

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD

The first meeting of the Farmington Planning Board was held on January 21, 1959.

Wednesday, August 21, 2024 • 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. Video recordings of the meetings are posted on the Town of Farmington’s YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).

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

R = Attended via remote video conference.

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Regina Sousa
Douglas Viets

Regina Sousa was appointed to the Planning Board by the Town Board on August 13, 2024, to serve the unexpired term of Aaron Sweeney from August 14, 2024, to December 31, 2025.

Board Members Terms of Office as of August 13, 2024:

Adrian Bellis	Appointed 2020	Term expires December 31, 2024
Regina Sousa	Appointed 8/13/2024*	Term expires December 31, 2025
Edward Hemminger	Appointed 2022	Term expires December 31, 2026
Timothy DeLucia	Appointed 2023	Term expires December 31, 2027
Douglas Viets	Appointed 2024	Term expires December 31, 2028

**Filling the unexpired term of Aaron Sweeney, per Town Board Resolution of August 13, 2024; term effective August 14, 2024, to December 31, 2025. Aaron Sweeney was appointed to the unexpired term of Shauncy Maloy per Town Board Resolution #286-2021; Mr. Sweeney’s term was effective from September 1, 2021, until his resignation in June 2024.*

Staff Present:

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

Attending:

Rafael Barreto, Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614
Linda Cammarata, 6009 Redfield Drive, Farmington, N.Y. 14425
Tim and John Capezzuto, c/o Beach Capital Development, 8 Valley View Drive,
Victor, N.Y, 14564
Robert and Susan Clark, 6002 Redfield Drive, Farmington, N.Y. 14425
Ross Clark, 6025 Redfield Drive, Farmington, N.Y. 14425
Nancy Dewitt, 5998 Redfield Drive, Farmington, N.Y. 14425
Maureen Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425—**R**
Anne Dunford, 6007 Redfield Drive, Farmington, N.Y. 14425
Bonnie Fowler—**R**
James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425
[] Gangemi, 5978 Redfield Drive, Farmington, N.Y. 14425
John Grady, 6018 Redfield Drive, Farmington, N.Y, 14425
Michael and Frances Haselkorn, 5991 Redfield Drive, Farmington, N.Y. 14425
Matthew Hinckley, 5998 Redfield Drive, Farmington, N.Y. 14425
Jared P. Hirt, Esq., Evans Fox LLP Attorneys, 100 Meridian Centre Boulevard, Suite 300,
Rochester, N.Y; 14618—**R**
Betsy and Bob Karpinski, 6008 Redfield Drive, Farmington, N.Y. 14425
Jessica Koch—**R**
Emily Lukasik, EIT, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614
Lorraine McConnell, 6012 Redfield Drive, Farmington, N.Y. 14425
Mary Nettnin, 6016 Redfield Drive, Farmington, N.Y. 14425
Donna O'Connor and Ronald Phillips, 6014 Redfield Drive, Farmington, N.Y. 14425
Andy Osborne, 6006 Redfield Drive, Farmington, N.Y. 14425
Chris Piccola, 6026 Redfield Drive, Farmington, N.Y. 14425
Joann Pollock, 6005 Redfield Drive, Farmington, N.Y. 14425
Paul Rogers, Energy Safety Response Group (ESRG), 8350 U.S. Highway 23 North,
Delaware, Ohio 43015
Frank Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030
Michelle Ruffolo—**R**
William C. Schell, 5976 Redfield Drive, Farmington, N.Y. 14425
Joel Shenton, 6027 Redfield Drive, Farmington, N.Y. 14425
Jeff Stevens, 6031 Redfield Drive, Farmington, N.Y. 14425
Ann and Ron Weilert, 6000 Redfield Drive, Farmington, N.Y. 14425
Susan Willard, 6011 Redfield Drive, Farmington, N.Y. 14425
[Illegible] 5978 Redfield Drive, Farmington, N.Y. 14425
Several unidentified—**R**

1. MEETING OPENING

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

Mr. Hemminger introduced and welcomed Regina Sousa to the Planning Board. He extended the board’s best wishes to her for a successful term.

2. APPROVAL OF MINUTES

Minutes of August 7, 2024:

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the August 7, 2024, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None

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

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

Name: Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; representing the Fowler Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

Location: 6240 Pheasants Crossing and the adjacent parcel to the south

Zoning District: RS-25 Residential Suburban

Request: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Accounts 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain

vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued.

See Planning Board minutes of June 19, 2024, or the Project Abstract, for the previous actions on this application.

On August 7, 2024, the Public Hearing was reconvened and testimony was received. The Public Hearing was then continued to the meeting this evening (August 21, 2024).

On August 20, 2024, the residents' petition in opposition to the further subdivision of the property and in opposition to the applicant's area variance was filed with the Planning Board Clerk, entered into the project abstract, and distributed to the Planning Board and the Zoning Board of Appeals (*see* Attachment to Abstract #15).

Mr. Hemminger reconvened the Public Hearing on this application.

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

Mr. Hemminger said that the board this evening will consider the acceptance of Parts 2 and 3 of the Full Environmental Assessment Forms, and if accepted, will then consider the draft State Environmental Quality Review (SEQR) determination of non-significance for this application. He also said that the board will consider a recommendation to the Zoning Board of Appeals (ZBA) regarding Mr. Fowler's application for a proposed area variance for Lot #R-5C. A recommendation from the Planning Board regarding the area variance application had been requested by the ZBA. Drafts of each of the items for board consideration this evening were prepared prior to the meeting by the Town staff and were posted on the Town website for review.

Mr. Hirt acknowledged receipt of the original draft and the revised draft of Mr. Hemminger's memo from the Planning Board to the ZBA. Mr. Hirt said that he had an opportunity to speak with Mr. Brand earlier today regarding the draft memo and extended thanks to the Town staff for moving this application forward. He asked about the draft condition of approval in the memo regarding a further geotech review, as follows:

A final condition of approval would be that any site plan application for Lot #R5-C is to provide a Geotech report submitted with the materials describing the specific foundation design for the proposed building, and the recommendations from the Geotech report shall also be incorporated into the site plan drawings (i.e., construction details, specific design notes, and handling of the soils and slopes).

—*Planning Board Memo to the ZBA, draft, August 21, 2024*

Mr. Hirt said that he discussed for clarification with Mr. Brand that James M. Baker, P.E., of Foundation Design P.C., has conducted geotech studies on the site and has reported the

results of his work to the Town (*see* Attachment #13 in the project abstract, “Foundation Design, P.C. supplemental assessment of the geotechnical feasibility of constructing a new residence on Parcel C, July 3, 2024).

Mr. Hirt said that it his understanding that when this is ultimately approved, and when the applicant is ready to construct a home on the lot it would just require some additional comment by Mr. Baker regarding the foundation itself, and that the board and the Town are just looking for some confirmation that [construction on the lot] would be structurally feasible.

Mr. Hemminger said that he is seeing concurrence with this from Mr. Brand, from Mr. Delpriore and from Mr. Brabant, and that Mr. Hirt is absolutely correct.

Mr. Hemminger then asked if anyone in the meeting room would like to speak for or against this application, or to ask questions. He reminded those in attendance that the board is considering the SEQR environmental record at this time, and that it would be too early, and the board is not yet at the point, of considering details of a possible site plan. He said that the ZBA will first have to consider Mr. Fowler’s area variance application.

There were no requests to speak from those in the meeting room.

Mr. Hemminger then asked if anyone on the remote video conference wished to speak for or against this application, or to ask questions.

Ms. Dispenza (6237 Pheasants Crossing) asked if Mr. Hemminger was referring to the environmental report. Mr. Hemminger said yes, and that the board this evening is considering Parts 2 and 3 of the Full Environmental Assessment Forms. Ms. Dispenza said that then she has no comments this evening.

Mr. Hemminger said that the Public Hearing on this application will be kept open until the ZBA has completed its consideration of the area variance application.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ACCEPTANCE OF PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORMS**

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

ACTIONS:

PB #0702-23 Preliminary Re-Subdivision Plat approval of Lots #R5-A and #R-5B of the Pheasants Crossing Subdivision Tract; and

ZB #0301-24 Request for an area variance for minimum front lot line width to provisions contained within Chapter 165-A, Attachment 1, Schedule 1, for proposed Lot #R5-C, allowing a lot width of twenty-two (22) feet where the Town Code requires a minimum lot width of one hundred twenty-five (125) feet (RS-25 Residential Suburban District).

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) is the established Lead Agency under the provisions of 6NYCRR Part 617.4 and 617.5 of Article 8 of the New York State Environmental Conservation Law, for the above referenced Actions; and

WHEREAS, the Planning Board did, at their July 17, 2024, meeting request the Town Director of Planning and Development to prepare drafts of Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs) for the above referenced Actions; and

WHEREAS, said draft FEAFs were dated August 7, 2024, which were discussed at said meeting; and

WHEREAS, the Planning Board’s consensus was that the majority of the members felt that all of the eighteen (18) criteria listed on the Part 2 FEAF were either no impact or small impacts upon the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has received and has reviewed the final drafts of the Parts 2 and 3 FEAFs, for the above referenced Actions, which are dated August 21, 2024.

BE IT FURTHER RESOLVED that the Planning Board does hereby accept these FEAFs made for the above referenced Actions and directs that they be placed in the public record on these Actions.

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

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SEQR DETERMINATION OF NON-SIGNIFICANCE**

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

ACTIONS:

PB #0702-23 Preliminary Re-Subdivision Plat approval of Lots #R5-A and #R-5B of the Pheasants Crossing Subdivision Tract; and

ZB #0301-24 Request for an area variance for minimum front lot line width to provisions contained within Chapter 165-A, Attachment 1, Schedule 1, for proposed Lot #R5-C, allowing a lot width of twenty-two (22) feet where the Town Code requires a minimum lot width of one hundred twenty-five (125) feet (RS-25 Residential Suburban District).

Re: Determination of Non-Significance, under the provisions of the State Environmental Quality Review (SEQR) Regulations, for the Preliminary Re-Subdivision plat approval for the development of land Tax Map Account Numbers 29.13-1-5.100 (7.9 acres—identified as Lot #R5-A) and 29.13-1-5.200 (4.2 acres—identified as Lot R #5-B) into three (3) single-family residential lots (Lots #R5-A, R#5-B and R#5-C); and granting a requested Area Variance (Front Lot Line Width) for proposed Lot #R5-C.

WHEREAS, the Town of Farmington Town Planning Board (hereinafter referred to as Board) has determined the proposed Actions referenced above to be classified as an Unlisted Actions (hereinafter referred to as Actions) under Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations; and

WHEREAS, the Board has completed a coordinated review with the other Involved Agency (the Town Zoning Board of Appeals) and is designated as the lead agency under SEQRA Regulations for making the required determination of significance upon said Actions; and

WHEREAS, the Board has submitted referrals to the Ontario County Planning Board (Referrals #52.0- 2024 and #52.1-2024, dated March 13, 2024) under the provisions of Sections 239-l and -m of the New York State General Municipal Law and has tonight [under separate resolution] continued the Public Hearing upon the re-subdivision Action

(PB #0702-23) to September 5, 2024, to allow the Town Zoning Board of Appeals time to consider the requested Area Variance (ZB #0301-24) for proposed Lot #R5-C; and

WHEREAS, the Board, has received, reviewed, and accepted (under separate resolution) the Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs) for said Actions, that are dated August 21, 2024, and were drafted for the Board's consideration, by the Town Director of Planning and Development; and

WHEREAS, the Board has given consideration to the public comments provided during the Public Hearing upon said Actions; and

WHEREAS, the Board has considered the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQRA Regulations and the information contained within Parts 1, 2 and 3 of the FEAFs, along with supporting documentation and maps submitted with these two (2) applications.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby accept Parts 2 and 3 of the FEAFs, for the above referenced Actions.

BE IT FURTHER RESOLVED that the Board, having reviewed the public record upon the above referenced Actions, does hereby conclude the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

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

- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Actions; and
- (vii) there will not be any hazard created to human health resulting from the proposed Actions; and
- (viii) there will be a change in the use of current active agricultural land resulting from the proposed Actions; and
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Actions; and
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences; and
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the proposed Actions WILL NOT result in any significant (Moderate to Large) adverse environmental impacts.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to file certified copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Forms, and this Determination of Non-Significance Resolution, with the other Involved Agency (Town Zoning Board of Appeals), the Applicant, the Applicant’s Surveyor, the Applicant’s Attorney, the Town Supervisor and Town Development Staff; and to place of copy of this determination of non-significance in the files upon the above referenced Actions.

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

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

Motion carried.

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

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

PB #0702-23

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

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

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has on August 4, 2024, adjourned and continued the public hearing upon this application to tonight’s meeting, to provide time for Town Staff to prepare final drafts of Parts 2 & 3 of the Full Environmental Assessment Forms (FEAFs), for this Action, that have been acted upon tonight; and

WHEREAS, the Planning Board has tonight re-opened and continued the public hearing upon this application and has received testimony; and

WHEREAS, the Planning Board now must wait for the Town’s Zoning Board of Appeals (ZBA) to consider a requested area variance for proposed Lot R5-C, at their meeting on Monday, August 26, 2024, before the Planning Board may then consider acting upon the proposed re-subdivision application referenced above; and

WHEREAS, the Planning Board also needs to provide the ZBA with recommendation(s) that has been requested upon the area variance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table further deliberations upon the above referenced Action and adjourns the Public Hearing thereon to be continued on Wednesday, September 4, 2024, to provide time for the Town Zoning Board of Appeals to consider acting upon the related Area Variance for proposed Lot R5-C, ZB #0301-24.

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be provided to the Town of Farmington Zoning Board of Appeals, the Applicant, the Applicant’s At-

torney, the Applicant’s Engineer, the Town Director of Planning and Development, the Town Code Enforcement Officer and the Town Engineers.

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

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

Motion carried.

Mr. Hemminger then asked if there were any changes to his revised draft memo from the Planning Board to the ZBA regarding Mr. Fowler’s area variance application for Lot #R-5C (ZB #0301-24).

There were no changes to the revised draft memo from the Planning Board.

■ Mr. Hemminger then asked for the board’s approval of the revised draft memo to the ZBA. This was approved by a unanimous voice vote of the board, as follows:

To: Farmington Zoning Board of Appeals

From: Edward Hemminger, Chairperson

Date: August 21, 2024

Re: Recommendation(s) to the Town Zoning Board of Appeals for consideration relating to the proposed area variance for Lot R5-C, Fowler Family Trust Re-subdivision Application (File ZB #0301-24)

The Town Planning Board, as previously requested by the Town Zoning Board of Appeals (ZBA) during the recently completed State Environmental Quality Review (SEQR) process regarding the pending Fowler Family Trust area variance application referenced above, makes the following recommendations for the ZBA’s consideration for proposed conditions for Lot #R5-C. The Planning Board, at their meeting (which included a Public Hearing on this application) on August 21, 2024, reviewed this draft prepared by the Town’s Director of Planning and Development, on August 19, 2024. This draft was posted on the Town’s website and made part of the Public Hearing record conducted this evening on our File PB #0702-23. A copy of the draft meeting minutes for this public hearing discussion will be sent to your board later this week.

First, the Planning Board has not discussed or made any conditions of preliminary re-subdivision plat approval for PB #0702-23, a pending application for Preliminary Re-Subdivision Plat Approval for existing Lots #R5-A and #R5-B, from which proposed Lot #R5-

C would be created. Second, the recommendations that follow are intended to provide guidance to the ZBA for mitigating two (2) important considerations that the Planning Board will need to consider in the event the ZBA approves, with or without conditions, the pending area variance that is being requested for proposed Lot #R5-C. These two important considerations are protecting, to the extent practical, the character of the neighborhood and the steep slope area (the portion of Lot #R5-C having slopes that exceed fifteen percent (15%).

The visual impact upon the neighborhood of a proposed single-family dwelling on Lot #R5-C could be mitigated by making a few determinations. These include a restriction prohibiting the clear cutting of established mature trees across the rear property lines of Lots #R5-A and #R5-B and the Front Yard portion of proposed Lot #R5-C, and allowing for only a twenty-two (22) foot-wide clearing for the proposed driveway and related site utilities for Lot R5-C.

Another condition to mitigate the visual impact of a dwelling on Lot #R5-C would be requiring the first thirty (30) feet in depth for the Front Yard Portion of proposed Lot #R5-C to not be cleared of trees and not maintained as lawn area.

Another condition would include a condition of approval requiring the replacement of any dead mature trees within this Front Yard area to be made within 90-days of discovery. Said trees would be at least eight (8) feet in height and have a minimum caliper of four (4) inches in diameter and shall be of a native species.

Another condition would state that no accessory structures shall be permitted in the Front or Side Yard portion of the proposed Lot #R5-C.

Another condition to mitigate the visual impact on the neighborhood would be to establish the footprint for the “Buildable Area” of Lot #R5-C to determine maximum buildable area.

Another condition to mitigate the visual impact would be establishing a maximum square footage for a proposed single-family dwelling that will serve as a base for determining how large an attached accessory use/structure would be allowed, keeping in mind once an accessory use/structure exceeds fifty percent of the size of the principal use, the single-family dwelling, that it is no longer considered to be accessory.

A final condition of approval would be that any site plan application for Lot #R5-C is to provide a Geotech report submitted with the materials describing the specific foundation design for the proposed building, and the recommendations from the Geotech report shall also be incorporated into the site plan drawings (i.e., construction details, specific design notes, and handling of the soils and slopes).

EH: btb

c: Farmington Planning Board
Farmington Fire Marshal
Farmington Code Enforcement Officer

Farmington Town Attorney
Farmington Director of Planning and Development
The Applicant, James Fowler
The Applicant’s Surveyor, Venezia Associates
The Applicant’s Attorney, Jared Hirt, Evans & Fox, PLLC

5. CONTINUED SPECIAL USE PERMITS AND PRELIMINARY SITE PLANS

PB #0406-24 Continued Special Use Permit Application

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

Location: Tax Map Account #29.00-1-84.112 with access rom along East
Corporate Drive and a future extension of commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for a Special Use Permit to allow for the construction and operation of solar arrays, a transformer area and a stand-alone battery energy storage system upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive. This parcel is to be known as the western portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the American Lumber property which fronts along the south side of Collett Road and extends south to the north property line for Tax Map Account #29.00-1-84.113.

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PB #0407-24 Continued Special Use Permit Application

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

Location: Tax Map Account #29.00-1-84.112 with access from along East
Corporate Drive and a future extension of Commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account #29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north

property line for New Energy Works and the western properties of Tax Map Account #'s 29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

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PB #0408-24 Continued Preliminary Site Plan Application

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

Location: Northern Portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058.

Zoning District: LI Limited Industrial

Request: An application for Preliminary Site Plan approval to allow for the construction of solar arrays and a transformer area on the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project; and the construction of a section of Town Road with sidewalks, crosswalks, streetlights, water line and fire hydrants completing the missing link between the south end and the northern portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058 which contains a total of 7.75 acres of land.

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PB #0409-24 Continued Preliminary Site Plan Application

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

Location: Tax Map Account #29.00-1-84.112 with access from along East Corporate Drive and a future extension of Commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive.

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

On August 7, 2024, the Public Hearings were reconvened and testimony was received. The Public Hearings were then continued to the meeting this evening (August 21, 2024).

On August 14, 2024, the applicant submitted the following materials which have been entered into the project abstract:

Attachment to Abstract #21:

Transmittal letter from LaBella Associates.

Attachment to Abstract #22:

Stormwater Pollution Prevention Plan, revised August 2024.

Attachment to Abstract #23:

Final Concept Drawing of Commercial Drive realignment and Solar Farms (east and west).

On August 20, 2024, a letter was received and entered the project abstract from John F. Grady, L.S. (6018 Redfield Drive, Farmington, N.Y. 14425) in which he submitted review comments and additional questions regarding the applicant's plans dated July 31, 2024 (*see* Attachment to Abstract #24).

On August 21, 2024, a letter and materials regarding compliance with local, State and Federal requirements of the proposed Energy Storage System were received from Town Fire Marshal August Gordner and the applicant and were entered into the project abstract as follows:

Attachment to Abstract #25:

Letter from Fire Marshal August Gordner, excerpt as follows: “. . . please accept this memorandum as documentation on behalf of the office of the Fire Marshal and Farmington Volunteer Fire Association that there exists no additional concerns over firefighting capabilities with this proposed project within the Town.”

Attachment to Abstract #26:

EnerC+ 306 Fire Suppression System Design (PowerPoint file)

Attachment to Abstract #27:

EnerC+ 306 Fire Suppression System Design Product Overview (PowerPoint file)

Attachment to Abstract #28:

Product Specification: Fixed Condensed Aerosol Fire Extinguishing System

Mr. Hemminger reconvened the Public Hearings on these applications.

Frank Ruffolo of Sky Solar Inc. of Manhasset, N. Y.; and Emily Lukasik of LaBella Associates of Rochester, N. Y., presented these applications. Paul Rogers of the Energy Safety Response Group (ESRG) also attended.

The Public Hearings on these four applications were held concurrently.

Mr. Hemminger said that the goal this evening is to review and consider Parts 2 and 3 of the Full Environmental Assessment Forms for the East and West sections of this project. The draft forms were posted on the Town website for public review on August 7, 2024, and have remained posted, as follows:

Draft PB #0406-24

Sky Solar Special Use Permit East: Full Environmental Assessment Form
Part 2—Identification of Potential Project Impacts

Draft PB #0406-24

Sky Solar Special Use Permit East: Full Environmental Assessment Form
Part 3—Evaluation of the Magnitude and Importance of Project Impacts
and Determination of Significance

Draft PB #0408-24

Sky Solar Preliminary Site Plan East: Full Environmental Assessment
Form Part 2—Identification of Potential Project Impacts

Draft PB #0408-24

Sky Solar Preliminary Site Plan East: Full Environmental Assessment
Form Part 3—Evaluation of the Magnitude and Importance of Project
Impacts and Determination of Non-Significance

Draft PB #0406-24 and PB #0408-24

Sky Solar Special Use Permit East and Preliminary Site Plan East:
Accepting Parts 2 and 3 of the Full Environmental Assessment Forms

Draft PB #0406-24 and PB #0408-24:

Sky Solar Special Use Permit East and Preliminary Site Plan East:
Making a Determination of Non-Significance

Draft PB #0407-24

Sky Solar Special Use Permit West: Full Environmental Assessment Form
Part 2—Identification of Potential Project Impacts

Draft PB #0407-24

Sky Solar Special Use Permit West: Full Environmental Assessment Form
Part 3—Evaluation of the Magnitude and Importance of Project Impacts
and Determination of Significance

Draft PB #0409-24

Sky Solar Preliminary Site Plan West: Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts

Draft PB #0409-24

Sky Solar Preliminary Site Plan West: Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Non-Significance

Draft PB #0407-24 and PB #0409-24

Sky Solar Special Use Permit West and Preliminary Site Plan West: Accepting Parts 2 and 3 of the Full Environmental Assessment Forms

Draft PB #0407-24 and PB #0409-24

Sky Solar Special Use Permit West and Preliminary Site Plan West: Making a Determination of Non-Significance

Mr. Hemminger also said that the board is expected to begin consideration of the Special Use Permit for the East and West sections of the project at the next meeting.

Mr. Delpriore said that several residents recently have reached out to the Building Department with concerns that relate primarily to site plan issues. He said that they have been informed that the site plan would be considered by the board following action on the environmental record, and that site plan comments and questions may be premature at this stage. Mr. Delpriore said that written materials which have been submitted by residents have been added to the project abstract (such as Attachment to Abstract #24 submitted by John Grady; *see* p. 15, above).

Mr. Brabant confirmed that revised plans were received from the applicant in early August, and then again on August 13, 2024. He said that MRB Group is reviewing the revised plans per their previous comments. Mr. Brabant said that he has nothing additional to add regarding the environmental review process and that MRB Group will continue the review of the Operations and Maintenance Plan and the Decommissioning Plan prior to the next meeting.

Mr. Hemminger then asked if anyone in the meeting room or on the remote video conference wished to speak for or against this application, or to ask questions. He asked that citizens stay within the three-minute time for their comments due to the number of people who are attending this evening. He also requested that they keep their comments focused on the environmental record if possible.

—Begin audio transcription—

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

(19:53) Ms. Willard (6011 Redfield Drive): I brought a lot of reading material and I can leave with the clerk—

(20:01) Mr. Hemminger: Okay.

(20:03) Ms. Willard: — from the USDA about conservation considerations, etc., etc.; from the World Health Organization saying that solar farms should be located 1.2 miles from any residential area, and this is not; and also from the American Cancer Society saying that they cannot rule out carcinogenic materials, so—

(20:36) Ms. Willard: Another thing I found out in my research is there is a large number of solar companies that went bankrupt or out of business in 2023—

(20:50) Mr. Hemminger: Yes.

(20:51) Ms. Willard—so if this Sky Solar goes out of business who's going to take care of the solar panels and all of that?

(20:56) Mr. Hemminger: I can answer that very clearly. [Ms. Willard: Okay] We require the owners of the solar farms to put a bond up, in the amount that our engineers determine is required to reclaim the site—to decommission. So the answer will be, if the applicant does not, the Town would take that bond money, hire a company, decommission it, and move it back to its original shape. So, the answer is, we have a plan for that, we have thought of that, it's part of our process.

(21:31) Ms. Willard: Okay. I'm actually not against solar energy. I think we need clean energy. I just don't think it should be closer than 1.2 miles.

Clerk's Note: The following materials (a total of 50 pages) were submitted by Ms. Willard at the meeting. These have been filed as Attachment #29 to the project abstract, and identified as follows:

Attachment to Abstract #29

1. Conservation Considerations for Solar Farms
2. Solar Energy Development Environmental Concerns
3. Solar “farm” components are starting to fail after only 10 to 15 years

4. The Complete List of Solar Bankruptcies and Business Closures
5. Pros and Cons of Solar Energy
6. American Cancer Society: Sources and references
7. Power Lines, Electrical Devices, and Extremely Low Frequency Radiation
8. Top five risks of solar energy
9. Energy Hazards of Battery Energy Storage System Fires
10. What Is a Safe Distance to Live From a Solar Farm

(21:42) Mr. Hemminger: Okay, thank you very much. Okay, let me reset this. Who's next? Who would like to speak for or against this application. Yes, sir. Tell us your name, and everything, and we'll go from there.

(21:51) Mr. Shenton (6027 Redfield Drive): First, I want to thank Dan for his respectful response. We sent him a letter of additional questions. And now, from Dan's response, I understand that we are in the environmental approval process. [Mr. Hemminger: Right.] That's the SEQR process, isn't it?

(22:15) Mr. Hemminger: It is. State Environmental Quality Review Act.

(22:17) Mr. Shenton: Do we ever get a chance to see what that looks like?

(22:21) Mr. Hemminger: All on the website. Part 2 and 3 have been on the website for a month, now.

(22:27) Mr. Shenton: Okay. Didn't realize that.

(22:29) Mr. Hemminger: Yes, everything we do here is on the website.

(22:31) Mr. Shenton: Okay. We did have some environmental issues that we just want to relate right now, and that is we are concerned about the additional water discharge. We did speak about that, and it may not be an issue, from what you just said, the water will not be discharged off the properties. However, we do have some drainage problems now and we were hoping this would not add to those things.

(22:59) Mr. Hemminger: Let me calm your fears, and say there will be no additional water runoff off of this site that doesn't already run off. There'll be no additional runoff. I mean, it's part of the requirement that my engineers spend part of their life dealing with, making sure

that everything is designed in a manner that there'll be no additional runoff from the site. Period. Yeah. Part of the rules.

(23:26) Mr. Shenton: Okay. Since we have 15,000 square feet of roadway, I'm just wondering how would that water not be—

(23:39) Mr. Hemminger: That's what we pay him the big money for.

(23:41) Mr. Brabant: So the facilities on their site are sized to handle the runoff from their site. So everything—in actuality, their site would just run off, potentially onto your property. Now, it's being conveyed in a new system, kept on site, treated on site, and then released at a rate no faster than it was leaving before, and at a lesser volume than it was leaving before. That's the requirement.

(24:05) Mr. Shenton. Okay, understood. I don't know if some of these questions that I have are site or environmental, so I'll try to pan them down. This one is probably not environmental, but I'm just concerned about whether or not our regulations for the fire prevention and so on—are we in compliance with the New York State Fire Code?

(24:33) Mr. Delpriore: I will answer that. So, there is a memo on record, that went on today, that has been drafted and put into the abstract and given to the chairman, in regards to that, from the Fire Marshal and in coordination with the fire department, saying that this is being installed to Code, it will meet all the requirements of the State Fire Code. The memo also includes that the fire department is able and willing to handle any emergency at this project.

(25:07) Mr. Shenton: Okay, thank you. Part of that fire code requires testing, maintenance and monitoring—

(25:15) Mr. Delpriore: —which is all handled by the Town Fire Marshal.

(25:19) Mr. Shenton: Okay. Regarding the monitoring, and I don't know if the gentleman that I spoke with last time—Eric Wood—I don't see him here, but, he talked to me about all of the monitoring that would go on— [Mr. Hemminger: Correct] and how this would be done remotely. [Mr. Hemminger: Yep.] and my only question was going to be to him, but maybe you could answer that—

(25:40) Mr. Hemminger: Well, speak to me, and I'll determine who is going to answer, okay?

(25:44) Mr. Shenton. Yes, sir. Will there be some sort of redundancy in the monitoring system? So, for example, should the internet crash—

(25:54) Mr. Hemminger: Those will be absolutely great questions when we get to the site plan and we figure out what's going on there. [Mr. Shenton: Okay] I think the answer to that is yes, but we certainly don't want to get too carried away—I let you go over your three because there's been some comment in return—let's wrap it up, though, please.

(26:11) Mr. Shenton: Yes, alright. If the panels are damaged, such as from hail storms— [Mr. Hemminger: Okay, we just had that conversation earlier] —well, there's a possible release of things like cadmium and lead. What happens to that— [Mr. Hemminger: Okay] —will there be soil testing ahead of time so we know what the content is, and I believe Dan—

(26:31) Mr. Hemminger: He just said yes.

(26:33) Mr. Shenton: So if this does happen we can have a baseline to compare later if there's any issues.

(26:39) Mr. Hemminger: Again, nobody uses the groundwater from that area anyway, but I totally agree and it's something we need to address.

(26:44) Mr. Shenton: And finally, and again this may not be for now, but I'm wondering if there is going to be, or if there already is, some sort of evacuation or shelter plan?

(26:54) Mr. Hemminger: We already heard that the evacuation area was, what, a hundred feet? I believe it was a hundred feet from the—because of the fire suppression system.

(27:05) Mr. Rogers: In the evacuation area, we're talking about first responders being back a hundred feet from the actual fire— [Mr. Hemminger: Okay, but for neighbors and stuff] —we don't see any need for an evacuation area—

(27:14) Mr. Hemminger: None, okay, because it's fire suppressed, I don't see it, so, but, it's certainly an issue we'll address more within the site plan.

(27:23) Mr. Shenton: Okay, thank you. I'm done.

(27:24) Mr. Hemminger: Thank you. Alright. Okay.

(27:29) Mr. Ruffolo: Can I introduce Paul?

(27:30) Mr. Hemminger: Oh, go ahead and introduce him. Paul. I'm sorry.

(27:32) Mr. Ruffolo: Eric Wood, who was here last time—

(27:36) Mr. Hemminger: Speak up, go right to the—

(27:37) Mr. Ruffolo: —from ESRG. Paul Rogers is here representing ESRG who we work with for the fire safety and health safety. I just wanted to introduce Paul.

(27:49) Mr. Hemminger: Bringing the right people to the meeting. So, okay. With that, who's next the person who'd like to speak for or against this application in the room? [Slight pause] One more time. Anybody in the room like to speak for or against this application? Yes, sir.

(28:03) Mr. Schell (5976 Redfield Drive): I have brand-new knees. Do you mind if I don't stand, please.

(28:07) Mr. Hemminger: Don't mind. Just speak up so we can hear you on the mic.

(28:09) Mr. Schell: On the prints that were turned in, in the environmental, on the west side of the road, there is a little 1/8th x 3/16th square marking a forever wild wetland, and I've been making calls to the local DEC to find out if that is a listed wetland, and after this is rated, is that wetland going to be drained off?

(28:39) Mr. Hemminger: Let's let Emily speak to that.

(28:41) Ms. Lukasik: The wetland is not on our property and it is well over a hundred feet away from any work. If it was a DEC wetland, the buffer that you have to stay out of is one hundred feet, so we're way out of what they would care about, anyways, if we were to get near it. We're not going to affect the wetland, at all.

(28:57) Mr. Schell: The second question is, at current grading, where does that water currently run off to?

(29:06) Mr. Hemminger: It's not on the property, so I don't know if anybody—

(29:08) Ms. Lukasik: The wetland?

(29:09) Mr. Schell: I walked it yesterday, even with my leg. It runs toward the west.

(29:16) Mr. Hemminger: Okay, but it's not on this property.

(29:19) Mr. Schell: It does run onto this property.

(29:29) Mr. Hemminger: It's not—the wetland is not on this property, so it's not part of this application. I mean, am I wrong? Tell me I'm wrong.

(29:31) Mr. Brand: No, you're not wrong. It's part of a drainage divide that drains to the north to Hosey Swamp and eventually Black Brook and eventually to the Seneca Canal.

(29:44) Mr. Hemminger: And Lance—you'll consider all that in your whole review of the whole SWPPP and everything?

(29:50) Mr. Brabant: All of it has got to be considered as part of the process— [Mr. Hemminger: Right] — [?] so there's not a negative impact on adjacent properties.

(29:58) Mr. Hemminger: Okay. Anything else, Bill? You good? Okay. Anybody else like to speak for or against this application? Sir, go ahead.

(30:05) Mr. Grady (6018 Redfield Drive): I have a question that’s not related to the environment right now, but it could be. It’s regarding maintenance of the retention ponds? Who will be responsible for the maintenance of the retention ponds?

(30:27) Mr. Hemminger. Dan. Dan’s going to answer that.

(30:27) Mr. Delpriore: So, our MS4 Program has a maintenance requirement that they’re required to file with us, and they will be inspected yearly by the owner. Any maintenance that’s required is called out, and if it’s not, then there’s a process that the Town has set up. If they don’t the Town will come in and do the maintenance and bill it back to the owner.

(30:55) Mr. Grady: Who would be responsible for inspecting the retention ponds to see if there’s maintenance to be done?

(31:02) Mr. Delpriore: The owner is required to submit that yearly to us.

(31:10) Mr. Grady: Okay. Thank you.

(31:11) Mr. Hemminger: Alright. Anybody else like to speak for or against this application. [Brief pause] Alright, I’m going to go one more time in the room, here. Anyone else like to speak for or against this application before I go online? [No response]

(31:27): Mr. Hemminger: Okay, on line. Anyone online wish to speak for or against this application? [Brief pause] Anyone on line like to speak for or against this application?

(31:42) Mr. Hemminger: Okay, I don’t have anyone else speaking right now. Let’s make one last call and then I’m going to turn to the board and we’ll go from there and end the comments for tonight.

There were no additional comments or questions from those in the meeting room or from those on the remote video conference.

—End transcription—

There were no additional comments or questions on these applications from the Town staff or the Planning Board this evening.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ACCEPTING PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORMS
PROPOSED SPECIAL USE PERMIT AND PRELIMINARY SITE PLAN**

FOR THE PROPOSED EAST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT

PB #0406-24 Special Use Permit (East Parcel)
PB #0408-24 Preliminary Site Plan (East Parcel)

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

**ACTION: Acceptance of the Parts 2 and 3 of the Full Environmental
Assessment Forms for a Special Use Permit (PB #0406-24) and
Preliminary Site Plan (PB#0408-24) to allow for the construction
and operation of solar arrays upon a portion of Tax Map
Accounts #29.07-1-57.000 and #29.07-1-58.000. These two parcels
are known as the east portion of the Sky Solar, Inc., Commercial
Drive Solar Project and is located south of the Safe Place Storage
property which fronts along the south side of Collett Road, the
north property line of New Energy Works and the property lines
with Tax Map Accounts #29.07-4-055 through -070 and 19.07-4-
073 through 074, all of which are located along the west side of
Redfield Drive.**

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

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

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), is the established Lead Agency under the provisions of 6NYCRR Parts 617.4, 617.5 and 617.6 of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Planning Board has previously instructed the Town Director of Planning and Development to prepare drafts of Parts 2 & 3 of the FEAF for these two proposed Actions; and

WHEREAS, the Planning Board has received and did review the drafts of Parts 2 & 3 of the FEAF for these actions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the drafts of the Parts 2 and 3 FEAF cited above herein and directs they be place in the public record on these two (2) proposed Actions.

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

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

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ACCEPTING A DRAFT RESOLUTION AND MAKING A DETERMINATION OF NON-SIGNIFICANCE UNDER SEQR FOR THE PROPOSED SPECIAL USE PERMIT AND PRELIMINARY SITE PLAN APPROVAL, FOR THE PROPOSED EAST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0406-24	Special Use Permit (East Parcel)
PB #0408-24	Preliminary Site Plan (East Parcel)

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

ACTIONS: Acceptance of a draft resolution and making a Determination of Non-Significance under SEQR, for the Special Use Permit (PB #0406-24) and Preliminary Site Plan Approval (PB#0408-24), for the construction and operation of solar arrays upon a portion of Tax Map Accounts #29.07-1-57.000 and #29.07-1-58.000. These two parcels are known as the east portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the Safe Place Storage property which fronts along the south side of Collett Road, the north property line of New Energy Works and the property lines with Tax Map Accounts #29.07-4-055 through -070 and 19.07-4-073 through 074, all of which are located along the west side of Redfield Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has determined the proposed Actions referenced above to be classified as an

Unlisted Actions (hereinafter referred to as Actions) under Parts 617.4 and 617.5 of the State Environmental Quality Review Act (SEQRA) Regulations; and

WHEREAS, the Planning Board, has received, reviewed and accepted under separate resolutions the Parts 2 and 3 of the Full Environmental Assessment Forms for said Actions, dated August 7, 2024, prepared by the Town Director of Planning and Development; and

WHEREAS, the Planning Board has given consideration to the public comments provided during the public hearing upon said rezoning Actions; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQRA Regulations and the information contained within Parts 1, 2 and 3 of the (FEAF), along with the Public Hearing record, the supporting documentation and maps, photos, traffic study and other requested information submitted with this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board having reviewed the public record upon the above referenced Actions does hereby conclude the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

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

- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Actions; and
- (vii) there will not be any hazard created to human health resulting from the proposed Actions; and
- (viii) there will not be a change in the use of current active agricultural land resulting from the proposed Actions; and
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Actions; and
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences; and
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the proposed Actions WILL NOT result in any significant [Moderate to Large] adverse environmental impacts.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to file certified copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Forms, and this Determination of Non-Significance Resolution, and to provide certified copies of these documents to the Applicant, the Applicant’s Engineer and the Town Development Staff and the Town Engineer; and to place of copy of this determination of non-significance in the Development Office file upon the above referenced Actions.

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

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ACCEPTING PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORMS
PROPOSED SPECIAL USE PERMIT AND PRELIMINARY SITE PLAN
FOR THE PROPOSED WEST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

**PB #0407-24 Special Use Permit (West Parcel)
PB #0409-24 Preliminary Site Plan (West Parcel)**

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

**ACTION: Acceptance of the Parts 2 and 3 of the Full Environmental
Assessment Forms for a Special Use Permit (PB #0407-24) and
Preliminary Site Plan (PB #0409-24) to allow for the
construction and operation of solar arrays upon a portion of
Tax Map Account #29.07-1-057. This parcel is known as the
eastern portion of the Sky Solar, Inc., Commercial Drive Solar
Project and is located south of A Safe Place Self-Storage
property which fronts along the south side of Collett Road and
extending south to the north property line for New Energy
Works and the western properties of Tax Map Account #'s
29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074
which are located along the west side of Redfield Drive.**

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

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

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), is the established Lead Agency under the provisions of 6NYCRR Parts 617.4, 617.5 and 617.6 of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Planning Board has previously instructed the Town Director of Planning and Development to prepare drafts of Parts 2 & 3 of the FEAF for these two proposed Actions; and

WHEREAS, the Planning Board has received and did review the drafts of Parts 2 & 3 of the FEAF for these actions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the drafts of the Parts 2 and 3 FEAF cited above herein and directs they be place in the public record on these two (2) proposed Actions.

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

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

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ACCEPTING A DRAFT RESOLUTION AND MAKING A DETERMINATION OF NON-SIGNIFICANCE UNDER SEQR FOR THE PROPOSED SPECIAL USE PERMIT AND PRELIMINARY SITE PLAN APPROVAL FOR THE PROPOSED WEST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0407-24	Special Use Permit (West Parcel)
PB #0409-24	Preliminary Site Plan (West Parcel)

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

ACTION: Acceptance of a draft resolution and making a Determination of Non-Significance under SEQR, for a Special Use Permit (PB #0407-24) and Preliminary Site Plan Approval (PB #0409-24) for the construction and operation of solar arrays upon a portion of Tax Map Accounts #29.07-1-57.000 and #29.07-1-58.000. These two parcels are known as the east portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the Safe Place Storage property which fronts along the south side of Collett Road, the north property line of New Energy Works and

the property lines with Tax Map Accounts #29.07-4-055 through -070 and 19.07-4-073 through 074, all of which are located along the west side of Redfield Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has determined the proposed Actions referenced above to be classified as an Unlisted Actions (hereinafter referred to as Actions) under Parts 617.4 and 617.5 of the State Environmental Quality Review Act (SEQRA) Regulations; and

WHEREAS, the Planning Board, has received, reviewed and accepted under separate resolutions the Parts 2 and 3 of the Full Environmental Assessment Forms for said Actions, dated August 7, 2024, prepared by the Town Director of Planning and Development; and

WHEREAS, the Planning Board has given consideration to the public comments provided during the public hearing upon said rezoning Actions; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQRA Regulations and the information contained within Parts 1, 2 and 3 of the (FEAF), along with the public hearing record, the supporting documentation and maps, photos, traffic study and other requested information submitted with this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board having reviewed the public record upon the above referenced Actions does hereby conclude the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

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

- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO), or will the proposed Actions impair the existing community or neighborhood character; and
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Actions; and
- (vii) there will not be any hazard created to human health resulting from the proposed Actions; and
- (viii) there will not be a change in the use of current active agricultural land resulting from the proposed Actions; and
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Actions; and
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences; and
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the proposed Actions WILL NOT result in any significant [Moderate to Large] adverse environmental impacts.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to file certified copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Forms, and this Determination of Non-Significance Resolution, and to provide certified copies of these documents to the Applicant, the Applicant's Engineer and the Town Development Staff and the Town Engineer; and to place of copy of this determination of non-significance in the Development Office file upon the above referenced Actions.

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

Adrian Bellis

Aye

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARINGS FOR THE
 SPECIAL USE PERMITS AND PRELIMINARY SITE PLANS FOR THE
 PROPOSED SKY SOLAR, INC. SOLAR PROJECT**

PB #0406-24	Special Use Permit, East Project
PB #0407-24	Special Use Permit, West Project
PB #0408-24	Preliminary Site Plan, East Project
PB #0409-24	Preliminary Site Plan, West Project

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

ACTION: Adjournment and Continuation of the applications for Special Use Permits and Preliminary Site Plan Approvals to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon portions of Tax Map Accounts #29.00-1-84.112, #29.00-1-057.000, #29.00-1-058.000.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearings upon these applications; and

WHEREAS, the Planning Board has tonight received testimony upon these applications.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn these Public Hearings tonight and moves to continue them at the scheduled meeting on September 4, 2024; and

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

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

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

Motion carried.

Following the voting, Mr. Schell asked if the citizens could get a copy of the draft Special Use Permit 50-page document, to which was referred during the meeting by Mr. Brand. Mr. Hemminger said that the draft will be posted on the Town website from which it can be downloaded, or that a hard copy could be requested from the Town Clerk’s Office by filing a Freedom of Information request.

Mr. Brand said that the draft Special Use Permit has not yet been completed and will not be posted on the Town website or made available to the public until it has been completed by the Town staff and released to the board and the public.

Mr. Hemminger said that the board is expected to begin consideration of the Special Use Permit at the next meeting on September 4, 2024. Following the approval of the Special Use Permit, the board will then begin consideration of the Preliminary Site Plan.

6. NEW FINAL SITE PLAN

PB #0710-24 New Final Site Plan Application

Name: Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614, c/o Matthew Tomlinson; on behalf of Conifer Realty LLC, 1000 University Avenue, Suite 500, Rochester, N.Y. 14607, c/o Robert Corredine; and Brickwood Management, 25 Silverlight Way, Rochester, N.Y. 14624, c/o Evan Van Epps

Location: Between Quentonshire Drive and Running Brook Road, Tax map Account #41.07-1-28.412

Zoning District: RMF—Residential Multi-Family

Request: Final Site Plan approval of the Creekwood Phase 2 Project to construct 40 townhouse dwelling units and related site improvements on approximately six acres of land located north of the Farmbrook Subdivision, west of Running Brook Road and east of the Pintail Crossing Apartment Project.

On July 17, 2024, the Planning Board approved the Preliminary Site Plan for the Creekwood Phase 2 Townhouse Project with conditions (PB #0707-24).

Mr. Barreto of Marathon Engineering presented this application.

He acknowledged receipt of MRB Group engineering comments which he has reviewed with the applicant. Mr. Barreto said that they are happy to comply with all requests.

Mr. Barreto said that the five-unit buildings will each have two-car garages, three bedrooms and a basement for storage. He said that five 10-unit buildings will not have basements, and will have a mixture of one- and two-bedroom units. He said that they have enough parking and overflow parking along the private driveway and on the road to be dedicated to the Town, and that they are confident that they will not have any potential overflow parking issues.

Mr. Barreto said that Mr. Tomlinson from Marathon Engineering also discussed parking at his previous presentation to the board. Mr. Hemminger said that Mr. Tomlinson heard his [Mr. Hemminger's] comments on parking and that he [Mr. Hemminger] will bring them up again later this evening.

Mr. Barreto said that at this point they are prepared to make all requested changes [on the revised Preliminary Site Plan drawing] and that they are preparing the mylar for signatures.

Mr. Brand asked if Mr. Barreto has seen the draft Final Site Plan approval resolution and if he has any objections to the conditions of approval. Mr. Barreto said that he has no objections [to the draft conditions of Final Site Plan approval].

Mr. Delpriore said that the majority of the Town staff's issues have been addressed on the Preliminary Site Plan, and that the staff had limited comments on the Final Site Plan. He said that the remaining staff comments have been addressed in the draft Final Site Plan approval resolution.

Mr. Ford said that parking is an issue.

Mr. Brabant acknowledged receipt of the revised Preliminary Site Plan drawings which have been reviewed by MRB Group which have been signed off by MRB Group to enable the applicant to move forward with the Final Site Plan application this evening. He said that several Preliminary Site Plan drainage issues were carried over to the Final Site Plan which took additional engineering review time. Mr. Brabant said that the MRB Group engineering comment letter on the Final Site Plan was issued today and at this point the remaining drainage issues are minor. He also said that the engineer's estimate for the applicant's Letter of Credit is complete.

Mr. Hemminger said that he is concerned about having enough parking spaces. He said that he spent half of his adult life living in these exact conditions and that there was never enough parking. Mr. Hemminger said that tenants will use their garages for storage and will park on the road, and that there will be parking limitations on the Town-dedicated road including no-parking hours during certain times of the year. He said that parking always is a consideration in multi-family developments, townhomes and apartments. Mr. Hem-

minger said that he is making these comments for the record and that he is aware of this issue and has “lived it” many times.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0710-24

APPLICANT: Evan Van Epps, Brickwood Management, 25 Silverlight Way, Rochester, N.Y. 14624

ACTION: Final Site Plan Approval—Creekwood Phase 2 Townhouse Project

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight reviewed the material for the above referenced Action; and

WHEREAS the Planning Board has received testimony at tonight’s meeting on the proposed Action.

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

1. Final Site Plan Approval is hereby granted based upon the drawings prepared by Marathon Engineering, comprised of drawing numbers CO>1, V1.0, C1.0, C1.1, C2.0, C3.0, C4.0, C5.0, C6.0, C6.1 and C6.2, Job Number 0839-23, dated 7/31/24, entitled “Final Site Plans for Creekwood Extension Brickwood Management.”
2. The Final Site Plan drawings are to be amended to include a crosswalk, with signage, between the public parking space shown on the south side of Pintail Crossing across Pintail Crossing leading to the sidewalk in front of Building E.
3. The existing sidewalk along the frontage of Building 8 located in the Pintail Apartment Complex is to be extended connecting to the proposed Building B units and then connecting to and around the proposed public parking area shown. This sidewalk is to be continuous crossing the proposed driveways and in compliance with the Americans With Disabilities Act standards.
4. There is to be a note added to the Final Site Plan drawings that the public parking area shown is to be maintained by the property owner.

5. All Final Site Plan drawings that identify “Red Fern Ln” are to be corrected to identify the public highway as “Redfern Drive.”
6. There is to be a note added to the Final Site Plan drawings that there shall be no parking of boat, or recreational vehicles or trailers permitted in the public parking area. A sign to this effect is to be posted prior to the issuance of a Certificate of Compliance for this project.
7. The proposed streetlights between Buildings B and C are to be adjusted to illuminate the two intersections. If additional streetlights are required to accomplish this then they are to be shown on the Final Site Plan drawings.
8. The proposed streetlight closest to the intersection with Running Brook Drive and Redfern Drive is to be adjusted so that light spillage onto the adjacent townhouse project (Creekwood Section One) is eliminated.
9. The proposed streetlight illuminating the public parking area is to be adjusted to illuminate the entire parking area, or an additional streetlight is to be added.
10. The Landscaping Drawing is to be revised to better delineate the two lawn areas on Building D site that separate the driveways. It also needs to be clarified if these are lawn areas or landscape areas.
11. The Final Site Plan Drawings are to better distinguish the lawn areas from the pavement areas as it appears that some proposed trees fall within a driveway. If this is indeed the case then relocate the trees to the lawn areas.
12. All comments contained in the MRB Group Letter on this application, dated August 21, 2024, are to be addressed and reflected on revised Final Site Plan drawings where appropriate before the Town Engineer signs-off on these drawings.
13. Final Site Plan Approval is valid for a period of 180 days from today and shall automatically expire unless all drawings have been signed by Town Staff and the Planning Board Chairperson.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineers, Town Staff, the Town Engineer and filed with the Town Development Office.

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

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

Motion carried.

7. OTHER BOARD ACTIONS

A. Partial Letter of Credit Release #2, Hathaway's Corners, Phase 2A:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT—PARTIAL RELEASE #2
HATHAWAY'S CORNERS PROJECT, PHASE 2A**

PB #0906-22

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated March 25, 2024, from Lance S. Brabant, CPESC, Director of Planning & Environmental Services, MRB Group, D.P.C., the Town Engineers, to approve the partial release of funds (Release No. 2) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

WHEREAS, the Town Director of Planning & Development, in a memo dated August 16, 2024, has determined that all of the identified site improvements have now been accepted by Town Staff, in accordance with the provisions in Chapter 144, Section 32, of the Farmington Town Code; and

WHEREAS, the Planning Board has reviewed the Applicant's Engineer's Estimate of Values, BME Associates, dated July 24, 2024, along with the completed Town Surety Release Forms G-1.1, dated 3/24/24 and G-2.0 dated 3/25/24; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested release from the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, and the determination by the Town's Director of Planning & Development, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds (Release #2) from the established Letter of Credit in the total amount of \$250,022.73.

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

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

Motion carried.

B. Partial Letter of Credit Release #3, Hathaway’s Corners, Phase 2B:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #3
HATHAWAY’S CORNERS PHASE 2B (APARTMENTS)**

PB #0603-22

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated August 7, 2024, from Lance S. Brabant, CPESC, Director of Planning & Environmental Services, MRB Group, D.P.C., the Town Engineers, to approve the partial release of funds (Release No. 3) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

WHEREAS, the Planning Board has reviewed the Applicant’s Engineer’s Estimate of Values, BME Associates, dated July 24, 2024, along with the completed Town Surety Release Forms G-1.1, dated 8/05/24 and G-2.0 dated August 8, 2024; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested release from the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, and the determination by the Town’s Director of Planning & Development, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds (Release #3) from the established letter of credit in the total amount of \$123,404.47.

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

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

Motion carried.

C. Preliminary Site Plan, 1715 State Route 332 Project:

PB #0802-24

**APPLICANT: John Capezzuto, c/o Beach Capital Development,
8 Valley View Drive, Victor, N.Y. 14564**

LOCATION: 1715 State Route 332

**ACTION: Preliminary Site Plan, SEQR Classification: Deciding upon a
Public Hearing and determination of a complete application.**

John and Tim Capezzuto of Beach Capital Development presented this application.

Mr. Delpriore said that the plans which were submitted to the Town did not provide all of the information which the Town Code requires for a Preliminary Site Plan.

Mr. Hemminger acknowledged that the Town staff has determined that the application is incomplete.

Mr. Brand said that if this application in its present state was to have been referred to the Ontario County Planning Board (OCPB) for review, the OCPB would have returned the application to the Town which would have added another month to the Town’s review and approval process.

Mr. Hemminger said that the Town Code is clear on what is required for review of a site plan. He said that the applicant only submitted a plan for the installation of a sewer and that a complete plan is needed prior to making the referral to the OCPB followed by the Planning Board’s consideration.

Tim Capezzuto asked about the Town’s notification procedure. Mr. Delpriore said that the Town’s procedure is to notify an applicant’s consulting engineer regarding the technical status of an application, and that in this case the staff determination was sent to Marks Engineering of Canandaigua, N.Y. (the applicant’s engineer). Mr. Delpriore said that Marks Engineering has worked in the Town on a number of occasions in the past and is familiar with the Farmington process.

Mr. Hemminger said that the next step is for the applicant to submit a new site plan with all the information which is required by the Town Code.

Mr. Delpriore said that the applicant and his engineer should set up an appointment with the Town staff for a review of what additional information is required in order for the application to move forward.

Mr. Hemminger concurred with this. He said that the Town staff has worked with Marks Engineering many times.

John Capezzuto said that they just want to connect the existing building to the sanitary sewer and to use the existing building for personal use. He said that they are not planning any other development on the property. Mr. Hemminger said that the Town Code requires a site plan for this work, and also that the Town Code requires the information which is to be provided on the site plan. He said that he understands Mr. Capezzuto's comments but that the Code is the Code.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0802-24

**APPLICANT: John Capezzuto, c/o Beach Capital Development,
8 Valley View Drive, Victor, N.Y. 14564**

**ACTION: Application for Preliminary Site Plan approval for the
development of property located at 1715 State Route
332, Farmington, N.Y. 14425—Determination of
Completeness for the Planning Board's consideration
and scheduling.**

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

WHEREAS, the Planning Board has tonight received public testimony upon the above referenced Action; and

WHEREAS, the Planning Board has reviewed the drawings (EX100, Boundary, C100, and C500), prepared by Marks Engineering, P.C., entitled "New Sanitary

Plan for Joseph Capezzuto, 1715 State Route 332,” identified as job #22-233 and dated 07/26/2024; and

WHEREAS, the Planning Board is required by New York State Town Law, Section 274-b, the State Environmental Quality Review (SEQR) Regulations and Chapter 165, Section 100 of the Farmington Town Code, to determine if there is enough information provided to accept this application as being adequate for public review and action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines the material submitted with this application is not adequate for further consideration by the Town Planning Board at this time and directs the Applicant to complete the necessary Part 1 Short Environmental Assessment Form, sign and date said form describing what is being requested.

BE IT FURTHER RESOLVED that the Applicant is further directed to review with his engineers the requirements for providing a Preliminary Site Plan drawing and application to the Planning Board as set forth in Chapter 165 of the Farmington Code.

BE IT FURTHER RESOLVED that the Applicant is advised to arrange a meeting with Town Staff, including the Town Director of Planning and Development, the Town Code Enforcement Officer, the Town Fire Marshal and the Applicant’s Engineer, to reach an understanding of what information is required to be provided that will enable the Planning Board to determine if the application is complete, classify the application under SEQR, and to provide the minimum information to enable a complete application be submitted to the Ontario County Planning Board under the provisions of Section 239-l and -m of the New York State General Municipal Law.

BE IT FURTHER RESOLVED that no further action will be taken by this Planning Board until all of the above conditions have been provided for public review and consideration.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineer, Town Staff, the Town Engineer and filed with the Town Development Office.

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

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

Motion carried.

**D. Noelle Porretta, 4484 State Street, Shortsville, N.Y. 14548:
Special Use Permit Update:**

PB #0501-23

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

LOCATION: 4484 State Street, Shortsville, N.Y. 14548

ACTION: Update on Special Use Permit to operate an excavating business under the provisions of Chapter 165, Article VI, Section 72, of the Town Code, on property located at 4484 State Street, zoned A-80 Agricultural District.

The Planning Board considered this application on May 3, 2023 (PB #0501-23) and at that time determined that a number of procedural concerns associated with the proposed use first needed to be resolved before the board could continue its deliberations upon this application.

Mr. Delpriore said that Mr. Brand and Mr. Gordner of the Building Department have been working with Ms. Porretta on this application which was originally submitted for approval of a Special Use Permit to enable the applicant to operate an excavating business on their property.

Mr. Delpriore said that the resolution before the board this evening is for the denial of the Special Use Permit application without prejudice to enable the applicant to instead apply for a Temporary Use Permit. He said that an excavating business is a permitted use in the applicant’s zoning district.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SPECIAL USE PERMIT—MAJOR HOME OCCUPATION—EXCAVATION BUSINESS**

PB #0501-23

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

ACTION: **Special Use Permit to operate an excavating business under the provisions of Chapter 165, Article VI, Section 72, of the Town Code. on property located at 4484 State Street, zoned A-80 Agricultural District.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight reviewed the status of this proposed Action and has given consideration to the public and town staff comments that have been entered into the public record; and

WHEREAS, the Planning Board has reviewed the comments made as part of the Ontario County Planning Board's referral 62-2023, dated April 12, 2023, a Class 1 Referral with comments; and

WHEREAS, the Planning Board based upon the above has identified a number of procedural concerns associated with the proposed use that first need to be resolved before the Board may continue its deliberations upon this application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby deny without prejudice the above requested Action.

BE IT FURTHER RESOLVED that the Planning Board instructs the Applicant to complete the application to the Town Development Office for a Temporary Use Permit to the Town Zoning Board of Appeals (ZBA).

BE IT FURTHER RESOLVED that upon the ZBA's approval of the Temporary Use Permit, the Applicant is to then submit a Preliminary Site Plan to the Planning Board.

BE IT FURTHER RESOLVED that the Applicant, is also to make application to the Town Zoning Board of Appeals, for an area variance to the provisions contained in Chapter 165, Article VI, Section 72 A. of the Town Code, in that the proposed Temporary Use Permit Structure(s) for the proposed Excavation Operation are determined by the Planning Board to be larger in size than the principal permitted residential use of the property (a single-family residential dwelling).

BE IT FURTHER RESOLVED that the Planning Board requests the Town Code Enforcement Officer to issue a Stop Work Order to the Applicant, if said Applications to the ZBA is not received by August 30, 2024.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to the ZBA, the applicant, the applicant's land surveyor/engineer, town staff and the Town's Engineer.

BE IT FURTHER RESOLVED that the Applicant will be responsible for the above referenced applications.

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

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

Motion carried.

E. 1816 Quaker Meetinghouse Museum Final Site Plan:

PB #0801-24

APPLICANT: David Bruninix, Site Manager, c/o 724 Victor Road, Macedon, N.Y. 14502; and J. Lincoln (Linc) Swedrock, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450

LOCATION: 230 Sheldon Road, Farmington, N.Y. 14450

ACTION: Acceptance of the application as complete for scheduling a public meeting for Final Site Plan approval for the restoration of the 1816 Quaker Meetinghouse Museum structure and related site improvements at 230 Sheldon Road, Farmington, N.Y. 14425

Mr. Brand said that this application involves only the driveway, the parking area and the exterior structural improvements to the shell of the 1816 structure. He asked if a formal Public Hearing was necessary for this application.

It was noted that formal Public Hearings were held on July 17, 2024, for Preliminary Site Plan and Special Use Permit for this project.

CONSENSUS: Following brief discussion, it was the consensus of the Planning Board that a formal Public Hearing is not necessary for the Final Site Plan application.

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0801-24

APPLICANT: David Bruinix, 724 Victor Road, Macedon, N.Y. 14502

ACTION: Acceptance of the Final Site Plan application as complete for scheduling a public meeting for Final Site Plan approval for the restoration of the 1816 Quaker Meetinghouse structure and related site improvements at 230 Sheldon Road, Farmington, N.Y.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed the related application for the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to accept the documents submitted for this application as being adequate for its consideration.

BE IT FURTHER RESOLVED that the Planning Board has previously classified the Action as a Type II Action, under the provisions of 6NYCRR, Part 617. 5 (11) and (13), Article 8 of the New York State Environmental Conservation Law (ECL).

BE IT FURTHER RESOLVED that Type II Actions have been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under the ECL.

BE IT FURTHER RESOLVED that the Planning Board does hereby schedule a public meeting be held upon the above Action at the September 4, 2024, meeting.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, Mr. David Brunix; the Applicant’s Engineer Linc Swedrock, P.E. (BME Associates), Town Staff, the Town Engineer and filed with the Town Development Office.

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

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

Motion carried.

F. DeHollander Design, Inc.: Final Site Plan for Lot #R-44 of the Scout Plains Subdivision Tract:

PB #0803-24

APPLICANT: **Scott DeHollander, DeHollander Design, Inc., 7346 Dryer Road, Victor, N.Y. 14564**

LOCATION: **Lot #R-4 of the Scout Plains Subdivision Tract**

ACTION: **Acceptance of the application as complete for scheduling a public meeting for Final Site Plan approval for Lot #R-4 of the Scout Plains Subdivision Tract**

CONSENSUS: Following brief discussion, it was the consensus of the Planning Board that a formal Public Hearing is not necessary for the Final Site Plan application.

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0803-24

APPLICANT: **DeHollander Design, Inc., 7346 Dryer Road, Victor, N.Y. 14564**

ACTION: **Acceptance of the Final Site Plan application as complete for scheduleing a public meeting for Final Site Plan Approval for Lot #R-4 of the Scout Plains Subdivision Tract.**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) tonight has received and reviewed the related application for the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to accept the documents submitted for this application as being adequate for its consideration.

BE IT FURTHER RESOLVED that the Planning Board has previously classified the Action as a Type II Action, under the provisions of 6NYCRR, Part 617. 5 (11) and (13), Article 8 of the New York State Environmental Conservation Law (ECL).

BE IT FURTHER RESOLVED that Type II Actions have been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under the ECL.

BE IT FURTHER RESOLVED that the Planning Board does hereby schedule a public meeting be held upon the above Action at the September 4, 2024, meeting.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, Town Staff, the Town Engineer and filed with the Town Development Office.

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

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

Motion carried.

G. Letter of Credit Establishment, Creekwood Townhomes Project, Phase 2:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CREEKWOOD TOWNHOUSE PROJECT, PHASE 2, PINTAIL CROSSING
LETTER OF CREDIT ESTABLISHMENT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated August 21, 2024, from Ronald Brand, Director of Planning and Development, and a draft resolution for the Planning Board to recommend to the Town Board acceptance of the establishment of a Letter of Credit for approved site improvements located on property located along the future town road to be known as Pintail Crossing; and

WHEREAS, the recommendation is based upon a letter, dated August 21, 2024, from Lance S. Brabant, CPESC, Director of Planning and Environmental Services, MRB Group, D.P.C., the Town Engineer, to the Town Director of Planning and Development, recommending establishing of a Letter of Credit for site improvements for the above referenced project, in the total amount of \$637,399.00; and

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

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit Estimate prepared by the Applicant’s Engineer’s Estimate of Value attachment thereto and Appendix G-1.0 Letter of Credit/Surety—Established, as completed to date; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project, the recommendations from the Town Construction Inspector and the Town Engineers, and the Determination from the Town Director of Planning and Development, 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 \$637,399.00.

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

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

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

Motion carried.

8. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

- The design plans for the pedestrian crossing over Beaver Creek along County Road 41, as part of the Transportation Alternatives Program (TAP)—Sidewalks, Trail Connections and Bike Lanes Project, are still under review by New York State. Mr.

Brand also said that the contractor is constructing curbing along County Road 41 and would like to complete the sidewalk sections along Mertensia Road and in the vicinity of Maddie’s Motor Sports on State Route 96 next week.

- Graham Marcus, who is the owner of Maddie’s Motor Sports at 6226 State Route 96, has retained an electrical engineer for the installation of electric conduit and a light pole during the time that the driveway will be excavated for the installation of the sidewalk.
- Although the Town Supervisor had been notified by the applicant of the Farmington Market Center (Tops Supermarket Plaza on State Route 96) that plans were to have been submitted last week, Mr. Brand said that no plans were received.
- On August 13, 2024, the Town Board approved the adoption of Local Law No. 4 of 2024 and authorized the amendment of the Town’s Official Zoning Map for the rezoning of land from PD Planned Development for the “Glacier Lakes Waterpark and Conference Center Project” and MTOD Major Thoroughfare Overlay District, to IZ Incentive Zoning for “Whitestone Incentive Zoning Project, State Route 332 and County Road 41,” with MTOD Thoroughfare Overlay District. The Town Board also approved the Incentive Zoning District conditions of approval for the project and accepted the zoning amenities with conditions. The applicants propose a townhome and commercial development on 65.1 acres north of County Road 41 and east of State Route 332.

Mr. Brand said that a Planning Board application for the Whitestone project is expected soon and will require a 30-day State Environmental Quality Review (SEQR) period with the SEQR Involved and Interested Agencies.

- The most recent issue of the Town Newsletter has been sent to residents. Mr. Brand said that several residents have called the Town with questions and comments.
- Mr. Brand welcomed Ms. Sousa to the Planning Board. He also extended his thanks for her for her continuing service as a member of the Town Recreation Advisory Board.
- Anthony DiPrima of A&D Real Estate Development Corporation has entered into a contract with Ryan Homes for construction of residential units in Sections 3, 4 and 5 of the Monarch Manor Subdivision. The target date for beginning work is October 2024. A total of 40 units are planned for construction in these three sections. Mr. Brand also said that this work will include a sidewalk between Lillybrook Court and Monarch Drive, and other site improvements.

Code Enforcement Officer:

Mr. Delpriore said that the electronic distribution of Planning Board packets will continue for the next several meetings. He requested that board members contact the Building Department if they would prefer to receive hard copies of the materials.

Highway Superintendent:

Mr. Ford said Town road paving projects are continuing. He said that Shortsville Road was paved today (August 21, 2024), that the southern end of Sand Hill Road will be paved tomorrow, the northern end will be paved on Monday, August 26, 2024, and Clover Meadow Lane will be paved by the end of next week.

Town Engineer:

Mr. Brabant said that he is continuing to work on the Site Design Criteria Manual following his meetings with Town departments last week. He said that substantial updates would primarily affect Town staff. He also said that he is working with Mr. Brand on updates to the zoning map and with Mr. Delpriore on the MS4 Program. Mr. Brabant said that the New York State Department of Environmental Conservation General Permit requirements will change on October 4, 2024.

Planning Board:

Mr. Viets said that he attended a recent seminar on new wetland regulations given by the New York State Department of Environmental Conservation. He said that another seminar on this will be held on August 27, 2024.

9. PUBLIC COMMENTS

None.

10. TRAINING OPPORTUNITIES**■ 2024 Municipal Bootcamp Trainings:**

A free annual program to provide certification credits to newly elected officials, planning and zoning boards, and municipal officials presented by Hancock Estabrook and MRB Group.

Thursday, September 26, 2024, 6:00 p.m.–7:00 p.m.

Session 8: Under the Tent: Open Meetings, Record Keeping, and Engaging the Public in Community Development

Thursday, October 24, 2024, 6:00 p.m.–7:00 p.m.

Session 9: Short, But Not Too Short: How Short-Term Rentals Are Changing the Development and Regulatory Landscape

Thursday, December 19, 2024, 6:00 p.m.–7:00 p.m.

Session 10: Santa’s Nice and Naughty List: The Best and Worst of 2024

Questions and registration:

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

■ New York Planning Federation Recorded Webinars:

For information: (518) 512-5270 or nypf@nypf.org

■ General Code e-Code

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information: <https://www.generalcode.com/training/>

■ Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:

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

11. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:10 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, September 4, 2024, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. This meeting will also be available via remote video conference.

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

Respectfully submitted,

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

Attachments to minutes:

- 1. Attachment #29 to Sky Solar Project Abstract:**
50 pages of materials Submitted by Susan Willard, 6011 Redfield Drive, Farmington, N.Y. 14425, as follows:

1. Conservation Considerations for Solar Farms
 2. Solar Energy Development Environmental Concerns
 3. Solar “farm” components are starting to fail after only 10 to 15 years
 4. The Complete List of Solar Bankruptcies and Business Closures
 5. Pros and Cons of Solar Energy
 6. American Cancer Society: Sources and references
 7. Power Lines, Electrical Devices, and Extremely Low Frequency Radiation
 8. Top five risks of solar energy
 9. Energy Hazards of Battery Energy Storage System Fires
 10. What Is a Safe Distance to Live From a Solar Farm
- 2. Attachment #30 to Sky Solar Project Abstract:**
Selected annotated pages from Labella engineering plans dated July 31, 2024, submitted by William C. Schell, 5976 Redfield Drive, Farmington, N.Y. 14425, as follows:
- Cover
 - Plan Sheet C101
 - Plan Sheet C201
 - Plan Sheet C202
 - Plan Sheet C301
 - Plan Sheet C401
 - Plan Sheet C403
 - Plan Sheet C501
 - Plan Sheet C505
 - Plan Sheet C506
 - Plan Sheet C507