

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, November 2, 2022 • 7:00 p.m.

MINUTES—APPROVED

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

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

R = Attended via remote video conference.

Board Members Present Douglas Viets, *Acting Chairperson*
Adrian Bellis
Timothy DeLucia
Aaron Sweeney

Board Member Excused: Edward Hemminger

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
August Gordner, Town Code Enforcement Officer

Attending:
Robert Brenner, Canandaigua Development Corporation, LLC, 83 S. Main Street,
Canandaigua, N.Y. 14424
Elmer Buwalda, 1104 County Road 8, Farmington, N.Y. 14425
Verna R. Cowley, 1098 County Road 8, Farmington, N.Y. 14425
Ryan T. Destro, P.E., BME Associates, 10 Liftbridge Lane East, Fairport, N.Y. 14450
Tim Hannan, 676-B Crowley Road, Farmington, N.Y. 14425
Brian Mahoney, Canandaigua Development Corporation, LLC, 83 S. Main Street,
Canandaigua, N.Y. 14424
Karen and Michael Phillips, 1110 County Road 8, Farmington, N.Y. 14425
Larry Potter, 1108 County Road 8, Farmington, N.Y. 14425
Dean Power, 5779 Collett Road W., Farmington, N.Y. 14425—**R**

1. MEETING OPENING

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

2. APPROVAL OF MINUTES

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that the minutes of the October 5, 2022, meeting be approved.

Motion carried by voice vote. Mr. DeLucia abstained due to his absence from the meeting on October 5, 2022.

3. LEGAL NOTICE

None.

4. BOARD ACTIONS

A. Power Property Incentive Zoning Project:

- Name:** Canandaigua Development Company LLC
c/o Brian Mahoney, Robert Brenner,
28 South Main Street, Canandaigua, N.Y. 14424
- Location:** North side of State Route 96, east of the Fairdale Glen
Townhomes, west of County Road 8
- Zoning Districts:** Limited Industrial (LI), Residential–Suburban (RS-25)
- Request:** Rezoning of the property to Incentive Zoning (IZ) to
construct a 216-lot single-family for-sale residential
subdivision on ±145.8 acres and General Business and
Limited Industrial uses on ±29.1 acres located along State
Route 96

This application was reviewed by the Project Review Committee on June 2, 2022.

The concept plan was introduced to the Town Board (Privilege of the Floor) on October 11, 2022, at which meeting the board requested a Report and Recommen-

ation from the Planning Board on this application (Town Board Resolution #401-2022).

This application was presented by Ryan T. Destro, P.E. (BME Associates). Mr. Brenner and Mr. Mahoney (Canandaigua Development Company LLC) also attended.

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

The subject property consists of two (2) tax parcels with a total area of ±145.8 acres located along the north side of NYS Route 96. The property is located to the east of the Fairdale Glen Townhomes and to the west of County Road 8. The property is currently located within the Limited Industrial (LI) zoning district, with the northern portion of the property, which has frontage along Collett Road is zoned Residential-Suburban (RS-25).

Incentive Zoning Proposal Summary:

The proposal is for a 216-lot single-family for-sale residential subdivision of the ±145.8 acre parcel. At the urging of the Town of Farmington, Incentive Zoning is proposed in lieu of a standard rezoning and cluster subdivision per residential zoning criteria.

The Incentive Zoning application proposes two land use areas for the subject property. The primary development land use is the 216 single-family lots, which will be located on ±116.7 acres located approximately 750 feet off of the NYS Route 96 frontage. The remaining ±29.1 acres of land, located along the State Route 96 frontage, are designated for General Business and Limited Industrial uses per recommendation of the Town of Farmington.

The proposed development of this property, as a single-family residential subdivision, is consistent with the Town of Farmington Comprehensive Plan for this property. The property is located in Subarea #9 as identified in Chapter 4—Future Land Use Plan. The following excerpt is from Chapter 4:

“For example, the land located east of the Fairdale Subdivision Track (King Hill Drive, etc.) is zoned LI Limited Industrial...The Town may want to consider re-zoning the area east of Fairdale to a . . . residential use, which would be more consistent with the existing land use pattern.”

The proposal also meets the Housing and Residential Land Use Goal, identified as Goal #1 in the Town Comprehensive Plan. *“Goal: to promote the availability of diverse, high quality, and attractive places for people to live.”* The project provides a for-sale single-family residential neighborhood to include sidewalks, pedestrian mobility, cluster subdivision design, open spaces, and lot sizes to serve the Town population. All of these elements are identified as objectives in Chapter 3 and Goal #1.

The project also meets Goal #2 “Managing the Built Environment,” in particular recommended actions:

- a. 3) *“Continue to use Incentive Zoning regulations where there are defined amenities to benefit the community provided in exchange for site development incentives.”*

This proposal proposes community benefits in the form of contributions for the Beaver Creek sewer project; a sewer and forcemain feasibility study; and a sidewalk fund contribution.

- d. 1) *“Update and maintain on a regular basis the Future Land Use Plan Map and the Future Land Use narrative in Chapter 4 of the Plan.”*

This proposal focuses on residential development in a designated area per Chapter 4, Subarea 9 of the Future Land Use Plan, and thus meets the recommended action *“d. Focus development to avoid sprawl.”*

- d. 3) *“Evaluate how and identify where the limited mixing of land uses might best occur.”*

The project proposes a density of ± 1.8 lots/acre, which is a typical suburban single-family residential density and is consistent with the established residential densities of the neighborhoods in Subarea 9 along Hook Road between NYS Route 96 and Collet Road. The proposal also includes reserving the Route 96 frontage of the property for future commercial uses that can support the residential uses in the area and complement existing commercial development along the Route 96 corridor.

- e. 1) *“Require, where appropriate, at least 10% of a proposed subdivision site to be reserved for parks, playgrounds, or other open space.”*

The project proposes ± 40.2 acres of open space within the residential component of the project. This area represents 28% of the total ± 145.8 acre site area.

- h. 2) *“Require adequate screening and buffering between different land uses.”*

The property contains a stream channel and adjacent regulated wetland area that is well vegetated. This natural feature, running east-west approximately 600’ north of NYS Route 96, will serve as the natural buffer between the General Business use proposed along Route 96 and the single-family residential use proposed for the majority of the site.

- k.) *“Have developers pay for a fair share of the offsite infrastructure costs resulting from new development, based upon a cost/benefit analysis, which would otherwise be borne wholly by the Town.”*

- k. 2) *“Consider the enactment of incentive zoning to enable the Town to receive offsite infrastructure costs in exchange for site amenities provided for under Town Law.”*

This Incentive Zoning application proposes developer contributions for offsite infrastructure improvements, including sanitary sewer and sidewalks.

Finally, the project also meets Goal #3 “Conservation, Open Space and Environmental Protection.”

The plan meets the objectives of Chapter 3, Goal #3 including:

- a) *“Protection of natural resources, selected open space, environmentally sensitive areas, and unique natural features.”*
- b) *“Protection of water resources to keep impacts from erosion, sedimentation, and drainage to a minimum while enhancing the quality and quantity of site stormwater runoff through the use of Best Management Practices specified in the State’s MS4 Program.”*

The project site contains a regulated stream channel and adjacent wetland area approximately 600 feet north of NYS Route 96. The property also contains wetland areas at the north end of the property adjacent to Collet Road and along the existing railroad bed. All of these wetland areas will be encompassed within designated open space areas and thus protected from development and encroachment.

These wetland areas within open space will also serve as defined buffers between the proposed development and surrounding land uses.

The project will also include a comprehensive stormwater management plan to protect the water quality of these natural water resources.

Incentives Requested by the Owner/Developer:

The following represents the lot standards and zoning criteria for the uses proposed by the applicant for this proposed site:

- **216 lot Single-Family Residential Subdivision (±116.7 acres):**
 - Density of ±1.8 lots per acre
 - Minimum Lot Size of 70’x170’ (11,900 S.F.)
 - Maximum Building Coverage at 30%
 - 35-foot Front Setback
 - 10-foot Side Setback
 - 10-foot Rear Setback
 - All other Lot and Use Standards to be per RS-25 zoning

• **Limited Industrial/General Business (±29.1 acres):**

Minimum Lot Area of 25,000 S.F.

50-foot Front Setback

100-foot Minimum Lot Width

Allowable Uses include:

- Permitted Principle Uses in LI & GB Zoning Districts
- Permitted Accessory Uses in LI & GB Zoning Districts
- Special Permit Uses in LI & GB Zoning Districts

All remaining Lot Area, Bulk and Coverage Requirements to be based on the Proposed Use and shall meet the least restrictive standards (LI or GB) that the use is either a Permitted Principal Use, Permitted Accessory Use or by a Special Permit.

Amenities Proposed to Benefit the Town of Farmington:

In return for the incentives requested, the applicant proposes the following amenities and benefits to the Town of Farmington. Following extensive review and coordination with the Town Supervisor and Town staff at multiple meetings, the Town Supervisor issued a letter on behalf of the Town Board dated August 12, 2022, stating that the Town Board is willing to consider the following amenities proposed by the Owner/ Developer:

1. Beaver Creek Sewer Project:
\$100,000 (one-time cash payment to the Town)
2. Sewer and Force Main Feasibility Study:
\$50,000 (one-time cash payment to the Town)
3. Sidewalk Fund Contribution
(\$378,000 (@ \$1,750 per residential lot)
Timetable for payment to be determined with the Town.
4. Design (only) of Offsite Sidewalk
N/A (southwest corner of subject property to Fairdale Glen Townhouse Project)

Total Amenity Fee:

\$528,000 (@ 216 lots = \$2,445 per residential lot)

—Ryan T. Destro, P.E. BME Associates

Mr. Destro said that the applicants received a letter from the Town Supervisor dated August 12, 2022, in which the Supervisor said that the Town Board is willing to consider the proposed amenities for this Incentive Zoning application.

Mr. Destro also said that he and the applicants received the Planning Board draft Report and Recommendation and that input on the draft was submitted to the Town yesterday (November 1, 2022). He said that they will appreciate the feedback on the application which will be received at the meeting this evening.

Mr. Viets said that the board will review the draft Report and Recommendation which has been submitted by the Town staff this evening.

A citizen said that her backyard floods every spring and that this [development] will come up to her backyard.

Mr. Viets said that the Planning Board is not looking at the site plan [for this development] tonight. He said that the Planning Board will review the draft Report and Recommendation [which will be submitted to the Town Board] and that the Town Board will make the decision on whether to proceed with the Incentive Zoning application. Mr. Viets said that an actual site plan would be submitted to the Planning Board at a later date if the Town Board were to move the application forward. He said that a site plan application is not something that the Planning Board would be acting upon this evening.

Mr. Brand said that the Town Board's request tonight is for a Report and Recommendation from the Planning Board which is the standard procedure for any Incentive Zoning application. He said that the draft Report and Recommendation [which is being considered by the Planning Board this evening] was posted on the Town website last week and that the applicants were provided a copy. He also said that yesterday the applicants' had provided responses to the draft which were posted on the Town website on November 1, 2022. Mr. Brand said that the purpose of the meeting this evening is to receive the Planning Board's comments and possible amendments to the draft. He also said that the draft includes comments and input from Town staff.

He then reviewed a possible timeline of steps for this application which could include the review of the Planning Board Report and Recommendation by the Town Board at its meeting on November 9, 2022, if the Planning Board were to approve the draft this evening. He said that the Planning Board may determine this evening that it is not ready to act upon the draft in which case the Planning Board could resume the consideration at its next meeting on November 16, 2022.

A citizen asked when they [the citizens] are supposed to jump in.

Mr. Brand said that the meeting this evening is not a formal Public Hearing but that any comments which the citizens may wish to discuss with the board are points which the Planning Board would like to hear.

A citizen said that he has seen several developments around the property. He asked about the elevations on the property. Another citizen said that it [the applicants' property] drains all downhill onto adjacent properties.

Mr. Viets said that the board does not yet have this level of topographic detail which would be necessary to determine the site's drainage. He said that these [engineering] details will come if the Town Board approves the Incentive Zoning application.

Mr. Bellis asked about several stormwater retention areas which are shown on the concept plan. Mr. Destro said that stormwater management facilities are located in the southeast and northeast corners of the property, and in the northern portion of the property. He said that the property has a natural high point [pointing on the map to approximately the center of the two properties].

A citizen said that his concern is that the elevation goes east and west.

Mr. Destro said that the engineering design process will meet the New York State Department of Environmental Conservation (DEC) stormwater guidelines. He said that the applicants will make sure that they will reduce stormwater runoff rates from the existing conditions and that they will direct the runoff to the retention ponds.

Mr. Bellis said that this is all conceptual right now and that first it will be up to the Town Board [to approve the Incentive Zoning application].

Mr. Viets said that the size of several of the proposed subdivision lots are smaller than what the current zoning [of the property] allows.

Mr. Viets also said that some of the land is currently zoned Limited Industrial and that the Town Board will consider the amenities which the applicant has offered to allow some additional residential use [in the current Limited Industrial areas of the property].

A citizen said that the ponds on the north side [of the property] will never take the [stormwater] overflow. He said that their property is usually flooded in the spring and the rainy season, and that up to this point the Town has not been able to do anything about it.

Mr. Viets said that this is something which will be entertained in the site plan process. He said that the applicant is required by DEC regulations to retain everything [all stormwater runoff] on their property. He said that they must comply with these regulations under SEQR (the State Environmental Quality Review Act).

A citizen said that they [the applicants] said at the Town Board meeting that they will take care of it [the stormwater runoff]. He said that they won't and that he cannot get onto his property.

The locations of the properties of several of the citizens who were at the meeting were reviewed on the drawing in the meeting room.

A citizen asked if the runoff from the proposed retention ponds will run into the nearby creek. Mr. Viets again said that the board has not yet seen the grades on the property. He said that the outfall from the proposed stormwater ponds would discharge into the local water body but that the rate of the water discharge cannot be any greater than the existing condition. He said that the Town Board could consider this and may require an oversized stormwater basin and that this would be something that the Town Board could require as part of the Incentive Zoning application.

A citizen asked if the Planning Board could recommend to the Town Board that a drainage district be formed on the east side of the Town.

Mr. Brand said that in the past there was a great deal of opposition from rural community members in Farmington for creating a townwide drainage district. He said that at the time they felt that they would be paying [for drainage improvements] for people who did not live in their areas of the Town. Mr. Brand said that the Town is now optimistic that something will finally be done on this matter. He said that a study is being considered that would not only be for Farmington but for the entire drainage watershed area, which makes sense because he said that one cannot fix the problem in Farmington only to have it move to another location.

Mr. Brand said that the Town learned this week that the Ontario County Planning Department will be meeting with Town and County Staff to prepare an action plan including technical assistance involved with forming an intermunicipal committee to prepare a watershed drainage study. The committee would include representation from the towns of Victor, East Bloomfield, Canandaigua, Farmington and Manchester. This project has been identified as a high priority action item in the past two updates to Ontario County's All Hazard Mitigation Plan. He said that hopefully this time the project will be submitted to the Federal Emergency Management Agency (FEMA) for funding assistance. This project is tentatively scheduled to begin in the summer of 2023.

Mr. Brand said that other nearby evidence [of drainage concerns] appears near the Farmington towing site [southeast of State Route 96 and County Road 8] at which a pond forms on several rain events every year. He said that drainage associated with this site's development is something to be looked at and that the citizens' point about drainage will be considered by the Town engineer and the Town staff in the preliminary design of the Power application. Mr. Brand said that right now there is not a great deal of design information [at this stage of the application] but that the Town wants to know the concerns of the citizens.

A citizen said that it would be a good idea to take care of the existing drainage problems before creating new ones.

Mr. Brand said that the [drainage] problem is on the east side [of County Road 8] which causes the problem on the west side of County Road 8. He said that the applicants' engineer is working on a [drainage] solution and that the Town engineer and

the DEC are obligated to ensure that the stormwater runoff [from this development] will not worsen the conditions which are already out there. He thanked the citizen for bringing this up.

Mr. Viets said that it [drainage] needs to be considered as a bigger picture. He said that it is difficult to do much with one application and the drainage is a preexisting condition which [extends] beyond one project.

Mr. Brand said that the low-lying area east of Victor [N.Y.] is a concern of Victor. He said that the County also shares their concerns with drainage and the proposed drainage divide study will need to address this issue.

A citizen asked if there is an overall timeline [for this development].

Mr. Viets said that this evening the Planning Board will review the draft Report and Recommendation for the current Incentive Zoning application, and that the approved Report and Recommendation would be submitted to the Town Board either this evening or following the next meeting. He said that the Town Board could consider the Report and Recommendation at its next meeting on November 9, 2022, if the Planning Board were to act on the Report and Recommendation tonight. He also said that the Town Board may want to review the information in the report and then consider action at the next meeting on November 22, 2022.

Mr. Brand also said that the Town Board may act on the Report and Recommendation at its next meeting, or may hold it for further review. He said that the Town Board members will read the minutes of tonight's meeting to determine the residents concerns, and may take up the Report and Recommendation after that. Mr. Brand said at some point the Town Board will direct him to draft a local law to rezone [amend the Official Zoning Map] these two parcels of land. The Incentive Zoning will include a resolution setting forth the requirements for the development of these two parcels of land, including the provisions of the Major Thoroughfare Overlay District (MTOD) in which these parcels are located. He said that the draft local law would then be referred to the Ontario County Planning Board which meets once a month and which could possibly receive the draft local law at its December 2022 meeting. Mr. Brand said that if things move along, the Town Board would then schedule a formal Public Hearing on the Incentive Zoning application which would most likely be after the first of the new year.

Mr. Brand said that following the formal Public Hearing, the Town Board would then consider a resolution which will set forth all the criteria for the development of these two parcels, any special conditions on connectivity to the water lines, connectivity to a second means of access to the site, and a number of additional issues which have not yet been discussed. If the Incentive Zoning is approved by the Town Board, Mr. Brand said that the applicants' engineer would then prepare a detailed set of drawings showing all natural drainage, utilities, stormwater conditions, and additional details which the Planning Board must consider for approval. He said that it will be at this point that

the calculations on stormwater runoff to the adjacent properties will be available and how it is to be mitigated.

Mr. Brand said that the process may extend into February or March until the next review phase by the Planning Board.

He said that following approval of the Overall Preliminary Plan by the Planning Board, the applicants would return to the Planning Board for final approvals of each of the phases of the development.

Mr. Brand said that a detailed environmental review will be conducted by the Planning Board with coordination with involved agencies. This process also provides a 30-day review period for public review and comments. Again, it is at this phase when detailed design solutions are provided which include stormwater issues. As part of any coordinated review under SEQR, the DEC's comments will identify any concerns with stormwater issues.

A citizen said that the concept plan shows two subdivision exits onto State Route 96. He said that one of the exits is near the hill at the east end of the racetrack. He expressed concern about traffic safety. Mr. Viets said that the New York State Department of Transportation (DOT) has jurisdiction regarding the locations of the exits/entrances onto State Route 96. He said that he would hope that the applicants have already had preliminary discussions with the DOT but that the jurisdiction of State Route 96 is out of the hands of the Town because the road is owned by New York State. Mr. Viets said that the DOT will only allow road access points in certain locations and the site's sight distances will certainly have to meet the State requirements.

A citizen expressed concerns with periodic flooding along a portion of the south side of Collett Road [north of the railroad track]. Mr. Viets said that the road floods when it rains and that it is difficult this evening to provide meaningful solutions due to the level of detail which is now available. He said that this evening the board is beginning the process and that the Planning Board would get into the "weeds" if the Town Board approves the Incentive Zoning application.

A citizen asked about the construction timetable, about when the machines will begin work on the property, and about the end date of the project. Mr. Viets said that the end date will depend upon the number of phases of the development. He said that some projects have many phases [of construction]. Mr. Brand said that the Auburn Meadows Subdivision project began in 2006 and that the developer is just now ready to build the last section. Mr. Viets also said that it is difficult to judge the timing of the phases which are based on market conditions. Mr. Brand said that the development could begin as early as late next summer or fall 2023, but this assumes that no hurdles come up which could delay the start.

A citizen asked about consideration of the wildlife which rely on that property, such as turkey, fox, deer and coyotes. He said that he saw a six pack of coyotes on the applicants' property and that the animals will have to end up moving to other locations. He said that he has children and pets, and expressed concern if the wildlife moves onto his property.

Mr. Viets that the State Environmental Quality Review Act requires that the board consider environmental and nature issues. He said that it would be hard to say if there would be a major impact [upon the wildlife] without a fenced property and based upon DEC statutes. He said that an option for the wildlife would be to relocate to the proposed undeveloped portion of the property or to relocate to less populated areas.

A citizen said that she also has seen coyotes run through her property.

A citizen said that he now hunts on his property but that he would be unable to continue hunting on his property because the new homes would be located too close to his property and within the 500-foot hunting limit.

A citizen said that he lives next door and would like to know how the development would affect him.

Mr. Viets said that this is something to be taken into consideration. He said that he did not know how much the Town can do about this but that he shares the citizens' sentiments.

A citizen said that the Town is turning into a development and that it is no longer Farmington. She said that this [development] is what they moved away from, and now it is following them.

Mr. Bellis asked to see how the property could be developed under the existing zoning regulations. Mr. Destro displayed a drawing in the meeting room of the possible development of the property with the current zoning districts. He said that 40,000-, 50,000- or 60,000-square-foot flex industrial space [buildings] could now be built on the property and that the overall impervious surface footprint would be much greater than the primarily residential focus which is now proposed. He said that the Incentive Zoning concept plan includes 33 percent of the property as open space and will leave undisturbed the major wooded areas along the northern portion of the property and the wetland corridor in the southern portion. Mr. Destro said that the development would be located in the central portion of the property.

Mr. Viets said that the drawing shows the potential uses of what could be built, as compared to the Incentive Zoning use. He said that the Town Board has to consider all the details which must be ironed out and that this is a process which begins this evening. He said that many of the challenges with developing this property would be the same [whether the property is developed with the existing zoning or with Incentive Zoning].

A citizen asked about new owners of the property and the combination of the parcels. Mr. Brenner, a representative of the Canandaigua Development Company LLC, said that he is a Farmington resident and a land-use attorney. He said that half of the property is in his wife's family [distant relatives of his wife]. Mr. Brenner said that the other half of the project was purchased from the DiFelice family. He said that a solar project was proposed for the property but that solar did not comport with the zoning. He said that he and his partner purchased the property six months ago when the solar deal was terminated and that they have worked to present a project that would fit well [within the community].

Mr. Brenner said that they had originally proposed a higher density subdivision of approximately 330 homes. He said that they have reduced the number of lots to 216 which is a project that makes economic sense but on a thin [profit] margin. Mr. Brenner said that they must provide two entrance roads off from State Route 96 and that they will have no developable lots through the creek area. He said that this portion of the project will be a very costly from an infrastructure perspective.

Mr. Brenner said that they had proposed a residential component along State Route 96, but the Town Supervisor and Town staff thought that light industrial would help enhance the streetscape along the State Route 96 corridor. He said that they are not proposing any access off from Collett Road and that the rear [northern] portion of the property will be maintained as trees and woodlots with some hiking trails ultimately connecting to the Town Park which was important to the staff. He also said that there will be uses of green spaces within the subdivision.

Mr. Brenner said that they did not want a subdivision as dense as the Hickory Rise Subdivision, which is located on the southeast corner of Collett Road and Hook Road. He said that their proposed subdivision will be at a density of 1.8 lots per acre. Mr. Brenner said that the property was not for sale [on the open market]. He said that he and his partner are local developers, that his wife's family lives off from Green Road and that they have over 100 acres, and that he and his partner want this to be a development of which they and the Town can be proud.

Mr. Viets said that to plan for future development the Town Board may wish to consider a future connection from the applicants' property into adjacent properties. He said that it would make sense to have the neighborhoods connected with water, sewers, sidewalks, trails and roadways. He said that this is something which the board is concerned about this evening.

A citizen asked how he and the other citizens can keep up to date on this project. Mr. Viets said that the Town Board makes the zoning decisions after holding a Public Hearing. The Public Hearing notices are sent to nearby property owners, the property is posted, meeting notices are posted on the Town's website. He said that when the Planning Board reviews the site plan there will most likely be another Public Hearing where site drainage, the State Environmental Quality Review, and other issues are further addressed. He said that the next Town Board meeting will be held on Wednes-

day, November 9, 2022, and that the Town Board may or may not choose to have this topic on that agenda. Mr. Viets said that the Town Board agenda—and the agenda of other boards—are posted on the Town website. Mr. Brand said that the Town Board agenda is typically posted on the Friday before the following week's meeting. He said that there has not yet been a Public Hearing on this application. The Town Board resolution referring this matter to the Planning Board had requested a response by November 9, 2022. This, however, does not mean that the Town Board will act upon the application that evening. He urged everyone to check the meeting agenda which should be posted on the Town's website later this week.

Mr. Brand said that the Planning Board now has the draft Report and Recommendation which includes input from all Town departments. The Planning Board may act upon this Report and Recommendation this evening, or they may decide to continue their consideration to its next Planning Board meeting, which right now is scheduled for November 16, 2022.

Mr. Viets then asked if anyone on the remote video conference wished to comment or ask questions on this application. There were no comments or questions from the person on the remote video conference.

Mr. Sweeney asked about the construction of sidewalks. He referred to the appropriate section of the draft Report and Recommendation, i.e.:

The Planning Board finds that the applicants are not proposing sidewalks along proposed Dedicated Road B between the proposed sidewalks along the north side of State Route 96 and the residential portion of this incentive zoning site. The MTOD guidelines require sidewalks be installed along one side of all highways located within the mapped overlay district. The Board finds there is no justification to waive this requirement from being a condition of rezoning approval. . . .

—*Draft Report and Recommendation*

Mr. Destro said that one of the amenities which is proposed to be provided to the Town is a substantial (\$378,000 (@ \$1,750 per residential lot) contribution to the Town Sidewalk Fund. He said that they agree that the sidewalks along proposed Dedicated Road B will be appropriate when development on Dedicated Road B occurs, but to construct them sooner would provide a sidewalk to nowhere. He said that the applicants think that the construction of the sidewalk on Dedicated Road B should be tied with the first development along Dedicated Road B.

Mr. Destro then referred to the applicants' response to this section of the draft Report and Recommendation:

The applicant agrees to install the sidewalk along the frontage of tax map account 29.00-2-13.2 and complete the gap, if the Planning Board

and Town Board will allow for the sidewalk associated with Dedicated Road B to be a Planning Board condition of Final Site Plan approval for the first LI/GB use proposed to have frontage along Dedicated Road B. The residents of the single-family portion of the development will have access to NYS Route 96 via the internal sidewalk system proposed and the sidewalk proposed along proposed Dedicated Road A (the western access to Route 96).

—*Ryan T. Destro, P.E., BME Associates*

Mr. Sweeney said that he recommends that the sidewalks be installed as included in the draft Report and Recommendation. Mr. Destro said that their intent is to install the sidewalks when development occurs on Dedicated Road B. He said that they just wish to delay the installation [of the sidewalks] until it is appropriate.

Mr. Bellis said that the Planning Board has required developers to install “sidewalks to nowhere” in the past, and that at a future time the sidewalks become connected to provide a sidewalk system. He said that the board has required this of other developers and that it may take some years [until the sidewalk sections are connected by other developments]. Mr. Bellis said that there are a number of short sections of sidewalks [which have been constructed in the Town] and over time the system works as the sidewalk sections become connected.

Mr. Destro said that they understand this but that part of their offer is that the applicants will complete the sidewalks [when development occurs on Dedicated Road B].

Mr. Sweeney said that the construction of three sidewalks are required by the MTOD regulations. Mr. Brand said that the Town requires sidewalks only on one side of a road and that this is a Town Board policy decision for consideration. He also said that sidewalks are required on a Town road located within the MTOD.

Mr. Viets said that the requirement to install sidewalks on Dedicated Road B is in the draft Report and Recommendation. He said that the board’s recommendation is to keep this in the Report and Recommendation and that it will be up to the Town Board if they wish to waive it as the applicants have requested.

Mr. Bellis asked about the Limited Industrial zoning area on State Route 96. He said that the applicants had originally proposed residential uses for this area. Mr. Destro said that the Town Supervisor requested that a Limited Industrial/commercial footprint remain along the State Route 96 corridor [south of the freshwater wetland area] which would be more appropriate for this portion of the project than residential uses.

Mr. Bellis asked about the other driveways [future Town road connections] to adjacent properties and the map designation of these open spots. Mr. Destro said that they are providing the reservation for a future development to the west and east [of the applicants’ property] to tie into the subdivision.

Mr. Bellis asked about access to the proposed stormwater management facilities near County Road 41. Mr. Destro said that there could be a potential access to these facilities either by a trail or to a water main easement. He said that this will be adjusted at the Final Site Plan stage.

Mr. Bellis asked who will maintain the trails. Mr. Destro said that the applicants do not wish to form a Homeowners' Association (HOA). He suggested that the trails could be accepted by the Town as a conservation area or could be designated as conservation easements on each of the individual subdivision lots. He said that any part of a subdivision lot within the open space would then be part of the conservation area.

Mr. Brenner said that they are not excited about forming an HOA which often comes with potential neighbor disputes. He said that their initial idea was the creation of a conservation district which would pay to maintain these reserved open spaces, similar to a lighting district. He said that this would avoid passing on these costs to the general tax base of the Town.

Mr. Brenner said that another option would be to extend the individual subdivision lots and that the open-space portion of a lot would include a deed restriction with a conservation easement appended to each lot. He said that the Town of Victor is fond of these. Mr. Brenner said that the planting of trees and bushes in this area would be done by the developer and that no mowing or structures would be permitted in the open-space [conservation easement] portion of any lot.

Mr. Brand said that the Town has only one conservation district which is located within the Hickory Rise Subdivision Tract. This district was created for the protection of the natural drumlins from encroachment and further development. He said that there are no drumlins on the applicants' property and that the Town Board would likely not be receptive to taking on more districts if there are no natural features to be protected. Mr. Brand said that previously the lots along the west side of Spartan Drive in the Auburn Meadows Subdivision were originally identified as a protected conservation area but that the developer never followed through with filing the necessary protection [deed documents] and now the property owners have mowed the land and put up sheds. He then referred to the draft Report and Recommendation which indicates “. . . The Board finds that while within the nearby Hickory Rise Subdivision Tract a Conservation District was warranted, in this instance the Planning Board finds there are no unique environmental features located on these two (2) parcels or other unique natural features (freshwater wetlands) that are not already protected by State laws. . . .”

Mr. Brenner said that they would like to avoid having a paved stub road between two houses. He said that their rationale is that the owners on either side want to retain their properties and would have no interest in selling for future development. He said that his concern from a development standpoint is that they would [construct a paved stub road] if there were to be development, that they are happy to make the reservation [for

future development] but that they would prefer not to pave and install road gutters on a road to nowhere.

Mr. DeLucia asked about the current Limited Industrial zoning area along State Route 96. He said that there already is a residential property in this area. He said that he does not necessarily object to the Limited Industrial zoning but that consideration of residential uses may be appropriate because of the current residential home there.

Mr. Bellis asked what was originally proposed along the State Route 96 frontage. Mr. Brenner said that their first concept was a cul-de-sac off State Route 96 [pointing to the area west of Road A] with approximately six to eight homes. He said that the Town Supervisor expressed the view that Limited Industrial land in Farmington is coveted land and that they thought it important to maintain some limited industrial/commercial uses along State Route 96 in this area across from the racetrack. Mr. Brenner said that the existing residential home in this area needs a great deal of work and that residential homes have been proposed down the driveway [Road A] near [north of] the wetlands.

Mr. DeLucia then said that he does not object to the Limited Industrial zoning area and that he is okay with it.

Mr. Viets said that he likes reserving that area for Limited Industrial uses, especially since the Town is running out of it.

Mr. Viets suggested that the applicants consider shifting the lots between #47 and #51 back near the stormwater basin. He said that the Town may need a [more] direct access to the proposed stormwater facilities to avoid encroachment into any wetlands. Mr. Viets suggested that the applicants take a look at another access point if the retention pond remains in its current location on the plans.

Mr. Viets asked who will have responsibility for the maintenance of the stormwater ponds if an HOA will not be formed. Mr. Destro said that those conversations need to be discussed with the Town Board to determine if the stormwater ponds will be dedicated to the Town or if an [access] easement [for maintenance purposes] will be provided to the Town. Mr. Viets recommended that the property owners in the subdivision should be responsible for the maintenance of the stormwater ponds through a district.

Mr. Viets discussed having some type of requirement that outdoor accessory structures be in proportion to the size of the lot. He suggested that this be included in the Report and Recommendation to the Town Board as an amendment to the draft.

Mr. Bellis discussed the portion of the draft Report and Recommendation regarding “. . . that the proposed three rights-of-way shown on the concept drawing, which are identified as ‘Right-of-Way Reservations A, B and C’ should be completed with the installation of stub-roads, sewer and water lines, streetlights, and sidewalk improvements to their property lines as part of any of the phased development for this

project. . . .” Mr. Brand said that this recommendation comes from the Town Highway Superintendent, the Town Water and Sewer Superintendent, the Town Code Enforcement Officer, the Town Construction Inspector, and the Town Director of Planning and Development. Mr. Brand said, for example, that the first section of Carmen’s Way within the Hathaway’s Corners Incentive Zoning Project has been designed and constructed but that it does not go all the way to the property line. He said with the Power application that the stub-outs [Reservation Right-of-Way A, B and C] ultimately will be a condition of the Town Board. Mr. Viets said that in his mind it makes sense to grass, but that this is more a Highway Superintendent decision.

Mr. Brenner said that the stub-out would be part of the dedicated road to the Town of Farmington and that in New York State a property owner cannot claim ownership because the stub-outs [Reservation Right-of-Way A, B and C] would be owned by a municipality. He said that a property owner could make the case of ownership if the stub-out were to be privately owned. He said that they would include the stub-outs on the official subdivision map and that the Town could accept them as dedicated rights-of-way, though unimproved.

Mr. Brand said that there is a similar situation located within the Farmington Grove Subdivision Tract where there is a 60-foot right-of-way between two lots with existing homes. He said that this right-of-way is owned by the Town but that the property owners have been mowing it as if it is part of their properties.

■ **CONSENSUS:** Mr. Viets then expressed the consensus that any accessory structures or uses should be proportionate to the size of lots. He said that this should be added to Recommendation #3 in the draft Report and Recommendation.

Mr. Destro again discussed the sidewalk recommendations and that the gap [along Road B] can be uncompleted. Mr. Brenner said that they agreed to construct all the on-site sidewalks required by the Town Code and to provide a sum of cash for the off-site sidewalks. He said that they would prefer to build the sidewalk across the Morgan frontage [the residential out-parcel along the north side of State Route 96] if the board will not require the construction of the sidewalk along proposed Dedicated Road B until the industrial/commercial component is built.

Mr. Sweeney said that what the board will send to the Town Board what has been written in the draft Report and Recommendation.

Mr. Gordner said that he would like to bring to the board’s attention that the Town Board recently removed proportional accessory structure requirements from a large portion of the Auburn Meadows Subdivision in which pools and other accessory structures were not permitted on the smaller patio lots. He said that he understood the board’s consensus [that accessory structures or uses should be proportionate to the size of the lots] but that the Town Board may not be very willing to accept this. Mr. Viets said that he is concerned about the size of an accessory structure on an 11,000-

square-foot lot and that this Planning Board recommendation would be up to the Town Board.

Mr. DeLucia said that previously the Town did not permit any accessory structures on patio lots.

Mr. Gordner said that the Town Code was just rewritten to permit a 300-square-foot shed [on all lots in the Town] and that the Town Code would have to be rewritten again [if the Town Board agrees with the Planning Board's recommendation on this].

Mr. Viets said that large accessory structures on the smaller lots could impact impervious coverage and could affect drainage. He again said that he would like to have this recommendation included in the draft Report and Recommendation.

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

■ A motion was made MR. SWEENEY, seconded by MR. DELUCIA, that the reading of the following Report and Recommendation be waived and that the Report and Recommendation be approved as amended:

TO: Farmington Town Board

FROM: Douglas Viets, *Acting Chairperson*, on behalf of Chairperson Edward Hemminger, Farmington Planning Board

DATE: November 2, 2022

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

The Town Planning Board at their meeting tonight, discussed the above referenced rezoning application and provide this report and recommendations to the Town Board in response to Town Board Resolution No. 401 of 2022.

Report

The Planning Board makes the following findings upon this requested rezoning: The two (2) subject parcels are split into two separate zoning districts, RS-25 Residential Suburban and LI Limited Industrial. These two zoning districts have existed for several years. The proposed rezoning to IZ Incentive Zoning will eliminate this issue, however, the adjacent tax map parcel 29.00-02-15.11 (owned by Vernon D. and Dulcy A. Power) remains split into two (2) zoning districts (RS-

25 and LI). The Planning Board asks the Town Board to consider in the future, a separate action to rezone this remaining parcel to the RS-25 Residential Suburban District. This action would avoid future land use conflicts resulting from one or more permitted or special permitted LI uses on the adjacent parcel. There are several permitted LI District types of uses which the Planning Board finds would not be consistent with the future land use recommendations contained in the adopted Comprehensive Plan for this area. Chapter 4 of the Plan, page 25 of 35, contains the following statement . . . “For example, the land located east of the Fairdale Subdivision Tract [King Hill Drive and Hickory Rise, etc.] is partially zoned [LI] Limited Industrial. The topography between these adjacent areas will make screening and buffering future development of industrial sites from residential neighborhoods difficult. The Town may want to consider rezoning the area east of Fairdale [and Hickory Rise] to a lower density residential use which would be more consistent with the existing [and now proposed] land use pattern.” While this action should not delay consideration of the current incentive rezoning request, it nevertheless is something to be considered in the near future. Surrounding the only remaining 100.8 acre site [Tax Map No. 29.00-02-15.11] by allowing a large residential neighborhood such as associated with the Power incentive rezoning needs to be considered.

The Planning Board finds that if these two (2) sites are rezoned, then new zoning designations will be IZ Incentive Zoning and MTOD Major Thoroughfare Overlay District.

The Planning Board finds the proposed site is located within the Ontario County Consolidated Agricultural Use District #1 and, for the most part the two parcels are still being leased and actively farmed. The conversion of Tax Map parcel 29.00-02-13.1 may be subject to penalties as a result of this proposed rezoning. The other parcel 29.00-02-14.0 does not have a tax exemption for agricultural purposes. The applicants should seek guidance from the Town Assessor on this matter.

The applicants’ engineers have cited several statements found within the adopted 2021 Edition of the *Town of Farmington Comprehensive Plan*. The Board finds these statements help to provide for consideration by the Town Board for deciding whether to proceed with the formal rezoning process. The Planning Board finds these statements to be accurate.

The Planning Board finds that public water for this project is being proposed only from two locations along State Route 96. The Board further finds that while there may be other opportunities for connections to public water supply from adjacent sites, the likelihood of these connections occurring is unknown at this time. The Board further finds that an alternate source of water service for this site could be and should be provided from the site’s frontage along Collett Road. The Board, therefore, would like a condition of rezoning approval to include that at the time of issuance of either a specific number of building permits or approval of some future section of this project that a second connection is to be made to the public water

line along Collett Road. Such water line could be located within a future easement area that would coincide with the proposed walking trail connection shown in the northern portion of the site.

The Board finds that the future ownership of the proposed nine (9) areas of identified open space (a total of 57.37 acres of land) shown on the concept drawing should be determined prior to any decision being made by the Town Board on the proposed rezoning. The Board further finds that there is no identified need for additional parkland in this area based upon its review of the 2018 edition *Town of Farmington Parks and Recreation Master Plan*. The Planning Board requests the Town Board consider whether to entertain ownership of these nine open space areas as a Conservation District. The Board finds that while with the nearby Hickory Rise Subdivision Tract a Conservation District was warranted, in this instance the Planning Board finds there are no unique environmental features located on these two (2) parcels or other unique natural features (freshwater wetlands) that are not already protected by State laws.

The Planning Board finds that the proposed three (3) rights-of-way shown on the concept drawing, which are identified as “Right-of-Way Reservations A, B and C,” should be completed with the installation of stub-roads, sewer and water lines, streetlights, and sidewalk improvements to the property lines as part of any of the phased development for this project. This recommendation also comes from the Town Highway Superintendent, the Town Water and Sewer Superintendent, the Town Code Enforcement Officer, the Town Construction Inspector and the Town Director of Planning and Development. Making this recommendation a condition of approval would eliminate any future burden being placed upon the Town to make such improvements at a later time.

The Planning Board finds that there are four (4) proposed parcels (identified as parcels A, B, C and H), which front along the north side of State Route 96. These proposed parcels are encumbered by a NYSDEC Freshwater Wetland and the 100-foot Freshwater Wetland Buffer. The net buildable areas, outside these delineated protected wetland areas, should be provided as this will help determine the maximum number of sites that could be built upon at the proposed 25,000 square foot minimum lot size, with a minimum lot width of 100 feet and minimum front setback of 50 feet. The Planning Board further finds that the maximum site coverage for each of these proposed lots should be included in any Town Board resolution.

The Planning Board feels that with the smaller sized residential lots being proposed that there should be restrictions placed on the outdoor storage of boats, RVs, trailers and accessory structures. The Board feels that allowing the requested 30% Maximum Building Coverage is too large and that it should be limited to the 25% Lot Coverage which is more consistent with coverage for the existing residential districts. Finally, while the Planning Board understands the maximum size for accessory structures has recently been increased to a uniform 300 square feet in area the Board feels adding pavement to these residential sites for the parking of

boats, RVs and trailers changes the impervious coverage of each site and cumulatively could adversely affect the overall site drainage which has been originally calculated for the house, driveway and one accessory structure.

The Planning Board finds the development of these four (4) proposed parcels is seeking relief from the density requirements and setbacks for the GB and LI Districts. The minimum lot size for the GB District is 40,000 square feet, with the minimum front setback from a public highway being 75 feet and the minimum lot width of 150 feet. The maximum lot coverage in the GB District is thirty-five percent (35%). The LI District requires a minimum lot size of 60,000 square feet, with the minimum front setback from a public highway being 80 feet and minimum lot width of 250 feet. The maximum lot coverage in the LI District is thirty-five percent (35%). The Board finds the proposed maximum lot coverage in both districts is thirty-five percent (35%).

The Planning Board finds that these four (4) parcels are located within the mapped Major Thoroughfare Overlay District (MTOD) and that the overlay district's driveway spacing standards should be required as a condition of incentive rezoning. The Planning Board also finds that another rezoning condition should restrict site access for these four (4) areas to the proposed Dedicated Roads A and B. The Board feels such restriction is important given the limiting sight restrictions for motorists traveling along this project's Route 96 frontage, where the posted speed limit is 55 miles per hour. The Board feels there should be no direct access allowed from these sites to State Route 96.

The Planning Board finds that the Town's policy (since 2008 when established for the Auburn Meadows Project) has been to restrict the maximum number of dwelling units sharing a single point of access to an adjacent public highway to 110 individual dwelling units. In this instance, the proposed 216 single-family lots are within this guideline. However, when an unknown number of additional sites are proposed to be developed for GB and LI types of use, a traffic impact study will be required as part of the overall preliminary site plan approval process.

The Planning Board finds that the applicants are not proposing sidewalks along proposed Dedicated Road B, between the proposed sidewalks along the north side of State Route 96 and the residential portion of this incentive zoning site. The MTOD guidelines require sidewalks be installed along one side of all highways located within the mapped overlay district. The Board finds there is no justification to waive this requirement from being a condition of rezoning approval. Finally, the Planning Board finds that not continuing sidewalks across the frontage of tax map account 29.00-2-13.2 (located along the north side of State Route 96; and involving a distance of approximately 260 lineal feet) is also not justified. In this instance, the parcel will be surrounded by this proposed incentive zoning project and there is no known justification to skip over this site. The Board finds to do so would not be in keeping with the Town's Sidewalk/Trail Master Plan Map and the documented multi-modal policies contained in the adopted *Comprehensive Plan*.

Recommendations

The Planning Board, based upon its review of the information provided and in response to the above cited referral makes the following determinations and recommendations:

1. that rezoning these two (2) parcels of land, is for the most part consistent with the majority of adjacent land use in the area and with the future land use recommendations contained in the adopted 2021 edition of the *Town of Farmington Comprehensive Plan* and, therefore, recommends the formal rezoning process continues; and
2. that the proposed amenities provide solutions for the Town to secure important public works improvements which would not otherwise be provided to planned development areas of the community and which are in excess of that necessitated by immediate project demand and, therefore, recommends that the proposed amenities be accepted by the Town Board; and
3. that the proposed design solution provides a more desirable environment than what would be possible through the strict application of existing zoning regulations and, therefore, recommends approval with conditions to be established for the proposed rezoning; and
4. that the project contributes to identified public works projects which are above and beyond that required to mitigate potential adverse impacts in accordance with the Town's SEQR Regulations and, therefore, recommends approval for continuing consideration of the proposed rezoning; and
5. that the project provides for shared [multi-modal transportation] accessibility for motorized vehicles, non-motorized vehicles and pedestrians and, therefore, recommends approval for continuing consideration of the proposed rezoning.

The Planning Board agrees with this report and recommendations and has directed me to sign this report and, thereby, make these recommendations to consider moving forward with the formal rezoning process for this proposed rezoning of land. Should the Town Board have any questions please do not hesitate to contact me directly.

Douglas Viets, *Acting Chairperson*, on behalf of Edward Hemminger, Planning Board Chairperson

- c: Farmington Town Clerk;
Farmington Planning Board;
Farmington Highway & Parks Superintendent;
Farmington Water & Sewer Superintendent;
Farmington Assessor;

Farmington CEO;
 Farmington Director of Planning and Development;
 Lance S. Brabant, CPESC, MRB Group, P.C., Town Engineer;
 John Robortella, Clerk of the Planning Board;
 Ryan Destro, P.E., BME Associates, applicants' engineer
 Robert J. Brenner, Partner; Canandaigua Development Company, LLC
 Brian W. Mahoney, Partner; Canandaigua Development Company, LLC

B. Report to Town Operations: 2022 Report on Comprehensive Plan Implementation Actions for 2023:

Mr. Brand said that the 2021 Edition of the *Town of Farmington Comprehensive Plan*, Chapter 5, Page 8 of 11, identifies that the Town Board's Operations Committee, with assistance from the town Planning Board, will prepare a report to be accepted by the Town Board at each year's organizational meeting. The report provides a summary of the implementation actions underway and identifies those to be undertaken during the coming year.

Prior to this evening's meeting, Mr. Brand distributed a preliminary draft of the Comprehensive Plan Maintenance Report for the Planning Board's review.

He said that no board action is required this evening. He requested that the board be prepared to provide amendments to the draft, or to accept it as presented, at the next meeting.

The preliminary draft is printed below:

TO: Town Operations Committee and Town Planning Board
 FROM: Ronald L. Brand, Director of Planning and Development
 DATE: October 31, 2022
 RE: Comprehensive Plan Maintenance Report—Preliminary Draft

The adopted 2021 Edition of the *Town of Farmington Comprehensive Plan*, Chapter 5, Page 8 of 11, identifies that the Town Board's Operations Committee, with assistance from the Town Planning Board, will prepare a report to be accepted by the Town Board at each year's organizational meeting. The report provides a summary of the implementation actions underway and identifies those to be undertaken during the coming year. Each year's report, once accepted by the Town Board, will become an amendment to the current *Comprehensive Plan* and will be noted in Appendix No. 6 of the document.

The following draft report is presented for discussion by the Town Planning Board at their November 2, 2022, meeting. Following this discussion, the Town Planning Board may or may not want additional time to continue its review of this draft. The

Planning Board is requested to adopt a resolution to the Town Operations Committee (TOC) setting forth any concerns. The TOC will then consider incorporating any changes received from the Planning Board and any additional information that may be received by Town Staff before submitting the 2022 Implementation Report to the Town Board at their Organizational Meeting in January 2023.

High Priority Actions (2022–2025)

- Adoption of the 2021 Edition of the Town Comprehensive Plan and Publishing.
Town Board
January–February 2022

The 2021 Edition of the Town of Farmington Comprehensive Plan was adopted by the Town Board on January 25, 2022. Copies of said document have been filed with the Town Clerk's Office, Ontario County Planning Department and posted on the Town's website.

- Adopt the State Route 96 Main Street Scape Plan and the Main Street Overlay District (MSOD) Regulations.
Town Staff, Town Engineers, Town Planning Board and Town Board

These actions were completed in June 2021.

- Adopt the Town of Farmington Sidewalk Trail Master Plan Map.
Town Staff, Town Engineers, Town Planning Board and Town Board

This map was adopted by the Town Board in September 2021 and is to be updated every two years thereafter. The Town, in October 2022, submitted an application to the Genesee Transportation Council (GTC) for grant funding under the Unified Planning Work Projects and awaits word on this application.

- Prepare Transportation Alternatives Program (TAP) Grants for funding assistance to implement the completion of the sidewalk, trail connections and bike lanes shown on the adopted Town of Farmington Sidewalk Trail Master Plan Map.
Town Staff, Town Engineers, Town Planning Board and Town Board

In September 2021, the Town submitted a TAP Grant Application for construction of sidewalks, trail connections and bike lanes identified as Phase 1. On June 21, 2022, the Commissioner of the NYSDOT notified the Town of an award of \$1,769,000.00 federal highway funds to be matched with \$445,000.00 of Town funds. Total Phase 1 Project costs are \$2,214,000.00, TAP Project Identification Number (PIN) 4761.41. In June 2022, a Capital Project Fund was established by the Town Board in the total amount of \$300,000.00. The proposed 2023 Town Budget proposes an additional \$150,000.00 be added to the Capital Project Fund. The Capital Project Fund is to be used for the con-

struction of sidewalks, trail connections and bike lanes. In October 2022, the Town Board received an application for incentive rezoning which is proposing an amenity totaling \$378,000.00 to be paid to the Town on as yet to be determined frequency.

- Complete site improvements at Beaver Creek Park.
Contractors, Town Parks Department, Town Engineers
Spring 2022 (no organized league play on fields until July 2023)

The Town Board, at the end of September, determined the project to be substantially complete and await record drawings in order to release final payment. No organized league play on fields continues to July 2023.

- Complete Streets construction improvements to the Canandaigua-Farmington Town Line Road (between State Route 332 and New Michigan Road).
Town Boards of Canandaigua and Farmington, Town Highway Departments, Canandaigua–Farmington Water District.

The project is substantially complete except for one remaining section of sidewalk, located west of Stony Way and between Maplewood Drive. The delay allows the fill material related to the new water line installed in this area to settle over the winter months to avoid complications with new work.

- Construction of a new Brickyard Road Water Tank and installation of new water main through the northern portion of the Town of Canandaigua into the Town of Farmington.
Canandaigua-Farmington Water District
January 2022–July 2023

Bids for this capital project were opened and then were rejected by the Town of Canandaigua Town Board, on Monday, February 7, 2022, when the Board did not approve the 202-B funding authorization needed to move the project forward. In an email received last week of September, from the Canandaigua Town Supervisor, the Canandaigua Town Board has agreed that this project is needed to support their recently completed “Up Town” future development plans. This project will need to be re-bid and awarded sometime in early 2023 in order to complete the project in time to meet the current Water Infrastructure Improvement Act (WIIA) grant deadline.

- Construction of the Beaver Creek Sewer Line from Pump Station 1 to the Interceptor Sewer.
Farmington Town Board, Farmington Water and Sewer Department, Town Engineers

In September 2022, the Town submitted a grant application to the New York State Environmental Facilities Corporation, under the State’s Water Infra-

structure Improvement Act (WIIA). The Town awaits notification on this grant application which is anticipated to be received this fall.

- Construction of a parallel sewer line along Mertensia Road to convey additional wastewater from the Southwest Quadrant to the Interceptor Sewer.
Farmington Town Board, Farmington Water and Sewer Department, Town Engineers

In September 2022, the Town submitted a grant application to the New York State Environmental Facilities Corporation, under the State's Water Infrastructure Improvement Act (WIIA). The Town awaits notification on this grant application which is anticipated to be this fall.

- Maintain a Town Sewer District and Establish an Official District Map.
Town Board, Town Water and Sewer, Town Engineers and Town Staff

Updating the Town's GIS Property files, by the Town Engineers, includes adding new parcels located within the Town's Sewer Service Areas. The Town's GIS data base, (and further research into the original district formation and mapping), will be used in creating, adopting and maintaining an Official Sewer District Map. The formal adoption process is currently scheduled to begin in the Spring of 2023.

- Adopt a Town Water District Official Map.
Town Board, Town Water and Sewer, Town Engineers and Town Staff

The Town Water District Official Map was last adopted in 2015. Updating the Town's GIS Property files, by the Town Engineers, includes adding new parcels located within the Town's Water District and extensions thereto. The Town's GIS data base and new water district extension mapping and new water district mapping will be used in creating, adopting and maintaining an Official Water District Map. The formal adoption process is currently scheduled to begin in the Summer of 2023.

- Amend Chapters of the Town Code.
Town Board, Town Code Advisory Committee, Town Staff

Local Law No. 2 of 2022, adopted in January 2022, made several amendments to Chapter 165 (Zoning Law) which included definitions, district regulations, powers and duties of the Planning Board and amendments to the section on site development plans. Local Law No. 3 of 2022, adopted in March 2022, made further amendments to Chapter 165 definitions and creating criteria for issuing a special use permit for Agricultural/ Construction Equipment Repairs and Painting Operations. Local Law No. 4 of 2022, adopted in May 2022, established criteria for erecting and maintaining Commercial Speech Signs/Accessory Structures and additional criteria for mini warehouse development. Local

Law No. 6 of 2022 approved the rezoning of a parcel of land, from GB General Business to GI General Industrial, located along the south side of Loomis Road, between State Route 332 and Plastermill Road and directed the amendment to the Town's Official Zoning Map. Two (2) other requests for incentive rezonings (Farmington Market Center and Power Incentive Zoning Project) are currently pending before the Town Board. (Note: Timelines for these two projects will need to be inserted here at the time of submission to the Town Board for their Organizational Meeting in January 2023.)

- Accept and Implement the State Route 332 and Route 96 Sub-Area Study Action Items.
Town Planning Board and Town Board

In May 2022, the Genesee Transportation Council (GTC) accepted the above referenced study, a 2020–2021 Unified Planning Work Program (UPWP) project. The study was funded partially with federal highway funds, county funds, and funds from the Towns of Canandaigua and Farmington. This study identified the need to connect missing sections of sidewalks, to make trail connections, and to seek a solution for completing the Town's Sidewalk, Trail, Bike Master Plan. In October 2022, the Town submitted a 2022-2023 UPWP Project for completing the Town's Sidewalk/Trail/Bike Lane Transportation Master Plan. The announcement of awards is schedule for early next year.

- Prepare and Publish the Update to the Town of Farmington Open Space Inventory.
Town Board, Town Planning Board, Town Conservation Board and Town Staff

The Town Conservation Board continues its work on updating the Town of Farmington Open Space Inventory. The Board is targeting submitting their report prior to December 31, 2022. Once submitted, the report will be posted on the Town's website.

- Update the Town of Farmington Parks & Recreation Master Plan–2018 Edition.
Town Board, Town Planning Board, Town Conservation Board, Town Agricultural Advisory Committee and Town Staff

Work will begin on updating this master plan in December, 2022, with the creation of a Master Plan Committee and receiving a proposal from the Town Engineers. A draft document is anticipated for public review in August, 2023.

High Priority Action Items (2023–2025)

- Prepare and publish the Update to the Town of Farmington Water Service Master Plan.
Town Board, Town Water Department, Town Engineers and Town Staff

This master plan update is scheduled to begin in the spring of 2023 and scheduled for completion of a draft document by December 2023.

- Evaluate the creation of a Town-wide Drainage District.
Town Board, Town Planning Board, Town Agricultural Advisory Committee and Town Staff

The Town recently learned that Ontario County Planning Department will be meeting with Town Staff to prepare an action plan including technical assistance involved with forming an intermunicipal committee to prepare a watershed drainage study. The committee would include representation from the towns of Victor, East Bloomfield, Canandaigua, Farmington and Manchester. This project has been identified as a high priority action item in the past two updates to Ontario County's All Hazard Mitigation Plan. Hopefully, this project will be submitted to the Federal Emergency Management Agency (FEMA) for funding assistance. This project is scheduled to begin in the summer of 2023.

During 2023, the Town will continue to implement the following on-going Actions identified above:

1. Update the adopted Town of Farmington Sidewalk/Trail Master Plan Map.
2. Receive GTC UPWP Grant and prepare the Town of Farmington Sidewalk/Trail/Bike Lane Transportation Plan.
3. Continue work on the Transportation Alternatives Program (TAP) Project Phase 1—PIN 4761.41.
4. Complete the installation of sidewalk along the north side of the Canandaigua—Farmington Town Line Road, between Stony Way and Maplewood Drive.
5. Rebid and award a contract for the construction of the Brickyard Road Water Tank and Water Transmission Line.
6. Appoint a Steering Committee and begin Update to the *Town of Farmington Parks and Recreation Master Plan—2018 Edition*.
7. Receive WIIA Grant for Beaver Creek Road Sewer Project, start construction.
8. Receive WIIA Grant for Mertensia Road Sewer Project, start construction.
9. Update and adopt Sewer Master Plan Map.
10. Update and adopt Water Master Plan Map.

11. Amend Chapter 74 of the Town Code, Construction Codes Uniform.
12. Amend Chapter 49 of the Town Code, Animals.
13. Continue to maintain the Town of Farmington Open Space Index.
14. Prepare the update to the Town of Farmington Water District Master Plan.
15. Seek Federal Disaster Mitigation Funds from the Federal Emergency Management Agency (FEMA) for initiating the Drainage District Study and Mapping.

C. Discussion on Town Board Presentation: “A Request for Chickens in Residential Areas”:

Mr. Brand said that on October 25, 2022, the Town Board received a PowerPoint presentation on “A Request for Chickens in Residential Areas” by Steve and Pam Heltemes, 1605 Clovertrail Drive.

Prior to the meeting this evening, Code Enforcement Officer Dan Delpriore forwarded the PowerPoint presentation to the Planning Board for review.

Mr. Brand said that the Town Board has requested that the Planning Board consider making a recommendation on how to proceed with the residents’ request. He said that he will prepare a study for the Planning Board’s review regarding the PowerPoint presentation which will cite regulations which other municipalities have adopted for the keeping of chickens in residential areas. Mr. Brand said that the Planning Board will need to have the results of this study in order to make an informed decision on the residents’ request.

He said that a major question to be considered is whether a new section of the Town Code would be needed or if the keeping of chickens is something that could be included in the existing section of the Town Code regarding animals, or a new section added to Chapter 165, Zoning Law. Mr. Brand said that the only structure involved with this request is the installation of a chicken coop in a resident’s yard.

Mr. Viets said that the Planning Board will wait for Mr. Brand’s study prior to discussing the issue in detail.

5. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand said that the Town staff is finalizing the easement documents for the Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program – Phase 1 Project which was recently approved for funding by the New York State Department of Transportation (*see* Planning Board minutes, July 6, 2022, pp. 21–22).

He also said that the staff is retooling and working on the preparation of another bid document for the replacement of the water tower in the Brickyard Road/Yerkes Road area. Mr. Brand said that the staff must determine if an extension can be granted for the grant which will expire at the end of 2024. He said that there are now long lead times for the delivery of steel and other construction materials. Mr. Viets said that there are long lead times for the delivery of controls for water pumps, as well.

Mr. Brand said that Ms. Mitchell in the Development Office said that no applications have been received to date for the Planning Board meeting on November 16, 2022. Mr. Gordner also confirmed that no applications are on the agenda for the next meeting. Mr. Brand said that he will confer with Planning Board Chairperson Edward Hemminger to determine if the next meeting should be cancelled. If so, he said that the Development Office will be requested to issue a public notice of the next meeting's cancellation.

6. PUBLIC COMMENTS

A citizen thanked the board for listening to the citizens' comments regarding the proposed Power Incentive Zoning Project. Mr. Viets extended the board's thanks to the citizens for attending the meeting this evening. Mr. Bellis said that the board is always concerned about stormwater runoff associated with any development occurs in a previously-open area.

A citizen said that he is looking to see when the construction equipment will be coming to the site. Mr. Bellis said that construction could begin sometime next year if there are no major setbacks [in the application process].

A citizen asked how they would have known about this application. She asked what did they miss. Mr. Bellis said that a letter is sent to adjacent property owners when a formal rezoning application is received. Mr. DeLucia asked if there will be a sign posted on the property. Mr. Brand said that the property will be posted with two signs, one along State Route 96 and another along Collett Road when and if the Town Board approves the Incentive Zoning application which would enable the project to move forward. He said that the property has not yet been posted because no decision has been made on this requested rezoning by the Town Board. Mr. Viets said that the adjoining property owners will receive a letter from the Town if a formal application is submitted. Mr. Bellis suggested that citizens keep watching the Town website for postings of the Town Board and Planning Board meeting agendas.

7. TRAINING OPPORTUNITIES

■ 2022 Municipal Bootcamp:

Hancock Estabrook and MRB Group are offering a free annual training program to assist local governments, municipal officials, and planning and zoning boards. The program will include 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program in the series will be provided remotely on the fourth Thursday of each month with subject matter experts from MRB Group and knowledgeable attorneys from Hancock Estabrook LLP. Topics will be varied, useful and—potentially as important—qualify for the education requirements for members of planning boards and zoning boards of appeal.

Remaining session in 2022:

Thursday, December 22, 2022, 6:00 p.m. to 7:00 p.m.

Santa's Nice and Naughty List: The Best and Worst of 2022

Select this link for the 2022 Municipal Bootcamp information page. RSVP and registration tab are at the bottom of the website page.

<https://www.hancocklaw.com/events/the-2022-municipal-bootcamp/>

■ Genesee/Finger Lakes Regional Planning Council Fall Local Government Workshop

Thursday, November 3, 2022

8:30 a.m.–5:00 p.m.

del Lago Resort, 1133 State Route 414, Waterloo, N.Y. 13165

Registration opens September 15, 2022

For information: Emily Royce, eroyce@gflrpc.org

https://gflrpc.org/program_areas/local_government_assistance_and_training/fall22lgw.php

■ New York Planning Federation Recorded Webinars:

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

The Essentials of Planning and Zoning:

Introduction to Planning, Zoning and Land Use

Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan

Understanding and Applying SEQRA (NY State Environmental Quality Review Act)

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

Meeting Process and Communication:

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

Working with Elected Officials and Understanding Everyone's Role in Planning

The Open Meetings Law for Zoning and Planning Boards, Part 2

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

■ General Code e-Code

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

Information:

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

■ Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

8. **ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:50 p.m.

***Clerk's Note:** On November 4, 2022, Chairperson Edward Hemminger issued a public notice that the Planning Board meeting on November 16, 2022, has been cancelled.*

The next regular meeting of the Planning Board will be held on Wednesday, December 7, 2022, 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 the front doors to the Town Hall were locked.

Respectfully submitted,

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