

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 17, 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*
Adrian Bellis
Timothy DeLucia
Aaron Sweeney
Douglas Viets

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

Attending:
Judith D. Bargo, 5982 Redfield Drive, Farmington, N.Y. 14425
[illegible] Burditt, 5974 Redfield Drive, Farmington, N.Y. 14425
Linda C. and Samuel F. Cammarata, 6009 Redfield Drive, Farmington, N.Y. 14425
Linh Chu, 6249 Pheasants Crossing, Farmington, N.Y. 14425
Ross W. Clark, 6025 Redfield Drive, Farmington, N.Y. 14425
Linda Cole, 5985 Redfield Drive, Farmington, N.Y. 14425
John T. Costanza, 6022 Redfield Drive, Farmington, N.Y. 14425
Marie J. deForet, 6028 Redfield Drive, Farmington, N.Y. 14425

Nancy Dewitt, 5998 Redfield Drive, Farmington, N.Y. 14425
Barb and Lou DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425
David M. DiRaddo, 5967 Redfield Drive, Farmington, N.Y. 14425
Maureen and Patrick Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425
Anne M. Dunford, 6007 Redfield Drive, Farmington, N.Y. 14425
Richard and Robin Finn, 6020 Redfield Drive, Farmington, N.Y. 14425
James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425
Peter Furfare, 1433 Sand Hill Road, Shortsville, N.Y. 14548
Jim Grady, 6018 Redfield Drive, Farmington, N.Y. 14425
John F. and Marcia C. Grady, 6018 Redfield Drive, Farmington, N.Y. 14425
Matt Hinckley, 5998 Redfield Drive, Farmington, N.Y. 14425
Jared P. Hirt, Esq., Evans Fox LLP Attorneys, 100 Meridian Centre Boulevard, Suite 300,
Rochester, N.Y. 14618—**R**
Jeff Hutchinson—**R**
Robert P. and Betsy G. Karpinski, 6008 Redfield Drive, Farmington, N.Y. 14425
Jason and Michele LaPlant, 353 Lyndon Road, Fairport, N.Y. 14450
Emily Lukasik, EIT, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614
Graham Marcus, Maddie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425—**R**
Lorraine McConnell, 6012 Redfield Drive, Farmington, N.Y. 14424
Mary Nettnin, 6016 Redfield Drive, Farmington, N.Y. 14425
Dale B. Nieswiadomy, 5977 Redfield Drive, Farmington, N.Y. 14425—**R**
Donna O’Connor, 6014 Redfield Drive, Farmington, N.Y. 14425
Andrew M. Osborne, 6006 Redfield Drive, Farmington, N.Y. 14425
Marquita Peterson, 5967 Redfield Drive, Farmington, N.Y. 14425
Ronald Phillips, 6014 Redfield Drive, Farmington, N.Y. 14425
Christopher and Mary Piccola, 6026 Redfield Drive, Farmington, N.Y. 14425
Debora K. Potter, 1426 County Road 8, Shortsville, N.Y. 14548
Leslie and Gail Raymond, 6010 Redfield Drive, Farmington, N.Y. 14425
Frank Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030
Michelle Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030—**R**
Rosemary T. Palmeri, 5976 Redfield Drive, Farmington, N.Y. 14425
William C. Schell, 5976 Redfield Drive, Farmington, N.Y. 14425
Joel E. and Julia Shenton, 6027 Redfield Drive, Farmington, N.Y. 14425
Tam M. Spitzer, 5999 Redfield Drive, Farmington, N.Y. 14425
Lance Sprung, 5975 Redfield Drive, Farmington, N.Y. 14425
Elizabeth A. Staples, 6006 Redfield Drive, Farmington, N.Y. 14425
Eloise M. Stevens, 6031 Redfield Drive, Farmington, N.Y. 14425
Matthew Tomlinson, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614
Fran and Nicole Vanderwall, 71 S. Main Street, Manchester, N.Y. 14504
Ronald F. and Ann Weilert, 6000 Redfield Drive, Farmington, N.Y. 14425
Judith M. Whitford, 5970 Redfield Drive, Farmington, N.Y. 14425
Susan C. Willard, 6011 Redfield Drive, Farmington, N.Y. 14425

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.

Mr. Hemminger reviewed the organization of this evening's meeting which will include presentations of projects by the applicants and which will be followed by comments from the Town staff and from the public.

2. APPROVAL OF MINUTES

Minutes of April 3, 2024:

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the minutes of the April 3, 2024, meeting be approved.

Motion carried by voice vote. Mr. Bellis abstained due to his absence from the meeting on April 3, 2024.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on April 10, 2024:

LEGAL NOTICE

NOTICES ARE HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct four (4) Public Hearings on the 17th day of April 2024 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 considering the applications of:

PB #0406-24: SKY SOLAR, INC., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030. An application for a Special Use Permit to allow for the construction and operation of solar arrays, a transformer area and a stand-alone battery energy storage system upon a portion of Tax Map Account Number 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. This parcel is to be known as the western portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the American Lumber property which fronts along the south side of Collett Road and extends south to the north property line for Tax Map Account Number 29.00-1-84.113.

PB #0407-24: SKY SOLAR, INC., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030. An application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account

Number 29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north property line for New Energy Works and the western properties of Tax Map Account Numbers 29.07-4-055 through -070 and Account Numbers 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

PB #0408-24: SKY SOLAR, INC., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030. An application for 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 of 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.

PB #0409-24: SKY SOLAR, INC., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030. An application for 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 Number 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.

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

By order of:

Ed Hemminger, Chairman, Town of Farmington Planning Board

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

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

Name: APD Engineering and Architecture, c/o 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 on 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).

On April 3, 2024, the Public Hearing was reconvened and testimony was received, following which the Public Hearing was continued to the meeting this evening (April 17, 2024).

Prior to the meeting, Mr. Brand submitted the following comments in writing regarding the status of this application:

The Planning Board, at their April 3, 2024, meeting tasked me to prepare drafts of Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs) for the above referenced application. These forms are designed to help the Lead Agency, in this instance the Planning Board, to identify the relevant environmental areas that may be impacted by the proposed action. These forms are then used by the Board in making a determination of significance under the provisions of the State Environmental Quality Review Act (SEQRA).

Based upon my review of the information provided in Part 1 of the FEAF and the new information received at the meeting from the neighbors [Ruth Rowe Campbell, IFA, letter dated March 12, 2024 with attached photos]; and from the Applicant [an August 29, 2023, letter from James M. Baker, P.E., Foundation Design, P.C., to The Fowler Family Trust]; it is my recommendation that the Planning Board should request the following supplemental information to answer the FEAF Part 2 questions. The specific supplemental information to be provided should include:

1. A soils survey map for the proposed Lot R5-C, that is drawn at a scale comparable to Drawing No. EX2, prepared by APD Engineering Architecture, for Project No. 19-0346, entitled "Subdivision Buildable Area Exhibit," along with the topography lines shown on said APD Drawing, and identifying where on said Lot which of the eight (8) classes of Palmyra Soils and the three (3) classes of Howard Soils are located.
2. Once such a drawing has been submitted, then it is recommended that the Planning Board retain an independent geologist to analyze the applicable information and provide a report which identifies where the footprint for a proposed principal structure and any accessory structures could be located on proposed Lot R5-C to avoid any potentially significant adverse impact upon the site's delineated soils. By receiving this supplemental information, the Planning Board should be able then to complete the Part 2 FEAF and Part 3

FEAF which is necessary to enable a reasoned elaboration of their determination of significance.

The need for this supplemental information will also be applicable to the Planning Board's review and approval of any future site plans submitted for building permits on either Lots R5-A, or R5-B as well as for proposed Lot R5-C.

Therefore, based upon the above, I have prepared the attached draft resolution for the Planning Board's consideration at your meeting next Wednesday evening.

cc. Ed Hemminger, Chairperson, Farmington Planning Board
 Tim Ford, Town Highway and Parks Superintendent
 Robin MacDonald, Acting Water and Sewer Superintendent
 Dan Delpriore, Town Code Enforcement Officer
 August Gordner, Town Fire Marshal, Assistant Town Code Enforcement Officer
 Caiden Lloyd, Assistant Town Code Enforcement Officer
 Matthew Heilmann, Town Construction Inspector
 David Orians, Town Construction Inspector
 Lance S. Brabant, Town Engineers, MRB Group, D.P.C.
 James Fowler, Applicant, Fowler Family Trust
 Jared Hirt, Evans Fox LLP, Applicant's Attorney
 Chris Kamar, P.E., APD Engineering Architects, Applicant's Engineer

—*Ronald L. Brand, April 10, 2024*

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Hirt presented this application via remote video conference. Mr. Fowler also attended in the meeting room.

Mr. Hirt said that he spoke with Mr. Brand regarding the Town's request for obtaining a soil survey on Monday (*see* Ronald Brand memo, above). Mr. Hirt requested that the application be continued to provide time for the applicant to provide the board with the additional information.

Mr. Hemminger asked Mr. Hirt how much time will be required for the applicant to provide the information. Mr. Hirt said that the applicant would like to turn this around as quickly as possible and that two weeks should be sufficient.

Mr. Brand suggested that the Public Hearing be continued to May 1, 2024.

Mr. Hirt asked if it was a fair conclusion that the soil survey information to be provided by Mr. Fowler will subsequently be reviewed by the independent geologist to be retained by the Town. Mr. Brand said that setting the Public Hearing continuation date of May 1, 2024, in this evening's continuation resolution will not require the re-advertisement of the hearing. He said that the Town's independent geologist would begin the review depending upon the timing of the submission of the soil survey by Mr. Fowler.

Mr. Brand said that the request for a soil survey and a review by an independent geologist came about as a result of his review of the information which was provided by the applicant in Part 1 of the Full Environmental Assessment Form; and as a result of the report by Ruth Rowe Campbell, IFA, which was submitted at the previous meeting by neighboring property owners; and as a result of the letter from James M. Baker, P.E., of Foundation Design, P.C., which was submitted by Mr. Fowler. Mr. Brand said that based upon these reports, it was determined that the Town needed to have additional geological information regarding the two soil classifications [referenced above in Mr. Brand's memo to the Planning Board dated April 10, 2024] which have a number of subcategories. He said that we need to know what soils we are dealing with.

Mr. Brabant said that the Town will address the soil situation upon receipt of the soil survey from the applicant and he [Mr. Brabant] will then work with the Town to identify the third-party independent inspector.

Mr. Hemminger said that the Town has determined the need for this additional information due to the steep slopes and the soil classifications prior to completing the environmental record on this application. He said that the applicant is working to provide the Town with this information which will be subsequently reviewed by an independent geological expert.

Mr. Hemminger then asked twice if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests from those in the meeting room.

He then asked twice if anyone on the remote video conference wished to speak for or against this application, or to ask questions. There were no requests from those on the remote video conference.

Mr. DeLucia asked about the setting of the date in the draft resolution regarding the date by which the applicant would have to submit the soil survey information in time for the continuation of the Public Hearing on May 1, 2024. Following discussion, it was determined that the applicant's information must be received by April 24, 2024.

Mr. Fowler then acknowledged that the information will be provided by April 24, 2024.

Mr. Hemminger asked Mr. Hirt if he had any comments or questions on the draft resolution. Mr. Hirt said that he is okay with the draft resolution.

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
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING
UPON THE PROPOSED ACTION TO ALLOW FOR THE CREATION OF A PROPOSED
THREE-LOT PRELIMINARY RE-SUBDIVISION PLAT FOR THE FOWLER FAMILY TRUST**

PB #0702-23

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

**ACTION: Adjournment and Continuation of the Public Hearing Upon
the Proposed Three-Lot Re-Subdivision Plat for the Fowler
Family Trust**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight continued from the April 3, 2024 meeting, the Public Hearing on this application; and

WHEREAS, the Planning Board tonight has received testimony upon this application; and

WHEREAS, the Planning Board has discussed the recommendations received from the Town Director of Planning and Development, contained in a memorandum dated April 10, 2024, requesting supplemental information be provided to the Planning Board, the designated Lead Agency under State Environmental Quality Review Act (SEQRA), for the above referenced proposed Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine there is a need for the supplemental information requested in the above referenced April 10, 2024, memorandum, for the Board to make a determination of significance under the SEQRA.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct the Applicant to provide the requested supplemental information referenced above herein to the Town Development Office not later than April 24, 2024, for Town Staff review.

BE IT FURTHER RESOLVED that the Planning Board does hereby give the Applicant notice that it intends to retain an independent geologist to evaluate the supplemental information requested above which will then allow the Planning Board to complete the Parts 2 and 3 of the FEAF and make an informed decision under SEQRA.

BE IT FURTHER RESOLVED that the Applicant shall be responsible for the cost to be associated with the independent geologist and payment shall be made directly to said person/firm once accepted by the Planning Board and before the determination of significance will be made.

BE IT FURTHER RESOLVED that the Planning Board does hereby move to table further deliberations upon the above referenced Action and adjourns the public hearing to be continued on Wednesday, May 1, 2024, starting at 7:00 p.m., to provide time for the Applicant to submit the requested supplemental information.

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

Motion carried.

**5. 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 a total of approximately 15.15 acres of land, and as further to be identified as Preliminary Subdivision Plat of Lots #1A and #2A of the Creekwood Extension Brickwood Management Townhouse Project. The proposed action involves created Lot #1A consisting of approximately 2.77 acres with eight existing apartment buildings and a community center building, and Lot #2A consisting of approximately 5.27 acres with five proposed buildings comprising a total of 40 townhouse dwelling units, and a proposed 60-foot-wide right-of-way for the construction of Pintail Crossing consisting of approximately 1.85 acres. Lot #1A is to remain as previously approved apartment

project and Lot #1B is to remain as a non-approved building lot requiring site plan approval for the proposed 40-unit townhouse project 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 on April 3, 2024.

On March 25, 2024, the Zoning Board of Appeals and 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).

On April 3, 2024, the Public Hearing was reconvened and testimony was received, following which the Public Hearing was continued to the meeting this evening (April 17, 2024).

Mr. Hemminger reconvened the Public Hearing on this application.

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

He said that the applicant has been working with the Town staff in preparation for the dedication of the road which has been determined to be advantageous to the Town and to the development. Mr. Tomlinson then reviewed the subdivision map which was displayed on the video screen and which delineated Phase 1 and Phase 2 of the project. He said that Phase 2 had not been funded and has now been assumed by a new developer.

Mr. Tomlinson said that the subdivision of the property into two lots has been driven by the Town's request to take dedication of the road, which will split the original lot. He described the route of the new road which was shown in blue on the drawing on the video screen.

Mr. Tomlinson said that the application requires approval of area variances by the Zoning Board of Appeals (ZBA) and that the applicant has worked with the Town staff to reduce the number of variances which will be needed. He said that he hopes to receive a recommendation from the Planning Board to the ZBA this evening and that the area variance applications are on the next ZBA agenda on March 22, 2024.

Mr. Tomlinson acknowledged receipt of the draft Planning Board subdivision approval resolution which has been prepared by the Town staff. He said that he has an issue only with draft Condition #7 regarding the replacement of approximately 60 lineal feet of Running Brook Road where it intersects with Redfern Drive.

Mr. Brand said that the Planning Board is the designated Lead Agency for making the environmental determination of significance under the State Environmental Quality Review Act (SEQRA). He said that draft resolutions have been prepared for the board's consideration this evening for the SEQRA determination and for approval of the two-lot subdivision with conditions. Mr. Brand also said that a draft recommendation from the Planning Board to the ZBA has been prepared for the board's consideration.

Mr. Delpriore said that the applicant has worked closely with the Town staff and that the applicant has attended a number of meetings of the Project Review Committee regarding the subdivision, the requested area variances, and the dedication of the road. He said that all of the Town staff comments have been provided to the applicant and are addressed in the draft resolution.

Mr. Ford said that he met with the applicant's engineer on the site to discuss Condition #7 in the draft subdivision approval resolution. He said that it was agreed that the Town will handle the replacement of approximately 60 lineal feet of Running Brook Road where it intersects with Redfern Drive, and that Condition #7 can be removed from the approval resolution.

Mr. Brabant said that he had no comments on this application this evening.

Mr. Hemminger then asked twice if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests from those in the meeting room.

He then asked twice if anyone on the remote video conference wished to speak for or against this application, or to ask questions. There were no requests from those on the remote video conference.

Mr. Hemminger requested that the applicant give attention to the lengths of the driveways to make sure that residents can park their vehicles on their own driveways. He said that he understands that this point is not part of the subdivision application but that he wanted to reiterate his concern regarding the site plan that the applicant should be sure that there is as much driveway space as possible. Mr. Ford also reminded the applicant that there is no parking on Town-dedicated roads from November 1st to April 1st of each year.

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
CRITERIA FOR DETERMINING SIGNIFICANCE**

PB # 0201-24

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

ACTION: **Preliminary Two (2) Lot Subdivision Plat Approval of Tax Map Account Nos. 41.07-1-28.411 and 41.07-1-28.412 for site development of the Lots 1A and 1B, Creekwood Extension Brickwood Management Project to be located along Pintail Crossing—SEQR Determination of Significance.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), based upon its review of the Criteria contained in §617 of 6NYCRR, Article 8, New York State Environmental Conservation Law, finds the above referenced Preliminary Subdivision Plat to be an Unlisted Action; and

WHEREAS, the Planning Board has completed its' review of Parts 1, 2 and 3 of the Full Environmental Assessment Forms (hereinafter referred to as FEAF).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 1, 2 & 3 of the FEAF and directs the Planning Board Chairperson to sign and date the FEAF Part 3.

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the sites is consistent with the Town's Comprehensive Plan land use recommendations;

- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed as provided for under the State Environmental Quality Review Act (SEQRA).

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

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

Motion carried.

■ A motion was made by MR. VIETS, seconded by MR. SWEENEY, that the reading of the following resolution be waived and that the resolution be approved as amended with the deletion of draft Condition #7 as discussed this evening:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SUBDIVISION PLAT APPROVAL WITH CONDITIONS**

PB #0201-24

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

**ACTION: Preliminary Two (2) Lot Subdivision Plat Approval of Tax
Map Account Nos. 41.07-1-28.411 and 41.07-1-28.412 for site
development of the Lots 1A and 1B, Creekwood Extension
Brickwood Management Project to be located along Pintail
Crossing.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the proposed Action identified above herein under the provisions of 6 NYCRR Part 617, the State’s Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has classified the proposed Action as an Unlisted Action, completed a coordinated review with the town of Farmington Zoning Board of Appeals and, as the designated Lead Agency, made a determination of non-significance thereon; and

WHEREAS, the Planning Board tonight has conducted and closed the Public Hearing upon the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Preliminary Site Plan approval for the proposed Action with the following conditions:

1. Preliminary Subdivision Plat Approval is granted based upon the drawing number SV1.0, prepared by Marathon Engineering, identified as Job No. 0839-23, entitled “Preliminary Re-subdivision Plat of Creekwood Phase 2, and having the latest Revision Date 02/15/24,” with the further amendment—the Title of this Preliminary Plat Map is to read . . . “Preliminary Two-Lot Subdivision Plat, Tax Map Account Numbers 41.07-1-28.411 and 41.07-1-28.412, Lots 1A and 1B, Creekwood Extension Brickwood Management Project.”
2. Preliminary Subdivision Plat Approval is made further subject to the Town Zoning Board of Appeals granting the following area variances, ZB #0302-24 through ZB #0307-24, for the existing apartment buildings and community center building for the Pintail Crossing Apartment Project—Phase 1 that are located on Lot 1A and the proposed Townhouse Dwelling Units that are to be located on Lot 1B of this subdivision plat map.
3. Prior to signing the Preliminary Subdivision Plat Map, the Applicant’s Engineer is to affix notes to the drawing that identify each of the area variances acted upon by

the Zoning Board of Appeals which include the ZBA Number and the date of said action.

4. Site Note 3.3 is to be amended to read as follows . . . “The Proposed Creekwood Extension Brickwood Management Project involves the renaming of the dedicated Quentonshire Drive and the dedication of a new Town Highway to be named Pintail Crossing. Said new Town Road is to connect the existing intersection of Quentonshire Drive with County Road 41 with the intersection of Red Fern Drive and Running Brook Road.
5. Signature lines are to be shown on the amended Preliminary Subdivision Plat Map in one of the two locations shown on Appendix G-13.0 of the Town of Farmington Site Design and Development Criteria, dated 2024.
6. Approximately 115 lineal feet of the current private Pintail Crossing drive is to be reconstructed to Town Highway Specifications as shown on Forms H-1.1 and H-2.0, dated 2024, with specifications for concrete gutters, catch basins and replacement plastic pipe underneath the roadway. This section of highway is to be delineated on the Preliminary Subdivision Plat drawing and the above referenced Forms are to be added to the set of drawings.
7. Where Quentonshire Drive/Pintail Drive connects, there will need to be new improvements made as shown on Forms H-1.1 and H-2.0, dated 2024.
8. Any metal pipe found in the locations identified above in 6, 7 or 8 are to be replaced with plastic pipe to Town specifications.
9. Once all amendments have been made to the Preliminary Subdivision Plat drawing referenced above, then an electronic copy of said drawing is to be submitted to the Town Code Enforcement Officer for review and acceptance. Once accepted, then Town Officials will sign the drawing and a signed electronic copy will be returned to the Applicant and the Applicant’s Engineer.
10. Once signatures have been affixed to the Preliminary Subdivision Plat drawing then the Applicant may submit application to the Town Development Office for Final Subdivision Plat Approval and scheduling for a future Planning Board meeting.
11. Preliminary Subdivision Plat Conditional Approval is valid for a period of 180 days from today and shall automatically expire unless signatures are affixed to the amended drawings.

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

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

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

Motion carried.

■ Mr. Hemminger then reviewed the highlights of the following recommendation from the Planning Board to the Zoning Board of Appeals regarding the applicant’s area variance applications.

TO: Thomas Yourch, Chairperson
Farmington Zoning Board of Appeals

FROM: Edward Hemminger, Chairperson
Farmington Planning Board

DATE: April 17, 2024

RE: Recommendation on the pending area variances, Files ZB #0302-24 through ZB #0307-24, as previously requested.

The Town Planning Board, at tonight’s meeting, completed the environmental record for the above referenced files and PB File # 0201-24, a Two-Lot Preliminary Subdivision Plat Application, and made a determination of non-significance upon said Actions. A copy of the environmental record is attached to this memorandum and will be provided to your Board members prior to next Monday night’s meeting.

The Planning Board tonight also granted Preliminary Two-Lot Subdivision Plat approval with conditions for Lots #1A and #1B with the condition that the variances being requested for Lots #1A and #1B be granted by the ZBA based upon their independent findings and determination.

Having completed the environmental record on these applications, the Town Planning Board informs the Town Zoning Board of Appeals of this determination and that your Board may now take action upon these requested area variances.

The Planning Board uses this opportunity to further respond to your request for recommendations upon the requested area variances for the existing apartment and community center structures located on Lot #1A; and the proposed Townhouse Structures to be constructed on Lot #1B, with both

Lots being split by the proposed construction of what will be known as Pintail Crossing, a Town dedicated highway.

It is the recommendation of the Planning Board that the relief being sought by the existing owner of the Pintail Crossing Apartment Complex, Lot #1A, is consistent with Town plans for accepting dedication of the Pintail Crossing Road with right-of-way and that the relief being requested is to avoid the Town creating non-conforming structures on Lot #1A. There are no known plans for expanding any development on the Lot #1A.

Regarding the proposed townhouse structures on Lot #1B, the Planning Board understands that the right-of-way width for the continuation of Pintail Crossing, as a Town dedicated highway, to connect to the intersection of Running Brook Road and Redfern Drive is wider than that associated with a private road and thus, will necessitate the area variances being requested by the applicant for the proposed townhouse project. That applicant has been meeting with Town Staff, at previous Project Review Committee meetings and with the Planning Board, and has relocated the townhouse structures as far back from the future Town right-of-way as feasibly possible, while still allowing the number of dwelling units deemed necessary for the applicant to construct their portion of this future town highway.

I trust that these two recommendations provide guidance to the Zoning Board of Appeals as they make their independent findings and determinations on the above referenced applications.

- c:
- Farmington Planning Board and Clerk of the Board
 - Farmington Zoning Board of Appeals and Clerk of the Board
 - Marcy Daniels, Supervisor's Confidential Secretary
 - Michelle Finley, Farmington Town Clerk
 - Tim Ford, Farmington Highway & Parks Superintendent
 - Robin MacDonald, Acting Superintendent, Farmington Water & Sewer Department
 - Daniel Delpriore, Farmington CEO
 - August Gordner, Farmington Fire Marshal
 - Matthew Heilmann, Farmington Construction Inspector
 - Ronald Brand, Farmington Director of Planning & Development
 - Carol Marvel, Development Office Administrator
 - Caitlyn Miller, Development Office Administrator
 - Lance Brabant, CPESC, MRB Group, D.P.C., Farmington Town Engineers
 - Conifer Development, c/o Pintail Crossing LLC, Lot #1A Applicant
 - Evan VanEpps, c/o Brickwood Management, Lot #1B Applicant
 - Matthew Tomlinson, Marathon Engineering, Applicants Engineer, Lots #1A and #1B

Members of the Planning Board no objections to this recommendation to the ZBA.

6. NEW TWO-LOT FINAL RE-SUBDIVISION

PB #0404-24 Two-Lot Final Re-subdivision Application

Name: Jason LaPlant, 353 Lyndon Road, Fairport, N.Y. 14450

- Location:** South side of State Rout 96, west of County Road 28
- Zoning District:** A-80 Agricultural District
- Request:** Final Two-Lot Re-Subdivision Plat approval of Land, identified as Tax Map Account 43.00-1-4.300, containing approximately a total of 9.538 acres of land; and as further to be identified as Preliminary Re-Subdivision of Lot C of the Charles LaPlant Sub-division. The proposed action involves creating Lot R-C consisting of approximately 6.518 acres with existing barn and Lot R-D consisting of approximately 3.020 acres. Both lots are to remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

On January 17, 2004, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this subdivision (Type II Action) and the Preliminary Two-Lot Re-Subdivision Plat with conditions (PB #0101-24).

Ms. Vanderwall presented this application on behalf of Mr. LaPlant.

Ms. Vanderwall said that there are no new issues since the Preliminary Two-Lot Re-Subdivision application was approved in January. She also acknowledged receipt of the draft Final Two-Lot Re-Subdivision resolution prior to the meeting this evening.

Mr. Brand said that the applicant's engineer has submitted the revised preliminary drawings and that a resolution has been prepared for the board's consideration this evening for Final Two-Lot Re-Subdivision approval with conditions.

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

Mr. Hemminger asked the applicant if she had reviewed the draft resolution and if so, did she have any comments. Ms. Vanderwall said that she had received the draft resolution, reviewed it, and had no comments.

■ 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
FINAL RE-SUBDIVISION PLAT APPROVAL WITH CONDITIONS**

PB #0404-24

APPLICANT: Jason LaPlant, 353 Lyndon Road, Fairport, N.Y. 14450

ACTION: **Final Two- (2-) Lot Re-Subdivision Plat Approval, proposing further subdivision of Lot C (Tax Map Account No. 43.00-1-4.310) of the “Charles D. LaPlant Subdivision Lots of A, B and C,” creating lots #R-C and #R-D, both proposed lots are classified unimproved lots subject further to site plan approvals. The proposed Lot #R-C will contain 5.206 acres of land and proposed Lot D will contain 3.247 acres of land. Both proposed Lots are located along the south side of State Route 96, approximately 1,125 feet west of the County Road 28 intersection.**

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

WHEREAS, the Planning Board has previously, under separate resolution, classified the proposed Action as a Type II Action thereby satisfying the procedural requirements under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board has, at tonight’s public meeting, received testimony and completed its review of the application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to approve with conditions the Final Re-Subdivision Plat drawing, prepared by David J. Hanley, Licensed Land Surveyor, dated November 27, 2023, with the latest revisions dated 01/24/2024 and entitled “Preliminary Re-Subdivision Plat of Lot C of the Charles D. LaPlant Subdivision, Lots A, B and C,” as follows:

1. The title of the Plat Map is to be amended to read . . . “Final Re-Subdivision Plat, Lot C of the Charles D. LaPlant Subdivision, Lots A, B and C, Creating Lots R-C and R-D.”
2. There is to be a new signature block provided on the final plat map, replacing the signature block shown for the preliminary re-subdivision plat drawing. Said signature block is to be placed in one of the two locations shown on Appendix Form G-13.0, entitled “Signature Line Locations” and dated 2024.
3. The Revision Box shown in the upper right corner of the Final Re-Subdivision Plat is to be completed identifying revision number 2 per this resolution, date and file number.
4. Once these revisions have been made to a Final Re-Subdivision Plat, then an electronic copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance prior to notifying the Planning Board Chairperson to sign the plat.

- 5. Once the Final Re-Subdivision Plat Map is signed the applicant has 62 days from the date of signing to file a mylar and two paper copies of the plat in the Office of the Ontario County Clerk.
- 6. Final Re-Subdivision Plat Approval is valid for a period of 180 days and shall automatically expire unless final signature has been affixed on the final plat.

BE IT FINALLY RESOLVED that the Planning Board directs the filing of a certified copy of this resolution with the project file and requests copies be provided to the Applicant and the Applicant’s Surveyor.

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

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

Motion carried.

7. NEW SPECIAL USE PERMITS AND PRELIMINARY SITE PLANS

PB #0408-24 New Preliminary Site Plan 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: An application for 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 New Preliminary Site Plan 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: An application for 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.

• • •

PB #0406-24 New Special Use Permit 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 rom along East
Corporate Drive and a future extension of commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for a Special Use Permit to allow for the construction
and operation of solar arrays, a transformer area and a stand-alone
battery energy storage system 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 Commer-
cial Drive. This parcel is to be known as the western portion of the
Sky Solar, Inc., Commercial Drive Solar Project and is located south
of the American Lumber property which fronts along the south side
of Collett Road and extends south to the north property line for Tax
Map Account #29.00-1-84.113.

• • •

PB #0407-24 New Special Use Permit 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:** An application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account #29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north property line for New Energy Works and the western properties of Tax Map Account #'s 29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

The above four applications were reviewed by the Project Review Committee on September 7, 2023; November 2, 2023; December 7, 2023; January 4, 2024; February 1, 2024; and March 7, 2024.

On April 3, 2024, the Planning Board determined that the applications were complete, declared its intent to be designated as the Lead Agency for making the State Environmental Quality Review (SEQR) environmental declaration, and scheduled the Public Hearings to begin this evening (April 17, 2024).

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

Also on April 3, 2024, the Planning Board directed the Town staff to prepare the Project Notification Review Letter, related electronic documents and the SEQR Response Form for distribution to the Involved Agencies and the Interested Agencies. The SEQR Coordinated Review Period began on Wednesday, April 10, 2024, and will conclude at 12:00 p.m. on Friday, May 10, 2024.

Prior to the meeting, Ms. Lukasik provided the following information:

Dear Planning Board Members:

Sky Solar, LLC is proposing the construction of one (1) 0.5 MW-AC Community Solar Photovoltaic Array and an access road to be converted to Town of Farmington ownership after project completion on the lands of K&P Associates, Ltd. (tax parcels 29.07-1-57.00, and 29-07-1-58.000). Lands currently owned by K&P Associates, Ltd. to be purchased by Sky Solar, LLC upon successful completion of Town approval.

The project is located just south of the dead end of Denny Drive on the east side of the parcel. Per Town Code Chapter 165-65.3 Solar Photovoltaic (PV) Systems, Sky Solar, LLC is required to proceed through the site plan review and approval process along with receiving a Special Use Permit from the Town Board. We are requesting to appear before the Planning Board at the April 3, 2024, Town Planning Board meeting.

The subject properties are a combined 7.2 acres, currently zoned Limited Industrial (LI). Large-scale solar is a permitted use within the LI Zoning District. The project will utilize a leased area of approximately 4.29 acres within the subject property. The project is bordered by commercial and industrial properties to the north, south, and west and a housing development to the east.

The proposed solar array for the property includes the installation of approximately 57 racks of panels set on fixed tilt racking placed on the site to accommodate existing topography. Each rack will stand approximately ± 16 -feet 3-inches in height. The racking will be spaced at 27-foot 2.5-inch intervals on center, with a minimum width of 13-foot 7.25-inch aisles provided between rows. A 7-foot high chain link fence will surround the array for security purposes. The Commercial Drive Solar East Project meets all Town zoning code as it relates to large-scale solar energy systems.

The electricity produced by the array will be converted from DC power to AC power via central inverters located on equipment pads. The AC power will be collected and transformed to medium voltage power, which will then be sent out via grid distribution. The equipment pads will include switchboards, transformers, and DAS equipment.

Sky Solar, LLC is proposing that the array is utilized for Community Solar purposes. The Community Solar program will allow local residences and businesses to purchase power from the array at a discounted rate compared to the current electricity provider. Sky Solar, LLC is excited to pursue this project within the Town of Farmington and looks forward to providing an opportunity for clean, alternative energy to the Town and its residents.

We submit the following for your review and consideration:

0. Project Narrative (10 copies)
1. Preliminary Planning Board Application for Site Plan Approval (10 copies)
2. Preliminary Planning Board Application for Special Use Permit (10 copies)
3. Commercial Drive Solar Plan Set (10 24" x 36" copies)
4. Stormwater Pollution Prevention Plan (one (1) copy)
5. Full Environmental Assessment Form (10) copies)
6. Decommissioning Plan (10 copies)
7. Equipment Specification Sheets (10 copies)
8. Operations and Maintenance Manual (10 copies)
9. Construction Cost Estimate (10 copies)
10. Abstract of Title (10 copies)
11. RG&E Invoices (10 copies)
12. Copy of Application Fee Check (10 copies)

*—Emily Lukasik, EIT
Project Manager, LaBella Associates, Rochester, N.Y.*

Mr. Hemminger opened the Public Hearings on these applications.

Mr. Ruffolo of Sky Solar Inc. of Manhasset, N.Y., and Ms. Lukasik of LaBella Associates of Rochester, N.Y., presented these applications.

The discussion on these applications was held concurrently.

Mr. Hemminger said that the board must first deal with the environmental record of these applications [as required by the State Environmental Quality Review Act] prior to considering the Preliminary Site Plan and Special Use Permit applications.

He requested that residents provide facts, figures and data as to how this project would affect the environmental record, the discussion of which will begin this evening.

Mr. Ruffolo and Ms. Lukasik presented a set of PowerPoint slides on the video screens in the meeting room and full-size drawings of the project area which included a brief history of the company and photographs of some of the company's other solar installations such as the Vermont Landfill Solar Project which is the largest landfill solar project in the State of Vermont. Mr. Ruffolo said that the company is working on eight solar projects which are now under construction in New York State.

Ms. Lukasik said that the Farmington project has been designed as one site, that it would be constructed on both sides of Commercial Drive, and that a new section of Town-dedicated roadway will be constructed to connect the current two dead-end sections of Commercial Drive. She said that the installation of utilities and the construction of a sidewalk to connect the neighborhood to Collett Road are all part of the project.

Ms. Lukasik said that each side of the site will provide ½ megawatt of electricity with a 5.0 megawatt battery storage facility on the west side.

Project data:

- Approximately 7.87 acres of development out of a total 13.2 acres.
- Approximately 1.15 acres of new impervious surfaces, connecting the two ends of Commercial Drive.
- Proposed as fixed tilt racking with racks spaced 13.61 feet apart.
- New section of Commercial Drive to be dedicated to the Town at completion of project.
- New Town water, overhead electric lines, fire hydrants, streetlights and sidewalk proposed along Commercial Drive.
- Two proposed equipment pads with inverters for solar.
- Two 20-foot-wide pervious access roads.
- One proposed equipment pad for battery storage.
- Majority of proposed stormwater treatment is through two bioretention basins and grass filter strips.
- Seven-foot-high chain link security fence.
- Nine new utility poles proposed within the parcel boundaries, and one off site.
- All underground wiring until the new utility poles.

With reference to the project drawing, Ms. Lukasik described the stormwater design. She said that the project will not increase any flows off the site and that stormwater treatment will be provided from two facilities on the property and by grass strips. Ms. Lukasik also said that the solar arrays would be located within a security fence.

Mr. Brand said that the State Environmental Quality Review (SEQR) coordinated review with the Involved and Interested Agencies began on April 10, 2024, and will end on May 10, 2024. He identified the Agencies by name (*see* the listing on p. 24, above). He said that the Planning Board is expected to be designated as the SEQR Lead Agency at the meeting on May 15, 2024, and subsequently will prepare Parts 2 and 3 of the Full Environmental Assessment Form, will review the environmental criteria in the SEQR regulations, will make findings, and ultimately will make the environmental determination of significance on this project.

Mr. Brand said the purpose of the meeting this evening this evening is to hear the residents' concerns about the project, and most importantly their environmental concerns associated with this.

Mr. Hemminger said that the environmental record is part of the New York State requirements and that we have to do it.

Mr. Delpriore said that the Town staff has spent time reviewing these applications and that the project is still under review. He said that the site has been challenging regarding stormwater and that the staff has worked with the applicant on the Municipal Separate Storm Sewer System (MS4) regulations. He said that this portion of the plan is still under engineering review as the applicant works to comply with the MS4 requirements.

Mr. Ford said that this project includes a road connection to join the northern and southern portions of Commercial Drive at the developer's expense. Mr. Hemminger said that the construction of the road is part of the applicant's plan for this project and is included in the Town's adopted *Comprehensive Plan [2021 Edition, Town of Farmington Comprehensive Plan]*.

Mr. Brabant said that the Commercial Drive road connection also has been identified in the Town's Major Thoroughfare Overlay District (MTOD) and that any project which came before the Town in this location would have had this requirement to make the road connection between the north and south portions of Commercial Drive. He said that this requirement makes this project unique because most solar projects do not have to construct town roads and sidewalks.

Mr. Brabant also said that there is a fairly large substantial drainage plan which is being reviewed by the Town and by the New York State Department of Environmental Conservation (DEC). He said that this is also unique because most solar facilities would not have the substantial stormwater runoff as this project will have [because of the road and sidewalk construction]. Mr. Brabant said that the plans as received tend to meet the Town and DEC requirements but that he has not yet completed the engineering review and will provide comments upon the completion of the engineering review.

Mr. Brabant said that the applicant has submitted an Operations and Maintenance Plan which governs the operation of the site, such as day-to-day operations, and details such as when staff will visit the site, and how the site will be maintained, among other topics. He said that he is now reviewing the draft Operations and Maintenance Plan which the applicant has submitted for compliance with the Town standards.

He also said that a Decommissioning Plan is required for any solar project. Mr. Brabant said that this plan governs the removal of the solar equipment if the project falls through or if the site were to be abandoned and includes the steps and cost estimates for removal.

Mr. Hemminger said that the road will be curved so that stormwater will flow into the catch basins and into the internal drainage system to avoid having any runoff to the side land from the road itself.

Mr. Hemminger said that a large solar facility is now operating on Yellow Mills Road. During that application, he said that the Planning Board and the Town staff went through all the issues including the Operations and Maintenance, and the Decommission plans. He said that the board and the staff are familiar with the process which is required for a solar project.

Mr. Hemminger also said that in his recent research on other solar projects he identified other documents such as a viewshed analysis and a glare analysis. He said that he requested that the applicant provide these types of documents for this project, and that the applicant has done so.

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

Mr. Raymond (6010 Redfield Drive): Now we're very concerned about the woods that back up to the back of our lot, and we're about 180 yards down the road. [Are] there going to be any woods taken out of there?

Mr. Hemminger: I believe the answer to that is very little, if any. Correct?

Mr. Ruffolo: We have a plan—do we have it with us?—that shows some trees will be removed, but away from the residence, and there will be—is it a 75 feet—

Mr. Hemminger: Very few trees, if any. And if you look at the viewshed documents they gave us, you can see that you won't be able to see through there.

Ms. Lukasik: The majority of the clearing—I don't know how familiar you guys are all with that site—there is an established woods and then there's more sort of like scrubby sort of marsh area—that's where the majority of the clearing is that's going to take place.

Mr. Raymond: Is that where the road is going to be?

Ms. Lukasik: Yes, the road runs through that section, as well.

Mr. Hemminger: But very little, if any, of the trees said that back to the houses will be removed, if any.

[Discussion about slides on the screen.]

Mr. Hemminger: You can see there how much is still going to remain.

Mr. Bellis: The tree line there—

Ms. Lukasik: Yes, that's just under a hundred feet.

Mr. Ruffolo and Ms. Lukasik then reviewed the locations of the woods, the proposed solar panels, their property line, and Redfield Drive on the drawing which was displayed on the video screen.

Mr. Raymond asked about the location of Redfield Drive on the drawing. Mr. Ruffolo and Ms. Lukasik said that the gray area on the drawing represents Redfield Drive.

A resident asked which way was north on the drawing. There was a brief discussion regarding the delineations on the drawing of the locations of the woods, homes, and proposed roads.

Ms. McConnell (6012 Redfield Drive): I don't know much about solar, I mean, as far as I've seen solar equipment out, things like that. Talk about transformers—is there noise? Is there like a generator—some people have generators and they spark up, you know, for five minutes—

Mr. Ruffolo: There is a transformer on site. It is not a generator so you will not hear an engine-type noise. You would hear a hum. It would be similar to any transformer that's already servicing commercial properties. From a residence, I don't believe you'll hear anything. It's a hum, it's a humming sound. It's not an engine. There's no—one of the beauties of solar—

Ms. McConnell: Do they run 24/7 or do they come on—

Mr. Hemminger: When the sun's out—

Ms. McConnell: When the sun's out. Okay.

Mr. Hemminger: Can't pick up solar at nighttime.

Ms. McConnell: Right, okay, so that's when you'll hear that humming?

Ms. Lukasik: You wouldn't hear it unless you were very close. This question's come up at a lot of my meetings lately so I did the deep dive—what decibels mean—and the sound

associated with the transformer equate—and this is if you're basically next to it—is roughly the same as a light rainstorm or a refrigerator sound. That's the sound that it makes.

Mr. Hemminger: So if you're walking down the street you might hear it a little, maybe, on a good day with the wind blowing the right way, but you're not going to hear it most of the time.

Ms. Lukasik: It's similar to the equipment you would see on a residential street—the type of equipment that's on poles. It's not substation type equipment.

Ms. McConnell: Okay.

Mr. Bellis: I think you're going to hear the Thruway more than this. You can hear the Thruway from my house.

Ms. McConnell: It's operated by something. I was just wondering—

Mr. Brabant: As part of the process one of the items to be requested is a noise study, which is typical to any application such as this, and that would have very similar data as to what you're hearing. He said that the applicant will be able to provide some documentation that justifies what you are hearing.

Ms. McConnell: The only other question I had—you mentioned something about water and drainage, or something. We do have water in our area over there. So, and some people have had issues with water.

Mr. Hemminger: This will not create any additional water issues and in fact it probably will help with any existing water issues

Ms. McConnell: Because of . . .

Mr. Hemminger: Because of the way it is going to be engineered.

Ms. McConnell: OK, so, do you built it, I mean, do you make it, where the water is, do you make it deeper so that it doesn't . . .

Mr. Hemminger: We will have this discussion when we get to the site plan, there's no doubt.

Mr. Hemminger then asked Mr. Brabant to comment on the stormwater plan.

Mr. Brabant: The applicant's engineering firm has designed the plan to put the water obviously in its lowest spot where natural flow is going to bring it on their site. As part of that, they are not allowed to discharge directly off site. Anything that they are constructing has to be retained on their site and then collected and treated before it runs off their site, and that has to be done in a manner that doesn't increase runoff from their site. It cannot

be greater or substantially changing from what currently exists today. So, the improvements that are there have a runoff but it has to be collected on their site, treated on their site, before it ultimately discharges from their site. He said that there are rules and regulations that they have to design to, and they have to meet.

Mr. Hemminger: So the end result should be the same or better water flow.

Mr. Weilert (6000 Redfield Drive): So that fence you're going to put in, around, tell me about the fence, made of what, how high?

Mr. Hemminger: Pretty early to discuss, but we will go ahead and let you guys do that. Again, we're talking about the environmental record here, but we'll go ahead and do a quick overview on the fence. Emily.

Ms. Lukasik: This will be a seven-foot-tall chain link fence for security and safety to keep people away from the panels.

Mr. Hemminger: It's a security fence, basically. Because there's so many trees there to block it, it's not for aesthetic reasons. It's for security reasons for their purpose.

Mr. Finn (6020 Redfield Drive): We actually live in the third building down coming from 96. It looks like the road is right close to our building. How far is that away and will those trees be removed?

Mr. Hemminger: Again, we're talking about site plan issues, but we'll go ahead, Emily, give him a quick overview. I'm not going to get too much into the weeds on this.

Ms. Lukasik: Part of the back and forth we've been doing with the Town to get everything situated—this is sort of set up like a flag lot, so there is a very narrow space through here [reference to the drawing] to get down to Commercial Drive, so this has to go right here, to get up here and go through the site, so the trees where the roads are will be removed. After our last discussion [with the Town], we're going to actually look and see to keep more than we're already planning on that side of the site, but where the road is going, we have to clear it to build the road.

Mr. Hemminger: That's the only spot they have on their property to build the road.

Mr. Finn: Unless you go in the other way.

Mr. Hemminger: Can't go in the other land. They don't own it.

Mr. Finn: Alright. And how far away would that be from our backyard, because . . .

Mr. Hemminger: It will be no closer than your back property line. I mean, it's going to be on their property. They're going to have all the proper distances and easements, and all the

other things so they can put water, sewer, or whatever down through there, but it's going to be on their property, not on yours.

Mr. Finn: I understand, but is there a buffer between my property . . .

Mr. Hemminger: Probably not. There won't be any buffer at all through there, I doubt.

Mr. Finn: So my house is going to have a road in the front of it, and in the back of it.

Mr. Hemminger: Correct. Same way, again, remember, this road has been planned for 20/30 years. The developer certainly knew about it and certainly any of you that wanted to look could have seen this exact situation happening because that road's been planned—I've been doing this for almost 30 years and it's been planned for as long as I can remember.

Mr. Finn: I know this is not part of the environmental [review]. Why is this road necessary now with the solar farm going in on that property?

Mr. Hemminger: This is to connect that road up. Commercial Drive has been planned that way—forever.

Mr. Finn: I understand that, but now that you know what's there, why is this road now necessary? Is it part of the master plan?

Mr. Hemminger: It's part of the Town's master plan to get traffic through there and get it over to the other side. I'm not going to debate that. It's part of the *Comprehensive Plan* and it's been discussed numerous times for the requirement to add it.

Mr. Finn: When does that come up in the process?

Mr. Hemminger: What does what? It's part of the site plan.

Mr. Finn: . . . to argue the road?

Mr. Hemminger: You can argue the road any time, but the road is going to be part of the discussion on the site plan, when we get to the site plan.

Mr. Finn: Okay, I understand, this is the environmental piece.

Mr. Hemminger: This is the environmental piece. The subdivision happens next. The preliminary site plan is open, so once we're done with the environmental record, we'll begin to discuss the site plan.

Mr. Finn: And is the last discussion on the road?

Mr. Brand: No.

Mr. Hemminger: No, it's never the last discussion of anything until we close the Public Hearing.

Mr. Finn: I'm trying to understand the process.

Mr. Hemminger: I understand. Until we close the Public Hearing it's never the last discussion on anything. You can talk about the road any time you want. Just understand that the road is in there as part of the *Comprehensive Plan* which has been approved by the Town Board, and as well as the MTOD [Major Throughfare Overlay District], which again has been approved by the Town Board.

Mr. Hemminger: The Town Board probably is more of a group to discuss the road with than the Planning Board because we know that it's what the Town Board and the residents want, is to put that in there. We just try to make the project as good as we can given what we have, and there's almost no property there to put that road on, other than what they have there.

Ms. deForet (6028 Redfield Drive): So, my backyard is 46 feet, so the road is going to be, like, right there. My environmental questions—three—and thank you for covering the drainage. Number 1: Our houses built by New York standards are air tight. We've got one intake. Trucks going across that road are going to be emitting both organic compounds and particulates. How am I going to know that that's not coming into my house?

Mr. Delpriore: All those houses in that subdivision are built [with devices] with filters which clean those particulates as they come in.

Ms. deForet: The filters down by our heater, the filters I change out?

Mr. Delpriore: No. You should have a box in the basement that has a filter in it that actually takes in outdoor air . . .

Ms. deForet: That's the filter that I change . . .

Mr. Delpriore: Not the one on your furnace . . . [Several people speaking; inaudible.]

Ms. deForet: Okay, alright, but I would also want to know that the air I'm breathing is clean if I ever should choose to open my window or go in my backyard. I only own 46 feet of it, but I do own 46 feet of it, okay.

Ms. deForet: Here's another environmental question. When DC current is converted to AC current, a pitch results. It is not just a noise like a refrigerator. It is a pitch. Some people—and unfortunately I am one of them—have unusual hearing. I would like to know where I can go to hear [this sound], because whoever is doing the environmental study—99.999 percent of the chance is that their hearing is not as good as mine. Okay, so. I'm just saying you say it's that quiet, tell me where I can go?

Mr. Hemminger: Dan, can we get her to go out to our solar project, just built.

Mr. Hemminger (to Ms. deForet): If you work with staff to go out to the project we just built, and I assume they're similar transformers, I mean, a transformer's a transformer.

Ms. Lukasik: They didn't have a substation as part of that project, right?

Mr. Brand: No.

Ms. Lukasik: Then it would be similar equipment. I would also add just one thing. You [Ms. deForet] said that you're down at the south end. Right?

Ms. deForet: Right near the pond.

Ms. Lukasik: Okay, so, the equipment that would make any sound is all the way at the top. It's all up there.

Ms. deForet: Understood.

Ms. Lukasik: It's very far away from your house.

Ms. deForet: Understood. I can hear like a dog. Okay.

Ms. deForet: I have three. One more. The environmental assessment report—as someone who has quite a bit of a stake in this—do I get to see it?

Mr. Hemminger: Everything we do is public.

Ms. deForet: Okay. How do I get my hands on it?

Mr. Hemminger: Talk to staff. You'll be able to see it. Staff will have it. We'll publish the Part 3, when we get ready—we'll publish all the parts, when we do that. We publish it all. It's all on the website. It's all available. We're an open book.

Ms. deForet: Okay, sorry. And the trucks—the road is for trucks—right?

Mr. Hemminger: The road is for anybody who wants to drive it.

Ms. deForet: But the intent is for trucks.

Mr. Hemminger: Basically, I mean it's in an industrial area.

Ms. deForet: So, the sound is going to cover the rumbling ground?

Mr. Brand: Of what?

Mr. Hemminger: Part of the environment, I mean—

Mr. Brand: If you provide us with information that identifies what the level of what those decibels are from the rumbling trucks, and we'll look at it.

Ms. deForet: This is the first time I've seen the map of where my house is, and the road, so how am I supposed to provide that to you right now?

Mr. Hemminger: Well, let's not get into an argument about it. We're going to an environmental review. We'll do what we can. I mean honestly, there are many, many, many locations in this Town that are near someplace where a truck would drive. So, it is what it is. We'll go from there.

Mr. Delpriore: Just one quick correction on the record. That solar project [on Yellow Mills Road] is not a Town project. It is another applicant.

Mr. Hemminger: True. That is true. When I say "ours" I spent two years working on it. It feels like it's mine. But we'll work with the people that own it to try to do that.

John Grady (6018 Redfield Drive): I'm a retired land surveyor and I had several meetings with Dan [Mr. Delpriore] regarding the road, to get as much information as I could about the road. I'll just talk about the environmental conditions, and that deals with noise pollution. The road coming in from the south from Route 96, with that "S" turn in the road, the traffic which is going from the north to the south goes into a slope on the road—a design slope, according to the plan—of about five percent grade, that's uphill. You're going to get tractor trailers—and that is the primary amount of traffic, it's going to be tractor trailers—you're going to get tractor trailers shifting, making a lot of noise, going up that road. And that road is exactly that far from my property line. It comes right to the property line, according to your plan. There's no buffer, there's no provision for controlling the noise, and with the amount of truck traffic that goes there—it is going to be day and night, I'm assuming—that is something like that the environmental record should show and should be dealt with.

Mr. Hemminger: Appreciate the feedback. We'll take it under consideration.

Mr. Costanza (6022 Redfield Drive): When I moved here from Perinton, we know Farmington has a long-established history of creating green space and wanting green space. When I bought that property, I knew the Town owned that, but I always thought they would keep it green . . .

Mr. Hemminger: The Town owns it? The Town doesn't own it. No. He [referring to the applicant] bought it from somebody—either bought it or are buying it from another landowner.

Mr. Costanza: Well, as I'm looking at that road, I'm right on that "S" curve, I could shake hands with the person driving down the street pretty much. I do want that in my backyard.

I would rather have the green space that's there—it's beautiful in the fall and it's nice in the summertime. If you can swing that road around and keep that space there . . .

Mr. Hemminger: Swing it where?

Mr. Costanza: The other way.

Mr. Hemminger: They don't own that property.

Mr. Costanza: Well, there's something called eminent domain.

Mr. Hemminger: That's a Town Board issue, not a Planning Board issue.

Mr. Costanza: But—

Mr. Hemminger: There's nothing we can do about that.

Mr. Costanza: But—it's got to be brought up.

Mr. Hemminger: You've got to bring it up to the Town Board. You can't bring it up to us. We can't do that. We have nothing to do with eminent domain.

Mr. Costanza: Well, taking the suggestions here about the noise pollution and air pollution, I mean, I'm right there. I'm getting it all. And those fans that they were talking about they put on Redfield Drive above your furnace—they don't do anything. They do nothing. So I'm going to get all the particulates. I'm going to get the rumbling of the trucks. I mean, this piece of property is going to be worthless for any of the neighbors who bought in that area.

Ms. Finn (6020 Redfield Drive): I'm where I can roll out of bed onto the road, which is a problem that I have, too. But, being environmental, last summer there were three fires in battery storage facilities in New York State (Jefferson County, Orange County, Suffolk County). People had to remain in their homes or go somewhere, until they could figure out if the air was going to be okay. They still don't know about water. So that's a safety environmental concern, along with the road.

Mr. Hemminger: Well, certainly the water wouldn't be affected since we get our water from Canandaigua. It wouldn't be an issue unless they have one down there, and certainly it's tested. The rest of it—we will take and put on record and we will consider it during the environmental record.

Ms. Willard (6011 Redfield Drive): My concern is all of you. I guess I don't understand this process. You're telling us we can't do anything about the road because it was approved 20 or 30 years ago, so what is the point of having a Public Hearing?

Mr. Hemminger: To take your feedback and try to make this the best project we can, given what we have. It's what we do every day. It's what we're required to do. We have to stay within the property that this—that this person is going to have. We can't turn around and do eminent domain on someone—that's not our role. That's a Town Board issue if they want to do stuff like that. We're looking at the environmental record, and if the environmental record for some reason comes out as a negative, then we'll have to deal with and come up with mitigations that will address any and all of the issues as it relates to the environmental record.

Mr. Hemminger: This is a very preliminary discussion. This is the first time we're having this discussion. We'll will take all the feedback we have. We hope to see you at as many meetings as we go on. Because this will go on for a while as we deal with the environmental record based on this project. I mean, if you're worried about us, we've been doing this for a long time. We do it in a very professional manner. This Town has a reputation to uphold and that has been upheld by the courts numerous times, that we do the things the right way, and will continue to do them the right way, as it relates to the requirements of New York State and the requirements of what this Town does.

Ms. Willard: What is our recourse? I mean, you're saying you're going to take it in consideration that we all have questions, problems, issues with this road. And the other man came out and said, well, it has been planned for 20 or 30 years. That's it.

Mr. Hemminger: I didn't say "that's it." We're trying to help you understand the history behind all of the different pieces here. If we decide that we shouldn't put the road in because it environmentally doesn't fit, then we will address that when that time comes. When it gets to the point where we [the Planning Board] approve the environmental record, if you don't think that the environmental record is correct, your recourse is to take the Town to court.

Ms. Willard: To file an injunction?

Mr. Hemminger: Well, no, that there is a process to go through. I'm not going to go through all the details. But, you know, I'm trying to help you understand the overall process, probably more than I should, actually. Somebody's going to shoot me in the foot if I say too much more, so I'll stop there.

Mr. Schell (5976 Redfield Drive): I'm concerned about two things in the environmental impact. We've had a neighborhood discussion with our building inspector about the retention pond at the top of the hill that has, on torrential downpours, zero runoff. We were told that the water is supposed to come from Route 96 into that, and then down to the lower retention at the bottom.

Mr. Hemminger: That's is an existing environmental problem. Let staff know about that, and you guys have looked at it?

Mr. Schell: We currently, in the lower one, we had to hire—or we have to hire—a re-engineering firm to re-evaluate whether the land developer did it properly because there is so much water in basements on both sides of Redfield Drive that the underground runoff is not satisfactorily dealing with the runoff. So where is the runoff from the solar farm? Is it going to go into the lower retention pond before it gets evacuated out?

Ms. Lukasik: No, we're not connecting to any of those retention areas that are in the neighborhood. We're completely separate from those.

Mr. Schell: I have inspected probably about 25 solar sites of 25 megawatts or larger, and every one that I have been on all have runoff.

Mr. Hemminger: This is a very small project.

Mr. Schell: 1.2 megawatts is not that small, and up to 25 megawatts. They all have runoff.

Mr. Hemminger: They all handle it onsite.

Mr. Schell: They usually come in and just scrape the ground so they get the topography that they want for the drainage, and then they start putting the pedestals in. So, we'll have a fence line that visually goes behind the Phase 2 portion of Redfield Drive. Most of the solar projects that I've seen—the towns have made them put the little diagonal green striping in the chain link fences and then line them with pine trees, so that they look pleasingly to someone, but there's an upper half of that, that is going to be bare to the eye.

Ms. Lukasik: Can I just add one, to help with that. We are not proposing any grading within the arrays. It's only for the road. There's no grading in the site. It will stay as is—the topography where the arrays are.

Ms. Spitzer (5999 Redfield Drive): I have a couple quick questions. You talk about the environmental record. I'm naïve. What is that, actually?

Mr. Hemminger: It's a process we have to go through, fill out a bunch of forms, answer a bunch of questions, address certain areas. State of New York has created a very—almost said complex, but I shouldn't say it that way—a very intense process for review of projects to make sure that all the issues that might affect a neighborhood are addressed from an environmental standpoint. It's called State Environmental Quality Review process. It's a process we go through, so we answer a bunch of questions, we go through a bunch of process, and make sure we've addressed everything. And anything that comes up that might be of an environmental sensitivity, we have to provide work-arounds for that. It's a process. It's a New York State process.

Ms. Spitzer: Thank you for the clarification.

Mr. Hemminger: No problem.

Ms. Spitzer: A couple times people objected to the road. You said they owned that property. Is this a triangular piece of property?

Mr. Hemminger: It's kind of like a flag lot.

Ms. Lukasik reviewed the property boundaries on the drawing on the video screen. She pointed out and described the property owned by the applicant and the property owned by others. There was a brief discussion.

Mr. Hemminger: It's a very thin piece of property.

Ms. Spitzer: I guess I go back to describing it as flag-shaped.

Mr. Hemminger: Yes, it's a flag lot.

Ms. Spitzer: It's very narrow at the bottom but clearly it opens up on the top.

Mr. Hemminger: Yes, that's why the road is moved over. As it gets up there, it gets moved over.

Mr. Ruffolo: As soon as we can turn, we turn onto our property.

Ms. Spitzer: That's what I'm seeing now.

Mr. Ruffolo: Unfortunately, there's only this strip—60 feet wide—it's the only access to the site on the southern part of it.

Ms. Spitzer: My last one: Are any electromagnetic fields created by this for those of us with pacemakers.

Mr. Ruffolo: The transformers and inverters will have, but there are very few components and they will be far enough away from [?]. As we mentioned, most of the electronic equipment is up in this corner [reference to the drawing] of the property.

Mr. Piccola (6026 Redfield Drive): You said this road has been in your *Comprehensive Plan* for 20 or 30 years.

Mr. Hemminger: Yes.

Mr. Piccola: Is this the original layout in your *Comprehensive Plan* for this road.

Mr. Hemminger: I'm pretty sure. If not, it may have gone further to the east maybe, but it has to connect up to the existing Commercial Drive. It has to start down here, so there may be have been a straighter line, but nothing that would bring it . . .

Mr. Piccola: But it would take it away from the residents if it went back to what you have stated.

Mr. Hemminger: No, it has to go there because that what we decided . . . it's on that one person's property, and then down.

[Unidentified] We're those one people.

Mr. Piccola: We're the building on the end.

Mr. Hemminger: I'm talking about the fact that . . . we never actually finalized the design, and it just was there.

Mr. Piccola: But you then have the final "say" of where this road for this developer goes.

Mr. Hemminger: Yeah, but they can't put it on somebody else's property.

Mr. Piccola: Would it be their responsibility to get an easement from the people who own the other property?

Mr. Hemminger: I don't believe so. Not at all.

Mr. Piccola: But it's your choice to allow the road to go where their putting it.

Mr. Hemminger: The Planning Board cannot deal with anybody else's property, other than the person that comes before us. Period.

Mr. Piccola: I understand that. But that you have the right to say if they can put the road where they're putting it.

Mr. Hemminger: Well, yeah, given their property, yes, we have to do that, yes.

Mr. Piccola: So, if you said they can't make that connection at this time, which road was never totally completed 30 years ago, when Commercial Drive was originally put in your *Comprehensive Plan*, they could enter their property from Collett and still dead-end it until that road was finished—correct?

Mr. Hemminger: The answer is I don't know. We'll take your comments under advisement, but it's not something that we have *ever* done before.

Mr. Piccola: There's always a first time.

Mr. Hemminger: I understand. I understand. We'll take your comments under advisement.

Ms. Whitford (5970 Redfield Drive): I don't know a whole lot about solar, but I did Google a lot of things . . .

Mr. Hemminger: Google.

Ms. Whitford: Yes, good old Google, and I asked—the question was—how close to a residential area is it safe to have a solar farm? And it came up with different things, but the least one was 528 feet and the other ones were between ½ and 1½ miles from a residential area. So I'm not sure why this would even be a consideration so close to a residential area.

Mr. Hemminger: Well, we certainly need more than just that comment. If you've got any data that would support that, you could certainly pass it to staff. We [would] certainly include that and look at as part of our environmental record.

Ms. Whitford: Is this something that you should have looked at already?

Mr. Hemminger: We just got the project. We're just in the process of looking at the environmental record. I mean, we have just received this project. This is the first presentation of this project. It certainly [is] part of it. We certainly have staff looking at and reviewing it. We certainly are going to look at everything we can, but if you—the residents—have data, facts, figures, for us that can help us in this process, you can either give it to us or we can try to find it. So, it's kind of up to you.

Mr. Brabant: I think it's important—it was mentioned earlier, so—as part of this environmental review process, what it is, is this application that is before the Planning Board, is the first meeting really that this board has had on this application . . .

Mr. Hemminger: The very first.

Mr. Brabant: And so what they're doing now for the environmental review is they're forwarding out this application and all the components to all these agencies that Ron Brand mentioned earlier to get their input on whether or not they feel—those agencies that govern those types of critical environmental areas like wetlands, roadways, environmentally endangered species—those type of things—we're forwarding out to all those agencies to get their input. That input then comes back to this board, and also they're soliciting comments from staff—all of our reviews of this application and all of the environmental reports and application reports the applicants provide, like the glare study, like a noise analysis, a Stormwater Pollution Prevention Plan, that tells us about the stormwater runoff from the site—all of these components are being reviewed now by all of the departments, all of these agencies. And then all of that information comes back to this board prior to them making a decision on the environmental.

Mr. Brabant: Today and probably at future meetings, the goal is to get additional input from the community on some of the things that you guys—being that you live there—have issues with, with it. The goal of that is to retain that information and utilize the reports that we receive to determine whether or not information you provided has been mitigated by the plan that is before us, or if there is an impact on the reports that we received, that has to be mitigated or requires a plan change. If there isn't anything that shows that a plan change needs to occur, then we move on to the next step. If there's changes that have to be

addressed, then the board will identify those—we call them impacts—and those impacts will have to be mitigated by the applicant. It's a very long process. This is Step One, but right now we're all kind of, for the first time, getting our feet wet with this application. I just wanted to point that out.

Ms. Dunford (6007 Redfield Drive): I just have a few thoughts. Some of them are environmental, one of which is, I find it strange to overlay a 30-year-old plan on an environment that has drastically changed. The creation of developments like Redfield Drive and the property taxes that are being generated by the reassessments on these townhouses are what is theoretically funding this road, which we can debate whether it's a thoroughfare that's a value to anyone else except the residents in that commercial area. So, I just want you to consider that "environment" is not just land, sky, earth water. It's the community of people who are being affected. I hope that that's not being taken off the table.

Mr. Hemminger: It's part of the process, and by the way, this road will be built by the applicant, and not by the taxpayers.

Ms. Dunford: A second question: Would this project be permitted if they were not willing to build that connection piece.

Mr. Hemminger: Well, I guess we won't know, since they said they were going to do it. I don't know.

Ms. Dunford: I would be interested, personally, if the engineering company could generate more to the community information on how many megawatts are being generated, what the tax status of this development is, how many tax abatements they're getting from the State or from the Town—just information like that which I think is interesting for us to consume.

Ms. Dunford: Also Cornell [University] is putting in a 10-acre solar field right by the airport which is completely deforested, you know, no residential areas around it. It's generating 320—enough energy to power 320 homes for a year. This struck me as a lot. But I was also wondering if the Town is getting any kind of electricity or commitment.

Mr. Hemminger: It's a private development.

Mr. Clark (6025 Redfield Drive): Do you own this property right now?

Mr. Ruffolo: No.

Mr. Clark: Okay. They're planning on doing something on property which they do not even own yet. I like the point that she made, Ed, that this 20- or 30-year road that's there—at the time, was that zoned residential for the current Redfield Drive residents, because . . .

Mr. Hemminger: I don't know the answer, but probably so, yes.

[Unidentified] The answer is no.

Mr. Clark: I doubt that it would be zoned that way for residential on top of that road. Now, you approved the residential neighborhood but 30 years ago, when that road was there, I don't think it was approved to have residential there.

Mr. Hemminger: Was that Incentive Zoning?

Mr. Brand: Originally that area was zoned Restricted Business on one side and Light Industrial on the other, and over the years they tried to develop it with different proposals. At one point, there was even going to be that an indoor gun-shooting range.

Clerk's Note: The Redfield Drive property was rezoned by the Town Board to Incentive Zoning on February 24, 2015:

Town Board Resolution #103-2015:

Resolution adopting Local Law #5 of 2015 directing the amendment of the Town Official Zoning Map affecting tax accounts #29.11-3-5.100, consisting of a total of 16.5 acres of land from RB Restricted Business and LI Limited Industrial to IZ Incentive Zoning; #29.00-2-3.800, consisting of a total of 5.6 acres of land from R-1-10 Residential Single Family to IZ Incentive Zoning; and #29.11-3-1.00, consisting of a total of 0.89 acres of land from GB General Business to IZ Incentive Zoning; and establishing the Incentive Zoning District site amenities and incentives controlling the development of this Redfield Grove Incentive Zoning Project.

Carried.

Mr. Hemminger: So it went to Incentive Zoning. So the Town Board made the decision that that would go residential.

Mr. Brand: A portion of it.

Mr. Hemminger: A portion of it. The rest of it stayed as it was.

Mr. Brand: Commercial.

Mr. Hemminger: And the road was part of the part they left as Commercial.

Mr. Clark: Your Code Enforcement Officer over here—he made reference to these filters and I would like to get information from him and the knowledge he has about those filters.

Mr. Hemminger: Okay, you can certainly reach out to him . . .

Mr. Clark: Is that a requirement that's set out by the Code Enforcement or was that something that Pride Mark offered?

Mr. Delpriore: No, every new house has one of those.

Mr. Hemminger: State requirement.

Mr. Clark: Are they all the same units?

Mr. Delpriore: Similar units. They all do the same . . .

Mr. Clark: I would like to have data on that, please, on the similar units that do the same thing.

Mr. Delpriore: Sure you can request that . . .

Mr. Clark: Because those units do not do what [?] they are made to do.

Mr. Hemminger: Okay, we're getting down to . . .

Mr. Clark: I make a request to have him provide, if he could . . .

Mr. Hemminger: You can reach out to the Building Department any time and he will work with you on that.

Ms. McConnell (6012 Redfield Drive): Seeing that the property isn't purchased by you yet, you don't own the property, and still doing a lot of investigating, or whatever, what is the time plan, your time plan, for when you feel that you would be able to have this working and available, and doing what you purchased the property for? I mean, is this like five years from now?

Mr. Ruffolo: Our intention is to purchase the property shortly. We have been working on this with staff and that there is a separate process designed with the utility. The utility has a very long process. So before we even got to this stage, we had to apply and get approval from the utility that they can take the power from this site and safely integrate into their grid. So, we have that approval. There's a payment process in there, 25 percent, and actually this week making the 25 percent deposit of the cost to the utility to connect this project. So that's been done. The land purchase is in the next week. The project, depending upon how long we go through the [?] process, as I mentioned early on, the project would be a 2025 build, so probably next summer, and it would not take more than four months to build this project, so it probably would be in operation until the end of next year.

Ms. Karpinski (6008 Redfield Drive): I guess my concern are property values, and, you know, I don't think any of us moved into this neighborhood thinking that—especially the people that are up where this road is going to come in—that, you know, there was going to be this big giant commercial road put in. I just question why you would ever have approved

to have a residential area knowing that this was the potential for what you were going to do with this road and this property. I mean, I'm sure that you all own homes, and this is our property, this is our investment, these are not cheap townhouses, okay, these are expensive homes. And I feel really bad for the people that are going to be living near this road because what buffer are they going to get? Are you going to put in fences there so that there's some, you know, noise reduction, so they don't have to look at a road? I mean, seriously, I'm just saying for the people that live in this community. I mean, you have to put yourself in our shoes right now because these are our homes. We want to be able to have the value that we put into these homes. So, I just want you to be thinking about that. I hear that, you know, you had this road planned for 30 years and all this stuff, but you approved for us—for this development—to be put in.

Mr. Hemminger: The Town did that.

Ms. Karpinski: You had to have known that this was maybe coming down the pike and I just hope that you would just think about us as residents and what you're going to do to make it so that we have the value of our homes.

Mr. Hemminger: We certainly will keep that mind. The Town Board is the one who did the Incentive Zoning. We deal with it after that happens.

John Grady (6018 Redfield Drive): Just one thing that I forgot to mention regarding the environmental record. The part the southern section of the road which is very close—adjoins the property line. The proposal that shows on the plot plan shows that the road will be approximately eight feet higher than the existing ground throughout that area, which means if you are standing in my backyard, you are looking at the side of a highway embankment, which is going to be above your head. If you are stand in my bedroom and look at it, you would still be looking into the side of a highway embankment. This road design is not a good solution.

Mr. Raymond (6010 Redfield Drive): Ed, do you hear what's going on here? There's 40 people here or more, and none of us want this road in this position, or even close to our houses.

Mr. Hemminger: I do. I certainly do.

Mr. Raymond: Do you? It seems though we're all bringing up these problems that we have, and bringing them up to you, and what they are hearing back from you is put us off, go out and get some information and bring it into the Town, I go this, I go that, or that it was always planned that way, or that it is fine that it is straight up to the backyard of the house. It's fine if there are trucks, you know, going in and out, and everything. It isn't fine. There isn't anybody in here, and I hope that you all agree with me, this is not fine.

(Audience applause)

Mr. Hemminger: I certainly understand you, and I understand where you're coming from. And it certainly isn't my first rodeo here. I've been doing planning and zoning for some 20-some-odd years. On the other hand, our responsibility is pretty simple, by law, we take the project as it's presented and try to make it the best project possible. I don't have the ability, unless there's an environmental issue, that says there's an environmental issue that can't be mitigated to just say, "we're not going to do the project." Okay? This is zoned, available for this. This is the way the Town has made decisions to set things up. So we have to do the best job we can with what we have.

Mr. Hemminger: We're going to look at the road. Certainly, that's a big issue. We'll talk to the Town Board. They did the issue with the Incentive Zoning and see where they were coming from on the whole project. We'll look at some different pieces of this. I'm not saying—this is the very first time we've had a meeting on this. This is the first time we've heard from the applicant—the first time you've heard from the applicant. So, this is not a done deal. If I came off—I'm trying to help you understand the reality of the situation as opposed to—and that's why we have an environmental review and we have the whole process. I'm trying to help you understand some of the reality of the situation. That is zoned for this kind of thing in that position. That road has been set up to be there forever. I'm just saying that doesn't mean that it has to stay that way. It doesn't mean we can't change things, but this is the beginning of the process. Okay?

Mr. Schell (5976 Redfield Drive): Thank you, Ed, for listening to everybody here.

Mr. Hemminger: Thank you.

Mr. Schell: With the general complaint all about the same thing—What's the process for us to take this to the [Town] Board so that they will hear us and then maybe come back and bend your ear?

Mr. Hemminger: Well, first off, the Town Board doesn't bend our ear. We are independent of the Town Board. We are appointed to do our job as a Planning Board. The Town Board, by law, is not supposed to interfere with the Planning Board. Now, that being said, your development [Redfield Grove] was an Incentive Zoning project. The Town Board approved that, not us. We then took what they approved and made it the best we could and you have a very, very nice area over there, which is right across the street from me, by the way. I live over there on King Hill, across the street. So I know that area very well.

Mr. Hemminger: But if you want to talk to the Town Board, all you got to do is show up at a meeting or better yet, get a meeting, sit down, talk to the supervisor. Tell him what your concerns are with that road, yadda, yadda, yadda. I don't know what they can and can't do. That's not my area of responsibility. I'm not trying to shove it off. But that, we have our role here. They have their role there. And really, the two don't really connect. It sounds kind of funny that the Town Board can't and doesn't tell us what to do. They don't, they can't, by law.

Mr. Hemminger: You know what I always try to do, and maybe I shouldn't do it, and I tell you that the Supervisor probably tells that I shouldn't do it as much as I do, part of, I think my job is to try and help educate you on the process—educate you, the citizens, who don't do this stuff every day like we do, haven't done it for 25 years like I've done it, try to help you understand the process a little bit. And if it sounds a little cold, if it sounds a little rigid, it's government. It's the way things end up being as we do things. It doesn't mean we can't adjust and adapt, and do other things, but I try to help you understand the process. And if you don't like the process, I'm sorry, we didn't establish the process. It's established by the State of New York and the laws of the State of New York and that's what we're stuck with. It doesn't mean we don't care. It doesn't mean we don't sympathize with you. It doesn't mean we don't care about the value of your property. It doesn't mean we don't do any of that. At the same time we care about the developer, what they're doing and how they're doing it, and the other types of things. So, I hope you don't leave here angry at us, but hopefully you leave here with an understanding of the process and know that there will be many more meetings like this where we will discuss different things. And we will attempt to do the best we can.

Ms. deForet: I'm sorry sir, I wanted to ask you a clarifying question. You said that you all just started this. This gentleman said multiple times, and he stopped himself from saying how long he is doing this, and as soon as that sign went up by the pond I called and I met with Dan Delpriore, okay. And I looked at a map that had not just been written that day. So, I'm a little offended.

Mr. Hemminger: The staff has been looking at it. The Planning Board just received it. The staff has been looking at it, working with the applicant. I know numerous meetings. But, we, as the Planning Board, is what I meant. This is *our* first time seeing this and hearing this. I apologize if I didn't made that clear.

Ms. deForet: Okay, I just want to reiterate what other people have said. This is my only house. I worked my whole life to be able to live in this house. I don't know what I am going to do with the road being built closer to my backdoor than the road in the front, and people giving me smoke and mirrors that the fumes aren't coming into my house. I am feeling like . . . I just don't even know how to explain to you how angry I am with the way you keep saying, "We'll take that under advisement." I don't feel like you're understanding.

Mr. Hemminger: That's the process we're in. We're in the environmental review. That's what we do. We take your feedback. We get it on the record and we go through the process. What do you want me to say, right now? I have no process to go through except the State-mandated process. I understand how you feel, but I can't turn around and violate the laws of the State of New York because you feel the way you feel. I have to follow the law. I mean, I know it's cruel, but it is the process that we have to go through. I can't just turn around and go, "no, I looked at it, I don't like it. Cancel it." It doesn't work that way.

Ms. deForet: I still don't understand why you're even listening to us because what you say to me is that it doesn't matter what we say. [Another person speaking.] You're coming

across like it doesn't matter what we say, and then you're telling me I need to bring data. Dude, do you want me to [unintelligible]. I'm a chemist. I can collect data. Trust me.

Mr. Hemminger: I'm sorry. We still have to go through a process.

Mr. Cammarata (6009 Redfield Drive): Thank God, I'm on the other side of these town-homes that you're going to build this road by. The one thing that keeps going through my mind—this whole board seems to be infatuated with the idea that these people are going to pony up the money. That's the two ends of Commercial Drive.

[Brief applause]

Mr. Cammarata: This board seems to be—that's the greatest thing. Let's just shove this road through there. And it's going to be commercial vehicles, big heavy vehicles coming up and down this road, for what? So they can get from one end of Collett to 96? Is that worth all of this?

Mr. Hemminger: Appreciate your feedback and all we can do is put it on the record and consider it when we do the environmental record.

[Unidentified] Is there any thought to not doing that? To not putting that . . .

Mr. Hemminger: We have to go through the environmental review process.

[Several people speaking briefly at once.]

Mr. Costanza (6022 Redfield Drive): You were asking "what can I say?" Well, what you can say is, and what would give us a bit more confidence, is that even though this [road] was planned 30 years ago, needs of the community change in 30 years. What was there 30 years ago probably were vacant lots, and that was fine at that time. But you've got to consider that the needs of this community are changed. As they've said up here, we've got our investment here. Our investment is going to be zero with a road that's eight feet higher than we are, than our own homes. If something tips off that road, it's going to be right in our house.

Mr. Hemminger: I appreciate the . . . and again, we're going to look at everything.

Ms. Cammarata (6009 Redfield Drive): Why are they purchasing this property if this has not been approved?

Mr. Hemminger: It's their choice. It's a commercial venture.

Ms Cammarata: But why would I buy a property . . . I mean, they must be in this process.

Mr. Hemminger: It is what it is. They can decide what they purchase and when they purchase it.

Mr. Hemminger asked three times if anyone on the remote video conference wished to speak for or against this project. There were no requests to speak from anyone on the remote video conference.

Mr. Hemminger said that the board has four resolutions for consideration this evening for the continuation of the Public Hearings until May 15, 2024.

Mr. Hemminger then asked board members if they had comments.

Mr. Sweeney asked about the decommissioning of the site and if there is a procedure for restoring the land, especially that a portion of the property is now wooded. Mr. Ruffolo said that their general plan is to remove the equipment and reseed the property to return the land as a field.

Mr. Sweeney also asked about the revised surety for emergency decommissioning if the site is abandoned prior to the end of its functional life. Mr. Ruffolo said that a bond or a similar financial instrument would be put in place for the benefit of the Town if the company abandons the site.

Mr. Hemminger said that the solar company will create a bond if this company is not able to restore the property. He said that the Town will review the bond every five years to assure that the dollar amount remains adequate for the Town to perform the recovery.

Mr. Sweeney said that oils are not listed in the Table of Waste in the Decommissioning Plan. Mr. Ruffolo said that oils, if any would be contained within the transformer. He said that no oils or other liquids would be stored on the site, other than any in the transformer. Mr. Ruffolo also said that the Operations and Maintenance Plan includes procedures for emergency response. He said that his company will work with the appropriate department regarding the skills for handling emergencies.

Mr. Hemminger said that the Town has been through this on the larger solar project [on Yellow Mills Road] and that the Town has some good experience on the decommissioning plans if we get to that point. He said that the environmental review will cover everything that we need. He also highly encouraged everyone to review the environmental review documents when they come out. He said that feedback is important.

[Unidentified] A resident asked about the planting of grass and if the plan is to remove all the woods. Mr. Ruffolo said that there will be a buffer of woods which would remain, and that where the solar arrays will be located will be restored to grass. He said that the maximum height of the solar arrays is 9 to 10 feet high from the ground. Mr. Ruffolo said that the front end of the solar panels would be about three feet off the ground.

Ms. Grady (6018 Redfield Drive) asked why did the company agree to build the road. Mr. Brand said that the road connection has been part of the Town's ongoing *Comprehensive Plan*. Mr. Hemminger said that the company decided to develop this land and that part of the development of this site is the construction of the road connection. The resident asked

if the Town will have the road after the decommissioning of the site or regardless of the success [of the project] or not. Mr. Hemminger said that this correct.

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 resolutions be waived and that the resolutions be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE
PROPOSED SPECIAL USE PERMIT FOR THE PROPOSED EAST PORTION
OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0406-24

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

ACTION: Adjournment and Continuation of the Public Hearing on the application for a Special Use Permit to allow for the construction and operation of solar arrays, a transformer area and a stand-alone battery energy storage system 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. This parcel is to be known as the western portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the American Lumber property which fronts along the south side of Collett Road and extends south to the north property line for Tax Map Account #29.00-1-84.113.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight opened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and declared the Planning Board's intent to be designated the Lead Agency at their scheduled meeting on Wednesday, May 15, 2024; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made

upon this Action under a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, IT RESOLVED that the Planning Board does hereby adjourn this public hearing tonight and moves to continue it at the scheduled May 15, 2024, public meeting.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant's Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Zoning Enforcement Officer.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE
PROPOSED SPECIAL USE PERMIT FOR THE PROPOSED WEST PORTION
OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0407-24

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

ACTION: Adjournment and Continuation of the Public Hearing on the application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account #29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north property line for New Energy Works and the western properties of Tax Map Account #'s 29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight opened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and declared the Planning Board's intent to be designated the Lead Agency at their scheduled meeting on Wednesday, May 15, 2024; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action under a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this public hearing tonight and moves to continue it at the scheduled May 15, 2024, public meeting.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant's Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Zoning Enforcement Officer.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE
PROPOSED PRELIMINARY SITE PLAN FOR THE PROPOSED EAST PORTION
OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0408-24

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

ACTION: Adjournment and Continuation of the Public Hearing on the application for 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.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight opened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and

declared the Planning Board’s intent to be designated the Lead Agency at their scheduled meeting on Wednesday, May 15, 2024; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of Article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action under a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this Public Hearing tonight and moves to continue it at the scheduled May 15, 2024, public meeting.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Zoning Enforcement Officer.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE
PROPOSED PRELIMINARY SITE PLAN FOR THE PROPOSED WEST PORTION
OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0409-24

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

ACTION: Adjournment and Continuation of the Public Hearing on the application for 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.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight opened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and

declared the Planning Board’s intent to be designated the Lead Agency at their scheduled meeting on Wednesday, May 15, 2024; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of Article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action under a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this Public Hearing tonight and moves to continue it at the scheduled May 15, 2024, public meeting.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Zoning Enforcement Officer.

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

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

Motion carried.

(The meeting was in recess from 8:54 p.m. to 9:00 p.m.)

8. OTHER BOARD ACTIONS

A. 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 land in Victor, N.Y., on the south side of County Road 41 adjacent to the Victor/Farmington town line.

Mr. Hemminger continued the discussion of this application which began at the Planning Board meeting on April 3, 2024.

(See Planning Board Minutes, April 3, 2024, for a summary of this application.)

Mr. Hemminger reviewed the text of a draft response letter which the Town staff had provided to the board prior to the meeting. There were no objections from the board for Mr. Hemminger to sign the letter and send it to the Victor Town Clerk, with copies to others, as follows:

April 17, 2024

Karen C. Bodine, Town Clerk
Town of Victor
85 East Main Street
Victor, New York 14564

Re: Reply to the March 26, 2024, notification to the Farmington Town Clerk, made in accordance with the provisions of Section 239-nn of the New York State General Municipal Law (GML), regarding the Norbut Solar Farm, LLC pending applications.

Dear Ms. Bodine:

The Town Planning Board, at their public meeting tonight, discussed the above referenced pending applications for a special use permit and preliminary site plan approval. In the spirit of the above referenced Section of the GML, the Planning Board requests the following considerations be given to these applications:

1. Findings and decisions made consider that adjacent land in the Town of Farmington continues to be used for equestrian operations, including the outdoor pasturing of horses. Any decision made on these applications should be based upon their not having significant adverse effects upon this land use, the animals, or the operators; and
2. Requiring a mitigation measure that creates a visual barrier between the proposed solar farm site and the equestrian operations (E.K. Equestrian, LLC). Such barrier should include a berm with trees planted along the entire length of the solar farm property adjacent to the Blumont Stables property; and
3. Site lighting associated with the proposed solar farm should be restricted to that property and not trespass onto the Blumont Stables property; and
4. Should there be on-site storage units for the solar electricity being generated, then the units should be located away from the property line between Blumont Stables and the Norbut Solar Farm to mitigate any air pollution should one of these units catch fire; and

- 5. These considerations be made part of any public hearing records held on these pending applications.

Ronald Brand, the Town of Farmington’s Director of Planning and Development spoke with the owner of E.K. Equestrian, LLC, on Tuesday, April 9, 2024, and learned that she had not been made aware of these applications. Therefore, I am copying her in our response.

On behalf of the Farmington Planning Board, I extend appreciation to you for giving notice to our Town Clerk and to the Town of Victor Planning Board for considering our concerns regarding the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

Sincerely,

Edward Hemminger, Chairperson
Town of Farmington Planning Board

- c: Farmington Town Clerk
Farmington Town Board
Farmington Town Planning Board and Clerk
Farmington Director of Planning & Development
Victor Town Board
Victor Town Planning Board and Clerk
Keith Maynard, Project Manager, Town of Victor
Elizabeth Kirby, E.K. Equestrian, LLC, 6300 County Road 41,
Farmington, N.Y. 14425

B. Determination of adequate application for Site Plan Amendment for Mattie’s Motor Sports, 6226 State Route 96:

PB #0502-24

Name: Graham Marcus, 196 Ellis Hill Road, Arkport, N.Y. 14807

Location: Mattie’s Motor Sports, 6226 State Route 96,
Farmington, N.Y. 14425

Request: Making a determination that the information submitted to date for this application is incomplete for scheduling a Public Meeting for Final Site Plan Amendment; classifying the Action as being a Type II under the State Environmental Quality Review Act (SEQRA); and determining that the Action, when accepted as being complete by this Board,

will then be subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-1 and -m of the New York State General Municipal Law before scheduling this matter on a future Planning Board Meeting Agenda.

On December 5, 2018, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application (Unlisted Action) and the Preliminary Site Plan with conditions (PB #1101-18).

On February 20, 2019, the Planning Board approved the Final Site Plan with conditions for this application (PB #0207-19). The applicant is requesting a Site Plan Amendment to extend the outdoor display area for the display of new and used inventory.

Mr. Marcus of Mattie's Motor Sports presented this application via remote video conference.

He said that at the time of the applications for the Preliminary and Final Site Plans in 2018 and 2019, they did not adequately mark off all the areas on their property for the display of their products. Mr. Marcus said that the Town Code Enforcement Officer requested that they submit an Amended Site Plan application to address this.

He said that following the submission of the Amended Site Plan drawings, they were not told that they needed to fill out a Short Environmental Assessment Form (SEAF). Mr. Marcus said that he subsequently spoke with Mr. Brand and others and that he will turn this in.

Mr. Marcus said that his site engineer also needed to add a few more components to the drawing and that he would be happy to discuss the drawings as already submitted at the meeting this evening.

Mr. Hemminger said that the other issue is that the lot is not currently in compliance with the originally approved site plan. He said that some displays and other equipment are not located in the areas which were delineated on the site plan and that he understands that this is because the business has grown due to its success. Mr. Hemminger reviewed the draft Amended Site Plan resolution that will be considered by the board this evening and requested that Mr. Marcus arrange a meeting with the Town staff to provide a detailed description of what amendments are being requested and shown on the Final Site Plan drawing to enable the Planning Board to make a determination on the Amended Site Plan at the meeting on May 15, 2024.

Mr. Delpriore discussed the original site plan. He said that the fence around the back has not been completed and instead this portion of the property is being used

as a tractor trailer storage area. He also said that the Town staff is concerned about outdoor storage, landscaping and blocking of fire access to the site.

Mr. Hemminger said that this project is one of the most commented by members of the Planning Board as being in noncompliance with its site plan and that he [Mr. Hemminger] knows that this is because of the success of the business. He requested that Mr. Marcus sit down with the Town staff and see what we can do to fix this problem. Mr. Hemminger said that we want you [Mr. Marcus] to be highly successful in the Town within the rules that he originally asked for and the that the Planning Board had approved. Mr. Marcus said that he agreed.

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

■ A motion was made by MR. SWEENEY, 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 #0502-24

**APPLICANT: Maddie’s Motor Sports, 6226 State Route 96,
Farmington, N.Y. 14425; c/o Graham Marcus 196 Ellis
Hill Road, Arkport, N.Y. 14807**

ACTION: Making a determination that the information submitted to date for this application is incomplete for scheduling a Public Meeting for Final Site Plan Amendment; classifying the Action as being a Type II under the State Environmental Quality Review Act (SEQRA); and determining that the Action, when accepted as being complete by this Board, will then be subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-l and -m of the New York State General Municipal Law before scheduling this matter on a future Planning Board Meeting Agenda.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight received an application for the purpose of accepting it as being complete for public review, classifying the Action under the State’s Environmental Quality Review Act (SEQRA) and giving notice that when a complete application has been determined then a referral will be sent to the Ontario County Planning Board; and

WHEREAS the Planning Board’s review tonight included a draft Final Site Plan drawing prepared by Venezia Professional Land Surveying and a copy of the 2019 Final Site Plan drawing, dated 3/18/2019, prepared by Erin Venezia Joyce, P.E.; 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 Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines the application, as submitted, to be incomplete and not acceptable for scheduling a public meeting.

BE IT FURTHER RESOLVED that the Applicant and his Professional Land Surveyor are to meet with the Town Director of Planning and Development and the Town Code Enforcement Officer to discuss what additional information is to be provided as part of a revised application that will in turn allow the Planning Board to make a determination of complete.

BE IT FURTHER RESOLVED that the Planning Board determines that in order to classify the proposed Action under SEQR, the Applicant is to complete and submit a Short Environmental Assessment Form (SEAF) for this proposed Action.

BE IT FURTHER RESOLVED that the Planning Board requires a Final Site Plan Amendment drawing to be submitted that identifies the existing conditions on the site as shown on the above referenced Final Site Plan drawing and those conditions that will result once any amendments thereto are approved. There is also to be a note added to the amended drawing that identifies this drawing as amending the approved Final Site Plan drawing referenced above.

BE IT FURTHER RESOLVED that the Planning Board requests a letter of intent from the Applicant setting forth a detailed description of what amendments are being requested and shown on the Final Site Plan drawing.

BE IT FURTHER RESOLVED that the Planning Board directs the Applicant to schedule the above requested meeting with Town Staff and then submit the amended drawing and additional information to the Town Development Office, c/o Town Code Enforcement Officer within the next 30 days to allow the Board’s review and determination at their May 15, 2024, meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby give notice that once the Action is determined to be complete, then a referral will be made to the Ontario County Planning Board under the provisions of the New York State General Municipal Law, Sections 239-l and -m, and that no action hereon shall be made until such time as the County’s referral has been acted upon and received.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Land Surveyor, 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
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

C. Determination of adequate application for Potter Two-Lot Subdivision, County Road 8 and County Road 41:

PB #0501-24

Name: Debora K. Potter, 1426 County Road 8, Shortsville, N.Y. 14548

Location: West side of County Road 8 and north side of County Road 41.

Request: Acceptance of application as being complete and scheduling of Public Hearing for a Preliminary Two-Lot Subdivision Plat, Lots #1 and #2, located along the west side of County Road 8 and the north side of County Road 41, a non-buildable Lot #1 and Lot #2 having an existing single-family dwelling and related site improvements. Classifying the Action under the State Environmental Quality Review Act (SEQRA), determining Action to be exempt from referral to the Ontario County Planning Board for review under the provisions of Sections 239-1 and -n of the New York State General Municipal Law and scheduling the Public Hearing for the above-described Action.

Ms. Potter presented this application.

She said that she would like to subdivide a 2.6-acre parcel to create Lot #1 of approximately one acre as a gift for her oldest daughter for the future construction of a new home and Lot #2 having an existing single-family home.

Mr. Brand said that this application is good to go.

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 #0501-24

APPLICANT: **Debora K. Potter, 1426 County Road 8,
Shortsville, N.Y. 14548**

ACTIONS: **Acceptance of application as being complete and scheduling of Public Hearing for a Preliminary Two-Lot Subdivision Plat, Lots #1 and #2, located along the west side of County Road 8 and the north side of County Road 41, a non-buildable Lot #1 and Lot #2 having an existing single-family dwelling and related site improvements. Classifying the Action under the State Environmental Quality Review Act (SEQRA), determining Action to be exempt from referral to the Ontario County Planning Board for review under the provisions of Sections 239-l and -n of the New York State General Municipal Law and scheduling the Public Hearing for the above-described Action.**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received application for and has reviewed the above referenced Action, for the purpose of accepting and scheduling a Public Hearing, and classifying the Action under the State’s Environmental Quality Review Act (SEQRA); and

WHEREAS the Planning Board’s review included a drawing prepared by Freeland-Parrinello, Land Surveyors; 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 application to be acceptable for scheduling a public hearing thereon and directs Town Staff to publish the legal notice for the Public Hearing to be conducted on Wednesday, May 1, 2024, starting at 7:00 p.m., prevailing time.

BE IT FURTHER RESOLVED that the Planning Board does hereby classify this Action as being a Type II Action listed under 6NYCRR Part 617.5 (34) of the SEQR Regulations. Therefore, no further review is required.

BE IT FURTHER RESOLVED that the Planning Board does hereby determine that the Action is classified as an Exempt Action under the By-Laws for the Ontario County Planning Board and, therefore, is not subject to a referral to said Board under the provisions of the New York State General Municipal Law, Sections 239-1 and -n.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Land Surveyor, 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
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

D. Determination of adequate application for DeHollander Design Preliminary Five-Lot Re-Subdivision, east side of County Road 8 and north side of Holtz:

PB #0503-24

Name: DeHollander Design, Inc., c/o Scott DeHollander, P.E.
7346 Dryer Road, Victor, N.Y. 14564

Location: East side of County Road 8 and north side of Holtz Road

Request: Acceptance of application as being complete and scheduling of Public Hearing for a Preliminary Five-Lot Re-Subdivision Plat, Lots #1 thru #5, located along the east side of County Road 8 and the north side of Holtz Road, as buildable Lots. Classifying the Action under the State Environmental Quality Review Act (SEQRA), declaring intent to be designated as the Lead Agency under SEQRA for making a determination of significance, determining Action subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-1 and -n of the New York State General Municipal Law and

scheduling the Public Hearing for the above-described Action.

Mr. Bellis recused himself from taking part in the discussion and action on this application due to a conflict of interest.

Neither the applicant or a representative were present at the meeting.

There were no comments or questions on the draft resolution which had been prepared by the Town staff for the board’s consideration 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**

PB #0503-24 Preliminary Five-Lot Re-Subdivision

**APPLICANT: DeHollander Design, Inc. c/o Scott DeHollander, P.E.
7346 Dryer Road, Victor, N.Y. 14564**

ACTIONS: Acceptance of application as being complete and scheduling of Public Hearing for a Preliminary Five-Lot Re-Subdivision Plat, Lots #1 thru #5, located along the east side of County Road 8 and the north side of Holtz Road, as buildable Lots. Classifying the Action under the State Environmental Quality Review Act (SEQRA), declaring intent to be designated as the Lead Agency under SEQRA for making a determination of significance, determining Action subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-1 and -n of the New York State General Municipal Law and scheduling the Public Hearing for the above-described Action.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received an application for and has reviewed the above referenced Action, for the purpose of accepting and scheduling a Public Hearing, and classifying the Action under the State’s Environmental Quality Review Act (SEQRA); and

WHEREAS the Planning Board’s review included a Preliminary Site and Utility Plan drawing prepared by Scott DeHollander, P.E., DeHollander Design, Inc., and Part 1 of the Full Environmental Assessment Form (FEAF); 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 application to be acceptable for scheduling a public hearing thereon and directs Town Staff to publish the legal notice for the public hearing to be conducted on Wednesday, June 5, 2024, starting at 7:00 p.m., prevailing time.

BE IT FURTHER RESOLVED that the Planning Board does hereby classify this Action as being a Type 1 Action under 6NYCRR Parts 617.4 and 617.5 of the SEQR Regulations, involving more than one agency and, therefore, subject to a coordinated review.

BE IT FURTHER RESOLVED that the Planning Board directs the Applicant to submit electronic documents to the Town Director of Planning and Development to commence the 30 day coordinated review, to commence on Thursday, April 18, 2024, and end at noon on Friday, May 17, 2024, with the following identified Involved Agencies: the New York State Department of Health; the New York State Department of Environmental Conservation; the Ontario County Department of Public Works; the Town of Farmington Highway Superintendent; the Town of Farmington Water and Sewer Superintendent; and the Town Code Enforcement Officer.

BE IT FURTHER RESOLVED that the Planning Board does hereby declare its intent to be designated the Lead Agency under SEQRA at its meeting on Wednesday, June 5, 2024.

BE IT FURTHER RESOLVED that the Planning Board does hereby determine that the Action is subject to a referral to the Ontario County Planning Board under the provisions of the New York State General Municipal Law, Sections 239-1 and -n.

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

Motion carried.

Mr. Bellis then rejoined the Planning Board.

E. Letter of Credit Release: Hathaway’s Corners, Phase 2B Apartments:

■ 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
PARTIAL LETTER OF CREDIT RELEASE #2
HATHAWAY’S CORNERS PHASE 2B APARTMENT PROJECT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated April 12, 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, along with the completed Town Surety Release Forms G-1.1, dated April 10, 2024, and G-2.0 dated April 12, 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 \$150,885.73.

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 23, 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	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Aye
Douglas Viets	Aye

Motion carried.

F. Letter of Credit Release: WNY Commercial Flex Space Project:

■ 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
PARTIAL LETTER OF CREDIT RELEASE #1
WESTERN NEW YORK COMMERCIAL FLEX SPACE PROJECT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated April 16, 2024, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve the partial release of funds (Release No. 1) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit release letter, the Engineer’s Estimate of Values, dated April 12, 2024, along with the completed Town Surety Release Forms G-1.1, dated April 12, 2024, and G-2.0 dated April 15, 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 #1) from the established Letter of Credit in the total amount of \$53,209.01.

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 23, 2024, meeting.

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

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

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

Motion carried.

G. Letter of Credit Establishment: Farmbook Subdivision Phases 7A and 7B:

■ 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
 FARBROOK SUBDIVISION PHASES 7A AND 7B
 LETTER OF CREDIT ESTABLISHMENT**

PB #0301-24

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated April 16, 2024, from Ronald Brand, Director of Planning and Development, to recommend to the Town Board acceptance of a Letter of Credit for approved site improvements located on property within Phases 7A and 7B of the Farmbrook Subdivision Tract; and

WHEREAS, the recommendation is based upon a letter, dated April 16, 2024, from Lance S. Brabant, CPESC, Director of Planning & Environmental Services, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for site improvements for the above referenced project; and

WHEREAS, said request has also been reviewed and accepted by the Town Construction Inspector; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Applicant’s Engineer’s Estimate of Value attachment thereto and Appendix G-1.0 Letter of Credit/Surety—Established, as completed to date; 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 and the recommendations from the Town Director of Planning and Development, the Town Construction Inspector and the Town Engineers, 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 \$1,507,443.96.

BE IT FINALLY RESOLVED that a certified copy of this resolution be provided to: Farmington Town Clerk; Farmington Town Supervisor; Farmington Town Highway and Parks Superintendent; Farmington Water and Sewer Acting Superintendent; Farmington Town Construction Inspector; Farmington Town Code Enforcement Officer; Farmington Town Director of Planning and Development; the Applicant’s Engineer; and the Applicant.

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

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

Motion carried.

9. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand said that the Town Board awarded the contract for construction of Phase 1 of the Transportation Alternatives Program (TAP)—Sidewalks, Trail Connections and Bike Lanes Project. Bids for this project were opened on February 14, 2024. On June 21, 2022, the Commissioner of the New York State Department of Transportation 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 a Pre-Construction Meeting will be held with the contractor next week.

Code Enforcement Officer:

Mr. Delpriore said that application documents and materials are being uploaded to the Planning Board shared drive. He said that a two-factor sign-in protocol is required.

Highway Superintendent:

Mr. Ford said that the snow plows are being removed from the Highway Department trucks until the next winter season.

10. PUBLIC COMMENTS

None.

11. 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

■ 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>

12. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 9:11 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, May 1, 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 Town Hall front doors were locked.

Respectfully submitted,

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