

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD

The first meeting of the Farmington Planning Board was held on January 21, 1959.

Wednesday, April 16, 2025 • 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. Unless otherwise noted, remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Planning Board adopted Rules of Procedure. The audio recording is retained for 12 months. Video recordings of the meetings are posted on the Town of Farmington's YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).

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

***R** = Attended via remote video conference.*

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Douglas Viets

Board Member Excused: Regina Sousa

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
Paula Ruthven, Town of Farmington Zoning Officer

Attending:

Alex Amering, P.E., Costich Engineering, 217 Lake Avenue, Rochester N.Y. 14608—**R**
Ryan Braeger, 2465 State Route 21, Palmyra, N.Y. 14522
Jim and Nancy Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Ann Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522
Ann Marie and Randy Greco, 218 Ellsworth Road, Palmyra, N.Y. 14522

Robert B. Hatch, L.S., Schultz Associates Engineers and Land Surveyors, 129 S. Union Street, Spencerport, N.Y. 14559—**R**
Mike Lawless, T&M Properties of WNY, LLC (Villager Construction), 1 Capron Street, Unit 3C, Rochester, N.Y. 14607
Tim Lawless, T&M Properties of WNY, LLC (Villager Construction), 1 Capron Street, Unit 3C, Rochester, N.Y. 14607
Malcolm M. Riggs, M.D., 278 Ellsworth Road, Palmyra, N.Y. 14522
Frank Ruffolo, Executive Vice President of Operations, Sky Solar, Inc., **-R**
1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030
William Schell, 5976 Redfield Drive, Farmington, N.Y. 14425
Jeff Stevens, 6031 Redfield Drive, Farmington, N.Y. 14425
J. Lincoln (Linc) Swedrock, P.E., BME Associates, 10 Liftbridge Lane East, Fairport, N.Y. 14450
Kevin Tung, Greene Land Surveying, PLLC, 403 E. Miller Street, Newark, N.Y. 14513—**R**
Stacey and Arnold Vandenburg, 259 Ellsworth Road, Palmyra, N.Y. 14522
David Lowry, 230 Ellsworth Road, Palmyra, NY 14522 **-R**
Mr. Tung, Green Land Surveying, PLLC, 403 E. Miller Street, Newark, NY 14513-**R**

1. APPROVAL OF MINUTES

Minutes of April 2, 2025:

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the April 2, 2025, meeting be approved.

Motion carried by voice vote.

2. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on April 9, 2025:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 16th day of April, 2025, commencing at 7:00 p.m. in the Farmington Town Hall, Main Meeting Room, 1000 County Road 8, Farmington, N.Y. 14425 for the purpose of receiving testimony upon and giving consideration to the applications of:

PB #2025-0301: DAVID AND JULIE LOWRY, 230 ELLSWORTH ROAD, PALMYRA, N.Y. 14522: Requesting a Preliminary Two-Lot Subdivision Plat approval. The project proposes to subdivide Tax Map Account 10.00-1-13.400 creating Lot #1 to be

comprised of 5.050 acres and Lot #2 to be comprised of 1.609 acres, both lots to be located along the west side of Ellsworth Road. The site is zoned A-80 Agricultural.

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

By order of:

Edward Hemminger, Chairperson

Town of Farmington Planning Board

3. NEW PUBLIC HEARING

PB #2025-0301 Preliminary Two-Lot Subdivision Application

Name: David N. and Julie S. Lowry, 230 Ellsworth Road,
Palmyra, N.Y. 14522

Location: Tax Map #10.00-1-13.400

Zoning District: A-80 Agricultural District

Request: Preliminary Two-Lot Subdivision Plat approval. The project proposes to subdivide Tax Map Account 10.00-1-13.400 creating Lot #1 to be comprised of 5.050 acres and Lot #2 to be comprised of 1.609 acres, both lots to be located along the west side of Ellsworth Road.

On March 19, 2025, the Planning Board determined that this application was incomplete and requested the submission of several items which were required by the Town Code for the subdivision plat (*see* Planning Board minutes, March 19, 2025, pp. 29–32).

On April 2, 2025, the Planning Board determined that this application was complete, that this is a Type II Action under the State Environmental Quality Review (SEQR) regulations, that the application is exempt from a referral to the Ontario County Planning Board, and that the Public Hearing on this application was scheduled for this evening (April 16, 2025).

On April 11, 2025, the Planning Board's draft resolution for this evening's consideration was sent via email to the applicants David and Julie Lowry; to their surveyor Michael S. Greene of Greene Land Surveying, PLLC; and to their contractor John Graziose of Gerber Homes and Additions. The draft resolution was also posted on the Town's website on Friday afternoon, April 11, 2025.

Mr. Lowry and Mr. Tung of Greene Land Surveying attended via remote video conference.

Mr. Hemminger opened the Public Hearing on this application.

Mr. Tung presented this application.

Mr. Hemminger said that this evening's meeting is for the consideration of the applicants' preliminary two-lot subdivision application. He said that they would need to submit a preliminary site plan application following completion of the subdivision process and before any building permit could be issued.

Mr. Brand said that a draft resolution has been prepared for the board's determination that the application is complete and can move forward, for the classification of this application as a Type II Action under the State Environmental Quality Review (SEQR) regulations, and that the application is exempt from review by the Ontario County Planning Board because it meets all applicable municipal code requirements under the provisions of Sections 239-l and -n of the New York State General Municipal Law.

Mr. Brand said that an area variance has previously been granted to the applicants for the placement of an accessory structure in front of the principal structure on the parent property, proposed Lot #1, and that proposed Lot #2 has now been accepted because the applicants' engineer has provided the results of the deep hole and perc tests for the proposed septic system which shows compliance that the septic system is permitted on a 150-foot-wide lot in the A-80 zoning district.

Mr. Hemminger then asked if anyone in the meeting room wished to speak for or against this application, or to ask questions.

—Begin audio transcription—

(Note: The time stamps in the following transcription refer to the clerk's recording of the meeting. These time stamps do not correspond to the Town video which is posted on the social media YouTube site.)

(10:00) Mr. Hemminger: Okay, this is a Public Hearing. Do I have anyone here to speak for or against this application? Yes, ma'am. Tell us who you are and where you live.

(10:19) Ms. Vandenberg: I'm Stacey Vandenberg. I'm here with my husband Arnold. I live at 259 Ellsworth Road—(Mr. Hemminger: Okay.)—and I was wondering if anybody has a plan or a site plan for this proposed project that you'd be willing to share with us.

(10:41) Mr. Hemminger: We do have some preliminary stuff but I don't think that it has been through the review to see if it's complete yet for the preliminary site plan. This is just for the division of land tonight.

(10:53) Ms. Vandenberg: I'm here with some concerned neighbors—(Mr. Hemminger: Okay.)—and we have never met David or Julie Lowry. No one has come to us to say they

were thinking about doing this. In fact, many of us only found out about this hearing on Saturday when we received the mailed announcement—(Mr. Hemminger: Okay.)—many of the people here never even got an announcement and, of course, you know, it would be lovely to read the *Daily Messenger* but I believe not many of us subscribe to that. So, and unfortunately, some of our other neighbors who are—neighbors who live—what was your mom's address—

(11:32) Unidentified speaker: 390.

(11:34) Ms. Vandenberg: 390 Ellsworth Road—

(11:35) Unidentified speaker: That's my mother-in-law.

(11:36) Ms. Vandenberg: Mother-in-law, yes, they have left the Town this week and our other concerned neighbors because it's Easter week—(Mr. Hemminger: Okay.)—so a lot of us didn't even know that this was going on. This is the first we've heard of it, so—

(11:50) Mr. Hemminger: Okay, now, just know that this is a subdivision of land, drawing a line on a paper—(Ms. Vandenberg: Right.)—the actual preliminary site plan has not been accepted—the Planning Board hasn't accepted it for [a] Public Hearing. There will be a Public Hearing on the preliminary site plan for both lots, I assume at some point, and that's when the rest of the information will be up, but right now it's just a subdivision of land.

(12:22) Ms. Vandenberg: Okay—

(12:23) Mr. Tung: I don't mean to interrupt but it would just be the preliminary site plan for Lot #2 as there is an existing house on Lot #1.

(12:34) Mr. Hemminger: Okay.

(12:35) Ms. Vandenberg: Right. I know there is a word for what I am—(Mr. Hemminger: Talk to me.)—which is a NIMBY—Not In My Backyard—(Mr. Hemminger: Okay.)—in this case I'm a NIMFY because this is in my front yard—(Mr. Hemminger: Okay.)—it is a lot directly across the street from our property—(Mr. Hemminger: Okay.)—and I really feel it would—I mean, the plans, obviously I know you haven't gotten to that point yet, is to put a house there. It's totally not in keeping with the rest of the character on the street, and, I mean, I don't want to tell people what to do with their land, but they could put the lot on the other side where it would be more across the street from woods.

(13:13) Mr. Hemminger: We'll certainly get into that, but the lot decision—so you're saying that they shouldn't divide the lot the way it is.

(13:19) Ms. Vandenberg: Correct.

(13:20) Mr. Hemminger: Even though there is an existing house on one lot.

(13:22) Ms. Vandenberg: I question whether they should even divide the lot, but I know, maybe, you guys have worked that out, but we were not informed.

(13:31) Mr. Hemminger: I'm not dividing a lot "because they own the lot?"

(13:35) Ms. Vandenberg: Subdividing the property, 1.6 acres. Is the reason we're having the hearing because normally a subdivision has to be at least 1.8 acres?

(13:45) Mr. Hemminger: I don't think that's true in Farmington.

(13:52) Unidentified speaker: The code says 1.8 for this—

(13:54) Mr. Hemminger: Okay, just a second now, we're getting confused here. When you're done, let me know and we've got others who want to say something.

(13:59) Ms. Vandenberg: I just would like to register I've never met these people. They've not made any effort to try to talk to the neighbors about their project, their subdividing their property—(Mr. Hemminger: Okay.)—and I'm, um, opposed to it and my husband is opposed to it.

(14:12) Mr. Hemminger: Okay, so noted. Anybody else have something to say? You need to tell me your name.

(14:16) Ann Foley, 373 Ellsworth Road. I researched the code. 80,000 square feet or 1.8 acres in the A-80, this, that area.

(14:36) Mr. Hemminger: Okay. Ron. Dan. What am I looking at here?

(14:38) Mr. Brand: You're looking at a project that originally came in and it was not accepted because it didn't have any percolation or deep hole tests—(Mr. Hemminger: Correct.)—and therefore you couldn't consider it complete for a lot which the code says if you have a conventional system, onsite system, you can have 150 feet of frontage. (Mr. Hemminger: Correct.) This lot that's being proposed has more than 150 feet of frontage. (Mr. Hemminger: Correct.) So the 80,000 is for those lots that have to have a raised fill system. It's not a conventional system, and this is not what we're looking at, at this time.

(15:30) Mr. Hemminger: So a conventional system has a different requirement—(Mr. Brand: Yes.)—than the 80,000 that she's—

(15:35) Mr. Delpriore: A reduction.

(15:36) Mr. Hemminger: You get a reduction if it percs and can have a normal sewer system, septic system.

(15:46) Mr. Delpriore: So, they went after that reduction. That's why they needed more information on the deep-hole test proving to us that a normal system, or a conventional system, could be installed.

(15:56) Mr. Hemminger: So this subdivision of property is in conjunction with our code. It meets all of our code requirements.

(16:04) Mr. Delpriore: Correct. Okay.

(16:05) Mr. Hemminger: Anyone else like to speak for or against this application? Yes, sir.

(16:10) I'm Dr. Riggs. I live at 278 Ellsworth—(Mr. Hemminger: Okay.)—so, right next door, and that entire area from Turner down most of the way to Fox Road is all clay.—(Mr. Hemminger: Okay.)—It won't perc no matter you do. Um, and besides that, everyone whose moved to Fox Road moved to Fox Road because there's five acres—(Unidentified speaker: Ellsworth.)—yes, Ellsworth, because I lived on Fox before—the reason why we moved on Ellsworth is because they're five-acre parcels.—(Mr. Hemminger: Okay.)—And, now, we're talking about smaller and smaller lots, and congestion, and—

(17:14) Mr. Hemminger: It's Town Code.

(17:15) Dr. Riggs: I know.

(17:16) Mr. Hemminger: Town Board. If you don't like the Town Code, and I said this a million times in my time as Planning Board and Zoning Board—if you don't like the Code you've got to go to the Town Board to change it. I'm serious. I mean that's what they do. Their job is to do that. It's our job to follow the Code along with staff and do what needs to be done. So, I apologize if you don't like that, but it's the Code, and it's been that way for quite a while, if I'm not mistaken.

(17:44) Dr. Riggs: For the most part, my objection is aesthetic, and that's not a legal issue, but I would strongly advise against it.

(18:02) Mr. Hemminger: Okay, thank you very much. Anyone else like to speak for or against this? Yes, sir.

(18:05) Jim Falanga, 395 Ellsworth.

(18:08) Mr. Hemminger: Jim, good to see you again.

(18:10): Mr. Falanga: Right back at 'cha, Ed. Maybe I should address this to Ron.

(18:12) Mr. Hemminger: No, you address is to me, and I'll figure out who to address it to.

(18:17) Mr. Falanga: That's even better.

(18:18) Mr. Hemminger: C'mon, you know better than that.

(18:19) Mr. Falanga: There is a consensus in the neighborhood that this mystical five-acre lot used to be a requirement for the A-80. Was that a recent change or are we misguided in thinking that lots have to be five—

(18:34) Mr. Hemminger: I'm going to guess that it's misguided, but I cannot remember—

(18:39) Mr. Brand: Well, guided would mean that somebody informed you of that, and I can't think of anybody in the Town that would do that. You got a name?

(18:47) Mr. Falanga: Yes, several farmers—(Mr. Brand: Oh, okay, farmers.)—The 100 acres that I farm—and they are under the impression, at least the gentlemen that I hang out with, because all the houses that were built on Fox Road—several houses came in at five-acre plots—now, the people are having a hard time maintaining those five-acre plots, so they're asking the farmer to pick up two to three acres of farmland within those plots. So there's a general feeling that that was the law. I'm just wondering if it ever was, maybe somebody can enlighten me on that. And if it was, was it changed?

(19:22) Mr. Hemminger: Dan can help you on that.

(19:24) Mr. Delpriore: I think the five acres is coming from the farmers because that is what's required for farm animals operations, so that's where five acres comes into play. It has nothing to do with the requirement of a lot size but both of codes have been in quite a while, because, I know I've been here 10 years and it's been that way the entire time I've been here.

(19:48) Mr. Hemminger: Yeah, and the big key is a lot about the frontage, of whether or not it percs or not. [If it] doesn't perc, you've got to have more frontage. If it percs, you can have 150, so that's the difference there.

(20:02) Mr. Falanga: Then just so for my—if I can understand if it percs or no perc—this is less than the normal allowed, right, 1.6 acres?

(20:11) Mr. Hemminger: No, not at all. (Mr. Falanga: Even though we.)—It's a frontage issue. Well, 80,000 is if it doesn't perc. Correct?

(20:20) Mr. Delpriore: 40, it drops down if it can perc. You get a 50 percent reduction.

(20:30): Mr. Brand: This was done many many years ago at the request of the farming community who didn't want five-acre lots.

(20:46) Mr. Hemminger: Okay. Anyone else like to speak for or against this application, which again just the subdivision of land. Yes, sir.

(20:57) My name is Randy Greco. I'm on 218 Ellsworth Road. I live right next to the people that are planning to try to build—sublet this. I'm not for it, either, because it's going to—like

somebody else says—it's going to bring a lot more traffic, plus also are they actually going to build two houses there? Is that what they're—

(21:24) Mr. Hemminger: No, there's one there already. (Mr. Greco: Yes, but I'm talkin'—) and one more. (Mr. Greco: They're thinking that.)

(21:32) Mr. Hemminger: They're taking the one lot that's got the house on it, and then breaking out the other one.

(21:42) Mr. Greco: Two lots, correct?

(21:44) Mr. Delpriore: One lot and making it two. So, where the house is currently will be Lot 1 and then the new lot will be Lot 2.

(21:51) Mr. Greco: That's fine for that, I understand.

(21:54) Mr. Hemminger: The new lot—that's a pretty good size lot.

(21:56) Mr. Greco: I'm still—like I said, I'm not for it, because like they said it will bring more traffic. We do have kids that live on that street. My son is one of the oldest, but people speed up and down, even though the Town brought down the speed limit. It was supposed to be actually—but, anyway, and it's going to bring a lot more traffic, and like I said, it is going to be—we don't know close it's going to be at the road. It's going to be an eyesore for some people—

(22:28) Mr. Hemminger: Quite a ways away, I mean, significantly back, from the initial stuff I've seen, it's quite a ways back.

(22:36) Mr. Greco: Well, I would like to see actually how far back.

(22:40) Mr. Hemminger: Well, you can look at the—

(22:41) Mr. Delpriore: That's for the site plan.

(22:43) Mr. Hemminger: That's when we do the site plan—the preliminary site plan.

(22:45) Mr. Greco: So, realistically you don't have those right now—

(22:47) Mr. Hemminger: We have some preliminary stuff, but we haven't been authorized—we haven't accepted the preliminary site plan. When we do, then it will be available in the building department to be reviewed, and we'll go from there.

(23:09) Mr. Tung: If I can help. I'm sorry.—(Mr. Hemminger: Yeah, let him finish, please.)—I can clarify. Where we have the house designed currently, it sits 221—roughly 220 feet off the pavement.

(23:19) Mr. Hemminger: Okay, thank you. Go ahead. Do you have something else?

(23:21) Mr. Greco: I forgot what I was going to say. (Mr. Hemminger: I'm sorry.)

(23:27) Mr. Greco: He interrupted before I was done, but—(Mr. Hemminger: I'm sorry.)—but, like I said, I'm just, my concern is for the traffic, like I said, again, until we actually see the final plans, I understand what he said on the thing, and I feel bad for my other neighbors because they—a lot of these people have lived there longer than my new neighbor. Now, I live right next to them. I mean, my house is right next to them. And when they moved in, I understand they didn't about to come out to say hello, or anything like that, but they never said, like she said, they never said anything. I mean, I grew up, okay, I'm 56 years old, okay. My father raised me, when you come into an area, you meet your neighbors, you know what I'm saying, and when you do something like this, which is going to effect other people, right?

(24:15) Mr. Hemminger: I appreciate what you're saying.

(24:18) Mr. Greco: That's the way I feel.

(24:20): Mr. Hemminger: Thanks very much. Anyone else like to speak for or against this application? Anyone online like to speak for or against this application?

(Clerk's Note: There were no additional requests to speak from those in the meeting room or from those on the remote video conference.)

(24:33) Mr. Hemminger: Okay, this is a Public Hearing. I have no other questions, so we'll close the Public Hearing.

—The Public Hearing was closed. End audio transcription—

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

Mr. Hemminger asked Mr. Tung if he reviewed the draft Preliminary Subdivision approval resolution and if he agreed with the conditions of approval. Mr. Tung said yes.

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #2025-0301

APPLICANTS: David N. and Julie S. Lowry, 230 Ellsworth Road,

Palmyra, N.Y. 14522

ACTION: **Preliminary Two-Lot Subdivision Plat approval with conditions: Tax Map Account 10.00-1-13.400, creating two lots, Lot #1 comprised of 5.050 acres and Lot #2 comprised of 1.609 acres, both lots located along the west side of Ellsworth Road.**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received an application for the subdivision of land into two lots, which includes a Part 1 Short Environmental Assessment Form (SEAF) and an amended plat map drawing prepared by Greene Land Surveying, PLLC, entitled “Plan of Land owned by David N & Julie S. Lowry,” dated March 13, 2025, and Job No. 24-7313; and

WHEREAS the Planning Board, at their April 2, 2025, meeting accepted the application, classified the Action under the State Environmental Quality Review Act as a Type II Action and scheduled a public meeting for tonight; and

WHEREAS the Planning Board has reviewed said information and a draft resolution prepared by the Town Director of Planning & Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the above referenced Action with the following conditions:

1. The preliminary two-lot subdivision plat is based upon the amended drawing received on March 26, 2025, identified above herein; and
2. The title of the plat map is to be revised to read . . . “Preliminary Subdivision Plat, Lots #1 and #2 David N. & Julie S. Lowry,” and
3. The amended preliminary plat drawing is to add a signature block in the location shown on Appendix G-12.0 of the adopted Town of Farmington Site Design and Development Criteria Manual, for the Town Highway Superintendent and the Planning Board Chairperson; and
4. There is to be a general note added to the preliminary plat drawing that reads... “Lot #2 is a Non-Buildable Lot subject further to site plan approval by the Planning Board;” and
5. There is to be a general note added to the preliminary plat drawing identifying the Flood Insurance Zone, Community Number, Panel Number and Effective Date; and
6. There is to be a Public Safety Detail added to the preliminary plat drawing, as shown on Appendix G-9.0 of the adopted Town of Farmington Site Design and Development Criteria Manual for Lot #1 and the location shown on the plat drawing; and

7. There is to be a general note added to the preliminary and then final plat maps that reads... “A Park and Recreation Fee is to be paid to the Farmington Town Clerk’s Office prior to the issuance of a Building Permit for Lot #2.”

BE IT FURTHER RESOLVED that the Planning Board determines the above referenced Action is defined as an Exempt Action, a land subdivision into two lots that meets all applicable municipal code requirements, in the Ontario County Planning Board Bylaws and, therefore, is not subject to a referral and recommendation from said County Board under the provisions of Sections 239-l and -n of the New York State General Municipal Law.

BE IT FURTHER RESOLVED that preliminary plat approval with conditions is valid for a period of 180 days from today and shall automatically expire unless revised drawings have been signed by Town Officials, or an extension granted by the Planning Board prior to the 180 days.

BE IT FURTHER RESOLVED that once the above revisions have been made to the preliminary plat map, then one electronic copy and one paper copy is to be submitted to the Town Code Enforcement Officer for review, acceptance and signing by the Town Highway Superintendent and then the Planning Board Chairperson.

BE IT FURTHER RESOLVED that once signed, the Applicant may then submit an application for final subdivision plat approval to be accepted by the Planning Board at a future public meeting.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicants David N. and Julie S. Lowry via email to Dave2877@hotmail.com; the Applicant’s Surveyor Michael S. Greene, Licensed Land Surveyor, Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; the Applicant’s Contractor Gerber Homes, 1260 Ridge Road, Ontario, N.Y. 14519; Town staff; the Town Engineer and filed with the Town Development Office.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

4. **NEW GRADING PERMIT**

PB #2025-0202 New Grading Permit Application

Name: T&M Properties of WNY, LLC, (Villager Construction), c/o Michael Lawless, 1 Capron Street, Unit 3C, Rochester, N.Y. 14607

Location: Former site of Loomis Road Industrial Park, north side of Loomis Road

Zoning District: GI General Industrial District

Request: Grading Permit for Lot #1 of the Loomis Road Subdivision Tract, along the north side of Loomis Road, east of the intersection with Plastermill Road and south of Interstate Route I-90 (New York State Thruway).

On February 19, 2025, the Planning Board classified this application as a Type I Action under the provisions of the State Environmental Quality Review Act (SEQRA) and established the 30-day coordinated review period from February 20, 2025, to March 19, 2025.

On March 19, 2025, the Planning Board designated itself as the Lead Agency for making the SEQR Determination of Significance, determined that this application was complete, and scheduled the Public Hearing which was held on April 2, 2025.

On April 2, 2025, the Planning Board approved the SEQR Determination of Non-Significance and approved the Preliminary Site Plan with conditions (PB #2025-0202).

On April 11, 2025, the Planning Board's draft resolution for this evening's consideration was sent via email to the applicants Michael and Tim Lawless of T&M Properties of WNY, LLC; to their engineer J. Lincoln Swedrock, P.E.; and to Project Manager Andrew R. Spencer, R.L.A., both of BME Associates.

Mr. Swedrock presented this application. Michael and Tim Lawless also attended.

Mr. Swedrock said that the applicants have the ability to obtain fill for the future development of the property in the western portion of the parcel near the location of the proposed new building. He said that they would like to get going on the grading and that they have submitted this application for a grading permit. Mr. Swedrock said that the grading permit would enable them to bring in and grade fill per the Stormwater Pollution Prevention Plan (SWPPP) that has already been submitted.

Mr. Swedrock said that they have submitted the engineer's Letter of Credit estimate for the grading permit which includes grading, temporary erosion control measures, New York State requirements and stormwater management.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening for the approval of the grading permit with conditions.

Mr. Brabant said that the Town has a process that does allow activities to occur after the applicant first obtains authorization from the Planning Board, and second, the approval of the Town staff. He said that there is a checklist which has been adopted in the Town's Site Design and Criteria Manual which guides the staff through the process. He said the applicant has submitted a preliminary site plan and a grading plan to show how they intend to carry out the grading. Mr. Brabant said that a Letter of Credit estimate also has been submitted which will not cover the entire project but instead in this scenario would cover only the grading plan including erosion and sediment control, and stormwater management.

Mr. Brabant said that the Town grading permit also requires a permit from the New York State Department of Environmental Conservation (DEC) because the Town is a designated Municipal Separate Storm Sewer System (MS4) community and the grading will extend over one acre. He confirmed that the applicant's engineer has submitted the SWPPP for the entire project to MRB Group for review, and which has been approved by MRB Group. Mr. Brabant said that the SWPPP will now be submitted to the DEC to obtain the DEC's acknowledgment letter.

Mr. Brabant said that lastly the applicant will be required to attend a Pre-Construction Meeting with the Town staff to review the scope of the work prior to the commencement of the grading. Mr. Hemminger said that the Pre-Construction Meeting will explain the Town's requirements of what they can do and when they can begin work. He said that they cannot begin the grading work as of now.

Mr. Delpriore said that the grading permit will allow the applicant to bring material to the site and that the Town staff would have no issues with that as long as the applicant keeps the roads clean.

Mr. Delpriore said that we have to talk about the current condition of the site. He said that neighbors have reached out to him about activities which have been going on at the site, especially during the later evening hours, outside of the Town's permitted construction hours which are 7:00 a.m. to 7:00 p.m. Monday through Friday, and 7:00 a.m. to 6:00 p.m. on Saturdays, with no work permitted on Sundays or holidays.

Mr. Delpriore said that the staff have reached out to the applicant who informed the staff that they are preparing for a project on the New York State Thruway which involves some evening work. Mr. Delpriore said that he informed the applicant that they cannot use the property for this purpose until a Certificate of Occupancy has been issued, following which they could use the property as a staging area.

He said that he inspected the site this afternoon and that there are quite a bit of supplies out there. Mr. Delpriore said that he photographed the site and submitted the photos to Mr. Hemminger. Mr. Delpriore said that the Town staff may wish to add a condition of grading permit approval that these materials must be removed from the site.

Mr. Ford said that he also visited the site and spoke with Tim Lawless concerning the muddy entrance into the site off from Loomis Road. Mr. Ford said that the entrance needs

millings and needs to be kept clean. Mr. Ford also said that he was not aware of the current staging of construction there. Mr. Hemminger said again, that at this time, the site has not been approved for any type of use.

Mr. Brabant said that as part of the grading permit, MRB Group reviewed all of the components of the permit process, i.e., the grading plan, the Letter of Credit estimate, the SWPPP, and the five-acre waiver, and that this packet of material has been forwarded to the board.

Mr. Brand said for the record that he is hearing this [the current use of the property] for the first time this evening. Mr. Hemminger said that he spoke with Mr. Delpriore late today and that Mr. Delpriore sent him photos of the materials related to the company's work on the New York State Thruway which are being stored on the site. Mr. Hemminger suggested that an additional condition of grading permit approval be added to reflect that only grading equipment is permitted to be stored on the site at this time and that work must be confined to the days and hours as required by the Town. Mr. Hemminger said that the applicant must remember that there are families who are living in the area and that the operation of heavy equipment at night is not effective for the housing area. (*See five photographs attached to the minutes, pp. 38–42.*)

Mr. Brand said that he cannot say that he supports the current draft grading permit resolution in light of the new information which has been presented this evening.

Mr. Bellis said that he and other board members also have not seen the photos which were taken today of the current condition of the site. He said that action upon the grading permit should be tabled and that Town staff and board should regroup on this.

Mr. Swedrock asked if an additional condition could be added to the draft resolution to restrict on-site work to only the fill and grading operation.

Mr. Viets said that the Town staff and the board need to revisit this to determine if additional conditions to be added to the grading permit resolution.

Tim Lawless apologized for “jumping the gun” [on the use of the site at this time] and said that he takes full responsibility. He said that he reviewed Town Code Chapter 165-30 which indicates in Section B (5) that “contractors’ storage yards” are a permitted principal use in the General Industrial (GI) zoning district. But Mr. Delpriore said that this only applies if an approved site plan has been issued first.

Mr. Lawless said that he was mistaken [in his reading of the Code] and that he had not meant to be deceitful to the Town. He said that as soon as Mr. Delpriore spoke to him about this, they stopped the use of the property and that he will be more than happy to remove the equipment.

Mr. Hemminger asked how long it would take to remove the equipment. Mr. Lawless said that he will take a look at what is on the property and that it would take about a week.

Mr. Hemminger said that he is very certain that he does not have the approval to move the construction “stuff” over to their other property in Farmington. Mr. Lawless said that he believed this equipment can be moved to the Thruway area near Exit 45.

Mr. Bellis asked about the hours during which fill for the grading would be arriving on the site. He said that he did not think that the board could approve the grading permit this evening and cannot have dump trucks arriving and backing up during the evening hours. Mr. Bellis said that we need to stop and regroup of how Mr. Lawless would like to run the site [if it conflicts with the existing days and hours of operation in the Town Code].

Mr. Lawless said that it is not intent to run past 7:00 p.m. if this is what the Town allows.

Mr. Hemminger said that it does not seem as though there are at least three votes on the Planning Board to approve the draft grading permit this evening. He suggested that the action this evening should be tabled and that the Town staff should be requested to write a new resolution for consideration at the next meeting.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LOOMIS ROAD INDUSTRIAL PARK SITE, LOT #1**

PB #2025-0202

APPLICANT: T&M Properties of WNY, LLC, c/o Timothy Lawless and Michael Lawless, 1 Capron Street, Unit 3C, Rochester, N.Y. 14607

ACTION: Application for Approval with Conditions: Grading Permit for Loomis Road Park Subdivision Tract, located along the north side of Loomis Road, east of the intersection with Plastermill Road and south of Interstate Route I-90 (New York State Thruway). The Action involves site grading for the construction of 47,680 square feet of office and maintenance building and related site improvements.

Tabled until May 7, 2025.

WHEREAS the Town of Farmington Town Planning Board (hereinafter referred to as Board) tonight has conducted a public meeting upon the above referenced proposed Action; and

WHEREAS public discussion has identified concerns about the fill material being brought to the site without Town approval and that site operations have been determined to be ongoing after the 7:00 p.m. daily ending time; and

WHEREAS a majority of the Board also expressed concerns with applicant bringing supplies and equipment to the site without any Town approval; and

WHEREAS a majority of the Board expressed opposition to granting approval of the grading permit at this time and requested the applicants to work with Town Staff to prepare a new draft resolution that provides more details on the proposed grading permit to include the hours of operation by the applicant.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby tables the Action upon this application until the next regularly scheduled Planning Board meeting on May 7, 2025.

BE IT FURTHER RESOLVED that the Board directs the applicants to remove all material and equipment brought to the site on or before 7:00 p.m. on Thursday, April 24, 2025.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be provided to the applicants, the applicants engineers, BME Associates, and Town Development Staff.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

5. **RECOMMENDATION TO TOWN BOARD**

PB #2025-0202 Recommendation to Town Board

Name: T&M Properties of WNY, LLC, (Villager Construction), c/o Michael Lawless, 1 Capron Street, Unit 3C, Rochester, N.Y. 14607

Location: Former site of Loomis Road Industrial Park, north side of Loomis Road

Zoning District: GI General Industrial District

Request: Recommendation to the Town Board for acceptance of a Letter of Credit for a Grading Permit for Lot #1 of the Loomis Road Subdivision Tract, along the north side of Loomis Road, east of the intersection with Plastermill Road and south of Interstate Route I-90 (New York State Thruway).

See Item #4 above (pp. 12–17) for the Planning Board’s action to table until May 7, 2025, the consideration of a Grading Permit for Lot #1 of the Loomis Road Subdivision Tract.

On April 11, 2025, the Planning Board’s draft resolution for this evening’s consideration was sent via email to the applicants Michael and Tim Lawless of T&M Properties of WNY, LLC; to their engineer J. Lincoln Swedrock, P.E.; and to Project Manager Andrew R. Spencer, R.L.A., both of BME Associates.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ESTABLISHMENT**

PB #2025-0202

APPLICANT: T&M Properties of WNY, LLC, c/o Timothy Lawless and Michael Lawless, 1 Capron Street, Unit 3C, Rochester, N.Y. 14607

ACTION: Letter of Credit establishment for Grading Permit for Loomis Road Park Subdivision Tract, located along the north side of Loomis Road, east of the intersection with Plastermill Road and south of Interstate Route I-90 (New York State Thruway). The Action involves site grading for the construction of 47,680 square feet of office and maintenance building and related site improvements.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated April 11, 2025, from Ronald Brand, Director of Planning and Development, a letter from MRB Group, dated April 10, 2025, which identifies their coordinated review with Matt Heilmann, Town Construction Inspector of a Grading Permit Letter of Credit (LOC) prepared by BME Associates, and a draft resolution for the Planning Board to recommend to the Town Board acceptance of the establishment of a LOC for the above referenced Action; and

WHEREAS their recommendations are to establish a LOC for allowing site grading, in the total amount of \$376,453.70; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project, the recommendations from the Town Construction Inspector and the Town Engineers, and the Determination from the Town Director of Planning and Development, does hereby recommend that the Town Board take formal action to approve the request to establish of Letter of Credit in the total amount of \$376,453.70.

BE IT FINALLY RESOLVED that a certified copy of this resolution and a cover memo from the Planning Board Chairperson are to be provided to: Farmington Town Clerk; Farmington Town Supervisor; Farmington Town Highway and Parks Superintendent; Farmington Town Water and Sewer Superintendent; Farmington Town Construction Inspectors; Farmington Town Code Enforcement Officer; Farmington Town Engineers, MRB Group, D.P.C.; 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	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

Following the voting, Mr. Swedrock asked if they are all set to submit the Final Site Plan to the Town. Mr. Delpriore said that he will get back to Mr. Swedrock on this.

6. **NEW FINAL FOUR-LOT SUBDIVISION PLAT**

PB #2025-0403 New Final Four-Lot Subdivision Plat Application

Name: Tim Mattice, 1014 Dominion Drive, Katy, Texas 77450

Location: Mattice Subdivision Tract, Lot #1–Lot #4, located along both sides of Kyte Road, east of County Road 28.

Zoning District: A-80 Agricultural District

Request: Determination of complete application for a Four-Lot Subdivision Plat approval of the proposed Mattice Subdivision Tract. The project proposes to subdivide 28.28 acres of land having an

existing residential structure on one lot, an existing personal wireless cellular tower on a second lot and creating two vacant residential lots along both sides of Kyte Road, east of County Road 28 and south of the Thruway (I-90). The land is zoned A-80 Agricultural District; and scheduling a public meeting.

On April 2, 2025, the Planning Board approved the Four-Lot Preliminary Subdivision Plat with conditions for this project.

On April 11, 2025, the Planning Board's draft resolution for this evening's consideration was sent via email to the applicant Tim Mattice; and to his surveyor Robert B. Hatch, L.S., of Schultz Associates Engineers and Land Surveyors.

Mr. Hatch attended via remote video conference to answer any questions on this application.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #2025-0403

APPLICANTS: Timothy Mattice, 1014 Dominion Drive, Katy, Texas 77450

**ACTION: Final Four-Lot Mattice Subdivision Plat, Lots 1-4:
Determination of the application to be complete for scheduling
a public meeting.**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received an application for the above referenced Action and a Final Plat prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No. 24.315, Sheet No. 1 of 1, dated December 12, 2024; and

WHEREAS the Planning Board has reviewed said information and a draft resolution prepared by the Town Director of Planning and Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings:

1. The above referenced Final Plat has been prepared incorporating all of the conditions of Preliminary Plat approval granted by the Planning Board on April 2, 2025; and

2. The Planning Board can schedule a public meeting upon said Action.

BE IT FURTHER RESOLVED that based upon these findings the Planning Board accepts the final subdivision plat application and directs that a public meeting be scheduled for this project.

BE IT FURTHER RESOLVED that the Planning Board does hereby schedule a public meeting be held upon this application, on Wednesday, May 7, 2025, commencing at 7:00 p.m., in the main meeting room at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant Timothy Mattice, 1014 Dominion Drive, Katy, Texas 77450; via email to tjmat1014@ gmail.com; the Applicant's Surveyor Robert B. Hatch at Schultz Associates, 129 South Union Street, Spencerport, N.Y. 14559; Town staff; the Town Engineer and filed with the Town Development Office.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

6. **SKY SOLAR, INC. PRELIMINARY SITE PLANS: 90-DAY EXTENSION**

PB #0408-24 Preliminary Site Plan: 90-Day Extension Application

Name: Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030

Location: Northern Portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058.

Zoning District: LI Limited Industrial

Request: 90-day extension to Preliminary Site Plan approval to allow for the construction of solar arrays and a transformer area on the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project; and the construction of a section of Town Road with sidewalks, crosswalks, streetlights, water line and fire hydrants completing the

missing link between the south end and the northern portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058 which contains a total of 7.75 acres of land.

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PB #0409-24 Preliminary Site Plan: 90-Day Extension Application

Name: Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030

Location: Tax Map Account #29.00-1-84.112 with access from along East Corporate Drive and a future extension of Commercial Drive.

Zoning District: LI Limited Industrial

Request: 90-day extension to Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive.

On October 16, 2024, the Public Hearings on PB #0408-24 and PB #0409-24 were closed and the Sky Solar East Preliminary Site Plan (PB #0408-24) and the Sky Solar West Preliminary Site Plan (PB #0409-24) were approved with conditions.

On April 11, 2025, the Planning Board's draft resolution for this evening's consideration was sent via email to the applicant Frank Ruffolo of Sky Solar, Inc.

Mr. Ruffolo presented this application via remote video conference.

He said that there has been a change of his project engineer at LaBella Associates and that it took them quite a while [to assign a new engineer to his project] which caused a significant delay. Mr. Ruffolo said that he now plans on submitting a Final Site Plan for consideration by the end of the month.

Mr. Hemminger said that the Preliminary Site Plan has not yet been signed. Mr. Delpriore said that the Town staff is waiting for the mylar lot-line adjustment map to be submitted. Mr. Ruffolo said that he will provide this to the Town. Mr. Hemminger said that the Preliminary Site Plan would then be signed and Mr. Ruffolo could then submit the Final Site Plan application and drawings.

Mr. Brand said that Jonathan Orpin of New Energy Works is happy with the lot-line adjustment map as provided and that the Town construction inspectors have reviewed the

Preliminary Site Plan drawings and are all “good” with them. He said that they are waiting for submission of the mylar and two paper copies for filing in the County Clerk’s Office.

Mr. Bellis asked if a 90-day extension would be enough time for Mr. Ruffolo. Mr. Ruffolo said that 90 days should be plenty.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SKY SOLAR, INC. COMMERCIAL DRIVE EAST AND WEST SOLAR PROJECTS
EXTENSION OF APPROVALS FOR 90 DAYS**

**PB #0408-24 Preliminary Site Plan—East Project
PB #0409-24 Preliminary Site Plan—West Project**

**APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030**

**ACTION: First 90-Day Extensions of Preliminary Site Plan approvals of
PB #0408-24 and PB #0409-24**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Board) has received a letter dated April 4, 2025, from Frank Ruffolo, EVP of Operations, Sky Solar, Inc., requesting a 90-day extension of time to the conditions of Preliminary Site Plan approvals for the two above referenced Projects, which is set to expire on April 16, 2025; and

WHEREAS the Applicant’s Engineer has identified a need exists to extend the original 180-day condition of approval to allow additional time for the revisions to be made to the two Preliminary Site Plan drawings and to file the Lot Line Adjustment Plat between Sky Solar and Jonathan Orpin (New Energy Works) in the office of the Ontario County Clerk, a condition of Preliminary Site Plan approval; and

WHEREAS the Planning Board finds the Applicant has demonstrated a good faith effort working with a change in project engineers at LaBella Associates and obtaining the Final Lot Line Adjustment Plat; and

WHEREAS, the Applicant has been provided a copy of this draft resolution and a copy of this draft resolution has been posted on the Town’s Official Website in accordance with the provisions of the State’s Open Meetings Law and established Town Operating Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to approve a 90-day extension of time to: the first conditional approval granted on October 16, 2024, that is due to expire on April 16, 2025.

BE IT FURTHER RESOLVED that said 90-day extension period shall commence on Thursday, April 17, 2025, and continue through Wednesday, July 16, 2025.

BE IT FURTHER RESOLVED that the Applicant is hereby given notice that should there not be resolution of these two applications on or before Wednesday, July 2, 2025, then there will need to be a second letter requesting another extension to continue the condition of approval starting on Thursday, July 17, 2025. This letter must be submitted to the Planning Board not later than noon on Thursday, June 12, 2025, to allow the request to be placed on the July 16, 2025, meeting agenda.

BE IT FINALLY RESOLVED that the Board does hereby direct that certified copies of this resolution are to be provided to the Farmington Town Highway and Parks Superintendent; the Superintendent of the Farmington Town Water and Sewer Department; the Town Code Enforcement Officer; the Town Construction Inspectors; the Town Fire Marshal; the Town Engineers, MRB Group, D.P.C., Attn: Lance S. Brabant, Director of Planning Services; the Town Director of Planning and Development; the Applicant; and the Applicant's Engineers.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

7. CONTINUED PRELIMINARY SITE PLAN

PB #2025-0302 Continued Preliminary Site Plan Application

Name: Ryan J. and Ashley E. Braeger, 2465 State Route 21,
Palmyra, N.Y. 14522

Location: Tax Map #10.00-1-29.111

Request: Determination of a complete application for a Preliminary Site Plan for a proposed single-family dwelling, a freestanding two-car garage and related site improvements on a parcel of land along the

south side of Turner Road between Ellsworth Road and Yellow Mills Road; and scheduling a public meeting.

On April 11, 2025, the Planning Board's draft resolution for this evening's consideration was sent via email to the applicants Ryan J. and Ashley E. Braeger; and to their engineer Michael G. Sponable, P.E., of Greene Land Surveying, PLLC.

Mr. Braeger presented this application.

Mr. Hemminger said that tonight's action is to determine that the Preliminary Site Plan application is complete, that the application is classified as a Type II Action under the State Environmental Quality Review (SEQR) regulations, that the application is exempt from a referral to the Ontario County Planning Board, and that a Public Hearing will be scheduled on May 21, 2025.

Mr. Brand said that Section 239-nn of the New York State General Municipal Law requires that the Town of Macedon (a neighboring municipality) must be notified of the Public Hearing date to afford an opportunity for public input from that municipality. He said that this is a similar procedure which occurred last month when the Town of Victor notified the Town of Farmington of an application in Victor in the vicinity of the Farmington town line. Mr. Brand said that the Public Hearing for this application will be held during the Planning Board's second meeting in May because of the requirement to notify the Town of Macedon and provide time for a possible response.

Mr. Hemminger asked Mr. Braeger if he received the draft resolution prior to this evening's meeting and if he agreed with the conditions. Mr. Braeger said yes.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #2025-0302

**APPLICANTS: Ryan J. and Ashley E. Braeger
2465 State Route 21, Palmyra, New York 14522**

ACTION: Preliminary Site Plan, Tax Map Account 10.00-1-29.111, for a proposed single-family dwelling and a freestanding two car garage with related site improvements to be located on a parcel of land along the south side of Turner Road, between Ellsworth Road and Yellow Mills Road:

Determination of the application to be complete for scheduling a Public Hearing; classifying the Action as a Type II Action under the State Environmental Quality Review Act (SEQRA); determining that the Action is not subject to a coordinated review; determining that the Action is not subject to a referral to the Ontario County Planning Board for review under the Sections 239-l & -m of the State's General Municipal Law; determining the Action is subject to notification to the Macedon Town Clerk under Section 239-nn of the State's General Municipal Law; and scheduling a Public Hearing upon this Action.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received an application for the above referenced Action, which includes a Part 1 Short Environmental Assessment Form (SEAF) and a revised site plan drawing, dated 3/20/25, prepared by Greene Land Surveying, PLLC, entitled "Preliminary Site Plan of Land to be developed by Ryan J. & Ashley E. Braeger," and identified as Job No. 24-7273; and

WHEREAS the Planning Board has reviewed said information and a draft resolution prepared by the Town Director of Planning & Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings:

1. The revised site plan drawing now identifies that the proposed freestanding two-car garage has been relocated to the Rear Yard portion of the lot thereby eliminating the need for an area variance from the Town of Farmington Zoning Board of Appeals; and
2. The Planning Board classifies the proposed Action, under 6NYCRR Part 617.5 (9), (11) and (13) as a Type II Action, noting that Type II Actions are not subject to review under this Part as these actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Article 8 of the New York State Environmental Conservation Law; and
3. That a site plan for a single family dwelling located on an approved lot is exempt from referral to the Ontario County Planning Board, under the provisions of Sections 139-l and -m of the New York State General Municipal Law, according to the County Planning Board's Bylaws; and
4. That notice must be given to the Clerk of the adjacent municipality—the Town of Macedon—of this pending application for Preliminary Site Plan approval, as provided for under the provisions of Section 239-nn of the New York State General Municipal Law; and

5. That notices are to be provided to adjacent land owners, both within the Town of Farmington and the Town of Macedon, of this pending action; and
6. A Public Hearing is to be scheduled that will provide adequate time for the notification to the Macedon Town Clerk, to publish a legal notice in the Town's Official Newspaper, to post the legal notice on the Bulletin Board at the Farmington Town Hall, to post the property with a public notification sign and to post notice of said Public Hearing on the Town's website.

BE IT FURTHER RESOLVED that based upon these findings the Planning Board accepts the revised application for Preliminary Site Plan approval and directs that a Public Hearing is to be scheduled for this project.

BE IT FURTHER RESOLVED that the Planning Board does hereby schedule a Public Hearing be held upon this application, on **Wednesday, May 21, 2025**, commencing at 7:00 p.m., in the main meeting room at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425.

BE IT FURTHER RESOLVED that a legal notice of this application is to be prepared by Town Staff, published in the Town's Official Newspaper and posted (both on the Bulletin Board at the Town Hall and along the property frontage of Turner Road) in accordance with established procedures in compliance with the State's Open Meetings Law.

BE IT FURTHER RESOLVED that the Clerk of the Board is to provide notice to the Macedon Town Clerk, under provisions of Section 239-nn of the New York State General Municipal Law, of the pending public hearing, thereby affording an opportunity for public input. Said notice is to include a copy of this resolution, the application form and the revised Preliminary Site Plan. Said notice and attachments are also to be filed with the Farmington Town Clerk's Office for public review and inspection.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicants Ryan J. and Ashley E. Braeger, via email to RBRAEGER@gmail.com; the Applicant's Engineer Michael Sponable, P.E., at Greene Land Surveying, PLLC, 403 East Miller Street, Newark, New York 14513; Town staff; the Town Engineer and filed with the Town Development Office.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

9. NEW FINAL SITE PLAN

PB #2025-0104 New Final Site Plan Application

Name: Alexander H. Amering, P.E., Costich Engineering, D.P.C., 217 Lake Avenue, Rochester, N.Y. 14608; representing Victor–Farmington Volunteer Ambulance, c/o Chief Executive Officer Jared Palmer, 1321 East Victor Road, Victor, N.Y. 14564

Location: 5505 State Route 96 (southwest corner of State Route 96 and County Road 8)

Request: Determination of a complete application for Final Site Plan for the proposed Victor–Farmington Ambulance Station #2 building renovation and related site improvements located at the southwest corner of State Route 96 and County Road 8. This action involves the Real Property Tax Map Account Number 30.00-1-32.100, containing 2.5 acres of land. The action is located along the south side of Route 96 and the west side of Ontario County Road 8 and proposes the re-use of the existing medical office and the development of a three-bay ambulance bay addition located at 5505 State Route 96. The proposal includes all associated improvements including but not limited to minor pavement improvements, minor utility improvements and exterior lighting. A proposed bay addition is a 2,060±-square-foot single story structure and will attach to the southwest corner of the existing structure; and scheduling a public meeting.

On March 19, 2025, the Planning Board approved the Full Environmental Assessment Form Part 2, the Full Environmental Assessment Form Part 3, the State Environmental Quality Review (SEQR) Determination of Non-Significance, and the Preliminary Site Plan with conditions.

On April 3, 2025, the New York State Department of Environmental Conservation Jurisdictional Review was received (*see* Attachment #02 in the project abstract).

On April 14, 2025, the Planning Board’s draft resolution for this evening’s consideration was sent via email to the applicant Chief Executive Officer Jared Palmer of the Victor–Farmington Ambulance Corps; and to his engineer Alex Amering, P.E., of Costich Engineering, D.P.C.

Mr. Amering presented this application via remote video conference.

Mr. Brand said that the Ontario County Property Tax Service has informed the Town and the Planning Board that the address for this property is to be changed from 5505 State Route 96 to a new street number on County Road 8.

Mr. Amering said that he will update the Final Site Plan drawing as soon as he receives the street address number from the County.

Mr. Hemminger said that the application is complete enough this evening to move forward and schedule the public meeting on the consideration of the Final Site Plan on May 7, 2025.

Mr. Delpriore said that he has been working with the Ontario County 911 Center on the street address and that the change from State Route 96 to County Road 8 is required with the driveway now coming out on County Road 8. He said that hopefully the County will provide the street number soon.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #2025-0401

APPLICANT: Victor Farmington Ambulance, c/o Jared Palmer,
1321 East Victor Road, Victor, N.Y. 14564

ACTION: Final Site Plan application for a proposed expansion to an existing medical building and related site improvements for Station #2, Victor– Farmington Ambulance, to be located at the southwest corner of the intersection of State Route 96 and County Road 8: Determination whether the application can be accepted as complete for scheduling a public meeting.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received an application for the above referenced Action, which includes: a Part 1 Short Environmental Assessment Form (SEAF), a set of final site plan drawings prepared by Costich Engineering, entitled “Final Site Plan Victor Farmington Ambulance, 5505 NYS Route 96,” drawings GA001, GA002, CA100, Ca110, LA1000, CA500 and CA501, having revision dated April 10, 2025, and Job No. 9465; and

WHEREAS the Town of Farmington Planning Board has also received a set of Building Elevation Drawings prepared by Rozzi Architects, entitled “Victor Farmington Ambulance 5505 State Route 96, Farmington, NY 14425,” identified as drawing numbers A200 and A201, Exterior Elevations, Project No. 24-130, and dated January 29, 2025; and

WHEREAS the Planning Board has reviewed said information and a draft resolution prepared by the Town Director of Planning and Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings:

1. The Ontario County Real Property Tax Service has informed the Town and the Planning Board that the property address number for this property is to be changed from 5505 State Route 96 to a new street number along County Road 8; and
2. The Town Code Enforcement Officer has previously informed the Planning Board that a new address number for this property should be provided at time of application for Final Site Plan approval; and
3. The Applicant's Engineers and Architects will need to make the necessary changes to this site's street address prior to Town Staff and the Town Planning Board Chairperson's signing the final set of site plan drawings; and
4. A public meeting is required by the Planning Board; and
5. Public notices are to be provided and the property is to be posted with a Public Notification Sign.

BE IT FURTHER RESOLVED that the Planning Board makes the following determinations:

1. The application is accepted for public review and consideration; and
2. Town Staff is to prepare, publish and post notice for a public meeting that is to be held by the Planning Board on Wednesday, May 7, 2025, commencing at 7:00 p.m..
3. The Applicant's Engineers and Architects may continue with the drawings submitted or amend them prior to the public meeting on May 7, 2025. In the event the drawings are not amended, then such revisions will become a part of the conditions of Final Site Plan approval by the Planning Board.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant Jared Palmer, Victor Farmington Ambulance, 1321 East Victor Road, Victor, N.Y. 14564, via email to jpalmer@victorfarmingtonambulance.org; the Applicant's Engineer Alex Amering, P.E., Costich Engineering, 217 Lake Avenue, Rochester, N.Y. 14608, via email to Alex@costich.com; Nathan Rozzi, Registered Architect, Rozzi Architects, 1 Woodbury Boulevard, Rochester, N.Y. 14604, via email to nrozzi@rozziarchitects.com; Jon Merle, Genesee Construction, P.O. Box 37, Dansville, N.Y. 14437, via email to jon@geneseeconstruction.com; Town staff; the Town Engineer and filed with the Town Development Office.

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

Adrian Bellis

Aye

Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

10. NEW PRELIMINARY TWO-LOT SUBDIVISION PLAT

PB #2025-0402 New Preliminary Two-Lot Subdivision Plat Application

Name: Georgianna Gerlock, 1673 Sand Hill Road, Shortsville, N.Y. 14548

Location: Tax Map #43.00-1-34.000, a total of 60 acres and located along the east side of Sand Hill Road, between Shortsville Road and Latting Road.

Request: Determination of a complete application for a Preliminary Two-Lot Subdivision Plat and scheduling a public meeting.

On April 14, 2025, the Planning Board's draft resolution for this evening's consideration was sent via email to the applicant Georgiana Gerlock and to her surveyor David Parrinello of Marks Engineering.

No one attended the meeting this evening to present this application.

Mr. Brand said that the applicant proposes to create proposed Lot #1 of 6.038 acres with an existing single-family home and related outbuildings and to create proposed Lot #2 of 55.601 acres to remain as agricultural production land.

He said that the Town of Canandaigua will be notified of this application as a neighboring municipality under the provisions of Section 239-nn of the New York State General Municipal Law, and that the Public Hearing will be scheduled for May 21, 2025.

Mr. Delpriore said that this application is exempt from a referral to the Ontario County Planning Board.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #2025-0402

APPLICANT: Georgiana Gerlock, 4941 Shortsville Road,
Shortsville, N.Y. 14548

ACTION: Preliminary Two-Lot Subdivision Plat, Tax Map Account 43.00-1-34.000, proposed Lot #1 to be comprised of 6.038 acres and proposed Lot #2 to be comprised of 55.601 acres, located along the east side of Sand Hill Road, between Shortsville Road and Latting Road. Lot #1 contains an existing single-family dwelling and related buildings. Lot #2 to remain as agricultural production land subject to Final Site Plan approval by the Planning Board prior to issuance of building permit.

Determination whether the application can be accepted as complete for scheduling a Public Hearing; classifying the Action as a Type II Action under the State Environmental Quality Review Act (SEQRA); determining whether the Action is subject to a referral to the Ontario County Planning Board for review under the Sections 239-l & -n of the State's General Municipal Law; determining the Action is subject to notification to the Canandaigua Town Clerk under Section 239-nn of the State's General Municipal Law; and scheduling a Public Hearing upon this Action.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received an application for the above referenced Action, which includes a Part 1 Short Environmental Assessment Form (SEAF) and a drawing prepared by Marks Engineering, entitled "Preliminary Two-Lot Subdivision Plat, Lots No. 1 & Lot No. 2, Georgiana C. Gerlock Subdivision of Land," prepared by Freeland-Parrinello, Land Surveyors, dated April 9, 2025, and Job No. 25-085s; and

WHEREAS the Planning Board has reviewed said information and a draft resolution prepared by the Town Director of Planning and Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings:

1. The applicant is proposing the land subdivision of Tax Map No. 43.00-1-34.000 into two (2) lots. Lot #1 to contain an existing single-family dwelling and related accessory structures, and Lot #2 to remain as productive agricultural land; and

2. Before a Building Permit may be issued for site development of the proposed Lot #2 final site plan approval will be required by the Planning Board; and
3. A Public Hearing is required by the Planning Board, and Town Staff is to prepare a legal notice, publish said notice in the Town's Official Newspaper, the Daily Messenger, post said Notice on the Bulletin Board in the Town Hall, post said Notice on the Town's website, post said property with a Public Notification Sign and provide notices to affected landowners; and
4. The Action is classified, under 6NYCRR, Part 617.5, of Article 8 of the New York State Environmental Conservation Law, as a Type II Action and not subject to further environmental review and determination of significance; and
5. The Action is classified as an Exempt Action under the Ontario County Planning Board's adopted Bylaws, involving the subdivision of land into two lots that meet all local municipal code requirements; and
6. The Action is subject to the provisions of Section 239-nn of the New York State General Municipal Law, with notification to be made to the Town Clerk of the Town of Canandaigua.

BE IT FURTHER RESOLVED that the Planning Board makes the following determinations:

1. The application is accepted for public review and consideration; and
2. Town Staff is to prepare, publish and post a legal notice for a public hearing that is to be held by the Planning Board on Wednesday, May 21, 2025, commencing at 7:00 p.m.; and
3. Town Staff is to provide a copy of said legal notice and related documents to the Town of Canandaigua Town Clerk.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant Georgiana Gerlock via email to geegerlock@icloud.com or the address listed above; the Applicant's Engineer, Marks Engineering, Attn: David Parrinello, Licensed Land Surveyor, 4303 Routes 5 & 20, Canandaigua, New York 14424; Town staff; the Town Engineer and filed with the Town Development Office.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Excused
Douglas Viets	Aye

Motion carried.

11. OPEN DISCUSSION

Director of Planning and Development:

Mr. Brand said that two local laws will be adopted by the Town Board, i.e., one includes amendments to on-site wastewater treatment facilities, and the other on rules and regulations for the Park and Ride parking area off from State Route 332. He said the Town has received comments from the Ontario County Planning Board regarding another local law on short-term rentals regarding the selection of which County department will handle the permitting process. Mr. Brand said that this proposed local law will be revised for adoption at a future Town Board meeting.

Mr. Brand said that the Town staff is also working on another chapter of the Town Code regarding water rules and regulations.

He also said that two New York State Farmland Protection Grant applications will be submitted to the State, i.e., the Sadler “B” farm on Fox Road and a portion of Allen–Padgham Road, and another for two parcels of the Fresh Ayre Farms, LLC on both sides of County Road 28 and south of State Route 96. Mr. Brand said that each of the applications involve prime soils and active farmland and it will be the Town’s recommendation to the State for approval of the grants. He also said that the Town is starting to see increased momentum by local farmers who want to place their lands in farmland protection measures and that hopefully other farmers will come along to submit grant applications.

Mr. Brand said that the Town will hear on Friday (April 18, 2025) about the selection of a new engineering firm by the owner of the Farmington Market Center (Tops Supermarket Plaza) on the south side of State Route 96.

Code Enforcement Officer:

Mr. Delpriore said that work on the renovation of the lower level of the Town Hall is wrapping up with the arrival of new furniture. He said that several computers were “down” when several offices on the first floor were moved to the lower level but that all systems are back “up.”

Mr. Delpriore also said that the Town staff is in training on new software for projects and that a workshop with the Planning Board will be scheduled in the not-too-distant future to provide board members with instruction in the use of the new software.

Highway Superintendent:

Mr. Ford said that summer road projects are ongoing and that work on Running Brook Drive was completed so that the Town work would not hold up the Creekview project.

Board Members:

Mr. Bellis asked about items being stored outdoors at the WNY Commercial Warehouse facility on State Route 332 near the New York State Thruway exit. Mr. Delpriore said that the owner would like to meet with the Town staff. He said that the Town has received a complaint regarding the uses in this facility and that the staff is aware of parking and outdoor storage issues.

Mr. Bellis also said that he submitted photos to Mr. Delpriore on Monday regarding trash and garbage which has piled up in the stormwater retention pond behind the Microtel Hotel and Dunkin' Donuts on the east side of State Route 332. Mr. Delpriore said that the stormwater ponds must be cleaned due to the debris which may have settled in them during the winter and the recent high winds.

12. PUBLIC COMMENTS

Mr. Schell (5976 Redfield Drive) said that the New York State Energy Research and Development Authority (NYSERDA) will consider the Sky Solar Commercial Drive East and West solar farm sites as one system. He said that there will be one set of lithium ion batteries on the site but that the Town is listing it in the Town Newsletter as two separate independent systems. Mr. Hemminger said that there are two tax account properties involved but that the whole thing is one system, similar to the Delaware River solar farm facility on Yellow Mills Road. Mr. Schell said that RG&E is looking at [the Sky Solar site] as one drop address and the [RG&E] engineers are telling him that it will be at least two years before there is room for the additional power [from the Sky Solar site] in the new RG&E substation.

Mr. Schell also asked about a bench at the bus stop at the corner of State Route 96 and Commercial Drive which he said is positioned at an angle. He also asked if it would be possible to have a trash receptacle placed there. Mr. Hemminger said that every one of the benches is to have an accompanying trash receptacle and that the Town staff will check on this with Defelice Development [regarding the ongoing maintenance]

13. TRAINING OPPORTUNITIES**■ MRB Group/Hancock Estabrook 2025 Municipal Bootcamp Trainings**

For information: (800) 701-8746 or info@mrbgroupp.com

For registration: <https://register.gotowebinar.com/register/489008240140821343>

Session 4: April 24, 2025

Environmentally Speaking: The Nuts and Bolts of SEQR
6:00 p.m.–7:00 p.m.

Session 5: May 22, 2025

Planning Board Basics: Roles of the Planning Board in Community Development
6:00 p.m.–7:00 p.m.

Session 6: June 26, 2025

Zoning Board Basics: Roles of the Zoning Board in Community Development
6:00 p.m.–7:00 p.m.

Session 7: July 24, 2025

Soaking Up the Sun: Solar and Battery Storage and the Local Review Process
6:00 p.m.–7:00 p.m.

Session 8: September 25, 2025

Putting the Home in Hometown: Strategies for Attracting Housing Investment to Your Community
6:00 p.m.–7:00 p.m.

Session 9: October 23, 2025

Short, But Not Too Short: How Short Term Rentals Are Changing the Development and
Regulatory Landscape
6:00 p.m.–7:00 p.m.

Session 10: December 18, 2025

Santa's Naughty and Nice List: The Best and Worst of 2025
6:00 p.m.–7:00 p.m.

■ New York Planning Federation Recorded Webinars:

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

■ General Code e-Code

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

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

■ Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:

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

14. 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 8:15 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, May 7, 2025, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

This meeting will also be available via remote video conference.

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

Respectfully submitted,

John M. Robortella L.S.
Farmington Planning Board Clerk



PB 2025-0202

T&M Properties of WNY, LLC (Villager Construction), Loomis Road
April 16, 2025



PB 2025-0202

T&M Properties of WNY, LLC (Villager Construction), Loomis Road
April 16, 2025



PB 2025-0202

T&M Properties of WNY, LLC (Villager Construction), Loomis Road
April 16, 2025



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