

# *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, December 18, 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. Unless otherwise noted, 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  
Regina Sousa  
Douglas Viets

**Staff Present:**  
Ronald L. Brand, Town of Farmington Director of Development and Planning  
Dan Delpriore, Town of Farmington Code Enforcement Officer

**Attending:**  
Verna Cowley, 1098 County Road 8, Farmington, N.Y. 14425

**1. MEETING OPENING**

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

**2. APPROVAL OF MINUTES**

**Minutes of December 4, 2024:**

■ A motion was made by MR. BELLIS, seconded by MS. SOUSA, that the minutes of the December 4, 2024, meeting be approved.

Motion carried by voice vote. Mr. DeLucia abstained due to his absence from the meeting on December 4, 2024.

**3. LEGAL NOTICE**

None.

**4. CONTINUED PUBLIC HEARING: SIX-LOT SUBDIVISION**

**PB #1002-24 Preliminary Six-Lot Preliminary Subdivision Application:**

**Applicant:** Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580

**Location:** Tax Map #029.000-2-12.100, located along the south side of Collett Road and the west side of County Road #8, north of the Ontario Railroad land.

**Zoning District:** RS-25

**Request:** State Environmental Quality Review (SEQR) resolution for extending the 20-day calendar period for findings and determining the significance of the above referenced application, and giving notice to all Involved and Interested Agencies.

On September 4, 2024, the applicant provided a concept presentation of this proposed subdivision to the Planning Board,

On September 5, 2024, the Project Review Committee also received the concept presentation.

On October 16, 2024, the Planning Board determined that the Six-Lot Preliminary Subdivision application was complete and scheduled the Public Hearing to begin at the meeting on November 20, 2024.

Also on October 16, 2024, the State Environmental Quality Review 30-day coordinated review period was scheduled from October 18, 2024, through November 18, 2024.

On November 20, 2024, the Planning Board approved the designation of the SEQR Lead Agency, and concurrently adjourned and continued the consideration of the SEQR Lead Agency designation and this application to the meeting on December 4, 2024.

On December 4, 2024, the Planning Board recalled the SEQR Lead Agency designation of November 20, 2024, re-designated itself as the SEQR Lead Agency as of December 4, 2024, and continued the Public Hearing to the meeting this evening (December 18, 2024).

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Brand said that on December 4, 2024, the Planning Board designated itself as the State Environmental Quality Review (SEQR) Lead Agency for making the determination of significance on this application. He said that once the Lead Agency is designated, the Lead Agency has 20 days to make the determination of significance unless the applicant and the Planning Board agree to an extension.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to extend the time for the board to make the determination of significance for an additional 90-day period from December 10, 2024, to February 10, 2025. He said that the Town staff and the applicant have agreed to this extension to provide time for the National Fuel Gas (NFG) utility company to provide additional information regarding its easements which are located on the applicant's property, and which could adversely affect the proposed development of some of the lots.

Mr. Brand also said that the Town Water and Sewer Superintendent has advised the applicant at a recent Project Review Committee (PRC) meeting that the proposed homes will be unable to be connected to a sanitary sewer line on the north side of Collett Road which instead will be needed for the potential expansion of the nearby Town Park. Mr. Brand said that the Town will not at this time allow others to tie in to this basically private sanitary sewer line.

Mr. Brand said that two of the proposed six lots do not perc but that the developer could design a raised fill septic system.

Mr. Brand said that the applicant's engineer contacted the Town staff today (December 18, 2024) to inform them that he is not able to attend tonight's meeting and that he has no problems with the draft resolution which has been prepared for the board's consideration regarding the SEQR determination of significance extension of time.

Mr. Delpriore confirmed that the applicant's engineer met with the Town staff at a recent PRC meeting to discuss the SEQR process, that the engineer requested that more time is needed, and that he [the engineer] agreed with the extension which is being proposed this evening.

Mr. Delpriore said that National Fuel Gas (NFG) understands the Town's timeframe with the proposed extension and that the utility company had no way to provide the additional information to the Town this evening. Mr. Delpriore said that the Town needs some answers on the handling of the septic systems and the perc tests, on the inability of the developer to tie

into the private sanitary sewer line on the north side of Collett Road, and on the development of Lot #4 and Lot #5.

Mr. Brand said that the applicant has been made aware through the draft resolution this evening that the Planning Board will make the SEQR determination of significance at the meeting on February 19, 2025.

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

Ms. Cowley (1098 County Road 8) asked if the proposed homes would have Town water or well water, and if larger lots would be necessary if the homes will be on septic systems and not connected to a public sanitary sewer.

Mr. Hemminger said that the board and the Town staff have not yet received a final plan [for the development of the lots] and that the SEQR determination of significance cannot be made until the requirements for the septic systems have been provided for review. He said that there is a great deal of information which must be submitted by the applicant prior to the board's ability to make the SEQR determination.

Ms. Cowley asked if there is a Town Code regarding the minimum lot sizes. Mr. Hemminger and Mr. Delpriore said that the sizes of the proposed lots meet the Town Code and are large enough to accommodate raised-bed septic systems, but that the applicant would have to coordinate with the New York State Department of Environmental Conservation (DEC) regarding the location of the septic systems in relation to the wetlands on the site.

Mr. Hemminger also said that the Town does not have enough information at this time to determine if the proposed lots on County Road 8 are buildable lots. He said that the review of this application by the DEC is a big issue because of the wetlands and that "regular" septic systems would have been okay, but several of the lots did not perc.

Mr. Hemminger said that the Town and the board hope to know more by the middle of February and to have received updated plans by that time. He said that a SEQR Positive Declaration would create additional problems for the developer and that a Positive Declaration also indicates that the board did not have enough information to answer all the questions about this application.

Ms. Cowley had no additional comments or questions this evening.

There were no other citizens in the meeting room, and there were no citizens attending the meeting on the remote video conference.

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

■ 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  
SEQR RESOLUTION**

**PB #1002-24**

**APPLICANT: Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580**

**ACTION: Preliminary Six-Lot Subdivision Plat for the Alexander–Shear Subdivision Tract: State Environmental Quality Review (SEQR) resolution for extending the 20-day calendar period for findings and determining the significance of the above referenced application, and giving notice to all Involved and Interested agencies.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) is, as of December 4, 2024, the designated lead agency under the provisions of Article 8 of the State Environmental Conservation Law (ECL), for making the required determination of significance upon the above referenced Action under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Planning Board was informed on December 4, 2024, by the Town Code Enforcement Officer, that National Fuel Gas (NFG) has easements that are located on this property which could adversely affect the proposed development of sites; and

**WHEREAS**, the Planning Board, on December 4, 2024, agreed to continuing its findings upon the proposed Action providing time for NFG to reply to the Board on or before tonight’s continued Public Hearing; and

**WHEREAS**, the Planning Board, has determined that this requested information is necessary to allow the Planning Board to make an informed determination upon the significance to the action as further provided for under 6NYCRR, Part 617 (SEQRA); and

**WHEREAS**, the Planning Board has received an email dated December 10, 2024, from the Applicant, agreeing to extend the SEQR 20-day time period for making the required findings and a determination of significance upon the above referenced Action, for as long as an additional ninety- (90-) day extension from December 10, 2024, which will end at the close of business on Monday, February 10, 2025; and

**WHEREAS**, the Planning Board tonight has received public testimony upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby grant an extension of time to the applicant, which is to end at noon on Monday, February 10,

2025, to provide time for NFG to submit documentation on the filed easements in question and for a report from NFG to the Planning Board on any restrictions to site development of any of the proposed lots within this subdivision tract; and

**BE IT FURTHER RESOLVED** that the Planning Board does hereby establish the deadline for accepting this requested information to end at noon on Monday, February 10, 2025.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby continue the Public Hearing upon this Action to 7:00 p.m. on Wednesday, February 19, 2025.

**BE IT FURTHER RESOLVED** that the Planning Board adjourns its deliberations upon the findings and making a determination of significance upon the above Action to 7:00 p.m. on Wednesday, February 19, 2025.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby declare its intent to make findings and a determination of significance upon the above referenced Action at its meeting on Wednesday, February 19, 2025.

**BE IT FURTHER RESOLVED** that the Clerk of the Board is to provide certified copies of this resolution to the Involved and Interested Agencies.

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to file: certified copies of this resolution with the Applicant and with the Applicant’s Engineer/Surveyor; and certified electronic copies of this resolution with the following NFG Staff, Patrick McNerney (McNerneyP@natfuel.com), Jason Abram (AbramJ@natfuel.com), Matthew Hoenes (HoenesM@natfuel.com) and Cameron Nichols (NicholsC@natfuel.com); and certified electronic copies with the Town Staff, the Town Engineer and the project file in the Town Development Office.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

**5. OTHER BOARD ACTIONS**

**Farmbrook Subdivision, Phases 7A and 7B: Partial Letter of Credit Release #3:**

■ A motion was made by MR. VIETS, seconded by MS. SOUSA, 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  
PARTIAL LETTER OF CREDIT RELEASE #3  
FARMBROOK SUBDIVISION, PHASES 7A AND 7B**

**PB #0301-24**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from the Town's Director of Planning & Development, dated December 12, 2024, for a Planning Board recommendation whether to recommend to the Town Board the third partial release of funds (Release #3) from the established Letter of Credit for the above referenced Project; and

**WHEREAS**, Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, in a letter dated December 11, 2024, recommends a partial release of funds (Release #3) from the Letter of Credit for the above referenced project, in the total amount of \$248,852.12; and

**WHEREAS**, the Town Engineer's recommendation has been coordinated with David Orians, Town Construction Inspector, and is based upon the Applicant's Estimate of Values for the approved site improvements to be dedicated to the Town; and

**WHEREAS**, Appendix Form G-2.0 has been completed and submitted identifying the balance remaining after this partial release has been approved by the Town Board; and

**WHEREAS**, the Town Clerk has verified the amount remaining in the letter of credit after this third partial release of surety is correct; 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 partial release of funds (Release #3) from the established Letter of Credit for approved site improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Director of Planning & Development, the Town Construction Inspector and the Town Engineer, does hereby recommend that the Town Board take formal action to approve the requested partial release (Release #3) from the Letter of Credit in the total amount of \$248,852.12.

**BE IT FURTHER RESOLVED** that the Planning Board Chairperson is hereby directed to provide notice of this action to the Town Board and to the Town Clerk.

**BE IT FURTHER RESOLVED** that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; Tim Ford, Town Highway and Parks Superintendent; Robin MacDonald, Acting Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; David Orians, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; August Gordner, Deputy Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

**BE IT FINALLY RESOLVED** that copies of this resolution are to be provided to the applicants, Robert Brenner and Brian Mahoney, Mahoney Brenner LLP, 83 South Main Street, Canandaigua, New York 14424.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

## 6. OPEN DISCUSSION

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

Mr. Brand provided the following information:

- The Parks and Recreation Committee will meet on January 9, 2025, to review the final draft of the updated Parks and Recreation Master Plan. The final draft will then be submitted to the Town Board for the initiation of the formal adoption process.
- The bridge over Beaver Creek on the south side of County Road 41 was installed last week as part of the Transportation Alternatives Program (TAP) Phase 1: Sidewalk, Trail Connections and Bike Lanes project. Mr. Brand said that railings along the bridge abutments must be installed prior to having the bridge open to the public. He also said that easements are required on two of the lots in the Hathaway's Corners subdivision to allow the Town to construct a portion of the eight-foot-wide walking trail. Mr. Brand said that the Town staff is working with Marrano Homes on the acquisition of these easements. On June 21, 2022, the commissioner of the New York State Department of Transportation notified the Town of an award of \$1,769,000 of Federal highway funds to be matched with \$445,000 of Town funds for the sidewalk project.



- Sidewalks currently end in the area of Mertensia Road and Elizabeth Way due to the pending installation of new water lines in this vicinity. Mr. Brand said that the water project is scheduled to be completed in January 2025 and that the Town will request an extension to the contract with New York State for the completion of the sidewalks in this area next spring.
- A meeting will be held in person and via remote video conference on an afternoon in January 2025 with major property owners to discuss the proposed Agricultural Conservation Overlay District (ACOD). Mr. Brand said that Agricultural Advisory Committee Chairperson Hal Adams said that more property owners would be able to participate in this meeting if it were to be held on an afternoon.
- A review of the Town Code regarding short-term property rentals is now underway by the Town staff. Completion of these updates is expected in early 2025. Mr. Brand said that the Town staff is now working on updates to Town Code Chapter 144—Subdivisions.
- The Town Board will conduct a Public Hearing on Monday evening, December 23, 2024, starting at 6:00 p.m., on the rezoning application of 2.612 acres of land along the east side of Mertensia Road, north of State Route 96, and adjacent to Meyer's RV Superstore of the Finger Lakes at 6100 State Route 96 from RMF Residential Multi-Family to GB General Business for the expansion of the Meyer's existing RV dealership.
- It appears that there is no longer interest by the Simmons–Rockwell vehicle sales company to establish a vehicle dealership on the north side of State Route 96 in the vicinity of Finger Lakes Gaming and Racetrack. Mr. Brand said that there may be interest in this site by other developers for some kind of multi-family development.

***Code Enforcement Officer:***

Mr. Delpriore said that the Town staff is now reviewing updates to the Town Code regarding short-term property rentals. He said that the staff review of updates to Chapter 144 regulations will begin after the holiday season.

He also said that the Planning Board agenda for the meeting on January 2, 2025, is expected to include the re-adoption of the board's Rules of Procedure for 2025. Mr. Delpriore said that Mr. Hemminger already has submitted suggested revisions which have been posted on the board/staff shared computer drive. Mr. Delpriore said that the second meeting in January is expected to include resolutions in which the board will deem new applications to be complete and ready for consideration in February.

Mr. Delpriore also said that Farmington Fire Chief John Weidenborner will step down at the end of this year following 18 years of service as a fire department line officer, and that Chief Weidenborner will return to regular volunteer fire service in the fire department. Mr.

Delpriore said that he has reached out to the incoming chief regarding having fire department representation at Planning Board meetings when needed.

***Board Members' Comments:***

*—Transcription from the audio/video recording of the meeting—*

(19:28) Mr. Bellis: Questions—I mean—I just want to bring up—I feel like—to see if there's a way to make it easier to build homes. I don't think the process is very—it's just overwhelming for a single-family home in the Town of Farmington for having many meetings to approve everything. Also our simple site plans—our simple reviews—have to go through Preliminary, or whatever—I get that—but then having to come back later to have a meeting to say that it's Final, or it's ready to come back for Final and just stamp it—I think there should be an easier way.

(20:13) Mr. Hemminger: So the process right now is we have a—we have to put it on the agenda, we have to determine it complete, and then we have to have whatever the appropriate public meeting is, where we do SEQR and Preliminary Site Plan. That gets taken care of, and then we do the meeting with Final. So in theory there's three meetings, assuming that the—*inaudible*—putting it on the agenda for Final?

(20:44) Mr. Delpriore: You have to deem that application complete.

(20:46) Mr. Hemminger: Oh, okay, so there's four—there's four meetings, then, and that is assuming that the applicant or their delegate gets the paperwork in, in time to get things signed so it moves on. I think that's where we've seen a lot of the holdups, has been, at least from my side, is that the developer, and/or whoever, is not getting the documents in, in time, to meet the next meeting, so that means it's a meeting skipped because the documents weren't in. Happens all the time. Happens regularly because—

(21:25) Mr. Bellis: Now you're bumping a whole other month or more.

(21:27) Mr. Hemminger: Yes, absolutely.

(21:30) Mr. Bellis: There's sometimes I don't feel like—I don't see why it needs to be on a meeting for us to say it's Final, and go to Final the following meeting, to say it's done. I feel like back in the day, and I don't remember how this all worked, that there was time where we used to do this, single-family homes, where we did it almost in one meeting and they didn't have to come back for Final—everything—they get their list of what they have to fix on the map, or whatever. They fix that stuff. There's usually not much on the Final that we need to approve, so it would never come back.

(22:10) Mr. Hemminger: Ron, the process has always been at least a Preliminary and a Final. I think we rarely have done them on the same night—we have, but not very often. And that's only if it's super simple. And now, there's this new requirement to determine

the application complete. We didn't create that out of the blue. That came from the State of New York. So the State of New York created that requirement to establish that the application is complete. We used to count on Staff to determine whether it was complete, and they basically said that that's not acceptable, that the board has to determine if it's complete.

(22:49) Mr. Delpriore: And how we do it, so it doesn't slow down the process—it's the same month they submit is the same month you guys deem that application complete. So, if you would have submitted before we were doing deeming complete, you would still be on that next month, so whatever was submitted, let's say, in November would be on a December meeting. So now, you submit in November, you're on the second meeting in November to deem the application complete, and then you still go to the same meeting you would normally have gone to—[Mr. Hemminger: In December]—in December.

(23:24) Mr. Delpriore: Again, the applicant doesn't need to come deeming adequate — [Mr. Hemminger: Right]—complete. They only need to come when they're hearing for SEQR, Preliminary, or Final.

(23:36) Mr. Hemminger: Or if for some reason staff has determined it not complete, and the applicant wanted to come to us anyway, which is always a waste of time because we're not going to deem it complete if the staff doesn't believe it's complete, so basically we still have—

(23:58) Mr. Bellis: You know, the beginning—the end part is, there's too much extra that I don't think it's needed.

(24:05) Mr. Hemminger: It's one extra meeting, correct, basically? Even then I don't know if it's extra—

(24:11) Mr. Bellis: Because you're going to deem it complete to put it on another meeting the next month, so it's just—

(24:16) Mr. Delpriore: But deeming complete is just a State requirement. I mean, it doesn't change the procedure that's been in place for years.

(24:26) Mr. Hemminger: Timing's about the same.

(24:28) Mr. Delpriore: Timing's identical.

(24:29) Mr. Hemminger: Let's just say, they meet the second meeting of the month in December, then the Final—and it gets approved for Preliminary, the Final would be the second meeting in January. It hasn't really changed any.

(24:38) Mr. Bellis: What do you mean, January?

(24:40) Mr. Hemminger: Yeah, it would be. If the Preliminary was done on the second meeting in December, then the first meeting in January would be a deem the Final complete, assuming they got it in—

924:52) Mr. Bellis: You're off on your timing. It's not how—

(24:54) Mr. Delpriore: So, if they were—

(24:57) Mr. Bellis: Here tonight—

(24:58) Mr. Delpriore: Let's say they were here tonight—[Mr. Hemminger: Okay]—they could submit in January. They would be on in February. Submittal is always a month behind. [Mr. Hemminger: Okay.] But they would still be in January for deeming it complete. They would be on the first meeting in February for your Final.

(25:15) Mr. Hemminger: But even if they have it determined complete—

(25:18) Mr. Bellis: Say we do the first meeting in February. We approve the site plan or whatever. You've got one week to get the stuff in, if they turn it around, or if not—

(25:28) Mr. Delpriore: There's nothing to get in at that point. It's a Final.

(25:33) Mr. Delpriore: It's a Preliminary tonight, they can submit in January their Final, and be on the first meeting in February for Final, and then they're done.

(25:44) Mr. Hemminger: They approve their Final, and they fix whatever the resolution says, and then I sign it.

(25:49) Mr. Delpriore: The problem is, as I mentioned, what we're getting submitted to us doesn't meet the conditions, so there's a lot of back and forth, and then they miss the submittal date which pushes them a whole other month.

(26:00) Mr. Hemminger: That's really the issue, I think, is the engineering folks, almost of all of them—

(26:09) Mr. Delpriore: Oh, yeah. There's a ton of back and forth, that we review 'em, and then they're sent back and they have to make corrections—

Mr. Hemminger: 'cause they're not following the issues in the resolution.

(26:18) Ms. Sousa: There's only one submittal date per month?

(26:19) Mr. Delpriore: Yes. You guys have two meetings but there's only one submittal—yes.

(26:26) Mr. Brand: Kind of like County Planning—one submittal a month.

(26:27) Mr. Hemminger: Yeah.

(26:28) Mr. Brand: What I'm hearing is you're mixing apples and oranges. [Mr. Hemminger: Okay.] You're mixing subdivision approval with site plan approvals, and there's different timelines involved with those two—

(26:49) Mr. Hemminger: And we didn't talk about if there's subdivision approval, that has to go before the Preliminary, and that's all for Preliminary and Final, and that's two or three months, and you've got the house for two or three months.

(27:02) Mr. Brand: Normally the Preliminary Subdivision approval is the longest period because you may get into a situation where you've got to do a coordinated review—[Mr. Hemminger: Right.]—and under a coordinated review you've got to have 30 days—[Mr. Hemminger: Thirty days.]—you can't shorten it.

(27:19) Mr. Delpriore: And it has to go to County, automatically goes to you guys' second meeting.

(27:24) Mr. Brand: So we have to have those in my certain deadlines that the County sets in order for it to get on the agenda. We can't act until the County gets back to us, whether it's a subdivision or site plan, so, you know, there's a lot of changes that have occurred over time that we have to try to deal with, and the end result—I think it's very obvious—when you get here to this board at a public meeting for either a Preliminary or Final approval, there's really not a lot of discussion. Very rarely is anything continued. Okay, so all the work has been done.

(28:11) Mr. Bellis: Right, that's the plan—

(28:13) Mr. Hemminger: The subdivision takes the longest—

(28:15) Mr. Bellis: Why does it have to come back for Final?

(28:20) Mr. Brand: Simply because the Code says so. Now, if you want to recommend eliminating Final, then you get into a situation where the clock starts ticking with Final approval. It's valid for a 180-day period.

(28:36) Mr. Hemminger: And we've always done—

(28:51) Ms. Sousa: *Inaudible*—and then we vote on that, and then literally right after we vote—

(29:02) Mr. Brand: The difficulty I have with that is that everything I give you is a draft. I have no way of knowing if it's going to be accepted or not. Whether you have—maybe you've seen something missing in the Final that should have been caught—

(29:20) Ms. Sousa: Right, so we have the option then. If we say no, it's not actually complete, then we're not going to vote on—*inaudible*.

(29:33) Mr. Delpriore: Look at your Preliminaries, though. I mean, there's usually a bunch of conditions on every single Preliminary that comes through here, so how do we write a draft with a bunch of conditions and then have a Final right behind it—

(29:49) Mr. Viets: I think it would be—you get through Preliminary the night they would be introducing the deeming it complete, we would also then entertain voting on it. It would be that one meeting instead of having it—

*[Several speaking at once; inaudible]*

(30:05) Mr. Delpriore: I get it. Then are you telling the applicant upfront that they have to submit now a Preliminary and a Final, because they have to submit those—and pay for those—together?

(30:19) Mr. Viets: They pay for Preliminary. They have to submit for Final.

(30:21) Mr. Delpriore: Correct.

(30:23) Mr. Viets: But at the meeting where we would deem that application complete—

*[Several speaking at once; inaudible].*

(30:39) Mr. Brand: In a utopian situation, where everybody does what they're told, and they don't—

(30:46) Ms. Sousa: You're not going to bring it to us for a vote on completedness if it's not actually complete.

(30:53) Mr. Hemminger: It would only be two weeks saving, when you really get down to it.

(30:54) Mr. Brand: So you don't want us to give it you until we're happy.

(31:01) Mr. Hemminger: Well, I said that all along.

(31:03) Ms. Sousa: Isn't that what usually happens, I mean—?

(31:05) Mr. Delpriore: Not necessarily.

(31:07) Mr. Hemminger: No, sometimes the applicant pushes it, but I have said I don't want to see 'em until they're complete. But if we did just that, on some of them, and some of them may not want to, the only thing we're saving the applicant is two weeks, because once we deem it adequate for Final, it's put on the next meeting. Right? Correct? You're

saving basically two weeks. That basically is how it works. Well, they got to get in it. It's got to be complete. Once it gets to us to be complete, and we say "yea" it's complete, the next meeting it's on the agenda. So, if we give approval of the Final at that time, they're only saving two weeks.

(31:57) Mr. Delpriore: Something you guys aren't considering, too, is the deadlines are in place because of the staff reviews that have to happen.

(32:10) Mr. Bellis: That's where the next question is—where's the holdup and what's the hang-up? Where's the hang-up?

(32:24) Mr. Delpriore: Adrian, we did over 3,000 permits. That's not even including anything we did for the Planning Board this year. I don't have staff to just say—oh—when plans come in to review them this second. I have to juggle multiple things, not even including what Ron does, Water and Sewer does, what Highway does—

(32:42) Mr. Bellis: There's not one guy back there in the department that does that—

(32:44) Mr. Delpriore: Absolutely not.

(32:46) Mr. Bellis: On a daily basis or weekly basis—

(32:52) Mr. Delpriore: No. And I have to get all the reviews, and Ron can attest to this—we're chasing down the other departments to get reviews back, because they're doing their day-to-day operations on top of it. There's just not enough staff to make it go faster.

(33:13) Mr. Hemminger: And the permitting inspections, and all that, obviously critical to jobs continuing on site and everything else. Certainly was when my job was being done, siding and roofing and stuff, I didn't want them to not be able to do that. They needed to come out at certain time and do it.

(33:35) Mr. Delpriore: If there's a priority issue, then that's something that has to be taken up to the Town Board—[Mr. Hemminger: Right.]—that they need to redirect where they want our priorities put. Right now, permits that come through the door—

(33:48) Mr. Bellis: —information, there's not somebody back there reviewing five days a week, probably—but it's not that busy sometimes—

(33:55) Mr. Delpriore: That's the other thing. This month coming up, there aren't many reviews. The following month we might get five or six applications, which one might be a single-family house, which yes, you're right *inaudible* but it might come in with a 10-lot subdivision that's going to take us a lot longer duration. More people involved.

(34:16) Mr. Viets: *Inaudible*.



(34:20) Mr. Delpriore: In our eyes, we have to look at 'em all the same, because they're all on the same timeframe. So, that's the other thing.

(34:43) *Several speaking at once.*

(34:56) Mr. Bellis: In the last year—people—I mean, housing tracts are slowing down right now, with everything going on, figure out X and X, but there was more single-family homes and then obviously with me building my own, and going through the process, I just felt like—hiccups and stuff, that I just thought wouldn't be there. Now, I understand the architect and that stuff—

(35:17) Mr. Hemminger: We didn't get stuff on time, I guarantee, on yours, we did not get stuff on time to get it—

(35:19) Mr. Bellis: I mean, with the lady on County Road 8, you know, that one kind of got—

(35:22) Mr. Delpriore: Again, there was a tremendous amount of information missing on that one.

(35:25) Mr. Bellis: You know, I just felt like there was—

(35:28) Mr. Delpriore: But Adrian, I can show you the other ones who listened to what we said and they marched right through the process, so, it's definitely two sides to this. Yeah, you might have had a bad experience and taken longer, and the lady down on County Road 8 for sure took a lot longer than they anticipated, but you look at the emails from staff, and Ed is copied in on a lot of it, we ask for things, and we just can't move things, and if we did, you guys would be very frustrated because nothing would be complete.

(36:09) Mr. Hemminger: And I've made it clear. I want to see 'em when it's complete. I don't want to sit here and talk to the person doing the application and tell them what to do. The staff's already told them what to do, and they haven't done it. I don't want them to waste our time, or theirs, coming in here and going through stuff that they've already been told by staff. It happens all the time. I see the emails.

(36:30): Mr. Hemminger: You know, I told Ron something today, and I said, you know, there's two ways that projects go through. The first one is—staff works with the applicant, it comes to us, we go through it, it meets pretty much minimal time frames and it gets done. Or, the applicant doesn't do the stuff we said, doesn't meet the timelines of our requirement, doesn't do this and that, and in the end it still meets our requirements because that's what we have to do, but it just takes two or three or four times as long because they keeping fighting the process, and it happens all the time. I see it with different applicants. Certainly, some are more notorious than others.

(37:12) Ms. Sousa: I don't think that's what we're arguing here. Obviously, you guys do great work, without saying. You just asked—



(37:27) Mr. Hemminger: I think the earliest we could get it back if we did that would be two weeks. And I'm not convinced changing the process for that works.

(37:33) Mr. Viets: *inaudible*—for the applicant, for some reason, if we had that option—

(37:42) Mr. Delpriore: I guess, if you think there's a better process, write something up—I mean—so that we can see it.

(37:55) Mr. Hemminger: We've got our Rules of Procedure. If you have some suggestions on how to make it easier, and maybe it's in this Section 4 on page 7 that says, "determination of a complete application and scheduling a public hearing." If you can go into that area and come up with some kind of verbiage that makes it better, and if we can somehow put one in if we feel that there's a reason to do that—put the wording in there and we'll see what we can do. We'll all review it. I can't think of anything. Ron?

(38:29) Mr. Brand: Just don't get hung up on your Rules of Procedure, because that's important, but it's also what's in the Code.

(38:35) Mr. Hemminger: Of course. What we put in the Rules of Procedure can't violate the Code.

(38:39) Mr. Brand: Once we understand what it is you're talking about [Mr. Hemminger: We'll review it against the Code.] does against the Code.

(38:45) Mr. Hemminger: Exactly. Exactly.

(38:50) Mr. Delpriore: And if there's still something—

(38:52) Mr. Bellis: *inaudible, several speaking at once*—I'll look at site plan.

(39:07) Mr. Brand: Don't forget subdivision.

(39:10) Mr. Delpriore: Subdivision is all 144, which is under review right now. But, if you start there, I think that's a good spot to start in Code.

—*End transcription*—

Mr. Hemminger reminded board members to review the Planning Board 2024 Rules of Procedure in preparation for discussion and re-adoption in January. He reviewed his suggested addition to **Section 2—Public Hearing/Public Meeting Procedures**, regarding documents which are submitted by the public, and his suggested draft new Section 2 (p) as follows:

***Planning Board Rules of Procedure  
Draft Section 2 (p)***

*The public can submit documents/ articles for the Board to review. These documents/articles will only be accepted at a scheduled Public Hearing. It is expected that the documents will meet the following conditions:*

1. *Submitter provides a short statement of why he or she feels this document/article relates to this application.*
2. *The author should be clear, as well as how the author is an expert in the field.*
3. *The document/article should be dated.*
4. *Any factual data in the document/article should have a reference to where the fact was obtained, i.e., study, other document, etc.*

**7. PUBLIC COMMENTS**

None.

**8. TRAINING OPPORTUNITIES**

■ **New York State Department of State 2024–2025 Winter Webinar Series:**

Monday evenings in December 2024 and January 2025

Attend on WebEx from wherever you are. You will need a computer with speakers or a mobile device.

To register: <https://dos.ny.gov/loca-government-training-schedule>

**January 6, 2025**

Planning Board Overview

6:00 p.m.–8:00 p.m.

2 hours training credit

**January 13, 2025**

Zoning Board of Appeals Overview

6:00 p.m.–8:00 p.m.

2 hours training credit

■ **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. DELUCIA, seconded by MR. VIETS, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:40 p.m.

The next regular meeting of the Planning Board will be held on **Thursday, January 2, 2025**, 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 front doors to the Town Hall were locked.

Respectfully submitted,

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