

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, December 21, 2022 • 7:00 p.m.

MINUTES—APPROVED

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

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

R = Attended via remote video conference.

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

Board Member Excused: Aaron Sweeney

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

Attending:
Rafael Barreto, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614
Bernard Button, 191 Ellsworth Road, Palmyra, N.Y. 14522
Don Giroux, 1602 Cornfield Circle, Farmington, N.Y. 14425
Chief Phil Robinson, Farmington Volunteer Fire Association
Josh Schmidt—**R**
Jeremy Stambovsky—**R**
Aaron VanEpps, 2880 Macedon Center Road, Palmyra, N.Y. 14522
Dan Wojick, 1398 New Seabury Lane, Victor, N.Y. 14564

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 2, 2022.

2. APPROVAL OF MINUTES

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the December 7, 2022, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None.

4. NEW PRELIMINARY SITE PLAN

PB #1201-22 New Preliminary Site Plan Application

Name: Bernard Button, 191 Ellsworth Road, Palmyra, N.Y. 14522

Location: East side of Ellsworth Road, north of Fox Road and south of Turner Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan to reconstruct a single-story single-family home approximately 1,570 square feet in size with basement.

Mr. Barreto (Marathon Engineering) presented this application. Mr. Button also attended.

Prior to the meeting, Mr. Barreto provided the following information:

“On behalf of our client, Bernard Button, we are submitting a Revised Site Plan for the above-reference project. . . . Unfortunately, a fire destroyed the previous single-family home at the above-referenced location.

“The Town recently informed Mr. Button that the existing deck and pool would have to be removed. As a result, our client is now seeking to recon-

struct his home in a location that complies with the existing setback requirements. The septic tank and pump house will also be relocated.

“The parcel is located in the A-80 Agricultural Rural Zoning District. The fire-damaged home had a front setback of 27 feet from Ellsworth Road versus the 60 feet required by code. The proposed location has a 61-foot setback. Therefore, this project no longer requires any variances. We respectfully withdraw the previously submitted application to the Zoning Board of Appeals. . . .

“The applicant intends to start construction in January 2023 with completion anticipated by June 2023.”

—*Rafael Barreto, Marathon Engineering*

Mr. Barreto said that Mr. Button has purchased a pre-fabricated house and would like to place the new house on the property at which the previous house was located. Mr. Barreto said that they will stay clear of the existing setback and that they would like to have a discussion regarding the exact placement of the house.

Mr. Brand said that two draft resolutions have been prepared for the board’s consideration this evening, i.e., the State Environmental Quality Review (SEQR) classification (Type II Action) and a resolution for Preliminary Site Plan approval with conditions.

Mr. Delpriore said that the Town staff has been working with the applicant and that he has conducted several site visits. He said that Mr. Button originally wanted to locate the new house closer to the road which would have required a variance from the Zoning Board of Appeals (ZBA), but that Mr. Button has now relocated the new house on the property to avoid a variance application to the ZBA.

Mr. Delpriore said that the applicant will be working on some zoning issues prior to Final Site Plan approval.

Mr. Ford said that he would like to see the applicant’s plans on the location of the driveway. He said that the current plans do not show an established driveway. Mr. Barreto said that the first 10 feet of the driveway up to the edge of the pavement needs to be paved.

Mr. Bellis asked about the location of the new house in relation to the previous foundation. Mr. Barreto said that Mr. Button originally wanted to use the existing foundation but that this plan has been scrapped, that everything [on the site] will be removed, and that there will be new construction.

Mr. Bellis asked about the location of the driveway. Mr. Barreto said that they are currently showing it [the driveway] short. He said that Mr. Button does not feel that the driveway needs to be extended all the way back.

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 CLASSIFICATION**

PB #1201-22

APPLICANT: Bernard Button, 191 Ellsworth Road, Palmyra, N.Y. 14522

ACTION: SEQR Classification for Preliminary Site Plan Approval to construct a single-family dwelling and related site improvements on land located along the east side of Ellsworth Road, north of Fox Road and south of Turner Road.

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

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

WHEREAS, the Planning Board must first classify the proposed Action under consideration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine the proposed Action identified above herein involves the construction of a single-family residence on an approved lot including the provision of necessary utility connections and the installation of drinking water and a septic system [§617.5 (c) (2), (11) and (13)].

BE IT FURTHER RESOLVED that said Action is classified under the State’s SEQR Regulations as being a Type II Action.

BE IT FURTHER RESOLVED that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from further environmental review under the State’s Environmental Conservation Law, Article 8.

BE IT FINALLY RESOLVED that the Planning Board directs the filing of this classification with the project file and requests copies be provided to the Applicant and the Applicant’s Engineer.

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

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

Motion carried.

■ A motion was made by MR. 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
PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS**

PB #1201-22

APPLICANT: Bernard Button, 191 Ellsworth Road, Palmyra, N.Y. 14522

ACTION: Preliminary Site Plan Approval to construct a single-family dwelling and related site improvements on land located along the east side of Ellsworth Road, north of Fox Road and south of Turner Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the proposed application identified above and has given consideration to the public, town staff and Town Engineer’s comments provided that have been entered into the public record at tonight’s meeting.

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

1. Preliminary Site Plan Approval is based upon the drawing prepared by Marathon Engineering, identified as Drawing No. C1.0, sheet No. 01 of 01, Job No. 1418-22, entitled “Preliminary/Final Site Plan for Bernard Button, Home Re-construction, 191 Ellsworth Road, Farmington, New York,” and is to be further amended by the conditions set forth below herein.
2. The title of the drawing is to be amended read . . . “Preliminary Site Plan for Bernard Button Home Re-Construction, 191 Ellsworth Road, Farmington, New York.”
3. A Public Safety Sign is to be added to the drawing and the Appendix Form G-9.0 of the adopted Town of Farmington Site Design & Development Criteria is to be added to a detail sheet.

4. A General Note is to be added to the amended drawing noting that the existing barn was previously approved by the Town and it is classified as a non-conforming pre-existing accessory structure.
5. Signature blocks are to be added to the amended drawing, for the Town Highway Superintendent, the Town Engineer and the Town Planning Board Chairperson in the locations shown on the Detail Sheet Appendix Form G-13.0 of the adopted Town of Farmington Site Design & Development Criteria.
6. There is to be a Detail Sheet attachment added to the Preliminary Site Plan drawing showing the driveway location and design connection to Ellsworth Road. Said detail shall meet the design standards contained on Detail Form H-9.0 of the adopted Town of Farmington Site Design & Development Criteria.
7. There is to be a General Note added to the drawing that all existing open building permits are to be completed prior to the issuance of a building permit for the reconstruction of the new dwelling, or within 60 days of approval of the Final Site Plan by the Planning Board. Otherwise, said approval shall automatically be made null and void.
8. The site lies within a mapped (Flood Insurance Rate Map) Unnumbered A Zone (Area of Special Flood Hazard) and Zone C (Area of Minimal Flooding). Both of these delineations will need to be shown on the amended Preliminary Site Plan drawing along with a General Note stating that no development is located within the Unnumbered A Zone Area of the site.
9. There needs to be a reference note added to the drawing that identifies the following Flood Insurance Rate Map (FIRM) information:
 - Community Number 361299
 - Panel Number 0010 B
 - Effective Date: September 30, 1983.
10. The SEQR Classification for this Action is a Type II Action as listed in the following subsections of the State Environmental Quality Review Act (SEQRA):
 - §617.5 (c) (2) replacement of a structure on the same site, including upgrading buildings to meet building, energy, or fire codes;
 - (c) (11) construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith; and

- (c) (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

11. All comments contained in the Town Engineer’s December 13, 2022, letter to the Town Director of Planning and Development are to be addressed in writing to the Town Code Enforcement Officer and the Town Engineer, and changes as necessary are to be made to the revised Preliminary Site Plan drawings prior to the Town Engineer’s signing the drawings.

BE IT FURTHER RESOLVED that copies of this resolution for Preliminary Site Plan Approval with Conditions specified above are to be provided to the applicant, the applicant’s engineer, town staff and the Town’s Engineer.

BE IT FURTHER RESOLVED that an electronic copy of the amended Preliminary Site Plan drawings is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, Town Staff, the Town Engineer and the Planning Board Chairperson are then authorized to sign these drawings.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval, with Conditions, is valid for a period of 180 days from today and shall automatically expire unless signed Preliminary Site Plan drawings have been filed with the Town Development Office.

BE IT FINALLY RESOLVED that once the revised Preliminary Site Plan drawings have been filed with the Town then an application for Final Site Plan Approval will be entertained by the Town Code Enforcement Officer and, if found to be complete, will be placed on a future Planning Board Meeting Agenda.

Mr. Hemminger asked Mr. Barreto if he agreed with the conditions of Preliminary Site Plan approval. Mr. Barreto said yes.

Mr. Bellis asked about the location of the driveway. Mr. Brand referred to draft Condition #6 (above) in the draft approval resolution.

There were no additional comments on the motion.

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

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

Motion carried.

5. BOARD ACTIONS

A. 2023 Rules of Procedure:

Mr. Hemminger discussed several amendments to the Rules of Procedure which have been suggested by Mr. Sweeney.

Item 7. Voting:

Suggested amendment to update the “Town Board and Committees Remote Participation in Public Meetings Policy and Procedures” adopted by the Town Board on September 8, 2020 (Town Board Resolution #326 of 2020).

Item 25. Attendance at Public Meetings, and Committee Meetings:

Suggested amendment to clarify remote attendance to be in accordance with the rules.

Mr. Delpriore said that there are updated State rules and regulations regarding virtual meetings and remote attendance, and that the Rules of Procedure should reflect compliance with these updated requirements.

Mr. Brand said that he will compose proposed revisions for the board’s consideration.

B. Response to the Town Board: Chickens Being Allowed on Lots Having Less Than Five Acres:

Mr. Hemminger said that his summary report of the Planning Board’s discussion at the previous meeting regarding the keeping of chickens on lots within the Town of Farmington was submitted to the Town Board on December 12, 2022, as follows:

To: Farmington Town Board

From: Edward Hemminger, Planning Board Chairperson

Date: December 12, 2022

Re: Keeping of Chickens on Lots Within the Town of Farmington

The Town of Farmington Planning Board, at their meeting on Wednesday, December 7, 2022, completed their review of the presentation made by Steve Heltemes to the Town Board on Tuesday, October 25, 2022, the report from the Town Director of Planning and Development, dated November 3, 2022, on the references made in Mr. Heltemes's presentation to various municipal codes regarding the keeping of chickens in residential neighborhoods, and the Town Zoning Board of Appeals November 28, 2022 report to the Town Board on text amendments to allow chickens on residential lots within neighborhoods.

Based upon our review of all this information and our discussion at the last Planning Board meeting, the Board, at this time, does not believe it is in the best interests of the Town to entertain an amendment to the Town Code that would enable the keeping of chickens on lots having less than five (5) acres of land within residential districts. While the Planning Board appreciates the interest expressed in keeping of chickens on smaller lots there are too many unknowns at this time to recommend further consideration of any such Town Code amendment.

The Planning Board would want a new Code provision that would require issuing a Special Use Permit for the keeping of chickens, as the courts have held that placing a time limit on any special use permit is legally very limited in practice. While some of the other municipal regulations we reviewed do not appear to address this issue, the Planning Board believes such time restriction(s) would be difficult to administer as they will definitely require new legal notices and notifications each time a special use permit came up for review or renewal. In addition to these Planning Board's concerns, periodic reviews and renewals would also be cumbersome for Town Staff when trying to accurately identify the cumulative effects of notifying nearby property owners who could be affected by multiple applications for the keeping of chickens within our large subdivision tracts. Finally, the Planning Board notes that the question currently unanswered from our review of this material is how many of these special use permits (for chickens) could be issued within some of our larger subdivision tracts before chickens would become a nuisance to others.

The Planning Board believes that the Town's resources are currently stretched by keeping up with all of their inspections for building permits, their reviews of new and existing projects, administering all of the state regulations that have been mandated upon the town, responding to various nuisance complaints, fire calls, and keeping up with state mandated training requirements which take precedent over keeping track of yet another matter for which there has not been a demand made for by others.

C. Letter of Credit Release: TOMRA NY Recycling

■ 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 RELEASE #1 (FINAL)
TOMRA NY RECYCLING PROJECT, LOOMIS ROAD SITE**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated December 9, 2022, to approve the final release of funds (Release #1) from the Letter of Credit established for the above referenced project, in the total amount of \$140,158.42; and

WHEREAS, the Town Engineer’s recommendation has been coordinated with David Orians and Matthew Heilmann, Town Construction Inspectors, and is based upon the Applicant’s Engineer’s Estimate of Values dated March 30, 2022 for approved site improvements; and

WHEREAS, the Town Department Heads and Town Engineer has signed Forms G-1.1 and G-2.0, Letter of Credit/Surety Release Forms; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested establishment of a 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 Construction Inspectors, the Town Engineer, and the Town Department Heads, does hereby recommend that the Town Board take formal action to authorize the final release of funds (Release #1) from the Letter of Credit on file in the total amount of \$140,158.42 and to direct the Town Clerk to release this surety.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board for their consideration at their meeting on Tuesday, December 27, 2022.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the applicant Jeremy Stambovsky, TOMRA NY Recycling, LLC; the applicant’s engineer Bill Anterline, P.E. Fisher Associates D.P.C., 180 Charlotte Street, Rochester, N.Y. 14607; Tim Ford, Town Highway and Parks Superintendent; David Conti, Town Water and Sewer Superintendent; David Orians, Town Construction Inspector; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

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

Motion carried.

D. Letter of Credit Release: Cerone Incentive Zoning Project (MIII Enterprises/Auburn Junction)

■ 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 RELEASE #1 (PARTIAL)
ROUTE 332 MIII ENTERPRISES PHASE 3A PROJECT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated December 14, 2022, to approve a partial release of funds (Release #1) from the Letter of Credit established for the above referenced project, in the total amount of \$82,925.30; and

WHEREAS, the Town Engineer's recommendation has been coordinated with David Orians, Town Construction Inspectors, and is based upon the Applicant's Engineer's Estimate of Values dated November 11, 2022, for approved site improvements; and

WHEREAS, the Town Department Heads and Town Engineer has signed Forms G-1.1 and G-2.0, Letter of Credit/Surety Release Forms; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested establishment of a 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 Construction Inspectors, the Town Engineer, and the Town Department Heads, does hereby recommend that the Town Board take formal action to authorize the requested partial release of funds (Release #1) from the Letter of Credit on file in the total amount of \$82,925.30.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board for their consideration at their meeting on Tuesday, December 27, 2022.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the applicant Michael Cerone, Route 332 MIII Enterprises at Auburn Junction; the applicant's engineer, Ryan Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450; Tom

Danks, BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450; John LeFrois, LeFrois Builders and Developers, 1020 Lehigh Station Road, Henrietta, N.Y. 14467; Tim Ford, Town Highway and Parks Superintendent; David Conti, Town Water and Sewer Superintendent; David Orians, Town Construction Inspector; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

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

Motion carried.

E. Letter of Credit Release: America’s Best Value Inn

■ 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
SURETY RELEASE #1 (FINAL)
AMERICA’S BEST VALUE INN PROJECT, STATE ROUTE 96**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated December 16, 2022, to approve the release of surety (Release #1) for the above referenced project, in the total amount of \$47,978.11; and

WHEREAS, the Town Engineer’s recommendation has been coordinated with Matthew Heilmann, Town Construction Inspector and is based upon the Applicant’s Engineer’s Estimate of Values dated December 15, 2022, for approved site improvements; and

WHEREAS, the Town Department Heads and Town Engineer has signed Forms G-1.1 and G-2.0, Letter of Credit/Surety Release Forms; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board

whether to honor the requested establishment of a 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 Construction Inspector, the Town Engineer and the Town Department Heads, does hereby recommend that the Town Board take formal action to authorize the release of surety (Release #1) on file in the total amount of \$47,978.11 and to direct the Town Clerk to release this surety.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board for their consideration at their meeting on Tuesday, December 27, 2022.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicant, Jaswin Gandhi, America’s Best Value Inn, State Route 96; Tim Ford, Town Highway and Parks Superintendent; David Conti, Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

Mr. Bellis asked if this Surety release is for the main building. Mr. Delpriore said that this Surety release is only for the structure which was constructed to replace the structure which burned several years ago. He said that the renovations and repairs to the existing structures are on different permits and do not affect Letters of Credit or Sureties.

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

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

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

Motion carried.

F. Letter of Credit Release: Reliant Federal Credit Union

■ 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 PARTIAL RELEASE #1
RELIANT FEDERAL CREDIT UNION PROJECT, FARMINGTON COMMONS PLAZA**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated December 20, 2022, to approve a partial release of funds (Release #1) from the Letter of Credit established for the above referenced project, in the total amount of \$135,603.62; and

WHEREAS, the Town Engineer's recommendation has been coordinated with Matthew Heilmann, Town Construction Inspector, and is based upon the Applicant's Engineer's Estimate of Values dated January 10, 2021 for approved site improvements; and

WHEREAS, the Town Department Heads and Town Engineer has signed Forms G-1.1 and G-2.0, Letter of Credit/Surety Release Forms; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested establishment of a 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 Construction Inspector, the Town Engineer, and the Town Department Heads, does hereby recommend that the Town Board take formal action to authorize the requested partial release of funds (Release #1) from the Letter of Credit on file in the total amount of \$135,603.62.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board for their consideration at their meeting on Tuesday, December 27, 2022.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the applicant; the applicant's engineers; Tim Ford, Town Highway and Parks Superintendent; David Conti, Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town

Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

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

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

- There is one remaining easement from Simmons Rockwell for the 2021–2022 Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program grant which was approved earlier this year. The TAP-CMAQ Program is a Federal Highway Administration Program which provides reimbursement of up to 75 percent of project-related costs for non-motorized transportation improvements, with the remaining 25 percent to be provided by the Town. The grant will fund the construction of approximately 17,000 lineal feet of sidewalks and the construction of a pedestrian bridge across Beaver Creek along the south side of County Road 41. The total grant estimate is \$2,214,000. The TAP-CMAQ is a matching grant. The Federal share will be 75 percent (\$1,771,200). The Town share will be 25 percent (\$553,500).

Mr. Brand said that one of the four required easements from Simmons Rockwell was inadvertently submitted without a Notary stamp. He said that this oversight is being corrected.

- A letter has been received from Fisher Associates (December 19, 2022) regarding its review of the proposed mitigation at the intersection of State Route 332 and Mercier Boulevard for the Farmington Market Center, GLN Farmington Realty, and G&A Construction and Development Corporation developments in the vicinity of State Route 332, State Route 96 and Mercier Boulevard. In addition, a response letter to the Fisher Associates information has been received from the New York State Department of Transportation (DOT) (December 20, 2022). Mr. Brand said that the Town staff will meet with each of the three developers separately to review the Fisher Associates and DOT reports.
- The 2022 Report on Comprehensive Plan Implementation Actions for 2023 will be submitted to the Town Operations Committee and to the Town Board at their next

meetings on Tuesday, December 27, 2022. Mr. Brand said that the Town Comprehensive Plan is expected to be amended by the Town Board with this report to satisfy the Plan's requirements for the identification of 2023 implementation actions.

- A Public Hearing on the Power Incentive Zoning Project will be conducted by the Town Board on January 10, 2023, for consideration of a 216-lot single-family for-sale residential subdivision on ±116.7 acres south of Collett Road, and general business and limited industrial uses on ±29.1 acres along State Route 96. Mr. Brand said that the Ontario County Planning Board (OCPB) recommended approval of the application (OCPB Referral #221-2022). He also said that he, Mr. Delpriore, and Zoning Officer John Weidenborner have prepared a list of the proposed uses which they will recommend to the applicant for the limited industrial portion of the development.

Code Enforcement Officer:

Mr. Delpriore said that thus far the only application on the Planning Board agenda on January 4, 2023, will be PB #0101-23: O&L Realty LLC requesting Final Re-Subdivision Plat approval for Section 7A of the Farmbrook Subdivision. The application involves creating Lot #R-528 through Lot #R-573 consisting of various parcel sizes ranging from .167 acres to .303 acres, creating a 2.930-acre lot for the Storm Water Management Easement, and also creating a 4.746-acre lot for the Farmbrook Homeowners Association, all of which are to remain vacant as non-approved building lots requiring site plan approval before any building permits may be issued. The property is located at 1532 through 1582 Alfalfa Crescent and is zoned R-7.2 Planned Subdivision. The Preliminary Re-Subdivision Plat and the State Environmental Quality Review (SEQR) determination were approved by the board on June 15, 2022 (PB #0501-22).

Mr. Delpriore said currently there are no applications scheduled for the Planning Board meeting on January 18, 2023. Mr. Hemminger suggested that the Final Site Plan application for Electric Car Corner could be moved to January 18, 2023, if possible. The Preliminary Site Plan and two Special Use Permits for Electric Car Corner were approved by the Planning Board on October 5, 2022 (PB #0901-22, PB #0902-22 and PB #0903-22).

Mr. Delpriore extended thanks and appreciation to outgoing Farmington Fire Chief Phil Robinson who has represented the fire department through his attendance at Planning Board meetings for the past several years. Mr. Delpriore said that Chief Robinson will be missed in this position and that the communication which he established between the fire department and the Planning Board has been of great value.

Highway and Parks Superintendent:

Mr. Ford said that the Highway Department crews are preparing for a major winter storm which has been forecast for this weekend.

Board Members' Comments:

Mr. Bellis asked about the scheduling of the board's annual Organization Meeting. Mr. Hemminger said that the Organization Meeting would probably be held prior to a regularly schedule board meeting in early 2023.

Mr. Hemminger also discussed the new traffic flow at the Farmington Commons Plaza (Auto Zone Plaza) on the southwest corner of State Route 332 and State Route 96. He said that the lane revisions have resulted in traffic calming measures for motorists and safer conditions for motorists who back out of parking spaces.

7. PUBLIC COMMENTS

None.

8. TRAINING OPPORTUNITIES**■ New York Planning Federation Recorded Webinars:**

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

The Essentials of Planning and Zoning:

Introduction to Planning, Zoning and Land Use
 Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan
 Understanding and Applying SEQRA (NY State Environmental Quality Review Act)
 The What, Why, and How of Site Plan Review
 Common Mistakes and Mishaps in Site Plan Review

Meeting Process and Communication:

Enhancing Transparency Effectiveness in Planning Proceedings
 Innovations and Best Practices for Planning/Zoning Boards
 Engaging Diverse Communities and Dealing with Difficult People
 Working with Elected Officials and Understanding Everyone's Role in Planning
 The Open Meetings Law for Zoning and Planning Boards, Part 2
 Working with Developers to Foster Investment in the Community
 Communication, the Media and Social Media
 Open Government and Planning and Zoning Decision Making

■ General Code e-Code

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

Information:

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

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:
<https://www.co.ontario.ny.us/192/Training>

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:25 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, January 4, 2023, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and also via remote video conference.

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

Respectfully submitted,

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