

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, April 15, 2020 • 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.

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 12, 2020, subsection as follows:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting was conducted via telephone conference audio format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on Monday, April 13, 2020.

This meeting was conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020, with the following revisions per the above reference to the Governor's Executive Order::

- All applications will be introduced by the Planning Board Chairperson.

- The Planning Board Chairperson will ask for comments from the Town staff.
- The Planning Board Chairperson will ask for comments from the Planning Board.
- The applicant(s) will provide responses where needed at the direction of the Planning Board Chairperson.
- The Planning Board members will vote upon the application(s).
- Public comments will be received by the Planning Board Chairperson only during the Public Comment agenda item.
- The meeting will be recorded and later fully transcribed by the Clerk of the Board.

**Board Members Present
via Telephone Conference:**

Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Shauncy Maloy
Douglas Viets

Staff Present via Telephone Conference:

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
Don Giroux, Town of Farmington Highway and Parks Superintendent

Applicants Present via Telephone Conference:

Walter F. Baker, D.S.B. Engineers & Architects, P.C., 2394 Ridgeway Avenue,
Rochester, N.Y. 14626
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#415, Rochester, N.Y. 14610
Max Heagney, LeFrois Builders and Developers, 1020 Lehigh Station Road,
Henrietta, N.Y. 14467
Donald H. Lewis, Jr., P.E., DH Lewis Engineering PLLC, 3832 Cory Corners Road,
Marion, N.Y. 14505
J. Lincoln (Linc) Swedrock, P.E., BME Associates, 10 Lift Bridge Lane East,
Fairport, N.Y. 14450
James Swetman, Home Power Systems LLC, 1127 Corporate Drive, Farmington, N.Y. 14425

Residents Present via Telephone Conference:

Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548
William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425
James Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522
Other(s) [unidentified]

1. MEETING OPENING

The meeting was called to order at 7:00 p.m.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020, as amended above.

Mr. Hemminger: OK, 7 o'clock Verizon time. We will start our meeting. First thing I'm going to ask everyone to do is to please mute your phones and then only unmute them when you're ready to speak. When you're ready to speak—who just signed in?

Mr. Giroux: I did. It's Don.

Mr. Hemminger: Don, OK, thanks Don.

Mr. Hemminger: OK, so everyone, mute your phones and then when you do unmute them to speak, please first say your name. It makes it so much easier for the clerk. We've done a—pretty much I checked with people who have signed on to the audio conference. We have a full Planning Board—myself, Ed Hemminger; Doug Viets; Shauncy Maloy; Adrian Bellis; and Tim DeLucia.

Mr. Hemminger: So, we're going to be handling this meeting the same as the last one in accordance with our meeting agenda and our adopted Rules of Procedure on January 15th, with some minor modifications. Obviously, we're doing this over the phone. Again, I please remind everyone to state their name before they speak and we will get moving.

2. APPROVAL OF MINUTES OF APRIL 1, 2020

Mr. Hemminger: So, our first item on the agenda is to approve the minutes from April 1st. They're a little different since they were word-for-word. Did any of the members of the board not get a chance to review those minutes?

[Pause, no comments]

Mr. Hemminger: I'll take that as a "no" so I will ask for someone to move the minutes, please.

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, that the minutes of the April 1, 2020, meeting be approved.

[All board members voted "aye."]

Motion carried by voice vote.

Mr. Hemminger: That was a unanimous approval, John.

3. NEW FINAL SUBDIVISION

PB #0401-20 New Final Subdivision Application

Name: A&D Real Estate Development Corporation, LLC,
c/o Anthony DiPrima, 7 Beauclaire Lane, Fairport, N.Y. 14450

Location: Off Amber Drive and west of Ivory Drive, Auburn Meadows
Incentive Zoning Site

Zoning District: IZ Incentive Zoning

Request: Final Subdivision approval for Auburn Meadows Sections 7N and
8N consisting of 55 residential lots located off Amber Drive and
west of Ivory Drive in the Auburn Meadows Incentive Zoning Site.

Mr. Baker (D.S.B. Engineers & Architects, P.C.) presented this application via telephone conference.

Mr. Hemminger: We have no Legal Notices. Our order of business—first item on the agenda is PB #0401-20 Final Subdivision approval for the Auburn Meadows Incentive Zoning, Sections 7N and 8N, so I believe we have Walt Baker on the phone. Walt—can you just give us a little short overview of what this final subdivision approval is all about and any changes that might have been made.

Mr. Hemminger: Walt—you stil there.

Mr. Brand: Take it off mute, Walt.

Mr. Hemminger: There you go, we can hear you now, Walt.

Mr. Baker: All right, I'm here. As the chairman stated, I'm Walt Baker with DSB Engineers, and here tonight for final approval for Auburn Meadows Section 7 North and 8 North. These are the last two sections of the project to be completed. Section 7 has 23 lots and Section 8 has 32 lots for a total of 55 lots. Obviously, we submitted the plans. It's going to be the continuation of Ivory Drive which will connect from the existing stub road in Section 6 North all the way through to Section 5 Amber Drive, and complete the road network in the project which is the original plan.

Mr. Baker: We did have a couple [of] changes back in 2015 where A&D Development did a redesign and we had the Overall Plan amended at that time with the Planning Board and with that we are adding another four-and-a-half acres of parkland to the 20 acres that is presently along the Auburn Trail—along the northern property line—so we got that redesigned. Obviously, the plans reflect that, that we submitted with the application of the plat.

Mr. Baker: We also have the connecting road—Jenlyn Court—was taken out per the 2015 master plan and we're in agreement with installing the sidewalks through there. I met with the PRC (Project Review Committee) a few weeks ago. We talked about some modifications to Amber Drive to straighten out the gutter lines for that, so it will look like it's always been designed as it should have been, instead of a stub road.

Mr. Baker: Again, I do have the draft resolution here and Mr. DiPrima, who can't be with us tonight, he's still in Florida—he's in agreement with the resolution.

Mr. Baker: I just noticed one item on here that called for eight trees along the new sidewalk between Amber and Ivory—the connecting sidewalk—and at the 75-foot-wide spacing that was called for on the Overall approved master plan—the 75-foot space would equal six trees instead of eight. That's the only change that we see with that. Other than that, he's in agreement with the resolution as written.

Mr. Hemminger: OK, we'll turn it over to Ron.

Mr. Brand: I'd like to thank everybody for doing a lot of research on this, going back and correcting the fact that there is to be a sidewalk—pedestrian walkway—between these two areas, along with the water line and with the street trees. I'm ready to go on this. I drafted a resolution. The only thing that would need to be changed to it is the number of street trees changed from eight to six.

Mr. Hemminger: OK. I might add that that, John, is in Item—Condition #2 at the very end where it says a “minimum of eight” we'll change that to “minimum of six.” OK, thank you Ron. Dan?

Mr. Delpriore: Ron is right on with this. We worked with Walt at our PRC meeting. We reviewed this pretty closely. I think the resolution with conditions is well written.

Mr. Hemminger: Thank you. Don—highway?

Mr. Giroux: I'm all set with this project, as it is.

Mr. Hemminger: Cool, OK, so we've gone through that. We talked to the applicant and we talked to staff. Now, we'll go to the board. Doug?

Mr. Delpriore: Mr. Chairman, this is Dan.

Mr. Hemminger: Go ahead, Dan.

Mr. Delpriore: You skipped over Engineering.

Mr. Hemminger: Oh, I skipped over Engineering. I'm sorry. Lance?

Mr. Brabant: I was just about to say—thank you. No, I agree with staff. MRB Group did, however, issue a letter dated April 14th. I apologize for the delay in getting the letter to everybody due to the circumstances of the size of the project. It took us a little longer, but there is a lot of stuff to go through. I think it’s in a good spot. We do have some comments on the engineer’s report which we’ll continue to work with Walt and his team on, as we have on other sections of the project. I do have one suggested change to the conditions. It’s in regards to the MRB letter—the date of that letter—Condition #10, I believe, as shown on the computer identifies the letter as being March 16th. That should be changed to April 14th.

Mr. Hemminger: OK, Item 10 goes from March 16th to April 14th. Thank you very much, Lance. I’m sorry on that. OK, now we move to Doug? Doug, unmute, please.

Mr. Viets: I have nothing on this, right now.

Mr. Hemminger: OK, Shauncy?

Mr. Maloy: Yes, this is Shauncy. Other than the stuff that has been put in the letter, I have nothing else.

Mr. Hemminger: OK, thank you. Adrian?

Mr. Bellis: This is Adrian. I have nothing at this time on this project.

Mr. Hemminger: Thank you, Tim?

Mr. DeLucia: I’m good with the changes identified.

Mr. Hemminger: Thank you. So we have a resolution. The applicant has agreed to the conditions with the changes from eight trees to six, and then the modification of the date of the MRB letter. With that, do we have a member who would move this resolution with the updated conditions?

■ 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 amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL PLAT APPROVAL—SECTIONS 7N AND 8N, AUBURN MEADOWS SUBDIVISION**

PB #0401-20

APPLICANT: A&D Real Estate Development Corporation, LLC
7 Beauclaire Lane, Fairport, N.Y. 14450

ACTION: Final Subdivision Plat Approval, Sections 7N and 8N,
Auburn Meadows Incentive Zoning Project

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has under separate resolution determined the above referenced Action will not have a significant adverse impact upon the environment; and

WHEREAS, the Planning Board has opened a public meeting in compliance with New York State Town Law with regards to the requested Final Subdivision Plat approval; and

WHEREAS, the Planning Board has given consideration to the comments provided upon the above referenced Application.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board does hereby grant Final Subdivision Plat Approval with the following conditions for the proposed Sections 7N and 8N, Auburn Meadows Subdivision, Incentive Zoning Tract:

1. Final Subdivision Plan drawings prepared by D.S.B. Engineers & Architects, P.C., identified as project number 03-11020, dated February 2020, consisting of drawings numbers 1 of 14 through 14 of 14, as may be further amended below herein.
2. The Final Subdivision Plan drawing is showing a thirty- (30-) foot-wide strip of land to be dedicated to the Town in satisfaction of the conditions of approval by the Town Board to amend portions of Section 7N and 8N of the overall Preliminary Subdivision Plat, by eliminating the construction of Jenlyn Court between Amber Drive and Ivory Drive. This 30-foot-wide strip of land is to identify the construction of a five-foot wide concrete sidewalk extending between Amber Drive (Lots 545 and 546) and Ivory Drive (between Lots 740 and 848). Also within this 30-foot-wide strip of land there is to be installed an eight- (8-) inch waterline connecting the 8-inch water line on Amber Drive with the 8-inch water line to be installed on Ivory Drive in Sections 7N and 8N. There is also to be two (2) street lights installed, one on each end of the five-foot-wide concrete sidewalk at Amber Drive and Ivory Drive. Finally, there is to be a minimum of six (6) street trees installed on an alternating basis along both sides of the sidewalk. These trees are not to be installed on top of the water main that is to be installed.
3. The final plans are to be revised to remove the existing stub street connection that was originally envisioned (formerly identified as Jenlyn Court) and to relocate the associated drainage inlets located between lots 545 and 546 within Section 5 of Auburn Meadows. The proposed sidewalk described above in Condition #2 is to be extended to connect Ivory Drive to Amber Drive at the edge of pavement on Amber Drive. A crosswalk is to be provided across Amber Drive and a new landing area is to be constructed on the west side of Amber Drive, along with Pedestrian Crossing signs, to accommodate the pedestrian crossing at this location. All remaining areas within this location are to be stabilized and returned to lawn areas.

4. The liber and page numbers that were assigned with the transfers of the two (2) fifteen- (15-) foot-wide strips of land, one each to Lot #545 and Lot #546, are to be shown on the final plat map and copies of said documents to be filed with the Town prior to the signing of the Final Subdivision Plat map associated with this application.
5. The final plan drawings are to identify an eighteen- (18-) foot wide strip of land dedicated to the Town and having constructed thereon a twelve- (12-) foot-wide subsurface maintenance road, between lots #739 and #849, extending from the right-of-way for Ivory Drive to the rear lot lines of the adjacent lots. The drawings are also to identify the construction of a five- (5-) foot wide concrete sidewalk extending across this strip of land, from front lot line to rear lot line of the adjacent lots. The drawing is also to identify at the end of the concrete sidewalk the continuation of a eight- (8-) foot-wide stone dust trail extending around the adjacent detention pond(s) and connecting to the adjacent Auburn Trail.
6. All lots in Sections 7N and 8N are to have two street trees planted prior to the issuance of Certificates of Occupancy for a respective lot.
7. Drawing Number 3 of 14, Lot #737, the note referencing “area to be deeded to lot 711” is to be revised to identify this as being lot 737.
8. Drawing Number 5 of 12 is to identify the boundary line between the Victor Central School District and the Canandaigua City School District. Said boundary line runs between Lots # 629 and #630; and between Lots # 634 and #635.
9. Drawing Number 9 of 14, is to identify street lights at the following locations:
 - a. On the north side of Ivory Drive, within the right-of-way, between Lots #306 and #307, at its intersection with Amber Drive;
 - b. On the east side of Ivory Drive, within the right-of-way, in front of lot 739 at the crosswalk location;
 - c. On the north side of the proposed sidewalk connecting Ivory Drive to Amber Drive, within the right-of-way, between lots 545 and 546;
 - d. At the north west corner of Ivory Drive and Amber Drive in front of lot 863.
10. Prior to the Town Engineer’s signing of the Final Plat Drawings, there is to be written responses to the comments contained in the April 14, 2020, letter from the Town Engineering Firm, MRB Group, D.P.C.

11. No site preparation or construction shall commence until final plat drawings have been signed by the Planning Board Chairperson and filed in the Office of the Ontario County Clerk.
12. The revised set of the Final Subdivision Plat drawings are to be submitted to the Town Code Enforcement Officer for his review and acceptance with the conditions contained within this resolution prior to signing by the Town Highway and Parks Superintendent, Town Engineer, Town Water and Sewer Superintendent and then Planning Board Chairperson.
13. The applicant is advised that prior to the start of construction a “Pre-Construction Meeting” will be scheduled by the Town Code Enforcement Officer. A prerequisite to the scheduling of the “Pre-Construction Meeting” will be the filing of a Letter of Credit with the Town Clerk for any site improvement that is to be dedicated to the Town. The applicant is further advised to discuss the process for a Letter of Credit with the Town Code Enforcement Officer to avoid any delay in obtaining a Building Permit.
14. No Building Permits are to be issued until the Applicant has filed with the Town Clerk’s Office, the necessary letter of credit for site improvements being dedicated to the Town.
15. Final Subdivision Plat Approval is valid for a period of 180 days and shall expire unless the drawings have been filed in the Office of the Ontario County Clerk.
16. Once all conditions of Final Subdivision Plat Approval have been made on the revised drawings, a mylar and one (1) sets of paper prints are to be provided for signatures and will be signed by: the Town Water and Sewer Superintendent; the Town Engineer; and then the Planning Board Chairperson. The signed mylar will be returned to the Applicant’s Engineer. The Applicant’s Engineer is to make two (2) paper copies for filing in the County Clerk’s Office. The Applicant’s Engineer has sixty-two (62) days from the date of signing by the Planning Board Chairperson to file the mylar and two (2) paper copies in the County Clerk’s Office.
17. Prior to issuance of permits, a PDF copy of the signed plans and any supporting materials (including the liber and pages of all filed easements) is to be provided to the Town Development Office along with three (3) additional signed prints to be distributed to the Town Highway & Parks Superintendent; the Town Water and Sewer Superintendent; and the Town Engineer.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger: Thank you very much. OK, so that closes the final subdivision approval for PB #0401-20. Thank you, Walt.

Mr. Baker: All right, thanks very much. Good night, take care.

4. NEW FINAL SITE PLAN

PB #0404-20 New Final Site Plan Application

Name: Dan Bieck and Madeline Allen, 4392 Fox Road,
Palmyra, N.Y. 14522

Location: Yellow Mills Road

Zoning District: A-80 Agricultural

Request: Final Site Plan approval to erect a single-family residence approximately 4,400 square feet upon Lot #1 of the James F. Redmond Subdivision owned by James F. Redmond.

Mr. Lewis (DH Lewis Engineering PLLC) presented this application via telephone conference.

Mr. Hemminger: OK, the next item up is PB #0404-20, Final Site Plan approval. This is for the Yellow Mills Road location for Dan Bieck and Madeline Allen. So, I think we have Don Lewis on the line for this one?

Mr. Lewis: Yes, this is Don.

Mr. Hemminger: Don, OK, please give us a just quick overview of what's changed from Preliminary to Final.

Mr. Lewis: I think the one thing—the one glaring thing—that was missing on the plan was a 50-foot-long emergency pull-off somewhere midway—whatever worked out easily for grading and stuff—for emergency pull-offs because of the length of the driveway.

Mr. Hemminger: That got taken care of in the Final?

Mr. Lewis: Yes, that got into the plan. And I had all the rest of the items that were questioned before—the pavement 30 feet off the road, at the right of way, the metering, the questions that the Water Department had.

Mr. Hemminger: OK, we'll turn it over to Ron.

Mr. Brand: I have drafted a resolution for Final approval with conditions. The one thing that I did note is that the title of the drawing needed to be changed there. It didn't agree with what required at Preliminary. Other than that, we're ready to go.

Mr. Hemminger: Thank you. Dan?

Mr. Delpriore: The Building Department is pretty good with this. We worked with the applicant and everything seems to be addressed.

Mr. Hemminger: Perfect, Don?

Mr. Giroux: At this point, I am good with this, as well.

Mr. Hemminger: OK, Engineering, Lance, I didn't forget you this time.

Mr. Brabant: No, as staff mentioned, I believe all previous comments have been addressed, so I have nothing further.

Mr. Hemminger: OK, before we go to the board. Let me ask the applicant—you have seen the resolution and you've seen the conditions. Do you agree to the conditions of this resolution?

Mr. Lewis: Yes, my client does.

Mr. Hemminger: Perfect, perfect. OK, we will now move to the board. Doug?

Mr. Viets: I have nothing on this one, Ed.

Mr. Hemminger: OK, Shauncy?

Mr. Maloy: This is Shauncy. I don't have anything on this one, either.

Mr. Hemminger: Thank you, Adrian?

Mr. Bellis: Everything has been addressed from Preliminary and I'm good to go, too.

Mr. Hemminger: Thank you, Tim?

Mr. DeLucia: Yes, I am good to go, as well.

Mr. Hemminger: Thank you, and I am good to go because everything has been addressed. So, given that, do I have a motion to approve the resolution as provided with conditions?

■ A motion was made by MR. MALOY, 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
FINAL SITE PLAN APPROVAL, LOT #1, JAMES F. REDMOND SUBDIVISION
DAN BIECK AND MADELINE ALLEN, YELLOW MILLS ROAD**

PB #0404-20

**APPLICANT: Dan Bieck and Madeline Allen
4392 Fox Road, Palmyra, N.Y. 14522**

**ACTION: Final Site Plan Approval to construct a single-family residence
on Lot #1 of the James F. Redmond Subdivision**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received an application from Dan Bieck for Final Site Plan approval for Lot #1 of the James F. Redmond Subdivision Plat; and

WHEREAS, the Planning Board has determined the proposed action is identified as a Type II Action under Part 617, of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as the SEQR Regulations); and

WHEREAS, the Planning Board has completed its review upon this Action under SEQR Regulations; and

WHEREAS, the Planning Board has received testimony at tonight’s public meeting regarding the proposed Final site plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board does hereby move to grant Final Site Plan Approval with the following conditions:

1. Final Site Plan Approval is based upon the drawing prepared by D. H. Lewis Engineering, PLLC, identified as Project No. E-217, having the latest revision date April 1, 2020 and entitled “Bieck/ Allen Site Plan” prepared for Dan Bieck and Madeline Allen and subject further to the conditions set forth below herein.
2. The title of the drawing is to be amended to read . . . “Bieck/Allen Final Site Plan, Lot #1 of the James F. Redmond Subdivision.”
3. All conditions of Preliminary Site Plan Approval, granted on April 1, 2020, apply to Final Site Plan Approval.
4. Final Site Plan Approval is valid for a period of 180 days and must be renewed unless all conditions of approval have been made and a signed final site plan map

has been placed in the file in the Town Development Office. Failure to comply with this time period shall result in this final site plan approval being made null and void.

- 5. Once all conditions of Final Site Plan Approval have been made on the revised drawing, a total of five (5) paper prints are to be submitted to the Town Code Enforcement Officer, within the 180 day period, for his review and acceptance for signing by the Planning Board Chairperson and other Town Officials.
- 6. Copies of this resolution are to be provided to: Dan Bieck and Madeline Allen, 4392 Fox Road, Palmyra, N.Y. 14522; Don Lewis, P.E., D. H. Lewis Engineering PLLC, 3832 Cory Corners Road, Marion, N.Y. 14505; Don Giroux, Town Highway Superintendent; Lance S. Brabant, CPESC, MRB Group; the Town Clerk; and the Town Development Office.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger: Thank you very much. Thank you, Don. Get those in and we'll get them signed.

Mr. Lewis: OK, I really appreciate it. Thank you.

Mr. Hemminger: Thank you very much. Have a good night.

5. NEW FINAL SITE PLAN AMENDMENT

PB #0404-19 New Final Site Plan Amendment Application

Name: Home Power Systems LLC, c/o James Swetman,
1127 Corporate Drive, Farmington, N.Y. 14425

Location: 1127 Corporate Drive East, Lot #R-6A

Zoning District: LI Light Industrial

Request: Final Site Plan Amendment #2 of Lot #R-6A consisting of 3.413 acres for Home Power Systems one-story 10,000-square-foot building addition.

Mr. Swetman (Home Power Systems LLC), Mr. Swedrock (BME Associates) and Mr. Heagney (LeFrois Builders & Developers) presented this application via telephone conference.

Mr. Hemminger: OK, next item on the agenda is PB #0404-19, the amendment of the Final Site Plan approval for Home Power Systems/Swetman Properties. Who do we have on here to talk about that one.

Mr. Swedrock: This is Linc and I think that Jim is on the line, as well, and Max is on, too.

Mr. Hemminger: Thank you. Just give a quick over of what this all about and then we'll turn it to staff.

Mr. Swedrock: This is a condition of approval from the preliminary approvals for Lot #R-6B for the Swetman. When we were working through that project, with the expansion of the pond and the other improvements that are going on to the Home Power site which is also under the control of Mr. Swetman, it was requested that we update the final plan approved with the Home Power project with the building addition and the parking, and show the improvements for the Swetman R-6B proposal which is currently an application for Preliminary approval but we're coming back for Final on, to update those plans and amend the site plan and to show the improvements on the Swetman Lot #R-6B. So, we've provided these updated plans. We're looking to do the amended approval on this site plan and then we'll be coming in with Final on the R-6B for the Swetman project as well at the next meeting.

Mr. Swedrock: The plans are the same overall for what was previously approved, other than what we're showing—the improvements that were required for the Swetman parcel. We did get comments from MRB that we provided written responses back for, and I think it's consistent with what was previously approved, other than we had to some chucking with some things for the pond. The pond's the big deal. But the big reason was that we decided to do one pond for both projects and combine the two to use one facility. So, that's what sort of made this change happen and why we're looking to come in—the site plan for the Home Power that was originally approved.

Mr. Swedrock: I know there were some comments about timing, for when these two might be constructed. And Jim, I don't know if you want to touch on that for the board?

Mr. Swetman: Yes, this is Jim Swetman here. Yes, I do plan on executing both projects at the same time—the Home Power Systems addition—the 10,000-square-foot addition—and the new 30,000-square-foot building will be executed at the same time. Hopefully we can get shovels in the ground June 1st.

Mr. Hemminger: OK, thank you for that information. Let's turn it over to Ron and we'll go through staff. Ron?

Mr. Brand: Well, first of all, I once again say it's great that the world headquarters of Home Power Systems is expanding again in Farmington and I thank you again for that, James.

Mr. Swetman: Thank you, Ron.

Mr. Brand: I've drafted a resolution of approval with six conditions, and it's ready to go for the Planning Board's consideration tonight.

Mr. Hemminger: Very good, very good. Dan?

Mr. Delpriore: Yes, Linc did a good job summarizing this one. The big part of this was we wanted the integration with the big Swetman building next door, that you approved Preliminary for, and one of the conditions was that we needed an updated Final for the Home Power, and this accomplishes that. And, as Linc said, the Final for Swetman's building next door is on your next Planning Board, so I believe we are all set at this point.

Mr. Hemminger: Thank you Dan. Highway, Don?

Mr. Giroux: I'm also good with this, with the conditions.

Mr. Hemminger: Thank you. Engineering, Lance?

Mr. Brabant: Yes, as Linc mentioned, they did provide a response letter to MRB's April 2nd letter. I read through it and it appears that they are willing to address those comments which were minor in nature and more to deal with the sequence of construction, which I believe, based on tonight's dialogue, it sounds like they're going to do both projects at the same time which clarifies some of our questions. So, with that, I have no further questions.

Mr. Hemminger: OK, thank you. So, the applicant has read the draft resolution. It's been posted on the Town website. Do you have any issues with those six conditions?

Mr. Swetman: No, Jim Swetman here, no, everything looks good here.

Mr. Hemminger: Thank you, OK. Now we'll turn to the board for questions. Doug?

Mr. Viets: I'm good on this one, too, Ed.

Mr. Hemminger: Thank you. Shauncy?

Mr. Maloy: I'm good.

Mr. Hemminger: Thank you. Adrian?

Mr. Bellis: Yes, I'm all set with this project right now.

Mr. Hemminger: Thank you. Tim?

Mr. DeLucia: Yes, I’m good, as well.

Mr. Hemminger: Thank you, and I’m good, as well, and I appreciate the working together between the two projects. I really like the concept of having a single pond. It certainly makes it cleaner and I appreciate the work that you guys have gone through on this. OK, given that—board, do I have someone to move this resolution with conditions?

■ 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
HOME POWER SYSTEMS, LLC
FINAL SITE PLAN AMENDMENT #2**

PB #0404-19

**APPLICANT: Home Power Systems LLC, c/o James Swetman,
1127 Corporate Drive, Farmington, N.Y. 14425**

**ACTION: Final Site Plan Amendment, Amendment #2, of Lot #R-6A,
consisting of 3.413 acres with an existing structure and related
site improvements.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an application from Home Power Systems, LLC, for Final Site Plan Amendment #2, of Lot #R-6A, Centerpointe Park North Subdivision, identified as Tax Map Account #029-1-84.111, consisting of 3.413 acres with an existing structure and related site improvements; and

WHEREAS, said Amendment #2, to the Final Site Plan Approval is for Lot R-6A only, which is hereinafter referred to as Home Power Systems; and

WHEREAS, Amendment #2 involves the stormwater design plan changes required on a portion of the Home Power Systems, LLC site for a separate but dependent and pending Final Site Plan Approval for Lot R-6B, hereinafter referred to as the Swetman Properties Project; and

WHEREAS, the Planning Board has determined the proposed Action is identified as an Unlisted Action under Part 617, of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as the SEQR Regulations); and

WHEREAS, the Planning Board has completed its review under SEQR making a determination of non-significance upon this Action; and

WHEREAS, the Planning Board has received testimony at tonight’s public meeting regarding the proposed Final Site Plan Amendment #2, for Lot R6A, Home Power Systems, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant Final Site Plan Amendment #2 Approval, for Lot #R-6A, the Home Power Systems, LLC Site of the Centerpointe Park North Subdivision Plat, with the following conditions:

1. Final Site Plan Amendment #2 Approval is based upon the revised drawings dated March 11, 2020, prepared by BME Associates, for Project No. 2621, Drawings No. 08, 09, 10, 11, 12, 13, 14 and 15, to be entitled “Final Site Plan Home Power Systems, LLC—Amendment #2.”
2. Final Site Plan Amendment #2 Approval is granted with the condition that a separate set of Final Site Plan drawings will be submitted for final site plan approval of the proposed development of Lot R-6B, which relate to the development of the adjacent Swetman Properties Building and related site improvements. It is further a condition of this Final Site Plan Amendment #2 that the associated drawing numbers and revision dates are to be separate and distinguishable from those associated with this application.
3. Five (5) sets of paper copies of each of the above referenced drawings are to be submitted to the Town Code Enforcement Officer, within 180 days, for his review, acceptance and then signing by those listed on the drawing.
4. One paper copy of the signed Final Site Plan Amendment Approval Drawings is to be returned to the Applicant’s Engineers, BME Associates. If additional copies of the signed Final Site Plan Drawings are required then the Applicant is to provide the additional number at time of signing.
5. One copy of the signed Final Site Plan Amendment Approval Drawings is to be provided to each of the following: Town Highway Superintendent, Town Water and Sewer Superintendent, Town Engineers, Town Development Office and the Applicant.
6. Final Site Plan Amendment Approval is valid for a period of 180 days from today. Failure to have the revised Final drawings signed within this time period will result in the need for a new application for Final Site Plan Amendment Approval.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger: Thank you very much, gentlemen, and get those plans in and we'll get them signed.

Mr. Swetman: Thank you very much.

Mr. Hemminger: Thank you.

6. PLANNING BOARD ADMINISTRATIVE ACTIONS

Mr. Hemminger: OK, the next item on the agenda is kind of an interesting one. We are doing some Planning Board administrative actions and the purpose of this is because we have received information from Town Counsel that has guided us to doing these administrative actions to basically hold off all Public Hearings until we get some clearance from the State to be able to have meetings or come with another solution to that.

Mr. Hemminger: So, right now I'm going to ask the clerk of the board, John Robortella, to read the resolutions in order and then we will take a vote on them. These are not for discussion. These are administrative actions. The public comments will come at the end of the meeting.

A. Resolution to Recall and Continue Indefinitely Delaware River Solar Preliminary Site Plan Consideration:

Mr. Hemminger: So the next item up is PB #1004-18, the Delaware River Solar Preliminary Site Plan application. John, would you please read that resolution.

The clerk then read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PROJECT, 466 YELLOW MILLS ROAD
RECALL RESOLUTION DATED APRIL 1, 2020, FOR CONTINUING THE PUBLIC
HEARING ON A PRELIMINARY SITE PLAN; TO CONTINUE THE PUBLIC HEARING
TO AN UNSPECIFIED FUTURE DATE AND TIME; AND PROVIDING FOR PUBLIC
NOTICE THEREOF**

PB #1004-18

**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.**

ACTION: Preliminary Site Plan for the development of a 7

megawatt solar farm to be constructed upon approximately 43.105 acres of land (Lots #2, #3 and #4, Roger and Carol Smith Subdivision) having a property address at 466 Yellow Mills Road.

WHEREAS, the Planning Board (hereinafter referred to as Board) had previously made publicly known, as evidenced in the approved meeting minutes of April 1, 2020, Board meeting, that the Public Hearing upon the proposed Preliminary Site Plan application referenced above (and hereinafter referred to as Action) was to have been continued at the May 6, 2020, Board meeting; and

WHEREAS, since the April 1st Board meeting, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised that there remains uncertainty in the Executive Orders issued by the Governor's Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

WHEREAS, there has not been issued by the Governor's Office any Executive Orders that specify how the temporarily amended provisions of the State's Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town's Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to recall the above referenced April 1, 2020, Planning Board Resolution.

BE IT FURTHER RESOLVED that the Board does hereby move to continue indefinitely the Public Hearing upon the above referenced Action to a future date and time to coincide with a revised Executive Order from the Governor's Office regarding the return to public assembly and the return to the provisions contained in the original State Open Meetings Law.

BE IT FURTHER RESOLVED that the Board does hereby give notice that until such time, then a new legal notice will be published, posted on the Town Hall Bulletin Board and upon the Town's website, www.townoffarmingtonny.com pertaining to the scheduling of the above referenced public hearing continuation.

BE IT FURTHER RESOLVED that the Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to 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: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; 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.

Mr. Hemminger: Thank you, John. OK, the board has heard this recall resolution. Any comments or questions from the board.

[No comments or questions]

Mr. Hemminger: OK, who do I have to move this resolution?

Mr. Bellis: Ed, I'm sorry. I got one quick question.

Mr. Hemminger: Oh, go ahead Adrian.

Mr. Bellis: Is there a way to block all these because they're the same thing, or do we have to do each one separately? I was just curious.

Mr. Brand: They cannot be blocked. They are not all the same.

Mr. Hemminger: We're not going to block them.

Mr. Bellis: OK, no problem, thank you. I'll move it, then.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion result.

B. Resolution to Recall and Continue Indefinitely Delaware River Solar Special Use Permit Consideration:

Mr. Hemminger: OK, clerk please read PB #1006:

The clerk then read aloud the following resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PROJECT, 466 YELLOW MILLS ROAD
RECALL RESOLUTION DATED APRIL 1, 2020, FOR CONTINUING THE PUBLIC
HEARING ON A SPECIAL USE PERMIT; TO CONTINUE THE PUBLIC HEARING TO
AN UNSPECIFIED FUTURE DATE AND TIME; AND PROVIDING FOR PUBLIC
NOTICE THEREOF**

PB #1006-18

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.

ACTION: Special Use Permit for the development of a 7-megawatt solar farm to be constructed upon approximately 43.105 acres of land (Lots #2, #3 and #4, Roger and Carol Smith Subdivision) having a property address at 466 Yellow Mills Road.

WHEREAS, the Planning Board (hereinafter referred to as Board) had previously made publicly known, as evidenced in the approved meeting minutes of April 1, 2020, Board meeting, that the Public Hearing upon the proposed Special Use Permit application referenced above (and hereinafter referred to as Action) was to have been continued at the May 6, 2020, Board meeting; and

WHEREAS, since the April 1st Board meeting, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised that there remains uncertainty in the Executive Orders issued by the Governor’s Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

WHEREAS, there has not been issued by the Governor’s Office any Executive Orders that specify how the temporarily amended provisions of the State’s Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town’s Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to recall the above referenced April 1, 2020 Planning Board Resolution.

BE IT FURTHER RESOLVED that the Board does hereby move to continue indefinitely the Public Hearing upon the above referenced Action to a future date and time to coincide with a revised Executive Order from the Governor’s Office regarding the return to public assembly and the return to the provisions contained in the original State Open Meetings Law.

BE IT FURTHER RESOLVED that the Board does hereby give notice that until such time, then a new legal notice will be published, posted on the Town Hall Bulletin Board and upon the Town’s website, www.townoffarmingtonny.com pertaining to the scheduling of the above referenced public hearing continuation.

BE IT FURTHER RESOLVED that the Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to 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: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; 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.

Mr. Hemminger: Thank you, John. Do I have any comments or questions from the board?

[No comments or questions]

Mr. Hemminger: Then I’ll take a motion to approve this resolution—this administrative action resolution.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

C. Resolution to Continue Indefinitely Earl Johnson Subdivision Plat Consideration:

Mr. Hemminger: Thank you very much. OK. Next item up is PB #0302-20, Earl Johnson administrative action. So, clerk would you please read this one? You can leave off the last two—where the thing goes—you can leave off the last two further resolved—no, just the last one, I guess. Go ahead.

The clerk then read aloud the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
EARL JOHNSON, 2-LOT PRELIMINARY SUBDIVISION PLAT APPLICATION,
4650 RUSHMORE ROAD
RESOLUTION FOR CONTINUING THE PUBLIC HEARING ON THE ABOVE
REFERENCED ACTION TO AN UNSPECIFIED FUTURE DATE AND TIME; AND
PROVIDING FOR PUBLIC NOTICE THEREOF**

PB #0302-20

**APPLICANT: Earl Johnson, 4686 Rushmore Road,
Palmyra, N.Y. 14522**

**ACTION: Preliminary Subdivision Plat Approval for a proposed
two- (2-) lot subdivision of land located at 4650
Rushmore Road, Palmyra, N.Y. 14522**

WHEREAS, the Planning Board (hereinafter referred to as Board) had previously scheduled a public hearing to be held on Wednesday, March 18, 2020, upon the above referenced application for Preliminary Plat Approval of a Two- (2-) Lot Subdivision; and

WHEREAS, the March 18, 2020, Planning Board meeting was canceled in accordance with the provisions contained in the New York State Governor's Executive Order #202; and

WHEREAS, the Board has since been informed from the Town Development Office, that the tentative rescheduling for this application is to be introduced to the Board at a Public Hearing to be held on Wednesday, May 20, 2020; and

WHEREAS, the Board has reviewed two recent Executive Orders issued by the Governor's Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

WHEREAS, there has not been issued by the Governor's Office any Executive Orders that specify how the temporarily amended provisions of the State's Open

Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town’s Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to continue indefinitely the Public Hearing upon the above referenced Action to a future date and time to coincide with a revised Executive Order from the Governor’s Office regarding the return to public assembly and the return to the provisions contained in the original State Open Meetings Law.

BE IT FURTHER RESOLVED that the Board does hereby give notice that until such time, then a new legal notice will be published, posted on the Town Hall Bulletin Board and upon the Town’s website, www.townoffarmingtonny.com pertaining to the scheduling of the above referenced public hearing continuation.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Earl Johnson, 4686 Rushmore Road, Palmyra, N.Y. 14522; Timothy R. Voellinger, L.S., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; 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.

Mr. Hemminger: Thank you, John. OK, this is for board questions. Any board members have any questions?

[No questions or comments]

Mr. Hemminger: OK, then I’ll entertain a motion by someone to approve this resolution.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

D. Resolution to Continue Indefinitely Dianne Aldrich Subdivision Plat Consideration and to Direct Town Staff Not to Schedule Public Hearings on Other Actions At This Time:

Mr. Hemminger: OK, thank you. OK, we have the last administration action, PB #0402-20. Clerk, would you please read that one and leave off that last one, please.

The clerk then read aloud the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DIANNE ALDRICH, 2-LOT PRELIMINARY SUBDIVISION PLAT APPLICATION
4811 HERENDEEN ROAD, SHORTSVILLE, NEW YORK 14548
RESOLUTION DIRECTING TOWN STAFF NOT TO SCHEDULE A PUBLIC HEARING
ON THE ABOVE REFERENCED ACTION OR ANY OTHER APPLICATIONS
REQUIRING A PUBLIC HEARING TO BE HELD BY THE PLANNING BOARD UNTIL
FURTHER NOTICE**

PB #0402-20

APPLICANT: Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548

ACTION: Preliminary Subdivision Plat Approval for a proposed two- (2-) lot subdivision of land located at 4811 Herendeen Road, Shortsville, New York 14548

WHEREAS, the Planning Board (hereinafter referred to as Board) has been informed by the Town Development Office, that the above referenced application is pending to be placed upon a future Board Meeting Agenda; and

WHEREAS, it is the Board’s understanding that this application is to be introduced at a Public Hearing to be held on Wednesday, May 20, 2020; and

WHEREAS, the Board has reviewed two recent Executive Orders issued by the New York State Governor’s Office (hereinafter referred to as Governor’s Office) relative to the procedures required for conducting Public Hearings during the current coronavirus (COVID-19) Pandemic; and

WHEREAS, there has not been issued by the Governor’s Office any Executive Orders that specify how the temporarily amended provisions of the State’s Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town’s Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to direct Town Staff not to schedule a Public Hearing upon the above referenced Action, or any other applications, until a future date and time is made known to coincide with a revised Executive Order from the Governor’s Office regarding the return to public assembly and the return to the provisions contained in the original State Open Meetings Law.

BE IT FURTHER RESOLVED that the Board does hereby give notice that until such time, then a legal notice will be published, posted on the Town Hall Bulletin Board and upon the Town’s website, www.townoffarmingtonny.com pertaining to the scheduling of a public hearing for the above referenced application and any other applications requiring a Public Hearing as provided for in New York State Town Law and the Farmington Town Code.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548; Freeland-Parrinello Land Surveyors, 42 Beeman Street, Canandaigua, N.Y. 14424; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; 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.

Mr. Hemminger: Thank you, John. OK, the board has heard the resolution. Anybody have any comments?

[No comments or questions]

Mr. Hemminger: OK, I will have a motion to approve this administrative action resolution.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger: OK, for everyone that’s on the phone, the next—what we’re going to do next is to have staff comments. We’ll go through the staff and see what they have to say. After that, we’ll go to public comments. I’ll let you know when the time is for public comments, and we’ll go from there. OK, staff—Ron?

Mr. Delpriore: Hold on. Hold on. This is Dan. You skipped over one of the resolutions. We have a resolution for a Letter of Credit for RG&E.

Mr. Hemminger: Oh, so was it in my—

Mr. Delpriore: If you look at the agenda, under Planning Board Administration Action section—the proposed Letter of Credit for RG&E—under all those administration things.

Mr. Hemminger: You’re absolutely right. I completely missed that.

7. PLANNING BOARD ACTION ITEM

A. RG&E Substation #127 Expansion Confirming Resolution Recommending Letter of Credit Acceptance:

Mr. Hemminger: OK, so, Dan tell us about that. Everything’s good on it? Everybody’s agreed to everything?

Mr. Delpriore: Everything is good. It actually went in front of the Town Board last night but you guys need to confirm the amount, because of how the dates fell, the Town Board fell before your meeting.

Mr. Hemminger: OK, so we have the standard resolution for Letter of Credit. It’s all been signed, sealed and delivered by staff and the Town Board. Do I have someone to move that resolution?

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger: OK, now we go back to where I thought I was. OK, we’re going to go through staff real quick and see what they have to say, and then we’ll go to public comments. Ron?

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand: OK, I have two things to report. Number one—we received today the quote for the additional work to be completed on the Auburn Trail project. Change orders are being prepared and work on that will begin within a week's time.

Mr. Brand: Secondly, yesterday I received from John Joy, Empire Pipeline, a request to the Town Board which was received about 4:30 yesterday afternoon, for extending the hours of work on the project for three key component actions with the project.

[See Addendum #1: E-mail from John Joy to Ron Brand, pp. 35–36]

Mr. Brand: The first one is a long-term three-day oil cleansing of the new pump which has to be monitored as the oil is introduced into the pump and filters through the system.

Mr. Brand: The second one is a period of time exceeding the 7 a.m. to 7 p.m. standard for pressurizing that pump, and the pipe connections to the pump, that have been completed for the project. And that involves people working on site for a period of about two days, if I recall correctly from the memo.

Mr. Brand: The third one is tentatively scheduled for some time in early May to shut off about 8,500 lineal feet of the the pipe to allow for the connection to be made on the project site to the pump. Affected property owners will be notified and the Town Board—having just received this—wanted to know if the Planning Board had thoughts or concerns with any of these three requests.

Mr. Brand: You all have received copies of Mr. Joy's memo. I responded to that this morning, asking for more detail on when that shut off is going to occur so that we could assure that people were not taken by surprise. Any questions from the board?

Mr. Hemminger: Thank you, Ron. Certainly, Ron and I talked about this and this is the Town Board requesting our view on this. It's certainly their action to take but they wanted our input, so I'll go down through. Doug, you have any comments?

Mr. Viets: This one's kind of unique. No, I don't. I mean it all made sense when I reviewed the information provided and it made sense that they need to do this. So, no, I don't have anything else.

Mr. Hemminger: Thank you, Shauncy?

Mr. Maloy: Yes, I looked at it, and I agree most of it made sense. I'm not sure on the pressure testing the pipe. I know that in water mains it's common to pressurize the pipe the day before and leave it over night, and test it the second day. But if they're saying they can't necessarily do that, I don't have a problem with it.

Mr. Hemminger: OK, thank you. Adrian?

Mr. Bellis: The only question I would have, after reading the e-mail Ron sent out last night, was if there is any major noise—which basically is kind of one resident in the area, to a point, I would say—what’s the actions—what would we do if it is that obnoxious. I mean, I know it says it has muffler stuff to make the sound not happen. But, if there’s some way they’re hearing this noise 24 hours a day, is there some recourse or something that Code is going to do? I think that it will be OK but I just wondered if we had some back-up plan?

Mr. Brand: [recording is not clear] for clarification.

Mr. Delpriore: My interpretation of this is that it’s a one-time thing, so I don’t think there is any recourse. If the board approves it, it’s going to be allowed, it is my understanding. Obviously, we are going to make sure that they can be as quiet as can be, but it does sound like a potential item they have to do to test the pipe.

Mr. Hemminger: Thank you, Dan. OK, Tim?

Mr. DeLucia: I don’t have anything on this one.

Mr. Hemminger: OK, thank you. So my comments are pretty much along the lines of everyone so far, certainly, we’re concerned with the noise but it seems that they have some mitigating factors to address that. This is a requirement to get this very expensive, very important project on line. It’s certainly been reviewed by the Federal level and all that they do with their FERC processing, so I think that this board should—so I will make just a general motion that this board approve the Town Board moving forward with allowing the applicant to perform these tests as required. Do I have a second?

Mr. DeLucia: Seconded by Tim.

Mr. Hemminger: Seconded by Tim, OK. Let’s just do an all in favor signify by saying “Aye.”

[All board members voted “Aye”]

Mr. Hemminger: OK, I think we got an approval there, Ron.

Mr. Brand: Thank you.

Mr. Hemminger: OK, Dan, you’re up next.

Mr. Delpriore: Just one thing I wanted to report—is on our Town website now you have the capability of applying for building permits and paying for them, also doing property searches. So there’s a whole new portal that’s been launched. It went live yesterday.

Mr. Hemminger: Thank you. Highway, Don.

Mr. Giroux: The only I would add tonight is with the Governor's Executive Order of 50 percent staffing, six foot away, the Highway Department—we continue with actions that we're able to take with the limited staffing and continue to work day-to-day.

Mr. Hemminger: Thank you, Don. Engineering—Lance.

Mr. Brabant: No, I don't have anything to add tonight. Thank you.

Mr. Hemminger: Thank you.

8. PUBLIC COMMENTS

Mr. Hemminger: OK, we have come to the point in the meeting where we look for public comment. Do we have anyone? Please, if you do, state your name and address for the Town clerk—for the board clerk—and we'll go from there.

Mr. Compitello: Mr. Chairman, this is Dan Compitello with Delaware River Solar.

Mr. Hemminger: Dan, how are you doing?

Mr. Compitello: I'm doing well. How are you doing tonight?

Mr. Hemminger: Good.

Mr. Compitello: Good to hear the update from the Town. We here at Delaware are making a lot of adjustments due to the global pandemic. We're working safely and are actually quite busy these past few weeks. I have a couple questions for you, Chairman Hemminger. The first question that we have is: Does the board plan on meeting May 6th and May 20th of 2020?

Mr. Hemminger: The answer is we plan to do a tentative remote meeting if there are applications, and I believe there are, so we will have the remote meetings on those dates. We do plan it, yes.

Mr. Compitello: OK, and it will be in a similar format to this call tonight, as the meeting is taking place?

Mr. Hemminger: Correct, that is our plan, as it is here today.

Mr. Compitello: OK, good to know. We're seeing a lot of towns across the State make adjustments to meet online and remotely, and so far we've not seen any meeting cancellations. We have seen a few reschedulings by a few weeks here and there. But so far it

does seem like most of the State is taking advantage of technology today and meeting as best as they can. We've seen that quite often around the State.

Mr. Compitello: Another thing I wanted to bring to your attention is the Executive Order issued by the Governor—Executive Order 202.6—which was the Essential Services across the state. I just want to read a quick excerpt out of that:

For purposes of Executive Order 202.6, “Essential Businesses,” shall mean businesses operating in or as . . .

Mr. Compitello: Then it lists a number of services, and two being Essential Infrastructure including:

“ . . . public and private utilities including but not limited to power generation, fuel supply, and transmission. . . . ”

Mr. Compitello: Potentially what this Executive Order 202.6 has done is designated power generating services essential services in the State. That does include all power generating facilities—hydroelectric, nuclear electric, and also solar photovoltaic systems. Therefore, the Yellow Mills solar project is considered a power generation facility and is considered an essential service in the State.

Mr. Compitello: Also, I just wanted to bring to your attention the wording in the resolutions that were adopted tonight. Do you have the ability to bring that resolution back up on the screen so that people can see it? I'd like to go back to the last “whereas” paragraph in the resolution—specifically the Town attorney's advisement for the board.

Mr. Hemminger: OK, I don't know if Lance can do that or not. OK. The last “whereas?” OK, go ahead.

Mr. Compitello [reading from PB #1004-18]: “ . . . the Town's Attorney has issued caution for the various town boards conducting public hearings during the Pandemic Period, without more information being provided from the State of New York, when such public hearings are not necessary to the essential functions of the Town or to further an essential service.”

Mr. Compitello: We would like the board to just recognize that Yellow Mills Solar is an essential service and we would like to request the board to reconsider the resolutions adopted tonight to suspend indefinitely the Public Hearings on these two matters. We would like to request that the board reconsider that either tonight or at the May 6th Planning Board meeting and to continue scheduling—and to the best of the Town's ability, if you can, if it is possible—to continue the Public Hearings for these projects.

Mr. Hemminger: We'll take those comments under advisement and review those with the Town Attorney. I can't say any more, Dan. We'll talk to the Town Attorney about what your comments are, and we'll go from there.

Mr. Compitello: Right, I appreciate that very much, and also appreciate the ability for the board to meet.

Mr. Hemminger: OK, anything else, Dan?

Mr. Compitello: No, I think that's it.

Mr. Hemminger: OK, thank you. Do we have any other public that would like to make a comment?

Mr. Allen: Ed, this is Bill Allen.

Mr. Hemminger: OK, Bill, go ahead.

Mr. Allen: Under these administrative actions, especially for PB 1004-18 and 1006-18—the Delaware project—am I correct in saying that the board will not vote for it or any actions on these until such time as we can safely have another Public Hearing?

Mr. Hemminger: Until our Town Attorney advises us how and when we can officially have a Public Hearing, yes, we are just basically postponing them until we get some information of how—and to effectively have—a Public Hearing.

Mr. Allen: OK, 'cause I disagree with the previous Delaware project person who's trying to push it forward here, because the public deserves to have a right to say something on this.

Mr. Hemminger: Well, I believe this board and the Town Attorney will ensure that that does happen.

Mr. Allen: Thank you very much.

Mr. Hemminger: Thanks Bill. Do I have anyone else who would like a public comment?

Mr. Falanga: Yes, just one, Ed. Jim Falanga, Ellsworth Road, Farmington.

Mr. Hemminger: Thank you.

Mr. Falanga: In comments to Dan C. from Delaware River—it can't be deemed as an essential service if it's not in existence. I believe the Governor is talking about essential services for things that are already in existence, and that does not exist. That's my only comment on that.

Mr. Hemminger: Thank you very much. Anyone else have a public comment? One more time—anyone else have a public comment?

[Pause, no comments]

Mr. Hemminger: OK, I will go to the board if there are any members of the board who would like to make a comment.

Mr. DeLucia: Ed, this is Tim.

Mr. Hemminger: Tim, go ahead

Mr. DeLucia: Today I participated in a training session that was forwarded to us by John—the Department of State, Division of Local Government Services—two-hour training that was pretty good on affordable housing. There are four more that I've scheduled myself for, and just to let the board know there is other training opportunities on their website at the bottom of that flyer that John sent to all of us. I know that training right now is tough to do, or pretty much impossible, but I also understand that the 3 to 5 o'clock time period might be difficult for those of you that are not retired like me. So, I just wanted to let you know that are other opportunities on their website.

Mr. DeLucia: And then, the only last thing—I wanted to thank Don and his crew for cleaning my street today. The street cleaner went by. Thank you.

Mr. Hemminger: Thank you, Tim. Any other members of the board have a comment?

[Pause, no other comments]

Mr. Hemminger: OK, let me make one last comment. It's just that the board should know, as well as the public, that I keep very connected to the staff on what's going on. We talk regularly on different items and certainly we discussed these administrative actions in depth before we came out with them. We're working on the different pieces, trying to do what's right, trying to follow the regulations and the rules of the State of New York, and with that we believe with Counsel and the rules that we put in place, we're in a good place. But that doesn't mean that when something comes up and we get asked a question that we don't go back and re-ask that to Town Counsel, and we'll review that.

Mr. Hemminger: So, with that, if we have no other comments from staff—anything else come up that you guys want to say? OK, then I will take a motion to adjourn from Doug, seconded by Adrian—all in favor signify by saying "Aye."

[All board members voted "Aye"]

Mr. Hemminger: OK, we are now closed. Thank you very much for everything.

9. TRAINING OPPORTUNITIES

**New York State Department of State
Division of Local Government Services**

Spring 2020 Webinar Series:

April 29, 2020

Public Meetings and Hearings

3:00 p.m.–4:30 p.m.

1.5 hours training credit

May 13, 2020

Land Use Moratoria

3:00 p.m.–4:30 p.m.

1.5 hours training credit

May 27, 2020

Comprehensive Planning

3:00 p.m.–5:00 p.m.

2 hours training credit

June 10, 2020

Blight: Strategies and Tools for Local Governments

3:00 p.m. to 5:00 p.m.

2 hours training credit

Information:

<http://www.dos.ny.gov/lg/lut/index.html>

Future Training Opportunities Online

Ontario County Planning Department website now lists upcoming training:

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

10. ADJOURNMENT

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, 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, May 6, 2020, at 7:00 p.m. (format to be determined).

Respectfully submitted,

L.S.

John M. Robortella, Clerk of the Board

Addendum 1:

E-mail

John Joy, National Fuel Gas Supply Corporation, to Ron Brand

April 14, 2020

Ron,

As a follow up to our brief discussion last week, we have a couple construction activities coming up at Farmington within the next few weeks that we were hopeful the Town would approve us working outside the normal, 7 a.m.–7 p.m., approved work hours. We have three separate construction activities to be completed at separate times, each described below, that do not lend themselves to being completed during normal business hours.

Activity No.1: Filling of the substation transformers with oil.

The process of filling the transformers with oil involves a purification and filtering process that requires a continuous 24-hour day operation over an extended period of time, estimated at 2 to 3 days. The number of onsite personnel, outside the normal, 7 a.m.–7 p.m., would be limited to one operator, one helper and one inspector. The oil would be circulated through an oil processing tractor trailer with an onboard diesel generator, equipped with a noise reduction enclosure, oil processing equipment and onboard office/control room. One (1) person in the onboard office/control room will be able to monitor the process. There will be an external visual inspection of the process on a periodic interval. If acceptable, Empire pipeline would like to tentatively start this work on or about April 27th.

Activity No. 2: Hydrostatic pressure test.

After construction of all the main gas piping is complete, it is necessary to perform a pressure test to substantiate the proposed maximum allowable operating pressure (MAOP) of the piping. The U.S. Department of Transportation regulations require post-installation pressure tests must be maintained for at least (8) hours at 1.5 x the maximum allowable operating pressure, the test media will be water. Based on previous project experience, it is highly unlikely, that this activity will be able to be completed within a normal 12 hour work day, most hydro test that I have been involved with end up extending well into the night and some have even extend into the next business day in order to get a passing test results. All pressure test shall be conducted with due regard for the safety of people and property. Every reasonable precaution shall be taken to protect our employees and the general public. Based on the timing required in order to perform the test, in addition, to limiting the number of personnel on site during the test (6 – 8 people),

Empire Pipeline is hopeful the Town would consider allowing us to perform these construction activities on a Sunday. Note, after the piping has been brought up to pressure, no work is being completed, other than recording the pressure to ensure that there has not been any drop in the pressure due to leaks at a flange connection. If possible our contractor would like to perform this work on Sunday April 26th. If this date doesn't work, the next possible date would be May 3rd. Empire anticipates that two (2) Sundays would be required to complete all the hydro static testing at the facility.

Activity No. 3: Tie-in of the Compressor Station into the existing Empire pipeline.

The process of tying the Farmington Compressor Station suction and discharge piping into Empire existing pipeline is considered a major shutdown and involves taking approximately approx. 8.5 miles of 24" pipeline out of service for the duration of the work. Based on the number of customers this type of activity affects, it is typically Empire's policy to continuously perform work activities 24-hours per day until the work is completed. It is anticipated that the activities required to tie the station into the existing piping will take less than 24 hours to complete. Empire is hopeful the town will consider allowing Empire to work around the clock in order to minimize the down time to complete these construction activities. This work is tentatively scheduled to begin on Tuesday May 5th, and is anticipated to take between 18–24 hours.

We appreciate the Town's continued support of this project, should you have any questions while taking the above requests into consideration, please do not hesitate to contact me.

Thanks

John

John J. Joy
National Fuel Gas Supply Corp.
6363 Main Street
Williamsville, NY 14221
Ph: 716.857.7032
Fax: 716.857.7469
Cell: 716.364.7285