

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, August 7, 2019, 7:00 p.m.

MINUTES—APPROVED

The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Planning Board adopted Rules of Procedure. The audio recording is retained for 12 months.

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Shauncy Maloy
Mary Neale
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
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent

Applicants Present:
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#415, Rochester, N.Y. 14610
Kevin Comstra, 411 Titus Avenue, Rochester, N.Y. 14617
John and Erin Lord-Astles, 4949 Fox Road, Palmyra, N.Y. 14522
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
129 S. Union Street, Spencerport, N.Y. 14559
Terence Robinson, Esq., Boylan Code LLP, 28 South Main Street, Canandaigua, N.Y. 14424
Mufuta Tshimanga, P.E., Bergmann Associates, 280 East Broad Street, Suite 200,
Rochester, N.Y. 14604

Residents Present:
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
James R. Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522
Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Jim and Ann Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522

Frances Kabat, Esq., The Zoghlin Group PLLC, 300 State Street, Suite 502,
Rochester, N.Y. 14614

Jim Redmond for 4500 Fox Road, 175 Burnham Heights, Palmyra, N.Y. 14522

Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. Hemminger explained the emergency evacuation procedures. He asked everyone to please sign in and requested that cell phones and other devices be set on silent mode.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 6, 2019.

2. APPROVAL OF MINUTES OF JULY 17, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the July 17, 2019, meeting be approved.

Motion carried by voice vote.

3a. PUBLIC HEARING: CONTINUED PRELIMINARY FOUR-LOT SUBDIVISION

PB #1003-18 Continued Preliminary Four-Lot Subdivision Application

Name: Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Subdivision Plat approval for a four-lot subdivision of land, Tax Account #010.00-01-37.110, which contains approximately 136.4 acres of land

3b. CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

Name: Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval for erect a 7-megawatt Photovoltaic (PV) Solar System comprised of 21,000 solar panels utilizing approximately 35 acres of land to be located upon three subdivided lots from Tax Map #010.00-01-37.100.

3c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1006-18 Continued Special Use Permit

Name: Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Special Use Permit to operate a 7-megawatt Photovoltaic (PV) System on approximately 35 acres of land proposed to be located upon three subdivided lots from Tax Map #010.00-01-37.110.

These applications were reviewed by the Project Review Committee on August 3, 2018; and September 7, 2018.

The Zoning Board of Appeals (ZBA) opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; May 20, 2019; June 24, 2019; and July 22, 2019. The ZBA Public Hearings have been continued to Monday, August 26, 2019.

The Area Variance applications before the ZBA for relief from the Town Code-required interior lot setbacks are as follows:

ZB #0902-18 Setback of 20 feet along the south property line of proposed Lot #2 (the Town Code requires a minimum rear setback of 160 feet)

ZB #0903-18 Setback of 20 feet along the north property line of proposed Lot #3 (the Town Code requires a minimum rear setback of 160 feet)

ZB #0904-18 Setback of 20 feet along the north property line of proposed Lot #3 (the Town Code requires a minimum front setback of 180 feet)

ZB #0905-18 Setback of 20 feet along the north property line of proposed Lot #4 (the Town Code requires a minimum front setback of 180 feet)

The ZBA classified this project as a Type I Action under the State Environmental Quality Review (SEQR) Regulations and established the 30-day SEQR public review and comment period from September 28, 2018, to October 29, 2018.

On October 3, 2018, the Planning Board declared its intent to be designated Lead Agency under SEQR for making the determination of significance upon these applications.

The SEQR Involved and Interested Agencies that were identified by the Planning Board and that participated in the 30-day public review and comment period are:

Involved Agency: New York State Energy Research and Development Authority

Involved Agency: New York State Department of Environmental Conservation

Involved Agency: U.S. Army Corps of Engineers

Involved Agency: New York State Office of Parks, Recreation and Historic Preservation

Involved Agency: Town of Farmington Planning Board

Involved Agency: Town of Farmington Zoning Board of Appeals

Involved Agency: Town of Farmington Highway and Parks Department

Interested Agency: Ontario County Agricultural Enhancement Board

Interested Agency: New York State Department of Agriculture and Markets

Interested Agency: Town of Farmington Agricultural Advisory Committee

Interested Agency: Town of Farmington Conservation Advisory Board

Interested Agency: Town of Farmington Town Clerk

Interested Agency: Town of Farmington Historian

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision), PB #1006-18 (Special Use Permit) and PB #1004-18 (Preliminary Site Plan). The Public Hearings were reconvened on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; and were continued to tonight's public meeting (August 7, 2019).

Mr. Hemminger reconvened the Public Hearings on the above referenced applications.

These applications were presented by Daniel Compitello (Solar Project Developer, Delaware River Solar); and Mufuta Tshimanga, P.E., of Bergmann Associates. David Matt (Project Engineer, Schultz Associates Engineers and Land Surveyors PC); and Terence Robinson, Esq. (Boylan Code) also attended.

Mr. Compitello distributed hard copies of an engineering review letter from Bergmann Associates of Rochester, N.Y. (signed by Robert Switala, P.E., CPESC, CPSWQ, Principal; Stephen DeMeo, P.G., Senior Professional Geologist; and David Plante, AICP, CEP, Practice Leader, Energy+Environment) in response to the engineering review letter submitted on August 1, 2019, by Rod Prosser, P.E., President, Lakeside Engineering PC of

Rochester, N.Y., regarding the Delaware River Solar project (*see* Delaware River Solar Correspondence #122 and #124).

Mr. Compitello said that some of the comments in the Lakeside Engineering letter already have been addressed in the Delaware River Solar application and in materials that previously have been submitted to the Planning Board.

Mr. Hemminger requested that Mr. Compitello and Mr. Tshimanga provide a brief summary of the comments in the Bergmann Associates engineering letter.

Mr. Tshimanga said that a group of experts in their fields (a geologist, a professional engineer and a planner) reviewed the comments in the Lakeside Engineering letter and addressed each of them based upon their professional expertise. He said that the two major areas of review were the stormwater aspect of the project and the geotechnical report.

Mr. Tshimanga said that the stormwater concerns were addressed regarding increases in rates and the impact that the project would have on water quality. He said that the group went into as much detail as they determined to be necessary regarding the geotechnical comments, as well.

Mr. Hemminger asked if the stormwater details would be addressed by the standard stormwater procedures that the board uses in any preliminary and final site plan application. Mr. Tshimanga said that this is correct.

Mr. Hemminger asked if the Bergmann Associates group—based upon their experience—determined if the geotechnical study was an adequate study to address the concerns of the Planning Board regarding groundwater and the bedrock. Mr. Tshimanga said yes.

Mr. Brand said that the Planning Board this evening will consider the acceptance of Parts 2 and 3 of the State Environmental Quality Review (SEQR) Full Environmental Assessment Form, the SEQR Determination of Significance, and the environmental declaration on the applications. He said that if the board acts upon these resolutions, he would then recommend that the Planning Board Public Hearings on the Subdivision, Special Use Permit and Site Plan applications be continued to a future meeting to allow time for the Zoning Board of Appeals (ZBA) to act upon the four Area Variance applications. Mr. Brand said that the Subdivision, Special Use Permit and Site Plan applications would then return to the Planning Board following the decisions on the Area Variances by the ZBA.

Mr. Delpriore said that all communications received to date regarding these applications have been posted on the Town website and that hard copies of each item are also available for review in the Building Department.

Mr. Brand said that the letter that Mr. Compitello presented this evening from Bergmann Associates will be posted tomorrow (August 8, 2019).

Mr. Brabant said that MRB Group (the Town consulting engineering firm) was requested by the Planning Board to review the geotechnical report that was received on July 11, 2019, from Foundation Design P.C. of Rochester, N.Y. (*see* Correspondence #113). Mr. Brabant said that MRB Group provided an engineering comment letter to the Planning Board on July 29, 2019 (*see* Correspondence #118) that reported that MRB Group found the geotechnical report to be complete and accurate based upon the information requested by the board.

He said that MRB Group further supports the 11 specific recommendations as outlined on Page 5 of the geotechnical report. He requested that these recommendations be conditions of any approval of the project to be granted by the Planning Board.

Mr. Brabant said that the applicant will be required to comply with both the New York State Department of Environmental Conservation (DEC) stormwater requirements and the Town's Municipal Separate Storm Sewer System (MS4) regulations. Applicants must comply with these requirements when land disturbance will exceed one acre. Mr. Brabant said that this project will be no different than other project in that the applicant must comply with the State and the Town water quality and quantity measures as related to stormwater.

Mr. Hemminger asked about environmental monitoring during and following construction. Mr. Brabant said that the DEC general permit will govern the project during construction. He said that the applicant will be obligated to adhere to DEC requirements and the additional Town MS4 regulations. He said that the applicant also must meet and adhere to regular Stormwater Pollution Prevention Plan (SWPPP) inspections, environmental monitoring, onsite inspection visits, and erosion control measures.

Mr. Hemminger then asked if anyone in attendance wished to comment or ask questions on this application.

Ms. Kabat (attorney for a group of residents and landowners) delivered the following statement into the record of the meeting:

I appreciate having the opportunity to appear in front of the Planning Board to provide input regarding this project. I am an attorney with the Zoghlin Group. We represent a group of residents concerned about the impacts of solar development in the Town of Farmington. As the Planning Board prepares to reach its decision regarding the project's environmental significance, we would like to raise a few additional points for the Planning Board's consideration.

It appears that the developer has just submitted a response to the letter from Lakeside Engineering that my office submitted last week. We have not had a chance to review this letter, and it is unclear if all of the members of the Planning Board have had a chance to review this letter.

We ask that the Planning Board continue this meeting and not make a decision tonight to give us a chance to review the developer's letter.

The developer's letter apparently addresses impacts on water resources and stormwater. We haven't had a chance to review this letter and it's not clear that all of the members of the Planning Board have had a chance to review this letter. The developer has not submitted any reports regarding the project's impact on the project site's hydrology.

Because the operative word triggering the requirement of an EIS is "may," there is a relatively low threshold for issuance of a Pos Dec and preparation of an EIS.

Because the project site disturbs more than one acre it requires a SWPPP approved by NYSDEC. However, the fact that the Project requires a SWPPP does not obviate the need for additional study regarding potential impacts to surface and groundwater. Rather, it should be indicative of the potential for a moderate to large impact on surface water during construction. A SWPPP does not address potential stormwater pollution post-construction.

No documentation has been provided as to how the proposed solar arrays will adversely impact existing wildlife habitats on site. The fact that the project site is primarily used as pastureland is irrelevant and this response fails to account for the plants and animals which live and use the site. The project may cause potentially significant adverse impacts to plants and animals.

New York State Department of Agriculture and Markets approved mitigation measures for the Project. These mitigation measures indicate that the project may have significant adverse impacts on Class 1–4 soils. It must be emphasized that NYSDAM's determination is not dispositive for the purpose of the Planning Board's SEQRA review. NYSDAM reviews projects to avoid or minimize impacts to agricultural land. The Department of Agriculture is an interested agency for the purpose of SEQRA review; it does not have the authority to determine whether the project may result in potentially significant environmental impacts.

—Frances M. Kabat, Esq.
The Zoghlin Group, PLLC, Rochester, N.Y. 14614

Mr. Foley (373 Ellsworth Road) delivered the following statement into the record of the meeting:

Mr. Chairman, I appreciate the opportunity to speak again tonight, and as I was thinking of what I might want to talk about, I guess I'm reminded of the fact of how many times over the course of a 45-year law career I stood

in front of a jury and made a closing argument. And I can't help but think that this will be pretty close to that.

There were two things that I always told a jury before we started. You have tremendous power because you are going to make a decision that will change people's lives. I followed that with the other part of it—because of the nature of your power, you have tremendous responsibility.

I'll get back to that in a moment. I want to talk a little bit about history and this is many years ago, when I was supervisor [of the Town of Farmington] in the early '90s. There were a couple of issues that were pretty clear to all of us who sat on that Town Board. First, we were under tremendous pressure from developers and we were ill-equipped to deal with it. The last time that the Zoning Code had been reviewed or updated was in the '50s and suddenly we were a town that used to be 1,200 people and now we are approaching 11,000.

So we knew at that time that we had to stop what was going on and think about who we were and what we wanted to be. And Mary [referring to Ms. Neale]—you probably are the only one who might remember this, because you and Reg [Neale] helped so much—we sent questionnaires to everyone in the Town. We wanted to know what was important, because we had to face a couple of things. We had trouble with identity. We were split among multiple school districts, we had no village, we had nothing that we could relate to as to what it meant to be Farmington. Amazingly, the questionnaires came back and the people in the Town knew what made us Farmington. It was the farms. And that was what they told us to do. Keep them. Preserve the rural character. Preserve the farms. That's who we are.

And with the help of the Town Board—the primary force in that movement was Ted Fafinski, who ultimately became the supervisor—and we all worked together to try and understand where we were going and how we were going to get there. So we started on a Master Plan and the primary focus was do what the people told us to do—keep the farms and keep our rural character. And I'm happy that as I look over the years, that that theory went on. Ted picked it up. The Comprehensive Plan brought to bear the idea that we were going to preserve the farmland. And then we developed the Farmington farm protection plan, all of which understood how crucial it was to the definition of this Town, but more importantly to the definition of our future and what we would stand for.

And then, suddenly, I was awakened from my 20 years of sleep with the fact that somehow the current Town Board decided—for reasons to this day that I still don't understand—that they were going to amend the Code and allow for large-scale solar development in a farm area of Town. So we began to attend the Town Board meetings, and the best I heard as any

explanation, and it's about not this application—it was why did we do this?—and the best I heard was, “Well, people have the right to do what they need to do with their own land.”

Well, that's a good principle. But history and the law tell us that's not always true. I cannot build a chemical plant in my backyard because I think I might make money from it. Because I need to understand that I live in a community and my self interest is not the only thing that's important. It's the interest of the entire community.

So that was one—at least—one person said that. Two other members of the Town Board, when addressing this issue, their response was “Gee, we never expected anything of this scale to come forward.” Well I guess my gut reaction—but thankfully I bit my tongue—then why did you vote for it? And then we had this application, and you know the community is opposed to it. You can fix your mistake. The Town Board decided that they weren't and then it got sent it to you guys.

And now let's talk about that responsibility. And I want to narrow it down to just a few issues. I read that geotechnical report that Delaware River had completed, and after reading it, if I wasn't already concerned, I became intensely concerned. There's another part that really bothered me after I read it. Why is this being done at the end? Why wasn't it done at the beginning? So during these eight months that we've all been coming and talking and begging, we would have had a starting point. We would have been able to identify the problems immediately.

And then the next thing I began to understand was—when this board began to go down the list—is this a “mild, a serious, a significant, potential environmental impact”—you didn't have the geotechnical report, so you were already making judgements upon impact without having the most important piece of evidence. I don't know how that's done. I don't know how judgments can be made without the evidence. I spent my life in courtrooms. Everything we did was dictated by evidence. And the best evidence is what drove the case.

I want to focus in now a little bit on that geotechnical report. That geotechnical report provided by the applicant—their people—has identified potential environmental impacts, some of which are significant. And they identified those as “possible.” Quite frankly, game's over. That requires a Positive Declaration. Because it's their stuff, and they're telling you there's a problem. Our engineer—Lakeside—told us it's not just “possible,” it's “probable.”

But, now we move to the area that really boggles my mind. We identified serious potential environmental aspects of this program, and just as an

aside, when we talk about this is how we've always done it, we've never done this kind of thing before. This is a large-scale solar power plant that's going to involve at least 40 acres to say nothing of everything it does to the surrounding area. But let's just focus on the one thing. That geotechnical report tells us that something that I've always know, that anyone who lives in the area has always known—that that soil is great for farming but it's not great for a large-scale industrial complex.

They identify the fact that the soil is of such a nature that it's going to pose difficulty in drilling in to put in the platforms that they need to hold the solar panels, and they have a mitigation remedy for that—remove all the topsoil, fill it with crusher run gravel! Can we stop here for a moment? That's *not* a significant environmental issue and that we're going to issue a Negative Declaration when they tell us that that's the way we'll handle it?

Well, forget the Smiths statement that farming will go on just the way it always did. No it won't. Cattle don't eat crusher run gravel. And what this poses in the future, after 30 years, of this type of remediation—probably the only thing it will be suitable for in 30 years is a landfill.

I don't understand when the issue is our responsibility is to do the greatest amount of good for the greatest number of people. That someone, we decided that actually our responsibility is to assist a developer from New York City to make money on this Town with absolutely no benefit coming to the Town.

I can actually see cutting the corners a bit. We're going to build a hospital that's going to be beneficial to the entire community, OK, maybe we'll deal with mitigation and not do a full environmental study because that's going to benefit all of us. This will benefit the developer. The developer makes their money when they build it, and after they build it, they have no need to stick around here any more. Who are we going to call when we have the first series of panels that get blown in the wind, knocked over, cracked open? What happens, as they suggest in their geothermal [*sic*] report, that we have heaves because the soil isn't suitable to this. What do we do then? Wouldn't it be better to know now?

Do a Positive Declaration. Get the information that we need.

And I will make one other comment and I know you should never ever suggest what a judge thinks or what a judge might do. But if I were a judge, and I were now evaluating Article 78 issues and wondering whether this board fulfilled its obligation, and I see that there's a geothermal [*sic*] report done by the developer that says that will or could be potential problems, and this board has decided that we're not going to look into it, I know how I would rule.

So I ask you, please, the request here isn't to shut them down. The request here is to get the best information that we can, and it's the request for best information on something that we have never done before, and [that] will have a lasting impact on this Town. They can wait to make their money. We can't give up on what this Town provides and what this Town means. Thank you.

—James Foley, 373 Ellsworth Road

Mr. Falanga (395 Ellsworth Road) said that the traffic study that was done at the intersection of Yellow Mills Road and Fox Road by SRF Associates (*see* Correspondence #107, May 31, 2019) reported a crash rate of 10 times the crash rate of the Statewide average. He said that he had requested the crash rate data at the intersection for the Town of Farmington and for Ontario County. He said that the State data shows that it [the intersection] is 10 times more dangerous than the State average, but that we do not have data on the Town and the County. Mr. Hemminger said that he did not have this data. Mr. Falanga said that he had asked for this information and that his concerns were not met.

Mr. Falanga also said that the traffic study by SRF Associates did not provide rush-hour traffic data—morning or evening—during the project's construction period. He said that there was no data available on this, that he asked for this data to be updated, and that evidently his concerns were not granted on this, either.

He then read aloud a portion of the traffic study regarding additional warning measures i.e., “. . . If the number and/or severity of collisions increases, OCDPW [Ontario County Department of Public Works] may consider additional warning measures” (SRF Traffic Study, May 31, 2019, Page 3 of 4). He said that this indicates that the project may include the potential for at least one significant environmental impact. Mr. Falanga said that there have been fatalities at the intersection. He expressed concern that the proposed main access to the solar project site would be off Fox Road which has a speed limit of 55 miles per hour and that this access would be located at the crest of a hill. He said that the Yellow Mills project has its main access on Fox Road.

Mr. Falanga discussed the potential leaching of solar panels. He said that the developers relied on toxicity reports which state that the solar PV panels that may be installed—*may be installed*—at the site will meet EPA standards. He said that the installed panels are not fully totally safe from an environmental or a health standpoint. Mr. Falanga said he handed in an article two months ago regarding the metals that are released from solar panels and the solder ribbons under a wide range of environmental conditions. He said that it is not clear, from the tests that were provided, would determine the leaching behavior over a long-term plan.

Mr. Falanga discussed the decommissioning plan. He said that a friend tried to recycle some solar panels and that the recycling company told him that they no longer take solar panels because of the potentially leaching aspect.

Mr. Redmond (4500 Fox Road) said that he got very disturbed after reading the engineering report. He said that he owns 22 acres of wetland a few hundred feet down grade from this site. He said that he wants to tell [you] right now that he has been checking the water quality every 30 days, and that if this process goes on, he will be checking it every 30 days, and that when—or if—he finds a problem there will be a lawsuit, period.

Mr. Hemminger then asked if there were any further comments or questions from those in attendance this evening. There were no further comments or questions on these applications from the public this evening.

Mr. Hemminger asked Mr. Brabant about the the MRB Group review of the geotechnical report. Mr. Brabant said that the geotechnical report provided recommendations on the procedures to be followed on site, similar to procedures to which are adhered on any project.

Mr. Brabant said that he wanted to dispute one item that had been discussed earlier this evening regarding the removal of topsoil. He said that he reviewed the application to double check and that the areas discussed about the removal of topsoil are areas that will be hard surfaces being put down such as the foundation for the transformer pad and the roadway. He said that this is typical—that gravel would always be put down for the hard surfaces. Mr. Brabant said that the area underneath the solar panels would remain grass and soil base. Mr. Hemminger said that he was also reaching into his mind to determine where that comment [the removal of topsoil] came from. He said that basically the only hard surfaces would be the pad and the roadway.

Mr. Hemminger discussed the traffic study. He said that he expects that there will be some additional traffic during construction but little traffic after that. Mr. Brabant said that the plans indicate that two to four vehicles per month would be on the site for maintenance. He said that typically an additional analysis of traffic is not done unless the expected increase in traffic reaches an estimated 100 vehicles. He said that there will be construction vehicles entering and leaving the site, but that this will be temporary.

Mr. Hemminger asked Mr. Giroux about any additional signage or measures planned for the Fox Road/Yellow Mills Road intersection. Mr. Giroux said that no additional measure are planned at this time.

Mr. Maloy and Mr. Bellis said that their comments and questions have been addressed.

Mr. Viets said that the applicant has addressed what the board has asked for in the SEQR process. He said that obviously there are issues down the road to be addressed, but that he has no further issues with the SEQR process.

Ms. Neale said that she has no further comments or questions.

Mr. Hemminger said that this has been the SEQR process to review the environmental record and what the board believes are medium to large issues, and if there are mitigating

factors that can be addressed to handle those. He said that the board requested the geotechnical study to address the two issues of groundwater and bedrock. He said that those were the two questions in the SEQR review that the board felt that it could not answer without the geotechnical study. Mr. Hemminger said that stormwater and other issues are part of the normal process of the detailed review of site plans.

Mr. Brand said that draft resolutions have been prepared for board consideration this evening for acceptance of the Full Environmental Assessment Form Part 2 and Part 3, and for the SEQR determination of significance.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC
ACCEPTANCE OF A COMPLETE PART 2, FULL ENVIRONMENTAL ASSESSMENT FORM**

Actions:

- ZB #0902-18 Area Variance Application (SEQR Determination)**
- ZB #0903-18 Area Variance Application (SEQR Determination)**
- ZB #0904-18 Area Variance Application (SEQR Determination)**
- ZB #0905-18 Area Variance Application (SEQR Determination)**
- PB #1003-18 Preliminary Subdivision Plat Application**
- PB #1004-18 Preliminary Site Plan Application**
- PB #1006-18 Special Use Permit Application**

APPLICANT: **Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road**

ACTIONS: **Preliminary Subdivision Plat, Preliminary Site Plan, Special Use Permit and Area Variance applications for the development of a 7-megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road**

WHEREAS, the Planning Board has reopened the continued Public Hearings at tonight’s meeting upon the Actions identified above herein; and

WHEREAS, the Planning Board is the designated Lead Agency, under the State Environmental Quality Review (SEQR) Regulations, for making a determination of significance upon said Actions; and

WHEREAS, the Planning Board, at its May 15, 2019, meeting, made a determination that based upon the public abstract prepared by John M. Robortella, Clerk of the Board, dated May 15, 2019, that all information previously provided was determined to be complete; and

WHEREAS, the Planning Board, at its May 15, 2019, meeting, completed the Full Environmental Assessment Form (EAF) Part 2 and determined a number of Small and Moderate to Large Impacts likely to result from the proposed Actions; and

WHEREAS, the Planning Board requested the Applicant to submit written mitigation measures for these categories to be provided to the Town by noon on Thursday, May 30, 2019, so the Planning Board could determine if said narrative adequately identifies mitigation of these likely impacts, which upon acceptance, would then allow the Board to complete the Part 2 of the Full EAF; and

WHEREAS, the Planning Board determined at the June 5, 2019, meeting that information requested was missing the Geotechnical Evaluation Report of the site's soils and ground water conditions, thereby taking action to continue its deliberations on the Part 2 of the Full EAF to the July 17, 2019, meeting; and

WHEREAS, the Planning Board, at its July 17, 2019, meeting following deliberations upon the environmental record took further action to continue its deliberations upon Part 2 of the Full EAF to its August 7, 2019, meeting to permit the Board adequate time to conduct a thorough review of Part 2 of the Full EAF including the Geotechnical Report, to determine if said report is complete and if the Part 2 of the Full EAF could be determined to be complete, thereby allowing the Planning Board Chairperson to prepare the Part 3 of the Full EAF, to review the criteria set forth in Part 617 of the New York State Environmental Conservation Law and to make its determination upon the significance of the anticipated impacts likely to occur as the result of these Actions; and

WHEREAS, the Planning Board has received from the Town Engineers, MRB Group, D.P.C., in a letter from Lance S. Brabant, CPESC, Director of Planning and Environmental Services, dated July 29, 2019, a recommendation of their finding that the Geotechnical Evaluation to be complete.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the Part 2 of the Full EAF along with the supplemental information provided, including the Geotechnical Evaluation dated July 9, 2019, by Foundation Design, P.C., a summary provided by Delaware River Solar dated July 11, 2019, and an opinion letter from RBI Solar, dated July 11, 2019, to be complete information.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct that the Part 2 of the Full EAF to be complete.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct that Part 3 of the Full EAF be reviewed and acted upon by the Board.

BE IT FURTHER RESOLVED that the Planning Board, upon the adoption of said resolution, does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the applicant, the Involved and Interested Agencies and to the Town Clerk.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Attorney to the Town; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

■ A motion was made MR. BELLIS, seconded MS. NEALE, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 DELAWARE RIVER SOLAR LLC
 ACCEPTANCE OF A COMPLETE PART 3, FULL ENVIRONMENTAL ASSESSMENT FORM**

Actions:

ZB #0902-18	Area Variance Application (SEQR Determination)
ZB #0903-18	Area Variance Application (SEQR Determination)
ZB #0904-18	Area Variance Application (SEQR Determination)
ZB #0905-18	Area Variance Application (SEQR Determination)
PB #1003-18	Preliminary Subdivision Plat Application
PB #1004-18	Preliminary Site Plan Application
PB #1006-18	Special Use Permit Application

APPLICANT: Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road

ACTIONS: Preliminary Subdivision Plat, Preliminary Site Plan, Special Use Permit and Area Variance applications for the development of a 7-megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road

WHEREAS, the Planning Board has reopened the continued Public Hearings at tonight’s meeting upon the Actions identified above herein; and

WHEREAS, the Planning Board is the designated Lead Agency, under the State Environmental Quality Review (SEQR) Regulations, for making a determination of significance upon said Actions; and

WHEREAS, the Planning Board has completed and accepted Part 2 of the Full EAF at its August 7, 2019, meeting; and

WHEREAS, the Planning Board has received and reviewed the Full Environmental Assessment Form (EAF) Part 3, dated August 7, 2019, prepared by the Planning Board Chairperson, which is hereby made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the Part 3 Full EAF to be complete information.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct that the Part 3 of the Full EAF be acted upon by the Board, signed by the Planning Board Chairperson and filed.

BE IT FURTHER RESOLVED that the Planning Board, upon the adoption of said resolution, does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the applicant, the Involved and Interested Agencies and to the Town Clerk.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Attorney to the Town; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

■ A motion was made MR. VIETS, seconded by MR. MALOY, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then read aloud the impacts that may be reasonably expected to result from the proposed Action from the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC**

SEQR DETERMINATION OF SIGNIFICANCE

Actions:

- ZB #0902-18** **Area Variance Application (SEQR Determination)**
- ZB #0903-18** **Area Variance Application (SEQR Determination)**
- ZB #0904-18** **Area Variance Application (SEQR Determination)**
- ZB #0905-18** **Area Variance Application (SEQR Determination)**
- PB #1003-18** **Preliminary Subdivision Plat Application**
- PB #1004-18** **Preliminary Site Plan Application**
- PB #1006-18** **Special Use Permit Application**

APPLICANT: **Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road**

ACTIONS: **SEQR Determination of Significance: Preliminary Subdivision Plat, Preliminary Site Plan, Special Use Permit and Area Variance applications for the development of a 7-megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has been established as the designated lead agency, in accordance with the procedures established under Part 617 described above herein, to make a determination of significance upon the above referenced Actions; and

WHEREAS, the Planning Board has conducted a number of Public Hearings upon said Actions giving consideration to the comments provided; and

WHEREAS, the Planning Board has reviewed Part 1 of the Full Environmental Assessment Form; and has completed and accepted Parts 2 and 3 of the Full Environmental Assessment Forms that were prepared upon the above referenced Actions; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Short Environmental Assessment Form, along with supporting documentation and maps submitted with this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonably concluded the following impacts may be reasonably 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; and

the Planning Board, based upon its review of the public abstract and documents established for these Actions finds: that the Geo-Technical Study prepared and reviewed publicly reasonably addresses identified concerns about the potential impacts upon the environment related to ground or surface water quality and quantity, and that appropriate mitigation measures have been identified.

- (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 that cannot be mitigated; and

the Planning Board finds: that the Applicant (Delaware River Solar) is aware of and is committed to the least practical disturbance of large quantities of vegetation from the site or those quantities being destroyed by requiring the construction of drilled anchors to support the solar arrays, the maintaining of vast amounts of ground cover on the site, and minimal disturbance of related site improvements associated with the proposed Project.

- (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 site is consistent with the Town's Comprehensive Plan land use recommendations; and

the Planning Board finds that the Lot Coverage for the solar arrays upon the proposed lots is consistent with the regulations contained in Chapter 165, Section 65.3 of the Town Code for the siting of large-scale ground-mounted solar PV systems within the A-80 Agricultural District; and

the Planning Board also finds that the proposed Action complies with the provisions in Chapter 165, Section 65.3. F. [3] of the Town Code for the siting of large-scale ground-mounted solar PV systems to be located upon farmland located within the delineated Town of Farmington Active Farmland Map, Number 8, page 92 of the adopted Town of Farmington Farmland Protection Plan and that based upon the documented soils classifications maps that have been accepted by both the Ontario County Soil and Water Conservation District and the Town Assessor such PV systems shall be allowed on soil groups 1 through 4, and, therefore are determined to be consistent with the Town's Comprehensive Plan (hereinafter referred to as the Plan) land use recommendations [page 3-23 d. 1] for allowing

non-farming agribusiness in agricultural zones that avoid negative impacts on traffic, farming, soils and housing. In this instance the Planning Board further finds the proposed Action does meet the Plan's objective in that solar arrays are deemed to be similar to opportunities for on-site wind energy systems used in the reduction of energy consumption from the utility's grid. Finally, the Planning Board finds that the proposed Action helps to sustain the agricultural viability of the site's farming operations, as has been documented by the land owners, while preserving to the extent practical the preservation of the site's agricultural land resources that are intended to be returned to continued farming operations upon the decommissioning of the large scale ground-mounted solar PV system.

- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Letter dated August 29, 2018;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action;

the Planning Board finds that the proposed Action is intended to create energy for the utility grid instead of using energy from the grid and, therefore, will have a positive effect upon this element of the environment.

- (vii) there will not be any hazard created to human health;

the Planning Board finds that the Applicant has provided documentation that identifies the composition of the solar panels to be used in the proposed Action which meets industry standards and, therefore, does not have concentration levels of hazardous materials which if damaged would create any hazard to human health either on the site or in the neighborhood; and

the Planning Board also finds that the Town Code requires that an environmental manager be retained by the Applicant for the construction of the solar arrays and the on-going monitoring of the solar operations that include documenting site conditions including the identification of any potentially hazard to human health that may occur.

- (viii) there will not be a change in the use of current active agricultural land;

the Planning Board finds that there will be a reduction in the use of current active agricultural land associated with the site's farming operations, however, the land owner has identified that this reduction will be in land area only and that it does not change the current farming operations; and

the Planning Board further finds that the State Commissioner of Agriculture and Markets has completed his review provided for under the New York State Agriculture and Markets Law and in a letter dated April 12, 2019, determined that

the project would not have an unreasonably adverse effect on the continuing viability for farm enterprises with the agricultural district or State environmental plans, policies and objectives which is due, in part, to NYSERDA's commitment to the mitigation outlined in its letter dated April 9, 2019, provided that, if NYSERDA or the involved Project Companies determine the standards found in the Department's Guidelines for Agricultural Mitigation for Solar Energy Projects cannot be met, the Department will be contacted for acceptable alternatives. The Planning Board further finds that the standards referenced by the Department are those contained in Chapter 165 of the Town Code for regulation of large-scale ground-mounted PV solar arrays.

- (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;

the Planning Board finds that in the short term, during the construction of the large-scale ground-mounted solar PV system to be located upon farmland there will be additional persons on 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, however, the Board further finds that the presence of these additional persons will not create any significant adverse impact upon the site or the neighborhood; and

the Planning Board also finds that in the long term, during the operation of the large-scale ground-mounted solar PV system that 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;

the Planning Board finds that based upon the extensive documentation provided to the Town, as part of the environmental record for this Action, that no large scale material demands have been identified 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

the Planning Board finds that based upon the extensive documentation provided to the Town, as part of the environmental record for this Action, that no large scale material demands have been identified for other Actions that would result in one of the above consequences.

- (xii) there are not two or more related Actions which would have a significant impact on the environment.

the Planning Board finds that based upon their review of the extensive documentation provided to the Town, as part of the environmental record for this Action, that there are not two or more related Actions which would have a significant impact upon the environment.

BE IF FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that the Planning Board does hereby make a Determination of Non-Significance upon said Action and directs the Planning Board Chairperson to sign and date the Part 3 of the Full Environmental Assessment Form and the Negative Declaration Form.

BE IT FURTHER RESOLVED that a copy of this resolution and the Negative Declaration Form be provided to the Applicant, the Involved and Interested Agencies and the Town Clerk.

BE IT FURTHER RESOLVED that notice is given to the New York State Department of Environmental Conservation’s Environmental Notice Bulletin for publishing in accordance with State regulations.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Form, and this Determination on Non-Significance Resolution with the Applicant, the Town Clerk and the Project File in the Town Development Office.

■ A motion was made by MR. MALOY, seconded by MR. BELLIS, that the preceding resolution be approved.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger said that now that the Planning Board has completed the SEQR process for the Planning Board and the Zoning Board of Appeals (ZBA) applications, the ZBA is now in a position to consider the four Area Variance applications at its next meeting on Monday, August 26, 2019. He said that the Subdivision, Special Use Permit and Site Plan applications would return to the Planning Board following the decisions on the variance applications by the ZBA.

■ A motion was made by MR. BELLIS, seconded by MS. NEALE, that the following resolution be approved:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC
CONTINUATION OF PUBLIC HEARINGS**

Actions:

- PB #1003-18 Preliminary Subdivision Plat Application**
- PB #1004-18 Preliminary Site Plan Application**
- PB #1006-18 Special Use Permit Application**

APPLICANT: **Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road.**

ACTIONS: **Preliminary Subdivision Plat, Preliminary Site Plan and Special Use Permit applications for the development of a 7-megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road.**

WHEREAS, the Planning Board has reopened the continued Public Hearings at tonight’s meeting upon the Actions identified above herein; and

WHEREAS, the Planning Board is the designated Lead Agency, under the State Environmental Quality Review (SEQR) Regulations, for making a determination of significance upon said Actions; and

WHEREAS, the Planning Board at tonight’s meeting, made a determination of non-significance upon the environmental record on file with the Town for these Actions and directed the filing of the Negative Declaration thereon; and

WHEREAS, the Planning Board has received at tonight’s Public Hearings testimony and additional information relating to the proposed Actions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby continue the public hearings and its deliberations upon the three identified Actions to their September 4, 2019 meeting to enable the Town Zoning Board of Appeals time to continue their public hearings upon the pending four area variance requests (Files # ZB 0902-18, #ZB 0903-18, #ZB 0904-18 and #ZB 0905-18), which is scheduled for Monday, August 26, 2019 for the three proposed lots.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct the Applicant to attend the August 9, 2019, Project Review Committee meeting with Town

Staff, to review and address any and all concerns relating the preliminary drawings that have been submitted for these Applications.

BE IT FURTHER RESOLVED that the Planning Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the applicant, the Involved and Interested Agencies and to the Town Clerk.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide certified copies of this resolution to: the Town Zoning Board of Appeals Members and Clerk; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Attorney to the Town; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

4. NEW PRELIMINARY SITE PLAN

PB #0801-19 New Preliminary Site Plan Application

Name: Kevin Comstra, 411 Titus Avenue, Rochester, N.Y. 14617

Location: East side of Bowerman Road, north of Green Road and south of Barberry Lane

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval to erect a two-story single-family residence consisting of a total of 2,188 square feet upon Lot #2 of the Comstra Subdivision

Mr. Comstra presented this application.

He said that he and his brother purchased parcels of land in the Weigert subdivision about eight years ago and that he plans to construct a new single-family home on the east side of Bowerman Road.

Mr. Brand said that there are no major issues with this application. He requested that a note be added to the site plan that the proposed barn which is depicted on the drawing is not part of this site plan application and that a separate building permit will be required at the time of the construction of the proposed barn.

Mr. Delpriore said that he has no issues with the application.

Mr. Degear said that there are no sewer utilities in this portion of the Town and that he has no issues with the water service.

Mr. Bellis asked about the proposed barn. Mr. Comstra said that the notation of the proposed barn on the site plan is just a general comment. He said that he plans to construct a pole barn as an accessory structure following construction of the new house.

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

■ A motion was made MR. BELLIS, seconded by MR. VIETS, that the reading of the following State Environmental Quality Review (SEQR) be waived and that the resolution be approved as submitted by Town staff:

**TOWN OF FARMINGTON PLANNING BOARD
SEQR RESOLUTION—TYPE II ACTION**

PB #0801- 19

APPLICANT: Kevin Comstra, 411 Titus Avenue, Rochester, N.Y. 14617

ACTION: SEQR Classification for Preliminary Site Plan for a single-family dwelling to be located on the east side of Bowerman Road, north of Green Road and south of Barberry Lane Tax Map #8.00-1-70.3

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the Part 1 of the Short Environmental Assessment Form for the granting of Preliminary Site Plan Approval for a single family dwelling on the above referenced tax map owned by Kevin Comstra (hereinafter referred to as Action) that was prepared by Greene Land Surveying, LLC, on behalf of the applicant; and

WHEREAS, the Board has considered the criteria set forth in Section 617.5 (c) (9) and (11) of the State Environmental Quality Review (SEQR) Regulations; and,

WHEREAS, the proposed Action involves:

- (9) construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11)

and the installation, maintenance and upgrade of a drinking water supply and a septic system; and

- (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water connections to render service in approved subdivisions.

NOW, THEREFORE, BE IT RESOLVED THAT above Action is hereby classified as Type II Action not subject to further review under Part 617;

BE IT FINALLY RESOLVED THAT the Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

■ A motion was made MR. BELLIS, seconded by MS. NEALE, 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
PRELIMINARY SITE PLAN APPROVAL**

PB #0801- 19

APPLICANT: Kevin Comstra, 411 Titus Avenue, Rochester, N.Y. 14617

**ACTION: Preliminary Site Plan approval for a single-family dwelling to be located on the east side of Bowerman Road, north of Green Road and south of Barberry Lane
Tax Map #8.00-1-70.3**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has determined the proposed Action to be a Type II Action under the State Environmental Quality Review (SEQR) Regulations, thereby satisfying the procedural requirements under SEQR; and

WHEREAS, the Board has considered the public comments entered into the public record on this Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby grant Preliminary Site Plan Approval with the following conditions:

1. Preliminary Site Plan Approval is granted upon the drawing prepared by Greene Land Surveying, PLLC, identified as Job No. 19-2376, dated May 16, 2019 and entitled Preliminary Plan of Single Family Dwelling and Attached Garage Kevin R. Comstra” as further amended herein.
2. The notation on the drawing that reads . . . “Area = 217804 Sq. Ft., 5.00 Acres” is to be removed from the drawing.
3. The notation on the drawing that reads . . . “N/F Neil D. & Rebecca L. Comstra, Tax I.D. No. 8.07-1-16” is to be amended to identify the Tax I.D. No. for this portion of the drawing as being Tax I.D. No. 8.07-1-16.1 according to the County’s latest Real Property Tax Map.
4. There is to be a note added to the drawing that reads . . . “The proposed barn shown on the Site Plan Drawing is not a part of Site Plan Approval. At the time of proposed construction of this barn a separate Building Permit will be required to be issued for this structure.”
5. The title of the drawing is to be changed to read . . . “Preliminary Site Plan—Kevin R. Comstra.”
6. There is to be a revision box added to the drawing which identifies these changes having been made and the date of such revisions.

BE IT FURTHER RESOLVED that once these changes have been made to the drawing then a total of five (5) paper prints are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then the Town departments will sign the drawings. Three (3) signed drawings will be retained by the Town. Two (2) signed drawings will be returned to the Applicant. If additional copies of the signed Preliminary Site Plan are necessary, then the Applicant is to provide those additional copies at the time of submission for signatures. Once the drawings have been signed and returned, then the Applicant may submit Final Site Plan drawings for placement on a future Planning Board meeting.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval is valid for a period of 180 days from today and shall automatically expired unless signed drawings have been completed, or the Applicant requests in writing an extension to this time period.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to: Kevin R. Comstra; Michael G. Sponable, P.E., Greene Land Surveying, PLLC; the Town Code Enforcement Officer; the Town Highway Superintendent; the Town Water and Sewer Superintendent; the Town Development Office File; and the Town Engineer.

Mr. Hemminger asked Mr. Comstra if he received the draft resolution prior to this evening's meeting, and if he understood the resolution and if he agreed with the conditions. Mr. Comstra indicated that he received the draft resolution prior to this evening's meeting, and that he understood the resolution and agreed with the conditions.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

5. CONCEPT PLAN REVIEW

Name: Finger Lakes Wildlife Center Inc., c/o Erin and John Lord-Astles

Location: 4949 Fox Road, Palmyra, N.Y. 14522

Zoning District: A-80 Agricultural District

Request: Concept Plan Review for Finger Lakes Wildlife Center Inc., to function as an ecological visitor center for the Finger Lakes region through environmental education programs and exhibition of native New York State flora and fauna

Erin and John Lord-Astles presented this application.

They distributed hard copies of their business plan and provided the following information of the Finger Lakes Wildlife Center (FLWC) that is located on 20.1 acres of land at 4949 Fox Road:

The mission statement of the FLWC is to provide the public with educational opportunities about local wildlife and natural history through the exhibition of flora and fauna in naturalistic habitats; to promote wildlife conservation and stewardship of nature through unique experiences that connect people with the natural world; to provide better understanding of animal behavior and ecological value through observation and research; to support and contribute to the local economy through tourism by providing attractive facilities and unique experiences; and to operate for any purpose for which corporations may be organized under the not-for-profit corporation law as a charitable corporation.

FLWC is a 501 (c) (3) non-profit organization working toward building a wildlife center in Farmington, N.Y. The center is not currently open to the public but is working to update facilities, build large naturalistic enclosures for future animal ambassadors, devel-

op wetland walking trails, expand the Little Farm and transition to sustainable green energy use.

Mr. Lord-Astles and Ms. Lord-Astles reviewed their educational backgrounds and previous work experiences. The members of the center's board of directors are Ms. Lord-Astles, president; Mr. Lord-Astles, vice president and treasurer; and board members Grant Hummel, Robert Williams and Samantha Hauke.

The center's current goal is to construct a 32-foot x 40-foot x 8-foot pavilion-like enclosure for fox. Mr. and Ms. Lord-Astles described the proposed enclosure. They said that all animal enclosures will be constructed per United States Department of Agriculture (USDA) and New York State Department of Environmental Conservation (DEC) regulations.

They said that the goal is to complete the project well before spring of 2020 when animals are anticipated to arrive. By 2020, they hope to have completed two barnyard exhibits, one native species exhibit and a large portion of the wetland trails. The center is expected to be open on Saturdays, Sundays, Mondays and Wednesdays from 11:00 a.m. to 4:00 p.m.

Mr. and Ms. Lord-Astles presented their major areas of focus for the first one to three years, as follows:

Facilities and property improvements:

- Wetland management and trail building
- Pond clean up
- Invasive flora management
- Grounds and landscaping

Visitor amenities:

- Entrance gate, signage, informational kiosks
- Admissions/classroom
- Parking area and portable restrooms
- Picnic area
- Garbage and recycling

Expansion of animal ambassador and education programs:

- 1–3 domestic species exhibits (Little Farm): Goats, alpaca, potbelly pig, chickens
- 1–2 native species exhibits: Red/gray fox, porcupine, opossum
- Natural history interpretation tours
- Workshops and lectures: Tracking, camera trapping, conservation, citizen science, wildlife identification

Community engagement:

- Volunteer events and fundraising events
- Expansion of board of directors

- Community outreach and projects
- Marketing

The center's long-term master plan and preliminary site plan sketches were also presented.

Ms. Lord-Astles said that they will not encroach upon six acres of wetlands on the property. She said that they plan to construct a walking trail around the wetlands. She said that the property was originally a horse ranch, that they plan to convert a horse exercise space into a classroom and that the existing parking area will be reviewed for expansion.

Mr. Lord-Astles and Ms. Lord-Astles explained the USDA and DEC regulations that must be followed to prevent the potential escape of animals and to protect visitors from entering an enclosure.

Mr. Lord-Astles said that the center currently a presence on the web and on several social media outlets (www.fingerlakeswildlifecenter.org).

Mr. Delpriore said that he met with Mr. Lord-Astles and Ms. Lord-Astles and that they must apply for an Area Variance and for a Temporary Use Permit from the Zoning Board of Appeals (ZBA). Mr. Delpriore said that an Area Variance is required because their home is located in the back portion of the property and that realistically the FLWC would be located in the front-yard portion of the lot. He said that he did foresee an application coming before the Planning Board until the ZBA rules upon the Area Variance and Temporary Use Permit applications.

Mr. Hemminger suggested that Mr. Lord-Astles and Ms. Lord-Astles should meet with Mr. Giroux to discuss the possibility of pervious parking areas instead of a paved parking lot. He said that the use of pervious parking areas would be a great concept if it were to be within the center's budget.

Mr. Brabant said that DEC and the Town's MS4 Program stormwater quality and quantity measures would be required if more than one acre of land is proposed to be disturbed during construction. He said that the use of pervious pavement may help to reduce these requirements.

Mr. Hemminger and Mr. Brabant requested that Mr. Lord-Astles and Ms. Lord-Astles prepare a Statement of Operations with specific details on the proposed day-to-day operations. Mr. Hemminger said that a very complete concept should be presented to the Planning Board with information on the handling of animal waste and protection of the wetlands.

Mr. Viets asked if the center would accept animals for rehabilitation. Ms. Lord-Astles said that rehabilitation of animals is beyond their ability but that for the most part the center would be willing to take in animals that are deemed not to be releaseable into the

wild. She said that the center could consider providing a refuge for animals that could not be released.

Mr. Viets asked about restrooms for the public. Mr. Lord-Astles said that portable restrooms are being considered at the present time. Mr. Hemminger said that the locations of these should be included on the site plan. He also said that the site plan must depict the full build-out for the center.

Mr. Maloy asked about the permitting and licensing requirements for the keeping of animals. Ms. Lord-Astles said that a USDA Class C Exhibitor's License is required and that the USDA Animal-Plant Inspection Service makes drop-in unannounced visits. She said that the care must meet Animal Welfare Act regulations and that the USDA inspectors already have dropped in several times. She said that inspection records are public documents. Mr. Lord-Astles said that USDA and DEC standards for the construction of the enclosures are followed. These include structure specifications, gauge and height of fencing, perimeter fencing, and other topics.

Mr. Maloy asked about veterinary services. Ms. Lord-Astles said that the center is required to have a written program for veterinary care and a veterinarian who is willing to work with exotic species. She said that the USDA makes annual visits and monitors the veterinary paperwork.

Mr. Maloy asked about the proposed trail around the wetland and if this will be built in conjunction with the DEC and the U.S. Army Corps of Engineers. Mr. Lord-Astles said that the wetland is a Class 3 wetland (a least restrictive class).

Mr. Maloy asked about the number of visitors who may be expected to visit the site during the peak season. Mr. Lord-Astles said that about 30 to 40 visitors per day would be the maximum except when school groups may arrive by bus or when special events may be held, such as an annual fund-raising event or a highly-promoted program. Mr. Maloy requested that they keep buses and larger vehicles in mind when they plan their parking areas and driveways, especially if "green" pavements are to be considered.

Mr. Hemminger suggested that they keep birdwatching groups in mind as potential users of the wetland trail.

Mr. Brand suggested that Mr. Lord-Astles and Ms. Lord-Astles consider posting several of the Town's MS4 Program posters at the center to remind visitors of the importance of protection of groundwater.

Mr. Hemminger informed Mr. Lord-Astles and Ms. Lord-Astles that one member of the Town Board (Dr. Michael Casale) is a veterinarian and may have additional questions.

There were no further comments or questions on this concept plan review this evening.

6. PLANNING BOARD ACTION ITEMS

■ A motion was made MR. BELLIS, seconded by MS. NEALE, that the following four resolutions be blocked for concurrent action, that the readings be waived and that the following four resolutions be approved as submitted by Town staff:

A. Auburn Meadows Incentive Zoning Project, Section 9—Maintenance Bond Establishment and Recommendation to the Town Board

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
MAINTENANCE BOND ESTABLISHMENT AND RECOMMENDATION
TO THE TOWN BOARD
TOTAL AMOUNT—\$85,956.35.
AUBURN MEADOWS SUBDIVISION, SECTION 9**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request, from Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, dated July 23, 2019, to accept a two-year maintenance bond, or other form of surety, for certain site improvements to be dedicated to the Town, that are to be located upon property within Section 9 of the Auburn Meadows Subdivision Tract; and

WHEREAS, the above referenced maintenance bond estimate has been reviewed by the Town Construction Inspector and the Town Engineers with both finding the quantities and prices identified in the document, for the portion of improvements to be dedicated at this time, to be consistent with the final site plan conditions and the private contractor pricing respectively; and

WHEREAS, the Planning Board is aware that an acceptable maintenance bond or other form of surety for these partial site improvements in Section 9 and all of the site improvements that are to be dedicated to the Town is a prerequisite to the Town’s acceptance of the dedication of these improvements; and

WHEREAS, the above referenced maintenance bond or other form of surety is to remain on file and in effect for a period of two-years after formal acceptance by the Town Board of the dedication of the respective site improvements to the Town; and

WHEREAS, under the provisions of Chapter 144-32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested maintenance bond or other form of surety estimate.

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 Engineer, does hereby recommend that the

Town Board take formal action to accept a two-year maintenance bond or other form of acceptable surety in the total amount of \$85,956.35; and to require said surety be filed with the Town Clerk prior to the release of any funds in the remaining letter of credit or other form of surety that is on file for Section 9.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide certified copies of this resolution to the following parties: Farmington Town Board; Farmington Town Clerk; Farmington Town Principal Account Clerk; Anthony DiPrima, A&D Real Estate Development Corporation, LLC; Frank Affronti, President, 104 Contractors; Walt Baker, D.S.B. Engineers & Architects, P.C.; and CNA Insurance Company, P.O. Box 957312, St. Louis, Missouri 63195.

B. Monarch Manor Incentive Zoning Project, Section 2—Letter of Credit Establishment (Earthwork)

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ESTABLISHMENT—EARTHWORK
MONARCH MANOR SUBDIVISION, SECTION 2**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated July 24, 2019 from Lance S. Brabant, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, to approve a Letter of Credit for earthwork only within Section 2 of the Monarch Manor Subdivision Project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Engineer's Estimates of Value attachment thereto; 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 or not to honor the requested establishment of the Letter of Credit or acceptable form of surety.

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 to establish an acceptable form of surety in the total amount of \$15,950.00.

C. Redfield Grove Incentive Zoning Project Phase 2—Letter of Credit Establishment

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ESTABLISHMENT
REDFIELD GROVE INCENTIVE ZONING PROJECT, PHASE 2**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for site improvements to be located within the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Engineer’s Estimates of Value attachment thereto; 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 or not 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 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 \$1,021,054.44.

D. Hathaway’s Corners: Final Subdivision Plats, Phase 1A and 1B; and Final Site Plans, Phase 1A and 1B; 90-Day Extension

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
HATHAWAY’S CORNERS INCENTIVE ZONING PROJECT
FINAL PHASE 1A AND PHASE 1B—90-DAY EXTENSION**

**PB #0201-19 and PB #0203-19
Final Subdivision Plats, Phase 1A and Phase 1B**

**PB #0202-19 and PB #0204-19
Final Site Plans, Phase 1A and Phase 1B**

**APPLICANT: S. B. Ashley and Associates Venture Co. LLC, 700
Powers Building, 16 West Main Street, Rochester, N.Y.
14614**

**ACTION: Final Subdivision Plats, Phase 1A and Phase 1B
Final Site Plans, Phase 1A and Phase 1B
90-Day Extension**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has on February 20, 2019, granted final approvals with condi-

tions for the above referenced Final Subdivision Plat drawings and Final Site Plan drawings, prepared by BME Associates; and

WHEREAS, the Planning Board’s conditional approval is valid for a period of 180 days which will expire on Monday, August 19, 2019, unless extended by the Board for an additional period of time as provided for within Sections 274-a and 276 of New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant a 90-day extension to its original Final Subdivision Plat and Final Site Plan approval resolutions with the following conditions:

1. The conditions of Final Site Plan approval granted by the Planning Board on February 20, 2019, continue to remain in effect with the only exception being the original 180-day time limit for expiration.
2. This 90-day extension to the original resolution shall be in effect starting on Tuesday, August 20, 2019, and will end on Monday, November 18, 2019.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion to approve the above four resolutions carried.

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand distributed hard copy color renderings of the Main Street Scape concepts to extend on State Route 96 from Mertensia Road to the State Route 332/State Route 96 intersection. These concepts have been prepared by MRB Group and McCord Landscape Architecture. Mr. Brand said that these concept renderings have been shared with Byrne Dairy for incorporation into their proposed store at the southwest corner of State Route 96 and Mertensia Road.

Mr. Brand said that the timing of the approval of this concept is important as the Town staff continues to negotiate with the developers of the Farmington Market Center and the LeFrois Builders projects on the south side of State Route 96.

Mr. Maloy asked about the compliance of existing properties along State Route 96 with this concept. Mr. Brabant said that to date only the Byrne Dairy store would comply with

the Street Scape concept when the store is constructed later this year. He said that nearly all the properties along this portion of State Route 96 have the required 30-foot setback for Street Scape amenities and green space. Mr. Hemminger said that the other properties along State Route 96 would be required to comply with the street scape concept as new construction or renovations are proposed. Mr. Delpriore said that the Town is attempting to establish the street scape concept on the south side of State Route 96 at the present time with the construction of Byrne Dairy and the proposed development of the Farmington Market Center and the LeFrois property.

Mr. Brand discussed this evening's State Environmental Quality Review (SEQR) declaration on the Delaware River Solar applications (determination of non-significance; Negative Declaration). He said that the 30-day time period for the filing of an Article 78 proceeding will begin when the declaration is filed tomorrow (August 8, 2019) with the Town Clerk. He said that the Town staff and Town attorney will deal with the filing of an Article 78 proceeding if one is filed.

Mr. Brand said that the preliminary site plan application for Lyons National Bank, proposed for construction on the northwest corner of State Route 332 and County Road 41, is expected to be on the Planning Board agenda on August 21, 2019.

Mr. Brand said that the contractor for the Auburn Trail has two minor items to complete on the Auburn Meadows Subdivision portion of the Trail that extends from the Main Trail to the Canandaigua–Farmington Town Line Road. He said that it appears, at this time based upon discussion with the Project Inspector from Fisher Associates, as though the contractor has walked away from the project. No further information is available. A deadline of Friday, August 9, had been established for the contractor to provide details on the project and whether or not he intends to come back to complete the project.

Highway and Parks Superintendent:

Mr. Giroux said that the projects on Ivory Drive and Curran Road have been completed. He said that curbing and paving on Canandaigua–Farmington Town Line Road are scheduled for the week of August 26th, and that milling and sealing of several subdivision roads are now in progress.

Water and Sewer Superintendent:

Mr. Degear reported that Town crews have been busy with the repairs of a several water-main breaks at various locations in the Town, several of which occurred today (August 7, 2019).

Town Engineer (MRB Group, D.P.C.):

Mr. Brabant said that the most recent round of updates to the Town's Site Design and Development Criteria has been submitted to the Town staff. He said that comments are due back to him by the end of this week and that the update will then be submitted to the Town Board for adoption.

Mr. Brabant also said that he is working with the Town staff on responses to the New York State Department of Environmental Conservation (DEC) audit of the Town's MS4 Program. He said that a response letter must be submitted to the DEC by November and that he expects that the Town will be fully compliant by 2020 with the submission of the response letter and the adoption of a Stormwater Management Program (SWMP) plan.

Board Members' Comments:

Mr. Hemminger reminded board members of the New York Planning Federation planning and zoning training to be held on Monday, September 30, 2019, in Batavia, N.Y.

8. PUBLIC COMMENTS

None.

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 9:00 p.m.

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, August 21, 2019, at 7:00 p.m.

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

Respectfully submitted,

John M. Robortella, Clerk of the Farmington Planning Board

L.S.