

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, March 15, 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—**R**
Tim Ford, Town of Farmington Highway Superintendent
August Gordner, Town of Farmington Fire Marshal and Assistant Code Enforcement Officer

Attending:

Rick and Lori Brassie, 198 Hawthorne Court, Farmington, N.Y. 14425
Daniel T. Geer, 1298 Grayson Drive, Victor, N.Y. 14564 (mailing address: 6947 Proximity Lane, Victor, N.Y. 14564)
Paul Gillette, A Safe Place Storage, 6025 Denny Drive, Farmington, N.Y. 14425
Don Giroux, Farmington Volunteer Fire Association
Chris Godly, 140 Galvin Court, Farmington, N.Y. 14425
Edward G. Samoel, President, WNY Auto Sales Inc., 321 Pittsford–Palmyra Road, Macedon, N.Y. 14502

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—MARCH 1, 2023

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, that the minutes of the March 1, 2023, meeting be approved.

Motion carried by voice vote. Mr. Sweeney abstained due to his absence from the meeting on March 1, 2023.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on March 8, 2023:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 15th day of March 2023 commencing at 7:00 p.m. in the Farmington Town Hall, Main Meeting Room, 1000 County Road 8, Farmington, N.Y. 14425 for the purpose of receiving testimony upon and giving consideration to the application of:

PB 0303-23: DANIEL T. GEER, 1298 GRAYSON DRIVE, VICTOR, N.Y. 14564: Preliminary Two-Lot Subdivision Plat approval of land, identified as Tax Map Account 10.00-1-36.000, containing a total of 98.6201 acres of land; and as further to be identified as Preliminary Subdivision prepared for Daniel T. Geer. The proposed action involves creating Lot #1 consisting of 93.0 acres with existing metal barn and Lot #2 consisting of 5.6201 acres. Both lots are to remain as non-approved building lots requiring site plan approval before any Building Permits may be issued. The property is located at 568 Yellow Mills Road and is zoned A-80 Agricultural District.

ALL PARTIES IN INTEREST will be given an opportunity to be heard in respect to such application. Persons may appear in person, or by agent or via Zoom.

Ed Hemminger, Chairman, Planning Board

4. NEW PRELIMINARY TWO-LOT SUBDIVISION**PB #0303-23 New Preliminary Two-Lot Subdivision Application**

Name: Anthony A. Venezia, L.L.S., Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; and Rick Brassie (Contractor), 198 Hawthorne Circle, Farmington, N.Y. 14425; representing Daniel T. Geer, 1298 Grayson Drive, Victor, N.Y. 14564 (Mailing Address: 6947 Proximity Lane, Victor, N.Y. 14564)

Location: 568 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Two-Lot Subdivision Plat approval of land, identified as Tax Map Account 10.00-1-36.000, containing a total of 98.6201 acres of land; and as further to be identified as Preliminary Subdivision prepared for Daniel T. Geer. The proposed action involves creating Lot #1 consisting of 93.0 acres with existing metal barn and Lot #2 consisting of 5.6201 acres. Both lots are to remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

Mr. Hemminger opened the Public Hearing on this application.

Mr. Geer and Mr. Brassie presented this application.

Mr. Geer said that he would like to subdivide his lot of 98.6201 acres to create proposed Lot #1 of 93 acres and proposed Lot #2 of 5.6201 acres for the future construction of a house and a barn.

Mr. Hemminger explained that the application this evening is only for the subdivision of the land at this time. Mr. Geer agreed.

Mr. Brand said that three draft resolutions have been prepared for the board's consideration this evening, i.e., the State Environmental Quality Review (SEQR) classification of this application as an Unlisted Action, the SEQR determination of non-significance (that this application will not result in any significant adverse environmental impacts) and the Preliminary Two-Lot Subdivision resolution of approval with conditions.

Mr. Gordner said that the Building Department has no comments regarding the draft resolutions.

Mr. Ford, Mr. Brabant and Mr. Giroux also had no comments on the application this evening.

Mr. Hemminger asked if anyone in the meeting room or on the remote video conference wished to speak for or against this application, or ask questions. There were no comments or questions from those in the meeting room or those on the remote video conference.

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

Mr. Hemminger then closed the Public Hearing on this application.

Board deliberations:

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

**FARMINGTON PLANNING BOARD RESOLUTION
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) CLASSIFICATION**

PB #0303-23

APPLICANT: Anthony A. Venezia, L.S., Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; and Rick Brassie (Contractor), 198 Hawthorne Circle, Farmington, N.Y. 14425; representing Daniel T. Geer, 1298 Grayson Drive, Victor, N.Y. 14564 (mailing address: 6947 Proximity Lane, Victor, N.Y. 14564), owner of property at 568 Yellow Mills Road.

ACTION: SEQR Classification for Preliminary Two-Lot Subdivision Plat approval for Tax Map Account #10.00-1-36.000, containing a total of 98.6201 acres of land and proposing Lot #1 to contain a total of 93.0 acres and Lot #2 to contain 5.6201 acres. The property is located along the west side of Yellow Mills Road, south of Fox Road and north of Rushmore Road. Both proposed lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight opened the Public Hearing upon the above referenced Action and has received comments that have been entered into the public hearing record; and

WHEREAS, the Board has reviewed the criteria in Parts 617.4 and 617.5 of the State Environmental Quality Review (SEQR) regulations for determining the classification associated with the above referenced Action; and

WHEREAS, the Board has tonight closed the Public Hearing upon the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby classify the above referenced Action as being an Unlisted Action under the above referenced provisions of Parts 617.4 and 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of Article 8 of the New York State Environmental Conservation Law.

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.

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

**FARMINGTON PLANNING BOARD RESOLUTION
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) DETERMINATION OF
SIGNIFICANCE**

PB #0303-23

APPLICANT: Anthony A. Venezia, L.S., Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; and Rick Brassie (Contractor), 198 Hawthorne Circle, Farmington, N.Y. 14425; representing Daniel T. Geer, 1298 Grayson Drive, Victor, N.Y. 14564 (mailing address: 6947 Proximity Lane, Victor, N.Y. 14564), owner of property at 568 Yellow Mills Road.

ACTION: SEQR Determination of Significance for Preliminary Two-Lot Subdivision Plat approval for Tax Map Account #10.00-1-36.000, containing a total of 98.6201 acres of land and proposing Lot #1 to contain a total of 93.0 acres and Lot #2 to contain 5.6201 acres. The property is located along the west side of Yellow Mills Road, south of Fox Road and north of Rushmore Road. Both proposed lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) is the designated responsible agency, in accordance with the procedures and provisions contained within Part 617 NYCRR, a part of Article 8 of the New York State Environmental Conservation Law (the State's SEQR Regulations) for the above classified Unlisted Action, to make a determination of significance thereon; and

WHEREAS, the Planning Board tonight has conducted a Public Hearing record upon said Action giving consideration to the comments provided; and

WHEREAS, the Planning Board has reviewed Part 1 of the Short Environmental Assessment Form (SEAF) dated October 24, 2022, that was prepared by the Applicant's Surveyor; and

WHEREAS, the Planning Board has reviewed the completed Parts 2 and 3 of the Short Environmental Assessment Forms (SEAFs) that were prepared by the Town Director of Planning and Development, dated March 8, 2023, upon the above referenced Action; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (i) through (xii) of the State's SEQR Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept Parts 1, 2 and 3 of the SEAF, that has been prepared upon the above referend Action, as being complete along with supporting documentation which included the preliminary subdivision plat drawings submitted with this application.

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following impacts may reasonably be expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site that cannot be mitigated; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and

- (iv) the overall density of the site is consistent with the Town’s Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site; and
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action; and
- (vii) there will not be any hazard created to human health; and
- (viii) there will not be a change in the use of current active agricultural land; and
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action; and
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences; and
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the Planning Board finds the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that the Planning Board does hereby make a Determination of Non-Significance upon said Action; and directs the Planning Board Chairperson to sign and date the Part 3 of the Short Environmental Assessment Form.

BE IT FURTHER RESOLVED that a copy of this resolution and the Negative Declaration Form be provided to the Applicant.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 and 3 of the Short Environmental Assessment Form, and this Determination on Non-Significance Resolution with 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
Aaron Sweeney	Aye
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:

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY TWO-LOT SUBDIVISION PLAT APPROVAL WITH CONDITIONS**

PB #0303-23

APPLICANT: Anthony A. Venezia, L.S., Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; and Rick Brassie (Contractor), 198 Hawthorne Circle, Farmington, N.Y. 14425; representing Daniel T. Geer, 1298 Grayson Drive, Victor, N.Y. 14564 (mailing address: 6947 Proximity Lane, Victor, N.Y. 14564), owner of property at 568 Yellow Mills Road.

ACTION: Preliminary Two-Lot Subdivision Plat approval for Tax Map Account #10.00-1-36.000, containing a total of 98.6201 acres of land and proposing Lot #1 to contain a total of 93.0 acres and Lot #2 to contain 5.6201 acres. The property is located along the west side of Yellow Mills Road, south of Fox Road and north of Rushmore Road. Both proposed lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight opened the Public Hearing upon the above referenced Action and has received testimony that has been entered into the Public Hearing record; and

WHEREAS, the Board has reviewed the criteria in Parts 617.4 and 617.5 of the State Environmental Quality Review (SEQR) Regulations for determining the Classification associated with the above referenced Action and has under separate resolution classified the Action as being an Unlisted Action; and

WHEREAS, the Board has received Parts 2 and 3 of the Short Environmental Assessment Form for this Action, reviewed and accepted by separate resolution said documents; and

WHEREAS, the Board has under separate resolution made a determination of non-significance upon the above referenced Action; and

WHEREAS, the Board has reviewed the comments provided in the Ontario County Planning Board’s Referral Number 39–2023, dated March 8, 2023; and

WHEREAS, the Board has tonight closed the Public Hearing upon the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby move to grant Preliminary Subdivision Plat approval of the drawing prepared by Venezia Professional Land Surveyors, entitled “Preliminary Subdivision prepared for: Daniel T. Geer, Showing Land in Town Lots 98 & 119, Town of Farmington, County of Ontario, State of New York,” File #22103, dated 2/7/23, with the following conditions of approval:

1. The title of the drawing is to be changed to read as follows . . . “Preliminary Subdivision Plat, Daniel T. Geer Subdivision, Lots 1 and 2, Yellow Mills Road, Farmington, New York.”
2. A note is to be added to the Preliminary Subdivision Plat Map that these two proposed lots are defined as Non-Buildable Lots at this time; and further there is to be a General Note added to the plat map that states . . . “Final site plan approval will be required by the Planning Board prior to the issuing of any building permit by the Town Code Enforcement Officer.”
3. The two proposed lots contains a delineated Unnumbered A Zone, an Area of Special Flood Hazard and Zone C, an Area of Minimal Flooding. There is to be a General Note shown on drawing that reads . . . “Portions of this property lies within Flood Hazard Zones A and C, as shown on the Flood Insurance Rate Map, 0010B, Community Number 361299, dated September 30, 1983.” This language is also to be shown on the signed Final Subdivision Plat Map.
4. The approximate location of the Unnumbered A Zone is to be shown on the Preliminary Subdivision Plat.
5. §117-7 A. of the Farmington Town Code requires that the Planning Board have a note added to the Preliminary Plat Map that reads as follows: “The grantee hereby acknowledges notice that agricultural operations exist throughout the Town of Farmington and that there are presently or may in the future be farm uses adjacent to or in close proximity to the within described premises. The grantee acknowledges that farmers have the right to undertake farm practices which may generate dust, odor, fumes, noise and vibration associated with agricultural practices, and that those practices are permitted under the Town of Farmington Right to Farm Life Ordinance and by acceptance of this conveyance, the grantee does hereby waive objections to such activities.”
6. Section 117-7 B. requires in this instance the following note be added to the Preliminary Subdivision Plat drawing. “The risk of any impact of these agricultural

uses upon the purchase of property is specifically to be borne by the purchaser of that property.”

7. The Tax Map Account (10.00-1-36.000) contains a New York State Freshwater Wetland identified as MC-5 and is shown on the New York State Freshwater Wetlands Map 2 of 22. The Preliminary Subdivision Plat Map is to delineate the approximate boundaries of the state regulated wetland area.
8. The signature line locations are to be shown in the approved location (*see Appendix G-13.0 Town of Farmington Site Design and Development Criteria Manual*).
9. Signature blocks are to be provided for the Planning Board Chairperson and the Town Highway Superintendent only.
10. The proposed driveway, house and barn shown on proposed Lot Number 2 are to be removed from the Preliminary Subdivision Plat Map to eliminate any confusion on what is being approved with this application.
11. All comments contained in the February 24, 2023, MRB Group Letter from Lance S. Brabant, CPESC, to the Town Director of Planning and Development are to be addressed for the record on this application.

BE IT FURTHER RESOLVED that once the drawing has been revised in accordance with the above conditions then one (1) copy is to be submitted to the Town Code Enforcement Officer for his review and approval. Once accepted, then the above referenced Town Officials, including the Town Planning Board Chairperson, will sign the Preliminary Plat Map. Electronic copies of the signed drawings will be returned to the Applicant’s Surveyor, one copy will be provided to the Town Highway and Parks Superintendent, one copy to the Town Water and Sewer Superintendent and one copy provided to the Town Engineer.

BE IT FURTHER RESOLVED that once Final Plat drawings have been prepared then the Code Enforcement Officer shall schedule such application for a future planning board meeting.

BE IT FINALLY RESOLVED that this Preliminary Plat approval with conditions is valid for a period of 180 days from today and shall expire unless the revised plat map has been signed by all parties.

Mr. Hemminger then asked Mr. Brassie if he received the draft resolution prior to the meeting and if he agreed with the conditions of approval. Mr. Brassie said that he received the draft resolution prior to the meeting, that he agreed with the conditions and that he had no questions on them.

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.

Following the board vote on this resolution, Mr. Brassie asked if a permit will be required for the construction of the driveway. Mr. Brand said yes.

5. CONTINUED PRELIMINARY SITE PLAN

PB #0203-23 Continued Preliminary Site Plan Application

Name: WNY Commercial Warehouse Project, 321 Pittsford–
Palmyra Road, Macedon, N.Y. 14502

Location: South Side of Loomis Road, east of State Route 332 and west of
Plastermill Road

Zoning District: GI General Industrial

Request: Preliminary Site Plan approval to erect 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.

(See Planning Board minutes of February 15, 2023, pp. 2–12, for a description of this application.)

The concept plan for this application was reviewed by the Project Review Committee on May 6, 2022.

On August 3, 2022, by a vote of 3 to 2, the Planning Board authorized the Planning Board Chairperson to sign the draft Report and Recommendation on the applicant’s rezoning application and to transmit the report to the Town Board. The applicant requested that the property be rezoned from General Business to General Industrial (*see* Planning Board minutes, August 3, 2022, pp. 7–15).

The Project Review Committee further reviewed this application on August 4, 2022; September 1, 2022; October 6, 2022; November 10, 2022; December 1, 2022; January 5, 2023; February 2, 2023; and March 2, 2023.

On February 15, 2023, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application as an Unlisted Action; declared its intent to

be designated as the SEQR Lead Agency for making the determination of significance on this application; and established the 30-day coordinated review and comment period which began on February 16, 2023, and which ended on March 13, 2023.

On February 15, 2023, the following agencies were identified by the Town staff as SEQR Involved Agencies:

- New York State Department of Environmental Conservation, Region 8 Office
- New York State Department of Transportation, Region 4 Office
- New York State Department of Transportation, Ontario County Office
- New York State Department of Health
- Canandaigua–Farmington Water District/Town of Farmington Sewer District
- Town Farmington Highway and Parks Department

On February 15, 2023, the following agencies/individuals were identified by the Town staff as SEQR Interested Agencies:

- Thomas Harvey, Director of Planning, Ontario County Department of Planning
- Kimberly Boyd, Chairperson, Town of Farmington Conservation Board
- Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.
- Dan Delpriore, Town Code Enforcement Officer
- Matt Heilmann, Town Construction Inspector

On February 22, 2023, a response to the SEQR coordinated review was received from the Logan M. Stratton, Environmental Analyst of the New York State Department of Environmental Conservation, in which Ms. Stratton had no objections to the designation of the Planning Board as the SEQR Lead Agency. Ms. Stratton also informed the Town that project will require a New York State Freshwater Wetlands Permit (*see* email from Ms. Stratton in the project file).

On March 8, 2023, the applicant submitted a letter to the Development Office from Travis Money, Manager of Ecological Services/Senior Ecologist of Diehlux LLC of East Bloomfield, N.Y. (the applicant's wetland consultant) in which Mr. Money wrote that "we do not anticipate any further wetland or waterbody permitting requirements" from the New York State Department of Environmental Conservation (DEC).

Earlier today (March 15, 2023), Mr. Money forwarded the DEC's Freshwater Wetlands Determination which indicated that ". . . the described project is located outside the regulated area and will not require a [DEC] wetland permit" (*see* Freshwater Wetlands Determination and wetland delineation in the project file).

Mr. Samoel (WNY Auto Sales Inc.) presented this application.

He referred to the DEC's Freshwater Wetlands Determination and wetland delineation which had been submitted to the board and to the Development Officer earlier today.

Mr. Hemminger acknowledged receipt of these materials. He said that the DEC was working with the applicant's revised plans [to avoid encroachment into the wetlands] but that the Town has not yet received a copy of these revised plans. Mr. Hemminger requested that Mr. Samoel have his engineer submit the latest version of the amended plans to the Development Office by the deadline in order to enable the application to be scheduled for the next Planning Board meeting which will be held on April 5, 2023.

Mr. Brabant said that the DEC acknowledged and agreed with Diehlux LLC regarding the location and lack of disturbance in the wetlands by the revised plans. Mr. Brabant said that the plans which are filed in the Development Office must match the plans which were reviewed by the DEC. He also requested that Mr. Samoel have his engineer submit the revised plans to the Development Office as soon as possible, following which the Preliminary Site Plan application could then be scheduled for a subsequent Planning Board meeting agenda.

Mr. Hemminger said that the key is to submit the revised plans [to the Development Office] as soon as possible.

Mr. Gordner said that he will provide the submittal date for the April 5th Planning Board to Mr. Samoel and to his engineer.

Mr. Gordner also said that the only other comment from the Development Office at this time concerns the title of the project. He requested that references to "flex space" in the project title be removed and suggested that "WNY Commercial Warehouse Project" be used instead. Mr. Samoel agreed to this.

Mr. Brabant asked if the plans must reflect the revised name of the project. Mr. Gordner said that the Development Office will be fine with the project name as long as "flex space" is not included in the title [to avoid conflict with the Town Code definitions].

Mr. Brabant said that the Town staff met with the applicant at the Project Review Committee meeting [on March 2, 2023] and that there was some discussion on possible alterations to the plans. He asked Mr. Samoel if he intends to make these revisions prior to the board's consideration of the Preliminary Site Plan. Mr. Samoel said that he would like to have these revisions completed as part of the Preliminary Site Plan application.

Mr. Samoel said that the plan alterations include the reconfiguration of the utility rooms [on the outside of the buildings] and showing the area of the buffer [which will not encroach into the wetland].

Mr. Brand said that two resolutions have been prepared for the board's consideration this evening, i.e., the designation of the Planning Board as the Lead Agency for making the State Environmental Quality Review (SEQR) determination of significance on this application, and a resolution to continue the Preliminary Site Plan application to April 5, 2023.

Mr. Brand said that any amended drawing should have the drawing’s revision box changed to identify this. Also, the Preliminary Site Plan drawing should be amended to reflect the changes made to the Utility and Grading drawings—in other words, a complete resubmission of the amended drawings.

Mr. Samoel said that he understands what is being requested and will instruct his engineer to make all changes and resubmit the complete set.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
WNY COMMERCIAL WAREHOUSE PROJECT
DESIGNATION OF SEQR LEAD AGENCY**

PB #0203-23

**APPLICANT: WNY Commercial Warehouse Project, c/o Edward Samoel,
321 Pittsford-Palmyra Road, Macedon, N.Y. 14502**

**ACTION: Preliminary Site Plan approval to develop a 2.502±-acre site,
located along the south side of Loomis Road, west of
Plastermill Road and east of New York State Route 332, with a
total of two (2) 10,000- square-foot, one-story buildings and
each building having nine (9) rental flex-space units, each unit
containing 1,111 square feet of rental flex-space and related
site improvements. This Action involves the Planning Board’s
designation as the SEQR Lead Agency for the classified
Unlisted Action.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) at its February 15, 2023, meeting declared its intent to be designated Lead Agency for the above referenced Action on Wednesday, March 15, 2023; and

WHEREAS, the Board has conducted a coordinated review with other Involved Agencies that ended on Monday, March 13, 2023, which has resulted in no objection to the Board being designated as the Lead Agency for this Action.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby designate itself as the Lead Agency for the above referenced Action.

BE IT FINALLY RESOLVED that copies of this designation are to be provided to the Involved Agencies, the Town staff, the applicant and the applicant’s engineer.

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.

■ 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
WNY COMMERCIAL WAREHOUSE PROJECT
CONTINUATION OF DELIBERATIONS UNDER SEQR TO APRIL 5, 2023 MEETING**

PB #0203-23

APPLICANT: WNY Commercial Warehouse Project, c/o Edward Samoel, 321 Pittsford-Palmyra Road, Macedon, N.Y. 14502

ACTION: Preliminary Site Plan approval to develop a 2.502±-acre site, located along the south side of Loomis Road, west of Plastermill Road and east of New York State Route 332, with a total of two (2) 10,000- square-foot, one-story buildings and related site improvements. This Action involves the Planning Board, as the designated Lead Agency, continuing its deliberations of the identified environmental impacts resulting from the coordinated review with Involved and Interested agencies in order to make a determination of significance under the State’s Environmental Quality Review (SEQR) Regulations.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) as the designated Lead Agency has been informed by staff at the Region 8 Office of the New York State Department of Environmental Conservation (DEC), on February 22, 2023, that this project as designed will require a NYS Freshwater Wetlands Permit, as it is within close proximity to several mapped State Regulated Freshwater Wetlands; and

WHEREAS, the Board, understands that Section 617.3, General Rules, SEQR Regulations, identifies that approval of a Type I or Unlisted Action will not be complete until: (1) a negative declaration has been issued; or (2) a draft Environmental Impact Statement has been accepted by the Lead Agency; and

WHEREAS, the Applicant has, at tonight’s meeting, requested additional time for either a design solution to be provided by the applicant’s engineer to the DEC avoiding the fresh-water wetland encroachment or a determination is made by the DEC that the Preliminary Site Plan under review does not encroach upon the identified freshwater wetland(s).

NOW, THEREFORE, BE IT RESOLVED that the Board, in an effort to enable a determination of significance to be made, does hereby agree to continue its deliberations and findings upon the identified area of controversy, relating to this identified environmental issue, and agrees to continue its deliberation under SEQR to the April 5, 2023, meeting.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to the Involved Agencies, the Town staff, the applicant and the applicant’s engineer.

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.

6. BOARD ACTION

PB #0703-22 New Topsoil Screening Plan Application

Name: A Safe Place Storage, c/o Paul Gillette, 6025 Denny Drive, Farmington, N.Y. 14425

Location: North side of Denny Drive and south of Collett Road

Zoning District: LI Limited Industrial

Request: Topsoil Screening Plan approval to the A Safe Place Storage project, 6025 Denny Drive.

On March 28, 2022, the Zoning Board of Appeals approved an Area Variance to Town Code Chapter 165, Article VI, Section 84.1K, for the construction of a 17,030-square-foot single-story (conditioned) mini-warehouse building with a width of 131 feet when the Town Code limits the width of a mini-warehouse structure to 40 feet (ZB #0201-22).

On April 20, 2022, the Planning Board approved a Special Use Permit for A Safe Place Storage (PB #0104-22).

On May 4, 2022, the Planning Board approved the Preliminary Site Plan for A Safe Place Storage (PB #0803-21).

On July 6, 2022, the Planning Board approved the Final Site Plan for A Safe Place Storage (PB #0703-22).

On August 3, 2022, the Planning Board recommended to the Town Board that a Letter of Credit in the amount of \$305,294.91 be established for this project.

Mr. Gillette (A Safe Place Storage) presented this application. He said that he is requesting an amendment to the Final Site Plan approval [of July 6, 2022] to allow for topsoil screening and sales on the property.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to approve the amendment to the Final Site Plan with conditions.

Mr. Brand also asked about the pile of stones on the property. Mr. Gillette said that the stones will either be used for the base of the building or will be removed from the site.

Mr. Gordner said that the Development Office is okay with the draft resolution as submitted.

Mr. Ford requested that the contractor be aware to keep the roads clean and free of debris [when the topsoil will be hauled off the site].

Mr. Viets expressed concern with dust control from the topsoil screening operation. He asked if the topsoil screening will take more than one year. Mr. Gillette said that he did not think so. Mr. Viets said that he is concerned about the duration of the topsoil screening operation.

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 reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN AMENDMENT—APPROVAL WITH CONDITIONS
TOPSOIL SCREENING AND SALES OPERATION**

PB #0703-22

**APPLICANT: A Safe Place Storage, c/o Paul Gillette, 6205 Denny Drive,
Farmington, N.Y. 14425**

ACTION: **Final Site Plan Amendment—Approval of topsoil excavation, screening and sales operation, and related site improvements on the site located along the south side of Collett Road, the east side of Commercial Drive and north of Denny Drive.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has tonight opened public discussion upon the above referenced Action; and

WHEREAS, the Board, has received a drawing entitled A Safe Place Storage, Phase 2, Topsoil Screening Plan, identified as Project No. E-232, dated 2/4/23 from the Applicant's Engineer, Donald H. Lewis, Jr., P.E.; and

WHEREAS, the Board has now given consideration to the Town staff comments, the Town Engineer's comments and the public testimony given tonight.

NOW, THEREFORE BE IT RESOLVED that the Board does hereby move to grant this Amendment to the set of approved Final Site Plan Drawings for the above identified Action, based upon the above identified drawing prepared by Donald H. Lewis, Jr., P.E., and does hereby grant approval for the excavation and sale of screened topsoil from this site with the following conditions of approval:

1. Dust control of the screening operations is to be always maintained.
2. There is to be a note added to the drawing for the hours of topsoil screening and sales operation that are limited to:
 - a. Weekdays from 7:00 a.m. to 7:00 p.m.; and
 - b. Saturdays from 7:00 a.m. to 6:00 p.m.; and
 - c. Sundays: No work is permitted.; and
 - d. No work is permitted on the federal holidays listed in the Chapter 74 of the Farmington Town Code.
3. All spoil material from the screening operation is to be removed from the site and upon completion this portion of the site re-established and seeded.
4. Any commercial speech sign relating to the topsoil screening and sales operation is to be approved by the Planning Board as part of a Sign Site Plan Amendment.
5. This Site Plan Amendment shall be valid for a period of not more than two years from today and may be renewable upon reapplication.
6. There is to be a General Note added to the drawing that identifies the Amendment and Planning Board File Number.

BE IT FURTHER RESOLVED that once the above notes have been added to the above referenced drawing, then the Planning Board Chairperson is directed to sign the drawing and it shall be filed with the subject property.

BE IT FURTHER RESOLVED that once signed, the Town Code Enforcement Officer shall issue an Excavation Permit for the screening and sale of topsoil from the subject parcel.

BE IT FURTHER RESOLVED that this Final Site Plan Amendment with Conditions, will automatically expire within 180 days from today unless the revised drawing has been signed, or an extension thereto has been granted by the Planning Board prior to said date of expiration.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to the Applicant and the Applicant’s Engineer.

Mr. Hemminger asked Mr. Gillette if he agreed with the conditions. Mr. Gillette said yes.

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.

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported on the following topics:

- The Town Agriculture Advisory Committee will meet tomorrow night (March 16, 2023) to review Town Code Chapter 117 (“Right to Farm” law) and begin consideration of amendments to this chapter.
- No new information has been received regarding the proposed Farmington Market Center rezoning proposal (Tops Supermarket Plaza). Discussions on this proposal began with the owner at the Project Review Committee on September 1, 2017.
- The State Environmental Quality Review (SEQR) 30-day review period for the Power Incentive Zoning Project is now in progress. Draft resolutions for the Town

Board's consideration of this Incentive Zoning application will be prepared at the conclusion of the review period.

- A request for the first drawdown of a Letter of Credit for the Loomis Road mini warehouse project will be an action item on the next Planning Board agenda.
- Revised drawings for the Loomis Road Industrial Park project are expected to be submitted to the Development Office soon.

Mr. Brand reported that Mr. Hemminger has been selected to receive the John O. Cross Award for Planning Board Chair by the New York Planning Federation. This statewide recognition of Mr. Hemminger's work and dedication will be presented to him at the Federation's 82nd conference in April in Saratoga Springs, N.Y.

Town Engineer:

Mr. Brabant said that updated Site Design Criteria Manuals have been delivered to the Town staff.

Farmington Volunteer Fire Association:

Mr. Giroux said that recent calls have include alarms, vehicle accidents and a mutual-aid fill-in at the Manchester Fire Department last night (March 14, 2023).

Board Members:

Mr. Hemminger noted the recent passing of Farmington resident Gerald A. Bloss who began attending Planning Board meeting in 2015 when a parcel of land adjacent to his and his neighbors' homes on Gannett Road in the Sunny Acres tract was proposed for development. Mr. Bloss often spoke about the effect of this new construction upon the neighborhood and the environment. During the years from 2015 to 2022, Mr. Bloss attended a total of 103 Planning Board meetings.

In recognition of his participation in Town government and the Planning Board, Mr. Hemminger requested and received the board's unanimous approval of the following memorial resolution:

**TOWN OF FARMINGTON
PLANNING BOARD MEMORIAL RESOLUTION**

WHEREAS, the Town of Farmington Planning Board wishes to recognize the exemplary citizen participation in his Town government in general, and in the discussions of the Farm-

ington Planning Board in particular, by our fellow resident and neighbor **GERALD A. BLOSS**, whose recent passing we note with deepest sadness; and

WHEREAS, Mr. Bloss began attending meetings of the Farmington Planning Board in 2015, during which he expressed interest, and provided valuable and pertinent information, regarding the development of a parcel of land adjacent to his home on Gannett Road in the Sunny Acres tract of residential homes, and to other homes in his neighborhood; and

WHEREAS, the comments of Mr. Bloss concerned the proposed nearby development and also the future viability of the project's stormwater management plan, and the effect of this new construction upon the neighborhood and the environment; and

WHEREAS, the members of the Planning Board, through the years, acknowledged the personal interest by Mr. Bloss in assuring that the development so near his and his neighbors' homes would be pursued in compliance with the Farmington Town Code and with the concerns of residents having been taken into full consideration.

NOW, THEREFORE, BE IT RESOLVED, that the Farmington Planning Board acknowledges the tremendous record of attendance at 103 Planning Board meetings from July 15, 2015, to April 6, 2022, during which the board looked forward to the attendance of Mr. Bloss, to his comments during the meetings, and especially to speaking with him as a friend and neighbor following each meeting at which he attended; and

BE IT FURTHER RESOLVED, that the Planning Board, on behalf of the Town of Farmington, extends sincere condolences to his wife Grace, to his daughter Lynn (his daughter Debra predeceased him), and to his two grandchildren, four great grandchildren, and his fellow gun club members at this difficult time; and

BE IT FURTHER RESOLVED, that the Planning Board will miss the friendly personality, the smile, and the friendship of Mr. Bloss which the board has come to know over these past eight years; and

BE IT FINALLY RESOLVED, that this resolution be published within the minutes of the Farmington Planning Board meeting on Wednesday, March 15, 2023, and that an official copy of this resolution be provided to the family of Mr. Bloss.

This Resolution was offered and approved by the unanimous vote Town of Farmington Planning Board on Wednesday, March 15, 2023, as evidenced by the signatures below:

[L.S.] Adrian Bellis
[L.S.] Timothy DeLucia
[L.S.] Edward Hemminger
[L.S.] Aaron Sweeney
[L.S.] Douglas Viets

8. PUBLIC COMMENTS

None.

9. 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, 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

10. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:30 p.m.

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