

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

## PLANNING BOARD

*First meeting of the Farmington Planning Board held on January 21, 1959*

**Wednesday, April 3, 2024 • 7:00 p.m.**

### **MINUTES—DRAFT #1—SUBJECT TO CHANGE**

*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*  
Timothy DeLucia  
Aaron Sweeney  
Douglas Viets

**Board Member Excused:** Adrian Bellis

**Staff Present:**  
Ronald L. Brand, Town of Farmington Director of Development and Planning  
Dan Delpriore, Town of Farmington Code Enforcement Officer  
Tim Ford, Town of Farmington Highway Superintendent  
Collin Sowinski, Town of Farmington Engineer, MRB Group, D.P.C.—**R**

**Attending:**  
James M. Baker, P.E., Foundation Design, P.C., 46A Sager Drive, Rochester, N.Y. 14607—**R**  
Rafael Barreto, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614  
Nathan Bowerman, 230 Bowerman Road, Farmington, N.Y. 14425  
Barb and Lou DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425  
Maureen and Patrick Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425  
James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425

Jessica Gulla, Esq., Evans Fox LLP Attorneys, 100 Meridian Centre Boulevard, Suite 300, Rochester, N.Y. 14618—**R**

Linh Chu, 6249 Pheasants Crossing, Farmington, N.Y. 14425

Jessica Koch—**R**

Emily Lukasik, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614

Scott Prankie, 6243 Pheasants Crossing, Farmington, N.Y. 14425

Michelle and Frank Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030

Brittany Sherrier, 5998 State Route 96, Farmington, N.Y. 14425

Anthony—**R**

**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 3, 2024.

**2. APPROVAL OF MINUTES**

**Minutes of March 20, 2024:**

■ A motion was made by MR. VIETS, seconded by MR. SWEENEY, that the minutes of the March 20, 2024, meeting be approved.

Motion carried by voice vote.

**3. LEGAL NOTICE**

None.

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

**PB #0702-23                      Continued Preliminary Three-Lot Re-subdivision Application**

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

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

**Zoning District:** RS-25 Residential Suburban

**Request:** Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Accounts 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued.

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

On September 16, 2020, the applicant received Preliminary Two-Lot Re-subdivision 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) opened its Public Hearing on the applicant's Area Variance application to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125 feet) for proposed Lot #R-5C (ZB #0301-23).

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

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

On August 28, 2023, the ZBA continued the Area Variance application to November 27, 2023, because the Planning Board has not yet determined that the application is complete. On July 19, 2023, the Public Hearing on the applicant's subdivision application was opened by the Planning Board and was continued to August 2, 2023.

On August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and requested that the applicant provide additional information which the Planning Board deemed necessary for their determining the application complete. The Planning Board then continued the Public Hearing on the subdivision application to the meeting on September 6, 2023.

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

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

On November 1, 2023, the Public Hearing was reconvened, testimony was taken from the applicant, and the application was continued to the meeting on December 6, 2023, at the request of Mr. Fowler. He was requested to submit additional information to the Town Development Office by Wednesday, November 15, 2023, for placement on the agenda on December 6, 2023).

On November 27, 2023, the Zoning Board of Appeals (ZBA) continued its Public Hearing (ZB #0301-23) to Monday, January 22, 2024, to again provide time for the applicant to submit a complete application to the Planning Board for its review and acceptance as being a complete application. Also on November 27, 2023, the ZBA declared its intent to close its Public Hearing upon this Action at its meeting on Monday, January 22, 2024, if the applicant by that did has not provided the Planning Board with the requested additional information, and to deny without prejudice the requested Area Variance on the grounds that the applicant has failed to provide required information for the ZBA to take action upon.

On December 6, 2023, a letter was received from Jared P. Hirt, Esq. (Evans Fox Attorneys LLP) requesting that the application be tabled. The Public Hearing was continued to the meeting on February 7, 2024.

On December 27, 2023, a letter was sent from Planning Board Chairperson Edward Hemminger to Mr. Hirt in response to Mr. Hirt's submittal package.

On January 17, 2024, the Planning Board approved a resolution to determine that this application is complete.

On February 7, 2024, the Public Hearing was convened; the Planning Board referred this application to the Ontario County Planning Board and to the Town Clerk of Victor, N.Y., under the provisions of Section 239-nn of the New York State General Municipal Law; and continued the Public Hearing to the meeting this evening (April 3, 2024).

On March 25, 2024, the Zoning Board of Appeals had no objections to the Planning Board's request to be designated as the Lead Agency for making the determination of significance upon this application under the State Environmental Quality Review Act (SEQRA).

Mr. Hemminger reconvened the Public Hearing on this application.

Ms. Gulla presented this application via remote video conference. Mr. Fowler also attended.

Mr. Brand said that the applicant's initial area variance application to the Zoning Board of Appeals has been withdrawn and replaced with a revised area variance application.

Mr. Hemminger said that the Planning Board this evening is expected to designate itself as the Lead Agency under the State Environmental Quality Review Act (SEQRA) for making the environmental determination on this application, to direct that the Town staff prepare drafts of Parts 2 and 3 of the Full Environmental Assessment Form for consideration by the board at the next meeting, and to continue the Public Hearing on this application to April 17, 2024.

Ms. Gulla said that she would also like to request that the board close the Public Hearing on this application following this evening's discussion. She said that the Public Hearing has been continued for several months, that comments have been received, and that the Public Hearing can be closed after tonight.

Mr. Brand said that he is opposed to closing the Public Hearing this evening. He said that Parts 2 and 3 of the Full Environmental Assessment Form should be part of the public record, and that the board would be on a time limit to make a decision on the application after the Public Hearing is closed.

Mr. Hemminger also said that he is not crazy about closing the Public Hearing this evening. He said that the board should keep the Public Hearing open until the SEQR environmental record has been completed.

Mr. Hemminger said that the board tonight will consider the draft resolution to request that the Town staff complete the environmental record which will enable the board to move forward and make the environmental determination at the next meeting. Upon the completion of the environmental record by the Planning Board, Mr. Hemminger said that the Zoning Board of Appeals (ZBA) could then consider the area variance application which is now pending. He said that following the ZBA action upon the area variance, the application would then return to the Planning Board for consideration of the Preliminary Subdivision.

Mr. Delpriore said that this evening's action is procedural.

Mr. Hemminger said that it is his intention to keep the Public Hearing open and to request the Town staff to provide a draft of Parts 2 and 3 of the Full Environmental Assessment Form for the board's review at the next meeting.

Mr. Hemminger asked if anyone wished to speak for or against this application, or to ask questions.

Ms. Dispenza (6237 Pheasants Crossing) said that a number of residents have hired a real estate broker to review the land and the potential for the creation of a third lot. She submitted a hard copy of the report (*see* Attachment #1 to the minutes) which was completed by Ruth Rowe Campbell, IFA, of Rowe Realty & Appraisal, Inc., 4040 West Walworth Road, Macedon, N.Y. 14502, and is dated March 5, 2024. Ms. Dispenza said that this report includes environmental and regulatory comments, photographs, and Ms. Campbell's concern “. . . that this particular parcel of land is not suitable for Flag Lot construction, as proposed in the Venezia Survey, due to physical, environmental, regulatory and/or economic constraints. . . .”

Mr. Hemminger acknowledged the receipt of the report. He asked the Clerk of the Board to provide copies to the Board members and said that the board will review this as part of their findings for the SEQR determination.

Ms. Gulla said that it was her understanding that previous documentation related to the lots also had been submitted [to the ZBA regarding this application]. She asked if this documentation could be resubmitted [to the Planning Board].

Ms. Dispenza asked if we are off the environmental discussion. Mr. Hemminger said that we are still working on the environmental record. He said that the board this evening will request that the Town staff prepare Parts 2 and 3 of the Full Environmental Assessment Form for the board's consideration at the next meeting. He said that the Planning Board will then be on hold [after the environmental record is completed] until the ZBA completes its determination of the area variance application. Mr. Hemminger said that the Planning Board will then resume consideration of the Preliminary Subdivision application following the ZBA's decision on the area variance.

Mr. Hemminger then asked if there were additional comments or questions from those in the meeting room or from those on the remote video conference.

There were no additional questions or comments from those in the meeting room or on the remote video conference.

Mr. Hemminger said that the next step for the Planning Board is the consideration of the draft Parts 2 and 3 of the Full Environmental Assessment Form which will be prepared by the Town staff. He said that the board is making sure to dot all the “i's” and cross all the “t's” to avoid ending up in court.

Mr. Fowler then presented hard copies of the materials which had been previously submitted to the ZBA and to which Ms. Gulla referred earlier in this evening's discussion (*see* Attachment #2 to the minutes). Mr. Hemminger requested that copies be made available to the Board members and entered into the meeting minutes.

Mr. Hemminger then reviewed the draft resolution which the board will consider this evening.

Mr. Brand said that the draft Parts 2 and 3 of the Full Environmental Assessment Form will be posted online for public review following its completion and prior to the next meeting.

Mr. Hemminger said that counsel for the applicant had earlier this evening requested that the Public Hearing be closed tonight. He said that this is not the way we do it. He said that the board still has the subdivision to be discussed [following the completion of the environmental record] and that he believes that the Public Hearing should be kept open.

Mr. Hemminger asked Ms. Gulla if she had any objections to this evening's draft resolution.

Ms. Gulla said that she just wanted to make her request that the Public Hearing be closed this evening. She said that otherwise she had no objections to this evening's draft resolution.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION**

**PB #0702-23**

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

**ACTION:** Designation of Planning Board as the Lead Agency for the coordinated review of PB #0702-23 (Three-Lot Preliminary Re-Subdivision Plat, Lots #R5-A and #R5-B, and creating Lot #R5-C Pheasants Crossing Tract; and granting an area variance to Lot Frontage for proposed Lot #R5-C (File ZB #0301-24); and directing the drafting of Parts 2 and 3 of the Full Environmental Assessment Form; and continuation of Public Hearing

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight continued the Public Hearing and its deliberations upon the above referenced Action; and



**WHEREAS**, the Planning Board, at their February 7, 2024, meeting did accept the amended drawings for Lots #R5-A, #R5-B and #R5-C and related information, thereby enabling the Board to re-declare intent to be designated Lead Agency under the State Environmental Quality Review Act (SEQRA) for making a determination of significance under the State Environmental Conservation Law, Article 8; and

**WHEREAS**, the Board did instruct the Director of Planning and Development to send a Project Review Notification Letter (PNRL) and related SEQR Response Form, to the Town Zoning Board of Appeals (ZBA) declaring its intent to be designated the Lead Agency for the above referenced Action; and

**WHEREAS**, the Board has received a reply to the PRNL documenting the ZBA’s agreement with the Board being designated Lead Agency.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the above referenced information adopts the following:

1. The Board does hereby designate itself as the Lead Agency, under the provisions of the State Environmental Quality Review Act (SEQRA) as the designated Lead Agency for this Action.
2. The Board does hereby request the Town Director of Planning and Development to prepare drafts of Parts 2 and 3 of the Full Environmental Assessment Forms for said Action and to submit them to the Planning Board for review and acceptance at their April 17, 2024, meeting.

**BE IT FURTHER RESOLVED** that the Board does hereby adjourn tonight’s Public Hearing upon the amended “Preliminary Re-Subdivision Plat, Lots #R5-A, #R5-B and #R5-C of the Pheasants Crossing Subdivision Tract,” to the Board’s scheduled meeting on Wednesday, April 17, 2024.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution is to be provided to the Town of Farmington Zoning Board of Appeals, the Applicant, the Applicant’s Attorney, the Applicant’s Engineer, the Town Director of Planning and Development, the Town Code Enforcement Officer and the Town Zoning Enforcement Officer.

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

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

Motion carried.



**6. CONTINUED PUBLIC HEARING:  
PRELIMINARY FOUR-LOT RE-SUBDIVISION**

**PB #0201-24 Preliminary Four-Lot Re-Subdivision Plat Application**

**Name:** Pintail Crossing LLC, 1000 University Avenue, Suite 500, Rochester, N.Y. 14607

**Location:** 5792 Pintail Crossing and the adjacent parcel to the east

**Zoning District:** RMF Residential Multi-Family

**Request:** Preliminary Four-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 41.07-1-28.411 and 41.07-1-28.412, containing approximately a total of 15.15 acres of land; and as further to be identified as Preliminary Re-Subdivision Plat of Lots R1 and R2 of the Pintail Crossing Project. The proposed action involves creating Lot R-1 consisting of approximately 2.77 acres with three existing apartment buildings and community center, Lot R-2 consisting of approximately 5.27 acres with four existing apartment buildings, Lot R-3 consisting of approximately 1.017 acres, Lot R-4 consisting of approximately 2.41 acres, and proposed right of way consisting of approximately 1.85 acres, all lots are to remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

On February 7, 2024, the Planning Board determined that this application was complete and that its formal consideration could continue. The Planning Board also directed the Town staff to refer the application to the Ontario County Planning Board.

On February 21, 2024, the Planning Board opened the Public Hearing on this application, designated its intent to be Lead Agency for making the determination of significance under the State Environmental Quality Review Act (SEQRA), and continued the Public Hearing to the meeting this evening (April 3, 2024).

On March 25, 2024, the Zoning Board of Appeals had no objections to the Planning Board's request to be designated as the Lead Agency for making the determination of significance upon this application under the State Environmental Quality Review Act (SEQRA).

Mr. Hemminger reconvened the Public Hearing on this application.

This application was presented by Mr. Barreto of Marathon Engineering.

Mr. Barreto summarized the details of the Preliminary Four-Lot Re-Subdivision application. He said that the applicants are essentially completing the Pintail Crossing project

which had begun by a previous owner. Mr. Barreto also said that the current application will provide a new road connection.

Mr. Hemminger and Mr. Delpriore said that the action on this application is similar to the administrative action on the previous Fowler Family Trust application. They said that the Planning Board will direct the Town staff to complete Parts 2 and 3 of the Full Environmental Assessment Form, that the board will designate itself as the Lead Agency under the State Environmental Quality Review Act (SEQRA), and that the Public Hearing will be continued to next meeting on April 17, 2024.

Mr. Hemminger asked if anyone in the meeting room or on the remote video conference wished to comment or ask questions on this application.

There were no comments or questions from those in the meeting or from those on the remote video conference.

Mr. Hemminger then reviewed the draft resolution which had been prepared by the Town staff for the board's consideration this evening. He asked Mr. Barreto if he had received the draft resolution prior to the meeting and if he agreed with the conditions of approval. Mr. Barreto said that he received the draft resolution and that he agreed with the conditions.

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

■ A motion was made by MR. DELUCIA, 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 #0201-24**

**APPLICANTS: Evan VanEpps, c/o Brickwood Management  
25 Silverlight Way, Rochester, N.Y. 14624**

**and**

**Pintail Crossing LLC  
1000 University Avenue, Suite 500  
Rochester, N.Y. 14607**

**ACTION: Designation of Planning Board as the Lead Agency for the coordinated review of PB #0201-24: Preliminary Site Plan approval for the Creekwood Extension/Brickwood Management Townhouse Project and the Zoning Board of Appeals granting area variances (ZB #0302-24 through #0307-24); and directing the drafting of Parts 2 and 3 of the Full**

**Environmental Assessment Forms; and continuation of Public Hearing**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) has tonight continued the Public Hearing and its deliberations upon the above referenced applications; and

**WHEREAS**, the Board has received a completed Project Notification SEQR Response Form dated March 25, 2024, from the Town of Farmington Zoning Board of Appeals (hereinafter referred to as ZBA) identifying the ZBA has no objection to the Board being designated as the Lead Agency under the provisions of the State Environmental Quality Review Act (SEQRA) for making the determination of significance upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the above referenced information adopts the following:

1. The Board does hereby designate itself as the Lead Agency, under the provisions of SEQRA as the designated Lead Agency for this Action
2. The Board requests the Town Director of Planning and Development to prepare drafts of Parts 2 and 3 of the Full Environmental Assessment Forms for said Action and to submit them to the Planning Board for review and acceptance at their April 17, 2024, meeting.

**BE IT FURTHER RESOLVED** that the Board does hereby adjourn tonight’s Public Hearing upon the above referenced Action and continues the public hearing to the Board’s scheduled meeting on Wednesday, April 17, 2024.

**BE IT FINALLY RESOLVED** that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicants, the Applicants Engineer, the Town Code Enforcement Officer and the Town

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

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

Motion carried.

**7. NEW FINAL FIVE-LOT RE-SUBDIVISION**

**PB #0401-24                      New Final Five-Lot Re-Subdivision Application**

**Name:** Frank DiFelice, 91 Victor Heights Parkway, Victor, N.Y. 14564

**Location:** 5998 State Route 96

**Zoning District:** IZ Incentive Zoning

**Request:** Final Five Lot Re-Subdivision Plat approval of Land, identified as Tax Map Account 29.11-3-15.000, containing approximately a total of 4.6 acres of land; and as further to be identified as Preliminary Re-Subdivision for Redfield Grove Commercial Development. The proposed action involves creating Lot #R-1 consisting of approximately .226 acres with existing house, Lot #R-2 consisting of approximately 1.135 acres, Lot #R-3 consisting of approximately 1.017 acres, Lot #R-4 consisting of approximately 1.077 acres and Lot #R-5 consisting of approximately 1.118 acres. All lots are to remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

The Public Hearing on this re-subdivision application was conducted on January 17, 2024.

On January 17, 2024, the Planning Board approved the State Environmental Quality Review classification of this application (Type II Action) and the Preliminary Re-Subdivision Plat with conditions (PB #0102-24).

This application was presented by Mr. Barreto of Marathon Engineering.

Mr. Barreto said that this application is the commercial segment of the current Redfield Grove Incentive Zoning project. He said that this involves the creation of five lots and that the existing house on one of the lots will be retained and will be turned into a business.

Mr. Barreto said that the applicant does not yet have complete and final plans for the five lots and will therefore present individual site plans when the projects move forward.

Mr. Brand said that this application follows the Town Board resolution to amend the Phase 3 portion of the Redfield Grove Incentive Zoning Project. He said that four of the lots will be on the east side of Commercial Drive and that the fifth lot (with the existing house) will be on State Route 96 between Lot #2 and the former Cassidy's Restaurant. Mr. Brand said that the application is consistent with what the Town Board has approved and that it is ready to go.

Mr. Hemminger then reviewed the draft resolution which had been prepared by the Town staff for the board's consideration this evening. He asked Mr. Barreto if he agreed with the draft conditions of approval. Mr. Barreto said yes.

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

■ A motion was made by MR. VIETS, seconded by MR. SWEENEY, that the reading of the following resolution be waived, and that the resolution be approved:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
FINAL RE-SUBDIVISION PLAT APPROVAL WITH CONDITIONS  
FIVE LOTS, PHASE 3, REDFIELD GROVE INCENTIVE ZONING PROJECT**

**PB #0401-24**

**APPLICANT:** Frank DiFelice, 91 Victor Heights Parkway, Victor, N.Y. 14564

**ACTION:** Final Five- (5-) Lot Re-Subdivision Plat Approval of Tax Map Account No. 29.11-3-15.000], identified as Lot #70 of Phase 3 of the Redfield Grove Incentive Zoning Project, with all five (5) proposed re-subdivided lots to be classified unimproved lots subject to site plan approvals. The proposed re-subdivision of land is located along the east side of Commercial Drive and the north side of State Route 96

**WHEREAS**, the Planning Board has tonight received public comment and reviewed the final plat map drawings for the above referenced Action; and

**WHEREAS**, the Planning Board has reviewed the Ontario County Planning Referral No. 01-2024 which recommends approval with comments.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve with conditions the above listed Action as follows:

1. Final Re-Subdivision Plat Approval is for the drawing prepared by Marathon Engineering, entitled “Final Re-Subdivision Plat Approval Lot No. 70 (Tax Map Account 29.11-3-15.00) Creating Lots 1 through 5, Phase 3, Redfield Grove Incentive Zoning Project,” Job No. 1592-23, Drawing No. SV1.0, having the latest revision dated 02/22/24.

**BE IT FURTHER RESOLVED** that there is to be a note added to the plat map that reads as follows . . . “Lots 1 through 5 are classified as non-approved lots requiring Final Site Plan Approvals for each lot prior to the issuance of Building Permits or Certificate of Occupancy.”

**BE IT FURTHER RESOLVED** that the Applicant’s Engineer is make these amendments to the plat drawing and then submit it to the Town Code Enforcement Officer for his review and acceptance for signing.

**BE IT FURTHER RESOLVED** that the Planning Board’s approval with conditions is valid for a period of 180 days from today and shall automatically expire if the plat drawing has not been signed by all.

**BE IT FURTHER RESOLVED** that once the final plat map has been signed by all, the Applicant has 62 days from the date of signing by the planning board chairperson to file a mylar and two (2) paper copies in the Ontario County Clerk’s Office.

**BE IT FINALLY RESOLVED** that the Planning Board directs the filing of this resolution with the Project File, Town Staff, the Applicant, and the Applicant’s Engineer.

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

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

Motion carried.

**8. FINAL TWO-LOT SUBDIVISION**

**PB #0402-24 Final Two-Lot Subdivision Application**

**Name:** Nathan Bowerman, 230 Bowerman Road, Farmington, N.Y. 14425

**Location:** Crowley Road

**Zoning District:** RR-80 Rural Residential

**Request:** Final Two-Lot Subdivision Plat approval of land, identified as tax Map Account 17.00-1-11.100 containing a total of 99.1 acres of land; and as further to be identified as Crowley Road Bowerman Property Subdivision Plat. The proposed Action involves creating Lot #1 consisting of 12.237 acres and Lot #2 consisting of 86.863 acres to remain vacant as non-approved building lots requiring site plan approval before any building permits may be issued.

On May 18, 2022, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application (Unlisted Action) (PB #0503-22).

On July 6, 2022, the Planning Board approved the Final Two-Lot Subdivision with conditions (PB #0701-22).

Mr. Bowerman presented this application.

He said that this application and the accompanying site plan application have been resubmitted to the Planning Board for reapproval because the time period lapsed in which to have signed plans on the original applications.

He said that there are no major changes to the applications but that they now have an actual building plan.

Mr. Brand said that two resolutions have been prepared for the board's consideration this evening, the first for approval with conditions of the Two-Lot Subdivision Plat and the second for approval with conditions of the Site Plan. He said that the conditions are minor and involve bringing the site plan notes up to date with the current Town data sheets. Mr. Brand said that these conditions are no big deal.

Mr. Delpriore said that the subdivision plat is ready for signatures but that the site plan drawing requires several updates regarding the current Town data sheets. He said that these specifically are noted on the draft resolution.

Mr. Hemminger asked Mr. Bowerman if he received the draft resolutions prior to the meeting and if he agreed with the conditions. Mr. Bowerman said yes.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION  
FINAL TWO-LOT SUBDIVISION PLAT**

**PB #0402-24**

**APPLICANT: Nathan Bowerman, 230 Bowerman Road,  
Farmington, N.Y. 14425**

**ACTION: Final Two-Lot Subdivision Plat Approval, Lots #1 and #2,  
Crowley Road, Bowerman Subdivision**

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

**WHEREAS**, the Board, at its meeting on May 18, 2022, classified the proposed Action as an Unlisted Action under the provisions within the State Environmental Quality Review (SEQR) Regulations and has, under separate resolution, made a determination of non-significance thereon; and

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



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

1. Final Two Lot Subdivision Plat Approval is based upon Drawing No. 02, prepared by BME Associates, and identified as Project No. 2799, entitled “Final Subdivision Plat Map, Crowley Road—Bowerman Property,” having the latest revision date 3/11/24.
2. This Final Plat Approval is for a Non-Buildable Lot that requires a Final Site Plan Approval by the Planning Board before Building Permits may be issued.
3. Final Subdivision Plat Approval is valid for a period of 180 days from today and shall automatically expire unless the plat drawing has been signed by Town Officials.

**BE IT FURTHER RESOLVED** that the applicant’s Licensed Land Surveyor is to submit an electronic copy of the above referenced final subdivision plat map and one (1) paper copy to the Town Code Enforcement Officer (CEO) for his review and acceptance. Upon acceptance, the CEO shall have signatures affixed to the drawing and copies made for all signatures. The signed electronic copy will then be returned to the applicant’s engineer for filing.

**BE IT FURTHER RESOLVED** that the applicant is advised that the signed final subdivision plat mylar and two (2) paper prints thereof are to be filed in the Ontario County Clerk’s Office within 62 days of the date of signing by the Planning Board Chairperson or said filing will be rejected by the County.

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

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

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

Motion carried.

**9. FINAL SITE PLAN**

**PB #0403-24 Final Site Plan Application**

**Name:** Nathan Bowerman, 230 Bowerman Road, Farmington, N.Y. 14425

**Location:** Crowley Road

**Zoning District:** RR-80 Rural Residential

**Request:** Final site plan approval to erect a single-family two-story residence.

On July 6, 2022, the Planning Board approved the State Environmental Quality Review (SEQR) classification (Type II Action) for this application (PB #0702-22).

On September 7, 2022, the Planning Board approved the Final Two-Lot Subdivision with conditions (PB #0904-22).

See the previous accompanying subdivision application for the concurrent discussion on this application.

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

**FARMINGTON PLANNING BOARD RESOLUTION  
FINAL SITE PLAN APPROVAL**

**PB #0403-24**

**APPLICANT:** Nathan Bowerman, 230 Bowerman Road,  
Farmington, N.Y. 14425

**ACTION:** Final Site Plan Approval, Lot #1, Crowley Road, Bowerman  
Property

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

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

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

1. Final Site Plan Approval is based upon the set of drawings prepared by BME Associates, identified as Drawings No. 2799-07 through -11, parts of Project No. 2799, titled “Final Site Plans, Lot #1 Crowley Road, Bowerman Property,” having the latest revision date 3/7/24.
2. The Detail Sheet shown on Drawing #10, Appendices W-4.0, entitled “Typical Water Service,” dated: 2019, and is to be changed. The updated Appendices are to be dated 2024.

- 3. The Detail Sheet shown on Drawing #10, Appendices W-8.0, entitled “Meter Pit,” is dated: 2019, and is to be changed. The updated Appendices are to be dated 2024.
- 4. The Detail Sheet shown on Drawing #11, Appendices G-9.0, entitled “Public Safety Sign Detail,” is dated: 2021, and is to be changed. The updated Appendices are to be dated 2024.
- 5. Final Site Plan Approval is valid for a period of 180 days from today and shall automatically expire unless the plan drawings have been signed by Town Officials.

**BE IT FURTHER RESOLVED** that the applicant’s Licensed Engineer is to submit an electronic copy of the above revised Final Site Plan Drawings and one (1) paper copy to the Town Code Enforcement Officer (CEO) for his review and acceptance. Upon acceptance, the CEO shall have signatures affixed to the drawing and copies made for all signatures. The signed electronic copy will then be returned to the applicant’s engineer.

**BE IT FURTHER RESOLVED** that that Applicant is advised in accordance with §165-100 I., of the Farmington Town Code, site plan approval will automatically terminate two years after the same is granted unless significant work has been commenced on the project.

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

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

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

Motion carried.

**10. OTHER BOARD ACTIONS**

**A. Commercial Drive Solar Project West: Deeming Application Adequate To Set a Public Hearing:**

<b>PB #0406-24</b>	Sky Solar Special Use Permit	Commercial Drive West
<b>PB #0409-24</b>	Sky Solar Preliminary Site Plan	Commercial Drive West

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

**Location:** Western portion of Commercial Drive

**Request:** Acceptance of applications as being complete and scheduling of Public Hearings for a Special Use Permit and Preliminary Site Plan approvals to enable the construction of the western portion of the Commercial Drive Sky Solar, Inc., Project and related site improvements in conjunction with related Applications for a Special Use Permit (PB #0407-24) and Preliminary Site Plan (PB #0408-24) approvals to enable the construction of the eastern portion of the Commercial Drive Solar Project and related site improvements. Classifying the Actions under the State Environmental Quality Review Act (SEQRA), providing for a coordinated review with involved agencies, declaring intent to be designated Lead Agency and scheduling the Public Hearings for the above-described Actions.

*See also the following applications PB #0407-24 and PB #0408-24, the discussion of which was held concurrently with these applications.*

Mr. Ruffalo presented this application.

Mr. Hemminger said that the proposed board action this evening is to determine that the applications are complete, to begin the 30-day public review period under the State Environmental Quality Review Act (SEQRA), to declare the Planning Board's intent to be designated as the Lead Agency for making the SEQR determination of significance, and to schedule the Public Hearing on these applications.

Mr. Brand said that a Project Notification Review Letter (PNRL) will be sent electronically to the identified SEQR Involved Agencies and Interested Agencies tomorrow (April 4, 2024). The deadline for the responses is Wednesday, May 8, 2024.

Mr. Brand said that although the Public Hearing on these applications will begin at the next meeting of the Planning Board on April 17, 2024, the board will be unable to make the SEQR determination of significance until the conclusion of the 30-day public review period.

The SEQR Involved Agencies are:

New York State Department of Environmental Conservation, Region 8  
 New York State Department of Health  
 Canandaigua–Farmington Water and Sewer District  
 Town of Farmington Highway Department

The SEQR Interested Agencies are:

Lance S. Brabant, CPESC, MRB Group, D.P.C., Town Engineers  
 Dan Delpriore, Farmington Code Enforcement Officer  
 Matthew Heilmann, Farmington Construction Inspector



**Act (SEQRA), providing for a coordinated review with involved agencies, declaring intent to be designated Lead Agency and scheduling the Public Hearings for the above-described Actions.**

**WHEREAS** the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed applications for the above referenced Actions, for the purpose of accepting and scheduling Public Hearings, classifying the Actions under the State’s Environmental Quality Review Act (SEQRA), declaring intent to be designated Lead Agency for a coordinated review under SEQRA, and scheduling said review period upon said Actions; and

**WHEREAS** the Planning Board review included a detailed set of preliminary site plan drawings prepared by LaBella, the Part 1 of the Full Environmental Assessment Form (FEAF), two (2) visual simulations of the Project, a draft Decommissioning Plan dated March 11, 2024, specification sheets for the proposed String Inverters for North America, a draft Site Operation and Maintenance form, the Applicant’s Engineer’s Estimates of Values for the Project, the Abstract of Titles to the involved parcels and related RG&E Invoices for partial Construction Payment by the Applicant to the utility; and

**WHEREAS** the Planning Board has also reviewed 6NYCRR Parts 617.4 and 617.5 of article 8 of the New York State Environmental Conservation Law (ECL), the State’s Environmental Quality Review (SEQR) Regulations, for the purpose of classifying the above Actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board finds the two (2) applications to be acceptable for scheduling public hearings thereon and directs Town Staff to publish the legal notices for the public hearings to be conducted on Wednesday, April 17, 2024, starting at 7:00 p.m., Standard Time.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby classify these two (2) Actions as being Type I Actions listed under 6NYCRR Part 617.4 (b) (6) (i) of the SEQR Regulations.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby determine that there is more than one Involved Agency associated with these Actions and, therefore, a coordinated review is necessary under the SEQR Regulations.

**BE IT FURTHER RESOLVED** that the involved agencies for these Actions include: the New York State Department of Environmental Conservation; the New York State Department of Health; the Town of Farmington Highway Superintendent; and the Town of Farmington Acting Water and Sewer Superintendent.

**BE IT FURTHER RESOLVED** that the Planning Board directs Town Staff to prepare the Project Notification Review Letter, along with related electronic docu-

ments, and the SEQR Response Form for distribution to and starting the coordinated review period with the involved agencies listed above herein on Wednesday, April 10, 2024, and ending on noon on Friday, May 10, 2024.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby declare its intent to be designated as the Lead Agency for these Actions at their meeting on Wednesday, May 15, 2024.

**BE IT FURTHER RESOLVED** that these Actions involve real property located outside the jurisdictional limits specified within Section 239-1 of the New York State General Municipal Law and, therefore, is not subject to referral to the Ontario County Planning Board.

**BE IT FINALLY RESOLVED** that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineer, 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	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

**B. Commercial Drive Solar Project East: Deeming Application Adequate To Set a Public Hearing:**

- PB #0407-24** Sky Solar Special Use Permit
- PB #0408-24** Sky Solar Preliminary Site Plan

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

**Location:** East portion of Commercial Drive

**Request:** Acceptance of applications as being complete and scheduling of Public Hearings for a Special Use Permit and Preliminary Site Plan approvals to enable the construction of the eastern portion of the Commercial Drive Sky Solar, Inc. project and related site improvements in conjunction with related applications for a Special Use Permit (PB #0406-24) and Preliminary Site Plan (PB #0409-24) approvals to enable the construction of the western portion of the Commercial Drive Solar Project and related site improvements.



Classifying the Actions under the State Environmental Quality Review Act (SEQRA), providing for a coordinated review with involved agencies, declaring intent to be designated Lead Agency and scheduling the Public Hearings for the above-described Actions.

*See also the above applications for the concurrent discussion on these applications.*

■ A motion was made by MR. VIETS, seconded by MR. SWEENEY, that the reading of the following resolution be waived and that the resolution be approved:

**TOWN OF FARMINGTON  
PLANNING BOARD RESOLUTION**

**PB #0407-24                      Special Use Permit  
   Eastern Portion of Commercial Drive**

**PB #0408-24                      Preliminary Site Plan  
   Eastern Portion of Commercial Drive**

**APPLICANT:                      Sky Solar Inc.  
   1129 Northern Boulevard, Suite 404  
   Manhasset, New York 11030**

**ACTIONS:                              Acceptance of applications as being complete and scheduling of Public Hearings for a Special Use Permit and Preliminary Site Plan approvals to enable the construction of the eastern portion of the Commercial Drive Sky Solar, Inc. project and related site improvements in conjunction with related applications for a Special Use Permit (PB #0406-24) and Preliminary Site Plan (PB #0409-24) approvals to enable the construction of the western portion of the Commercial Drive Solar Project and related site improvements. Classifying the Actions under the State Environmental Quality Review Act (SEQRA), providing for a coordinated review with involved agencies, declaring intent to be designated Lead Agency and scheduling the Public Hearings for the above-described Actions.**

**WHEREAS** the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed applications for the above referenced Actions, for the purpose of accepting and scheduling Public Hearings, classifying the Actions under the State’s Environmental Quality Review Act (SEQRA), declaring intent to be designated Lead Agency for a coordinated review under SEQRA, and scheduling said review period upon said Actions; and

**WHEREAS** the Planning Board review included a detailed set of preliminary site plan drawings prepared by LaBella, the Part 1 of the Full Environmental Assessment Form (FEAF), two (2) visual simulations of the Project, a draft Decommissioning Plan dated March 11, 2024, specification sheets for the proposed String Inverters for North America, a draft Site Operation and Maintenance form, the Applicant's Engineer's Estimates of Values for the Project, the Abstract of Titles to the involved parcels and related RG&E Invoices for partial Construction Payment by the Applicant to the utility; and

**WHEREAS** the Planning Board has also reviewed 6NYCRR Parts 617.4 and 617.5 of Article 8 of the New York State Environmental Conservation Law (ECL), the State's Environmental Quality Review (SEQR) Regulations, for the purpose of classifying the above Actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board finds the two (2) applications to be acceptable for scheduling Public Hearings thereon and directs Town Staff to publish the legal notices for the public hearings to be conducted on Wednesday, April 17, 2024, starting at 7:00 p.m. prevailing time.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby classify these two (2) Actions as being Type I Actions listed under 6NYCRR Part 617.4 (b) (6) (i) of the SEQR Regulations.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby determine that there is more than one Involved Agency associated with these Actions and, therefore, a coordinated review is necessary under the SEQR Regulations.

**BE IT FURTHER RESOLVED** that the Involved Agencies for these Actions include: the New York State Department of Environmental Conservation; the New York State Department of Health; the Town of Farmington Highway Superintendent; and the Town of Farmington Acting Water and Sewer Superintendent.

**BE IT FURTHER RESOLVED** that the Planning Board directs Town Staff to prepare the Project Notification Review Letter, along with related electronic documents, and the SEQR Response Form for distribution to and starting the coordinated review period with the involved agencies listed above herein on Wednesday, April 10, 2024, and ending on noon on Friday, May 10, 2024.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby declare its intent to be designated as the Lead Agency for these Actions at their meeting on Wednesday, May 15, 2024.

**BE IT FURTHER RESOLVED** that these Actions involve real property located outside the jurisdictional limits specified within Section 239-1 of the New York State General Municipal Law and, therefore, is not subject to referral to the Ontario County Planning Board.

**BE IT FINALLY RESOLVED** that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineer, 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	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

Following the vote, Mr. Hemminger encouraged the applicant to work with the Town staff on a regular basis through the Planning Board review process.

**C. Letter of Credit: Hathaway’s Corners Phase 2A: Partial Letter of Credit Release #2:**

Mr. Hemminger asked Town staff if this resolution is ready for the Planning Board to act upon it tonight. Mr. Brand said it is ready to move forward to the Town Board.

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

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

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated March 25, 2024, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve the partial release of funds (Release No. 2) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

**WHEREAS**, the Planning Board has also received and reviewed the Letter of Credit release letter, the Engineer’s Estimate of Values, dated March 18, 2024, prepared by Thomas Danks, Project Manager, BME Associates, along with the completed Town Surety Release Forms G-1.1 and G-2.0 dated March 21, 2024; 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 release from the Letter of Credit.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds (Release #2) from the established Letter of Credit in the total amount of \$250,022.73.

**BE IT FURTHER RESOLVED** that the Planning Board Chairperson is hereby directed to provide notice and a copy of this resolution to the Farmington Town Board for their consideration and action at their April 9, 2024, meeting.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution is to be provided to the Applicant, the Applicant’s Engineers and Town Staff.

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

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

Motion carried.

**D. Review of Norbut Solar Farm Project (Town of Victor referral):**

Pursuant to General Municipal Law Section 239-nn, the board received a referral on March 26, 2024, from the Victor Town Clerk regarding the Norbut Solar Farm, LLC, a project which is proposed for a parcel of in Victor off from County Road 41. A portion of the parcel is adjacent to the Farmington town boundary.

Victor Ciaccia, Project Manager of Norbut Solar Farms (1241 University Avenue, Rochester, N.Y. 14607), provided information to the Town of Victor on March 19, 2024, a portion of which appears below. The exhibits are filed in the Farmington Town Clerk’s Office.

Norbut Solar is a solar energy provider developing solar energy projects across New York State in support of the State’s goal to have 70 percent of New York’s statewide electricity needs met using renewable energy by 2030. In furtherance of New York State’s energy initiatives, Norbut Solar proposes to develop two solar energy facilities of approximately 5 MWAC each for a total Project size of approximately 10 MWAC. The Project would be connected to the New York State electrical grid via an interconnection agreement with the local utility (the “Utility”). The Project would be on property located

at 00 County Road 41 (SBL No. 40.00-1-27.120) in the Town of Victor (“Town”), and it is intended to generate and deliver renewable electric energy to the community and for the public benefit generally.

The Property consists of the development of approximately 88.5 acres of presently undeveloped agricultural and forested land located to the south of County Road 41 within the Town’s R-2 Residential Zoning District (“R-2 District”). Norbut Solar will be purchasing the entire 88.5-acre parcel. The Project will consist of the development of a 10 MWAC solar facility, along with associated electric interconnection infrastructure connecting to the local utility power grid, all as shown on the enclosed drawings prepared by BME Associates (Exhibit B).

According to the definitions set forth in Section 103-5 of the Town Code established by Local Law No. 13-2018, (the “Solar Law”), the Project would be considered a principal use large-scale ground-mounted solar PV system because it will have system capacity greater than 25 kW (or 0.025 MW). See Town Code § 103-5. Pursuant to Section 103-7 of the Solar Law, large-scale ground-mounted solar PV systems are permitted within the R-2 District upon the issuance of special use permit and site plan approval from the Town of Victor’s Town Planning Board (the “Planning Board”). The Project will also require an Area Variance from the Town Zoning Board of Appeals (“ZBA”) and a Building Permit from the Town Planning and Building Department.

A detailed discussion regarding the specific requirements and criteria for the above actions are included as Exhibit C.

Section 103-8(F) of the Solar Law imposes a maximum height for solar panels of 12 feet. However, in order to maximize energy output to advance the State’s ambitious renewable energy goals, while minimizing land disturbance and coverage in order to preserve sensitive wetland areas and impacts to adjacent properties, the Project proposes panels of approximately 16.5 feet in height. Please see the Application Forms (Exhibit A) and the Area Variance Factors Analysis (Exhibit G) for additional information.

Norbut Solar anticipates that the Town Code Enforcement Officer (the “Code Enforcement Officer”), in response to the Area Variance Application, given the excess height of the proposed solar panels, will issue a determination that the Project does not comply with the Town Code and thus requires an area variance from the Town Zoning Board of Appeals (“ZBA”) to proceed as proposed. An area

variance is defined as an “authorization by the [ZBA] for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations.” Town Code § 211-12(B). Thus, the Project requires an area variance from the ZBA for relief from the solar panel height requirement.

The Project has been designed to comply with all the criteria specified within the applicable Town laws.

—*Victor Ciaccia, Project Manager, Norbut Solar Farms*

Mr. Hemminger said that he liked the viewshed and glare reports which were provided to both the Victor planning and zoning boards. He asked about the purpose for the referral of this project to the Farmington Planning Board.

Mr. Brand said that the referral is an opportunity for the board to provide comments to the Victor Planning Board on the pending special use permit and preliminary site plan applications. He said that he understands that the Town of Victor may make amendments to its solar regulations and that it would be his suggestion to inform Victor that more time is needed for Farmington to review this.

Mr. Delpriore said that his review is just underway.

Mr. Hemminger said that the back corner of the property abuts the Farmington town boundary. He suggested that the discussion on this referral be continued to the next meeting.

Mr. Delpriore requested that a letter be sent to the Victor Town Clerk to inform the clerk that the board would not review Victor application until its next meeting on April 17, 2024. Mr. Brand was asked to draft the letter for Mr. Hemminger’s signature.

## **11. OPEN DISCUSSION**

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

Mr. Brand provided the following information:

- The Town is awaiting approval from the New York State Department of Transportation (DOT) of the contract for Phase 1 of the Transportation Alternatives Program (TAP)—the Sidewalk, Trail Connections and Bike Lanes Project. Bids for this project were opened on February 14, 2024. On June 21, 2022, the DOT commissioner had notified the Town of an award of \$1,769,000 of Federal highway funds to be matched with \$445,000 of Town funds for this project. Mr. Brand said that the

Town Board may make a conditional contract award at its next meeting on Tuesday, April 9, 2024.

- Mr. Brand and Mr. Delpriore met with the Town Agricultural Advisory Committee on Thursday, March 21, 2024, to review the draft of the proposed Agricultural Protection Overlay District (APOD). Mr. Brand said that the establishment of an APOD for the protection of the identified strategic farmland parcels in the Town is a recommendation of the adopted *Farmland Protection Plan* and the *2021 Edition of the Town of Farmington Comprehensive Plan*. Mr. Brand said that comments from the Agricultural Advisory Committee and any revisions will be submitted to the Planning Board prior to submission to the Town Board. Mr. Brand said that he was not sure how long the Committee will need to review the draft and to present it to the public for further discussion and then submit it to the Town Board.

He also said that the adoption of the APOD will provide the Agricultural Advisory Committee with an increased responsibility for coordination of applications with the Planning Board.

Mr. Hemminger asked if the APOD would affect a landowner's ability to install solar panels. Mr. Brand said no, because the solar regulations are already in place. He said that the Town's solar regulations were amended to protect the agricultural resources, and that if prime and unique soils are taken for solar farms, then there must be an equal amount set aside of prime and unique soils on another nearby strategic farmland parcel.

Mr. Brand said that the APOD does not mean that a landowner cannot develop the land. He said that it means that a landowner has to think about it prior to development.

***Code Enforcement Officer:***

Mr. Delpriore reviewed the applications for the Planning Board's next meeting on Wednesday, April 17, 2024:

PB #0702-23 Fowler Family Trust continuation of Three-Lot Re-Subdivision Public Hearing; recommendation on the application from the Planning Board to the Zoning Board of Appeals.

PB #0201-24 Pintail Crossing Apartment Project continuation of Preliminary Re-Subdivision Plat approval of Lots #R-1 and #R-2.

PB #0406-24	Sky Solar Special Use Permit	Commercial Drive West
PB #0409-24	Sky Solar Preliminary Site Plan	Commercial Drive West
PB #0407-24	Sky Solar Special Use Permit	Commercial Drive East
PB #0408-24	Sky Solar Preliminary Site Plan	Commercial Drive East



Opening of Public Hearing; full presentation by applicant.

Jason LaPlant Final Two-Lot Subdivision, south side of State Route 96, west of County Road 28. The SEQR Resolution (Type II Action) and Preliminary Two-Lot Subdivision Plat were approved on January 17, 2024 (PB #0101-24).

Continuation of Town of Victor referral, re: Norbut Solar Farms application.

Mr. Delpriore said that the Town staff will resume providing online electronic board packets unless otherwise requested by board members.

Mr. Brand said that he has already had six telephone calls from neighbors regarding the Sky Solar Special Use Permit and Preliminary Site Plan applications. Mr. Delpriore said that more than 100 notification letters will be sent to nearby residents for the Sky Solar Public Hearing.

***Highway Superintendent:***

Mr. Ford said that the Highway Department will soon return to non-winter hours. He also said that the Highway Department is ready with barricades and traffic cones in advance of the total solar eclipse on Monday, April 8, 2024.

**12. PUBLIC COMMENTS**

None.

**13. TRAINING OPPORTUNITIES**

**■ 2024 Municipal Bootcamp Trainings:**

A free annual program to provide certification credits to newly elected officials, planning and zoning boards, and municipal officials presented by Hancock Estabrook and MRB Group.

**Thursday, April 25, 2024, 6:00 p.m.–7:00 p.m.**

Session 4: Environmentally Speaking: The Nuts and Bolts of SEQR

**Thursday, May 23, 2024, 6:00 p.m.–7:00 p.m.**

Session 5: A History Lesson: Challenges and Opportunities with Historic Properties

**Thursday, June 27, 2024, 6:00 p.m.–7:00 p.m.**

Session 6: Putting the Home in Hometown: Strategies for Attracting Housing Investment to Your Community

**Thursday, July 25, 2024, 6:00 p.m.–7:00 p.m.**

Session 7: From Big to Small: Translating Comprehensive Plans into Land Use Regulations

**Thursday, September 26, 2024, 6:00 p.m.–7:00 p.m.**

Session 8: Under the Tent: Open Meetings, Record Keeping, and Engaging the Public in Community Development

**Thursday, October 24, 2024, 6:00 p.m.–7:00 p.m.**

Session 9: Short, But Not Too Short: How Short-Term Rentals Are Changing the Development and Regulatory Landscape

**Thursday, December 19, 2024, 6:00 p.m.–7:00 p.m.**

Session 10: Santa’s Nice and Naughty List: The Best and Worst of 2024

Questions and registration:

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

**■ 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>

**9. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 7:45 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, April 17, 2024, 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 Town Hall front doors.

Respectfully submitted,

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

**Attachment #1:**

Letter from James M. Baker, P.E., Foundation Design, P.C., to Fowler Family Trust, re: Three-Lot Re-Subdivision application.

**Attachment #2:**

Report from Ruth Rowe Campbell, IFA, re: Fowler Family Trust application; submitted by Maureen Dispenza (6237 Pheasants Crossing) and others.