

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

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

R = *Attended via remote video conference.*

Board Members Present:

Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Regina Sousa
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 and Parks Superintendent
Robin MacDonald, Town of Farmington Acting Water and Sewer Superintendent
Paula Ruthven, Town of Farmington Zoning Officer

Attending:

Mark Alexander, 440 Cline Road, Victor, N.Y. 14564
Anne Dunford, 6007 Redfield Drive, Farmington, N.Y. 14425
Marcia and John Grady, 6018 Redfield Drive, Farmington, N.Y. 14425
Frances Haselkorn, 5991 Redfield Drive, Farmington, N.Y. 14425
Brian Mahoney, 208 Kennedy Street, Canandaigua, N.Y. 14424
Brennan Marks, P.E., Marks Engineering, 4303 Routes 5 & 20, Canandaigua, N.Y. 14424—**R**

Andy Osborne, 6006 Redfield Drive, Farmington, N.Y. 14425
 Rosemary Palmeri, 5976 Redfield Drive, Farmington, N.Y. 14425
 Noelle Porretta, 4484 State Street, Shortsville, N.Y. 14548—**R**
 Debra Ramsperger, 6003 Redfield Drive, Farmington, N.Y. 14425
 William C. Schell, 5976 Redfield Drive, Farmington, N.Y. 14425
 Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580
 Tam Spitzer, 5999 Redfield Drive, Farmington, N.Y. 14425
 Lance Sprung, 5975 Redfield Drive, Farmington, N.Y. 14425
 Jeff Stevens, 6031 Redfield Drive, Farmington, N.Y. 14425
 Emily Thomas, EIT, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614
 Guest—**R**

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 3, 2024.

2. APPROVAL OF MINUTES

Minutes of October 2, 2024:

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the minutes of the October 2, 2024, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None.

4. CONTINUED PUBLIC HEARINGS: PRELIMINARY SITE PLANS

PB #0408-24 **Continued 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, cross-walks, 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 Continued 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.

See Planning Board minutes of July 17, 2024, or the Project Abstract, for the previous actions on these applications.

On September 18, 2024, the Public Hearings were reconvened and testimony was received.

Also on September 18, 2024, the Public Hearings on the associated applications for the Sky Solar, Inc., Special Use Permit, East Solar Farm Project (PB #0406-24) and the Sky Solar, Inc., Special Use Permit, West Solar Farm Project (PB #0407-24) were closed and approved with conditions.

Also on September 18, 2024, the associated Public Hearings for the Preliminary Site Plans for the East and West Solar Farm Projects (PB #0408-24 and PB #0409-24, respectively) were continued to the meeting this evening (October 16, 2024).

On October 10, 2024, the following items were received and entered into the Sky Solar Project Abstract:

Attachment to Abstract #42:

Letter from Emily Thomas of LaBella Associates, re: response to comments from William Schell which were submitted on August 21, 2024.

Attachment to Abstract #43

Letter from Emily Thomas of LaBella Associates, re: response to comments from John Grady which were submitted on September 21, 2024.

On October 15, 2024, the following item was received and entered into the Sky Solar Project Abstract:

Attachment to Abstract #44

Email from Jonathan Orpin (sole member of Ren Place, LLC, the owner of the property which New Energy Works and Pioneer Millworks occupies) to Ron Brand.

Mr. Hemminger reconvened the Public Hearings on PB #0408-24 and PB #0409-24.

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

The Public Hearings on these two applications were held concurrently.

Mr. Ruffolo said that since the last session of the Public Hearing on September 18, 2024, an updated set of plans for the East and West sections of the project were submitted for review by the Town staff and the board. He acknowledged receipt of the draft conditions of Preliminary Site Plan approval which have been put forward by the staff, and the engineering comment letter from MRB Group which are in their hands for consideration.

Ms. Thomas summarized the most recent set of plans on the drawing which was displayed in the meeting room. She said that the access paths for emergency and Town services have been added which required the reconfiguration of a water retention pond, and that minor cleaning up of several items have been completed on the plans. Other than these items, Ms. Thomas said that there are no major changes.

Mr. Brand said that four draft resolutions have been prepared for the board's consideration this evening, i.e., two which would close the Public Hearings on the East and West portions of the project which would allow the board to move forward with two additional resolutions of conditional approval of the Preliminary Site Plans.

Mr. Brand also said that he received an email from Jonathan Orpin of New Energy Works in which Mr. Orpin informed the Town that he is still in agreement with the redesign and relocation of the proposed Commercial Drive road connection and that he [Mr. Orpin] and Mr. Ruffolo have been working with their respective attorneys on this (*see* Attachment #44 to the Sky Solar Project Abstract, as referenced above on p. 4). Mr. Brand said that the completion of the legal documents for the land transfer will be a condition of Final Site Plan approval.

Mr. Delpriore said that the Town staff has reviewed the updated set of plans and has provided a number of comments which are part of the draft Preliminary Site Plan approval resolutions. He said that the applicant presented the updated plans at the most recent meeting of the Project Review Committee on October 3, 2024, and that all Town staff concerns are reflected in the draft resolutions.

Mr. Brabant said that MRB Group issued an engineering comment letter on October 10, 2024, that a number of comments were presented, and that the plans themselves are in good shape. He said that most of the comments concerned the possible phasing of construction because of the separate East and West applications. Mr. Brabant said that the intention of the applicant, as he [Mr. Brabant] understands, it is to construct both the East and West portions at the same time, but MRB Group looked at the project with the understanding that it is possible that the East or West portions could be built separately and would affect phasing, the construction sequence, or stormwater plans, for example.

Mr. Brabant said that there may be some crossing over if one portion were to be built before the other portion. He said that he is not looking for the plans to be changed, but instead for some plan notes to be added as references regarding a possible phased construction.

Mr. Hemminger asked Mr. MacDonald about the placement and construction of the sidewalk because several residents had asked about flipping the location of the sidewalk.

Mr. MacDonald said that the Town does not recommend the construction of sidewalks over the top of watermains, and the Town does not do it, usually. He said that the reason is that watermains break more often than sanitary sewer [mains] and when these occur the Town would have to dig up a sidewalk, followed by compacting it again [following the repair], and preparing for the replacement sidewalk. Mr. MacDonald said that it is better off not to even go there.

Mr. Hemminger then summarized the status of the application to date. He said that the State Environmental Quality Review (SEQR) determination of non-significance and the Special Use Permits for both the East and West portions of the project have been approved. Mr. Hemminger said that now the board would like to receive feedback on the site plans themselves. He said that a time limit for residents to speak would not be used this evening because there are not as many residents in attendance. Mr. Hemminger also reminded residents that the meeting is being recorded for posting on social media.

Mr. Hemminger then asked if anyone in the meeting room or on the remote video conference would like to speak for or against these applications, or to ask questions.

—Begin audio transcription—

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

(13:44) Mr. Schell (5976 Redfield Drive): Thank you Mr. Chairman. Bill Schell, 5976. Also an electrical inspector for Commonwealth, and I have a lot of experience with these type of inspections. I've been looking at the site plan and I'm seeing a collection of inverters over on one side of the west side. [Mr. Hemminger: Correct, it's on the west.] I doubt that the engineer could treat it as two separate solar stand-alone systems. They can't build it that way.

(14:17) Mr. Schell: Joel Shenton was supposed to be here. He is ill. He had two questions for you tonight. The first question is he was talking with Frank about repositioning the upper retention pond. It seems that was done. And the question—is evergreen screening going to be done on the east side at this point?

(14:45) Mr. Ruffolo: East side, or the west of it?

(14:49) Mr. Schell: East array—is there going to be additional plantings along the outside of the fence line that would be—

(14:57) Mr. Hemminger: Got it. Pretty significant buffer if I'm not mistaken, don't we?

(15:00) Mr. Ruffolo: So we have a significant buffer—discussed evergreens. The issue is we would need to take down existing buffering to put in evergreens, so we're not sure that that is a benefit to that east line.

(15:16) Mr. Schell: Is it open to negotiation later?

(15:17) Mr. Hemminger: Well, that would be something we would make the decision on, but we appreciate the feedback but we'll consider that one, but—

(15:24) Mr. Ruffolo: In the resolution is a comment about the landscaping plan [Mr. Hemminger: Right] so we will be discussing with staff and looking at that [Mr. Hemminger: Right] as much.

(15:36) Mr. Schell: Okay, on page, in the print, C501—and I must comment that your staff did their due diligence, and what I was reading from what I downloaded—the questions that they had, on most of the fences that I see at solar sites, when they open the gate, there's

no top header. That stays in place. One of the questions I saw—what happens to the barbed wire retainer that’s up there? That goes with the gate that swung. My question is—what’s missing off of that detail is the fence line and the perimeter grounding and fence bonding. I didn’t see it. I went through the prints. I didn’t see anything of the detail on the fence bonding. It’s not when, or if, one of these places gets hit by lightning. They all get hit, and those fences light up like the inside of your toaster. [Mr. Hemminger: Cool. Okay.] There’s something that’s missing.

(16:28) Mr. Hemminger: Engineering—please take that under consideration.

(16:32) Mr. Brabant: We’ll have their electrical plan at some point in time as part of the project.

[?] Several speaking at once.

(16:38) Ms. Thomas: We’ll have that detail related to that. There’s a lot of detail pages on that one plan. I don’t know the number that it’s on.

(16:46) Mr. Schell: 690-41 and 251-34, reference. [Mr. Hemminger: Okay.]

(16:50) Mr. Schell: The other thing—I went back there on the environmental impact, which we’re over—the fire chief submitted a letter that all his gentlemen have received training—[Mr. Hemminger: Correct]—I talked to the battalion commander down in Dansville of the New York State Fire Training Academy where they do haz-mat training at Level 0—1 through 4—and these lithium-ion magnesium batteries are considered a haz-mat 0. That means hands off, let them burn. [Mr. Hemminger: Okay.] And my reading this month on the National Fire Protection Association website is even though there is a fire suppression system put in, their comments on [them] they don’t work.

(17:36) Mr. Hemminger: Okay. Thank you. Thank you for the feedback. Okay, who else in the room would like to speak for or against this application? Yes, sir,

(17:50) Mr. Grady (6018 Redfield Drive): I had the opportunity today to review what I thought were the current plans of the site plan and they were dated 9/25. Is that up to date? Is it the latest? [Mr. Hemminger: She says yes.] On Plat C202, the sidewalk and the lights are still located on the east side of Commercial Drive—[Mr. Hemminger: Correct]—even though we have many members of the residents who have asked that they be moved to the *east* side.

[Clerk’s note: The reference to “that they be moved to the *east* side” is verbatim from the recording of the meeting.]

(18:36) Mr. Hemminger: Did you hear the conversation by the water and sewer superintendent?

(18:37) Mr. Grady: I did hear it—[Mr. Hemminger: Okay.]—and I don't find it to be valid. [Mr. Hemminger: Okay.] There's no reason why the watermain can't still remain on the east side and the sidewalks and the lights could be moved to the west side.

(18:57) Mr. Grady: The limit of disturbance shown on the plans near the 6018, 6020, 6025 area—there's only 43 feet from the property line. That is considerably less than what is recommended for the location of a solar field.

(19:18) Mr. Grady: In Plat C402, the grading and erosion control plan, the emergency spillways in Bioretention #1 directs overflow directly toward Lots #62 and #63 which includes runoff from 15,000 square feet of impervious surface—the road—which adds 43,000 gallons of water per month to that runoff. That would be in the summertime.

(19:49) Mr. Grady: On Plat C504, construction details, the streetlight detail of Beacon TRA-30—I have a question—is that directional or non-directional?

(20:03) Mr. Hemminger: You guys can answer that one. I don't know the answer to that.

(20:05) Ms. Thomas: It is a specific Farmington light. I honestly don't know.

(20:10) Mr. Hemminger: It's whatever—

(20:12) Mr. Delpriore: It's our light used throughout the entire Town.

(20:14) Mr. Hemminger: Okay, standard light.

(20:15) Mr. Grady: So it's non-directional. [Mr. Hemminger: Correct. It's the standard throughout the Town.] I ask because it's going to be in our backyards. That's why I ask.

(20:29) Mr. Grady: C507—construction details. Is the crosswalk going to be at an uncontrolled intersection?

(20:43) Mr. Hemminger: Ron, Dan?

(20:44) Mr. Delpriore: Yes.

(20:45) Mr. Hemminger: The answer's yes.

(20:46) Mr. Grady: If that crosswalk is moved to the south part of Commercial Drive, will that still be an uncontrolled intersection?

(20:56) Mr. Delpriore: Yes.

(20:57) Mr. Hemminger: Yes, because there are no controlled intersections to that whole road from one side to the other.

(21:04) Mr. Grady: I realize that. But you're bringing four roadways together at that intersection and if you were to put a crosswalk there you would want to control it. I don't understand why you wouldn't have a control there.

(21:21) Mr. Grady: In C601, landscaping plan, the location of the plantings are not shown on the east side of the east solar field.

(21:30) Mr. Hemminger: That's what we were just talking about a second ago. You've got to talk to me. Remember, you're asking the questions to me. We talked about that a second ago, and the landscaping plan will be updated and completed for the Final.

(21:44) Mr. Grady: The landscaping plan—was that landscaping plan designed by a licensed New York State landscape architect, as required in the MTOD?

(22:00) Ms. Thomas: Yes.

(22:02) Mr. Hemminger: Yes, they have them on staff, I believe.

(22:07) Mr. Grady: Okay. Thank you. That's all I have.

(22:14) Mr. Hemminger: Okay. Thank you. Anyone else in this room like to speak for or against this application? Have some good questions. Dan?

(22:23) Mr. Delpriore: On page C511, the grounding of the fence is shown in their typical grounding details, so that is in their plan.

(22:33) Mr. Hemminger: So the grounding is in there?

(22:35) Mr. Delpriore: Yes.

(22:36) Mr. Hemminger: Okay. Say that one more time, where it is at?

(22:38) Mr. Delpriore: That was on page C511. They have a typical grounding detail for the fence.

(22:48) Mr. Hemminger. Thank you. Anything else?

(22:49) Unidentified speaker: Not today.

(22:50) Mr. Hemminger: So, anyone else like to speak for or against this application, in the room? [Brief pause] One more time—anyone in the room like to speak for or against this application. [Brief pause] Okay. Let's move to online. Anyone online like to speak for or against this application? [Brief pause] Anyone online like to speak for or against this application? Okay. We don't have anyone.

—End transcription—

Mr. Hemminger asked if board members had comments or questions.

Mr. Viets asked about the location of topsoil piles during construction. Ms. Thomas referred to the rectangular symbol on the site plan drawing which was displayed in the meeting room. She said that this area would be used for both a staging area and for topsoil storage. Ms. Thomas said that now that the plans have been split into East and West portions, some extra plan notes would be added to delineate these areas.

Mr. Viets asked if the topsoil storage area would be large enough. Ms. Thomas said yes. Mr. Viets asked that a note regarding the topsoil storage area be added to the drawings. Mr. Hemminger said that the Town has had issues with topsoil storage [on construction sites] in the past.

Mr. Viets said that some of his other comments are more for the Final Site Plan, such as the actual locations of electrical trenches and the screening. He said that he will be looking for actual stamped and signed plans at the Final Site Plan stage.

Mr. Hemminger referred to a previous conversation this evening and requested that Ms. Thomas show on the plans where the gates are to be grounded.

Mr. Bellis asked why the street [Commercial Drive] is being lit. Mr. Delpriore said that it has to do more with the curves of the road. Mr. Hemminger said that the entire length of the road will not be lighted. He and Mr. Delpriore said that streetlights would be located at the curves and at the crosswalk.

Mr. Hemminger then asked the board about closing the Public Hearing this evening and moving forward with the draft Preliminary Site Plan resolutions provided by Mr. Brand.

Mr. Hemminger said that the board typically does not have a formal Public Hearing on a Final Site Plan application, but since there is so much interest in this project, he asking about having an additional time for public comments.

Mr. Brand said that if the board closes the Public Hearing this evening, and then wishes to have another Public Hearing for the Final Site Plan, the notice of the next Public Hearing would have to be provided by new advertising and public notices.

Mr. Hemminger asked if the board should just keep the Public Hearing open.

Mr. Brand said that the board may receive information from the public at any public meeting when the Final Site Plan application is on the agenda.

There were no additional comments or questions prior to beginning the voting on the draft resolutions.

■ A motion was made by MR. VIETS, seconded by MS. SOUSA, 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
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: Closing of Public Hearing

DESCRIPTION: The application for a 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 contain a total of 7.75 acres of land.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby close this Public Hearing tonight.

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, Jonathan Orpin, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye

Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

The Public Hearing on PB #0408-24 was closed.

Mr. Hemminger then asked if Mr. Ruffolo was okay with the conditions of approval on the Preliminary Site Plan resolutions. Mr. Ruffolo said yes.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 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: Preliminary Site Plan Approval with conditions.

DESCRIPTION: The application for a 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 [Commercial Drive Extension] with sidewalks, crosswalks, streetlights, water line and fire hydrants, connecting the northern and southern portions of Commercial Drive, located on Tax Map Accounts 029.07-1-057.000 and -058.000 which contain a total of 7.75 acres of land.

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

WHEREAS, the Planning Board has under separate resolution adopted on August 21, 2024, made a determination of non-significance upon the above referenced Action, thereby satisfying the procedural requirements contained within the State’s Environmental Quality Review Act (SEQRA) for this application.

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

1. Preliminary Site Plan Approval is based upon the set of drawings prepared by LaBella Associates, identified as Project Number 2233568, dated September 25,

2024, and entitled “Commercial Drive Solar East,” as further to be amended by the conditions contained in this resolution.

2. Preliminary Site Plan Approval is conditioned upon the Applicant providing, as part of an application for Final Site Plan Approval, the filed land swap map between Sky Solar, Inc., and Jonathan Orpin, involving Tax Map Accounts 29.07-1-58.000, 29.07-1-59.000 and 29.11-3-7.000.
3. Preliminary Site Plan Approval is further conditioned upon the Applicant providing a survey map identifying the property lines between Tax Map Accounts 29.07-1-58.000, 29.07-1-59.000, the Town-owned ten-foot-wide right-of-way of Commercial Drive and the adjacent Tax Map Accounts 29.07-4-66.000 through -70.000.
4. Preliminary Site Plan Approval is further conditioned upon the Applicant providing, as part of an application for Final Site Plan Approval, the above referenced filed land swap map combining the northeast portion of Tax Map Account 29.07-1-58.000 with Tax Map Account 29.00-1-57.000.
5. Preliminary Site Plan Approval is further conditioned upon the following changes to the set of drawings submitted as part of this application:
 - (a) The Cover Sheet Drawing title is to read . . . “Preliminary Site Plan Commercial Drive East Sky Solar Project;” and
 - (b) All drawings are to be entitled . . . “Preliminary Site Plan Commercial Drive East Sky Solar Project;” and
 - (c) Signature Blocks are to be shown on the drawings for the Planning Board Chairperson, the Town Highway Superintendent, the Acting Town Water and Sewer Superintendent and the Town Engineer; and
 - (d) All Signature Blocks are to be located on each drawing within the area shown on Appendix G-13.0 of the Town of Farmington Site Design and Development Criteria Manual; and
 - (e) Drawing C002, Preliminary Land Swap Site Plan is to be amended to correctly show the property lines between the Sky Solar east property and the adjacent townhouse properties. There is also a ten-foot-wide strip of land that was added to the fifty-foot-wide strip (Tax Map Account 29.07-1-58.000) for the future right-of-way for the extension of Commercial Drive. This strip of Town owned land is shown on the County’s Tax Maps abutting Tax Map Accounts #29.07-4-66.000 through -70.000 and -74.000, between 29.07-1-58.000; and the exact location where the proposed right-of-way line for Commercial Drive Extension, at the southern point, connects to Commercial Drive. This area is to be surveyed and shown on the set of Final Site Plan drawings; and the northern portion of Tax Map # 29.07-1-58.000

is to be combined with Tax Map #29.00-1-57.000 and not left as a non-conforming lot; and

- (f) Drawing COO3, Key Plan, is to be amended correcting the property line shown for the Commercial Drive Solar West Project (Tax Map Account 29.00-1-84.112) and the Town Center Partners, LLC property (Tax Map Account 29.00-1-84.113) needs to be corrected; and the identified Drawing Numbers for this drawing do not include the portion of the Commercial Drive Solar West Project (Tax Map Account 29.00-1-84.112); and
 - (g) Drawing C202, Site Plan, is to be amended by correctly identifying the owner of Tax Map Account 29.07-1-57.000 as being either N/F K&P Associates, Ltd. or Sky Solar, Inc.; and the owner of Tax Map Account 29.07-1-58.000 is to be identified; and those portions of the security fence for the East Solar Project lie within the right-of-way for the extension of Commercial Drive and will need to be redesigned; and the width of Commercial Drive is identified as a 24-foot-wide impervious surface access road and this designation need to be changed to an industrial/ commercial road; and there needs to be a five-foot-wide separation between the gutter and the sidewalk, or a climable curbing to be installed; and
 - (h) Drawing C203, Turning Movements Plan, is to show the radii for all turns; and
 - (i) Drawing C301, Utility Plan, the designation shown on the drawing, at the northern end where Commercial Drive connects reads . . . “Connect New Water Main To Existing Infrastructure,” needs to be re-designated to the west side of Commercial Drive where the proposed water line connection is going to be installed; and there is to be a general note added to the drawing that reads . . . “All site lighting is to comply with the lighting standards contained in Chapter 165 of the Town Code;” and there is to be an illumination pattern added to this drawing showing all of the lighting areas on this site; and a general note added to each of these drawings that identifies the references to the Appendices contained in the 2024 Edition of the Town of Farmington Site Design and Development Criteria Manual, and their titles; and
 - (j) Drawing C601, Landscaping Plan, is missing a Landscaping Table.
6. Preliminary Site Plan Approval is further based upon the Final Site Plan Drawings showing a stub highway connection to the property line, between Tax Map Accounts Numbers 29.00-1-57.000 and 29.000-1-84.112, for the future town-owned highway to be constructed by others. This area is also to show the water valve to be installed at the time of constructing the Commercial Drive Extension as part of the East Solar Project; and

7. Preliminary Site Plan Approval is further based upon the appropriate drawings showing chlorination/sample taps at both ends where the water line connections are going to be to the existing water lines along Commercial Drive; and the drawings are to show the type of fittings that are going to be used at each end of the water line connections to the existing water lines; and there is to be a Main Line Valve located in the middle of the new water line connection; and the Drawings need to identify the water pipe size or what material they are going to be installing as part of the East Solar Project; and
8. Preliminary Site Plan Approval is further based upon a general note being added to appropriate drawings that reads . . . “A Knox Box shall be installed at the main gate entrance for emergency vehicle access, location to be approved by the Town Fire Marshal;” and
9. Preliminary Site Plan Approval is further based upon a Design Details shown are to reference the respective Appendix Numbers contained in the 2024 Edition of the Town of Farmington Site Design and Development Criteria Manual; and
10. Preliminary Site Plan Approval is further based upon a determination being made whether the proposed security fence is to be six feet high (with or without barbed wire) or eight feet high and shown on amended drawings; and
11. Preliminary Site Plan Approval is further based upon a general note being added to the respective drawings stating that all site driveways to adjacent Town road shall be paved a minimum of 10-feet in depth from the edge of the travel lane, shown on the drawings and the design added to the detail drawings.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval is based upon the Applicant providing written responses to each of the comments contained in the Town Engineers Letter, dated October 10, 2024, to the Town Director of Planning and Development before the Planning Board Chairperson is to sign the Preliminary Site Plan drawings.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval is based upon the Applicant’s Engineer making the necessary amendments to the set of drawings as identified in the above referenced Town Engineer’s Letter before the Town Engineer is to sign the Preliminary Site Plan drawings.

BE IT FURTHER RESOLVED that once all changes have been made to the respective drawings and the drawings’ revision boxes have been updated, then one paper copy and an electronic copy of the amended drawings are to be submitted to the Town Code Enforcement Officer for review and acceptance prior to signing by the identified Town Department Heads and the Town Engineer.

BE IT FURTHER RESOLVED that once the revised set of Preliminary Site Plan Drawing for Sky Solar East Solar Project have been signed, then the Town Director of Planning and Development, and the Town Code Enforcement Officer may accept the set

of Final Site Plan Drawings for the Sky Solar, Inc., East Solar Project, for scheduling a public meeting with the Planning Board.

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, Jonathan Orpin, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineers.

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

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
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: Close Public Hearing.

DESCRIPTION: The application for a Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and battery storage units on the western portion of the Sky Solar, Inc., Commercial Drive Solar Project, located on Tax Map Accounts 029.00-1-084.112 which contain a total of 5.5 acres of land.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby close this Public Hearing.

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, Jonathan Orpin, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the

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

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

Motion carried.

The Public Hearing on PB #0409-24 was closed.

■ A motion was made by MR. BELLIS, 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
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: Approval with Conditions.

DESCRIPTION: The application for a Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and battery storage units on the western portion of the Sky Solar, Inc., Commercial Drive Solar Project, located on Tax Map Accounts 029.00-1-084.112 which contain a total of 5.5 acres of land.

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

WHEREAS, the Planning Board has under separate resolution adopted August 21, 2024, made a determination of non-significance upon the above referenced Action, thereby satisfying the procedural requirements contained within the State’s Environmental Quality Review Act (SEQRA) for this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve with conditions the above referenced Action:

1. Preliminary Site Plan Approval is based upon the set of drawings prepared by LaBella Associates, identified as Project Number 2233568, dated September 25, 2024, and entitled “Commercial Drive Solar West,” as further to be amended by the conditions contained in this resolution.
2. Preliminary Site Plan Approval is further conditioned upon the following changes to the set of drawings submitted as part of this application:
 - (a) The Cover Sheet Drawing title is to read . . . “Preliminary Site Plan Commercial Drive West Sky Solar Project;” and
 - (b) All drawings are to be entitled . . . “Preliminary Site Plan Commercial Drive West Sky Solar Project;” and
 - (c) Signature Blocks are to be shown on the drawings for the Planning Board Chairperson, the Town Highway Superintendent, the Acting Town Water and Sewer Superintendent and the Town Engineer; and
 - (d) All Signature Blocks are to be located on each drawing within the area shown on Appendix G-13.0 of the Town of Farmington Site Design and Development Criteria Manual; and
 - (e) Drawing C002, Key Drawing, identifies Sheets 103, 202, 302 and 402. There are no such Sheets submitted as part of this application. Therefore, these Sheets need to be clarified or removed from this drawing; and
 - (f) Drawing C102, Existing Conditions and Demolition Plan, is to be amended by correctly identifying the Future 60' R.O.W. area to read as follows . . . “Future Town Highway Right-of-Way, Road to be constructed by others;” and
 - (g) Drawing C201, Site Plan, is to be amended to add Preliminary to the title Site Plan; the drawing is to be further amended adding the wording above for Drawing C102 identifying the Future 60' R.O.W. area; the drawing is to be further amended adding a General Note that the proposed landscaping is shown in more detail on Drawing C601; it needs to be determined and shown here and on the Drawing (C501, Construction Details) whether the proposed security fence is to be six feet high (with or without barbed wire) or eight feet high (with or without barbed wire) and a detail is to be shown on any amended drawings; a note is to be added to the Drawing referring to a Detail Sheet for the Battery Storage Units shown; the property owner designation needs to be corrected to read either N/F K&P Associates, LTD or Sky Solar Inc.; there needs to be a General Note added that identifies the number of solar panels to be placed on this parcel of land; there needs to be

- a General Note added that refers to a Detail Sheet for the proposed lights and reference to a Site Lighting Plan with illumination patterns; and
- (h) Drawing C301, Utility Plan, there is to be a general note added to the drawing that reads . . . “All site lighting is to comply with the lighting standards contained in Chapter 165 of the Town Code;” and there is to be an illumination pattern added to this drawing showing all of the lighting areas on this site; and a general note added to each of these drawings that identifies the references to the Appendices contained in the 2024 Edition of the Town of Farmington Site Design and Development Criteria Manual, and their titles; and
 - (i) Drawing C401, Grading and Erosion Control Plan, the reference to the 60' R.O.W. is to be corrected as noted above; there is to be a General Note added to the Drawing identifying the location for Detail for the Temporary Soil Stockpile; and
 - (j) Drawing C505, Construction Details, is showing a 24-foot-wide gate with a 6-foot clearance before the proposed “Barbed wire Apron on Extension Arms,” which need to be confirmed will provide adequate clearance for vehicles to enter under; and
 - (k) Drawing C601, Landscaping Plan, is to include landscaping across the east side of the solar arrays; and
3. Preliminary Site Plan Approval is further based upon a revision to the Drawing C201, Site Plan, that provides an access path around the perimeter of the west site to allow for full access around that site. This access path is to extend off from the west side of the Commercial Drive Extension, at both the northern and southern boundaries of the proposed arrays and be connected from north to south; and
 4. Preliminary Site Plan Approval is further based upon a general note being added to appropriate drawings that reads . . . “A Knox Box shall be installed at the main gate entrance for emergency vehicle access, location to be approved by the Town Fire Marshal;” and
 5. Preliminary Site Plan Approval is further based upon a Design Details Note to be shown that references the respective Appendix Numbers to the Design Detail Sheets contained in the 2024 Edition of the Town of Farmington Site Design and Development Criteria Manual; and
 6. Preliminary Site Plan Approval is further based upon a Public Safety Signs being installed at all entrances to the projects and the Sign Detail added to the Construction Sheets along with a reference to Appendix G-9.0 of the adopted 2024 Edition of the Town of Farmington Site Design and Development Criteria Manual; and

- 7. Preliminary Site Plan Approval is further based upon all driveways from Commercial Drive Extension are to be paved a minimum depth of ten feet from the edge of the travel lane for Commercial Drive.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval is based upon the Applicant providing written responses to each of the comments that pertain to the West Solar Project which are contained in the Town Engineers Letter, dated October 10, 2024, to the Town Director of Planning and Development before the Planning Board Chairperson is to sign the Preliminary Site Plan drawings.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval is based upon the Applicant’s Engineer making the necessary amendments to the set of drawings as identified in the above referenced Town Engineer’s Letter before the Town Engineer is to sign the Preliminary Site Plan drawings.

BE IT FURTHER RESOLVED that once all changes have been made to the respective drawings and the drawings’ revision boxes have been updated, then one paper copy and an electronic copy of the amended drawings are to be submitted to the Town Code Enforcement Officer for review and acceptance prior to signing by the identified Town Department Heads and the Town Engineer.

BE IT FURTHER RESOLVED that once the revised set of Preliminary Site Plan Drawing for Sky Solar West Solar Project have been signed, then the Town Director of Planning and Development, and the Town Code Enforcement Officer may accept the set of Final Site Plan Drawings for the Sky Solar, Inc., West Solar Project, for scheduling a public meeting with the Planning Board.

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, Jonathan Orpin, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

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

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

Motion carried.

Following the voting, Mr. Hemminger said that this project will next appear on a future Planning Board agenda (date to be determined) for the board’s determination that the Final Site Plan application is complete and ready for a public meeting. At this meeting, the board will accept the application as complete and will schedule it to a subsequent meeting at

which the Final Site Plan will be considered. He said that this will be a public meeting and that citizens' comments will be received.

Mr. Schell said that this is the first solar site that he has seen with light poles on the site. He said that these [light poles] make them the highest point of energy over a solar site. He said that they are building a battery—that they are building a coil—and that these poles will eventually be hit by lightning. Mr. Schell said that he does not see the reasoning of putting site lighting on a solar project.

Mr. Hemminger said that the Town engineer will take a look at this. Mr. Brabant said that the lighting is on the road. Mr. Schell said that the lighting is inside the fence line. Mr. Hemminger said that he did not think that there is anything inside the fence line. Mr. Schell referred to symbols of poles on the site plan drawing. Ms. Thomas said that the vast majority of those symbols are [utility] poles, and that lighting fixtures have an added symbol only where the lighting fixtures are to be installed.

5. OTHER BOARD ACTIONS

A. **Farmbrook Subdivision Phases 7A and 7B, Partial Letter of Credit Release #2:**

- 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
LETTER OF CREDIT—PARTIAL RELEASE #2
FARBROOK SUBDIVISION, PHASES 7A AND 7B**

PB #0301-24

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from the Town's Director of Planning and Development, dated October 9, 2024, for a Planning Board recommendation whether to recommend the second partial release of funds [Release #2] from the established Letter of Credit for the above referenced Project; and

WHEREAS, Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, in a letter dated October 8, 2024, recommends a partial release of funds (Release #2) from the Letter of Credit for the above referenced project, in the total amount of \$601,625.06; and

WHEREAS, the Town Engineer's recommendation has been coordinated with David Orians, Town Construction Inspector, and is based upon the Applicant's

Estimate of Values for approved of the completed site improvements to be dedicated to the Town; and

WHEREAS, Appendix Form G-2.0 has been completed and submitted; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render a recommendation to the Town Board whether to honor the requested partial release of funds (Release #2) from the established Letter of Credit for approved site improvements.

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 authorize the requested partial release (Release #1) from the Letter of Credit in the total amount of \$601,625.06 and to directs the filing thereof with the Town Clerk’s Office.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board and to the Town Clerk.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; Tim Ford, Town Highway and Parks Superintendent; Robin MacDonald, Acting Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; David Orians, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; August Gordner, Deputy Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to the applicants, Robert Brenner and Brian Mahoney, Mahoney Brenner LLP, 83 South Main Street, Canandaigua, New York 14424.

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

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

Motion carried.

B. Final Three-Lot Subdivision Plat of the Brian L. and Elizabeth S. Blazey Three-Lot Subdivision Tract:

PB #1001-24 Final Three-Lot Subdivision Plat Application

APPLICANT: Scott Blazey, 5075 Rushmore Road, Palmyra, N.Y. 14522

ACTIONS: Acceptance of an application as being complete and scheduling of public meeting for the proposed Three-Lot Final Subdivision Plat approval for subdividing Tax Map Account Numbers 18.00-2-10.200 and 18.00-2-10.130, located along the south side of Rushmore Road.

On October 2, 2024, the Planning Board determined that this subdivision application was an Unlisted Action under the State Environmental Quality Review Act, would not result in any significant (moderate to large) adverse environmental impacts, and approved the Preliminary Three-Lot Subdivision with conditions (PB #1001-24)

Mr. Marks (Marks Engineering, Canandaigua, N.Y.) attended via remote video conference.

■ 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 #1001-24

APPLICANT: Scott Blazey, 5075 Rushmore Road, Palmyra, N.Y. 14522

ACTIONS: Final Three-Lot Subdivision Plat Application: Acceptance of an application as being complete and scheduling of public meeting for the proposed Three-Lot Final Subdivision Plat approval for subdividing Tax Map Account Numbers 18.00-2-10.200 and 18.00-2-10.130, located along the south side of Rushmore Road.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed an application for the above referenced Action, for the purpose of accepting and scheduling a public meeting; and

WHEREAS the Planning Board’s review includes a Final Subdivision Plat drawing prepared by Marks Engineering.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds the application to be acceptable for scheduling a public meeting thereon and directs Town Staff to schedule the public meeting to be conducted on Wednesday, November 6, 2024.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicants, the Applicants 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
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

C. Scott Blazey Preliminary Site Plan for Lot #2 of the Brian L. and Elizabeth S. Blazey Three-Lot Subdivision Tract:

PB #0903-24 Preliminary Site Plan Application

APPLICANT: Scott Blazey, 5075 Rushmore Road, Palmyra, N.Y. 14522

ACTIONS: Determination whether to accept an application as being complete for scheduling of a public meeting for the proposed Preliminary Site Plan approval for proposed development of Lot #2, Brian L. and Elizabeth S. Blazey Three- (3-) Lot Subdivision Plat.

On September 18, 2024, the Planning Board determined that this application was incomplete because Lot #2 of the Brian L. and Elizabeth S. Blazey Three-Lot Subdivision Tract had not yet been created.

Mr. Marks (Marks Engineering, Canandaigua, N.Y.) attended via remote video conference.

Mr. Hemminger said that the board determines that this application is incomplete at this time because the related Brian L. and Elizabeth S. Blazey Three-Lot Sub-

division Final Plat has not yet been approved, and that the three individual lots have not yet been created (*see* PB 1001-24, pp. 23–24, above). He said that the board will consider this site plan following the submission of a complete application to the Town staff after the subdivision of the lots has been created.

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

■ A motion was made by MR. VIETS, seconded by MS. SOUSA, 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 #0903-24 Preliminary Site Plan Application

**APPLICANT: Scott Blazey, 5075 Rushmore Road, Palmyra,
New York 14522**

**ACTIONS: Determination whether to accept an application as
being complete for scheduling of a public meeting for
the proposed Preliminary Site Plan approval for
proposed development of Lot #2, Brian & Elizabeth
Blazey Three (3) Lot Subdivision Plat.**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has again received and reviewed an application for preliminary site plan approval for Lot #2 of the above referenced Subdivision Plat, for the purpose of accepting and scheduling a public meeting; and

WHEREAS the Planning Board’s review includes a Preliminary Site Plan drawing for Lot #1, which involves the same information previously determined to be incomplete, of a proposed Blazey 2-Lot Subdivision Plat, that has been prepared by Marks Engineering, and Part 1 of the Short Environmental Assessment Form (SEAF) for a two-lot preliminary subdivision plat and a lot line adjustment; and

WHEREAS the Planning Board has earlier tonight accepted the Final Subdivision Plat application for the Three-Lot Brian L. and Elizabeth S. Blazey Subdivision Tract (PB #1001-24) as being complete for scheduling a public meeting, where testimony was received that this Preliminary Site Plan application involves Lot #2 and not Lot #1.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds this application cannot be accepted at this time and finds the material submitted still remains incomplete, for scheduling a public meeting thereon, based upon the Board’s determination that Lot #1, Blazey 2 Lot Subdivision Plat, does not exist

and that this application would be for Lot #2 of the Brian L. and Elizabeth S. Blazey Three Lot Subdivision Tract.

BE IT FURTHER RESOLVED that when there is a revised application which includes a corrected Preliminary Site Plan drawing for Lot #2 and a revised Short Environmental Assessment Form for said application, then the Planning Board will, at such time, determine whether said application may be deemed complete for public review.

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
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

D. Preliminary Five-Lot Subdivision of the Alexander–Shear Subdivision Tract:

PB #1002-24 Preliminary Five-Lot Subdivision Plat Application

APPLICANT: Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580

ACTIONS: Determination whether to accept an application as being complete for classifying under the State’s Environmental Quality Review Act (SEQRA), conducting a Public Hearing and/or meeting for the proposed Preliminary Five-Lot Alexander–Shear Subdivision (to be located at the southwest corner of County Road 8 and Collett Road), referring said application to the Ontario County Planning Board, and scheduling a date for such Public Hearing/ meeting.

On September 4, 2024, the applicant provided a concept presentation on this proposed subdivision to the Planning Board.

Mr. Shear (Jeff Shear Homes, Inc.) and Mr. Alexander (Alexander Homes) attended in the meeting room.

Mr. Hemminger said that the board action this evening on this, and on the related Preliminary Site Plan application for proposed Lot #3 of the subdivision, are administrative actions. He said that the board will:

- Classify this subdivision application as an Unlisted Action under the State Environmental Quality Review Act (SEQR); and
- Refer this subdivision application to the Ontario County Planning Board; and
- Establish a formal Public Hearing for the subdivision to be held on November 20, 2024; and
- Establish the SEQR 30-day coordinated review period from October 18, 2024, to November 18, 2024, with the following Involved and Interested Agencies:

Involved Agencies:

New York State Department of Environmental Conservation
 New York State Department of Health
 Ontario County Department of Public Works
 Canandaigua–Farmington Consolidated Water District
 Town of Farmington Highway Department

Interested Agencies:

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

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

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

**TOWN OF FARMINGTON
 PLANNING BOARD RESOLUTION**

PB #1002-24

APPLICANT: Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580

ACTIONS: Preliminary Five-Lot Subdivision Plat, Alexander–Shear Subdivision Tract Application: Determination whether to accept an application as being complete for classifying under the State’s Environmental Quality

Review Act (SEQRA), conducting a Public Hearing and/or meeting for the proposed Preliminary Five-Lot Alexander–Shear Subdivision (to be located at the southwest corner of County Road 8 and Collett Road), referring said application to the Ontario County Planning Board, and scheduling a date for such Public Hearing/ meeting.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed an application for preliminary approval for the above referenced Subdivision Plat Application; and

WHEREAS the Planning Board’s review includes a proposed Preliminary Subdivision Plat drawing for a five- (5-) lot subdivision of Tax Map Account # 29.00-2-12.100, containing a total of approximately 15.5 acres of land located along the south side of Collett Road and the west side of County Road 8, and supporting documents including a Part 1 Full Environmental Assessment Form and an Agricultural Data Statement; and

WHEREAS the Planning Board tonight has received public testimony on the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds this application can be accepted at this time.

BE IT FURTHER RESOLVED that the Board finds the proposed Action is classified under the provisions of 6NYCRR, Part 617, a part of Article 8 of the New York State Environmental Conservation Law, as an Unlisted Action subject to approvals from the New York State Department of Health, the New York State Department of Environmental Conservation, the Ontario County Department of Public Works, the Town Highway Superintendent and the Town Acting Water and Sewer Superintendent and, therefore, finds that a coordinated review is required under SEQRA.

BE IT FURTHER RESOLVED that the Board finds said Action subject to referral to the Ontario County Planning Board under the provisions of Sections 239-1 & -n of the New York State General Municipal Law.

BE IT FURTHER RESOLVED that the Board finds said Action requires a Public Hearing as required under Article 16 of New York State Town Law and Chapter 144 of the Farmington Town Code.

BE IT FURTHER RESOLVED that the Board further finds that the first available date for scheduling a public hearing shall be Wednesday, November 20, 2024. The Board further directs the publishing and posting of a legal notice for this public hearing in accordance with the provisions of the State’s Open Meetings Law.

BE IT FURTHER RESOLVED that the Board directs Town Staff to prepare a Project Notification Review Letter upon its receipt of ten (10) complete packets of material, to be received not later than noon on Friday, October 18, 2024, that are associated with the above Action from the Applicant’s Engineer, to be distributed to the Involved and Interested Agencies as part of a coordinated review under SEQRA commencing on October 18, 2024, and ending at noon on November 18, 2024.

BE IT FURTHER RESOLVED that the Board directs Town Staff to submit a complete referral to the Ontario County Planning Board in time for their November 13, 2024, meeting.

BE IT FURTHER RESOLVED that the Board directs the Applicant and/or his Engineer to appear before the Town’s Project Review Committee Meeting, scheduled for Thursday morning, November 7, 2024, to provide answers to Town Staff comments and/or questions about this proposed Action.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineer, Marques & Associates, P.C., Land Surveying Engineering, Town Staff, the Town Engineer and filed with the Town Development Office.

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

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

Motion carried.

E. Preliminary Site Plan for Lot #3 of the Alexander–Shear Subdivision:

PB #1003-24 Preliminary Site Plan Application

APPLICANT: Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580

ACTIONS: Determination whether to accept an application as being complete for scheduling of a public meeting for the proposed Preliminary Site Plan approval for proposed development of Lot #3, Alexander–Shear Subdivision Five- (5-) Lot Subdivision Plat.

On September 4, 2024, the applicant provided a concept presentation on this proposed subdivision to the Planning Board.

Mr. Shear (Jeff Shear Homes, Inc.) and Mr. Alexander (Alexander Homes) attended in the meeting room.

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #1003-24

APPLICANT: Jeff Shear, 229 Gallant Fox Lane, Webster, N.Y. 14580

ACTIONS: Preliminary Site Plan Application: Determination whether to accept an application as being complete for scheduling of a public meeting for the proposed Preliminary Site Plan approval for proposed development of Lot #3, Alexander–Shear Subdivision Five- (5-) Lot Subdivision Plat.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has again received and reviewed an application for preliminary site plan approval for Lot #3 of the above referenced Subdivision Plat, for the purpose of accepting and scheduling a public meeting; and

WHEREAS the Planning Board’s review includes a Preliminary Plan drawing for Lot #3, which currently is not an approved lot.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds this application cannot be accepted at this time and finds the material submitted remains incomplete, for scheduling a public meeting thereon.

BE IT FURTHER RESOLVED that when there is an approved Preliminary Subdivision Plat for proposed Lot #3 of the Alexander–Shear Subdivision Tract then the Planning Board will decide whether to accept such application for public review.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineer, 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
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

F. Preliminary Site Plan

PB #1004-24 Preliminary Site Plan Application

APPLICANT: Noelle Porretta, 4484 State Street, Shortsville, N.Y. 14548

ACTION: Determination whether to accept an application as being complete for scheduling a public meeting for the proposed Preliminary Site Plan approval for development of land located at the above street address.

The applicant wishes to operate an excavating business at 4484 State Street according to Chapter 165-72 of the Town of Farmington Codes. On August 21, 2024, the applicant’s previous application for a Special Use Permit was denied without prejudice (PB #0501-23).

Ms. Porretta attended via remote video conference.

Mr. Brand said that he received an email from the applicant regarding any changes to the existing site. He confirmed that there are no proposed changes to the existing site and that the resolution which has been prepared for the board’s consideration this evening is to determine that the Preliminary Site Plan application is complete and is scheduled for consideration at the next meeting on November 6, 2024.

Ms. Porretta said that she understands that the application is for approval of the existing site. Mr. Hemminger asked her if she agreed with the draft resolution. Ms. Porretta said yes.

Mr. Bellis also confirmed that everything on the site is preexisting.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #1004-24

APPLICANT: Noelle Porretta, 4484 State Street,
Shortsville, N.Y. 14548

ACTION: Preliminary Site Plan: Determination whether to accept an application as being complete for scheduling a public meeting for the proposed Preliminary Site Plan approval for development of land located at the above street address.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed an application for Preliminary Site Plan approval for the developed land located at the above address, for the purpose of accepting and scheduling a public meeting thereon; and

WHEREAS the Planning Board’s review includes a Preliminary Site Plan drawing and Part 1 of the Short Environmental Assessment Form (SEAF); and

WHEREAS, said Action is subject to classification under the State’s Environmental Quality Review Act (SEQRA).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds this application can be accepted at this time for scheduling a public meeting thereon.

BE IT FURTHER RESOLVED that the Board classifies this Action under SEQRA as being a Type II Action defined in 6NYCRR, Part 617.5 (c) (2) and (9). Actions classified a Type II are not subject to further environmental review.

BE IT FURTHER RESOLVED that the Planning Board directs Town Staff to add this application to the November 6, 2024, Planning Board Meeting Agenda.

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
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

G. Final Two-Lot Subdivision Plat of the Alan T. and Dale L. Sadler Subdivision Tract:

PB #1005-24 Final Two-Lot Subdivision Plat Application

APPLICANT: Alan and Dale Sadler, 5321 Fox Road, Farmington, N.Y. 14425

ACTIONS: Acceptance of an application as being complete and scheduling of public meeting for the proposed two-lot Final Subdivision Plat approval for subdividing Tax Map Account Number 9.00-1-4.000 located along the north side of Allen Padgham Road, west of County Road 8.

On October 2, 2024, the Planning Board determined that this subdivision application was an Unlisted Action under the State Environmental Quality Review Act, would not result in any significant (moderate to large) adverse environmental impacts, and approved the Preliminary Two-Lot Subdivision with conditions (PB #0901-24).

■ A motion was made by MR. BELLIS, seconded by MS. SOUSA, 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 #1005-24

APPLICANT: Alan and Dale Sadler, 5321 Fox Road, Farmington, N.Y. 14425

ACTIONS: Final Two-Lot Subdivision Plat: Acceptance of an application as being complete and scheduling of public meeting for the proposed two-lot Final Subdivision Plat approval for subdividing Tax Map Account Number 9.00-1-4.000 located along the north side of Allen Padgham Road, west of County Road 8.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed an application for the above referenced Action, for the purpose of accepting and scheduling a public meeting; and

WHEREAS the Planning Board’s review includes a Final Subdivision Plat drawing prepared by Freeland-Parrinello, Land Surveyors.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds the application to be acceptable for scheduling a public meeting thereon and directs Town Staff to schedule the public meeting to be conducted on Wednesday, November 6, 2024.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicants, the Applicants 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
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

6. OPEN DISCUSSION

Director of Planning and Development:

Mr. Brand provided the following information:

- The Town staff is working with Mr. Brabant and MRB Group on the Sidewalk/Trail Master Plan map.
- The Town Agricultural Advisory Committee met last week and decided to separate the proposed Agricultural Conservation Overlay District regulations from a group of other proposed amendments to the Town Code, and instead to address the Agricultural Conservation Overlay District regulations as a separate Town local law. The Committee asked Mr. Brand to make arrangements with the Ontario County Agricultural Enhancement Board to receive feedback on the direction of the currently proposed Agricultural Conservation Overlay District.
- The Town Board is expected to take action at its next meeting on Tuesday, October 22, 2024, to accept the draft of the Ontario County 2024 Hazard Mitigation Plan Update. This document outlines the purpose of the Plan, the planning process, a demographic profile of Ontario County, a county-wide risk assessment of 12 natural hazards (drought, extreme high/cold, flood, hail, ice and snowstorm, landslide, lightning, tornado, wildfire, and wind) and seven human caused hazards (dam failure, fire, hazardous materials, infestation, terrorism, utility failure and water

supply contamination). The Plan also updates the status of mitigation strategies from the 2018 Plan, identifies at least one mitigation strategy to address each natural hazard in each municipality, and reviews the process for Plain maintenance. Plan Appendices A to G summaries involved participants, public survey results, critical facilities, meeting documentation, State and Federal funding opportunities, and other required information.

- The Town staff continues work with Mr. Brabant and MRB Group on the update to the Site Design and Development Criteria Manual. Edits are now in progress on the appendices.
- Supervisor Ingalsbe has approved two hours of training for members of the Planning Board and the Zoning Board of Appeals who complete their review and understanding of three presentations which were given at the New York State Association of Towns meeting which was recently held in Corning, N.Y., and which was attended by Mr. Brand and Mr. Delpriore.

Electronic files of the three presentations were recently provided to board members on:

“Whose Role Is It Anyway: The Interplay Between the Governing Board and Planning and Zoning Boards”

“Special Use Permits”

“Litigation Issues: Strategies to Avoid Article 78 Proceedings.”

Mr. Brand said that the presentation on litigation issues stressed the importance of documenting the making of board decisions with their findings as parts of the official meeting record. He said that no new information is introduced in an Article 78 proceeding and that courts look to the official meeting records. Mr. Brand said that this procedure makes it difficult for a court to overturn a board’s decision when they have completed their decisions and findings in the public record.

Code Enforcement Officer:

Mr. Delpriore said that all sections of the Site Design and Development Criteria Manual are being reviewed for amendments, including parts of the manual which pertain to the Water and Sewer Department and the Highway Department.

He said that the lower level of the Town Hall is now empty for remodeling which will begin next week. Mr. Delpriore said that the lower level will be closed off for the renovations until March 2025.

Mr. Delpriore said that the Planning Board meetings in November are expected to have lighter agendas, and that applications may pick up in December.

He also said that he and Mr. Brand will be meeting with prospective applicants who are considering two new solar projects in the Town, that the Building Department continues to be busy with permits due to the hailstorm which occurred in the area in July, and that the Building Department is now up to full staff with the recent hiring of Lexie Martin.

Mr. Hemminger said that there is no need for the Building Department to place incomplete applications on the Planning Board agenda. He said that he would be available, if needed, to review incoming materials to help determine if they are complete and ready for Planning Board consideration.

Highway Superintendent:

Mr. Ford said that the final road grades are complete on Alfalfa Crescent and Meadowbrook Lane, and these two new sections of highway will be paved this week.

He also said that the Town clean-up days are this Friday and Saturday, October 18th and October 19th, and that Highway staff are now beginning to mount plow frames on the trucks.

Planning Board Members:

In response to a comment made by a resident during the Solar project discussion earlier this evening, Mr. Hemminger said that there is no reason to construct a sidewalk on top of a water or a sewer line. He said that this practice would not make sense.

Mr. DeLucia asked about the pedestrian bridge crossing over Beaver Creek which will be located on the south side of Country Road 41. Mr. Brand said that the bridge is expected to be installed (lifted into place) in December and that there is still work to complete on the approaches.

7. PUBLIC COMMENTS

None.

8. 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, 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/>

■ **Genesee–Finger Lakes Regional Planning Council Fall 2024 Local Government Workshop:**

Friday, October 25, 2024

Conference Center at Wayne–Finger Lakes BOCES

For information: www.gflrpc.org

■ **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>

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:55 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, November 6, 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 doors to the Town Hall front doors were locked.

Respectfully submitted,

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