Medical: Recommendation to Establish a Letter of Credit:

■ 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
LETTER OF CREDIT ESTABLISHMENT— SITE IMPROVEMENTS
GERSTNER MEDICAL BUILDING, QUENTONSHIRE DRIVE**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated December 14, 2021, from Lance S. Brabant, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, to accept a Letter of Credit for site improvements to be made within the Gerstner Medical Building Project, located along the east side of Quentonshire Drive; 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 \$71,056.91.

BE IT FURTHER RESOLVED that the above referenced Planning Board recommended action is considered a confirming resolution to the Town Board’s action upon this matter which occurred last night at the December 14, 2021 Town Board Meeting.

The following vote upon 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.

B. Monarch Manor, Section 2: Recommendation to Establish a Letter of Credit:

■ 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
LETTER OF CREDIT ESTABLISHMENT— SITE IMPROVEMENTS
MONARCH MANOR SUBDIVISION, SECTION 2**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated December 14, 2021 from Lance S. Brabant, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, to accept a Letter of Credit for site improvements to be made within Section 2 of the above referenced Monarch Manor Incentive Zoning Subdivision Project; 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 \$755,813.50.

BE IT FURTHER RESOLVED that the above referenced Planning Board recommended action is considered a confirming resolution to the Town Board’s action upon this matter which occurred last night at the December 14, 2021, Town Board Meeting.

The following vote upon 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. SEQR Training:

Mr. Brand conducted a training session on the State Environmental Quality Review (SEQR) process and regulations. Among the topics which he discussed were:

- SEQR regulations are both procedural and substantive. The regulations require that governmental agencies, such as the Planning Board, must act on substantive information which is produced by the facts presented to a board.
- SEQR regulations are not intended to delay, stall or to deny applications.
- The majority of the SEQR actions in New York State are classified as Unlisted Actions. The majority of the SEQR actions before the Planning Board are also Unlisted Actions.
- SEQR regulations require a board to classify an application (Type I, Type II or Unlisted Action) within 20 days of having received the application. The date of the board having received an application is the first meeting where the matter appears on the meeting agenda and is usually a preliminary (subdivision or site) plan or a Special Use Permit application.
- The term “determining the significance” [of an action] is not defined in the SEQR regulations. A board has the obligation to determine if an application is “of significance.” This is normally done by using the criteria contained in the SEQR Regulations [§ 617.7].
- A coordinated review of an action including Involved and Interested Agencies can be conducted if a board so desires for applications which are classified as Unlisted Actions. Type I Actions require a coordinated review.

- Type I Actions do not mandate the preparation of an Environmental Impact Statement (EIS). The regulations [§ 617.4 (a) merely state . . . “actions and projects that are more likely to require the preparation of an EIS than Un-listed Actions.”
- Amendments to the SEQR regulations by the New York State Legislature in 2019 further emphasized the State’s support for solar energy projects involving installation on 25 acres or less, with several new options which are now classified as Type II Actions.

Mr. Hemminger said that the Planning Board is fortunate to have the professional assistance of the Town staff and our Town Engineer, but he emphasized that ultimately the SEQR determinations are the responsibility of the Planning Board. He said that the SEQR determinations of the board, which are subsequently signed by the Planning Board Chairperson, follow each board member’s review of the SEQR forms and the Action. Mr. Hemminger said that the Farmington Planning Board takes SEQR determinations seriously, which the records of the Planning Board meetings will demonstrate.

He also said that the board’s role is to keep the public focused upon the facts as the SEQR regulations relate to an application. He said that the SEQR determination is the first step in the application review process, and that the focus must be on the facts of the application rather than on emotion.

Mr. Hemminger said that the board must be consistent in following the SEQR process, and that training such as tonight’s session is important. He said that the board treats every applicant fairly and endeavors to keep the procedures in place on a consistent basis. He said that this practice has been proven to benefit the board when a determination of significance becomes subject to litigation.

Mr. Brand reminded everyone that when a legal action is brought forward, it is brought against the Town and the Planning Board, and is not brought against the Town staff. He said that board members have always been instructed not to hesitate to ask for clarification on any environmental issue raised during the SEQR review of an application.

Mr. DeLucia said that SEQR coordinated reviews of applications by the identified Involved and Interested Agencies augment the expertise of the board and the staff with additional information which the board can use to make decisions.

Mr. Sweeney requested copies of previous SEQR Type I Actions and resolutions for reference. Mr. Hemminger suggested that he especially review the SEQR materials on the Delaware River Solar, Hathaway’s Corners and the Federal Express Distribution Center applications.

Mr. Brand noted that he would inform Marcy Daniels, the Town's Confidential Secretary, of the Board's completion of this training on the SEQR procedures and that each board member will be credited with one hour of training.

D. Review of 2022 Rules of Procedure:

The clerk provided a digital file of the 2021 Rules of Procedure to board members and to Town staff prior to the meeting. Also prior to the meeting, Mr. Brand submitted suggested amendments for the board's consideration.

Mr. Hemminger requested that board members and Town staff review the current Rules of Procedure and Mr. Brand's suggested amendments. He requested that board members be prepared to discuss any amendments and to adopt the 2022 Rules of Procedure at the board's annual organizational meeting (to be scheduled for a date in January).

Mr. Brand said that several his suggested amendments refer to the practice of having attendance either in person or via remote means (i.e., Zoom video conference). Mr. DeLucia suggested that these types of references use the term "remotely" or "virtually" instead of "on-line," which refers to the use of a computer.

Mr. Hemminger requested that board members and staff send additional suggested amendments to him prior to the next meeting on Wednesday, January 5, 2022.

E. Review of 2022 Major Thoroughfare Overlay District (MTOD) Site Design Guidelines and Main Street Overlay District (MSOD):

The clerk provided digital files of the most recent Major Thoroughfare Overlay District (MTOD) Site Design Guidelines and Main Street Overlay District (MSOD) to board members and to Town staff prior to the meeting.

Mr. Brabant said that the Town staff will review these documents thoroughly. He acknowledged the comments from several board members regarding the species of trees which are noted in the MTOD Site Design Guidelines, and a revised specification for breakaway light fixtures.

Mr. Viets said that portions of the Main Street Overlay District are located within the more encompassing Major Thoroughfare Overlay District.

Mr. Viets also asked how the board and the Town staff should address an applicant's responsibility for the maintenance of landscaping.

Mr. Delpriore said that this is a good question. He said that it must be determined in which document the references to landscaping maintenance should be included,

and how the landscaping maintenance should be monitored and enforced following the completion of a project.

Mr. DeLucia suggested that there could be some type of agreement between an applicant and the Town to assure that the required landscaping will be maintained in future years following the initial planting. Mr. Delpriore asked if landscaping maintenance would be the responsibility of an applicant or the property owner.

Mr. Brabant suggested that perhaps the Town could consider a Landscaping Maintenance Agreement similar to the current Stormwater Maintenance Agreements which are required to be signed by applicants. He said that a written agreement would provide a record of acknowledgement for the party who will be responsible for the maintenance of the landscaping.

Mr. Delpriore said that he would rather see the responsibility of landscaping maintenance included in the Site Design Criteria which cover the entire Town, as compared to inclusion in the Major Thoroughfare Overlay District or the Main Street Overlay District which cover only limited areas of the Town.

Mr. DeLucia noted that there are references to the 2011 Comprehensive Plan in the documents. Mr. Brand said that the Town Board is expected to adopt the 2021 Edition of the Town of Farmington Comprehensive Plan on January 25, 2022.

Mr. Hemminger said that the goal will be to adopt with revisions the Major Thoroughfare Overlay District and the Main Street Overlay District in early 2022 when everyone is comfortable with the proposed amendments. He requested that additional suggestions and amendments be provided to him prior to the board's annual organizational meeting (to be scheduled for a date in January 2022).

F. Meyer's Finger Lakes RV Construction Update:

Mr. Delpriore provided the following construction update on the Meyer's Finger Lakes RV building located on the northeast corner of State Route 96 and Mertensia Road:

- The sidewalks have been constructed along the State Route 96 and the Mertensia Road frontages.
- The contractor is now working on the installation of the security fencing.
- The building's interior floor slabs are now being poured. The building is mostly sealed except for the installation of the windows. Interior insulation is also being installed.

- The electric transformer has been installed. The contractor is now waiting for the electrician to run the wires from the transformer to the streetlights, following which RG&E will return to the site to energize the transformer for the illumination of the streetlights along State Route 96.

Mr. DeLucia asked about an item in the Project Review Committee (PRC) minutes of December 3, 2021, regarding trash in the rear (northern portion) of the property. Mr. Delpriore said that the applicant has cleaned up the property, and also cleaned up a section on the adjacent manufactured home property to the north, and piled up the trash. He said that this area of the site is now accessible and that the applicant will dispose of the trash, including the trash which was collected from the adjacent property.

5. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand reported on the following topics:

- Board members will receive one hour of training credit for their participation in this evening's SEQR review. Mr. Brand will notify Ms. Daniels in the Supervisor's office.
- A meeting will be scheduled with John LeFrois (GLN Farmington Realty project on the south side of State Route 96), Code Enforcement Dan Delpriore, and Zoning Officer John Weidenborner to discuss possible amendments to the General Business Zoning District proposed uses. Mr. Brand said that Mr. LeFrois may propose some light industrial types of land use in mixed-use buildings on his site. Mr. Brand said that the Town should review the General Business regulations which were approved approximately 40 years ago. He said that during the past 40 years, technology has advanced to the point at which the Town's GB District regulations maybe outdated and may actually prelude the Town from competing with other municipalities to attract businesses to the community.

Mr. Hemminger said that Mr. LeFrois referred to the term "flex space" in his recent remarks at the PRC meeting on December 3rd. He said that the Town Code may need to be amended regarding the types of permitted uses in the General Business Zoning District to ensure that property owners in this zoning district can remain competitive, but that he [Mr. Hemminger] does not want to see "dirty" types of industrial uses, such as welding or outdoor manufacturing.

- An open house was recently held at the Cobblestone Arts Center on State Route 332 at which graduate students from Rochester Institute of Technology (RIT) displayed several designs they had been working on for a proposed community center. Mr. Brand said that he will forward these designs to the board. He said that many

of the proposals did not comply with the current Major Thoroughfare Overlay District (MTOD) regulations, in which the Cobblestone Arts Center is located. It was suggested that the MTOD regulations be provided to the Cobblestone Arts Center for reference. Mr. Brand said that the owners of the Cobblestone Arts Center have several major supporters of this proposal and that he was very impressed with the showings by these graduate students.

- Edward (Ted) Liddell of Amber Drive will succeed Patricia Wirth as the Town's representative on the Ontario County Planning Board. Mr. Liddell is a landscape architect at Bergmann Associates in Rochester, N.Y., and has completed several projects in Ontario County, providing a good background of the County's setting. Mr. Hemminger suggested that Mr. Liddell be invited to a future meeting of the Town Planning Board.

Code Enforcement Officer:

Mr. Delpriore provided the following information:

- The moratorium on solar energy applications will expire on February 10, 2022. The Solar Committee submitted revisions to the Farmington Solar Photovoltaic (PV) Systems Law (§ 165-65.3) to the Town Board earlier this month. Following review of the amendments next month by the Ontario County Planning Board, the Town Board is expected to hold a Public Hearing on the revised local law on Tuesday, January 25, 2022, following which the board is expected to adopt the new legislation. Mr. Delpriore said that several new solar applications are then expected to be submitted to the Planning Board. He said that the Development Office receives calls on proposed solar projects on a regular basis.
- Mr. Delpriore said that he also attended the open house at the Cobblestone Arts Center and that he was impressed with the community center designs which were proposed by the RIT graduate students, several of which included net zero energy building principles, green infrastructure, green roof initiatives, and solar roofs. He said that the students are incorporating these initiatives into their work and that projects with these features may soon be submitted to municipalities. Mr. Hemminger also suggested that the Town's MTOD guidelines be provided to the RIT students for their reference. Mr. Delpriore agreed. He also said that the Town would be interested to have information about the "green" initiatives which are being taught to the students.
- The Town staff recently had a presentation by applicants who propose a 325-lot subdivision for single-family-homes located on two parcels of land within the LI Limited Industrial and RS-25 Residential Suburban zoning districts on the north side of State Route 96, east of the Fairdale Townhomes, south of Collett Road, and west of County Road 8. Mr. Delpriore said that the applicants may propose an Incentive Zoning application for this project. He said that the initial comments from

the Town staff concerned the density of the homes which are proposed on lot sizes of approximately 9,000 square feet to 10,000 square feet (approximately quarter-acre lots). He said that the applicants indicate that they desire to move quickly on this project after the first of the year. If an Incentive Zoning application is submitted, the Town Board will refer it to the Planning Board for an advisory report and recommendation. Mr. Delpriore said that the builder was identified as Ryan Homes.

Mr. Brabant said that he is aware of the proposal. He asked about the lot sizes which are permitted by the Town Code. Mr. Brand said that the applicant indicated that he is considering an Incentive Zoning application.

- Mr. Delpriore said that the sidewalks along the Auto Wash car wash site (northwest corner of State Route 96 and Mertensia Road) are now under construction. He said that the applicant and his contractor were told at the PRC meeting on December 3, 2021, that the Planning Board Special Use Permit requires that the sidewalks must be constructed prior to the issuing of a Certificate of Occupancy. He said that the applicant wishes to open for business in February 2022. Mr. Delpriore said that the applicant was given the option of waiting until spring to construct the sidewalks and to open for business, to construct the sidewalks now, or apply to the Planning Board for an amendment to the Special Use Permit. He said that it was beneficial to have Mr. Hemminger attend the PRC meeting at which this issue was discussed. Mr. Hemminger said that he told the applicant that he [Mr. Hemminger] was not sure if there would be enough votes on the Planning Board to amend the Special Use Permit, especially given the number of previous discussions in the project's public record regarding the timing of the construction of the sidewalks.

Highway and Parks Superintendent:

Mr. Giroux said the Town has gained additional lengths of roads with the Town Board's recent acceptance and dedication of roads in the Hathaway's Corners and Auburn Meadows subdivisions. With the additional increase in roads in the Town and with the winter snowplowing season approaching, Mr. Giroux requested that residents keep their parked vehicles off the roads and be aware of pedestrians and bicyclists.

Mr. Giroux also said that the Town Highway Department has been working on the clean-up of damage and fallen trees following last week's high-wind storm. He also said that the Highway Department is working on the installation of lights and surveillance cameras in the Town parks.

Mr. Brand discussed the New York State Department of Transportation's installation of "No Parking" signs along both sides of State Route 332 in the area of the ALDI Supermarket and the KFC and Burger King restaurants. Mr. Giroux said that the paperwork for these signs was submitted to the New York State Department of Transportation (DOT) in

August but that a State work order has not yet been generated by the DOT's Regional Office.

Town Engineer:

Mr. Brabant said that MRB Group has been retained by Livingston County to assist with the review of applications for solar projects, which may include battery storage components. He said that he expects to receive a great deal of new information on solar projects and will share this information with the other municipalities served by MRB Group.

Mr. Brabant also said that MRB Group is working with United Solar Energy Supporters on a presentation on the Special Use Permit process which most municipalities require for solar energy projects. He said that the presentation will include the process of county referrals and Operations and Maintenance Plans. Several hundred attendees have already registered for this presentation.

Board Members' Comments:

Mr. Hemminger said the applicant for the proposed townhouse project located on the southwest corner of Collett Road and Mertensia Road has submitted a revised concept plan for an Incentive Zoning proposal which has, at this point, been referred to the Town staff. Mr. Hemminger said that he recommends that double-width driveways be constructed at each townhouse unit, instead of single-width driveways, and that the townhouse units should be constructed as far back from the road as possible to provide longer driveways to avoid having parked vehicles along the public roads or parked vehicles extending over the sidewalks.

Mr. Sweeney asked about Incentive Zoning applications. Mr. Hemminger said that the Town Board may approve an Incentive Zoning application to provide an applicant with relief from the restrictions in a particular zoning district in exchange for amenities (benefits) for the Town. Mr. Delpriore said that the proposed amenities offered by an applicant must outweigh the zoning relief, and that the amenities must benefit the entire community. These amenities would not include something that the Planning Board would normally require as part of their approval process.

Farmington Volunteer Fire Association:

Chief Robinson said that the fire department responded to several weather-related emergency calls during the recent high-wind storm. He requested that residents and motorists give attention to their activities and their driving skills during the holiday and winter weather to avoid accidents and other emergencies.

6. PUBLIC COMMENTS

None.

7. TRAINING OPPORTUNITIES

■ 2021 Municipal Bootcamp:

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program will be provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MRB Group.

Remaining session in 2021:

Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.

Session 10: All the Right Forms in All the Right Places

Questions to:

Wendy A. Marsh, Partner, Hancock Estabrook
wmarsh@hancocklaw.com
(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group
matt.horn@mrbgroup.com
(315) 220-0740

Registration link:

<https://register.gotowebinar.com/rt/4608077833213548299>

■ New York Planning Federation 2021 Summer Programming

“The Essentials of Planning and Zoning”

“Meeting Process and Communication”

“Clean Energy”

“Planning Past, Present & Future”

Each session lasts about an hour. Watch at your convenience for training credit hours.

To enroll: **nypf@nypf.org** to receive a link to watch any program in the NYPF library. Include your municipality and position.

■ **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>

8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:10 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, January 5, 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,

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