

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, April 17, 2019, 7:00 p.m.

MINUTES—DRAFT #1

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.

Clerk's Note: This meeting was held at the Farmington Highway Garage, 985 Hook Road, to accommodate the large number of attendees.

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Shauncy Maloy
Mary Neale

Board Member Excused: Douglas Viets

Staff Present:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent
John Weidenborner, Assistant Chief, Farmington Volunteer Fire Association

Applicants Present:

Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#10526, Rochester, N.Y. 14610
James Cretokos, BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
129 S. Union Street, Spencerport, N.Y. 14559
Terence Robinson, Esq., Boylan Code LLP, 28 South Main Street, Canandaigua, N.Y. 14424
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522
James Swetman, Home Power Systems LLC, 1127 Corporate Drive, Farmington, N.Y. 14425

Residents Present:

Henry Adams, 4650 Kyte Road, Shortsville, N.Y. 14548
Greg Allen, 6210 Brownsville Road, Farmington, N.Y. 14425
Pamela Allen, 6250 Brownsville Road, Farmington, N.Y. 14425
Dan Bieck, 4392 Fox Road, Palmyra, N.Y. 14522
Terrence C. Bieck, 358 Stafford Road, P.O. Box 355, Palmyra, N.Y. 14522
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
John and Elvira Boonstra, 5059 Maxwell Road, Farmington, N.Y. 14425
Erin and John Brandt, 117 Hook Road, Farmington, N.Y. 14425
Barbara and Nelson Case, 169 Ellsworth Road, Palmyra, N.Y. 14522
Petrina Case, 5191 Fox Road, Palmyra, N.Y. 14522
Kim and Mark Clement, 330 Ellsworth Road, Palmyra, N.Y. 14425
Brianna Cole-Allen, 6250 Brownsville Road, Farmington, N.Y. 14425
George Cretekos, 186 Hawthorne Circle, Farmington, N.Y. 14425
Ruth DeBrock, 129 W. Main Street, Shortsville, N.Y. 14548
Tim DeLucia, 1452 Mertensia Road, Farmington, N.Y. 14425
James R. Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522
George Eckhardt, 357 County Road 28, Palmyra, N.Y. 14522
Marilyn Fair, 984 Stafford Road, Shortsville, N.Y. 14548
Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Jim and Ann Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522
Bonnie Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425
Daniel Geer, 568 Yellow Mills Road, Palmyra, N.Y. 14522
Caroline Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609
Linda Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609
Wendy Hokenson, Grew Up in Farmington
Peter Ingalsbe, 151 Galvin Court, Farmington, N.Y. 14425
Edward and Tammy Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522
Frances Kabat, Esq., The Zoghlin Group PLLC, 300 State Street, Suite 502,
Rochester, N.Y. 14614
Dale Kratzenberg, 630 Sheldon Road, Palmyra, N.Y. 14522
Jason Krenichyn, 4880 Fox Road, Palmyra, N.Y. 14522
Sharon and Earl Maltman, 179 County Road 28, Palmyra, N.Y. 14522
Patricia McClure, 5106 Rushmore Road, Palmyra, N.Y. 14522
Pat Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522
John Orbaker, 4960 Fox Road, Palmyra, N.Y. 14522
Sharyn and Joe Pate, 224 Yellow Mills Road, Palmyra, N.Y. 14522
Nick Patnode, 4938 Maxwell Road, Palmyra, N.Y. 14522
John C. Petura, 4923 Maxwell Road, Palmyra, N.Y. 14522
Chris Progno, 4465 Fox Road, Palmyra, N.Y. 14522
Chad Redmond, Fox Road and Stafford Road, Palmyra, N.Y. 14522
Jim Redmond for 4500 Fox Road, 175 Burnham Heights, Palmyra, N.Y. 14522
Lisa A. Reed, 4465 Fox Road, Palmyra, N.Y. 14522
Todd and Rachael Richenberg, 5007 Maxwell Road, Farmington, N.Y. 14425
John Scialdone, 1614 Wheatstone Drive, Farmington, N.Y. 14425
Andrew A. Strub, 4638 Rushmore Road, Palmyra, N.Y. 14522

Peter Vanderwall, 125 Yellow Mills Road, Palmyra, N.Y. 14522
 Richard and Rick Vanderwall, 565 Stafford Road, Palmyra, N.Y. 14522
 Julie and Randy Waite, 226 Yellow Mills Road, Palmyra, N.Y. 14522
 Genevieve Williams, 58 Farmbrook Drive, Farmington, N.Y. 14425
 Skyler Williams, 99 Bowerman Road, Farmington, N.Y. 14425
 Roger Wisner, 4820 Fox Road, Palmyra, N.Y. 14522
 Gershom E. Yahn, 5215 Fox Road, Palmyra, N.Y. 14522
 James and Linda Zurich, 315 Sheldon Road, Farmington, N.Y. 14425

Media Present:

Josh Williams, Messenger Post Media (Canandaigua *Daily Messenger*), Canandaigua, N.Y.
 Several others from television stations in Rochester, N.Y.

1. MEETING OPENING

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

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

2. APPROVAL OF MINUTES OF APRIL 3, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the April 3, 2019, meeting be approved.

Motion carried by voice vote.

3a. NEW TWO-LOT FINAL RESUBDIVISION

PB #0403-19 New Two-Lot Preliminary Subdivision Application

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

Location: 1127 Corporate Drive

Zoning District: Limited Industrial

Request: To create Lot #R-6A consisting of 3.413 acres with the existing structure; Lot #R-6B will consist of 3.291 acres to remain vacant.

3b. NEW FINAL SITE PLAN**PB #0404-19 New Final Site Plan Application**

Name: James Swetman, Home Power Systems LL ,
1127 Corporate Drive, Farmington, N.Y. 14425

Location: 1127 Corporate Drive

Zoning District: Limited Industrial

Request: To construct a one-story 10,000-square-foot building addition.

These applications were reviewed by the Project Review Committee on February 1, 2019.

The Public Hearing on the Resubdivision application was held on February 20, 2019.

The State Environmental Quality Review declaration for these applications (Unlisted Actions, no significant adverse environmental impacts) was determined by the Planning Board on February 20, 2019.

The Preliminary Resubdivision and the Preliminary Site Plan Amendment applications were approved by the Planning Board on February 20, 2019.

Mr. Hemminger concurrently convened the discussion on PB #0403-19 and PB #0404-19 this evening.

Mr. Cretekos (BME Associates) presented these applications. Mr. Swetman also attended.

Mr. Cretekos said that the MRB Group engineering comments have been received and addressed. He said that the landscaping will include several evergreen trees to be planted between the parking lot and Corporate Drive. Mr. Cretekos said no other changes have been made to the site plan since the preliminary approval other than to address the engineering comments.

Mr. Brand said that resolutions have been prepared for board consideration this evening for Final Re-Subdivision Plat approval and for Final Site Plan Amendment approval. He said that he is pleased that Home Power Systems is growing and expanding in the Town of Farmington and that the subdivision of the property will provide an opportunity for future development on Corporate Drive.

Mr. Brabant confirmed receipt of the applicant's responses to the MRB Group engineering comment letter of March 21, 2019, and of the revised plans dated April 12, 2019. He said that most of the comments have been addressed and that final technical Stormwater

Pollution Prevention Plan (SWPPP) comments will be addressed. Mr. Brabant said that he had no additional issues with the application this evening.

There were no further comments or questions on these applications this evening.

Mr. Hemminger then requested the clerk to read aloud the conditions of approval from the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
HOME POWER SYSTEMS LLC
FINAL RE-SUBDIVISION PLAT APPROVAL**

PB #0403-19

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

**ACTION: Final Re-Subdivision Plat Approval of Lot #6, Centerpointe
Park North, to create Lot #R-6A consisting of 3.413 acres with
an existing structure and Lot #R-6B consisting of 3.291 acres to
remain vacant**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an application from Home Power Systems for Final Plat approval of the re-subdivision of Lot #6, Centerpointe Park North Subdivision, containing a total of 6.703 acres of land, identified as Tax Map Account #029-1-84.111, to create Lot #R-6A consisting of 3.413 acres with an existing structure and Lot #R-6B consisting of 3.291 acres to remain vacant; 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 re-subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant Final Re-Subdivision Plat approval of Lot #6, Centerpointe Park North Subdivision Plat, to create Lot #R-6A consisting of 3.413 acres with an existing structure and Lot #R-6B consisting of 3.291 acres to remain vacant, with the following conditions:

1. Final plat approval is based upon the revised drawing dated 4/12/19, prepared by BME Associates, for Project No. 2621, Drawing No. 2, entitled “Final Subdivision Plat, Lot #6, Centerpointe Park North Subdivision Plat.”
2. A mylar and one paper copy of the above referenced Final Plat Map is 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.
3. Once the mylar has been signed by everyone, then the mylar and two paper copies are to be filed in the Ontario County Clerk’s Office within 62 days of the date of signing by the Planning Board Chairperson.
4. The Town Code Enforcement Officer will keep the one signed copy of the Final Plat Map in the Town Development Office.
5. One copy of the signed Final Plat Map is to be provided to each of the following: Town Highway Superintendent, Town Water and Sewer Superintendent, Town Engineers, and the Applicant.
6. Final Re-Subdivision Plat Approval is valid for a period of 180 days from today. Failure to have the Final Re-Subdivision Plat drawings signed within this time period will result in the need for a new application for Final Re-Subdivision Plat Approval.

Mr. Hemminger asked Mr. Cretekos if he received the draft resolution prior to the meeting, if he understood the resolution, and if he agreed with the conditions. Mr. Cretekos said that he received the draft resolution prior to the meeting, and that he understood the resolution and agreed with the conditions.

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

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

Motion carried.

Mr. Hemminger then requested the clerk to read aloud the conditions of approval from the following complete resolution:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
HOME POWER SYSTEMS LLC
FINAL SITE PLAN AMENDMENT**

PB #0404-19

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

ACTION: **Final Site Plan Amendment 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 for Final Site Plan Amendment 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, 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 for Lot R6A.

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

1. Final Site Plan Amendment Approval is based upon the revised drawings dated 4/12/19 prepared by BME Associates, for Project No. 2621, Drawings No. 10, 11, 12, 13, 14 and 15, entitled "Final Site Plan."
2. 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.
3. 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.
4. 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.

- 5. 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.

Mr. Hemminger asked Mr. Cretekos if he received the draft resolution prior to the meeting, if he understood the resolution, and if he agreed with the conditions. Mr. Cretekos said that he received the draft resolution prior to the meeting, and that he understood the resolution and agreed with the conditions.

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

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

Motion carried.

4a. PUBLIC HEARING: CONTINUED PRELIMINARY FOUR-LOT SUBDIVISION

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

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

4b. CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

4c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1006-18 Continued Special Use Permit

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

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

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

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

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

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

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

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

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

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

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

Involved Agency: New York State Energy Research and Development Authority

Involved Agency: New York State Department of Environmental Conservation

Involved Agency: U.S. Army Corps of Engineers

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

Involved Agency: Town of Farmington Planning Board

Involved Agency: Town of Farmington Zoning Board of Appeals

Involved Agency: Town of Farmington Highway and Parks Department

Interested Agency: Ontario County Agricultural Enhancement Board

Interested Agency: New York State Department of Agriculture and Markets

Interested Agency: Town of Farmington Agricultural Advisory Committee

Interested Agency: Town of Farmington Conservation Advisory Board

Interested Agency: Town of Farmington Town Clerk

Interested Agency: Town of Farmington Historian

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

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

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

Mr. Hemminger said that an electronic copy has been received of the completion of the review by the New York State Department of Agriculture and Markets of the Notice of Intent submitted by the New York State Energy and Research Development Authority (NYSERDA) for the advance of public funds for the project (dated April 12, 2019). He said that the Town is awaiting a signed hard copy of the document to place in the application file and that the electronic copy will be posted on the Town website tomorrow (April 18, 2019).

Mr. Hemminger said that an accompanying letter from NYSERDA (dated April 9, 2019) to the New York State Department of Agriculture and Markets also has been received.

This letter includes project mitigation measures which have been proposed by NYSERDA and that are acceptable to the New York State Department of Agriculture and Markets.

A letter from the Ontario County Agricultural Enhancement Board (dated April 9, 2019) regarding additional comments on the Yellow Mills Solar Project also has been received.

Mr. Hemminger said that these letters will be considered by the Planning Board and that no decision on the State Environmental Quality Review (SEQR) declaration would be made this evening. He also said that deliberations on the Subdivision, Site Plan and Special Use Permit applications would not begin until the SEQR declaration is issued.

Mr. Hemminger said that the board will have a State-imposed deadline of 20 days in which to issue the SEQR declaration after the board has determined that it has all the environmental information it needs to make this declaration. He said that the SEQR deliberations may begin at the next session of the Public Hearings to be held on May 15, 2019.

Mr. Hemminger then reviewed the application process which will take place following the SEQR declaration. This includes action upon the four Area Variance applications by the Zoning Board of Appeals, followed by consideration of the Subdivision, Site Plan and Special Use Permit applications by the Planning Board.

Mr. Hemminger said that the Planning Board seeks public feedback this evening on the environmental record. He said that the board is not yet at the point of considering the Subdivision, Site Plan and Special Use Permit applications. He said that the SEQR declaration must come first in the process, which the board is carefully following. He said that he is aware that the process is frustrating to some residents, but that the Planning Board believes that the application process must be done correctly, and that the board will do it correctly.

Mr. Compitello (Solar Project Developer, Delaware River Solar) provided a summary of the 7-MW community solar project proposed for the Smith property on Yellow Mills Road. He discussed the letter which was sent by Richard A. Ball, Commissioner of the New York State Department of Agriculture and Markets, to NYSERDA regarding the completion of the State's review of the NYSERDA Notice of Intent.

Mr. Compitello said that the Notice of Intent was forwarded by the New York State Department of Agriculture and Markets to the New York State Commissioner of Environmental Conservation (DEC), to the Advisory Council on Agriculture (ACA), and to the Ontario County Agricultural Enhancement Board. He then read aloud the following paragraph:

“Based upon all relevant information before me, I have determined that the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the district or State environmental plans, policies and objectives. This determination is due, in part, to

NYSERDA’s commitment to the mitigation outlined in its letter dated April 9, 2019 (attached), provided that, if NYSERDA or the involved Project Companies determine the standards found in the Department’s *Guidelines for Agricultural Mitigation for Solar Energy Projects* cannot be met, the Department will be contacted for acceptable alternatives.”

Richard A. Ball, Commissioner,
New York State Department of Agriculture and Markets

Mr. Compitello said that, in short, the Notice of Intent and the proposed agriculture mitigation measures are favorable for project approval.

Mr. Hemminger said that the mitigation measures require that the three subdivided parcels be merged back to an existing single parcel of land following the decommissioning of the solar project. He said that this is something that the Smiths—or other future owners of the property—will be required to do.

Mr. Brand said that he spoke today with Kathleen Tylutki of the New York State Department of Agriculture and Markets to determine the status of the signed hard copy of the Commissioner’s letter, which is required for the Town application file. He said that Ms. Tylutki said that she assumed that the Town did not require a signed hard copy because Ontario County was satisfied with an electronic copy. Mr. Brand said that the signed hard copy is in the mail and will be added to the application file upon receipt.

Mr. Hemminger encouraged residents to contact Mr. Brand or Mr. Delpriore in the Building Department if they seek documents or information about this project. He said that the Town staff will assist residents in obtaining the information they need and to help residents to locate materials on the Town website.

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

Mr. Foley (373 Ellsworth Road) asked if the Town had received a letter from residents dated March 29, 2019; and a letter to James F. Redmond (4344 Fox Road, Palmyra, N.Y. 14522) from Ruth Ann Rowe, IFA (New York State Certified Appraiser, New York State Principal Broker, Rowe Realty, 4040 West Walworth Road, Macedon, N.Y. 14502, dated March 20, 2019). Mr. Hemminger said that these letters have been received and are noted in the correspondence file.

Ms. Rowe’s letter to Mr. Redmond discusses external obsolescence. She writes in the letter that a 7-MW solar system at 466 Yellow Mills Road is out of character for the neighborhood, that the project will reduce neighborhood property values and that the logical alternative use for the Smith’s 135.4 acres, based on decades of Town of Farmington land use patterns, would be residential. (See Correspondence File #75, received March 29, 2019).

Mr. Foley said that a group of residents has retained the law firm of The Zoghlin Group PLLC of Rochester, N.Y., to represent them. He said that Frances Kabat, Esq., their attorney, would like to address SEQR and other environmental issues this evening. Mr. Foley said that he would cede his time to her to enable her to put these issues on the record.

Ms. Kabat said that The Zoghlin Group focuses on land use and environmental law, and represents a group of landowners and residents who are concerned about the impacts of solar development in Farmington, specifically the Delaware River Solar applications for Subdivision, Site Plan and Special Use Permit approval. She said that she understands that this evening's focus is on SEQR and the environmental issues.

Ms. Kabat submitted a letter (dated April 16, 2019) to the board in which “. . . we ask you to issue a Positive Declaration of Environmental Significance (“Pos Dec”) for the project, or, in the alternative, deny Delaware’s applications for subdivision approval, site plan approval and a special use permit. . . .”

Ms. Kabat quoted from her letter, as follows:

“. . . The Planning Board must issue a Pos Dec because the Project, as proposed may have a least one potentially significantly adverse environmental impact.

“The primary purpose of SEQRA is ‘to inject environmental considerations directly into governmental decision making.’ To this end, SEQRA requires the preparation of an Environmental Impact Statement (EIS) when a proposed project ‘may have a significant effect on the environment.’

“Because the operative word triggering the requirement of an EIS is ‘may,’ there is a relatively low threshold for issuance of a Pos Dec and preparation of an EIS. Moreover, a Type I action (as is the one here) carries with it the presumption that it is likely to have a significant adverse effect on the environment and may require an EIS. An EIS is required when the Lead Agency determines that the action as proposed may include the potential for at least one significant adverse impact to the environment.

“Here, the Planning Board must issue a Pos Dec because the Project, as proposed, may have at least one potentially significant adverse environmental impact. The Project would take prime agricultural farmland out of production, and has the potential for adverse drainage impacts, adverse impacts to wetlands and water resources, adverse traffic impacts, damage to community character, and reduction in property values.”

(See Correspondence File #82, received April 17, 2019, for the complete letter).

Mr. Vanderwall (125 Yellow Mills Road) asked who would be responsible for cleaning up the site after 30 or 35 years of use. He also asked what would happen if Delaware River Solar collapses [goes out of business]. Mr. Hemminger that the landowner and the company ultimately would be responsible for clean-up of the site, that the Town Code requires that Delaware River Solar submit and fund a decommissioning plan, and that the funding of the decommissioning plan must be reviewed periodically to assure that adequate funds are available in the future to restore the property after the decommissioning of the site.

Ms. Case (5191 Fox Road) said that she has not read anything in the materials about the contamination of underground soils. She said that the company has not talked about underground soils. She also said that she recently spotted a Peregrine Falcon on Fox Road about two miles from the site, and that she has also seen a wood duck in the area. She asked how the wildlife (the ducks and the geese) would react to the solar panels.

A resident from Sheldon Road asked if Material Safety Data Sheets (MSDS sheets) on the solar panels have been submitted by Delaware River Solar. He said that it is very important that the board have these materials. Mr. Hemminger agreed. Mr. Compitello said that MSDS sheets have been provided to the Town.

In response to Ms. Case's question on wildlife, Mr. Compitello said that information on the safety ratings of the solar panels also has been provided to the Town.

Ms. Clement (330 Ellsworth Road) said that the natural resources for wildlife will be impacted if [the Town] allows this type of solar power plant to invade Farmington. She said that she thought that at one time there was an agreement in Farmington that the northern portion of the Town was not to be developed. Ms. Clement said that if [the Town] allows this [project] to happen, [the Town] opens Pandora's Box and will lose wildlife.

Ms. Clement asked if it is true that they [Delaware River Solar] are asking for financial aid from Farmington [for this project]. Mr. Hemminger said that he has not seen any information like this. He acknowledged that Supervisor Ingasbe has indicated that the company is seeking no financial aid from the Town.

Linda Heberle (for 531 Yellow Mills Road) asked if the MSDS sheets are on the Town website. Mr. Delpriore said that he would make sure that they are posted online.

Ms. Heberle asked about this evening's public comments which Mr. Hemminger said should be related to the environmental issues of the applications. She said that she did not know this in advance and it would have been nice to have had this on the agenda. Mr. Hemminger said that he has informed everyone at each session of the Public Hearing that the environmental record (SEQR) is the Planning Board's first step. He said that the Zoning Board of Appeals cannot consider the four Area Variance applications and that the Planning Board cannot consider the Subdivision, Site Plan and Special Use Permit applications until the SEQR declaration has been made.

Ms. Heberle said that her family purchased their land on Yellow Mills Road in the 1960s because they wanted to live on a farm in an agricultural environment. She said that her family does not want an industrial environment and that she does not wish to see glass and metal across the road from her property. She said that if the board allows this, it will be located right in the middle of the agricultural land which her family is so desperately trying to observe.

Ms. Heberle also said that it has been difficult to follow the application process. She said that although the process has become more transparent since September, it is still difficult to find information. Mr. Hemminger said that he is trying to provide as much information as he can. Ms. Heberle said that the process is not all perfect yet.

Ms. Heberle said that this project involves 21,000 solar panels. She said that the neighbors have consistently tried to communicate to each of the town boards how devastating that this would be and that the result would be a decrease in the value of their properties. She said that the neighbors are asking the board to reject these power plants. She said that you [the Planning Board] have the power to approve it or deny it.

Ms. Fair (984 Stafford Road) said that she has spoken at previous meetings and that she agrees with Ms. Heberle. Ms. Fair said that the solar panels have carcinogens and that this is an environmental issue. She said that this project touches all of us, that there are no winners for the people, and that the project will drive up the cost of electricity. She said that someone has to fill in the gap and that the price will be paid by all of us. Ms. Fair said that solar energy is not clean. She said that it is a fantasy that it is clean. She said that solar energy is dirty to make, dirty to decommission and dirty to get rid of. She said that she is against this massive solar project.

Ms. Fair asked how 21,000 solar panels will be monitored. She said that a breach of these panels will leach into the aquifer, which will affect all of their wells. She asked how this would be fixed and how the damage to their water and wells would be repaired. She asked how can you promise this will not happen. Ms. Fair said that damage to property also has occurred from microbursts, which she has seen.

Ms. Fair also asked what happens when the panels are removed during decommissioning. She asked if it would be absolutely guaranteed that there would be no breakage and if the decommissioned panels would be considered as E-waste. She asked if they would sit on the Smith farm if no one would remove them. Ms. Fair said that the Town must think 10, 20 and 30 years down the line to the end of the story. She said that she did not think that she would make it in 30 years. She said that some of us will not be here. She said that those who come after us will pay the price.

Ms. Johnson (126 Yellow Mills Road) said that she was speaking as an advocate for Mother Earth and our future generations. She said that we are destroying our eco-systems, oceans and trees. Ms. Johnson discussed the film *WALL-E* (a computer-animated science fiction film produced by Pixar Animation Studios for Walt Disney Pictures; it follows a solitary trash compactor robot on a future uninhabitable deserted Earth, left to

clean up garbage). Ms. Johnson said that she is not sure if this is where we are headed but that she is advocating for our planet. She said that there is just not enough education in this. She said that she is not against the landowners at all who are trying to benefit, but that money can be the root of all evil and that she wants to stand up and advocate for her roots. She said that her roots are country, and that she wants to keep the “country” in “country.”

Mr. Falanga (395 Ellsworth Road) thanked people for coming out this evening to provide unanimous opposition to the solar power plant in the agricultural setting. He asked if solar projects are also allowed in a residential setting. Mr. Hemminger said that the Town Code permits solar installations in all zoning districts. Mr. Falanga asked Mr. Hemminger if he was aware of, and would define, solar sprawl. Mr. Falanga defined it as where one comes in, others will follow.

Mr. Falanga asked about the status of a letter which he and other residents wrote to the Town Board, the Planning Board and the Zoning Board of Appeals (dated January 28, 2019), in which the residents asked for six studies to be conducted by independent sources. He then read a portion of the letter into the meeting record, as follows:

“To that end and based on alarming new information our group has uncovered, we are requesting the following studies be conducted by independent sources:

“1. White Noise Pollution Study. Despite opinions to the contrary, there is evidence that we can hear each other’s conversations when we’re outside. Sound carries. The hum of an Inverter Station and transmission of power are unacceptable ‘trade-offs’ for ‘sustainable’ energy.

“2. Electromagnetic Field Impact Study. There is concern regarding the impacts of high emissions of electrical fields on the health of humans, domestic animals and wildlife. Assurances regarding this issue are sought by our leaders.

“3. Energy Production Study. In considering this and other proposals for solar in our township, consider that short winter days, combined with cloudy days and ‘down time’ experienced during both winter and summer storms, a Solar Power Plant is truly productive some 35 percent of the time and delivers only 22 percent of their collected power in the northeast. Considering the amount of land that must be committed to such a product, is it worth the loss?

“4. Traffic Study. The intersection of Fox and Yellow Mills Road is a well documented and a notoriously dangerous intersection with many accidents and fatalities. A large-scale Solar Power Plant with Inverter Stations would be a huge added driver distraction.

“5. Threatened and Endangered Species Study. Our group has found dozens of examples of wildlife impaled on chain-linked fences surrounding solar arrays and examples of birds, migratory or others dying as a result of attracting birds to the lake effect produced by solar panels.

“6. E-Waste Study. Often used panels end up in e-waste dumps in developing countries such as India, China and Ghana where these toxic chemicals create devastating health effects for residents.”

—January 28, 2019

(Following the meeting, Mr. Falanga provided a copy of the letter to the clerk. *See Correspondence File #81 for complete letter.*)

Mr. Hemminger acknowledged receipt of the letter and the input of the residents. Mr. Hemminger and Mr. Brand indicated that they did not know the status of these studies at this time. Mr. Falanga said that the group of concerned citizens who submitted this letter have volunteered to act as an advisory board to the Planning Board.

Mr. Falanga also asked about the status of responses to 26 questions which residents asked at the Planning Board meeting on November 7, 2018, and which were discussed by Mr. Hemminger at the meeting of the Farmington Agriculture Advisory Committee on November 15, 2018. Mr. Falanga said that a number of these questions were related to the environment. Mr. Hemminger said that these questions were forwarded to Delaware River Solar for responses and that all responses will be reviewed prior to the Planning Board's decision.

Mr. Falanga asked if photographs have been received from damage in a wind storm to solar panels which have been installed on Whittier Road in the Town of Ogden (N.Y.). He said that the damage occurred six weeks after the solar panels were placed online. Mr. Hemminger said that the photographs have been received.

Petrina Case (5191 Fox Road) asked why information about the solar project was not included in the most recent issue of the Town newsletter. Mr. Hemminger suggested that she contact the Town supervisor about this.

Barbara Case (169 Ellsworth Road) said that to sum up we do not want to hurt the Smiths, we know they are our neighbors, but we just do not want it [the solar project].

Mr. Foley (373 Ellsworth Road) said that he finds it strange that this issue [the solar project] was not included in the most recent issue of the Town newsletter. He said that he would like to hear from each Town Board member on why they think this [the solar project] is such a good thing for the Town.

Mr. Hemminger said that the Planning Board and the Town Board have differing functions and that the Town Board members cannot influence the Planning Board members.

He said that the Town Board members do not, and have not, attempted to influence the Planning Board on this or any other application. He said that the two boards maintain an arms-length relationship.

Mr. Adams (4650 Kyte Road), who is the chairperson of the Farmington Agriculture Advisory Committee, clarified that the 26 questions which Mr. Hemminger discussed with the Agriculture Advisory Committee on November 15, 2018, and to which Mr. Falanga referred earlier in the meeting, were promulgated by the citizens at the Planning Board meeting on November 7, 2018. He said that the questions were not raised members of the Agriculture Advisory Committee and were discussed by Mr. Hemminger for the information of the Agriculture Advisory Committee at the meeting on November 15, 2018.

Mr. Adams also clarified the consensus of the Agriculture Advisory Committee on the Yellow Mills Road solar project which was discussed at the Committee meeting on October 18, 2018. The full text of the Agriculture Advisory Committee is as follows:

**Consensus of the Farmington Agriculture Advisory Committee
Delaware River Solar 7MW AC Community Solar Facility
466 Yellow Mills Road**

It is the consensus of the Farmington Agriculture Advisory Committee that the Committee understands the benefits of solar-generated electricity, that the Committee understands the long-standing concept of the property rights of landowners, and that the Committee supports the general intent of solar installations of 2MW or less. Following discussion and consideration of the Delaware River Solar application at a public meeting held on October 18, 2018, the Committee does not support the magnitude and impact that an installation of this size would have upon the neighboring open space and agricultural lands. Every effort should be made to ensure that the productive capacity of this land is not permanently lost with careful consideration given to minimally disruptive construction techniques; monitoring of safety, groundwater and environmental issues; and adequate funding set aside for eventual decommissioning.

—October 18, 2018

In response to a question, Mr. Hemminger said that general public comments on any issue will be taken this evening during the “Public Comment” portion of the meeting at noted on the agenda.

Chad Redmond (Fox Road and Stafford Road) asked about the requested studies to which Mr. Falanga referred. He said that the Planning Board represents the citizens and that it seems as if the citizens’ requests do not mean a whole lot. He said that it seems as if this is a horse and pony show. He said that these are real environmental concerns that we [the citizens] would like to have entertained. He said that 20 or 30 years down the line, he will

hold the whole Town responsible if there are repercussions to issues raised by these studies requests that were not addressed.

Mr. Hemminger said that the request was made tonight by citizens for these studies. He said that we [the Planning Board] will have to sit down, review these requests, and do what we need to do to make the environmental decision. He said that he is sorry that some may disagree with the process but that the board will ask for those studies to be made which the board thinks are appropriate for the decision. Mr. Hemminger said that the Town has a professional engineering staff that reviews projects from an engineering standpoint. He said that the board relies on the Town's professional staff. Mr. Hemminger said that the board will do everything that is humanly possible to receive all the information that is needed to make the decision under the SEQR regulations on the three applications.

A citizen asked if it is not enough that the community does not want it [the solar project].

Mr. Hemminger said that this project is an authorized use on that [the Smith] property. He said that the solar regulations were created by an advisory committee, reviewed by the Ontario County Planning Board with a recommendation of approval, and adopted into the Town Code by the Town Board following a Public Hearing. He said that the Planning Board must determine all the other pieces that go along with the applications, i.e., the environmental record, the criteria for granting a Special Use Permit, the subdivision of land, and the procedures for granting Preliminary Site Plan approval. He said that each of these requirements have been enacted to make any approval of this project the best it can be.

Mr. Hemminger said that the key is that this [project] is an authorized use within the agricultural zoning district and that this is not [a project] that we can just say that we do not want to allow. He said that this is something that we have to look at because it is authorized [by the Town Board] and has been made a part of the Town Code.

Mr. Hemminger said that this is not an emotional issue for us [the Planning Board]. He said that the board has to specifically go through and make this an informed decision based upon the data that we have.

Ms. Allen (6250 Brownsville Road) said that she feels this is very *laissez-faire*. She asked if there is a big picture for Farmington regarding community development. Mr. Hemminger said that the Town follows an adopted *Comprehensive Plan* which is online for reference:

- Visit the Town of Farmington home page (www.townoffarmingtonny.com)
- Select the “Building/Planning/Zoning” tab on the left side of the home page.
- Select “Maps, Comprehensive & Recreation Master Plan” from the drop-down menu.

- Various sections of the 2011 Comprehensive Plan & Maps are then available for selection.

The *Comprehensive Plan* establishes a blueprint for the future development of the community. It was first adopted in 1987 and amended in 1993, 2003, 2011 and 2016 (adoption of the Farmland Protection Plan and the Park and Recreation Master Plan). Mr. Hemminger said that the next scheduled update for the *Comprehensive Plan* will commence this year. He said that the *Comprehensive Plan* and its various maps and appendices have always been posted on the Town website. In addition, he said that a filed copy has always been available for public review at the Town Clerk's Office. He noted that anyone having a question on the *Comprehensive Plan* should contact the Town's Director of Planning and Development.

Ms. Allen asked if the protection of farmland is part of the *Comprehensive Plan*. Mr. Hemminger said that the Farmland Protection Plan amendment to the *Comprehensive Plan* was adopted by the Town Board in 2016. Mr. Hemminger said that the Town Board also took into consideration the protection of farmland during its deliberations of the solar law. Evidence of this is found in the extensive list of criteria contained in the adopted Solar Regulations.

Ms. Allen said that she would love to see the *Comprehensive Plan*. She suggested that the Town place the link to the *Comprehensive Plan* on the home page. Mr. Hemminger said that the Town staff (i.e., Building Department, Planning Department, Town Supervisor's office) will be available to help direct her to the links which are already on the website.

A resident asked for a show of hands of those in the room who oppose this [the solar project]. A large number of those in attendance raised their hands. Mr. Hemminger said that would be taken into consideration.

Ms. Fair (984 Stafford Road) asked who speaks about the rights for the land and the rights for the aquifer. She asked who will protect the land.

Ms. Falanga (395 Ellsworth Road) said that residents petitioned the Town Board for a moratorium [on solar projects] and that the Town Board denied the petition. She said that she was not sure why the Town Board denied their petition and that she understands that a moratorium [on solar projects] could be enacted at any time. Mr. Hemminger said that he was aware that the Town Board denied the residents' petition but that this is a Town Board issue. Ms. Falanga said that this seems to be another area in which the citizens were ignored. She requested that the solar law be revisited.

A Sheldon Road resident said that he grew up on his family farm that dated to 1864 on Route 96. He discussed the open space, the cattle on the farm and the rural nature of Farmington. He said that there is only so much land and that when it is gone, it is gone. He said that now things are going change. He requested that the board consider the next generation and hopes that the board will take this into consideration.

Mr. Hemminger asked if there were any other comments or questions on these applications this evening. There were no other comments or questions.

Mr. Hemminger thanked the public for their input and said that the board plans to continue the Public Hearing to May 15, 2019, at which meeting the board may determine that it has enough information to make a determination of significance on the proposed actions under the SEQR regulations.

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

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

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

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

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

WHEREAS, the Planning Board has opened the continued Public Hearings, at tonight's meeting, upon the proposed Special Use Permit, Preliminary Subdivision Plat and Preliminary Site Plan applications referenced above (hereinafter referred to as Actions); and

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

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

WHEREAS, the adopted Planning Board 2019 Rules of Procedure, dated February 6, 2019, reads . . . “A revised drawing or additional documentation, accepted by the Board at either a Public Hearing or a public meeting, may be grounds for continuing the Public Hearing or the public meeting to a specified date and time. The Board does not want to receive material the night of the meeting and be expected to act upon it;” and

WHEREAS, the Planning Board having received the above referenced input now must determine that it is in receipt of all information that it may reasonably need to make the required determination of significance; and that upon making such a finding note that the 20-day time limit specified in Section 617.5 (3) (ii) of the SEQR Regulations shall not commence until such time as the Board determines that it is in receipt of all necessary information to enable it to consider how this information relates to the Board’s completing Parts 2 and 3 of the Full Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table any further discussion upon the above referenced Actions; and moves to continue the Public Hearings thereon, to 7:00 p.m. on Wednesday, May 15, 2019.

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

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

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

Motion carried.

(Mr. Hemminger called a 10-minute recess in the meeting at 8:10 p.m. The meeting reconvened at approximately 8:20 p.m.)

5. PLANNING BOARD ACTION ITEMS

Letters of Credit Establishment (2):
Hathaway’s Corners Incentive Zoning Project: Off-Site Sanitary Sewer Improvements
ALDI Inc. Expansion Project

■ A motion was made by MS. NEALE, seconded by MR. MALOY, that the readings of the following resolutions be waived and that the resolutions be approved as submitted by Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ACCEPTANCE
HATHAWAY’S CORNERS INCENTIVE ZONING PROJECT**

**PB #0202-19
PB #0204-19**

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

ACTION: Letter of Credit Establishment—Off-Site Sanitary Sewer Improvements

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

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Engineer’s Estimates of Value attachment thereto; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to establish of letter of credit in the total amount of \$174,383.17.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ACCEPTANCE
ALDI INC. EXPANSION PROJECT**

PB #0401-19

**APPLICANT: ALDI Inc., 300 State Route 281, Tully, N.Y. 13159
c/o Timothy Scheg, P.E., APD Engineering and Architecture, PLLC, 615 Fishers Run, Victor, N.Y. 14564**

ACTION: Letter of Credit Establishment

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

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Engineer's Estimates of Value attachment thereto; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to establish of letter of credit in the total amount of \$25,295.05.

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

Motion carried.

6. OPEN DISCUSSION***Director of Development and Planning:***

Mr. Brand discussed the following topics:

- Two concept plans will be presented to the Planning Board on May 1, 2019, i.e., the Farmington Development Incentive Zoning Project (LeFrois Builders) proposed for 27.23 acres on the south side of State Route 96 (east of the Farmington Market Center and west of the State Route 332/State Route 96 intersection); and the Byrne Dairy Store proposed for 1.989 acres at the southwest corner of State Route 96 and Mertensia Road. Mr. Brand said that the consulting engineer for LeFrois Builders has revised the plans to be presented on May 1st in response to the discussion at the Project Review Committee earlier this month.
- Mr. Brand requested that additional Planning Board comments on the Farmington Market Center project be provided to him as soon as possible.

- Mr. Brand also requested that Planning Board members review the environmental categories and questions on the Full Environmental Assessment Form Part 2— Identification of Potential Project Impacts, which the board will complete for the SEQR declaration of the Delaware River Solar project.

Code Enforcement Officer:

Mr. Delpriore said that the Pre-Construction Meeting for Maddie’s Power Sports on State Route 96 will be held tomorrow (April 18, 2019). He said that the Pre-Construction Meeting for the ALDI food store project will be held on May 3, 2019.

Mr. Delpriore said that a Stop Work Order was issued to Create A Scape on State Route 96 for the disturbance of more than one acre of land without an approved site plan and other permits. He said that the New York State Department of Environmental Conservation also inspected the site. Site plans for this project are expected to be submitted to the Planning Board in about one month. Mr. Bellis asked about the Stop Work Order and the work being done on the Create A Scape property. Mr. Delpriore said that it appears that the business owner was not aware that a permit and site plan were required when more than one acre is disturbed.

Highway and Parks Superintendent:

Mr. Giroux reported that work on the water line on Ivory Drive has been completed. He said that paving is scheduled next week at the new Farmington Swap Shop on Collett Road and that road box work will also begin next week on Ivory Drive.

He said that the Ivory Drive road work will hold back by about 15 feet from the Auburn Trail to avoid conflict with the Trail construction. The Ivory Drive project will resume following completion of the Auburn Trail on May 15th.

6. PUBLIC COMMENTS

None.

7. PLANNING BOARD CHAIRPERSON

Mr. Hemminger requested that the Town staff review the Delaware River Solar application file to determine that the company has responded to all questions. He said that it appears that the solar panels would be cleaned by plain water and that is no evidence in the file that field drain tiles exist on the Smith property.

Mr. Hemminger requested the Town staff to contact Rochester Gas & Electric Corporation (RG&E) to determine if the electric grid in the vicinity of the Smith farm could accept additional electricity from other solar projects or if the grid would be saturated by this project. Mr. Delpriore will provide Mr. Brand with a contact representative at RG&E. Mr. Brand said that he has previously asked Mr. Compitello (of Delaware River Solar) for this contact information, and that upon receipt of the contact information he will make this request to RG&E. Mr. Brand said that he is unsure if RG&E would respond with such information.

Mr. Hemminger also discussed the electronic copy sign which has been installed at the Farmington Fire Station #2 at the corner of State Route 96 and Hook Road. Assistant Chief Weidenborner said that the fire department is reviewing the operation of the sign at this time. Mr. Hemminger said that the text seems too small to read and that the copy changes too often. Assistant Chief Weidenborner said that the speed of the changes has been recommended by the New York State Department of Transportation. He said that further input will be considered.

8. TRAINING OPPORTUNITY

Genesee–Finger Lakes Regional Planning Council Spring 2019 Regional Local Government Workshop

May 17, 2019

Information: dave.zorn@gflrpc.org

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:40 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, May 1, 2019, at 7:00 p.m.

Following the meeting, Mr. Giroux locked the doors to the Highway Garage.

Respectfully submitted,

L.S.

John M. Robortella,
Clerk of the Farmington Planning Board