

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, December 16, 2020 • 7:00 p.m.

MINUTES—APPROVED

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

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 7, 2020, and extended by Executive Order 202.79 through January 1, 2021:

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

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

The meeting was conducted at the Farmington Town Hall and via telephone/video conference format for those not wishing to attend in person. During the meeting, the agenda and each draft resolution was posted upon the video screen for the public, the applicants and the board members who were participating in the meeting via telephone/video format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on December 11, 2020.

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

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

Board Members Present: Edward Hemminger, *Chairperson*
 Adrian Bellis
 Timothy DeLucia
 Shauncy Maloy
 Douglas Viets

Staff Present at the Town Hall:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
 Ronald L. Brand, Town of Farmington Director of Development and Planning
 Dan Delpriore, Town of Farmington Code Enforcement Officer
 John Weidenborner, Town of Farmington Zoning Officer

Applicants Present at the Town Hall:

Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
 #415, Rochester, N.Y. 14610
 David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
 129 S. Union Street, Spencerport, N.Y. 14559
 Michael Montalto, Costich Engineering, 217 Lake Avenue, Rochester, N.Y. 14608
 Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

Applicants Present via Remote Participation:

Amy Dake, SRF Associates, 3495 Winton Place, Building E, Suite 110, Rochester, N.Y. 14623
 Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450
 John LeFrois, GLN Farmington Realty LLC, 1020 Lehigh Station Road, P.O. Box 230,
 Henrietta, N.Y. 14467

Karl Schuler, Blackwood Industrial Park, c/o Union Crossing Development LLC,
2580 Baird Road, Penfield, N.Y. 14526
Peter Vars, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450

Others Present at the Town Hall:

Geoff Cook, 1514 Emma Lane, Farmington, N.Y. 14425
James Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522

Others Present via Telephone/Video Conference:

William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425
Farmington Supervisor Peter Ingalsbe
Bridget O’Toole, Esq., Partner, Allen, 5988 County Road 41, PLLC, 300 State Street, Suite 502,
Rochester, N.Y. 14614
[Others, unidentified]

1. MEETING OPENING

The meeting was called to order at 7:00 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 15, 2020.

For those attending in person at the Farmington Town Hall, safety measures were implemented in accordance with the Governor’s relevant Executive Orders regarding the COVID-19 pandemic. Board members, Town staff and residents who were in attendance at the Town Hall remained at separated distances of at least six feet and used facemasks at distances of less than six feet. A sign-in sheet was not used to avoid contact with pens, pencils and papers. Temperature checks were conducted by Town staff at the entrance to the Town Hall. Hand sanitizers were available throughout the building. Guidelines and safety measures were posted on the meeting room door and in the lobby of the Town Hall. Separate entrance and exit locations were used. Public access was restricted to the lobby, the main meeting room and the public restrooms.

2. APPROVAL OF MINUTES OF DECEMBER 2, 2020

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the December 2, 2020, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on December 9, 2020:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 16th day of December 2020 commencing at 7:00 p.m. in the Farmington Town Hall Main Meeting Room, 1000 County Road 8, Farmington, New York 14425 for the purpose of considering the application of:

PB #1204-20: UNION CROSSING DEVELOPMENT LLC, 2580 BAIRD ROAD, PENFIELD, N.Y. 14526: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account #42.00-1-54.120, containing a total of 33.66 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #R-2 of the Blackwood Industrial Park. The proposed Action involves creating Lot #R-2A consisting of 4.068 acres, Lot #R-2B consisting of 16.519 acres, and Lot #R-2C consisting of 13.072 acres, all of which are to remain vacant as non-approved building lots requiring site plan approval before any Building Permits may be issued. The property is located on County Road 41 and County Road 8 and is zoned LI Limited Industrial.

ALL PARTIES IN INTEREST and citizens will be given an opportunity to be heard in respect to such application. Persons may appear in person or by agent.

Ed Hemminger, Chairperson
Planning Board

4. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN

PB #0903-20 Preliminary Site Plan Application

Name: GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

Location: South side of State Route 96, west of State Route 332, and east of Mertensia Road

Zoning District: GB General Business and Major Thoroughfare Overlay District (MTOD)

Request: Preliminary Site Plan approval of Phase 1A to erect approximately 32,750 square feet of General Business space on the parcel identified as Tax Map 29.00-1-18.100. The property is zoned GB

General Business and Major Thoroughfare Overlay District (MTOD)

This application was reviewed by the Project Review Committee on April 5, 2019; February 7, 2020; May 1, 2020; June 5, 2020; July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; and December 4, 2020.

The applicant presented concept plans to the Planning Board on March 4, 2020.

The Planning Board recommended the establishment of a Letter of Credit for partial site clearing in the amount of \$23,287.50 on August 5, 2020. The Town Board accepted this recommendation and directed that a Letter of Credit in the amount specified be filed with the Town Clerk's Office.

The Planning Board designated itself as the Lead Agency for the State Environmental Quality Review (SEQR) determination on October 7, 2020, following a 30-day public review period during which no objections were received to the Planning Board's designation from any of the Involved Agencies..

The Public Hearing on this application was opened on October 7, 2020, and was continued to the meetings on October 21, 2020; November 4, 2020; November 18, 2020; and to the meeting this evening (December 16, 2020).

Mr. Destro (BME Associates) presented this application. Mr. LeFrois (the applicant), Mr. Vars (BME Associates) and Ms. Dake (SRF Associates) also participated on the audio/video conference call.

Mr. Destro provided the following information:

- Total site area: ±27.18 acres. Phase 1A: ±4.29 acres.
- Location: South of State Route 96, east of the Farmington Market Center (Tops Supermarket), west of the Farmington Commons Plaza (Auto Zone).
- Existing zoning: General Business/Major Thoroughfare Overlay District (MTOD)
- Proposed uses in Phase 1A:
General Business (one bank, two commercial buildings, one fast-food restaurant:
±16,000 square feet
- Open space:
36 percent, excluding the stormwater management area
41 percent (total site, ±11.1 acres)
43 percent (Phase 1A, ±1.86 acres)

- There is currently one existing access to the site in the northeast corner of the property; this access is on the property line and also serves the Farmington Commons Plaza.
- An Area Variance will be requested from the Zoning Board of Appeals to allow for a reduced setback of the buildings from State Route 96.
- The Preliminary Phase 1A application materials have been updated from the original application to reflect identification of two of the four placeholders for the proposed structures, and the relocation of the proposed MTOD NYS Route 96 access onto the project site. Phase 1A now proposes up to ±16,000 square feet of General Business space consisting of a ±2,400-square-foot proposed bank, a ±3,500-square-foot fast-food restaurant, a ±4,400-square-foot commercial building, and a proposed ±4,800-square-foot commercial building.
- SRF Associates has prepared a traffic study for the updated Preliminary Phase 1A Site Plan application. The scope of the traffic study was coordinated with the New York State Department of Transportation (DOT) and the Town of Farmington.
- While this application is for Preliminary Phase 1A site plan approval, SEQRA is to be based on the anticipated full build-out of the overall ±27.2-acre project site. The proposed full development is a Type I action pursuant to SEQRA. As such, the applicant has completed and submitted Part 1 of the long form. The Engineer's Report has been prepared to support and supplement the information provided in the EAP. Both the EAF and Engineer's Report have been prepared for a 166,000-square-foot full build-out development (consisting of ±16,000-square-foot Phase 1A General Business space and ±150,000 square feet of future office/flex space). This will allow the Planning Board to conduct the SEQRA process with this development threshold, and thus establishing the threshold that the subsequent final site plan applications will be measured against. The Planning Board designated itself Lead Agency for the coordinated review pursuant to SEQRA at their October 7, 2020 meeting.
- The applicant has commenced with the approved Phase 1A site clearing operations. The project includes a comprehensive stormwater management plan prepared per the requirements of the New York State Department of Environmental Conservation (DEC) and the Town of Farmington. The Engineer's Report contains a complete description of the proposed stormwater management design. The proposed storm water management facility has been located in the southwestern portion of the site, which is the most practical area for the facility given it represents the lowest elevation within the property to convey stormwater runoff. The stormwater management facility has been sized to provide the required DEC stormwater quantity and quality requirements for the anticipated future full build-out of the project site. Future site-specific improvements are anticipated to meet the New York State Department of Environmental Conservation standards for runoff reduction/green infrastructure practices.

- Area Variances from the Zoning Board of Appeals will be required to reduce the front setback requirement from State Route 96. The applicant has shown the proposed front setback to be consistent with feedback received from the Town of Farmington per the State Route 96 Street Scape Guidelines to place the proposed buildings closer to NYS Route 96 than the 100-foot MTOD standards. The variance requests will be applied as part of the final site plan design process for each building pad.

Mr. Destro said that the entrance road into the site from State Route 96 was previously intended to be located upon the Farmington Market Center property. This road has now been relocated to the east onto the applicant's property to serve the four proposed buildings in Phase 1A and to terminate at a hammerhead turnaround south of the buildings. Mr. Destro said that this road will eventually extend to the south to connect with the current endpoint of Mercier Boulevard. The eventual extension will be reassessed following completion of Phase 1A and will depend upon the future development of the site. Mr. Destro said that the extension of the road has been a long-standing goal of the Town and that Phase 1 represents the start of that goal.

He said that the relocation of the entrance road off State Route 96 was reviewed with the DOT, the Town staff, BME Associates and SRF Associates in October. Mr. Destro said that the DOT expressed no concerns with the relocation of the road onto the applicant's property and that the DOT did not want to allow additional State Route 96 traffic to use the existing access in the northwest corner of the property at the Farmington Commons Plaza.

Mr. Destro said that the Town staff indicated that it would be beneficial for the existing eastern access to the site from the Farmington Commons Plaza to remain open as a secondary access to the site and for the use of emergency vehicles. He said that a crash gate has been proposed at this access point which will allow Town and emergency vehicles to enter the site but which will not allow through-traffic onto State Route 96, per the DOT recommendation.

Mr. Destro said that this application is a Type 1 Action under SEQRA, that the coordinated review by the Interested and Involved Agencies has been completed, and that the SEQRA determination is based upon the Overall Preliminary Site Plan and the full build-out of the project. He said that the engineer's report and the traffic study also are based upon the full build-out of the project site.

The stormwater management area in the southwest corner of the site has been designed to provide water quantity for Phase 1 and will serve the full build-out of the site. Mr. Destro said that the topography of the land slopes from northeast to southwest, and therefore, the stormwater management area has been located in the most practical area of the property. He said that green infrastructure measures will be provided on the individual building lots as part of their individual Final Site Plan applications.

A public gravity sanitary sewer will be provided from the existing system which is located south of the site on Mercier Boulevard. Public water will be provided via an existing water main on State Route 96 and will be looped to serve the Phase 1A buildings.

Mr. Destro said that the requested Area Variances from the Zoning Board of Appeals (ZBA) are consistent with the Town's State Route 96 Street Scape Guidelines and with the setbacks of adjacent buildings. He said that these applications will be heard by the ZBA on January 25, 2021.

Mr. Destro said that the Ontario County Planning Board (OCPB) reviewed the Site Plan and the Area Variance applications on December 9, 2020, and recommended the approval of both of them (OCPB Referrals #216-2020 and #216.1-2020).

He acknowledged the receipt of comments from MRB Group and the Water and Sewer Department, and that a BME Associates response letter has been provided.

Ms. Dake said that a comprehensive traffic study focused on Phase 1A (four proposed buildings) and was further segmented into Phase 1A-1 (which includes the proposed bank and the drive-through restaurant) and Phase 1A-2 (which includes two commercial buildings). She said that the traffic study assumes that the restaurant would generate more traffic than the commercial buildings.

Ms. Dake said that the study indicated that Phase 1A will require the necessary mitigation of a westbound left-turn lane from State Route 96 onto the new Town-dedicated entrance road and that a traffic signal is anticipated to be required at this intersection following completion of Phase 1A-1. She said that the traffic analysis should be updated at that point and that new traffic counts should be taken to determine when the traffic signal and the extension of the Town-dedicated road to connect with the current endpoint of Mercier Boulevard will be required.

Mr. Brand said that a second SEQR coordinated review period concluded on Monday, December 14, 2020, and that comments were received from the DOT regional office, the New York State Department of Health and the Town Water and Sewer Department. He said that no comments were received from the Town Highway Department. Mr. Brand said that the board this evening will review Part 2 and Part 3 of the SEQR Full Environmental Assessment Form to make the determination of significance. Following this action, the ZBA will then be able to consider the Area Variance applications at their meeting on January 25, 2021. He said that a resolution also has been prepared for the Planning Board's consideration this evening to continue the Public Hearing to February 3, 2021.

Mr. Delpriore confirmed that the applicant has submitted a complete Area Variance application and that it will be heard by the ZBA on January 25, 2021.

Mr. Brabant said that an MRB Group engineering comment letter on this application was issued on December 7, 2020, and that the applicant submitted a response letter to address the comments. He said that the State Route 96 Street Scape Guidelines are still being re-

fined by the Town and that although a 30-foot easement area for the street scape improvements is requested from the edge of State Route 96, the Town goal is to have the 30-foot distance be measured from the road right of way. He said that the Town is seeking to revise this measurement and he said that the application had been redesigned to meet this criterion.

Mr. Brabant said that the project layout that has been presented this evening is a much better design than previous versions and that public safety connectivity in terms of sidewalks and crosswalks will be part of the Final Site Plan. He said that he will continue to work with BME Associates on these topics.

Mr. Brand confirmed that the OCPB reviewed the Area Variance request at their meeting on December 9, 2020, and had no issues.

Mr. Brand complimented the applicant and BME Associates in recognition of the Town's State Route 96 Street Scape Guidelines and the elimination of four separate curb cuts along State Route 96 for each of the four proposed buildings in Phase 1A. He said that this establishes a sound access management standard that he hopes other developers will follow.

Mr. Hemminger then asked if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests to speak from those in the meeting room.

Mr. Hemminger then asked if anyone on the audio/video conference call wished to speak for or against this application, or to ask questions. There were no requests to speak from those on the audio/video conference call.

Mr. Hemminger said that he hopes that Mr. Destro will work with Mr. Brabant on the building setbacks in the northeast corner of the site, and to redesign the building layout to achieve the right traffic flow.

Mr. Viets asked if Phase 1A is one application or if four separate applications would be submitted for the four proposed buildings. Mr. Destro said that the Preliminary Phase 1A Site Plan application includes the road improvements and placeholders for the four buildings. He said that separate Final Site Plan applications will be submitted for each of the buildings based upon the user and the specific layout. Mr. Viets requested that the future tenants of the four buildings be informed that their buildings should have similar designs.

Mr. Viets asked about the number of parking spaces at the proposed drive-through restaurant. Mr. Vars requested that the board recognize that the restaurant and bank buildings as shown on the Preliminary Site Plan are placeholders at this time. He said that there are no specific tenants at this time, that there is no guarantee that proposed building #2 will be a restaurant and that no contracts have been signed. He said that the depictions of the buildings on the Preliminary Site Plan are just examples of what types of buildings could be brought into this commercial component [of the project].

Mr. Hemminger said again that the board would request the applicant to keep the traffic flow, and the movement of vehicles and delivery trucks, in mind as the tenants are acquired.

Mr. Delpriore said that each type of use [of the buildings] may require a certain number of parking spaces, and that the exact number of parking spaces may change as the users are identified. He said that he wanted to be clear that a retail use may not deem as many parking spaces [as a restaurant or a bank use].

Mr. Viets said that parking and traffic flow will be a concern if this project moves forward. Mr. Delpriore said that the Town staff will definitely address these issues on the individual Final Site Plan applications [for the proposed four buildings].

Mr. Brabant said that the board will have two more opportunities to review the plans, i.e., the Overall Final Site Plan and the Final Site Plan applications for each individual building. He said that specific parking and traffic flows would be discussed at those times.

Mr. Viets requested that opportunities for the shared use of dumpsters be considered and that adequate screening be provided for dumpster enclosures which may be located close to the roads. He said that more than just a fence would be needed if the dumpster enclosures wind up near the roads.

Mr. Viets asked about the final location of the sanitary sewer and the installation of light poles, trees and landscaping along State Route 96. Mr. Brabant said that light poles, trees and landscaping cannot be installed atop the utilities or in the rights of way along the road.

Mr. Viets asked about the relocation of the easternmost building to accommodate landscaping. Mr. Brabant said that this is the only building location in question and that the applicant may consider an adjustment of the number of parking spaces to avoid an impact upon the proposed Area Variance. He said that the applicant may require an amended Area Variance if the building were to encroach upon the setback from State Route 96, and that specific details would be considered when a Final Site Plan application is received for this building.

Mr. Bellis expressed concern about green space in Phase 1B and Phase 2. Mr. Hemminger said that the applicant will be held to the Town's green space requirements.

Mr. Maloy expressed concern about the lack of crosswalks and sidewalks on the preliminary plans. He said that he understands that this will change as the final applications are submitted but that it concerns him that the concept may not be working. He said that there will be four different sites and four different uses, and it is difficult at this time to understand how they will work together.

Mr. Maloy asked about existing utility pole guy wires that currently extend across the sidewalk along the Route 96 frontage. Mr. Hemminger said that the applicant will have to

consider the locations of these wires and that they are more of an issue with Rochester Gas & Electric Corporation.

Mr. Maloy expressed concern about the drainage swale on the west side of the property. He said that this swale is too flat and that there may likely be an issue with flow through the proposed stone check dams. He said that the cross slope of the access road adjacent to the stormwater pond is too steep, and at over 6 percent it could allow a vehicle to slip off the road and into the pond if the roads are frozen or otherwise slippery.

Mr. Maloy also said that no detail has been provided for the stone check dams. He assumes these will be typical two-foot check dams, that there are extra check dams [shown on the plans] than there need to be, and that he is not sure how the water will flow through these to the stormwater pond.

Mr. Hemminger said that although the board is reviewing a preliminary plan, the board wants to make sure that the flow of traffic for each building will work, and that the traffic flows for one building will affect the traffic flows for the others. He said that the applicant must carefully consider the size of the buildings, the customer traffic, and access to the buildings by delivery trucks. Mr. Hemminger said that the site appears congested and that the applicant must figure it out, or we [the board] will tell you that we don't like it.

Mr. Destro said that the site plan has been tweaked following receipt of remarks at the Project Review Committee meeting. He said that the proposed car wash, which had originally been proposed raised a traffic concern and has since been removed from the plan, and that all radii around the buildings have been adjusted to accommodate emergency vehicles, delivery trucks and garbage trucks. He said that he appreciates the comments this evening and that they will be addressed.

Mr. Hemminger asked again if there were any additional comments to be made on tonight's record. There were no further 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
CRITERIA FOR DETERMINING SIGNIFICANCE**

PB #0903-20

APPLICANT: GLN Farmington Realty LLC, c/o John LeFrois, 1020 Lehigh Station Road, P.O. Box 230, Henrietta, N.Y. 14467

ACTIONS: Preliminary Site Plan Approvals—Phase 1A and Overall Site Plan (Phases 1B and 2), to develop a 27.18-acre site, located

along the south side of New York State Route 96, west of the intersection with New York State Route 332 and north of Mercier Boulevard, with a total of four (4) General Business type buildings having a total of 16,000 square feet (Phase 1 A); and four (4) Office/Flex Space Buildings having a total of 150,000 square feet (Phases 1B and 2); and related site improvements.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), based upon review of the Criteria contained in §617.4 (b) (5) and (6) of Part 617 of NYCRR, Article 8, New York State Environmental Conservation Law, has determined the above referenced Preliminary Site Plan and Overall Preliminary Site Plan to be Type I Actions; and

WHEREAS, the Planning Board has provided for an additional coordinated review with Involved and Interested Agencies and an additional public review period which ended at noon on Monday, December 14, 2020; and

WHEREAS, the Planning Board has given consideration to the responses received from the Involved and Interested Agencies; and

WHEREAS, the Planning Board has given consideration to the comments made and recommendation of approval contained in the Ontario County Planning Board Referral No. 216 of 2020; and

WHEREAS, the Planning Board has reviewed Parts 2 and 3, plus the Part 3 Narrative Supplement of the Full Environmental Assessment Form (hereinafter referred to as FEAF).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Part 2 of the FEAF.

BE IT FURTHER RESOLVED that the Planning Board does hereby accept the findings contained in the Part 3 of the FEAF; and the Part 3 Narrative Supplement of the FEAF and directs the Planning Board Chairperson to sign and date these documents.

BE IT FURTHER RESOLVED that the Planning Board has determined that it has made a reasoned written elaboration of the anticipated environmental impacts likely to result from the proposed Actions described above herein.

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded 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;

- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the sites is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there one known important historical, archeological, architectural, or aesthetic resources on the site, the Hathaway's Cemetery; the proposed action will not impair this important resource, or will it adversely affect the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that based upon this determination the Planning Board does hereby direct the Planning Board Chairperson to sign and date the Part 3 Determination of Impacts upon the Environment.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed and notices provided as required under the SEQR Regulations, including the filing in the New York State Department of Environmental Conservation’s Environmental Notice Bulletin, by the Town Engineers.

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

Motion carried.

**FULL ENVIRONMENTAL ASSESSMENT FORM
PART 3—EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
SUPPLEMENTAL NARRATIVE**

PB #0903-20

APPLICANT: GLN Farmington Realty LLC, c/o John LeFrois, 1020 Lehigh Station Road, P.O. Box 230, Henrietta, N.Y. 14467

Supporting Documents

The Town of Farmington Planning Board (hereinafter referred to as Planning Board), as part of the environmental record upon the application for Preliminary Overall Site Plan Approval and Preliminary Site Plan Approval—Phase 1, has reviewed the Applicant’s Engineer’s Report for GLN Farmington Realty Property, prepared by BME Associates, having an Update of October 29, 2020, and identified as Project No. 2527. In addition, the Planning Board has reviewed the Traffic Impact Study for the proposed GLN Farmington Realty Development—Phase IA, prepared by SRF Associates, for Mr. John LeFrois, GLN Farmington Realty, LLC, having a date of November 2020 and identified as Project No. 40020.

The Planning Board also has reviewed the Town Construction Inspector’s December 14, 2020, report to the Director of Planning and Development; the SEQR Response Forms from the New York State Department of Health, Geneva Regional Office and the Town of Farmington Water and Sewer Department; and a Letter from the Region 4 Director,

New York State Department of Transportation, dated December 7, 2020. The Planning Board further received and reviewed the December 7, 2020 letter and the December 9, 2020, letter, both from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town's Engineers; the Ontario County Planning Board Referral No. 216 of 2020; and the Town of Farmington Project Review Committee (PRC) Meeting minutes of December 4, 2020.

Finally, the Planning Board has considered the adopted Routes 96 and 332 Major Thoroughfare Official Map, the land use and transportation recommendations contained in the 2011 Edition of the adopted *Town of Farmington Comprehensive Plan* and the land development occurring adjacent to the subject site. The Board, based upon its review of these documents, finds that the proposed Action is consistent with the State of New York's Smart Growth Policy Act, thereby enabling the Region 4 Office of the NYSDOT to issue either a Highway Work Permit or a Permit for Use of State-Owned Property.

FEAF Part 2 Identification of Potential Project Impacts

1. Impact on Land

- a. The Planning Board has identified the proposed Actions are likely to have a small impact upon land where the construction involves site where, in places, the depth to water table is less than 3 feet. The Board finds that this site impact will be adequately mitigated by compliance with the State's MS4 Storm Water Program Requirements and the Town's Storm Water Regulations (Chapter 123 of the Farmington Town Code) resulting in storm water facilities being constructed which include a large almost regional scale detention facility located in the south west portion of the overall site. Development within each of the phases of the Overall Project will be connected, as they are approved, to this storm water facility.
- e. The Planning Board has identified that the full build-out of this site may likely take several years to complete and will likely involve multiple phases. The Board finds that this site impact will be small when compared against the full build-out occurring all in a single phase.

13. Impact on Transportation

The Planning Board finds that the above referenced Traffic Impact Statement identifies the anticipated improvements to be provided as part of Phase 1, which include the installation of a left-turn lane to be installed within the pavement of State Route 96, which is to be reviewed and accepted by the NYSDOT, Region 4 Office. The Board further finds, that as each of the remaining sites comprising the Overall Site Plan, that they will be requiring additional reviews of the traffic impact associated with both the short- and long-term impacts upon the environment before Final Site Plan Approval is considered by the Board.

The Board further finds that the proposed Town Road entrance into the Overall Site, including Phase 1, will be constructed to Town Specifications shown in Chapter 165, Section 34, Table 1, of the Farmington Town Code. Thereby resulting in a small impact upon transportation.

The Board further finds that the proposed construction of the northern section of Mercier Boulevard, will include bike lanes and pedestrian sidewalks.

The Board further finds that the State Department of Transportation will determine when warrants exist requiring the Applicant to install a traffic signal at the intersection of State Route 96 and Mercier Boulevard. Thereby resulting in a small impact upon transportation.

The Board further finds that the Applicant is aware of and is committed to providing “Street Scape Improvements” across the Route 96 frontage of the site; and that there will be no direct or individual driveways connecting to said highway. Thereby resulting in a small impact upon transportation.

15. Impact on Noise, Odor and Light

The Planning Board finds that construction of the sites located within Phase 1 and within the remainder of the Overall Project may likely create noise levels, during construction, that will be above existing noise levels. This impact is found likely to be small and will not involve any long-term adverse impact upon nearby properties.

Conclusion

The Planning Board, based upon its review of the FEAF, Parts 1, 2 and 3; and this Supplemental Narrative to Part 3, concludes that there are not likely to be any short- or long-term major adverse impacts associated with the Preliminary Site Plan Action for Phase 1 of the GLN Farmington Realty Project. The Board further concludes that when additional site specific design details for Phase 1 are provided, as part of any Final Site Plan Application, there will be an evaluation and assessment of each of the subsequent sites to determine what, if any, additional mitigation measure will be necessary prior to granting final approval(s).

The Board also concludes that as build-out of the Overall Site Plan occurs, each additional site plan will necessitate subsequent evaluation and assessment to determine what, if any, additional mitigation measures will be necessary prior to granting final site plan approval(s). The Board further concludes and agrees with the request made by the Region 4 Director of the New York State Department of Transportation (NYSDOT), that any new traffic studies that may be required be sent to and coordinated with the Region 4 Office of the NYSDOT.

Determination of Non-Significance

The Board, based upon its review of the above referenced documents, the criteria set forth in Part 617 of the State Environmental Quality Review (SEQR) Regulations and the evaluation of said criteria as set forth in the attached Planning Board Resolution for determining significance, does hereby declare that the Phase 1 Preliminary Site Plan and the Preliminary Overall Site Plan are not likely to have any major adverse impact upon the environment, therefore, a Determination of Non-Significance is hereby declared on these two Actions.

Edward Hemminger, Chairperson
Town of Farmington Planning Board

■ 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
GLN FARMINGTON REALTY PROJECT (LEFROIS DEVELOPMENT PROJECT)
PRELIMINARY SITE PLAN APPROVALS—PHASE 1A
AND OVERALL PRELIMINARY SITE PLAN (PHASES 1B AND 2) – CONTINUATION
RESOLUTION**

PB #0903-20

APPLICANT: GLN Farmington Realty LLC, c/o John LeFrois, 1020 Lehigh Station Road, P.O. Box 230, Henrietta, N.Y. 14467

ACTION: Preliminary Site Plan Approvals—Phase 1A and Overall Site Plan (Phases 1B and 2), to develop a 27.18-acre site, located along the south side of New York State Route 96, west of the intersection with New York State Route 332 and north of Mercier Boulevard, with a total of four (4) General Business type buildings having a total of 16,000 square feet (Phase 1 A); and four (4) Office/Flex Space Buildings having a total of 150,000 square feet (Phases 1B and 2); and related site improvements. This resolution is for continuing the Public Hearing.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received the above referenced Action; and

WHEREAS, said Action is submitted in accordance with the provisions contained in Chapter 165 of the Town Code; and

WHEREAS, the Board has conducted a second coordinated review with identified Involved and Interested Agencies; provided for a second public review and comment period which was completed on Monday, December 14, 2020; and

WHEREAS, the Board has been informed by the Town Director of Planning and Development that there were no objections received from any involved agency to the Board continuing to be designated as the lead agency for completing the environmental record and for making a determination of significance upon said Action; and

WHEREAS, the Board has, at tonight's meeting, completed the environmental review of said Actions and has made and filed a determination of non-significance thereon, thereby enabling other involved agencies to take action(s); and

WHEREAS, the Board understands that the Applicant has a pending application before the Town of Farmington Zoning Board of Appeals (hereinafter referred to as ZBA) for an Area Variance (a Front Setback Variance), to allow the placement of the four (4) proposed buildings to be located in Phase 1A of the Overall Site to be 70 feet from the right-of-way line for State Route 96 instead of the 100 feet minimum Front Setback as presently required by Chapter 165 of the Farmington Town Code; and

WHEREAS, the Board understands that said variance has been reviewed by the Ontario County Planning Board, File No. 216.1 of 2020 at their December 9, 2020, meeting; and

WHEREAS, the Board understands that it may not act upon the Preliminary Site Plan for Phase 1A, or the Preliminary Site Plan Overall (Phases 1B and 2) until said ZBA has made a decision upon this requested Area Variance.

NOW, THEREFORE BE IT RESOLVED, that the Board continues this Public Hearing to the February 3, 2021, meeting.

BE IT FURTHER RESOLVED that the Board uses this opportunity to support the requested Area Variance referenced above herein, as said reduction in the front setback is: contemplated in the developing Main Street Scape Corridor Overlay District (MSOD) regulations being drafted by town staff and the Town's Engineers as an amendment to Chapter 165 of the Town Code; and that the Preliminary Site Plan design for Phase 1A provides for the reservation of the thirty (30) foot wide landscape area across the frontage of these four (4) proposed sites consistent with the standards being implemented in other nearby sites within the proposed MSOD.

BE IT FURTHER RESOLVED, that the Board directs copies of this resolution be sent to all Involved Agencies for their information and files.

BE IT FINALLY RESOLVED, that copies of this resolution be sent to: the Applicant; the Applicant's Engineers, BME Associates, Attn: Peter Vars; the Town Highway and Parks Superintendent; the Town Acting Water and Sewer Superintendent; the Town Con-

struction Inspector; the Town Code Enforcement Officer; the Town Director of Planning and Development; and the Town’s Engineers, MRB Group, D.P.C.

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

Motion carried.

5a. NEW PUBLIC HEARING: PRELIMINARY SUBDIVISION

PB #1204-20 New Preliminary Subdivision Application

Name: Union Crossing Development LLC, c/o Karl Schuler, 2580 Baird Road, Penfield, New York 14526

Location: North of County Road 41 and west of County Road 8

Zoning District: LI Limited Industrial

Request: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 42.00-1-54.120, containing a total of 33.66 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot R-2 of the Blackwood Industrial Park. The proposed Action involves creating Lot #r-2A consisting of 4.068 acres, Lot #R-2B consisting of 16.519 acres, and Lot #R-2C consisting of 13.072 acres, all of which are to remain vacant as non-approved building lots requiring site plan approval before any Building Permits may be issued.

Mr. Hemminger opened the Public Hearing on the Preliminary Subdivision Plat (PB #1204-20) and the Preliminary Site Plan (PB #1205-20) concurrently.

Mr. Montalto (Costich Engineering) informed the board that the applicant has withdrawn this application.

Mr. Delpriore requested that Mr. Montalto submit an official letter to formally withdraw the application. Mr. Montalto said that he would do so.

5b. NEW PUBLIC HEARING: PRELIMINARY SITE PLAN

PB #1205-20 Preliminary Site Plan Application

Name: Union Crossing Development LLC, c/o Karl Schuler, 2580 Baird Road, Penfield, New York 14526

Location: North of County Road 41 and west of County Road 8

Zoning District: LI Limited Industrial/Major Thoroughfare Overlay District

Request: Preliminary Site Plan Application to develop proposed Lot R-2 of the Blackwood Industrial Park, located on land north and west of the intersection of County Roads #8 and #41, for two industrial buildings and a related employee parking lot.

The Public Hearing on the Preliminary Site Plan application remained open.

This application was reviewed by the Project Review Committee on June 5, 2020 (concept plan presented); July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; and December 4, 2020.

Mr. Montalto (Costich Engineering) presented this application. Ms. Dake (SRF Associates) and Mr. Schuler (Union Crossing Development LLC) also participated on the audio/video conference call.

Mr. Montalto provided the following information:

- The development is located at the northwest corner of the intersections of County Road 41 and County Road 8 on Lot #2-R of the Blackwood Industrial Park Sub-division. The lot is approximately 33.6 acres in size, is zoned Limited Industrial, and is also located within the mapped Major Thoroughfare Overlay District (MTOD).
- The distribution center would be comprised of two single-story buildings totaling 416,000 square feet. One of the buildings is 216,000 square feet in size and the second building is 200,000 square feet. The proposed buildings would be metal panel buildings with a horizontal striped color band and color accents on the vertical projecting elements. Earthwork, stormwater management and utility infrastructure are to be developed in a single phase with building construction to be performed in two phases. Construction on the second building would commence after the first building is constructed and occupied.
- The site's primary access is to be located on County Road 41. This access is to serve all truck traffic. A secondary access point will be provided to County Road 8 for employees.
- The property is located in the Limited Industrial (LI) Zoning District in which manufacturing and distribution uses are permitted.

- The originally-proposed 50,000-square-foot future expansion of the 200,000-square-foot building has been eliminated from the plan.
- The originally-proposed subdivision of the parent parcel into three lots under common ownership as a financing mechanism also has been eliminated from the plan. The subdivision would have required an application to the Zoning Board of Appeals (ZBA) for a reduction in the required area of green space on the property.

Mr. Montalto said that the elimination of the future building addition and the subdivision remove the applicant's need for any Area Variances. He said that the project as now presented complies with the existing zoning of the property and with all building coverage, lot coverage, landscape, and green space requirements of the Town Code.

Mr. Montalto said that the proposed front, side and rear setbacks for Lot #2A will exceed the Town's Limited Industrial Zoning District and MTOD requirements, as follows:

Front:	Proposed 168.3 feet when 80 feet is required in the LI Zoning District
Side:	Proposed 105.2 feet when 30 feet is required in the LI Zoning District
Rear:	Proposed 284.0 feet when 30 feet is required in the LI Zoning District

He said that a landform will be created in the southern portion of the property parallel with County Road 41 to serve as buffer from the residential properties on the south side of County Road 41 (including homes on Fraser Way and Emma Lane). Mr. Montalto said that the landform will be landscaped with more than 400 plantings and will vary from four to six feet in height (above the parking lot grades) to create screening.

He said that the building has an upscale design and will be constructed with insulated metal panels with glazing and masonry. The building will meet the current energy code and will be modeled after the applicant's similar project in Chili, N.Y. Architectural color renderings were displayed in the meeting room and on the video screen.

SRF Associates conducted a full traffic impact study in conjunction with the New York State Department of Transportation and Ontario County. Mr. Montalto said that the results indicated that there will be no detriment to the County highway system. He said that SRF Associates used a more conservative approach in calculating proposed traffic counts.

Two entrances into the site are proposed, i.e., one off County Road 41 (approximately midway between Fraser Way and Emma Lane) and the other off County Road 8 (just south of the northern boundary of the property). Mr. Montalto said that the Town Code requires only one entrance unless the second access point helps traffic flow and is not detrimental to the existing traffic flow. He said that this directed the design of the site to provide a second access point on the lower classification road (County Road 8).

Mr. Montalto said that all truck traffic will enter and leave the site via the County Road 41 access. The County Road 8 access will be a secondary entrance for employees. He said that all turning radii have been calculated for full tractor-trailer vehicles and that the

Ontario County Planning Board (OCPB) has approved the project with conditions (*see* OCPB Minutes, December 9, 2020, Referral #215-2020).

Mr. Montalto said that he is awaiting the MRB Group engineering comments. He said that this will be a technical project from the standpoint of stormwater management.

He said that the location of the buildings may not be exactly 200 feet from any entrance (as required by Ontario County) but that the site layout meets the spirit of the County requirement and will not create a transportation issue. The access from County Road 41 into the property will align with the stormwater management facility to avoid vehicle headlights from shining into residential homes.

Mr. Montalto said that he attended the OCPB meeting on December 9, 2020, and that he wanted to make sure that the County's comments have been incorporated into the plan.

He said that the landform along County Road 41 will be planted with substantive trees (maples, evergreens, etc.) and that at maturity this will be a true landform and landscaped area which will provide buffering and screening. He said that attention has been paid to the County Road 8/County Road 41 roundabout. He said that perhaps the only area that will not receive additional landscaping treatment will be on the border with an existing wooded area of a residential property to the east of the site.

Ms. Dake said that a complete traffic study was conducted and that Institute of Transportation Engineers (ITE) data was used because of the expected lack of large volumes of traffic entering and leaving this site during peak hours. She said that the traffic study was modeled from the applicant's similar project in Chili, N.Y. Ms. Dake said that typically this type of use (warehouse) does not generate a great deal of traffic during peak commuter hours. She said that the study indicated that there will be little impact to the County Road 8/County Road 41 roundabout intersection (the closest intersection) during peak hours.

Mr. Brand said that he is aware of the applicant's project in Chili N.Y. He said that it is well done and encouraged the board and the Town staff to conduct a site visit to the applicant's project on Union Street in Chili, N.Y., to receive a flavor of the standard to confirm that the board is looking for a similar standard here in Farmington.

Mr. Brand said that the applicant's plans must be amended prior to initiating the environmental reviews to reflect the elimination of the originally-proposed 50,000-square-foot addition to one of the buildings and the elimination of the subdivision component of the project. Mr. Montalto said that revised materials would be submitted to the Town by 12:00 noon on Friday, December 18, 2020, in time for distribution to the SEQR Interested and Involved Agencies for the 30-day public review and comment period.

Mr. Brand then explained the SEQR process for those citizens who were viewing and listening to the meeting on the audio/video conference call. He said that the SEQR documents will be posted on the Town website, or that citizens without internet access would

be welcome to contact him or Mr. Delpriore to arrange a meeting at the Town Hall to review the materials. Mr. Brand said that the resolution that has been prepared for board consideration this evening directs the Town staff to begin the 30-day SEQR public review period, distribute the materials to the Involved and Interested Agencies, and to post the materials on the Town website.

Mr. Delpriore acknowledged that the applicant has withdrawn the subdivision application. Tonight, he has requested that Mr. Montalto submit a letter to the Town to officially confirm the withdrawal. Mr. Montalto said that he would do so.

Mr. Delpriore also confirmed that the application as presented this evening complies with the provisions of the Town Code and meets the requirements for the Limited Industrial Zoning District. He requested that the applicant review the Town Code requirements for the installation height of the lighting fixtures to be installed on the buildings.

Mr. Brand requested that the title of the application be changed on all documents and plans to Blackwood Industrial Park Lot #R-2 for consistency with other projects on the Blackwood Industrial Park site. Mr. Montalto said that he would do so.

Mr. Brabant said that MRB Group has not yet issued an engineering comment letter. He said that the drawings and the Stormwater Pollution Prevention Plan (SWPPP) will be addressed in accordance with the Town and the New York State Department of Environmental Conservation (DEC) requirements.

Mr. Brabant said that the initial review of the plans included the potential of the 50,000-square-foot addition to one of the buildings, as originally proposed by the applicant. He asked if there is a potential for this growth to occur in the future, and if so, it is important that the runoff and impervious surfaces now be included in the stormwater calculations. Mr. Montalto said that the stormwater calculations include the 50,000-square-foot addition but that he does not see that the owner would reinvent that [component of the project].

Mr. Brabant said that the Town will consider the height and spacing of the lighting fixtures to be installed on the building, and the possibility of glare from the fixtures. Mr. Montalto said that they have paid attention to this and that a lighting detail is included in the plans. Mr. Brabant said that he noted that the fixtures are shown at a height of 33 feet on the plans and that the Town Code requires a height not to exceed 30 feet.

Mr. Montalto said that the design of the site provides for an overall green space of 28.4 percent with the 50,000-square-foot addition (which has been eliminated). Without this addition, green space will exceed 30 percent. He also said that the site will be below the Town's lot-coverage requirement.

Mr. Delpriore asked if the area that was to have been the 50,000-square-foot addition would be seeded with grass. Mr. Montalto said that this is not a bait-and-switch, that this

was to have been a future building site, but that it is not part of the *pro forma* of the project.

Mr. Hemminger then asked if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests to speak from those in the meeting room.

Mr. Hemminger then asked if anyone on the audio/video conference call wished to speak for or against this application, or to ask questions. He asked three times and provided instructions to those who may have been online to unmute their connection if they wished to speak. There were no requests to speak from those on the audio/video conference call.

Mr. Maloy said that he liked the architectural elevation renderings of the buildings and the landscaping in front (along County Road 41). He asked if fire-suppression sprinklers will be installed in the buildings. Mr. Montalto said that engineering details are provided that indicate that sprinklers and fire department connections will be installed. Mr. Delpriore said that these details will be reviewed by the Town staff on the site plan drawings.

Mr. Maloy also discussed lighting on the west face of the building and the large amount of pavement and impervious surfaces.

Mr. Bellis asked if any of the proposed parking spaces could be land-banked, or if parking could be provided in the area where the proposed 50,000-square-foot addition was to have been constructed. Mr. Montalto said that he would look into this. He said that the area of the addition has been considered for some water quality opportunities and that he would speak with the owner about land-banking some of the parking. Mr. Montalto said that the number of parking spaces may be reduced without the 50,000-square-foot addition.

Mr. Bellis discussed screening in a corner of the property and suggested that some additional trees be considered. He said that he was glad to see the landform that will be constructed along County Road 41 for screening.

Mr. Bellis asked if the colors of the buildings on the architectural renderings will be the actual colors on this project. Mr. Montalto said yes.

Mr. Viets also said that he likes the architectural design. He asked about excess topsoil. Mr. Montalto said that excess topsoil will provide an opportunity to increase the height of the landform along County Road 41.

Mr. Viets expressed concern about truck traffic circulation around the two buildings and the queuing of outbound trucks leaving the site. Mr. Montalto said that he has reviewed the applicant's previous project [in Chili, N.Y.] and that there are no issues there [regarding queuing of traffic leaving the site]. He said that the throat length allows for a full truck and that there is enough room on the access driveway for trucks as they leave the

site. He also said that passenger vehicles will be separated from the truck traffic and that there will be no cross-building traffic on the site. He said that this is a very specific model regarding trucks that will enter the site, back into the loading docks, and leave the site. Mr. Montalto said that there will be no internal traffic conflict as may exist in some distribution facilities.

Mr. Viets said that he was concerned about trucks blocking the entrance at County Road 41 and having a truck stacking issue on County Road 41.

Mr. Viets asked if tandem tractor trailer trucks would be using the site. Mr. Montalto said no.

Mr. Viets requested that the external building lighting fixtures be installed at a lower height to reduce glare off the property.

He also suggested that a walkway be considered in the area of Bioretention Area #1 for pedestrian access into the building.

Mr. DeLucia said that he would like to know how trucks will avoid the entrance off from County Road 8 and only enter from County Road 41. He said that he will discuss this during the site plan review.

Mr. Hemminger said that the building lights should be kept down to avoid glare onto the residential homes. For the information of those citizens who may have been listening on the audio/video conference call, Mr. Hemminger said that the board's consideration this evening is the establishment of the SEQR 30-day public review and comment period and that further consideration of the application will be continued to the meeting on February 3, 2021, for discussion of the SEQR agency responses and the review of the Preliminary Site Plan.

Mr. Hemminger said that the Blackwood Industrial Park has been located on this site for as many years as he can remember. He said that the goal of the Planning Board is to make these projects as good as possible in any area, and to make sure that the project meets the Zoning District requirements.

Mr. Bellis asked if Building #1 would be shifted to the north now that the 50,000-square-foot proposed addition has been removed from the plan. Mr. Montalto said that the site drains to the north and the creation of more space to the south of Building #1 would not provide a site benefit. He said that he will follow up with the owner on this, but that his first reaction is that he is not inclined to slide the building back to the north. He said that leaving the area [that would have been the addition] open provides an opportunity for stormwater quantity measures.

Mr. Viets asked about measures to avoid the creation of algae in the stormwater pond. He said that the site is relatively flat and that he would like to avoid having standing areas of stagnant water. Mr. Montalto said that the site has very little outfall and one of the major

challenges with the DEC will be that some water will need to be retained. He said that they will slow the flow of water off the site, and that water will be held to allow for a controlled release. He said that this is relatively flat site with no conveyance, and that the County has been clear that the off-site drainage must have no impact upon the existing County drainage system.

Mr. DeLucia noted that the draft resolution that has been prepared for board consideration this evening should be amended to remove the references to the subdivision. Mr. Brand said these amendments will be made.

There were no further 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 amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
BLACKWOOD INDUSTRIAL PARK PROJECT—LOT #R-2
SEQR DECLARATION OF INTENT AND PUBLIC NOTIFICATION PERIOD**

PB #1205-20

APPLICANT: Union Crossing Development LLC
c/o Karl Schuler
2580 Baird Road
Penfield, New York 14526

ACTIONS: Preliminary Site Plan Application to develop proposed Lot R-2 of the Blackwood Industrial Park, located on land north and west of the intersection of County Roads #8 and #41, for two industrial buildings and a related employee parking lot.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received the above referenced application (PB #1205-20) for the development of two (2) distribution facilities, an associated employee parking lot and related site improvements, on approximately 34 acres of land (hereinafter referred to as Action); and

WHEREAS, said application is submitted in accordance with the provisions contained in Chapter 165 of the Town Code; and

WHEREAS, the Board understands the need to complete the environmental record upon this Action, in accordance with the provisions contained in Part 617, NYCRR; and

WHEREAS, the Board finds that the proposed Action is classified a Type I Action under Part 617. 4. (b) (6) (i) and (v); and

WHEREAS, the Board has received and reviewed: the Part 1 of the State of New York's Full Environmental Assessment Form (FEAF); the proposed Preliminary Site Plan drawings; the Applicant's Engineer's Report prepared by Costich Engineering, D.P.C.; and a Traffic Impact Study prepared by SRF Associates.

NOW, THEREFORE, BE IT RESOLVED that the Board determines the proposed Action to be a Type I Action as defined above herein in Section 617.4 (b) of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as SEQR).

BE IT FURTHER RESOLVED that the Board determines the proposed Action under SEQR is subject to a coordinated review with Involved and Interested Agencies requiring a Lead Agency to be established.

BE IT FURTHER RESOLVED that the Type I Action is subject to a 30-day public review period for completing the environmental record and for making a determination of significance upon said Actions.

BE IT FURTHER RESOLVED that the Board does hereby declare its intent to be designated Lead Agency for this Action.

BE IT FURTHER RESOLVED that the Board does hereby direct the Town Director of Planning and Development to send out to Involved and Interested Agencies the following items: the Part 1 of the FEAF; the Town's Project Notification Review Letter and Response Form; the Preliminary Site Plan drawings; the Applicant's Engineer's Reports; and a copy of the Traffic Impact Statement for these Actions.

BE IT FURTHER RESOLVED that the Board does hereby give notice of a 30-day public review period that is to commence on Friday, December 18, 2020, ending at noon on Monday, January 18, 2021.

BE IT FURTHER RESOLVED that the Board does hereby give public notice of the above referenced declared intent of the Board to be designated Lead Agency at the Board's scheduled meeting on Wednesday, January 20, 2021.

BE IT FURTHER RESOLVED that the Board does hereby move to continue the Public Hearings on this Action to their public meeting on Wednesday evening January 20, 2021, commencing at 7:00 p.m. Standard Time.

BE IT FINALLY RESOLVED that the Board directs the Town Hall Bulletin Board and the Town's website be amended to provide notice of this continued Public Hearing.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to: the Involved and Interested Agencies; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineers, MRB Group, D.P.C.; the applicant's engineers, Costich Engineers; and the applicant.

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

Motion carried.

6a. NEW FINAL SITE PLAN

PB #1202-20 Final Site Plan Application

Name: Delaware River Solar LLC, 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Final Site Plan approval to erect a 7-megawatt Photovoltaic (PV) System, containing a total of 21,000 solar panels, to be located upon three parcels of land with 7,000 solar panels each, using approximately 35 acres of land to be located upon three subdivided lots from Tax Map #010.00-01-37.100

6b. NEW FINAL FOUR-LOT SUBDIVISION

PB #1203-20 Final Four-Lot Subdivision Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

See Appendix 1 following these minutes for the chronology of actions regarding these applications.

Mr. Hemminger opened the discussion on the Final Site Plan (PB #1202-20) and the Final Four-Lot Subdivision Plat (PB #1203-20) concurrently.

The Preliminary Four-Lot Subdivision (PB #1003-18) was approved on March 4, 2020.

The Preliminary Site Plan (PB #1004-18) was approved on November 4, 2020.

These applications this evening were presented by Daniel Compitello (Solar Project Developer, Delaware River Solar) and David Matt (Project Engineer, Schultz Associates). Roger and Carol Smith (the property owners) also attended.

Mr. Matt provided the following information:

- The Final Subdivision Plat and the Final Site Plan address all comments which were received at the Planning Board meeting on November 4, 2020.
- Comments from MRB Group have been received and addressed. These include providing the correct number of plans, the Decommissioning Plan cost estimates, the drainage calculations for the culvert in the southeast corner of the site (which is significantly oversized), and the revised Stormwater Pollution Prevention Plan (SWPPP) which incorporates the additional impervious surfaces created by the culvert (and which had no effect on stormwater calculations for the site). Mr. Matt said that an updated Operations and Maintenance Plan was provided that addresses the inspection and maintenance of the concrete slab of the culvert.

Mr. Matt said that Mr. Brabant of MRB Group provided a confirmation letter dated December 11, 2020, that all previous SWPPP comments have been addressed, that MRB Group finds the SWPPP to be accurate and complete, and that MRB Group has no further comments (*see* Delaware River Solar Correspondence Abstract #201).

Mr. Matt also said that MRB Group provided an accompanying Town of Farmington MS4 SWPPP Acceptance Form which was signed by Town Code Enforcement Officer Dan Delpriore on December 18, 2020 (*see* Delaware River Solar Correspondence Abstract #202).

Mr. Matt said that he worked with the Town staff to make sure that all staff comments have been addressed on the Final Subdivision Plat and the Final Site Plan drawings which have been submitted for approval this evening.

Mr. Brand said that two draft resolutions have been prepared for board consideration this evening for the approval with conditions of the Final Subdivision Plat and the Final Site Plan.

He then delivered the following statement into the record of the meeting:

Thank you, Mr. Chairman, for providing me tonight the opportunity to summarize for the record how we have come to this point in time; and to introduce the two pending draft resolutions before the Planning Board which provide for the next steps in the Town's process for considering the

application by Delaware River Solar LLC for its large-scale ground-mounted solar farm project.

In 2015, three years before the Delaware River Solar application was received, the New York State Energy Plan stated that 50% of all electricity consumed in New York State by 2030 should be generated from renewable sources. In 2015, Governor Andrew Cuomo directed the State Department of Public Service to develop a Clean Energy Standard that converts the State's Energy Plan targets into enforceable requirements and creates incentives to accomplish the state's energy goals.

On July 18, 2019, Governor Cuomo signed the New York State "Climate Leadership and Community Protection Act (CLCPA)" which went into effect January 1, 2020. Under the CLCPA, New York State is targeting seventy percent (70%) renewable energy by 2030, and a zero-emission power sector by 2040.

Beginning in 2015, and perhaps as the direct result of the State's Energy Plan, Town residents started to receive inquiries from solar companies asking about their interest in hosting solar projects on their property. In addition, a number of landowners sought building permits to place solar energy panels on their homes, and farmers as well sought to install solar systems on their land to provide energy for their agricultural operations.

In response to all of this interest, the Town of Farmington staff and their consultants conducted research and prepared regulations for solar facilities, both for small and large scale (PV) solar systems. The Town is believed to be one of the first municipalities within Ontario County to have provided extensive criteria for evaluating and controlling this evolving technology, and in doing so protecting the use of our natural resources, including our prime and unique classified farmland soils, while benefitting from new and quiet energy production for our Town and the State.

Our current solar regulations in the Town Code were generated and coordinated with County and State agencies, and their staffs' resources and knowledge. We were the first municipality in New York State to identify the need for the New York State Energy Research Development Agency (NYSERDA) to be included as an involved agency under the State Environmental Quality Review Act (SEQRA), as well as the New York State Department of Agriculture and Markets as an involved agency, under the State's Agriculture and Markets Law.

The enactment of our solar regulations has followed the same path used for other new technologies created for which there were no known standards at that time—cellular phone service, wind generating systems and outdoor wood boilers.

Three years after the State's new Energy Plan was presented (2015), and just before CLCPA's enactment (2018), the first presentations for a large-scale ground-mounted solar systems were made by Delaware River Solar, at the Town's Project Review Committee (PRC) meetings (August 3, 2018, and September 7, 2018). Their three applications, however, were not the first large-scale solar (PV) system to be requested in this Town, but it has certainly been the most controversial to date.

Tonight represents the conclusion of 27 months of consideration by the members of the Town Planning Board and the Town Zoning Board of Appeals, with the involvement of Town staff, the applicant, the applicant's engineers and consultants, the property owners, the interested citizens of the Town and their attorneys, and the Town's Special Legal Counsel.

Consideration of the issues associated with the proposed solar farm has involved substantial public participation: seven public hearings by the ZBA, and 21 public hearings held by the Planning Board, some of which required use of the Town Highway Maintenance Building on Hook Road.

In addition, a total of 201 documents were received about the proposed solar farm project—information from the applicant, applicant and Town engineers, letters from attorneys, and letters and exhibits from residents in the community. The file, to date, is nearly 1,000 pages. The most recent documents were received yesterday, December 15th, and have been posted. All of these documents were and continue to be posted upon the Town's website for public review and are part of the public record. In addition, an unspecified number of the recordings of the Planning Board meetings were requested by attorneys and by the public, and these audio files were provided when requested, again usually on the same day that the requests were received. The hundreds of pages of minutes of the Public Hearings include the comments of members of the boards, Town staff, the applicant and their engineers and attorneys, and the residents. Both draft and approved minutes were posted on the Town website for public review and downloading.

On several occasions, during these public meetings, the applicant expressed frustration that Farmington has taken much longer to consider the proposed solar farms than other municipalities located within the county, within the region and elsewhere in the State of New York. This fact is indicative of the extensive and careful work that the Town has invested in evaluating the large-scale solar farm proposed, and is actually a compliment to the members of this Planning Board and to the totally transparent and thoughtful public process the Town has employed in dealing with the issues raised.

Tonight's draft resolutions for approvals with conditions of the final subdivision plat and the final site plan applications signify that these final plans are in acceptable form under the Town Code and judgment of the Planning Board, but are not the end of the approval process. Significant steps still remain before construction of any solar farm system is authorized, and the Town will continue to conduct the remaining actions with the intent to ensure the best known protection of our land resources possible under existing New York land law and energy programs, while helping to meet our community's increasing energy needs into the future.

Finally, I again inform everyone that once the present moratorium period for solar systems ends, there are three (3) new applications for large-scale solar farms waiting to be submitted. The Town has learned much from working through the issues associated with the current proposed large-scale solar farms, which will inform our consideration of new applications to ensure the Town maintains appropriate controls and protections for these new solar farm applicants as well.

In closing, I would like to compliment the Planning Board members, Town staff, the Town's Engineers and legal advisors for their thorough and dedicated service to the Farmington community on this major solar farm project.

—Ronald L. Brand, Farmington Director of Development and Planning

Mr. Hemminger reiterated Mr. Brand's comments and also said that he would like to compliment the citizens of the Town for their input during this process. He said that the involvement of the citizens has made this a better process, for sure.

Mr. Hemminger asked if all prior Planning Board requirements and comments have been addressed on the Final Subdivision Plat and Final Site Plan drawings which have been submitted by the applicant for consideration this evening.

Mr. Delpriore confirmed that the Town staff has worked with the applicant's engineer and with the Town Engineer to review the final plans. He said that he is willing to place on the record this evening that everything that was requested by the board at the preliminary subdivision and the preliminary site plan stages have been addressed.

Mr. Hemminger asked what more needs to be done.

Mr. Brand said that the steps following Planning Board approval include the Planning Board's review of the applicant's Decommissioning Plan, and the board's recommendation to the Town Board for approval of the Decommissioning Plan. Mr. Brand said that the Town staff is working with the applicant's legal counsel to schedule a meeting to place the Decommissioning Plan in final form prior to submission to the Planning Board.

Mr. Brand also said that an estimated decommissioning surety has been provided by Schultz Associates (the applicant's consulting engineering firm) and is under review by MRB Group. Pending any changes in the Decommissioning Plan, Mr. Brand said that the surety will then be presented to the Town Board for approval. He said that the Town Board is the only board which can approve a surety.

Following completion of these steps, Mr. Brand said that the applicant may request the Code Enforcement Officer to schedule a Pre-Construction Meeting. A building permit would be issued following the Pre-Construction Meeting.

Mr. Brabant reiterated Mr. Brand's remarks that this has been a long process, and that everyone has performed their due diligence. He confirmed that MRB Group reviewed the most recent revised plans submitted by the applicant's engineer and that all MRB Group comments related to the site plan, the SWPPP, the Decommissioning Plan, the decommissioning estimate and the bridge culvert have been addressed.

Mr. Hemminger asked about the timeframe for the Planning Board's review and recommendation of the Decommissioning Plan to the Town Board. Mr. Brand said that the final Decommissioning Plan has not yet been submitted to the Planning Board. Following submission and review, the Planning Board will then issue a recommendation to the Town Board, similar to the process that the Planning Board follows for any surety which is required to be established by an applicant.

Mr. Hemminger then asked if anyone in attendance wished to make a comment on these applications.

Mr. Falanga (395 Ellsworth Road) delivered the following statement into the record of the meeting:

Thank you for the overview, Ron. It goes back to the fact that these are mandates of the State, not from anything that the voters voted on. We all know how much we love mandates—the pressures they put on us, without input at all from the citizens—or funding. The theoretical background on it is still not right.

I represent a group of concerned citizens opposed to the large-scale industrial commercial solar facility on Yellow Mills Road. I do want part of the record that the last serious discussions have been conducted under a pandemic with little to no public input, and also the week before Christmas, and also during a snowstorm.

Last month, I brought up the fact that new developments are coming out of the site plan, and our group really has not had a chance to look at them. I requested on the 18th (Clerk's Note: November 4, 2020) to continue the open Public Hearing, and it was denied. Once again, we are requesting

that the Public Hearing stay open because additional information has just come out.

Last month, I brought it to your attention that there will be every 100 feet these large fluorescent yellow “DANGER—HIGH VOLTAGE” warning signs. One of our group members who met this week estimated that between 400 and 600 of these ugly large yellow “DANGER” signs would not be in character of the neighborhood and certainly will depress property values.

The other thing that came to our group’s attention—and we really have not had a lot of time to study it—is the cement culvert over wetlands. I would remind you that hydrologically my land, and the residents land—all the land surrounding are all hydrologically connected to their [the applicants’] wetlands. In fact, all the water above ground and below ground passes over or under our properties. That is a fact that has been proven that we are hydrologically connected. So we are obviously worried about that.

The moratorium that was put in place September 8th—we still cannot quite understand why this [the Delaware River Solar application] was left off of that. Attending the Town Board meetings [Town Council Member] Nate [Bowerman] admitted to us that there were issues brought up in this process—Ron just alluded to it—that has hit “pause” button on other solar initiatives, meaning there is something wrong with the solar law. I think you are all aware that the way it is written, it will soon be changed.

Other than that, just a reminder that it is not in the character of the neighborhood. We would like to request that the Public Hearing stay open so that we can gather more information on the cement culvert over the wetlands. That has us pretty concerned. We just found that out last Friday night when I attended the preliminary meeting.

—James Falanga, 395 Ellsworth Road

Clerk’s Note: The Public Hearing on the Preliminary Site Plan was closed on November 4, 2020.

Mr. Delpriore said that he requested Mr. Matt to research the details of the warning signs and provide more information to the board.

Mr. Matt referred to Plan Sheet D-1 at the top. He said that there will be approximately 8,300 lineal feet of fence [around the solar installation] and that a sign will be installed along the fence every 100 feet. He said that five additional signs will be installed at the gate, for a total of approximately 88 signs. Mr. Matt said that each sign will be approximately 14 inches x 16 inches in size, just under the size of a tablet. Mr. Compitello said

that the signs will be approximately the same as the parking signs in the Town Hall parking lot outside.

Mr. Hemminger asked if anyone else in the meeting room wished to comment or ask questions. There were no additional requests from those in the meeting room.

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

Mr. Allen (5988 County Road 41) asked about additional truck traffic during construction. He said that in the spring the Town quite often may post the roads [to weight limits] when the frost is thawing. He asked if there will be any control of truck traffic. Mr. Hemminger said that the Town Highway Superintendent certainly would address that issue. Mr. Delpriore said that concerns of truck routes and traffic would be discussed at the Pre-Construction Meeting.

Ms. O'Toole, Esq. (attorney from the Zoghlin Group who represents the Concerned Citizens of Farmington), delivered the following statement into the record of the meeting:

I am here on behalf of the Concerned Citizens of Farmington.

I would also like to raise an issue having to do with the culvert. I understand that this project has been before this board for some time. I would just urge a little bit more time to look at this issue regarding the culvert and the Federal wetland.

In 2018, the developer asserted to the Army Corps of Engineers, who has jurisdiction over the Federal wetland, that it [the developer] did not intend to construct anything in the wetland. Because of that, the Army Corps said that no permit was required. It is unclear whether or not the applicant has gone back to the Army Corps and told them that they now do intend to construct in the wetland and has applied for a permit.

I think that this board should get clarity on that issue before deciding Final Site Plan and would ask that the board hold this issue open and not make a decision tonight.

—Bridget O'Toole, Esq., The Zoghlin Group PLLC

Mr. Hemminger asked Mr. Matt to respond.

Mr. Matt said that the culvert is approximately 13 feet wide, which is 125 percent of the width of the wetland. He said that the culvert will span the wetland and will not actually interfere with the wetland. He said that as long as they are not impacting the 125 percent dimension of the wetland, the Army Corps does not need to review this.

Farmington Supervisor Peter Ingalsbe said that he would like to discuss two points. He said for the record that he would like to make sure that everyone knows that there is [public] water [service] on Fox Road, Ellsworth Road and Yellow Mills Road going north [from the intersection of Fox Road and Yellow Mills Road]. He said that he was not sure if this point had been brought up at previous meetings.

Regarding Mr. Allen's comment on road weight-limit postings, Supervisor Ingalsbe said that he does not know of any roads that the Farmington Highway Superintendent posts in the spring, but the Highway Superintendent, at the Pre-Construction Meeting, can certainly request that trucks use a specific route to the project site. He said that this procedure would be similar to the designated truck access points that have been established by the Town into the current Beaver Creek Park construction site.

Mr. Hemminger then asked if anyone else on the audio/visual conference call wished to comment or ask questions on these applications this evening. There were no further requests from those on the audio/visual conference call.

Mr. Maloy asked what would be planted in the filter strip of the culvert. Mr. Matt said that this area would be planted with vegetative seed mixture. Mr. Maloy asked if this was really needed. Mr. Brabant said that this would be an additional vegetative benefit. Mr. Matt said that the filter strip would be approximately 100 square feet of vegetative land.

Mr. Maloy said that his previous comments have been addressed. He expressed some reservations on some of the steeper slopes and whether or not erosion will occur. He said that these areas could be adjusted as long as they are monitored and are included in the maintenance plan.

Mr. Maloy said that he wanted to respond for the record on comments that the Planning Board is on the side of an outsider regarding this application. He said that personally, when he has been reviewing this project, his efforts have been on behalf of the Smiths—not on behalf of Delaware River Solar—because the Smiths are residents of Farmington. Mr. Maloy said that the board takes this process very seriously.

Mr. Bellis extended thanks to the staff for their work during this process. He said that he feels that the board and the staff have worked tirelessly to be sure that this will be a good project for the entire Town, which is what matters.

Mr. Viets said that all of his comments have been addressed. He said that he was interested in the crossing of the wetlands by the culvert. He said that the mean high water mark has been delineated on the detail sheet, and that it complies with the Army Corps requirements as long as the culvert is designed to be above the high water mark.

Mr. DeLucia expressed his thanks to the Town staff, the Zoning Board of Appeals and the Planning Board for their due diligence in the consideration of this project.

Mr. Hemminger thanked the citizens of Farmington for the issues which they raised and discussed. He extended thanks to Roger and Carol Smith for their patience during this process. Mr. Hemminger said that the Town zoning permits this project on the Smith property and that the Planning Board has worked to make the project as good as it can possibly be. He said that this has been a long process and that everything has been on the table.

Mr. Bellis asked about the Public Hearing on the Site Plan (which was closed on November 4, 2020). Mr. Hemminger confirmed that the Public Hearing had been closed but that he offered the opportunity for the public to provide comments this evening.

Mr. Brand said that the first of the Public Hearing sessions on this project was opened by the Zoning Board of Appeals on September 24, 2018. He said that the Planning Board closed the Public Hearings on the Preliminary Subdivision Plat on March 4, 2020; on the Special Use Permit on August 5, 2020; and on the Preliminary Site on November 4, 2020.

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

Mr. Hemminger then asked the clerk to read aloud the conditions of approval of the Final Subdivision Plat approval resolution.

Following the reading of the conditions of approval, Mr. Brabant offered the following amendments:

Revised Condition #4: Any required changes to the Final Plat drawing identified above herein, that are requested in the MRB Group D.P.C. letters dated December 11, 2020, and December 14, 2020, are to be made to the drawing prior to submission for signatures.

Revised Condition #6: The Applicant's engineer is to make a total of four (4) paper copies of the signed drawing to be returned to the Town Development Office, and to provide one (1) PDF file of all drawings to the Town Development Office. The Town Code Enforcement Officer shall then distribute one (1) copy to each of the following: the Town Highway and Parks Superintendent; the Town Acting Water and Sewer Superintendent; the Town Construction Inspector; and the Town Engineers, MRB Group, D.P.C

The resolution published below includes these amendments.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL FOUR (4) LOT SUBDIVISION APPLICATION
ROGER AND CAROL SMITH, 466 YELLOW MILLS ROAD**

PB #1203-20

APPLICANT: Delaware River Solar LLC on behalf of the property owners Roger and Carol Smith, 466 Yellow Mills Road, Palmyra, N.Y. 14522

ACTIONS: Final Subdivision Plat Approval for the subdividing of land (Tax Map Account #010.00-01-37.110) into four (4) Lots, three (3) of which will be unbuildable lots to be used for large-scale ground-mounted solar operations; and the remaining lot to continue to be used for a single-family dwelling, a barn and agricultural operations.

WHEREAS, the Planning Board has opened the public meeting upon the proposed Final Subdivision Plat application referenced above (hereinafter referred to as Action); and

WHEREAS, the Planning Board has received testimony at tonight’s public meeting upon said Action; and

WHEREAS, the Planning Board as the designated Lead Agency under the State Environmental Quality Review (SEQR) Regulations, has made, on December 18, 2019, a determination of non-significance upon the revised Preliminary Subdivision Plat Application.

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

1. Final Plat Approval is based upon the drawing prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No. 18.023, Sheet No. 1 of 6, having the latest revision date of 11-06-20 and entitled “Final Plat, Lots #1 through #4, Roger and Carol Smith Subdivision.” And is hereby made subject further to the following conditions.
2. The drawing box containing the Sheet No. is to be amended to read . . . “Sheet No. 1 of 1.”
3. The drawing revision box is to be amended to read... “ 10. 12-16-20 REVISED PER 12-16-20 FINAL SUBDIVISION PLAT APPROVAL CONDITIONS.”
4. Any required changes to the Final Plat drawing identified above herein, that are requested in the MRB Group, D.P.C., letters dated December 11, 2020, and December 14, 2020, are to be made to the drawing prior to submission for signatures.

5. Once these conditions of Final Subdivision Plat Approval have been made to the revised drawing then one copy is to be submitted to the Town's Code Enforcement Officer for his review and acceptance of these conditions being shown. Upon his acceptance, the Applicant is to submit one (1) mylar and two (2) additional paper prints for signing.
6. Once the Final Subdivision Plat Mylar and the three (3) paper prints have been signed, then the mylar and two (2) paper prints will be returned to the Applicant's engineer. The one (1) signed paper copy is to remain in the Town Development Office files.
7. The Applicant's engineer is to make a total of four (4) paper copies of the signed drawing to be returned to the Town Development Office, and to provide one (1) PDF file of all drawings to the Town Development Office. The Town Code Enforcement Officer shall then distribute one (1) copy to each of the following: the Town Highway and Parks Superintendent; the Town Acting Water and Sewer Superintendent; the Town Construction Inspector; and the Town Engineers, MRB Group, D.P.C.
8. The Applicant is given notice that the signed mylar and the two (2) signed paper prints are to be filed with the Ontario County Clerk's Office within 62 days of the date of signing by the Planning Board Chairperson.
9. These Conditions of Final Subdivision Plat Approval are valid for a period of 180 days from today and shall expire unless revised Final plat maps have been signed by Town Officials.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, New York 14522; Peter Dolgos, Delaware River Solar, LLC, 140 East 45th Street, Suite 32-B1, New York, New York 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, New York 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

Mr. Hemminger then asked Mr. Compitello if he understood the resolution and agreed with the conditions. Mr. Compitello said that he understood the resolution and that he agreed with the conditions.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye

Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then asked the clerk to read aloud the conditions of approval from the following Final Site Plan resolution.

No amendments were offered.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 DELAWARE RIVER SOLAR FINAL SITE PLAN
 APPROVAL UPON CONDITIONS**

PB #1202-20

APPLICANT: Delaware River Solar LLC on behalf of the property owners Roger and Carol Smith, 466 Yellow Mills Road, Palmyra, N.Y. 14522

ACTION: Final Site Plan Approval to erect a 7 Megawatt PV Solar System, containing a total of 21,000 solar panels, to be located upon three (3) parcels of land (Lots #1, #2 and #3 of the Roger and Carol Smith Subdivision) with each solar system having a total of 7,000 solar panels, located upon approximately 42 acres of land subdivided from Tax Map #010.00-01-37.100 and along the south side of Fox Road and the west side of Yellow Mills Road, in the Town of Farmington

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has, at tonight’s public meeting received testimony, given consideration to said testimony, given consideration to the abstract created for this solar farm project and given consideration to the revised site plan drawings prepared by Schultz & Associates, P.C., on behalf of the Applicant; and

WHEREAS, the Board has engaged in an extensive investigation and consideration of Applicant’s proposed large-scale ground-mounted Solar System since 2018, has requested modifications and developed provisions and conditions connected with such project to promote and protect the various interests involved, and has incorporated community interests into Applicants’ site plan consistent with New York State Town Laws and the Farmington Town Code; and

WHEREAS, the Board has received and reviewed a draft resolution prepared by Town Staff which was submitted as part of the latest packet of information on the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Final Site Plan Approval for the above referenced Action subject to the following conditions:

1. Approval is based upon the information shown on the set of submitted drawings prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No.18.023, sheets 2 through 6, having the latest revision date of 11-06-20.
2. Approval is further based upon those drawing sheets being amended to read . . . “Sheet No. 1 of 5 through 5 of 5.”
3. Approval is further based upon those drawings identified above herein having the revision boxes amended to read as follows . . . “13. 12-16-20 REVISED PER 12-16-20 FINAL SITE PLAN APPROVAL CONDITIONS.”
4. Approval is further based upon the applicable requirements and conditions contained in the adopted Planning Board Resolution (PB #1006-18, dated October 7, 2020) which grants approval for the Special Use Permit thereby allowing for the operation of the Delaware River Solar Project upon the three (3) parcels of land identified as Lots #1, #2 and #3 of the Roger and Carol Smith Subdivision, and that are to be operated by NY FARMINGTON I, LLC, NY FARMINGTON II, LLC, AND NY FARMINGTON III, LLC (“SYSTEM OPERATORS”), AND COMPLIANCE THEREWITH.
5. Approval is further based upon the Applicant’s compliance with all applicable conditions contained in the adopted Planning Board Resolution (File PB1004-18, dated November 4, 2020) which grants Preliminary Site Plan Approval for this Project.

FURTHER RESOLVED that the Applicant is to make all necessary revisions to the Final Site Plan drawings identified above herein and submit one (1) mylar and three (3) sets of paper prints to the Town Development Office for the Town Code Enforcement Officer’s review and acceptance. Once acceptance has been given, the various department heads, town engineer and chairperson of the planning board are to sign the mylar and paper copies.

BE IT FUTHER RESOLVED that the signed mylar print is to be returned to the Applicant and that two (2) signed paper copies are to be returned to the Applicant.

BE IT FURTHER RESOLVED that the Applicant’s engineers are to return a total of four (4) paper copies of each set of signed drawings to the Town Development Office. The Town Code Enforcement Officer is directed to then provide on signed set of draw-

ings to: the Town Highway and Parks Superintendent; the Town’s Acting Water and Sewer Superintendent; the Town’s Engineers, MRB Group, D.P.C; and the Town Construction Inspector.

BE IT FURTHER RESOLVED that this Final Site Plan Approval with Conditions is valid for a period of 180 days. Failure to submit amended drawings for signatures within this time period shall render this resolution and its Final Site Plan Approval being made Null and Void.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; the Town Construction Inspector; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

Mr. Hemminger then asked Mr. Compitello if he understood the resolution and agreed with the conditions. Mr. Compitello said that he understood the resolution and that he agreed with the conditions.

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

Motion carried.

7. PLANNING BOARD ACTION ITEMS

A. Redfield Grove Subdivision, Phase 2, Partial Letter of Credit Release #5:

■ A motion was made by MR. BELLIS, seconded by MR. MALOY, 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 #5**

REDFIELD GROVE SUBDIVISION, PHASE 2

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, P.C., the Town Engineers, dated December 7, 2020, to recommend approval of a partial release (Release #5) from the above referenced letter of credit for site improvements within Phase 2 of the Redfield Grove Subdivision Tract, a part of the Redfield Grove Incentive Zoning Project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit Release Form G-1.1, dated December 7, 2020 and signed by all Department Heads and the Town Engineers, along with the applicant’s Engineer Estimates of Value attachment thereto; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested release from the letter of credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this subdivision and the recommendations from the Town Department Heads and Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to release a total of \$134,347.34 (Release #5) from this letter of credit. The total amount in the letter of credit is \$1,021,054.44 with a balance of \$390,538.58 remaining after this fifth partial release of funds.

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

Motion carried.

B. Hathaway’s Corners Incentive Zoning Project, Phase 1, Partial Letter of Credit Release #3 (Overall Site Improvements):

■ A motion was made by MR. BELLIS, seconded by MR. MALOY, 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 #3—OVERALL SITE IMPROVEMENTS
HATHAWAY’S CORNERS PROJECT, PHASE 1**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated December 7, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve the third partial release of funds from the established Letter of Credit for the Overall Site Improvements that have been completed as part of Phase 1 of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the signed Letter of Credit Final Release Form (G-1.1) and the partially completed Town Surety Release Form (G-2.0); and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request for a third partial release of funds from the established letter of credit in the total amount of \$894,905.44.

BE IT FURTHER RESOLVED that the Town Supervisor is to sign the above referenced partially completed Town Surety Release Form (G-2.0) upon the Town Board’s authorization on December 22, 2020.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicant; the Applicant’s Engineers, BME Associates; Don Giroux, Town Highway and Parks Superintendent; Robing MacDonald, Acting Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

Motion carried.

8. OPEN DISCUSSION

Code Enforcement Officer:

Mr. Delpriore said that he is working with Mr. Hemminger on 2021 Planning Board meeting dates. A draft schedule will be provided to the board for approval at the 2021 Organizational Meeting.

Board Members' Comments:

Mr. Hemminger said that he is working with Mr. Delpriore on a revised schedule that would provide board members' meeting packets to be available on Wednesdays (prior to the scheduled Planning Board meeting) instead of on Fridays. He said that an earlier period of review would enable board members to submit their technical questions to the Town staff on the following Mondays, in advance of the meetings, and provide the staff with the time and opportunity to research technical board questions prior to the meetings.

Mr. Hemminger said that there are no applications scheduled for the meeting on January 6, 2021, and that he would like to have the board's annual Organizational Meeting that evening to avoid having to schedule a separate meeting date. He requested that the clerk send the adopted 2020 Rules of Procedure to board members and Town staff for review

9. PUBLIC COMMENTS

None.

10. TRAINING OPPORTUNITIES

■ **NYS Department of State Local Government Training Calendar posted here:**
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

December 22, 2020

Skills That Make Great Board Members

5:00 p.m.–7:00 p.m.

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

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

January 5, 2021

Planning Board Overview

5:00 p.m.–7:00 p.m.

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

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

January 12, 2021

Zoning Board of Appeals Overview

5:00 p.m.–7:00 p.m.

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

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

■ **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. VIETS, seconded by MR. DELUCIA, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 9:15 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, January 6, 2021, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

Respectfully submitted,

John M. Robortella, Clerk of the Board L.S.

Appendix 1

Delaware River Solar Applications

PB #1003-18	Preliminary Four-Lot Subdivision Plat
PB #1004-18	Preliminary Site Plan
PB #1006-18	Special Use Permit
ZB #0902-18	Area Variance Application
ZB #0903-18	Area Variance Application
ZB #0904-18	Area Variance Application
ZB #0905-18	Area Variance Application

These applications were reviewed by the Project Review Committee on:

August 3, 2018
 September 7, 2018
 September 6, 2019
 November 1, 2019
 February 7, 2020
 March 6, 2020
 July 2, 2020
 August 7, 2020
 September 4, 2020
 October 2, 2020

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

September 24, 2018:

The ZBA opened Public Hearings on four Area Variance applications.

The ZBA Public Hearings were reconvened on:

November 26, 2018
 December 17, 2018
 January 28, 2019
 April 22, 2019
 May 20, 2019
 June 24, 2019
 July 22, 2019
 August 26, 2019, at which meeting the four Area Variance applications were denied.

October 3, 2018:

The Planning Board declared its intent to be designated Lead Agency under SEQR for making the determination of significance upon these applications.

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

- Involved Agency: New York State Energy Research and Development Authority
- Involved Agency: New York State Department of Environmental Conservation
- Involved Agency: U.S. Army Corps of Engineers
- Involved Agency: New York State Office of Parks, Recreation and Historic Preservation
- Involved Agency: Town of Farmington Planning Board
- Involved Agency: Town of Farmington Zoning Board of Appeals
- Involved Agency: Town of Farmington Highway and Parks Department
- Interested Agency: Ontario County Agricultural Enhancement Board
- Interested Agency: New York State Department of Agriculture and Markets
- Interested Agency: Town of Farmington Agricultural Advisory Committee
- Interested Agency: Town of Farmington Conservation Advisory Board
- Interested Agency: Town of Farmington Town Clerk
- Interested Agency: Town of Farmington Historian

November 7, 2018:

The Planning Board opened Public Hearings on:

- PB #1003-18 Preliminary Four-Lot Subdivision
- PB #1006-18 Special Use Permit
- PB #1004-18 Preliminary Site Plan

The Public Hearings were reconvened on:

- December 5, 2018
- January 16, 2019
- April 17, 2019
- May 15, 2019
- June 5, 2019
- July 17, 2019
- August 7, 2019
- September 4, 2019
- October 16, 2019
- November 20, 2019
- December 4, 2019
- December 18, 2019
- January 15, 2020
- February 19, 2020
- March 4, 2020 (Public Hearing on Preliminary Subdivision Plat closed)
- March 18, 2020 (meeting cancelled due to Covid-19 pandemic)
- April 15, 2020 (administrative action to continue the Public Hearings to an unspecified date)
- June 3, 2020 (administrative action to continue the Public Hearings to July 1, 2020)
- June 17, 2020 (administrative action to continue the Public Hearings to August 5, 2020)

August 5, 2020

- Preliminary Site Plan continued to September 16, 2020
- Special Use Permit Public Hearing closed

September 2, 2020 (Special Use Permit and Preliminary Site Plan)

September 16, 2020 (Special Use Permit and Preliminary Site Plan)

August 7, 2019:

The Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment Form.

August 7, 2019:

The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration).

September 6, 2019:

An Article 78 Proceeding was filed in Supreme Court (State of New York, Ontario County) by petitioners/plaintiffs Concerned Citizens of Farmington (James and Nancy Falanga, James Dennie, James Redmond, James and Ann Foley, Eric and Edith Chapman, Petrina Case and Daniel Geer vs. Town of Farmington (New York State Unified Court System Index #126079-2019).

October 31, 2019:

Delaware River Solar provided site plan revisions that were made because of the denial of the Area Variances by the Zoning Board of Appeals (*see* Farmington Planning Board minutes, November 20, 2019).

November 1, 2019:

Delaware River Solar provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP).

November 6, 2019:

The Planning Board accepted the revised State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 1 (as corrected at the meeting) and referred the second revised materials to the SEQR Involved Agencies and to the Ontario County Planning Board.

November 12, 2019:

The Ontario County Planning Board reviewed the second revised materials (Referral #226-2019) and retained referral #226-2019 as Class 1 (*see* Farmington Planning Board minutes, November 20, 2019).

December 18, 2019:

The Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment for the revised applications. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) for the revised applications on December 18, 2019.

March 4, 2020:

The Planning Board closed the Public Hearing on the Subdivision Plat application and approved the Preliminary Subdivision Plat (PB #1003-18).

March 18, 2020:

The Planning Board meeting was cancelled in compliance with the New York State Governor's Executive Order on public gatherings during the Covid-19 pandemic.

April 3, 2020:

The Town staff submitted a Special Use Permit draft approval resolution to the Planning Board for consideration.

June 16, 2020:

The Article 78 Proceeding in Supreme Court (State of New York, Ontario County) was dismissed without prejudice (New York State Unified Court System Index #126079-2019).

July 15, 2020:

The Planning Board acknowledged receipt of the applicant's responses to the Special Use Permit draft approval resolution of May 6, 2020.

September 2, 2020:

The Planning Board acknowledged receipt of the revised draft approval Special Use Permit approval resolution submitted by the Town's Special Legal Counsel.

September 2, 2020:

The Planning Board approved the first 90-day extension of Preliminary Four-Lot Subdivision Plat approval (PB #1003-18) to expire on Monday, November 30, 2020.

September 16, 2020:

The Site Plan and the Special Use Permit applications were continued to October 7, 2020.

October 7, 2020:

The Preliminary Site Plan (PB #1004-18) application was continued to November 4, 2020. The Special Use Permit (PB #1006-18) was approved.

November 4, 2020

The Preliminary Site Plan Public Hearing (PB #1004-18) was closed. The Preliminary Site Plan (PB #1004-18) was approved with conditions.

November 6, 2020

An Article 78 Proceeding was filed in Supreme Court (State of New York, Ontario County) by petitioners/plaintiffs Concerned Citizens of Farmington (James and Nancy Falanga, Daniel Geer and James Redmond) vs. Town of Farmington (New York State Unified Court System Index #126079-2019).

December 16, 2020

Final Site Plan (PB #1202-20) approved with conditions.

Final Four-Lot Subdivision Plat (PB #1203-20) approved with conditions.