

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, November 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:
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:
Christopher Ossont, 1811 Division Street, Palmyra, N.Y. 14522
Betsy B. Brugg, Woods Oviatt Gilman LLP, 1900 Bausch and Lomb Place,
Rochester, N.Y. 14604
Lou DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425—**R**
Maureen E. Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425—**R**
James Fowler, Fowler Family Trust, 6176 Pheasants Crossing, Farmington, N.Y. 14425
Justin Mirando, Development Manager, Whitestone Development Partners,
1900 Corporate Boulevard NW, Suite W310, Boca Raton, Florida 33431
Jess Sudol, P.E., President, Passero Associates, 242 West Main Street, Suite 100,
Rochester, N.Y. 14614

Clerk's Note: The Planning Board meeting which was to have been held on October 18, 2023, was cancelled by Chairperson Edwar Hemminger due to having no Planning Board business on the agenda.

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

Minutes of October 4, 2023:

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

Motion carried by voice vote.

3. LEGAL NOTICE

None.

4. PUBLIC HEARING: CONTINUED PRELIMINARY THREE-LOT RE-SUBDIVISION

PB #0702-23 Continued Preliminary Three-Lot Re-Subdivision Application

Name: Christopher Kamar, P.E., 615 Fishers Run, Victor, N.Y. 14564, representing the Fowler Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

Location: 6240 Pheasants Crossing and the adjacent parcel to the south

Zoning District: RS-25 Residential

Request: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family

Trust. The proposed Action involves creating Lot #R-5A consisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued.

On August 19, 2020, the Planning Board conducted a Public Hearing on the applicant's request for a three-lot re-subdivision of 12.0938 acres of land of Lot #5 of the Pheasants Crossing Subdivision to create Lot #R-5A of 1.541 acres, Lot #R-5B consisting of 4.181 acres and Lot #R-5C of 6.368 acres (PB #0802-20). The Public Hearing was closed. No action was taken. The applicant informed the Planning Board at that time that he would apply to the Zoning Board of Appeals for an area variance for lot width.

On September 16, 2020, the applicant received Preliminary Two-Lot Resubdivision Plat approval (PB #0902-20).

On November 18, 2020, the applicant received Final Two-Lot Re-Subdivision Plat approval (PB #1103-20).

On July 24, 2023, the Farmington Zoning Board of Appeals (ZBA) open its Public Hearing on the applicant's Area Variance application to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125 feet) for proposed Lot #R-5C (ZB #0301-23).

The ZBA then approved the following actions on July 24, 2023:

- The ZBA agreed with the declared intent of the Planning Board that the Planning Board be designated as the State Environmental Quality Review (SEQR) Lead Agency for making the required determination of significance on the subdivision application.
- Following the Planning Board's SEQR determination and a determination of significance, the ZBA then requested that the Planning Board to provide a written recommendation to the ZBA concerning the Area Variance application.
- The ZBA continued the Area Variance application to August 28, 2023.

On August 28, 2023, the ZBA continued the Area Variance application to November 27, 2023, because the Planning Board has not yet determined that the application is complete.

On July 19, 2023, the Public Hearing on the applicant's subdivision application was opened by the Planning Board and was continued to August 2, 2023.

On August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and requested that the applicant provide additional information which the Planning Board deemed necessary for their determining the application

complete. The Planning Board then continued the Public Hearing on the subdivision application to the meeting on September 6, 2023.

On September 6, 2023, Mr. Fowler said that the additional information which had been requested by the Planning Board at their August 2nd meeting, had been submitted to the Town staff. Mr. Hemminger and Mr. Delpriore acknowledged receipt of the additional information but said that it had not been received in time for the September 6th meeting for the Town staff to review and for the Board to make a determination if the application was complete. The Planning Board then continued the Public Hearing on the re-subdivision application to the meeting on October 4, 2023.

On October 4, 2023, the Public Hearing was reconvened, testimony was taken from the applicant and from citizens, and the application was continued to the meeting this evening (November 1, 2023). The applicant was requested to submit additional information to the Town Development Office by Wednesday, October 18, 2023, at 12:00 noon to be considered by the Planning Board this evening.

Mr. Hemminger reconvened the Public Hearing this evening on the re-subdivision application.

Mr. Fowler presented this application.

Since October 4, 2023, Mr. Fowler said that two promising meetings were held with the Town staff, and that plans are moving forward with the surveyors to revise the maps as is now being proposed and to gather additional documentation which will be completed in the next week or so.

He said that due to a legal issue his attorney would like to continue the application to the Planning Board's first meeting in December. Mr. Fowler said that the legal issue is the method with which the new requirements [of the application] will be submitted to the Town.

Mr. Brand confirmed that the Town staff had two meetings with Mr. Fowler's engineer Christopher Kamar, P.E., of APD Engineering, and that the revised drawing will be the basis of new applications to the Zoning Board of Appeals and to the Planning Board.

Mr. Delpriore said that the revised drawing and additional materials must be received by 12:00 noon on Wednesday, November 15, 2023, for placement on the Planning Board agenda for December 6, 2023. Mr. Fowler said that the new material will be ready for submission [to the Town] next week.

Mr. Hemminger then 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 from those on the remote video conference,

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

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, that the reading of the following resolution be waived and that the resolution be approved as revised based upon the discussion this evening with the agreed-upon dates:

**FARMINGTON PLANNING BOARD RESOLUTION
CONTINUATION RESOLUTION**

PB #0702-23

**APPLICANT: Fowler Family Trust
6176 Hunters Drive
Farmington, NY 14425**

ACTION: Request Preliminary Re-subdivision Plat Approval of Lots #R5-A and #R5-B of the Fowler Family Trust Lands, located at 6240 Pheasants Crossing, into three (3) proposed Lots to be identified as Lots #R5-A, #R5-B and #R5C of the Fowler Family Trust Lands.

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

WHEREAS, the Planning Board on Wednesday, September 6, 2023, adjourned the Public Hearing on this Application to Wednesday, November 1, 2023, to provide the Applicant and his Engineer time to provide additional information; and

WHEREAS, the Planning Board on October 13, 2023, received from Christopher V. Kamar, P.E., Senior Principal of Engineering, APD Engineering/Architecture, a letter on behalf of the Applicant requesting the continuation of tonight’s Public Hearing until the next available meeting date, to allow additional time to address the issues that have been raised; and

WHEREAS, the Planning Board tonight has received additional testimony regarding the information requested and when it will be provided to the Planning Board which has been entered into the Public Hearing record; and

WHEREAS, the Planning Board has previously declared and again tonight declares that all requested information must first be addressed before the Planning Board can determine the application to be complete and, therefore, the Board intends to continue the Public Hearing on the above referenced Action to enable all procedures to be complied with.

NOW THEREFORE BE IT RESOLVED that the Planning Board does hereby move to table further deliberations upon the above referenced Action.

BE IT FURTHER RESOLVED that the Planning Board does hereby adjourn this Public Hearing and agrees to continue it to the Board’s scheduled meeting on December 6, 2023, and directs the Applicant to submit the requested information to the Town Development Office not later than noon on Wednesday, November 15, 2023.

BE IT FINALLY RESOLVED that the Clerk of the Planning Board is to provide certified copies of this resolution to the Town Zoning Board of Appeals, the Applicant and the Applicant’s Engineer.

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

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

Motion carried.

4. NEW PRELIMINARY SITE PLAN

PB #1101-23 New Preliminary Site Plan Application

Name: Christopher Ossont, 1811 Division Street, Palmyra, N.Y. 14522

Location: East side of County Road 28 just south of Maxwell Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval to erect a two-story single-family residence approximately 3,600 square feet with attached garage, including site improvements to the grading and utilities.

Mr. Ossont presented this application.

He said that their plan is to build their “forever home” on the property which they purchased a year-and-a-half ago on County Road 28 between Maxwell Road and Fox Road and which they have been clearing.

Mr. Ossont said that they plan [to build] a 2,300-square-foot two-story home with a full basement and a three-stall garage with an unfinished bonus area above the garage.

Mr. Brand said that two draft resolutions have been prepared for the board’s consideration this evening, i.e., the State Environmental Quality Review (SEQR) resolution classifying this

application as a Type II action and a Preliminary Site Plan resolution to approve with conditions.

Mr. Hemminger asked Mr. Ossont if he had a chance to review the draft resolutions and the conditions of Preliminary Site Plan approval. Mr. Ossont said that he did not.

Mr. Brand said that the draft resolutions were reviewed by Michael Sponable, who is Mr. Ossont's engineer at Greene Land Surveying in Newark, N.Y., and that Mr. Sponable responded to the Town staff with several questions.

Clerk's Note: The draft resolutions were sent to Mr. Ossont, Mr. Sponable, to the Greene Land Surveying main office, and to Christopher Day of the Ontario County Department of Public Works via email on October 26, 2023. None of the emails were returned as undeliverable.

Mr. Delpriore said that the conditions of Preliminary Site Plan approval are basically technical in nature and are considered minor.

Mr. Ford said that approval of the driveway by the Ontario County Department of Public Works and that a County Highway Work Permit will be required.

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

Board members also had no comments or questions on the application this evening.

Mr. Hemminger then explained the purpose of the SEQR resolution. He also said that the conditions of Preliminary Site Plan approval are basically administrative in nature.

Mr. Ossont asked when the Final Site Plan could be on a Planning Board agenda. Mr. Delpriore said that this will depend upon how quickly Mr. Ossont's engineer would be able to submit revised Preliminary Site Plan drawings which will address tonight's conditions of Preliminary Site Plan approval. Mr. Delpriore said that the Final Site Plan application could be on the Planning Board agenda on December 6, 2023, if the revised materials are submitted by 12:00 noon on Wednesday, November 15, 2023, and if they are determined to be in order following review by the Town staff.

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:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN, CHRISTOPHER OSSONT PROPERTY
EAST SIDE OF COUNTY ROAD 28
SEQR TYPE II CLASSIFICATION**

PB #1101-23

APPLICANT: Christopher Ossont, 1811 Division Street, Palmyra, N.Y. 14522

**ACTIONS: SEQR Type II Classification for Preliminary Site Plan
Approval, Lot #1, Foley Subdivision, located along the east side
of County Road 28**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received an application for Preliminary Site Plan Approval for Lot #1, Foley Subdivision (hereinafter referred to as Action) located along the east side of County Road 28; and

WHEREAS, the Planning Board has reviewed the Part 1 Short Environmental Assessment Form (SEAF) prepared by the Applicant’s Engineer; and

WHEREAS, the Planning Board has reviewed Parts 617.5 (c) (11) and (13) of Article 8 of the New York State Environmental Conservation Law (ECL), the State’s Environmental Quality Review (SEQR) Regulations, which provide SEQR Classification of proposed Actions; and

WHEREAS, the Planning Board, is the only Involved Agency for this Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby classify the proposed Action as being a Type II Action under the above referenced sections of the State’s ECL.

BE IT FURTHER RESOLVED that Type II Actions have been determined not to have a significant impact upon the environment and, therefore, are precluded from further environmental review under the above referenced ECL.

BE IT FINALLY RESOLVED that the Board directs that this determination be filed as provided for under the SEQR Regulations.

The following vote on the above motion 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. VIETS, 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
PRELIMINARY SITE PLAN APPROVAL**

PB #1101-23

APPLICANT: Christopher Ossont, 1811 Division Street, Palmyra, N.Y. 14522

**ACTION: Preliminary Site Plan Approval, Lot #1, Foley Subdivision,
East Side of County Road 28**

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

WHEREAS, the Board has, under separate resolution adopted tonight, classified the proposed Action as being a Type II Action under the provisions of Article 8 of the New York State Environmental Conservation Law, NYCRR Parts 617.4 and 617.5.

WHEREAS, the Board has considered the testimony received at tonight’s public meeting.

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

1. Preliminary Site Plan Approval is based upon Drawing No. 23-6721 prepared by Green Land Surveying, PLLC, identified as job No. 23-6721, dated September 7, 2023, and entitled “Preliminary Site Plan of Land, Being Lot 1 of the “Foley Sub-division” prepared for Christopher Ossont.”
2. Preliminary Site Plan Approval is further based upon the following conditions:
 - a. There is to be an additional Plan Note added to the Preliminary Site Plan drawing that reads . . . “Portions of this site lie within a mapped Area of Special Flood Hazard, Zone A, as shown on Flood Insurance Rate Map (FIRM) 361299, Panel Number 0010-B, dated 9/30/83; and portions of the site lie within a mapped Zone C Area of Minimal Flood Hazard, as shown on the identified FIRM.”
 - b. The two (2) mapped Flood Hazard Boundaries (Zones A and C) are to be delineated on the Preliminary Site Plan drawing as determined by the Applicant’s Licensed Professional Surveyor. Should there be any Development located within the Zone A Area of Special Flood Hazard, then com-

pliance with the provisions of Chapter 87 of the Farmington Town Code, entitled “Flood Damage Prevention” shall be required.

- c. The signature block shown for the Town Code Enforcement Officer is to be removed from the drawing.
- d. There is to be a signature block added for the Town Planning Board Chairperson and the Town Water and Sewer Superintendent and it is to be shown on the drawing in the location required in the Town Site Design and Development Criteria (Form G-13.0, Signature Line Locations).
- e. The drawing is to be amended to show the Town of Farmington Water Service Detail, as shown on Appendix Form W-4.0 of the Town’s adopted Site Design and Development Criteria.
- f. The drawing is to be amended to show the Town’s Public Safety Sign Detail, as shown on Appendix Form G-9.0 of the Town’s adopted Site Design and Development Criteria.
- g. The drawing is to be amended adding a note that reads . . . “The water service is to be installed at a minimum depth of five feet below grade and in a full sand envelope (6-inches below pipe and 12-inches above pipe).”
- h. Final Site Plan Approval will be conditioned upon the Applicant obtaining a County Highway Work Permit from the Ontario County Department of Public Works (DPW) and filing a copy thereof with the Town Development Office before any Town Building Permits shall be issued. Any conditions of approval from the County DPW, including any referenced site design details, shall be noted on the Final Site Plan drawing.
- i. A condition of Final Site Plan Approval will be a note added to the final plan drawing that reads . . . “No Building Permits shall be issued until the prevailing Park & Recreation Fee has been paid to the Town Clerk and a copy of the receipt is placed in the property file.”
- j. All of the above conditions of approval required by the Planning Board, to be made to the Preliminary Site Plan drawing, shall be made before submitting said revised drawing(s) for signing by Town Staff, the Town Engineer and the Town Planning Board Chairperson.
- k. Preliminary Site Plan Approval shall be valid for a period of 180 days from today and shall automatically expired unless revised drawing(s) have been signed and filed in the Town Development Office.
- l. Once revised Preliminary Site Plan drawings have been signed, then the Applicant may apply for Final Site Plan Approval to the Planning Board.

BE IT FURTHER RESOLVED that a copy of this resolution is to be provided to Christopher Day, P.E., Ontario County Department of Public Works.

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

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

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

Motion carried.

5. OTHER BOARD ACTIONS

A. Whitestone Development Partners LLC Incentive Zoning Project:

This application was presented by Mr. Sudol of Passero Associates. Ms. Brugg of Woods Oviatt Gilman LLP and Mr. Mirando of Whitestone Development Partners also attended.

Prior to this evening’s meeting, Ms. Brugg provided the following information in writing (a cover letter dated October 17, 2023, to the Town Board) regarding this application:

This office represents Whitestone Development Partners, LLC in connection with the proposed development of 65.1 acres± on State Route 332 and County Road 41 with a mixed-use development project described below and on the enclosed concept plan. This letter is submitted to request that the Town Board grant incentive zoning approval for the proposed development, in accordance with Town Code Section 165-34.1.

Existing Site

The development site consists of 65 .1 acres± of vacant land on the southeast side of the intersection at State Route 332 and County Road 41, the remainder of a larger site once proposed for development of the Glacier Lakes Waterpark and Conference Center, a project that was never developed and for which the property was zoned Planned Development (PD). The site is also in the Major Thoroughfare Overlay District (MTOD). The area is characterized by a mix of zoning and uses.

The site sits adjacent to RB, RMF, R-7-2, and PD zoned property, opposite GB zoning on County Road 41 and GB, IZ, and RMF zoning on State Route 332, also within the MTOD. Neighboring uses include the Farmington Community Church and Power Cemetery on the corner, light industrial/commercial uses on County Road 41, Pintail Crossing Apartments to the east, and the Fannbrook residential subdivision to the south with an auto service use adjacent to the south on State Route 332, and a variety of retail, commercial and medical offices opposite the site on State Route 332 and County Road 41.

Proposed Project

The proposal is to develop the site with a mixed-use development which includes commercial GB uses along the State Route 332 frontage, a modern self-storage facility on the County Road 41 frontage, and a market rate multifamily residential community on the larger interior portion of the property. The proposal is to re-subdivide the property into five lots, with Lot 1 being proposed for the multifamily residential community, Lot 2 for the self-storage operation, and Lots 3, 4 and 5 proposed for development of GB type uses/development, such as a four-story hotel, a Quick Service Restaurant, and an office/ commercial use.

The multifamily portion of the project includes 300± market rate units in 30 buildings, with a clubhouse, parking, landscaping, village green, sidewalks and other site improvements. The buildings are proposed to include 10 units each, with a mix of one-, two- and three-bedroom units. The density of 6.91 units/acre is below the maximum density permitted in the Town's RMF District. Both garage and surface parking are included. Every unit has a garage, with the three-bedroom units having two-car garages, with driveway parking, and pockets of guest parking located around the community. The clubhouse may include a leasing office, fitness center, pool and/or other amenities for residents. Internal pedestrian trail and sidewalks are incorporated within the project to provide connectivity for the project and expand the Town's sidewalk system and access to the Auburn Trail. A substantial vegetative buffer is proposed to be maintained between the project and the adjacent residential neighborhood.

The project is in, and consistent with, the MTOD overlay. The proposal includes a dedicated road through the site to provide access management. The dedicated road will include driveways for access to the proposed commercial uses along State Route 332 and the self-storage facility proposed on County Road 41, with a stub included for potential connection to include the property adjacent to the south

on State Route 332. The road will connect State Route 332, County Road 41, and Quentenshire Boulevard, and is aligned with Savalla Boulevard on State Route 332 to allow for future signalization. The road provides opportunities for multimodal connectivity for the project and the surrounding areas.

Incentive Zoning

We are requesting that the Town Board grant incentive zoning approval for the project, in accordance with Town Code Section 165-34.1. Incentive zoning offers a vehicle to provide flexibility and relief from strict application of the Code required to achieve the optimal project or incentives while also providing certain benefits to the community or amenities a part of the project, as further described below. Pursuant to Section 165-34(G), the following information shall be provided by the applicant:

The proposed amenities:

The proposed amenities are as follows and as illustrated on the submitted site plan:

1. 1,640± feet of public sidewalk along project frontage on State Route 332 and County Road 41.
2. 1,685± feet of off-site public sidewalk from the new signalized intersection south along State Route 332 to Farmbrook Drive.
3. Upgrading the future 3-way signalized intersection at Savalia Boulevard and State Route 332 to a 4-way signalized intersection with an estimated 700± feet of south-bound left turn lane.
4. 3,280± feet of dedicated road and 2,715± feet of public sidewalk connecting State 332 and County Road 41 and Quentonshire Boulevard. This road will eliminate the need to add any private driveways for uses proposed on State Route 332 or County Road 41.
5. 2,800± feet of new 8" water main connecting the existing main along State Route 332 to the existing stub along Quentonshire Boulevard. This will create a looped system improving flows, pressures, and redundancies in the system.
6. The project provides increased connectivity for bicyclists and pedestrians, and more access to the Auburn Trail.

7. The project provides high density housing in the fastest growing portion of Ontario County, reducing the need to convert rural and agricultural land into housing.

The value of the proposed amenities:

1. The value of amenity #1 above: \$98,500 ±
2. The value of amenity #2 above: \$101,100 ±
3. The value of amenity #3 above: \$240,000 ±
4. The value of amenity #4 above: \$966,940 ±
5. The value of amenity #5 above: \$340,000 ±
6. The value of amenities #6 is difficult to quantify and advances goals of the *Comprehensive Plan* by enhancing pedestrian connectivity, multimodal transportation, and providing recreational amenity to the community.
7. The value of #7 is difficult to quantify and advances Town and Regional plans by developing diverse housing, while supporting the preservation of rural and agricultural land.

—Betsy B. Brugg, Woods Oviatt Gilman LLP

Mr. Sudol said that the project site is dormant and has been vacant for quite some time. He said that a large water park complex was proposed for the site years ago but that this proposal never moved forward.

He said that the current zoning of the property is Planned Unit Development (PUD) which was designated specifically for the water park project. He said that PUD zoning does not make sense for the applicant's proposal.

Mr. Sudol said that adjacent land uses have been considered. These include the essentially commercial corridor along State Route 332, the light industrial uses on County Road 41 and the multi-family development on Quentonshire Drive.

He said that the Town's *Comprehensive Plan* served as the guiding document for the applicant's rezoning request to Incentive Zoning. He discussed the Plan's comments on diverse housing and small-scale commercial uses along the State Route 332 corridor but to be done in such a manner without a number of curb cuts. He also said that the *Comprehensive Plan* recommends a dedicated road through the back side of the parcel.

Mr. Sudol said that the information which had been collected was used to formulate and plan the small-scale commercial uses along the State Route 332 frontage. He said that these uses could potentially include a medical office, a small restaurant or other uses along hospitality lines. He said that they are also contemplating a hotel, given that State Route 332 is considered the “Gateway to the Finger Lakes.” He said that commercial uses along this road frontage are being considered for the first 400 feet or 500 feet in from the road. Mr. Sudol said that commercial uses farther back [from State Route 332] do not make sense.

He also described potential development along County Road 41 which could include an aesthetically pleasing climate controlled storage facility and multi-family houses. Mr. Sudol said that they have reviewed studies regarding the diversity of housing and that they are aware of the current Hathaway’s Corners residential development [on the west side of State Route 332].

Mr. Sudol said that they have scaled back their residential concept from 350 residential units to 300 residential units to provide for a less dense development with significant buffering to other parcels. He said that the Town Code permits up to eight residential units per acre but that the current concept scales that back to six residential units per acre.

He said that the applicant would avoid several rezoning applications by the benefit of using the Incentive Zoning (IZ) process and that the community can also receive benefits [amenities] through the IZ process.

On the drawing, which was displayed in the meeting room, Mr. Sudol then reviewed the locations of proposed sidewalks, the dedicated road, offstreet parking (four times more than in previous concepts) and pedestrian access (proximity of the property to the Auburn Trail).

He then asked about the application schedule. Mr. Hemminger said that the Town Board has requested that the Planning Board provide a report and recommendation on the concept proposal. He said that the Town Board would hold a Public Hearing on the IZ rezoning application if the Town Board were to decide to move forward.

Mr. Sudol said that this would be a phased project with the rezoning process taking approximately one year, followed by approximately two years of initial construction. He said that it could be approximately three years from now by the time they are completed with initial construction and receipt of Certificates of Occupancy. By then, Mr. Sudol said that other current projects in the area would be stabilized and the demand [for additional commercial and residential uses] would be here.

He again said that the *Comprehensive Plan* will be their guiding document because the current PUD zoning is not useful for them.

Mr. Brand said that the Town Board has requested the Planning Board's report and recommendation on this project is to be submitted in time for their second meeting in November [November 28, 2023]. He said that he will have a draft report ready for the board's consideration at the next Planning Board meeting on November 15, 2023.

Mr. Brand then reviewed the process of the drafting of a local law on the IZ rezoning followed by a referral of the application to the Ontario County Planning Board if the Town Board determines to move forward following receipt of the Planning Board's report and recommendation.

Mr. Brand reminded the board that it has been, and continues to be, the policy of the New York State Department of Transportation (DOT) that signalized intersections along the State Route 332 corridor are only allowed at Town or County intersecting roads and are not available for driveways or private roads. He said that this continues to be the State's policy to avoid a slew of stoplights up and down the corridor. Mr. Brand said the DOT has agreed with his recommended locations for future signalized intersections in the Town and that the applicant has provided the signalized intersection [which is to be aligned opposite the Barry Place intersection with State Route 332] as an IZ amenity. He also said that he is looking forward to the DOT's input [on the applicant's concept plan] and that Mr. Sudol has well referenced the Town's *Comprehensive Plan* in this application.

Mr. Delpriore said that the Town staff has not yet dived into the application. He acknowledged that Mr. Sudol will make a presentation to the Project Review Committee (PRC) tomorrow [November 2, 2023] and that the staff comments will be prepared following the PRC meeting.

Mr. Hemminger encouraged the applicant to attend and be active in the PRC meetings throughout the approval and construction stages. He said that the PRC is one of the best tools which the Town has for feedback and communication between the applicant, the staff, and the Planning Board.

Mr. Ford discussed the construction phases of the project and asked about the construction of all the roads in the first phase. Mr. Sudol said that their initial thought is to include one of the first commercial pads [along State Route 332] and the construction of one road and the signal light during the first phase, but that additional details will be available at future discussions.

Mr. DeLucia said that most of his questions will concern the details of the site plan and structures at the time of the overall site plan review.

Mr. Viets also said that he will have questions following submission of the Preliminary Overall Subdivision and Site Plans.

Mr. Bellis asked about installation of the commercial pads along State Route 332 in the first phase of development. Mr. Sudol that the applicant has received interest in these commercial sites but no letters of intent are expected to be received until the IZ rezoning is approved. He also said that the applicant would be able to generate the capital for the cost of the IZ amenities upon the sale of the commercial lots along State Route 332.

Mr. Bellis asked if there will be difficulty in receiving approval from New York State for the applicant to install a sidewalk across the front of the State Police headquarters on State Route 332. The sidewalk would extend from the applicant's site to the Farmbrook subdivision.

Mr. Bellis also expressed concern about the density of the residential component and the mini storage facilities which are proposed. He said that these topics will be looked at more closely when the details are available to see how this goes and how we will proceed.

Mr. Sweeney asked about the timeframe for the entire project. Mr. Sudol said that construction is expected to begin in approximately one year, that two commercial pads and the self-storage facility are expected to be completed two years later, and that the first phase of approximately 60 percent to 70 percent of the entire project is expected to be completed by the end of 2026, followed by subsequent phases of the commercial pads. He said that the entire project may be built out by 2028.

Mr. Bellis asked about the locations of apartments and driveways which will back up to the dedicated road and Quentonshire Drive. Mr. Sudol reviewed these locations on the drawing.

Mr. DeLucia asked about provisions for electric vehicle charging stations. Mr. Sudol said that electric vehicle charging stations are provided in all of the applicant's projects and will be included in the Farmington project.

Mr. Hemminger encouraged Mr. Sudol and the applicant to carefully consider the Town staff comments on this project.

Mr. Hemminger asked if the residential units will have basements. Mr. Sudol said no. Mr. Hemminger then said that the design must include enough outdoor parking for residents. He said that residents often use their garages for storage in similar residential developments and that it is not safe for residents to park their vehicles on the sidewalks. Mr. Hemminger said that the garages will very rarely be used for vehicle parking [because of the expected residents' needs for storage space when they have no basements].

Mr. Hemminger also said that driveway length is key. He said that the Planning Board will require the construction of sidewalks within the interior areas of the

project and that the sidewalks will not be considered to be an Incentive Zoning amenity.

Mr. Hemminger asked if all the residential units will be leased. Mr. Sudol said yes. Mr. Hemminger said again that off-street parking is critical and that this will not be a full issue because the Town will have no jurisdiction regarding parking on the private roads within the project.

Mr. Hemminger said that he is “iffy” on the applicant’s plan to construct mini storage units. He said that there several storage units already available in Farmington. He also asked if all the existing storage facilities are full. Mr. Sudol said that the applicant’s partners will make a comprehensive market study.

Mr. Hemminger said that the signalized intersection is key and that marketing is the key to the commercial component. He said that citizens feel that a site is being actively marketed when there is a sign posted on the property.

Mr. Hemminger said that the Planning Board will take a good look at the concept plan. He also said that some Town Board members think that the plan as presented is too dense and that Mr. Sudol and the applicant should have answers for that. He said that the fact that extra vehicle parking areas have been added is important and shows that they can get the parking off the private streets.

Mr. Hemminger asked if the townhouse/apartment rental fees will be market rate. Mr. Sudol said yes.

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

B. Partial Letter of Credit Release #1: Hathaway’s Corners, Phase 2A

■ A motion was made by MR. VIETS, 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:

TOWN OF FARMINGTON PLANNING BOARD RESOLUTION LETTER OF CREDIT—PARTIAL RELEASE #1 HATHAWAY’S CORNERS PROJECT, PHASE 2A

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated October 24, 2023, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve the partial release of funds (Release No. 1) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit release letter, Engineer’s Estimate of Values, dated October 3, 2023, prepared by Thomas Danks, Project Manager, BME Associates, along with the completed Town Surety Release Forms G-1.1 and G-2.0 dated October 24, 2023; 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 or not to honor the requested release from the 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 Engineers, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds (Release #1) from the established Letter of Credit in the total amount of \$1,374,131.76.

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

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

Motion carried.

C. Partial Letter of Credit Release #1: Hathaway’s Corners Apartments, Phase 2B

■ A motion was made by MR. VIETS, 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:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT—PARTIAL RELEASE #1
HATHAWAY’S CORNERS PHASE 2B APARTMENT PROJECT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated October 24, 2023, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve the partial release of funds (Release No. 1) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit release letter, Engineer’s Estimate of Values, dated October 3, 2023, prepared by Thomas Danks, Project Manager, BME Associates, along with the completed Town Surety Release Forms G-1.1 and G-2.0 dated October 24, 2023; 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 or not to honor the requested release from the 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 Engineers, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds (Release #1) from the established letter of credit in the total amount of \$177,318.62.

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

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

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

- Supervisor Ingalsbe attended a meeting on October 24, 2023, on the status of current projects for the Ontario County All Hazard Mitigation Plan. Due to funding reductions, an intermunicipal drainage study involving municipalities in Ontario County and Wayne County has been downsized to include only three municipalities, i.e., the towns of Farmington and Victor, and the Village of Victor. In addition, as part of the County’s Plan Update, Town departments are now preparing lists of human hazards which have been experienced in Farmington over the years (such as highway accidents, events affecting agricultural lands and a variety of natural factors) for the County’s Hazard Mitigation Plan.

The Town is working with the Farmington Volunteer Fire Association to identify enhancement projects to their existing Station No. 2 facility to become part of the County’s Plan Update. Projects listed in the County’s Hazard Mitigation Plan will

have a greater scoring than those not listed. The projects to be selected are intended to improve the efficiency and longevity of the existing fire facilities. Some of the enhancements being considered include a separate decontamination room, separate rooms for the storage of turnout gear, enhanced security improvements for the communications center, and identifying needs to allow for the use of the facilities as a shelter for residents during weather-related events and/or extended power outages. Mr. Brand said that this will be a broad list of enhancements to be included in the Hazard Mitigation Plan and that without such a list an application for Federal funding will not be successful.

- In the previous County Hazard Mitigation Plan, in addition to the intermunicipal drainage district study, there was a second project that identified the need for a backup generator for the new Town Court facility. It was noted that the Town recently installed a back-up power generator at the Town Court building on Hook Road due to pressing need and the lack of guidance for grant funding assistance.
- An Open House on FEMA's revised flood insurance rate maps for Ontario County, including properties within the Town of Farmington, will be held on Thursday, November 9, 2023, from 3:00 p.m. to 7:00 p.m. at the County's Safety Training Facility, 2914 County Road 48, Canandaigua, N.Y. The Open House will not have a formal presentation on the recent FEMA Map amendments. Instead, the Open House enables all residents to speak one-on-one with FEMA, DEC and County representatives to learn more about flood risk and to obtain information on potential changes to flood insurance rates and program requirements. Mr. Brand said that the Town sent 88 letters to Farmington property owners to inform them that FEMA has deemed it necessary to include portions of their properties in the Unzoned A Category (delineated flood hazard areas without any base flood elevations provided).
- Updates are underway to the onsite wastewater treatment regulations in Chapter 126 of the Town Code. A presentation was recently provided by a staff member of the Ontario County Soil and Water Conservation District Office regarding these regulations in other communities, some of which may be considered for the Farmington Town Code amendments.
- The engineering firm Fisher Associates has completed changes to the design plans for the Town's Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Project. This project remains on target and the final design plans are being submitted to the Albany Office of the State Department of Transportation for review and acceptance, following which formal bid documents will be prepared as part of the formal bidding process for the project. Work is scheduled to begin early next year and will be completed by the end of 2024.

The Town's grant for this program was approved in 2022. The program is a Federal Highway Administration Program which provides reimbursement of up to 75 percent of project-related costs for non-motorized transportation improvements, with the remaining 25 percent to be provided by the Town. The grant is intended to fund the construction of approximately 17,000 lineal feet of five-foot-wide concrete sidewalks, the construction of a stonedust pedestrian trail to the Auburn Trail and the construction of a pedestrian bridge across Beaver Creek located along the south side of County Road 41. The total grant estimate is \$2,214,000. The TAP-CMAQ is a matching grant. The Federal share will be 75 percent (\$1,771,200). The Town share will be 25 percent (\$553,500). In January 2023, the easement documents were approved by the Town Board and filed in the Ontario County Clerk's Office.

Mr. Brand said that the Town used an estimate of \$55 per foot for construction of the sidewalks when preparing the TAP Grant Application in the fall of 2022. He also expressed concern over the recent increases [inflation rates] affecting materials, labor and delays in concrete deliveries which are being experienced in the private sector. He said that these circumstances will most likely result in somewhat of a shorter length of sidewalks being installed as part of this project.

- A draft report is being prepared for submission by the Planning Board to the Town Operations Committee for the annual status report on the *Comprehensive Plan*.
- Kim Boyd, chairperson of the Farmington Environmental Conservation Board, will attend the next meeting of the Planning Board (November 15, 2023) to provide a status report on the update of the Open Space Index.
- There is nothing new to report on the Farmington Market Center incentive rezoning application.

Code Enforcement Officer:

- Mr. Delpriore said that there will be no applications for board action at the next meeting of the Planning Board on November 15, 2023. Instead, he said that the following items will be discussed:
 1. Planning Board report and recommendation to the Town Board on the Whitestone Incentive Zoning Project .
 2. 2023 update report to the Town Operations Committee on the status of the *Comprehensive Plan*.
 3. Review of 2024 Planning Board submittal and meeting dates.
 4. Open Space Index update presentation by Kim Boyd, chairperson of the Farmington Environmental Conservation Board.

- Agenda items in December 2023 and January 2024 may include the Power Incentive Zoning Project preliminary subdivision and site plan applications, a solar project proposed connecting Commercial Drive, and an application for construction of homes within the Farmbrook subdivision. Mr. Delpriore also said that the Board may wish to consider having the annual organization meeting in January 2024, as well.

Highway and Parks Superintendent:

Mr. Ford said that the highway staff is now winding down fall projects and preparing for the winter season. He said that salt trucks were out this morning to treat ice conditions on some of the bridges in the town.

Mr. Ford also reminded everyone that there is no over-night parking allowed on Town roads from today (November 1st) until April 1, 2024.

Board Members' Comments:

Mr. Hemminger said that he and some members of the Town Board are concerned about the proposed density of the Whitestone Incentive Zoning Project which was presented to the Planning Board this evening.

Mr. Bellis expressed concern about the applicant's (Whitestone Development Partners) ability to receive State approval to construct sidewalks on State Route 332 on the State Police property's frontage. Mr. Brand said that the Town has a letter of endorsement of and the need for sidewalks from the commanding major of State Police Troop E regarding the safety benefits that sidewalks provide. Mr. Delpriore said that there should be no problem for the applicant to receive approval to construct the sidewalks along this frontage, assuming that the applicant will pay for them.

Mr. Sweeney asked if there has been any progress at the GLN Realty project site on the south side of State Road 96 west of the Farmington Commons Plaza and east of the Farmington Market Center [Tops Supermarket Plaza]. Mr. Delpriore said that the applicant has recently reconfigured the topsoil pile so that it can be maintained and mowed, that the applicant has installed new erosion control fence, that the applicant has installed a project sign on the property in an effort to seek prospective users, and that there have been discussions between the applicant and Town.

Mr. Sweeney also asked about the landscaping of the "Welcome to Farmington" signs on State Route 96 and State Route 332. Mr. Delpriore said that the Farmington Chamber of Commerce is responsible for the landscaping and that the Town Highway Department delivered topsoil to the sites some time ago. He said that the Chamber of Commerce has paid the invoice to the landscape contractor for work that has not yet commenced. He said that it will be up to the Chamber of Commerce and the landscape contractor to work out the

details and that he does not know what the hang-up is. Mr. Delpriore also said that grass is now growing on the topsoil piles at the base of the welcome signs, and that the grass appears to have stabilized the topsoil piles naturally.

Mr. Hemminger asked about the on-site parking of vehicles at Mattie's Motor Sports at 6226 State Route 96. Mr. Delpriore said that the frontage along State Route 96 is a display area but that display vehicles are not permitted along the side of the building. He also said that the front display area would have to be removed if the land-banked parking area along the frontage were to be graded. He said that the Town staff is reviewing the matter and will reach out to the owner to make corrections.

Mr. Bellis asked about the topsoil operations at the A Safe Place Storage property at 6025 Denny Drive. Mr. Delpriore said that this will be discussed at the Project Review Committee meeting tomorrow (November 2, 2023). He said that the remaining topsoil would have to be stabilized for the winter with straw if it cannot be removed.

Mr. Brand said that trees have now been planted along the top of the berms across the frontages of Phase 2 of the Monarch Manor Incentive Zoning Project along portions of the Canandaigua–Farmington Town Line Road and New Michigan Road.

Mr. Hemminger discussed three-foot-high berms on the sides of a private driveway along the south side of County Road 41, expressing concerns about the longevity of the recently planted trees.

Mr. Bellis asked about the reconstruction of the Dollar General Store, located along the south side of State Route 96, Mr. Delpriore said that they would like to reopen in mid-December. He said that this is an aggressive schedule and that there is great deal of work remaining to be completed.

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, 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. DELUCIA, that the meeting be adjourned.

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, November 15, 2023, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and this meeting will also be available 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.