

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, September 6, 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  
Aaron Sweeney  
Douglas Viets

**Board Member Excused:** Timothy DeLucia—**R**

**Staff Present:**

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

**Attending:**

Rafael Barreto, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614  
Rick and Lori Brassie, 198 Hawthorne Court, Farmington, N.Y. 14425  
Frank DiFelice, DiFelice Development Corporation, 91 Victor Heights Parkway,  
Victor, N.Y. 14564  
Lou DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425  
James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425  
Don Giroux, Farmington Volunteer Fire Association  
Skye R. Hansen—**R**  
Charlene M. Henecke, 6018 Loomis Road, Farmington, N.Y. 14425

John LeFrois, LeFrois Builders and Developers, 1020 Lehigh Station Road,  
Henrietta, N.Y. 14467  
John and Jasmine Watson, Loomis Hidden Treasures LLC, 36 Pebble Creek Lane,  
Pittsford, N.Y. 14534

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*Clerk's Note:* The Planning Board meeting which was to have been held on August 16, 2023, was cancelled by Chairperson Edward Hemminger due to having no Planning Board business on the agenda of that meeting.

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## **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**

### **A. Minutes of July 19, 2023:**

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that the minutes of the July 19, 2023, meeting be approved.

Motion carried by voice vote. Mr. Viets abstained due to his absence from the meeting on July 19, 2023.

### **B. Minutes of August 2, 2023:**

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the August 2, 2023, meeting be approved.

Motion carried by voice vote. Mr. Sweeney abstained due to his absence from the meeting on August 2, 2023.

## **3. LEGAL NOTICE**

None.

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

##### **PB #0702-23                      Continued Preliminary Three-Lot 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 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 submit an application 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 agrees with the 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 of significance, the ZBA then requests 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, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and continued the Public Hearing on the subdivision application to the meeting this evening (September 6, 2023).

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

Mr. Fowler presented this application.

He said that at the Planning Board on September 2, 2023, he was requested to provide additional information regarding his application. Mr. Fowler said that this additional information has been submitted to the Town. Mr. Hemminger acknowledged that the information was provided but that it was not received in time for the Town staff to review the materials prior to the meeting this evening.

Mr. Delpriore also acknowledged receipt of the additional information which was submitted by Mr. Fowler. He said that the materials have not yet been reviewed by the Town staff and that additional time is required for this.

Mr. Hemminger asked Mr. Delpriore if the Town staff would be able to complete the review of Mr. Fowler’s additional information in time for the Planning Board meeting on October 4, 2023, which is the date which has been included in the draft continuation resolution which will be considered by the board this evening. Mr. Delpriore said yes.

Mr. Hemminger then reviewed the steps which are required for further consideration of the application. Following the review of the additional information by the Town staff, he said that he expects that the Planning Board may be able to determine that the application is complete, following which the complete application would be referred to the Ontario County Planning Board (OCPB) for review. Upon return of the application by the OCPB to the Town, Mr. Hemminger said that the Planning Board would then be in the position of making the State Environmental Quality Review (SEQR) determination of significance and would then refer the application to the Town Zoning Board of Appeals for consideration of the applicant’s Area Variance application. Mr. Hemminger described this as a multi-layered-stage process.

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 questions or comments 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. BELLIS, seconded by MR. SWEENEY, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION  
CONTINUATION RESOLUTION**

**PB #0702-23**

**APPLICANT: Fowler Family Trust, 6176 Hunters Drive,  
Farmington, N.Y. 14425**

**ACTION: Continuation of 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 reopened and continued the Public Hearing upon the above referenced Action; and

**WHEREAS**, the Planning Board on August 2, 2023, adjourned the Public Hearing on this application to Wednesday, September 6, 2023, to provide the Applicant and his Engineer time to provide additional information; and

**WHEREAS**, the Planning Board did not receive by August 16, 2023, which was the established deadline for submission of the requested additional information deemed necessary in order for Town Staff to review it and then to provide the Planning Board with the necessary information to make a determination at tonight's meeting whether the above referenced Application is complete; 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 procedures must first be addressed before the Planning Board intends to close the Public Hearing on the above referenced Action.

**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 October 4, 2023, and directs the Applicant to submit the requested information to the Town Development Office not later than noon on Wednesday, September 16, 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 resolution was recorded in the meeting minutes:

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

Motion carried.

**5. NEW FINAL SITE PLAN**

**PB #0902-23 New Final Site Plan Application**

**Name:** Chester Brassie, 198 Hawthorne Circle, Farmington, N.Y. 14425

**Location:** West side of Yellow Mills Road, south of Fox Road

**Zoning District:** A-80 Agricultural District

**Request:** Final Site Plan approval to erect a single-story single-family residence approximately 1,500 square feet in size, a 24 x 36 single-story barn 864 square feet in size, and a 20 x 30 single-story barn 600 square feet in size.

On July 5, 2023, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application (Type II Action) and the Preliminary Site Plan with conditions (PB #0701-23).

Rick and Lori Brassie presented this application.

Mr. Brassie acknowledged receipt of a list of changes which were required to be made to the Preliminary Site Plan which had been approved on July 5, 2023. He said that each of the changes has been made.

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

Mr. Delpriore agreed with Mr. Brand. He also provided the signed set of Preliminary Site Plan drawings to Mr. Brassie.

There were no additional comments or questions from the Town staff or the Planning Board on this application this evening.

Mr. Hemminger asked Mr. Brassie if he received the draft resolution. Mr. Brassie said no. Mr. Hemminger then provided a copy of the draft resolution to Mr. Brassie and asked if Mr. Brassie agreed with the conditions of Final Site Plan approval. Mr. Brassie said yes.

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

**FARMINGTON PLANNING BOARD RESOLUTION  
FINAL SITE PLAN—APPROVED WITH CONDITIONS  
CHESTER BRASSIE, YELLOW MILLS ROAD**

**PB #0701-23**

**APPLICANT: Chester Brassie, 198 Hawthorne Circle,  
Farmington, N.Y. 14425**

**ACTION: Final Site Plan, approved with conditions, single-story dwelling,  
two single-story barns and related site improvements, Lot #2,  
Daniel T. Geer Subdivision**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application submitted by the above referenced Applicant, to construct a single-family dwelling, a single-story 864-square-foot barn, a single-story 600-square-foot barn, and related site improvements to be located upon Lot #2 of the Daniel T. Geer Subdivision; and

**WHEREAS**, the Board has received testimony, at tonight's public meeting from the Applicant, the Applicant's Engineer, Town staff and the public, upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby grant Final Site Plan approval with the following conditions:

- 1. Final Site Plan Approval is based upon the drawings submitted by William J. Grove, P.E., Grove Engineering, PLLC, entitled “Final Site Plan, Chester D. Brassie, Lot #2 Daniel T. Geer Subdivision, 528 Yellow Mills Road, sheet numbers 1 of 5 through 5 of 5, dated August 3, 2023,” as are further amended below herein.
- 2. Sheet 1 of 5, Site Data is to be amended as follows:
  - a. Site Location: 528 Yellow Mills Road instead of 568 Yellow Mills Road; and
  - b. Tax ID Number: 10.00-1-36.200 instead of 10.00-1-36.000; and
  - c. Owner: Chester D. Brassie instead of Rich Brassie.

**BE IT FURTHER RESOLVED** that Final Site Plan Approval is valid for a period of 180 days from today and shall automatically expire unless revised drawings have been submitted and signed by those identified.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be placed in the file for this application and a certified copy provided to the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; Town Construction Inspector; the Town Engineer; the Applicant Chester D. Brassie, 198 Hawthorne Circle, Farmington, N.Y. 14425; and the Applicant’s Engineer, William J. Grove, P.E., Grove Engineering, PLLC, 8677 State Route 53, Naples, N.Y. 14512.

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

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

Motion carried.

**6. OTHER BOARD ACTIONS**

**A. Letter of Credit release: Auto Wash 6 LLC**



■ A motion was made by MR. BELLIS, 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  
AUTO WASH 6 LLC PROJECT (PB #0704-21)  
LETTER OF CREDIT FINAL RELEASE**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated August 29, 2023, from Ronald Brand, Director of Planning and Development, to recommend to the Town Board approval of the final release of funds from a Letter of Credit for site improvements, for the Auto Wash 6 LLC project, located on property at the northwest corner of State Route 96 and Mertensia Road; and

**WHEREAS**, the recommendation is based upon a letter, dated August 4, 2023, from Lance S. Brabant, CPESC, Director of Planning and Environmental Services, MRB Group, D.P.C., the Town Engineer, for the final release of funds from a Letter of Credit for site improvements made for the above referenced project; and

**WHEREAS**, said request has also been reviewed and accepted by the Town Construction Inspector and Town Department Heads, who have signed the Town's Surety Forms G-1.1 and G-2.0; and

**WHEREAS**, the Planning Board has also received and reviewed the Letter of Credit along with the Applicant's Engineer's Estimate of Value attachment thereto; and

**WHEREAS**, the Planning Board has been informed that a maintenance bond for these improvements has been established, with Lyons National Bank, which is due to expire on October 7, 2024; and

**WHEREAS**, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render a recommendation to the Town Board whether or not to honor the requested final release of funds 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 Director of Planning and Development, the Town Construction Inspector, the Town Engineers and Town Staff, does hereby recommend that the Town Board take formal action to approve the request for the final release of funds from the establish of letter of credit in the total amount of \$23,754.53.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be provided to: Farmington Town Clerk; Farmington Town Supervisor; Farmington Town

Highway and Parks Superintendent; Farmington Water and Sewer Superintendent; Farmington Town Construction Inspector; Farmington Town Code Enforcement Officer; Farmington Town Director of Planning and Development; the Applicant’s Engineer; and the Applicant.

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

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

Motion carried.

**B. Review and Recommendation: Redfield Grove Incentive Zoning Project, Proposed Amendment to Phase 3 Overall Preliminary Site Plan:**

On August 8, 2023, the Town Board received a request from DiFelice Development Corporation to amend Phase 3 of the Overall Preliminary Site Plan for the Redfield Grove Incentive Zoning Project.

If the Phase 3 amendments are approved, Town Board Resolution #103 of 2015 then would be recalled by the Town Board to amend the affected zoning incentives for Lots #1–#5 which are located within the Phase 3 portion of the Redfield Grove Incentive Zoning Project and to establish new incentives for these lots.

On August 8, 2023, the Town Board requested a report and recommendation from the Planning Board on the applicant’s proposed amendments (Town Board Resolution #294-2023).

Prior to the meeting this evening, Mr. Tomlinson (Project Manager, Marathon Engineering) provided the following information:

Local Law #5 of 2015, as amended by Resolution #103 of 2015, adopted on February 24, 2015, by the Town of Farmington, was enacted to facilitate the development of 23.3 acres known as the Redfield Grove Incentive Zoning Project. Much of that project has been constructed. Due to changes in the overall economy and local market conditions, the applicant is requesting modification of the requirements for the southern 5.2± acre portion that has not yet been developed.

There are five proposed lots fronting on Commercial Drive versus the originally approved six lots. The 6th lot to be created will be a

small parcel with an existing structure now proposed to remain (Lot #1). These five lots encompass 4.34± acres on the east side of Commercial Drive, extending 1,345 feet northward from NYS Route 96 and a 0.86±-acre parcel on the west side of Commercial Drive that is located 1,078 feet northward from NYS Route 96. For reference, the Incentive Zoning Modification area includes Lots #1–#5 and #71 on the original approval drawing prepared by Parrone Engineering entitled “Conceptual Layout Plan for Redfield Grove,” dated August 1, 2014.

The use for each of the five proposed lots is business office/specialty retail use, whereas the original use for the southeast corner of Commercial Drive and NYS Route 96 was Commercial. The lots on the east side of Commercial Drive have been designed with two rows of parking between the building and Commercial Drive, providing additional parking and interconnected access for safe and convenient access. The rear yards of these lots that abut residences will be landscaped, providing more green space behind the buildings than the original layout which had parking and a rear drive aisle located approximately 17 feet from the residential lots. In addition, a 6-foot fence will be installed along the rear lot lines.

The southernmost access from Commercial Drive is located 342 feet north of State Route 96, which complies with the Major Thoroughfare Overlay District (MTOD) Requirements. Lighting and pedestrian amenities will be installed along State Route 96 in accordance with the Main Street Overlay District (MSOD) guidelines.

The rear yard landscaping and fencing, along with the previously provided amenities valued at \$437,939 in 2014, support the requested modification of the Incentive Zoning requirements.

The maximum building area per lot is increasing; the net effect is a slight increase (5%) in total building area, which is offset by the improved vehicular circulation pattern. It should be noted that the proposed building coverage includes covered patio areas. The maximum lot area has no discernible impact as the project area is not changing. As noted earlier, the landscaped rear yards, which provide more green space behind the buildings than the original layout, and the 6-foot fence along the rear lot lines, provide additional mitigation.

The development parcel labeled as Lot #1 in the original Incentive drawing, located on the northeast corner of State Route 96 and Commercial Drive, was identified as Commercial. The eastern portion of this parcel contained a 1,056-square-foot building constructed in

1955 that was targeted to be demolished as part of the original project. This building is now proposed to remain on a separate lot; the rear lot line of the southernmost lot will be consistent with the other lots on the eastern side of Commercial Drive. Lot #1 was originally designed to have an access point from Route 96 into what is now Lot #2, this has been removed and the existing building with its access and parking will remain separate. Lot #1 will be included in compliance via lighting and amenities required by the MSOD and will have a potential benefit in reducing traffic to the driveway on Route 96 by having an anticipated smaller commercial development with fewer trip generations utilizing this access point.

—Matt Tomlinson, Marathon Engineering  
July 27, 2023

Mr. Barreto (Marathon Engineering) and Mr. DiFelice presented this application this evening.

Mr. Barreto reviewed several plan drawings which were displayed on the video screen. He said that a good portion of the project has already been built and that recent market changes have caused Mr. DiFelice to request this revision to the original 2015 layout.

He said that current Lot #1 will be retained as a separate lot with the parking lot. Mr. Barreto said that the original plan called for five buildings but that four slightly larger buildings have now been proposed with attached patios. He said that a drive aisle and the locations of the buildings have been moved back to provide for increased green space and an increase in the number of parking spaces from 180 to over 200.

Mr. Barreto said that Lot #71 is part of this amendment and will remain. He acknowledged receipt of the Town staff report on the amendment and said that each of the staff comments are easily addressable. Mr. Barreto also said that he wants to make sure that there will be enough parking for prospective tenants. He said that Mr. DiFelice has not yet nailed down the possible tenants but that Mr. DiFelice does not wish to have to return to the Planning Board to request additional parking.

Mr. Barreto requested that Item #3 in the Planning Board's draft report and recommendation to the Town Board be amended to read:

3. The Planning Board requests the Town Board establish a list of permitted uses for Lot #1 that will not over develop the site with required parking. The Planning Board recommends a maximum of seven (7) parking spaces as follows: five (5) existing spaces plus two (2) land-banked spaces for future use to be paved when needed. Also, the type of use to be allowed should not

have drive-through window service or be a generator of high volumes of traffic.

Mr. Barreto also discussed Item #4 in the draft report and recommendation regarding the grading behind proposed Lots #2, #3 and #4. The report indicates that the existing grades behind those lots are to remain in their existing condition. He said that Mr. DiFelice would like to install a six-foot fence along these lot lines [to serve as a buffer to the residential area] and that some grading would be necessary to avoid a wavering appearance of the fence [due to the existing uneven grade]. Mr. Barreto said that Mr. DiFelice is willing to keep this area as undisturbed as possible.

Mr. DiFelice said that he would like to have the fence as level as possible. He requested that the draft report and recommendation be revised to avoid a restriction on all grading [in this area of the property].

Mr. Barreto then requested that Item #4 in the draft report and recommendation be amended to read:

4. The Planning Board requests that the existing grades located behind portions of proposed Lots #2, #3 and #4 be disturbed only to the point of permitting the installation of a level fence.

Mr. Barreto said that Mr. DiFelice has agreed to streetlights and an additional bench, and to the five-foot-wide concrete sidewalk to be installed across the north-west corner of Lot #5 to provide residents with a more direct route of access to the sidewalk along the east side of Commercial Drive.

He also said that the vest pocket park to be located within the green area will include several streetscape benches and a trash receptacle, each of which will be maintained by the property owner. Mr. DiFelice asked if the triangle area created by the sidewalk will be the vest pocket park. Mr. Brand said yes.

Mr. Barreto said that the existing driveway on Lot #5 will be removed and that each of the comments on the Planning Board's report and recommendation are do-able.

Mr. Brand said that he met with Mr. DiFelice and with Matt Tomlinson from Marathon Engineering and that the site will be balanced with a park on both the north and south ends. He said that a six-foot-high fence at the top of the berm (along proposed Lots #2, #3 and #4) is a good compromise to provide privacy for the existing residential area and that the details are in the design.

Mr. Hemminger asked Mr. Brand if he is okay with the proposed parking and grading revisions. Mr. Brand said yes.

Mr. Bellis asked if the existing trees will be removed [in the area of the proposed berm]. Mr. DiFelice said that some of the trees will have to be removed. Mr. Barreto said that a preliminary landscape plan has been submitted.

Mr. Bellis asked if the sidewalk at the end is going away. Mr. Barreto said yes.

Mr. Sweeney asked about the zoning of the currently residential Lot #1. Mr. Barreto said that the lot is currently zoned Incentive Zoning with the rest of the property. Mr. DiFelice said that he is in the process of removing the residence and converting the lot to commercial use.

Mr. Sweeney asked about the purpose of the six-foot-high fence and about the removal of so many trees. He asked why not just keep the trees and plant new ones for a natural border [to the residential area]. Mr. DiFelice said that the existing trees are old pine trees which were planted in the 1970s and that the berm was constructed by hand. He said that he would like to have new plantings and a new fence. Mr. DiFelice also said that the residential neighbors often ask him to cut and remove the old trees which have fallen.

Mr. Sweeney asked about the maintenance and plans for upkeep of the wood fence which will match the existing fence to the north. Mr. DiFelice said that the property owners will have to maintain the fence.

Mr. Sweeney asked what is planned on Lot #71. Mr. Barreto said that this lot is currently open and that it is included in this Incentive Zoning amendment because it was referenced in the original Incentive Zoning application. He said that no changes are planned on Lot #71 at this time. Mr. DiFelice said that right now Lot #71 will be just a vacant lot and that he will come in with a site plan at a later date.

Mr. Sweeney asked about the covered patios. Mr. DiFelice said that these can be used for outdoor gathering places, similar to the patio now in use at the ice cream store.

Mr. Sweeney said that four different drawings have been submitted. He asked which drawing the Planning Board is being asked to recommend to the Town Board. Mr. Delpriore said that the Planning Board is being asked for a recommendation on permitting five buildings on the property. Mr. Barreto said that two of the drawings are concept plans which have been submitted just to show a closer view of the proposal.

Mr. Bellis asked about the five current parking spaces at the existing residential house. Mr. DiFelice said that no more than seven parking spaces are planned [for this lot]. Mr. Bellis asked if there is enough room [for seven parking spaces]. Mr. DiFelice said yes. Mr. Delpriore said that good verbiage would be to recommend five parking spaces with two land-banked spaces. Mr. Bellis said that the the board prefers land-banked parking and green space.

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

■ **CONSENSUS:** It was the consensus of the Planning Board to approve the Redfield Grove Report and Recommendation as amended this evening and to refer the Report and Recommendation to the Town Board, as follows:

TO: Peter Ingalsbe, Town Supervisor

FROM: Edward Hemminger, Chairpersonm, Town Planning Board

DATE: September 6, 2023

RE: Report and Recommendation—Proposed Amendment, Phase 3, Redfield Grove Incentive Zoning Project

The Town Planning Board, in response to the Town Board's request (Resolution No. 294 of 2023), has completed its review of the proposed amendment to the Overall Preliminary Site Plan for Lots numbered 1 through 6 and Lot 71 located in Phase 3 of the Redfield Grove Incentive Zoning Project. Based upon the packet of information received on August 9, 2023, from the Town's Director of Planning and Development and our discussion at tonight's Planning Board meeting we provide the following:

**Recommendation:** The Planning Board recommends the Town Board take action to formally amend the remaining portion of Phase 3 of the Overall Preliminary Site Plan for the Redfield Grove Incentive Zoning Project.

**Report:** The Planning Board provides the following comments for the Town Board's and the Applicant's consideration.

1. The Planning Board complements the Applicant for the improvements that have been made within Phases 1, 2 and 3 to-date and looks forward to continued success in developing the proposed amended Lots.
2. The Planning Board agrees with separating the existing access drive between the single-family dwelling parcel (Lot #1) from Lot #2. This will reduce turning movements into and out of Lot #2 across Lot #1 from State Route 96.
3. The Planning Board requests the Town Board establish a list of permitted uses for Lot #1 that will not over develop the site with required parking. The Planning Board recommends a maximum of seven (7) parking spaces as follows: five (5) existing spaces plus two (2) land-banked spaces for future use to be paved when needed. Also, the type of use to be allowed should not

have drive-through window service or be a generator of high volumes of traffic.

4. The Planning Board requests that the existing grades located behind portions of proposed Lots #2, #3 and #4 be disturbed only to the point of permitting the installation of a level fence.
5. The Planning Board requests that the following amenities be considered as part of any approval of the remaining portion of Phase 3:
  - a. The MSOD Main Street Overlay District streetscape improvements be required for Lots #1 and #2, to include Streetlights, an additional bench and trash receptacle on Lot #2 and crosswalk striping of Commercial Drive at the intersection with State Route 96.
  - b. There be a five-foot-wide concrete sidewalk installed across the northwest corner of Lot #5 to provide nearby residents a more direct route of access to the sidewalk along the east side of Commercial Drive.
  - c. There be a vest-pocket park located within the green area shown on the proposed Redfield Grove Commercial Development Project drawing providing a couple of the streetscape benches and a trash receptacle, all of which are to be maintained by the property owner.
  - d. The Planning Board requests that the northern most driveway for Lot #5 be removed as it is shown too close to the intersection of Commercial Drive and Redfield Drive, and this location could not align with a driveway for Lot #71. The Planning Board feels the driveway for Lot #71 should be located opposite from the Redfield Drive intersection with Commercial Drive. Eliminating this northern driveway on Lot #5 would also allow more green space in this area of the project.

The Planning Board appreciates the opportunity to provide this report to the Town Board early in its consideration of amending the remaining Phase 3 portion of the Overall Redfield Grove Incentive Zoning Project.

[L.S.] Edward Hemminger, Chairperson, Farmington Planning Board

EH:btb

- c: Farmington Town Board  
Farmington Town Clerk  
Farmington Town Highway and Parks Superintendent  
Farmington Water and Sewer Superintendent  
Town Code Enforcement Officer  
Town Fire Marshall



Town Director of Planning and Development  
 Town Engineers, MRB Group, D.P.C.,  
 attn: Lance S. Brabant, Director of Planning Services  
 Applicant: Frank DiFelice, DiFelice Development Corporation  
 Applicant's Engineer: Marathon Engineering,  
 attn: Matt Tomlinson, Project Manager

**C. Field Change: Loomis Hidden Treasures LLC Mini Storage Project:**

Prior to the meeting, John and Jasmine Watson, who are the owners of the Loomis Hidden Treasures LLC mini storage project at 6006 Loomis Road, submitted the following written request:

Town of Farmington Planning Board:

We are requesting the following changes to the final site plan for Loomis Hidden Treasures, located at 6006 Loomis Road in the Town of Farmington, N.Y. The current approved site plan calls for a six-foot neutral colored vinyl privacy fence. This option is far more costly than any alternative which would undoubtedly serve the same purpose. Below are the material costs for a sand vinyl fence, white vinyl fence, and dog eared wooden fence.

Sand Vinyl Fence—\$28,350.85

White Vinyl Fence—\$20,374.71

Dog-Eared Wooden Fence—\$14,507.22

(Attorney will provide maintenance agreement if approved)

Both the white vinyl fence and wooden fence would provide privacy from neighboring residences and the wooden fence would also provide a neutral look. Furthermore, other local storage facilities have not had to meet this private and neutral fencing requirement.

A Safe Place Self Storage—Chain link fence and backs up to large residential neighborhood

Always Locked Self Storage—Black iron fence (non-private)

Farmington Self Storage—Black iron fence (non-private) and residences on either side of facility.

The formal request is to change to a white vinyl fence or a dog-eared wooden fence with a maintenance agreement.

As we are sure that the board is aware, we did not originally start or plan this project. It was brought to us when the original owners backed out. The original estimate on costs (pre-COVID) was around \$425,000 which seemed very manageable to us. The current costs are already exceeding \$800,000 and we are capped with the bank on how much we are able to borrow. We are asking for the board's consideration for these changes so that we can finally complete this long overdue project while still following the Town's rules and appeasing neighboring residents. Thank you for your consideration.

—Sincerely, John and Jasmine Watson

John and Jasmine Watson attended the meeting this evening.

Mr. Delpriore said that the Town staff has been working with the applicants regarding the concern with the fencing around the property. He said that the site plan requires a solid fence around a portion of the property which was selected due to the concerns of the neighbors.

Mr. Watson provided the board with hard-copy photographs (*see* pp. 30–36) of several styles of fencing (natural tan vinyl, white vinyl, and wood) with accompanying cost estimates.

Mr. Delpriore said that both a solid fence and a chain-link fence are required by the Special Use Permit and Site Plan approval resolutions. He referred to the discussion at the Planning Board meeting of September 1, 2021, during which he had requested that “. . . a neutral color be selected (not bright white vinyl) and that the color blend in [with the surroundings] . . . ”

Mr. Hemminger said that the applicants' request [to change the type of solid fencing] has been brought to the attention of the board this evening for the approval of the field change.

Mr. Watson said that the original project was approved in 2021 but that the developer walked away from the project and they were fine with the original pre-COVID cost estimate of approximately \$425,000. He said that the cost estimate is now over \$800,000 and they would like to be fiscally responsible and install an alternate wood solid fence which is estimated at \$14,000 as compared to the vinyl fence of approximately \$28,000.

Mr. Watson said that they would provide the Town with a fence maintenance agreement if the board were to permit a solid wood fence. He said that there is a variety of wood stains which could be selected [for the color of the wood fence] and that they did not have a preference.

Mr. Hemminger said that this project involved an Area Variance which was approved by the Zoning Board of Appeals (ZB #1201-19) on December 23, 2019; a Special Use Permit (PB #0201-19) which was approved by the Planning Board on February 5, 2020; and the Preliminary and Final Site Plans (PB #1201-20 and PB #0901-21, respectively) which were approved by the Planning Board on December 2, 2020; and on September 1, 2011; respectively. He said that both the Zoning Board of Appeals (ZBA) and the Planning Board had specific requirements and that these must be reviewed for consistency.

Mr. Viets said that he reviewed the various approval resolutions and that a vinyl fence is specifically mentioned. He suggested that the Town staff review the ZBA and Planning Board approval resolutions to make sure that the Planning Board has all the information to make an accurate decision regarding the requested change [from a vinyl fence to a wood fence].

Mr. Sweeney asked if the residents in the existing homes to the south [of the project] expressed concern about the fence [at previous meetings].

Mr. Hemminger said that definitely the neighbors had serious issues about a six-foot-high solid fence and that what the board is debating this evening is the material of the fence.

Mr. Sweeney asked if there had been any discussion [at previous meetings] about the type of fence material. Mr. Hemminger said yes, and that the board now needs the Town staff to go back and review the ZBA and Planning Board approval resolutions so that everything lines up. He said that he would not wish the board to approve something this evening that is inconsistent to what has been previously approved.

Mr. Bellis said that he agreed with Mr. Viets [regarding the need for a review of each of the previous approval resolutions]. Mr. Bellis also said that the board discussed a vinyl fence and not a wood fence. He also asked about the locations of the vinyl fence and the chain-link fence on the property. Mr. Delpriore said that the vinyl fence and the chain-link fence have been delineated for reference on the drawing which has been submitted this evening.

Mr. Bellis said that he remembered the discussion about the chain-link fence. He said that he is worried that a wood fence would buckle way more than a vinyl fence.

Mr. Bellis asked about one of the cost estimates of \$36,000. Mr. Watson said that this is for an eight-foot section of fence, but that an eight-foot section is not as cost-effective as they originally thought.

Mr. Bellis said that he feels that he needs more information and that he cannot make a decision this evening. He also said that cost-wise he understands the applicants' concern.

Mr. Hemminger said that the consensus of the board is that we want to task the staff with making a review of the ZBA, Special Use Permit, and Preliminary and Final Site Plan approval resolutions to determine if there are any inconsistencies and to provide the board with a summary of the type of materials and style of fencing which have been approved. He also requested that this information be provided to the applicants, as well, because these approvals were given prior to the current applicants' involvement in the project.

Mr. Watson asked about the date of the next Planning Board meeting. Mr. Delpriore said that the Town staff will have this information in the board packets and to the applicants in time for the next meeting on September 20, 2023. Mr. Hemminger also requested that this information be posted [on the Town website] for residents.

Mr. Watson said that if there are any concerns this evening from residents, would it be appropriate for the residents to voice them now.

Mr. Hemminger agreed and asked if anyone would like to comment on this.

Ms. Henecke (6018 Loomis Road) said that a fence is really important. She asked if the final fence would still extend across the backyards of hers and her neighbors' properties. Mr. Watson said yes, that they are still planning on having that, except in wood instead of vinyl.

Mr. Hemminger then provided the hard-copy photos [of the various fence styles] to Ms. Henecke.

Ms. Henecke said that she had a wooden stockade fence and that it [this material] is very problematic.

Mr. Bellis referred to Mr. Watson's letter [regarding the types of fences at other storage facilities in the Town]. He said that he "gets" what Mr. Watson is telling the board but that the neighbors of those other storage facilities are not right in the backyards. Mr. Watson said that the neighbors [of the other storage facilities] are in close proximity and that there are houses on either side of the storage facility on State Route 96.

Mr. Hemminger said that he appreciated the information from Mr. Watson and the comments of Mr. Bellis.

Mr. Hemminger then said that the Town staff has their task and they will go from here.

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

**D. Partial Letter of Credit: GLN Farmington Realty**

Mr. LeFrois (LeFrois Builders and Developers), who is the owner of the GLN Realty Project on the south side of State Route 332 (west of the Farmington Commons Plaza and east of the Farmington Market Center) attended the meeting this evening.

Mr. Delpriore said that Mr. LeFrois has requested the first partial release of the Letter of Credit for Phase 1A for site improvements. This Letter of Credit in the total amount of \$874,588.12 was approved by the Planning Board on August 18, 2021.

Mr. Delpriore said that the paperwork for the partial Letter of Credit release came to the Town staff which followed all of the normal procedures for the review of the applicant's engineer's estimate for the requested release. He said that the staff is not fully in agreement with the requested release items, and that when this occurs the staff refers the requested release to the Planning Board for staff direction.

Mr. Delpriore said that on Friday, September 1, 2023, Mr. Brand requested that the Planning Board Clerk send the following memo regarding the requested partial Letter of Credit release to the Town staff, the applicant, the applicant's consulting engineer, and the applicant's attorney, as follows:

Next Wednesday's Planning Board Meeting Agenda lists under Other Board Actions, item d., Partial LOC Release—GLN. A draft resolution has not been prepared for the Board's consideration, as is usually the procedure, due to the lack of the signed Letter of Credit Release Forms G-1.1 and G-2.0 by all Town Department Heads and the Town Engineer. There are concerns by Town Staff following their inspections of the items described in the Applicant's Engineer's Estimate of Values and the amount of funds being requested to be released from this first partial release of funds from the Letter of Credit.

Not all of the site improvements identified by the applicant's engineer have been installed and completed; and, in some instances, not tested. In addition, the applicant, over a year ago, informed the Town that he has placed any further site improvements on hold. It is the unknown condition of these installed improvements that is of concern to Town Staff. Therefore, it is requested that the Planning Board discuss these issues with the applicant, his engineer, and others at next Wednesday night's meeting so that the Planning Board's concerns can be provided to Town Staff on this matter. Once the Board's concerns have been determined, then Town Staff will be able to address the need for any inspections and determine an amount of funds to be released.

Please distribute this email to the Planning Board members, Town Staff, the applicant, the applicant's engineer and the applicant's attorney. Sarah Mitchell will post this email on the Town's website upon her return-to-work next Tuesday, September 5th.

Thank you.

—Ronand L. Brand  
Farmington Director of Development and Planning

Mr. Hemminger said that the Planning Board is aware that a number of things are going on and that the board is aware that the project is on hold.

Mr. LeFrois said that it would help everybody if we were to know what is the list of concerns.

Mr. Delpriore said that the concerns from the staff involve the project in general.

Mr. Hemminger also said that the concerns which have been identified by the Town staff relate to the project in general. He said that he was told by you [Mr. LeFrois] at a Project Review Committee (PRC) meeting that the project was on hold. Mr. Hemminger asked if the project has ever come off of "hold."

Mr. LeFrois said that they are actively working to market the project and that he met with a broker on Thursday of last week, specifically talking about the project.

Mr. Hemminger said that there is a reference on the Final Site Plan which calls for the removal of the topsoil pile and the area graded, mowed and maintained to a height no greater than six inches if the topsoil pile were to remain for more than one year. He said that this [the removal of the topsoil pile, the grading, the mowing and the maintenance] certainly has not happened.

Mr. LeFrois said that the silt fence was fixed at the end of the last week. He said that he drove through the property and that he wants to get the grass mowed. He also said that the topsoil pile is put up in such a way that it can mowed all the way to the top.

Mr. Hemminger said that this is not the point. He said that the topsoil pile has to be graded out, per the Final Site Plan that has been signed.

Mr. Hemminger said that there are other issues of whether or not things are at a point where they can be accepted [by the Town]. He said that he did not think that any of the infrastructure has been tested in any way, shape or fashion.

Mr. LeFrois said that he did not know all of those details. He said that his engineer could not be here this evening and that he did not think that Peter [a reference to Peter Vars, P.E., of BME Associates] has submitted all the testing [to the Town].

Mr. Hemminger said that if he owned a house, and you put something in, and he was going to accept it and give you some money back, things would need to be tested. But he said that this a Town issue.

Mr. LeFrois said that this is why there are specific line items and there are retainer's fees.

Mr. Hemminger said that these are the kinds of questions that the staff is concerned about regarding giving you [Mr. LeFrois] some relief on some of your funds.

Mr. Hemminger said that the project has been on hold and that he has seen no activity [on the site] in many months. He said that the grass is not mowed, that the topsoil has not been moved, and that—to be honest between us—it's a 'fricken eyesore. Mr. Hemminger said that people ask all the time about what's going on with that "eyesore project." He said that he understands what Mr. LeFrois has said in the past about this project, but the Town needs to turn it over to staff again, let the staff talk to you [Mr. LeFrois] and your team, and see if we can come to some agreement to see what we can do. Mr. Hemminger said that he did not think that anyone on the board is willing to give some money back right now.

Mr. LeFrois said that he is totally fine to work through whatever comments you have. He said that he would just like to see the comments.

Mr. Hemminger said that this is exactly why Mr. LeFrois should be working with the staff, and the staff will make those determinations.

Mr. LeFrois said that he would have liked to have addressed these comments prior to a Planning Board meeting, but that he hasn't received any staff comments.

Mr. Brand said that it appears that the board wants to have the Town staff meet with the GLN team and go through the items which have been identified for release, and come to some consensus on what needs to be done, inspected, tested, dollar amounts, etc. Mr. Brand also said that we are dealing with dollar amounts which were done a number of years ago and there are things that probably cannot be purchased at those prices today.

Mr. Hemminger said that this is what the board wants—to have the Town staff with with you [Mr. LeFrois]. Mr. Hemminger said that there has not been a lot of communication lately and that the board wants to have some kind of consensus.

Mr. Hemminger said that once the staff has reached a consensus [on the partial release of funds], then the staff will come to the Planning Board with the release and that Planning Board will then recommend to the Town Board to go ahead with the release.

Mr. Delpriore said that he does not have a problem working with John [Mr. LeFrois]. He asked that when they get to a conclusion [on the Letter of Credit release items] will the board allow to go forward with site conditions they way they are.

Mr. Viets said that the maintenance of the site, for him, is a big issue, having it unmowed and looking like it has gone completely vacant. He said that he would like to see the site maintained and that the board could consider an extension for the removal of the topsoil pile while if the site being actively marketed and is being maintained.

Mr. LeFrois said that they are trying to broaden their horizons—trying to go outside the normal thought process as to whom they are trying to market.

Mr. Viets said that this would be good progress. But having it [the site] maintained would definitely go a long way. He suggested that Mr. LeFrois clean it up and make it look like you are progresssing. Mr. Viets said that he understands that the entire retail industry has changed and that if he sees progress out there then he thinks we can come to agreement on some of these details.

Mr. Sweeney said that he, too, would like to see something happen [on the site]. He said that he is sick of wondering and talking about what is going on in his town. He said that he understands what Mr. LeFrois is saying about broadening [the market-ing] but that he [Mr. Sweeney] needs his town to look better. He said that if he sees something happening—i.e., topsoil pile, mowing—then we can move on.

Mr. Bellis said that he agrees with the need to maintain the property. He said that his big concern is the infrastructure which is already there, and the need to test it. He said that his concern is to make sure that the piping is tested and ready to go.

He also expressed concern about access to the infrastructure. Mr. LeFrois said that the water main is installed and T's at the end, but not into an existing water main. He also said that the sanitary sewer is installed all the way down to Mercier Boulevard.

Mr. Bellis said that he is concerned about the utilities, the testing, and the way to access these utility lines on some kind of gravel road or driveway. He said that he will wait for the department heads to report to the board regarding the maintenance and the testing before considering the release [of funds].

Mr. Hemminger said that his concerns are the same as those discussed by Mr. Viets, Mr. Sweeney and Mr. Bellis. He said that he would like to see some movement on the project such as mowing and progress on the topsoil pile. He also said that he wants the staff to take a very good look at the infrastructure which may have been installed two years ago and has not yet been used. Mr. Hemminger said that he wants to see that the sanitary sewer has been tested and functioning.



In summary, Mr. Hemminger said that the board would like to see some movement regarding mowing, the topsoil pile and testing. He encouraged Mr. LeFrois to work with the Town staff on these issues. Mr. Hemminger also said that the board has never refused a request [for a recommendation to the Town Board for a release of Letter of Credit funds which has been recommended by the Town staff].

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

**E. Local Law #7 of 2023: Amendments to Chapter 9 of the Town Code:**

On May 3, 2023, Mr. Brand distributed hard copies of draft Local Law #7 of 2023 to amend Town Code Chapter 9, Article V, regarding updates to the duties and responsibilities of the Planning Board. The amended Local Law will not replace the Planning Board's Rules of Procedure but will clarify the role of the Planning Board beyond actions on applications. Currently, the Town Code only includes articles on the Historic Preservation Commission and the Agricultural Advisory Committee and does not include articles on the Environmental Conservation Board, the Recreation Advisory Board, or the Planning Board.

On May 17, 2023, the board continue the discussion of the amendments during which Mr. DeLucia submitted several comments.

Prior to the meeting this evening, Mr. Brand distributed hard copies of the revised draft for the board's review.

Also prior to the meeting this evening, Mr. DeLucia submitted the following comments via email:

Section 9-5B Regarding an Alternate Member of the Planning Board.

Section 9-5F Regarding a Town Board liaison to the Planning Board.

Section 9-8D Regarding the submission of articles by the Planning Board to the Town Newsletter.

In his email, Mr. DeLucia said that these comments are not "show stoppers" and that he supports the adoption of the draft Local Law.

Regarding Mr. DeLucia's comments, Mr. Bellis asked if there should be any wording changed in the draft. Mr. Brand said that there is nothing to be changed. Mr. Delpriore said that Mr. DeLucia's comments are to be addressed by the Town Board.

Mr. Hemminger said that two of Mr. DeLucia's comments—i.e., an Alternate Member of the board and a Town Board liaison to the board—would be up to the

Town Board and that he would submit an article to the Town Newsletter if he were to be asked to do so by the Town Supervisor.

■ **CONSENSUS:** It was the consensus of the Planning Board that the board approves the amendments to Town Code Chapter 9, Article V, as revised per the draft as discussed this evening.

(See pp. 37–46 for the Local Law.)

## 7. OPEN DISCUSSION

### ***Director of Development and Planning:***

Mr. Brand provided the following information:

- On September 12, 2023, the Town Board is expected to begin the the process of the adoption of six new local laws. Mr. Brand also said that the Town Board is expected to take action on five Letters of Credit which the Planning Board has recommended.
- Updates to several chapters of the Town Code are now underway. Drafts have been referred to the Town engineer and the Town staff for input. These updates are to alleviate some of the variances which are not really necessary.
- This fall, the Parks and Recreation Master Plan update will begin. A survey is planned which is expected to be similar to the format which was used for the *Comprehensive Plan Update* community survey.
- The Ontario County Planning Office will soon begin discussion of the hazard mitigation plan.
- A revised concept plan is expected to be submitted by a developer for a parcel of land on the east side of State Route 332 (the former proposed location of a water park). Mr. Brand said that the revised concept plan will include a dedicated Town road.

### ***Code Enforcement Officer:***

Mr. Delpriore said that concept plans for a solar project on Commercial Drive and for the development of a parcel of land on the east side of State Route 332 by AP Plumbing will be discussed at the Project Review Committee meeting tomorrow (September 7, 2023).

He also said that he worked with Mr. Hemminger regarding a field change for the Electric Car Corner project on the north side of State Route 96. The field change concerned the RG&E-required relocation of the electric transformer. Mr. Hemminger said that he ap-

proved the field change because the applicant and the Town had to comply with the requirements of RG&E for this installation.

For the board's next meeting on September 20, 2023, Mr. Delpriore said that the agenda will include a Public Hearing for three-lot subdivision at 5322 State Route 96 and the continued discussion of the Loomis Hidden Treasures field change.

***Highway and Parks Superintendent:***

Mr. Ford said that the work on Brownsville Road is finished and that the contractor did a great job. He said that Highway Department crews are now working on gutters and catch basins in the Farmbrook Subdivision.

***Town Engineer:***

Mr. Brabant said that updates to the Site Design and Development Criteria Manual have been delivered to the Town staff. Items which have been updated concern inspections, water and sewer details and some dedication requirements. Mr Brabant said that the updates are now going through Town reviews and are expected to be completed by the end of the year.

***Farmington Volunteer Fire Association:***

Mr. Giroux said that the fire department has responded to automobile alarms, several fire calls and motor vehicle accidents.

**8. PUBLIC COMMENTS**

Mr. Watson (Loomis Hidden Treasures mini storage facility) returned to the meeting. He said that he spoke with Ms. Henecke (of 6018 Loomis Road) outside the meeting room regarding the proposed fence around the mini storage facility.

Mr. Watson said that he and Ms. Henecke talked about a compromise for the installation of a white vinyl fence around the mini storage facility. He said that he is more than happy to install a white vinyl fence if it would be easier for the residents to swallow.

Following brief discussion, there were no objections to this from the members of the board.

Mr. Bellis said that he did not remember if the vinyl fence was to go all the way around the facility. He requested that the staff double check everything.

Mr. Delpriore said that the site plan approval resolution indicated that the fence should be a natural color. Mr. Brabant said that it was referred to as a neutral color.

Mr. Hemminger said that if it [the fence] is white vinyl then we [the board] can all agree to it.

Mr. Watson asked if he should still wait to hear from the Town staff and the board on this. Mr. Brand said yes.

Mr. Brand said that earlier in the meeting the board had requested that the Town staff review all the approval resolutions for this application to determine consistency. He requested that the board make no changes to this plan at this time.

Mr. Watson said that he will wait until the next meeting of the board on September 20, 2023, for the resolution of this issue.

## 9. TRAINING OPPORTUNITIES

### ■ New York Planning Federation Recorded Webinars:

For information: (518) 512-5270 or [nypf@nypf.org](mailto: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, September 28, 2023, 6 p.m. to 7 p.m.: Transforming Former Industrial Properties

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

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

## 10. ADJOURNMENT

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, 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, September 20, 2023, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and also via remote video conference.

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

Respectfully submitted,

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



Loomis Hidden Treasures, Loomis Road, Photo 1.



Loomis Hidden Treasures, Loomis Road, Photo 2.



Loomis Hidden Treasures, Loomis Road, Photo 3.





Loomis Hidden Treasures, Loomis Road, Photo 4.



Loomis Hidden Treasures, Loomis Road, Photo 5.



Loomis Hidden Treasures, Loomis Road, Photo 6.



Loomis Hidden Treasures, Loomis Road, Photo 7.

## Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, New York 12231-0001

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Farmington, Ontario County, New York

Local Law no. 7 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled “Boards, Committees and Commissions,” by adding Article V, “Planning Board (PB) Duties and Responsibilities.”

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 9, Article V, of the Town Code of the Town of Farmington to be entitled “Planning Board (PB), Duties and Responsibilities” is hereby established and shall read in its’ entirety as provided for within this Local Law as follows:

§9-1. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article V, Sections 9-1 through 9-12 and is entitled the “Town of Farmington Planning Board (PB), Duties and Responsibilities.”

(1)

### §9-2. Purpose.

The purpose of the Town of Farmington Planning Board (PB) is hereby established to:

- A. Administer the provisions of Article 16, §§ 271, 272-A, 273, 274-A, 274-B, 276, 277, 278, 279 and 283-A New York State Town Law; and the provisions contained in Chapters 144 (Articles I through VI) and 165 (Articles IV through X) of the Town of Farmington Town Code, as further specified herein; and
- B. Administer the applicable provisions within article 8 of the New York State Environmental Conservation Law (ECL); and
- C. Establish and maintain effective communications with the various Town Boards, Committees and Commissions; and
- D. To identify specific goals, objectives and implementation actions contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and
- E. To recommend appropriate land use regulations for the community to be contained in the Town Code of Farmington Town Code; and

### §9-3. Intent.

The intent of these regulations is to identify the Town of Farmington Planning Board (PB), established by Local Law No. 2 of 2001, is hereby further established to provide information to the residents of the Town, the Town Board, Town Zoning Board of Appeals, Town Environmental Conservation Board, the Town Agriculture Advisory Committee, the Town Recreation Advisory Board, the New York State Department of Transportation, the Ontario County Department of Public Works, the Ontario County Department of Planning, the Ontario County Planning Board, the Ontario County Soil and Water Conservation Agency, the New York

State Department of Environmental Conservation, the New York State Department of Agriculture and Markets, the New York State Department of Health and the New York State Department of Parks, Recreation and Historic Preservation on issues relating to sustaining, promoting, and identifying land use and related needs within the Town.

§9-4. Function of the Planning Board (PB).

The function of the Town Planning Board includes but is not limited to the following:

- A. To prepare reports and recommendations upon request(s) received from the Town Board, the Town Zoning Board of Appeals, the Town Environmental Conservation Board, the Town Agricultural Advisory Committee, the Town Code Enforcement Officer and the Town Director of Planning and Development; and
- B. To participate with the members of the Town Board's Town Operations Committee in the preparation of the annual review of and the preparation of the implementation actions report identified in the latest edition of the adopted "*Town of Farmington Comprehensive Plan;*" and
- C. To administer the provisions contained within Chapter 144 of the Town of Farmington Town Code, entitled "Subdivision of Land;" and
- D. To administer the provisions contained within Chapter 165 of the Town of Farmington Town Code, entitled "Zoning;" and
- E. To participate with members of the Town of Farmington Comprehensive Plan Update Committee during the public participation process involved with amendment to the latest edition of the "*Town of Farmington Comprehensive Plan;*" and
- F. To contribute to sustaining the established high standards for development that are part of the Town's ongoing planning program, its' reviews and decisions upon development projects, and related land use issues, by providing consistent and accountable services to the community; and

(3)

- G. To maintain training certification of each of its members by requiring at least the minimum number of hours established by the Town Board; and
- H. To advise and recommend to the Town Board, the Planning Board's needs for Annual Operating Budgets; and
- I. To educate the public of the importance and need for planning programs and services, by including but not limited to, articles contained in the Town of Farmington Newsletter and information posted on the town's website.
- J. To seek legal and professional advice from established experts upon a matter pending before the Planning Board for its' review and action.

§9-5. Membership; terms of office; vacancies.

- A. There shall be five (5) members of the Town of Farmington Planning Board (PB) appointed by the Town Board.
- B. There may be one (1) Alternate Member appointed by the Town Board to serve the needs of the Town of Farmington Planning Board (PB).
- C. All members of the Town of Farmington Planning Board and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- D. The Planning Board shall have the power and authority granted by the Town Board to employ experts and a clerk and to pay for their services; and to provide for such other appropriation that may be authorized therefor by the Town Board for the Planning Board.
- E. Town Board Members Ineligible. No person who is a member of the Town Board shall be eligible for membership on the Town Planning Board.
- F. Town Board Member Liaison. There shall be one (1) member of the Town Board assigned by the Town Board to serve as liaison to the Town Planning Board.

(4)



- G. Planning Board Membership. The terms of members of the Planning Board shall be fixed so that the term of one member shall expire at the end of the calendar year in which such member was initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. The terms of all members shall expire at the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Planning Board.
- H. Vacancies on the Planning Board. Any vacancy shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.
- I. To be eligible for reappointment to the Planning Board, such member shall have completed the training requirements of the Town.
- J. To be eligible for reappointment to the Planning Board, such member shall have participated in at least eighty percent (80%) of the scheduled meetings during said term of Office.
- K. Removal of members. The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or resolution.
- L. Members of the Planning Board shall serve with a stipend amount approved by the Town Board.

§9-6. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

(5)

§9-7. Officers and Board Meeting Dates.

- A. The Planning Board, each year at its' Organizational Meeting, shall designate the date, time, and place of the Planning Board Meetings for said calendar year. The Town Board shall appoint the Planning Board Chairperson who shall serve a term that expires on December 31<sup>st</sup> of said calendar year.
- B. Once appointed the Planning Board Chairperson may appoint an Alternate Chairperson to serve in the Chairperson's absence. The Alternate Chairperson shall be appointed for a term that expires on December 31<sup>st</sup> of said calendar year.
- C. Additional meetings may be called by the Chairperson as needed.

§9-8. Duties and responsibilities of the Planning Board.

The powers and duties of the Town Planning Board shall include, but not be limited to:

- A. The Planning Board shall perform duties assigned to it by resolution of the Town Board.
- B. The Planning Board shall participate in the periodic updates to the Town of Farmington Comprehensive Plan, the Town of Farmington Parks and Recreation Master Plan Updates and the Town of Farmington Farmland Protection Plan Updates, and the town's Open Space Index is maintained.
- C. The Planning Board may conduct studies, surveys, and inventories of planning programs within the Town and such other studies and surveys as may be necessary to carry out the general intent of this chapter.
- D. The Planning Board shall contribute articles for the periodic Town of Farmington Newsletters.
- E. The Planning Board may suggest amendments to the Town's website.

(6)

- F. The Planning Board shall maintain maps, reports, and other publications to support the necessary research of the ECB into local environmental conditions.
- G. The Planning Board may request legal and/or professional assistance once authorized by the Town Board in the preparation of any report or decision.
- H. The Planning Board shall present an annual operating budget for the Town Board's review and approval.

§9-9. Planning Board Review Process.

Any matter referred to the Planning Board for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Director of Planning and Development, the Town Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the Planning Board, the Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board's meeting on the matter. With the advice and consent of a majority of the Planning Board members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the Planning Board to act on such referral.

§9-10. Quorum.

A quorum for meeting of the Planning Board shall be three (3) members participating either in person or via remote video conference. The Planning Board is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-11. Planning Board Reports.

The Planning Board shall submit an annual report to the Town Board not later than ten (10) business days following the Planning Board's Organizational Meeting of each year, concerning the activities and work of the Planning Board during the previous year and that planned for the coming year.

(7)

## §9-12. Planning Board Rules of Procedure.

The Planning Board, at their organizational meeting each year shall review and adopt Rules of Procedure for their meetings. Once adopted, the Rules of Procedure may be amended only by a majority vote of the full membership of the Planning Board. Said adopted Rules of Procedure shall remain in effect until replaced the following year by Planning Board action. The adopted Rules of Procedure shall be maintained on the town's website.

Section 2: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number 7 of 2023, of the Town of Farmington, was duly passed by the Town Board on \_\_\_\_\_, 2023, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the Town of Farmington was duly passed by the ..... on ..... 2023, and was (approved) (not approved) (repassed after disapproval) by the ..... and was deemed duly adopted on ..... 2023, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on 2023, and was (approved)(not approved)(repassed after disapproval) by ..... on 2023. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 2023, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on 2023, and was (approved)(not approved)(repassed after disapproval) by the ..... on 2023. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 2023, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number of 2023 of the City of ..... having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 2023, became operative.

• Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number \_\_\_\_\_ of 2023 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November 2023, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_

Clerk of the Town

(Seal)

Date: \_\_\_\_\_