

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, February 1, 2023 • 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
Aaron Sweeney
Douglas Viets

Staff Present:

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

Attending:

Robert Brenner, Canandaigua Development Corporation, LLC, 83 S. Main Street,
Canandaigua, N.Y. 14424
Ryan T. Destro, P.E., BME Associates, 10 Liftbridge Lane East, Fairport, N.Y. 14450
John Gabriele, Marina Chrysler Dodge Jeep, 943 Ridge Road, Webster, N.Y. 14580
Michael E. Hanscom, P.E., Senior Civil Engineer, Lu Engineers, 339 East Avenue, Suite 200,
Rochester, N.Y. 14604
John Iannone, Auto Outlets USA Inc., 5763 Duke of Gloucester Way, Farmington, N.Y. 14425
Katie Seton, Auto Outlets USA Inc., 5763 Duke of Gloucester Way, 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 4, 2023.

2. APPROVAL OF MINUTES—JANUARY 4, 2023

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, that the minutes of the January 4, 2023, meeting be approved.

Motion carried by voice vote. Mr. Viets abstained due to his absence from the meeting on January 4, 2023.

APPROVAL OF MINUTES—JANUARY 18, 2023

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the minutes of the January 18, 2023, meeting be approved.

Motion carried by voice vote. Mr. Bellis and Mr. Sweeney abstained due to their absences from the meeting on January 18, 2023.

3. LEGAL NOTICE

None.

4. NEW FINAL SITE PLAN

PB #0204-23 New Final Site Plan Application

Name: Electric Car Corner, 5763 Duke of Gloucester Way, Farmington, N.Y. 14425

Location: 6162 New York State Route 96

Zoning District: GB General Business, MTOD Major Thoroughfare Overlay District, MTOD Main Street Overlay District

Request: Final Site Plan approval for site and building improvements to be used for offices, sales floor and for vehicle maintenance repairs.

On October 5, 2022, the Preliminary Site Plan (PB #0901-22), a Special Use Permit for the Sales of New and Used Vehicles (PB #0902-22) and a Special Use Permit for a Vehicle Maintenance Shop (PB #0903-22) were approved with conditions for this project by the Planning Board.

Mr. Gabrielle, Mr. Iannone and Ms. Seton (Auto Outlets USA); and Mr. Hanscom (Lu Engineers) presented this application.

Mr. Hemminger said that the Town Attorney advised late this afternoon that the Planning Board cannot act upon this application this evening. Mr. Hemminger then requested that Mr. Delpriore explain the Town Attorney's determination.

Mr. Delpriore said that he met with the Town Attorney and that the existing mobile home which is located in the northern corner of the applicant's property remains a non-conforming use, and as such prevents the Planning Board from taking action upon the application until a resolution of this issue has been reached. Mr. Delpriore said that the Town Attorney also said that the plan note on the Final Site Plan drawing [regarding the mobile home] does not remove the non-conformance. Mr. Delpriore suggested that either the mobile home could be moved off from the applicant's property or the applicant could submit a lot line adjustment [to remove this portion of the property from the applicant's ownership]. He said that nothing regarding this mobile home is to be shown on the site plan.

Mr. Hemminger also suggested that the mobile home be moved [off the applicant's property] or that a lot line adjustment be considered, followed by the submission of an updated Final Site Plan application package without reference to the mobile home.

Mr. Hemminger said that the Planning Board would be able to consider the Final Site Plan application upon the resolution of the issue of this mobile home. Mr. Hemminger said that he just learned about the Town Attorney's determination this afternoon and that he has the impression that the applicant's attorney has not discussed this with the Town Attorney. He said that as a result the board is "stuck" and can take no action this evening. Mr. Hemminger said that the applicant would not want the board to consider an illegal or an improper application when advised by the Town Attorney [against moving forward with a non-conforming use on the property].

Mr. Hemminger said that he, however, would like to go forward with the discussion of the Final Site Plan application and the draft resolution this evening to enable the applicant and his engineer to hear the board's comments. He said that he expects that the Planning Board could move quickly [on the Final Site Plan application] following the Town Attorney's approval of the resolution of the mobile home issue.

Mr. Gabriele said that they met with the [mobile home] property owner and that they have an agreement with him to carve out the little snippet [of land] for the mobile home and to adjust the lot line. He said that this was in the prior Preliminary Site Plan approval and that it was noted that they would have a year to work it out with the current property owner.

Mr. Hemminger again said that the Planning Board cannot take action upon this application this evening upon the advice of the Town Attorney.

Mr. Hemminger said that he would like to have a discussion this evening about the Final Site Plan and the proposed conditions of Final Site Plan approval. He said that he is trying to give you [the applicant] the best of a bad situation and that all you [the applicant] has to do is complete the lot line adjustment and submit a revised Final Site Plan application package with no reference to the existing mobile home.

Mr. Hanscom asked about the “other conditons” to which Mr. Hemminger referred.

Mr. Hemminger referred to the conditions of approval on the draft resolution, which Mr. Hanscom said that they received [prior to the meeting]. Mr. Hemminger also said that, among other items, the board requires the details on the electric charging stations, additional details and the dimensions of the transformers, and the details about the landscaping around the transformer station.

Mr. Hanscom said that the landscaping around the transformers is shown [on the Final Site Plan drawings]. Mr. Hemminger said that these materials do not show the actual size of the transformer or transformers.

Mr. Hemminger said that the board would like to know the size and number of the transformers [to be installed]. He said that these are the types of things that the board will “hit on” in addition to the draft conditions of Final Site Plan approval.

Mr. Brand said that a draft resolution had been distributed and posted on the Town’s website.

Mr. Delpriore and Mr. Ford had no additional comments at this time.

Mr. Brabant confirmed that MRB Group issued an engineering comment letter on the Final Site Plan on January 25, 2023. He apologized that this letter was mislabeled as “Preliminary Site Plan” in the header of the letter. Mr. Brabant said that most of the comments regarded the request for clarification on compliance with the Major Thoroughfare Overlay District (MTOD) and the Main Street Overlay District (MSOD) requirements which include the calipers, species and planting of street trees; berms; site furniture; and steel trash receptacles *see* MRB Group letter in the project file). Mr. Brabant said that the applicant is also required to enter into a Town of Farmington Stormwater Maintenance Agreement.

Mr. Hemminger said that compliance with the MTOD and MSOD requirements was also one of the board’s questions for the Town staff—that is, if the Final Site Plan meets these requirements.

Mr. Delpriore said that the proposed landscaping still needs to be reviewed by the board but all the other items (light poles, sidewalks, trash receptacles, benches, etc.) are there.

Mr. Brabant asked if the development of the applicant's second lot is included in the Final Site Plan [which is under consideration this evening]. He said that only the lights and the sidewalk on the second lot are depicted upon the plans. Mr. Hanscom said that the development of the second lot is not part of this evening's Final Site Plan and that these details have been shown on this evening's plans just for illustrative purposes.

Mr. Brabant then said that the portion of the applicant's entrance [off from State Route 96] meets the Town's MTOD and MSOD requirements and that he agrees with the Town staff [on this compliance].

Mr. DeLucia referred to a question which he submitted to the Town staff prior to this evening's meeting regarding the two concrete pads for vehicle display near the State Route 96 frontage of the property. He asked how vehicles were going to be placed upon these pads and said that he did not see any type of driveway leading to the pads. Mr. DeLucia said that this led him to think that the vehicles would be driven over the grass or over the sidewalk along State Route 96. Mr. Iannone responded via email prior to the meeting that vehicles will be driven over the grass to the concrete display pads. He said that they did not want pavement leading to the pads because aesthetically the pavement would detract from the streetscape.

Mr. DeLucia said that he likes the proposed installation of patio blocks nearer to the building to which vehicles could be driven for display. He questioned when [during the year] that vehicles could be driven on the grass for display on the concrete pads without damage to the lawn area.

Ms. Seton said that they have owned the property since June, that the property is rock hard, and that it is not a wet zone.

Mr. DeLucia said that he is not a fan of the concrete pads.

Mr. Gabriele said that the Town requested the concrete display pads. He said that they have to do something to display their vehicles.

Mr. Iannone said that they are already mowing half of what Advent Automotive owns, that they have a very small [road] frontage [along State Route 96], and that they have to do something for the display of vehicles. He said that perhaps the charging stations "should go" to provide room for the display of vehicles. He said that they are just trying to run a business.

Mr. Gabriele said that if the charging stations are going to be that big of a problem, then they will not put them in.

Mr. Iannone said that they are sacrificing their small frontage for the public—not for them—with a sidewalk which will run from the charging stations to their dealership so the public can use their lavatories and drink coffee. He said that they agreed to this. But Mr. Iannone said that at some point they are at the end of the road.

Mr. Gabriele said that the charging stations are for the betterment of your [the Farmington] community, and that they will be right in the middle of the main thoroughfare—the calling card for the Town. He said that he thinks that these [charging stations] are something that the Town would want to have.

Mr. Hemminger said that no one has said that they do not want the charging stations, but that this does not mean that the board is unaware of the [application review] process to understand the charging stations and the landscaping around them. He said that the board and the Town staff are treating the applicants no differently than any other applicants, and that the board tries to do its best on every single application. Mr. Hemminger said that each application is taken on its own merits, and that the Town is not being hard on you [the applicant].

Mr. Gabriele said that they have property in many other towns and that they have never been dragged out this long by a Planning Board. Never. Mr. Hemminger said that he was sorry to hear that.

Mr. Viets said that landscaping around the transformers has been a concern from the beginning. He said that the transformers may be more than six feet high and the landscape grasses which have been proposed would not adequately screen them. Mr. Hanscom said that RG&E has recently provided the applicant with the details on the single transformer that they [RG&E] want. He said that some additional details have been provided by RG&E and by the contractor [who will install the transformer]. He said that these details regarding the installation by RG&E and others will be provided.

Mr. Viets said that he is looking for compliance with the screening requirements in the MTOD. He said that the board needs to know the height of the proposed landscaping so that the board members can judge compliance of the proposed landscaping with the MTOD requirements. He said that the landscaping could also be fence, and that all he is looking for is for the adequate screening of the transformer.

Mr. Viets also asked about about the installation of curbing protection or bollards around the charging stations. Mr. Gabriele requested that the board look at the landscaping at his dealership in the Town of Webster, N.Y. He said that he is the posterchild for landscaping in Webster and that you [Farmington] will not have a problem with them regarding landscaping.

Regarding bollards, Mr. Gabriele said that there is a code which must be followed for their installation and that there will be four bollards at each charging station and around the panel boxes. He also said that one charging station must be handicapped accessible, which is noted on the plans. Mr. Gabriele said that each charging station is about 85 amps, and that a 600- to 800-amp service will be required.

Mr. Gabriele said that the charging station contractor (Salvatore Valle, Principal Partner/Owner, ChargeSmart EV, Webster, N.Y. 14580) came before the board [on September 21, 2022, to discuss financial incentives for the installation of charging stations and the charging procedure] (*see* Planning Board minutes, September 21, 2022, p. 7). Mr. Viets and Mr. Hem-

minger said that Mr. Valle displayed examples of the charging stations but did not provide additional details.

Mr. Hemminger said that everything must be depicted upon the plans, including those items and landscaping which will be installed by others, and including the details and the locations of the charging stations and the landscaping. He said that the board and the Town staff must have all this information, and that landscaping will be a big issue [with the board].

Mr. Viets said that the display of vehicles must be discussed. Mr. Delpriore said that Special Use Permits and the Preliminary Site Plan applications included information about the display of vehicles at the board's request to provide the Town staff with information for use on the regulation and compliance of the displays [with the approved resolutions]. Mr. Delpriore said that this is how the concrete pads came about.

Mr. Bellis requested that the height, width and screening of the transformers must be provided. He said that he is comfortable with the installation of the two vehicle display concrete pads although he would rather see the grass.

Mr. Sweeney said that he would like to see the removal of the three or four debris soil piles in the rear of the property. Mr. Iannone said that they have been requested by the Town to leave them in place for now [until the Final Site Plan is approved]. Mr. Iannone said that they view them as eyesores, as well.

Mr. Hemminger said that the gravel parking area, as noted on the drawing, must be dust free. Mr. Hanscom said that this is called out on the plans. Mr. Hemminger said that he would like to have these areas labeled as "dust free" instead of "gravel." Mr. Hanscom said that "gravel" describes the existing areas on the site and that the Final Site Plan call out these areas as "dust free."

Mr. Hemminger also said that he would like to know the heights and sizes of the transformers. He also requested that a landscaping maintenance plan be submitted for the purpose of Town staff enforcement of the approved plans and resolutions.

Mr. Hemminger said that the purpose of this evening's discussion is to provide feedback from the Town staff and the board to the applicant. He said that the updated Final Site Plan should proceed easily following the resolution of the mobile home issue.

Mr. Hemminger asked the applicants if they had any questions on the conditions in the draft Final Site Plan resolution.

Mr. Hanscom asked about lighting contours. Mr. Hemminger also asked about signage and advertising on the charging stations, and that he is aware that these could be installed by second or third parties.

Mr. Viets asked if Mr. Hanscom was speaking about photometrics or lighting contours. Mr. Hanscom said that a supplemental page of photometrics has been provided by their lighting

contractor. Mr. Brabant said that he must verify that there will be no dark spots or light spill onto adjacent properties. Mr. Hanscom said that the lighting contours have been supplied by their lighting supplier. Mr. Viets said that spot elevations shown are fine. Mr. Brabant said that MRB Group must document that this complies with the Town Code. He referred to Engineering Comment #8 in the MRB Group comment letter of January 25, 2023, i.e.:

- 8. The lighting plan is to be revised to show true photometric contours at the following FC intervals: 0.5, 1, 2, 5, and 10. The lighting plan should also include sufficient analysis to demonstrate compliance with the uniformity requirements within the Town of Farmington Town Code.

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

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, that the application of Electric Car Corner, 5763 Duke of Gloucester Way, Farmington, N.Y. 14425; requesting Final Site Plan approval for 6162 State Route 332 for site and building improvements to be used for offices, sales floor, and for vehicle maintenance and repairs, be continued to an unspecified date pending the receipt of a completed application which will address the legal issue of the existing mobile home on the applicant’s property to the satisfaction of the Town Attorney and the Town Code Enforcement Officer.

Motion carried by voice vote.

5. BOARD ACTIONS

A. Power Property Incentive Zoning Project:

Name: Canandaigua Development Corporation LLC,
c/o Brian Mahoney, Robert Brenner,
28 South Main Street, Canandaigua, N.Y. 14424

Location: North side of State Route 96, east of the Fairdale Glen
Townhomes, west of County Road 8

Zoning Districts: Limited Industrial (LI), Residential–Suburban (RS-25)

Request: Supplemental Planning Board Report and Recommendation
to the Town Board regarding the rezoning of the property to
Incentive Zoning (IZ) to construct a 216-lot single-family
for-sale residential subdivision on ±145.8 acres and General
Business and Limited Industrial uses on ±29.1 acres located
along State Route 96

This application was reviewed by the Project Review Committee on June 2, 2022; November 10, 2022; December 1, 2022; and January 5, 2023.

On October 11, 2022, this application was presented to the Town Board which requested a Report and Recommendation from the Planning Board (Town Board Resolution #401-2022).

On November 2, 2022, the Planning Board received the concept plan and approved (with amendment) a Report and Recommendation to the Town Board (*see* Planning Board minutes, November 2, 2022, pp. 2–24).

On January 18, 2023, the applicant submitted a revised concept plan which depicted the buildable footprints of the prospective Limited Industrial uses along the State Route 96 corridor, as requested by the Planning Board during the initial concept presentation on November 2, 2022.

Mr. Destro (BME Associates) and Mr. Brenner (Canandaigua Development Corporation LLC) presented this application.

Prior to the meeting this evening, the Town staff submitted a draft Supplemental Planning Board Report and Recommendation to the applicants, to their engineer and to the Planning Board members. Mr. Destro acknowledged receipt of the draft supplemental report. He said that the proposed commercial buildings along the State Route 96 corridor will have access directly off the dedicated interior subdivision road and will not have access off from State Route 96.

Mr. Destro said that he had offered several amendments to the draft supplemental report which were reviewed by Mr. Brand and Mr. Hemminger this afternoon, and which were then distributed to the Planning Board members and the Town staff prior to the meeting this evening.

Mr. Sweeney said that he had no issues with the supplemental report and that the property along the State Route 96 frontage looks better in the manner in which it is now proposed.

Mr. Bellis said that his concerns are with the sizes of the proposed commercial buildings and the traffic, but that at this time the applicant does not have specific tenants and that the plans are just showing the maximum concepts at this stage.

Mr. Viets and Mr. DeLucia had no comments or questions at this time.

Mr. Hemminger requested that the applicants take the needs of future tenants into consideration when designing the locations of entrances and exits, and when planning for vehicle parking. He suggested that land-banked parking areas be considered for the long-term uses of the buildings in which tenants may change over the years.

Mr. Bellis said that vehicle stacking does not seem to be deep enough as shown on the drawing and that he understands that obviously this will depend upon the tenants.

Mr. Sweeney asked about the use of the wedge of the applicant's property which is north of the railroad tracks [between the railroad tracks and Collett Road]. Mr. Destro said that there is nothing planned for this small area and that it is to be left as it is.

There were no additional comments or questions on the Amended Supplemental Report and Recommendation to the Town Board this evening.

■ A motion was made MR. VIETS, seconded by MR. SWEENEY, that the reading of the following Amended Supplemental Planning Board Report and Recommendation to the Town Board be waived and that the Amended Supplemental Planning Board Report and Recommendation to the Town Board be approved:

TO: Farmington Town Board

FROM: Edward Hemminger, Chairperson
Farmington Planning Board

DATE: February 1, 2023

RE: Amended Supplemental Report and Recommendation upon the requested rezoning of Tax Map Parcels Nos. 29.00-02-13.1 and 29.00-02-14.0, located along the north side of State Route 96, south of Collett Road and west of County Road 8, from RS-25 Residential Suburban and LI Limited Industrial to IZ Incentive Zoning for the Power's IZ Incentive Zoning Project.

The Town Board, at its meeting on January 10, 2023, adopted Resolution No. 51 of 2023, which requested a supplemental report and recommendation on the amended Overall Concept Plan that was submitted that evening which shows conceptual designs for three (3) proposed parcels of land (Parcels A, B and C) located within the existing LI Limited Industrial District and the MTOD Major Thoroughfare Overlay District portions of the proposed overall incentive rezoning site.

The Town Planning Board, at their meeting held on Wednesday, January 18, 2023, received the amended overall concept plan drawing prepared by BME Associates, which has a revision date of 1/6/23. The revisions made to the drawing identify conceptual designs for three (3) parcels of land identified as Parcels A, B and C that are to be located within the proposed commercial/limited industrial development portion of the overall incentive zoning site. These three (3) proposed parcels of land front along the north side of State Route 96. Access to these three (3) parcels is identified as being provided by two (2) proposed Town highways, currently identified on the drawing as "Proposed Dedicated Roads A & B."

Proposed Parcel A is showing one building having a total of 30,000 square feet in building area located on the site containing a total of 2.7 acres of developable land. Proposed Parcel B, containing a total of 1.9 developable acres, is showing two buildings, one having a total of 10,000 square feet in building area and the other one having a total of 7,000 square feet in building area, for a total of 17,000 square feet in building area. Proposed Parcel C, contains a total of .4 acres of developable land, is showing one building having a total of 3,000 square feet.

Proposed List of Allowed Uses within the LI/MTOD Portion of the Overall Site

In addition to the Town Board's referral identified above, the Planning Board requested and has received from the Town Director of Planning and Development, the following list of identified uses to be allowed within the LI/MTOD portion of the overall site that are now being proposed for the Developable Areas of Parcels A, B and C:

1. Business, professional and executive offices, including but not limited to offices for attorneys, architects, engineers, surveyors and accountants, real estate and insurance agents and salespersons, but not including retail sales, manufacturing or servicing of merchandise of any kind on the premises.
2. Uses for the treatment and care of human beings, including but not limited to medical and dental offices and clinics for physicians, osteopaths, dentists, chiropractors, chiropodists, podiatrists, opticians, optometrists and ophthalmologists, all excluding any overnight occupancy or overnight care.
3. Banks and lending institutions. Banks are permitted to have drive-in tellers if at least five (5) reservoir spaces are provided for each drive-in teller's window.
4. Artists of performing arts studio, photography studio, including the sale or rental of photographic supplies or equipment.
5. Public or private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA.
6. Barbershops, beauty shops, hair salons and other personal service shops or uses.
7. Nursery schools or day-care centers or similar uses.
8. Bakery, confectionery, delicatessen and the like, provided that products prepared or processed on the premises shall be sold only at retail and only at the premises.

9. Drugstore.
10. Restaurants, including fast-food with drive through service.
11. Boutiques and specialty retail shops, including but not limited to bookstores, florists, card or gift shops, candy stores, secondhand-clothing stores, stationery stores and arts and crafts stores.
12. Convenience-type food stores, including self-service energy sources (e.g., electric charging stations and/or petroleum stations, excluding motor vehicle repairs and services.
13. Laundry and dry-cleaning establishments, including self-service.
14. Liquor stores.
15. Custom dressmaking, millinery, hemstitching, pleating, weaving or mending services, shoe repair and tailor shops.
16. Retail sales, including but not limited to drugstores and pharmacies, clothing and shoe stores, hardware stores, furniture and home appliance stores
17. Furniture repair shops and upholstery shops.
18. Tennis or racquetball clubs, health clubs.
19. Car washes, provided that no entrance or exit drive shall be located within 100 feet of any street intersection, and provided that there are at least 15 reservoir spaces as defined herein for the first wash rack or wash lane and 10 reservoir spaces for each additional wash rack or wash lane, with a maximum number of reservoir spaces needed not to exceed 40 spaces.
20. Commercial greenhouse or plant nursery or similar commercial agricultural uses.
21. Mini-warehouse structures, subject further to the provisions of § **165-84.1** of this chapter.
22. Research and development laboratories.
23. Commercial Plaza

The Planning Board, now having reviewed the proposed amended Concept Plan and the current list of proposed Allowed Uses within the LI/MTOD portion of the Power's Incentive Zoning Site, provides this supplemental report and recommendations to the Town Board as requested.

Report

The Planning Board's review, report and recommendations are limited to the conceptual designs for the three (3) proposed Parcels A, B, and C identified above herein. This supplemental report is to the original Report and Recommendation provided the Town Board on November 8, 2022.

Previously, we requested the net buildable areas outside the delineated protected freshwater wetland buffer area should be provided, as this will help determine the maximum number of sites that could be developed within the buildable areas allowed by the applicant's proposed 25,000 square foot minimum lot size, their minimum proposed lot width of 100 feet, their minimum proposed front setback of 50 feet from "Proposed Dedicated Roads A & B," their proposed minimum front setback from State Route 96 of 70 feet, and their proposed side setbacks of 30 feet. The Planning Board further requested that the maximum site coverage for each of these proposed lots should be identified and included as part of any Town Board resolution for the incentive rezoning requested.

There are two proposed (2) intersections ("Proposed Dedicated Roads A & B") with State Route 96. At the present time there has been no discussion whether one or both would eventually become signalized. The separation between these two intersections appears to be within the spacing regulations contained within §165-34 J. Driveway standards, Table 1, Major Thoroughfare Overlay District regulations, Chapter 165 of the Farmington Town Code. At this time the New York State Department of Transportation has not received any plans or highway work permit applications for the construction of these two intersecting proposed Town Roads with State Route 96.

The minimum lot size for the LI District is 60,000 square feet. The applicants are requesting minimum lot sizes for the LI District portion to be 25,000 square feet in area. Access to these three (3) proposed parcels is shown from the "Proposed Dedicated Roads A & B." The applicants are proposing a front setback of fifty (50) feet from the "Proposed Dedicated Roads A & B." The minimum front setback within the LI District is eighty (80) feet. However, the minimum front setback from an access road [which "Proposed Dedicated Roads A&B" are classified as] is fifty (50) feet [§165-34 G.] (2); and the applicants are proposing a front setback for all three (3) proposed parcels (A,B,&C) from State Route 96 of seventy (70) feet which is allowed [§165-34 G. (3)] when a site is located within the mapped MTOD. The applicants are proposing side yard setbacks of thirty (30) feet for all three (3) parcels which is allowed [§165-34 G. (1)] when a site is located within the mapped MTOD.

Recommended Additional Conditions of Rezoning Approval

It is noted here that once the 100-foot freshwater wetland buffer area has been delineated on the next set of overall preliminary site plan and preliminary subdivision plat drawings, the boundaries of the Developable Areas of these conceptual layouts currently shown may be further altered. Therefore, at this time, the Town Board may want to consider a condition of the proposed rezoning to include that the maximum square footage for buildings located within this portion of the overall incentive zoning site shall not exceed 50,000 square feet in area, provided further that all other site related requirements to be approved by the Town Planning Board can be accomplished within the Developable Area portions of the three parcels.

The Planning Board, as part of its Preliminary Overall Site Plan and Preliminary Subdivision Plat applications, will encourage the applicants to consolidate, to extent practical, the individual stormwater facilities for each of these three parcels of land.

There are several proposed permitted uses which have been listed for the LI/MTOD parcels (A, B and C) that have different required numbers of off-street parking spaces. These regulations are listed within §165-37 Off-street parking and loading, a part of Chapter 165 of the Farmington Town Code. The Planning Board has discussed these off-street parking requirements with the Town Code Enforcement Officer and find that many of the off-street parking regulations listed in the Town Code are outdated and in need of amendments to comply with the State's Uniform Code Regulations. Therefore, the Planning Board recommends that the off-street parking requirements for the LI/MTOD portion of the Power's Incentive Zoning Project be based upon the more recent Uniform Code Regulations.

Below are the recommended conditions of approval for each of the three (3) identified parcels of land.

Parcel A Recommendations

The applicants are proposing that the developable area for Parcel A is +/- 2.7 acres of land or 117,612 square feet. They are proposing one (1) 30,000 square foot building with related on-site parking. As such, the Planning Board feels that the balance of the site will likely be needed for other on-site improvements (e.g., stormwater facility, landscaping, freshwater wetland buffer area setbacks, etc.). The Planning Board, therefore, has no initial concern with the proposed design for Parcel A.

The Planning Board also recommends the Town Board impose the following three (3) conditions upon the incentive rezoning for Parcel A of this proposed project: (1) prohibit driveway access for Parcel A from having direct access to New York State Route 96; (2) require that the driveway entrance to Parcel A be based on the

recommendations of the associated traffic impact study, the estimated peak hour trips for the associated use, and compliance with Table 1 Minimum Driveway Spacing Standards, § 165-34 J. of the Farmington Town Code; and (3) that the Town Board resolution approving the requested rezoning specifies that there shall be a maximum of 30,000 square feet of building(s) allowed within the Developable Area on Parcel A unless the delineation of the freshwater wetlands buffer area or the site layout based on the use allows for a larger Developable Area.

Parcel B Recommendations

The applicants are proposing that the Developable Area for Parcel B is 1.9 acres of land or 82,764 square feet. They are proposing two buildings on two sites, both located within the Developable Area of Parcel B. One of the building sites is located along the east side of Proposed Dedicated Road A and the drawing identifies a 10,000 square foot building with related on-site parking. The other proposed building site for Parcel B is a 7,000 square foot building with related on-site parking. The total proposed square footprint for these two buildings is 17,000 square feet.

The Planning Board feels that the balance of the Developable Area for Parcel B will likely be needed for other on-site improvements (e.g. stormwater facility, landscaping, freshwater wetland buffer area setbacks, etc.). The Planning Board, therefore, has no initial concern with the proposed design for Parcel B.

Access to this parcel is proposed from the Proposed Dedicated Roads A & B. The applicant is proposing a minimum front setback of fifty (50) feet from these two proposed roads. The minimum front setback within the LI District is eighty (80) feet. However, the minimum front setback from an access road [which Proposed Dedicated Roads A & B are classified] is fifty (50) feet [§165-34 G.] (2); and the applicant is proposing a front setback from State Route 96 of seventy (70) feet which is allowed [§165-34 G. (3)] when a site is located within the mapped MTOD.

The Planning Board requests the Town Board impose the following three (3) conditions upon the incentive rezoning for Parcel B of this proposed project: (1) prohibit driveway access from having direct access to New York State Route 96; (2) require that the driveway entrance to Parcel B be based on the recommendations of the associated traffic impact study, the estimated peak hour trips for the associated use, and compliance with Table 1 Minimum Driveway Spacing Standards, § 165-34 J. of the Farmington Town Code; and (3) that the Town Board Resolution approving the requested rezoning specifies that there shall be a maximum total of 17,000 square feet of building(s) allowed within the Developable Area on Parcel B unless the delineation of the freshwater wetlands buffer or the site layout based on the use area allows for a larger Developable Area.

Parcel C Recommendations

The applicants are proposing that the developable lot area for Parcel C is 0.4 acres of land or 17,424 square feet. They are proposing one (1) 3,000 square foot building with related on-site parking. This developable area of Parcel C will likely also need other on-site improvements (e.g., stormwater facility, landscaping, freshwater wetland buffer area setbacks, etc.). The Planning Board, therefore, will need to further evaluate development of Parcel C as part of the Overall Preliminary Site Plan and Subdivision Plat map that are to be prepared and approved as part of the next steps in the rezoning process.

Access to this parcel is proposed only from the Proposed Dedicated Road B. The applicant is proposing a front setback of fifty (50) feet from Proposed Dedicated Road B. The minimum front setback from an access road [which Proposed Dedicated Road B is classified] is fifty (50) feet [§165-34 G.] (2); and the applicant is proposing a front setback from State Route 96 of seventy (70) feet which is allowed [§165-34 G. (3)] when a site is located within the mapped MTOD.

The Planning Board requests the Town Board impose the following three (3) conditions upon the incentive rezoning for Parcel C of this proposed project: (1) prohibit driveway access from having direct access to New York State Route 96; (2) require that the driveway entrance to Parcel C be spaced based on the recommendations of the associated traffic impact study, the estimated peak hour trips for the associated use when it is proposed, and compliance with Table 1 Minimum Driveway Spacing Standards, § 165.34 J. of the Farmington Town Code; and (3) that the Town Board Resolution approving the requested rezoning specifies that there shall be not more than 3,000 square feet building allowed on Parcel C unless the delineation of the freshwater wetlands buffer area or the site layout based on the use allows for a larger buildable area.

Finally, the Planning Board gives notice that the ultimate design of what is proposed on the Concept Plan, to be two (2) intersections [Proposed Dedicated Roads A & B] with State Route 96, may be subject to further amendments by the State Department of Transportation as part of their review under the State Environmental Quality Review Act. The results of a Traffic Impact Statement, that will be required as part of the next steps in the incentive zoning process after the Town Board's conditional approval of rezoning, may alter the location(s) of the "Proposed Dedicated Roads A & B" intersection with State Route 96.

The Planning Board appreciates the Town Board's request for this supplemental report, and we trust that our recommendations will be helpful in their decision making on this requested incentive rezoning. Should the Board need any further information, please do not hesitate to contact me directly.

Edward Hemminger, Chairperson
Town of Farmington Planning Board

EH:btb

cc: Farmington Town Board, c/o Supervisor Peter Ingalsbe
 Farmington Planning Board
 Farmington Town Clerk
 Farmington Town Assessor
 Farmington Highway and Parks Superintendent
 Farmington Water and Sewer Superintendent
 Farmington Code Enforcement Officer
 Farmington Construction Inspector
 Farmington Director of Planning and Development
 Farmington Town Engineers, MRB Group, D.P.C.
 Ryan T. Destro, P.E., BME Associates
 Robert J. Brenner, Partner, Canandaigua Development Company LLC
 Brian W. Mahoney, Partner, Canandaigua Development Company LLC

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

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

Motion carried.

B. Letter of Credit Release: Monarch Manor Subdivision, Section 2, Partial Letter of Release #2:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 LETTER OF CREDIT—PARTIAL RELEASE #2
 MONARCH MANOR SECTION 2, INCENTIVE ZONING 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 January 24, 2023, to approve the partial release of funds (Release #2) from the established Letter of Credit for the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the signed Letter of Credit Partial Release Form (G-1.1); and the signed Letter of Credit Release Form (G-2.0); and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested final release of funds from the established Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector, Town department heads and the Town Engineers, does hereby recommend that the Town Board take formal action to approve of the request for the second partial release of funds from the established letter of credit in the total amount of \$99,186.94.

BE IT FURTHER RESOLVED that the Town Supervisor is to sign the above referenced Town Letter of Credit Release Form (G-2.0) upon the Town Board’s authorization on February 14, 2023.

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, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Drive, Fairport, N.Y. 14450; Walt Baker, D.S.B. Engineers & Architects, P.C., 2394 Ridgeway Avenue, Rochester, N.Y. 14626; 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 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. Letter of Credit Release: Auburn Meadows Subdivision, Section 8S, Partial Letter of Release #2:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT—PARTIAL RELEASE #2
AUBURN MEADOWS SUBDIVISION, SECTION 8S**

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 January 24, 2023, to recommend a partial release of funds (Release #2) from the Letter of Credit for the above referenced project, in the total amount of \$503,391.39; 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 June 28, 2022, for approved site improvements to be dedicated to the Town; 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 partial release of funds (Release #2) 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 Construction Inspector and the Town Engineer, does hereby recommend that the Town Board take formal action to authorize the requested partial release (Release #2) from the Letter of Credit in the total amount of \$ 503,391.39.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board and 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; the Applicant, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Drive, Fairport, N.Y. 14450; the Applicant’s Engineer, Walter Baker, DSB Engineers, 2349 Ridge-way Avenue, Rochester, N.Y. 14626; Frank Affronti, 104 Contractors, 536 New York Route 104, Ontario, N.Y. 14519; 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 & Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye

Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

D. Letter of Credit Establishment: Hathaway’s Corners Incentive Zoning Project: Phase 2A

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
RECOMMENDATION TO ESTABLISH A LETTER OF CREDIT
HATHAWAY’S CORNERS INCENTIVE ZONING PROJECT—PHASE 2A**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, P.C., the Town Engineers, dated January 30, 2023, to recommend approval of a Letter of Credit for site improvements within the above referenced Project; and

WHEREAS, the Planning Board has reviewed the above referenced letter and the attached Applicant’s Engineer’s Estimate of Value for certain site improvements to be dedicated to the Town of Farmington; 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.

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 Engineer, does hereby recommend that the Town Board take formal action to accept and recommend the filing of a letter of credit, in the Town Clerk’s Office, in the total amount of \$1,981,320.31 for this phase of the above referenced Project.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to the Applicant, the Applicant’s Engineer and the Applicant’s Contractor, the Town Code Enforcement Officer, the Town Construction Inspector and the Town Engineer.

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

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

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported on the following topics:

- The Town staff is continuing to work with the applicants of the GLN Farmington Realty, the Farmington Commons, and the Farmington Market Center projects on the cost of signalization. The staff is currently awaiting feedback from the owner of the Farmington Market Center.
- Amended drawings have been received for Lot #4 of the Loomis Road Industrial Park which has been proposed on the north side of Loomis Road. The Special Use Permit was approved by the Planning Board on August 17, 2022 (PB #0804-21). The Preliminary Site Plan was approved on September 7, 2022 (PB #0703-21).
- Preliminary Site Plan drawings have been submitted the Western New York Commercial Flex-Space/Storage Facility (formerly known as Hunt's Park Flex Space Storage), which has been proposed for a parcel of land near the corner of State Route 332 and Loomis Road.
- Mr. Brand and Mr. Delpriore will meet next week with representatives from the Ontario County tourism office to discuss Airbnb accommodations. (Airbnb Inc. is an American San Francisco-based company operating an online marketplace for short-term homestays and experiences. The company acts as a broker and charges a commission for each booking. The company was founded in 2008.)

Code Enforcement Officer:

Mr. Delpriore said that the Preliminary Site Plan for the Western New York Commercial Flex-Space/Storage Facility will be on the Planning Board agenda on February 15, 2023. The applicant proposes to construct two 10,000-square-foot single-story flex-space commercial buildings. Each building will consist of nine rental units of 1,111 square feet each having their own overhead door, fire alarm, dry sprinkler fire protection, gas, electric, mop sink, hand sink and bathroom for tenant occupancy.

Mr. Delpriore also reported that the applicant of Lot #4 of the proposed Loomis Road Industrial Park is expected to submit a formal request letter to seek an extension of the Preliminary Site Plan approval of September 7, 2022. Mr. Delpriore said that the extension request is expected to come with just cause and hopefully would be the last extension prior to the signing of the Preliminary Site Plan drawings.

Highway and Parks Superintendent:

Mr. Ford said that work continues on building demolition and preparation for the installation of new playground equipment.

Town Engineer:

Mr. Brabant said that MRB Group plans to submit Site Design Criteria updates to the Town staff later this week or next week for review, prior to adoption by the Town Board. He also said that updates to the Municipal Separate Storm Sewer System (MS4) manual, which has not been amended since 2019, are also in progress.

Mr. Brabant then referred to the 2023 Monthly Municipal Boot Camp Program presented by MRB Group and Hancock and Estabrook. (*See the remaining schedule of free training programs for 2023 on p. 23.*)

Board Members' Comments:

Mr. Hemminger said that he forwarded social media-posted photographs of damage to solar panels from a hailstorm to Mr. Delpriore, Mr. Brand and Supervisor Ingalsbe. Mr. Hemminger also said that he viewed a report from local meteorologist Kevin Williams that a solar farm in Pittsford, N.Y., had a recent 94 percent unavailable rate.

7. PUBLIC COMMENTS

None.

8. TRAINING OPPORTUNITIES

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

For information: (518) 512-5270 or 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>

■ **4th Thursday 2023 Monthly Municipal Boot Camp Program
Presented by MRB Group, and Hancock and Estabrook**

<https://register.gotowebinar.com/register/5013248983683015766>

Thursday, February 23, 2023, 6 p.m. to 7 p.m.:

The Roles of Planning and Zoning Board in Development Process

Thursday, March 23, 2023, 6 p.m. to 7 p.m.: Managing Development of Solar Projects

Thursday, April 27, 2023, 6 p.m. to 7 p.m.: State Environmental Quality Review—SEQR

Thursday, May 25, 2023, 6 p.m. to 7 p.m.: Financing Your Future

Thursday, June 22, 2023, 6 p.m. to 7 p.m.: Specialized Zoning Tools

Thursday, July 27, 2023, 6 p.m. to 7 p.m.: Local Regulation of Cannabis

Thursday, September 28, 2023, 6 p.m. to 7 p.m.: Transforming Former Industrial Properties

Thursday, October 26, 2023, 6 p.m. to 7 p.m.: Preventing Sexual Harassment

Thursday, December 14, 2023, 6 p.m. to 7 p.m.: Case Studies: Good and Bad of 2022

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:45 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, February 15, 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 clerk locked the doors to the Town Hall.

Respectfully submitted,

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