

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, December 19, 2018, 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.

Board Members Present: Edward Hemminger, *Chairperson*
Adrian Bellis
Mary Neale
Douglas Viets

Board Member Excused: Shauncy Maloy

Staff Present:

Ronald L. Brand, Town of Farmington Director of Development and Planning
Don Giroux, Town of Farmington Highway and Parks Superintendent
James Morse, Town of Farmington Code Enforcement Officer
Collin Sowinski, MRB Group, D.P.C.

Applicants Present:

Julie Bachan, National Fuel Gas Supply Corporation, 6363 Main Street,
Williamsville, N.Y. 14221-5887
Michael Mandrino, 1600 New Michigan Road, Farmington, N.Y. 14425
Joan M. Morrissey, 1556 New Michigan Road, Farmington, N.Y. 14425
Jennifer Schaller, Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221
Jim Siegfried, Haley & Aldrich, H&A of New York LLP, 200 Town Centre Drive, Suite 2,
Rochester, N.Y. 14623
Bill Snyder, Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221
Maggie Sroka, Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221
Nick Stalneck, National Fuel Gas Supply Corporation, 6363 Main Street,
Williamsville, N.Y. 14221-5887
Adam S. Walters, Esq., Partner, Phillips Lytle LLP, One Canalside, 125 Main Street,
Williamsville, N.Y. 14221-5887
Cliff Weitzel, 6190 Fisher Hill Road, Canandaigua, N.Y. 14424
Joshua Wendt, National Fuel Gas Supply Corporation, 6363 Main Street,
Williamsville, N.Y. 14221-5887

Resident Present:

Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425

1. MEETING OPENING

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

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on March 7, 2018.

2. APPROVAL OF MINUTES OF DECEMBER 5, 2018

■ A motion was made by MS. NEALE, seconded by MR. VIETS, that the minutes of the December 5, 2018, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, December 12, 2018:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Planning Board of the Town of Farmington, 1000 County Road 8, Ontario County, New York, will hold a Public Hearing on the 19th day of December 2018 commencing at 7:00 p.m. for the purpose of considering the application of:

PB #1201-18: MICHAEL MANDRINO, 1600 NEW MICHIGAN ROAD, FARMINGTON, N.Y. 14425: Request a three-lot subdivision approval to create parcel E-1 consisting of 6.546 acres, and parcel E-3 consisting of 4.529 acres as non-approved building lots. The remaining lands of the parent parcel, E-2, will consist of 3.357 acres with the existing dwelling. The property is located at 1603 New Michigan Road and zoned RR-80 District.

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

Ed Hemminger, Chairperson, Planning Board

4a. PUBLIC HEARING: NEW PRELIMINARY THREE-LOT SUBDIVISION

PB #1201-18 New Preliminary Subdivision Plat Application

Name: Michael Mandrino, 1600 New Michigan Road, Farmington, N.Y. 14425

Location: 1603 New Michigan Road (east side of New Michigan Road between Amber Drive and Lillybrook Court)

Zoning District: RR-80 Rural Residential District

Request: Requesting a Preliminary Three-Lot Subdivision Plat approval of approximately 15 acres to create Lot #E-1 consisting of 6.545 acres as a non-approved building lot, Lot #E-2 consisting of 3.357 acres with an existing dwelling and Lot #E-3 consisting of 4.529 acres as a non-approved building lot.

The Zoning Board of Appeals granted an Area Variance to Chapter 165, Article IV, Section 18B for this application on November 26, 2018.

The Project Review Committee reviewed this application on November 30, 2018.

Mr. Hemminger concurrently opened the Public Hearing on PB #1201-18 (Preliminary Three-Lot Subdivision application) and the discussion on PB #1202 (Final Three-Lot Subdivision application).

Mr. Mandrino presented this application. Ms. Morrissey also attended.

Mr. Mandrino said that the property is part of his mother’s estate and that his daughter would like to move into the home which is now located on a 15-acre parcel of land. He said that his daughter does not have the means to support 15 acres and that the family would like to subdivide the property and have the house on a smaller parcel which would be more manageable for her (Proposed Lot #E-2 consisting of 3.357).

Mr. Mandrino said that the two other parcels would then be available for sale as non-approved building lots (Proposed Lot #E-1 consisting of 6.545 acres and Proposed Lot #E-3 consisting of 4.529 acres).

Mr. Brand said that three draft resolutions have been prepared for Planning Board consideration this evening, i.e., a State Environmental Quality Review (SEQR) resolution classifying this application as a Type II Action, Preliminary Subdivision Plat approval and Final Subdivision Plat approval (for the accompanying Final Subdivision Plat application).

Mr. Morse said that Mr. Mandrino and Ms. Morrissey met with the Project Review Committee on November 30, 2018, to review the subdivision plat. He confirmed that several

changes which were requested by the Committee have been made on the Preliminary Subdivision Plat.

Mr. Hemminger asked if anyone in attendance wished to speak for or against the application, or ask questions. There were no comments or questions from those in attendance.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the Public Hearing be closed.

Motion carried by voice vote. The Public Hearing was closed.

Board deliberations:

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the reading of the State Environmental Quality Review (SEQR) resolution be waived and that the following resolution be approved as submitted by the Town staff:

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION—TYPE II ACTION**

PB #1201-18

**APPLICANT: Michael Mandrino, 1600 New Michigan Road,
Farmington, N.Y. 14425**

**ACTION: Preliminary Subdivision Plat Application, three- (3-) lot
subdivision of approximately 16 acres of land creating one (1)
building lot with an existing dwelling and two (2) unapproved
building lots, located along the east side of New Michigan
Road, south of Amber Drive and north of Lillybrook Court**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

WHEREAS, the Board finds the Action is identified in Section 617.5 (c) (17) as being a Type II Action in that it involves the mapping of land uses and ownership patterns, not including approval of any physical development of land subject to other permits.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Motion carried.

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

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SUBDIVISION PLAT APPROVAL WITH CONDITIONS**

PB #1201-18

**APPLICANT: Michael Mandrino, 1600 New Michigan Road,
Farmington, N.Y. 14425**

**ACTION: Preliminary Subdivision Plat Application, three- (3-) lot
subdivision of approximately 16 acres of land creating one (1)
building lot with an existing dwelling and two (2) unapproved
building lots, located along the east side of New Michigan
Road, south of Amber Drive and north of Lillybrook Court**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has conducted a Public Hearing upon the above referenced Action at tonight’s meeting; and

WHEREAS, the Board finds the Action is identified in Section 617.5 (c) (17) as being a Type II Action in that it involves the mapping of land uses and ownership patterns, not including approval of any physical development of land subject to other permits; and

WHEREAS, the Board has given consideration to the comments made during tonight’s Public Hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby grant Preliminary Subdivision Plat Approval with the following condition:

1. Preliminary Plat Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, having a revised date of 12/11/18, entitled “Preliminary—Lots E1, E2 & E3 of the Florence Mandrino Estate Subdivision (2018).”

BE IT FURTHER RESOLVED that six (6) paper prints of this Preliminary Plat Map are to be submitted to the Town Code Enforcement Officer for his acceptance and then signing by the Officials delineated on the map. Two (2) signed paper prints of this Preliminary Plat Map are to be returned to the applicant. If additional copies of the signed Preliminary Plat Map are required then the Applicant is to provide those additional copies at the time of signing.

BE IT FURTHER RESOLVED one copy of the signed Preliminary Plat Map is to be provided to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Engineer and the Town Project File.

BE IT FURTHER RESOLVED that once signed copies of the Preliminary Plat Map have been filed with the Town, then the Applicant may submit an application for Final Subdivision Plat Approval to the Town Planning Board.

BE IT FINALLY RESOLVED that Preliminary Plat Approval is valid for a period of 180 days and shall expire unless signed Plat Maps have been completed and filed.

Mr. Hemminger asked Mr. Mandrino if he understood the resolution (which had been provided to Mr. Mandrino prior to the meeting) and agreed with the condition. Mr. Mandrino said that he understood the resolution and agreed with the condition.

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

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

Motion carried.

4b. NEW FINAL THREE-LOT SUBDIVISION

PB #1202-18 New Final Subdivision Plat Application

Name: Michael Mandrino, 1600 New Michigan Road, Farmington, N.Y. 14425

Location: 1603 New Michigan Road (east side of New Michigan Road between Amber Drive and Lillybrook Court)

Zoning District: RR-80 Rural Residential District

Request: Requesting a Final Three-Lot Subdivision Plat approval of approximately 15 acres to create Lot #E-1 consisting of 6.545 acres as a non-approved building lot, Lot #E-2 consisting of 3.357 acres with an existing dwelling and Lot #E-3 consisting of 4.529 acres as a non-approved building lot.

The Zoning Board of Appeals granted an Area Variance to Chapter 165, Article IV, Section 18B for this application on November 26, 2018.

The Project Review Committee reviewed this application on November 30, 2018.

This application was discussed concurrently with the Preliminary Subdivision Plat application (*see above*, PB #1201-18).

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

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SUBDIVISION PLAT APPROVAL WITH CONDITIONS**

PB #1202-18

APPLICANT: Michael Mandrino, 1600 New Michigan Road,
Farmington, N.Y. 14425

ACTION: Final Subdivision Plat Application, three- (3-) lot subdivision of approximately 16 acres of land creating one (1) building lot with an existing dwelling and two (2) unapproved building lots, located along the east side of New Michigan Road, south of Amber Drive and north of Lillybrook Court

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has conducted a public meeting upon the above referenced Action at tonight’s meeting; and

WHEREAS, the Board has made a determination of non-significance upon the proposed Action, thereby satisfying the procedural requirements under the SEQR Regulations; and

WHEREAS, the Board has given consideration to the comments made during tonight’s public meeting.

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

1. Final Plat Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, having a revised date of 12/11/18, entitled “Final—Lots E1, E2 & E3 of the Florence Mandrino Estate Subdivision (2018).”
2. There is to be a note added to the Final Plat Map that reads . . . “No Building Permits shall be issued on any of the Lots involved with this Application until the liber and page filing of the ten-foot-wide sidewalk and pedestrian easement to the Town has been filed with the Town Development Office.”

BE IT FURTHER RESOLVED that a mylar and three (3) paper prints are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted then the mylar and three (3) paper prints are to be signed by the Town Water and Sewer Superintendent; the Town Highway and Parks Superintendent; the Town Engineer; and the Town Planning Board Chairperson. The mylar and two (2) copies of the signed paper prints are to be returned to the Applicant. The third copy of the signed paper print is to be filed with the Town Development Office Project File.

BE IT FURTHER RESOLVED that once the signed mylar and paper maps are returned to the Applicant’s Surveyor, he is to make a total of three paper copies from the signed mylar and return the three paper copies to the Town Code Enforcement Officer. One signed paper copy is to be provided to the Town Water and Sewer Superintendent, one copy to the Town Highway and Parks Superintendent and one copy is to be provided to the Town Engineers, MRB Group, D.P.C.

BE IT FURTHER RESOLVED that the signed mylar and two (2) signed copies are then to be filed in the Ontario County Clerk’s Office within 62 days of the date of the Planning Board Chairperson’s signing. Failure to file these maps within the prescribed time period shall result in the drawings having to be re-signed by the Planning Board Chairperson for filing.

BE IT FURTHER RESOLVED that this Final Plat Approval shall automatically expire within 180 days from the date of this Action unless signed maps have been filed in accordance with this resolution.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to the Applicant, the Applicant’s Land Surveyor, the Town Water and Sewer Superintendent, the Town Highway and Parks Superintendent, the Town Engineer and a copy is to be placed in the Project File in the Town Development Office.

Following the reading of the conditions of approval, Ms. Morrissey asked about Condition #2 regarding the filing in the Ontario County Clerk’s Office of the 10-foot-wide sidewalk and pedestrian easement to be given by the applicant across the frontage of the property. She asked if the notation in Condition #2 should be entered upon the Final Subdivision Map.

Mr. Brand explained that the sidewalk and pedestrian easement shown on the Final Sub-division Plat is only an offering and that the notation is to be included on the plat so that there will be follow-through with filing the easement on the properties in the Ontario County Clerk’s Office. He said that Mr. Mandrino’s surveyor and attorney will be aware of the process and suggested that they contact him (Mr. Brand) if they have any questions.

Mr. Hemminger asked Mr. Mandrino if he understood the resolution (which had been provided to Mr. Mandrino prior to the meeting) and he agreed with the conditions.

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

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

Motion carried.

5. NEW FINAL FOUR-LOT SUBDIVISION PLAT

PB #1203-18 New Final Four-Lot Subdivision Plat Application

Name: WC Premier Properties LLC, c/o Cliff Weitzel, 6190 Fisher Hill Road, Canandaigua, N.Y. 14424

Location: State Route 96/State Street/Ontario Central Railroad Crossing

Zoning District: A-80 Agricultural District

Request: Final Four-Lot Subdivision approval to create Lot #1 consisting of 7.997 acres as a non-approved building lot, Lot #2 consisting of 2.181 acres as a non-approved building lot and Lot #4 consisting of 54.403 acres as a non-approved building lot. The remaining parent property (Lot #3) will consist of 5.214 acres with the existing dwelling and accessory structures.

The Project Review Committee reviewed this application on September 7, 2018; and October 5, 2018.

On November 26, 2018, the Zoning Board of Appeals granted the applicant’s Area Variance to Chapter 165, Article IV, Section 18 B (1) of the Town Code to use an existing barn on the property for housing of animals 96.2 feet from the rear property line (the

Town Code requires Accessory Structures that house animals to be set back a minimum of 100 feet from the nearest property line).

The Planning Board conducted a Public Hearing on the Preliminary Four-Lot Subdivision Plat application on December 5, 2018, following which the Planning Board classified the application as a Type II Action under the State Environmental Quality Review (SEQR) Regulations and approved the Preliminary Subdivision Plat.

Mr. Weitzel presented this application.

He said that he purchased the farm for recreation purposes and that he would like to subdivide a portion of the property (which includes a farmhouse, barn and other outbuildings). He said that he plans to retain Proposed Lot #4 consisting of 54.403 acres for his recreational use.

Mr. Hemminger asked if there have been any changes to the subdivision plat since the Preliminary Subdivision Plat was approved by the Planning Board on December 5, 2018. Mr. Weitzel said that there have been no changes.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening for Final Subdivision Plat approval with one condition.

Mr. Morse said that the applicant met with the Project Review Committee in September and October to review this application with the Town staff and engineer.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL FOUR-LOT SUBDIVISION APPROVAL WITH CONDITIONS**

PB #1203-18

APPLICANT: WC Premier Properties LLC, c/o Cliff Weitzel, 6190 Fisher Hill Road, Canandaigua, N.Y. 14424

ACTION: Final Plat Application, four- (4-) lot subdivision of approximately 80 acres of land creating three (3) unapproved building lots and one building lot with an existing dwelling, located on both sides of State Route 96 near the intersection of East Street and also along the south side of East Street.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has conducted a public meeting upon the above referenced Action; and

WHEREAS, the Board has given consideration to the public comments made during the public meeting; and

WHEREAS, the Board has also given consideration to the Ontario County Planning Board Referral #191-2018, a Class 1 referral with no recommendations; and

WHEREAS, the Board has also given consideration to the Director of Planning's comments contained in the August 29, 2018, memorandum to James Morse, Town Code Enforcement Officer; and

WHEREAS, the Board has also given consideration to the Town Project Review Committee Meeting minutes of November 2, 2018, where this application was discussed with Town Staff and others.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby grant Final Plat Approval of the above referenced Action with the following conditions:

1. Final Plat Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, having a revised date of 12/4/18, entitled "Final Plat Plat, WC Premier Properties, LLC, Four Lot Subdivision, Tax Map Account No. 31.00-1-27."

BE IT FURTHER RESOLVED that a mylar and three (3) paper prints are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted then the mylar and three (3) paper prints are to be signed by the Town Water and Sewer Superintendent; the Town Highway and Parks Superintendent; and the Town Planning Board Chairperson. The mylar and two (2) copies of the signed paper prints are to be returned to the Applicant. The third copy of the signed paper print is to be filed with the Town Development Office Project File.

BE IT FURTHER RESOLVED that once the signed maps are returned to the Applicant's Surveyor, he is to make a total of three paper copies. One signed paper copy is to be returned to the Town Water and Sewer Superintendent, one copy to the Town Highway and Parks Superintendent and one copy is to be provided to Greg Trost, Assistant Resident Engineer, New York State Department of Transportation, Ontario County Office, 125 Parrish Street, Canandaigua, N.Y. 14424.

BE IT FURTHER RESOLVED that the signed mylar and two (2) signed copies are then to be filed in the Ontario County Clerk's Office within 62 days of the date of the Planning Board Chairperson's signing. Failure to file these maps within the prescribed time period shall result in the drawings having to be re-signed by the Planning Board Chairperson for filing.

BE IT FURTHER RESOLVED that this Final Plat Approval shall automatically expire within 180 days from the date of this Action unless signed maps have been filed in accordance with this resolution.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to the Applicant, the Applicant’s Land Surveyor, the Town Water and Sewer Superintendent, the Town Highway and Parks Superintendent and a copy is to be placed in the Project File in the Town Development Office.

Mr. Hemminger asked Mr. Weitzel if he understood the resolution and agreed with the condition. Mr. Weitzel said that he understood the resolution and agreed with the condition.

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

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

Motion carried.

6. NEW FINAL SITE PLAN

PB #1204-18 New Final Site Plan Application

Name: Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221

Location: East side of Hook Road, south of I-90 and north of the Town Highway Campus

Zoning District: GI General Industrial

Request: Construction of a proposed 1,500-square-foot office building, two compressor-unit buildings, an electric substation, a storage building, a power distribution center and generator building, a generator enclosure, an electric drive building and related site improvements (e.g., driveways, parking, etc.) on approximately 12.7 acres of a 92.399-acre site

This project was reviewed by the Project Review Committee on September 29, 2017; April 6, 2018; May 4, 2018; June 1, 2018; September 7, 2018; October 5, 2018; and November 2, 2018.

The applicant provided an informal presentation and concept plan review at the Planning Board meeting on February 21, 2018.

The Public Hearing on the accompanying Special Use Permit for this application was held on May 16, 2018.

The Preliminary Site Plan and the Special Use Permit were approved by the Planning Board on May 16, 2018.

The Amended Preliminary Site Plan was approved by the Planning Board on September 19, 2018.

Mr. Walters presented this application. Ms. Bachan, Ms. Schaller, Mr. Siegfried, Mr. Snyder, Ms. Sroka, Mr. Stalnecker and Mr. Wendt also attended.

Mr. Walters discussed the construction of a 32,000-horsepower electric-driven natural gas Compressor Station on a 92.4-acre parcel located 1,660 feet off Hook Road adjacent to the New York State Thruway and the Rochester Gas & Electric Corporation substation. He reviewed an aerial photograph of the site, the site plan, and the plans for the compressor and support structures.

He said that access to the site will be from the existing private driveway off Hook Road leading to the Town Highway Garage. Mr. Walter said that the driveway would be improved to Town standards and would be dedicated to the Town as a public road from Hook Road to a hammerhead turnaround at the existing Town Salt Barn.

Mr. Walters described the other structures planned for construction on the site including a small office building, parking area and the fenced compound.

He said that representatives of Empire Pipeline and its engineering staff have been meeting with the Town staff over the past 12 months on the details of this project. Last week, the survey team met with Highway and Parks Superintendent Don Giroux to review the 60-foot-wide easement on the Collett Road side of the property.

Mr. Walters said that the existing driveway off Hook Road leading to the Highway Department facility will become a public road and that the center-line survey of the 66-foot right of way has been completed. He said that Empire Pipeline will pay for the materials to pave the road following completion of the project. The road will end at a hammerhead turnaround at its eastern terminus.

Mr. Walters reviewed the landscaping plan which will include the planting of 41 trees, a number of which will be planted near the Hook Road portion of the property on a berm to create visual screening of the site. He said that the balance of the trees will be planted along the northern boundary of the property to serve as visual screening from the adjacent New York State Thruway.

Mr. Walters presented color renderings of the proposed structures which will be designed to resemble barns and other agricultural buildings and which will be of a similar color to blend with the existing Highway Department facility. The renderings depicted the views

of the site as it would appear from Hook Road, Collett Road and the New York State Thruway. He said that the company's goal is to avoid the industrial-building appearance of the structures and to have them appear as agricultural structures. He said that these designs have been proposed on a number of other company projects.

Mr. Bellis asked about the location of the berm. Mr. Walters reviewed the location of the natural berm on the site plan.

Mr. Walters said that construction is planned to begin in September 2019 and to be completed in 2020. He said that Rochester Gas & Electric (RG&E) is now in the process of making improvements to its existing substation which is adjacent to this site.

Mr. Brand requested that electronic copies of the renderings be provided for posting on the Town website. Mr. Walters said that these would be provided.

Mr. Brand said that he has prepared a draft resolution for the board's consideration this evening for Final Site Plan approval with conditions of this application.

Mr. Walters acknowledged receipt of the draft resolution and requested that Condition #7 be amended to indicate that MRB Group (the Town engineering firm) will provide an additional drawing which shows the construction of the future Town road that will run across the northern portion of the Town Highway Campus Site between Hook Road and the proposed hammerhead turnaround. Mr. Sowinski confirmed that MRB Group and Mr. Brabant are working on this drawing and will provide it. Mr. Hemminger requested that the draft resolution be amended accordingly.

Mr. Sowinski discussed the MRB Group engineering comment letter of November 26, 2018. He noted that Mr. Brabant's comments concerned drainage and field inlet work, and that MRB Group is awaiting the revised plans from the applicant. Mr. Walters said that the applicant's engineering staff is now working to address these comments.

Mr. Walters also noted that a reference in the fourth paragraph of the draft resolution should be amended to read "Final Site Plan." Mr. Hemminger said that this amendment would be made.

Mr. Morse said that the applicant met with the Project Review Committee on a number of occasions and that all of the Building Department comments have been addressed.

Mr. Bellis asked if the office building would have a full basement. Mr. Walters said yes.

Mr. Viets asked if any odors would be associated with the operation of the compressor station. Mr. Wendt said that there would be no odors of gas or methane. Mr. Walters noted that the compressor station will have a recovery system to collect natural gas and return it to the system.

Mr. Hemminger asked about the status of the project certification by the Federal Energy Regulatory Commission (FERC). Ms. Sroka said that the certificate approval process is on track. She said that the FERC certificate is expected to be received in February 2019. Mr. Brand requested that copies of all Federal certifications be provided to the Town.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPLICATION**

PB #1204-18

**APPLICANT: Empire Pipeline Inc., 6363 Main Street,
Williamsville, N.Y. 14221**

ACTION: Final Site Plan Application for the construction of an electric motor-driven natural gas compressor station and related site improvements to be constructed upon approximately 12.7 acres of a 92.399-acre site located east of Hook Road, south of and adjacent to I-90 (NYS Thruway) and north of the Town Highway Campus.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has opened the public meeting tonight upon this application; and

WHEREAS, the Board has given consideration to the public comments entered into the meeting record upon said project; and

WHEREAS, the Board has given consideration to the Ontario County Planning Board Referral #64.1-2018, dated May 9, 2018; and

WHEREAS, the Board understands that the proposed Final Site Plan is part of an overall project (hereinafter referred to as Project) that is regulated under the Federal Energy Regulatory Commission (FERC) and that FERC completes a National Environmental Protection Act (NEPA) analysis which pre-empts local agencies from performing a State Environmental Quality Review (SEQR) under Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Board acknowledges that the Action is not subject to SEQR review and determination and that NEPA review and decision by FERC will ensure that the Project will not create a significant adverse impact upon the environment, or impact the health and safety of the Town and its residents.

BE IT FURTHER RESOLVED THAT the Board grants final site plan approval with the following conditions:

1. Final Site Plan approval is based upon the set of drawings prepared Haley & Aldrich of New York, 200 Town Center Drive, Suite 2, Rochester, New York 14623 having the latest revision date of 10/25/18; drawings G-100; FA-1; G-101 and G-102; C-101; C-102; C-201 thru C-206; C-300 through C-302; and C-500 through C-505 which are to be further amended by this resolution.
2. All comments contained in the MRB Group, D.P.C., report to the Town Director of Planning and Development, dated November 26, 2018, are to be addressed in writing and changes made to the drawings as may be required by said report.
3. The Applicant is to decide which of the drawings submitted with this application is to be known as the Final Site Plan drawing and revised the title to said drawing accordingly. Once amended, then the Final Site Plan drawing is to have signature lines for the various Town Officials. Finally, the correct spelling of Superintendent is to be made on the drawings before signing.
4. Drawing C-201 is to be amended by changing reference to the “Gravel Drive” as being a paved road.
5. The Planning Board does hereby waive the requirement, at this time, for naming of the proposed dedicated Town Road and directs the Town Code Enforcement Officer to withhold issuing a Certificate of Compliance and/or Certificate of Occupancy on the Project until such time as a name for this road has been approved by the Ontario County 911 Office,
6. The Planning Board directs the Town Code Enforcement Officer to withhold issuing a Certificate of Compliance and/or Certificate of Occupancy on the project until such time as easements have been filed in the Ontario County Clerk’s Office granting access to the Town for constructing a driveway across a portion of the overall parcel between the east end of the proposed Town Road and Collett Road that is in accordance with design plans approved by the Town Highway and Parks Superintendent.
7. An additional drawing is to be prepared and submitted by MRB Group, D.P.C. (the Town of Farmington engineering firm) that shows the construction of the future town road that will run across the northern portion of the Town Highway Campus Site, between Hook Road and the proposed hammer-head turn around; and then the alignment of the proposed easement and a design for the construction of a driveway connection between said hammer-head turn around and access to Collett Road, which is to be located east of the Ontario Central Railroad crossing.
8. Once all conditions of Final Site Plan Approval noted above herein have been met, then one (1) set of the revised drawings is to be submitted to the Town Code Enforcement Officer for his review and approval. Once accepted, then an

additional seven (7) sets of the revised drawings are to be submitted for signing by Town Officials. Two (2) sets of the signed drawings are to be returned to the Applicant. If additional signed copies are required, then the number of additional copies is to be provided at the time of signing.

- 9. A total of five (5) sets of the Final Site Plan drawings are to be retained by the Town. One copy is to be provided to each of the following: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; and the Town Engineer. One copy is also to be filed in the Town Development Office with the Project and Property files.
- 10. Final Site Plan Approval is valid for a period of 180 days and shall expire unless revised drawings have been prepared, submitted and signed by all required Town Officials.

BE IT FURTHER RESOLVED THAT no construction of buildings and/or structures in association with the Project shall commence until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.

Mr. Walters acknowledged receipt of the draft resolution prior to the meeting. Mr. Hemminger asked if he understood the resolution and agreed with the conditions. Mr. Walters said that he understood the resolution and agreed with the conditions.

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

Motion carried.

Following the vote of the board, Mr. Walters said that he would keep the Town up to date on the progress of this project.

Mr. Hemminger noted that a fiber optic cable is now available on State Route 96 which the company may wish to use for electronic communication services

7. PLANNING BOARD ACTION ITEMS

Letters of Credit Releases (3):

Auburn Meadows Subdivision, Sections 6N and 6S, Partial Letter of Credit Release #3

Auburn Meadows Subdivision, Section 9, Partial Letter of Credit Release #1

Alicia Sturn, D.D.S. (Farmington Dental), Phase 1, Letter of Credit Release #1

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the following

three resolutions be blocked for concurrent action, that the readings of the following resolutions be waived, and that the resolutions be approved as submitted by Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #3
AUBURN MEADOWS SUBDIVISION, SECTIONS 6N AND 6S**

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 13, 2018, to approve a partial release (Release #3) from the above referenced letter of credit for site improvements within Sections 6N and 6S of the Auburn Meadows Subdivision; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit Release Forms, 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 \$245,255.10 (Release #3) from this letter of credit. The total amount in the letter of credit is \$1,890,720.52, with a balance of \$391.737.06 remaining after this third partial release of funds.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT RELEASE #1
AUBURN MEADOWS SUBDIVISION, SECTION 9, SITE IMPROVEMENTS**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, dated December 17, 2018, to approve the release (Release #1) a portion of the of surety on file from the above referenced Letter of Credit for site improvements within Section 9 of the Auburn Meadows Subdivision Project; and

WHEREAS, the Planning Board has also received and reviewed the signed Letter of Credit Department Heads Signed Form, Appendix G-1.0; and the Letter of Credit Release Form, Appendix G-2.0, signed by the Project Engineer, the Owner and the Town Engineer, along with the applicant's Engineer Estimates 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 site plan; 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 \$706,706.18 (Release #1) from this Letter of Credit. The total amount in the letter of credit is \$1,149,224.13 with a balance of \$442,517.95 remaining after the first release of funds from the Letter of Credit.

BE IT FINALLY RESOLVED that the Planning Board that a copy of this resolution is to be provided to the Owner, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 22 Whitestone Lane, Rochester, N.Y. 14618; Walt Baker, DSB Engineers & Architects, 2394 Ridgeway Avenue, Rochester, N.Y. 14626; and Frank Affronti, 104 Contractors, 536 State Route 104, Ontario, N.Y. 14519.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT RELEASE #1
FARMINGTON DENTAL PROJECT, PHASE 1, SITE IMPROVEMENTS**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, dated December 11, 2018, to approve the release (Release #1) of the entire amount of surety on file from the above referenced Letter of Credit for site improvements within Phase 1 of the Alicia Sturm, D.D.S., PLLC, Farmington Dental Project, Phase 1; and

WHEREAS, the Planning Board has also received and reviewed the signed Letter of Credit Department Heads Signed Form, Appendix G-1.0; and the Letter of Credit Release Form, Appendix G-2.0, signed by the Project Engineer, the Owner and the Town Engineer, along with the applicant's Engineer Estimates 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 site plan; 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 \$206,213.60 (Release #1) from this Letter of Credit. The total amount in the Letter of Credit is \$206,213.60 with a zero balance remaining after the first release of funds from the Letter of Credit.

BE IT FINALLY RESOLVED that the Planning Board that a copy of this resolution is to be provided to the Owner, Alicia Sturn, D.D.S., PLLC, 1637 New York State Route 332, Farmington, N.Y. 14425; Michael Ritchie, P.E., Costich Engineers, 217 Lake Avenue, Rochester, N.Y. 14608; and Matthew Bragg, Project Manager, Chrisantha Construction Corporation, 4661 Dewey Avenue, Stanley, N.Y. 14561.

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

Motion carried.

8. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand commented on the following topics:

- Mr. Brabant, Mr. Morse and Mr. Brand will meet tomorrow (December 20, 2018) with the engineer for the developers of the Farmington Market Center on State Route 96 regarding future plans for this site.
- A meeting was held last week with a developer who is considering a Byrne Dairy Store at the former automobile dealership on the southwest corner of State Route 96 and Mertensia Road. Ms. Neale noted that access to this site may be limited. Mr. Bellis asked about the size of the parcel for this type of use.
- The developer is now clearing the land on the southwest corner of State Route 332 and County Road 41 for the Hathaway’s Corners residential and commercial project.
- The connection of Ivory Drive to the Auburn Trail has been completed to a hammerhead turnaround. The Town Highway Department staff will begin boxing out the extension of Ivory Drive to Carmen’s Way as weather permits.
- A developer has expressed interest in constructing a mini-storage warehouse on Loomis Road near the New York State Thruway.
- Plans for Sections 7S and 8S of the Auburn Meadows Subdivision will be submitted to the Planning Board in early 2019. Mr. Brand said that these sections are located within the Canandaigua City School District.

- New State Environmental Quality Review (SEQR) forms have been distributed to Planning Board members and Town staff. The new forms reflect amendments to the SEQR regulations, effective January 1, 2019.
- Planning Board members will receive the draft minutes of the meeting of the Zoning Board of Appeals which was held on December 17, 2018, for reference to the discussion of the Delaware River Solar project which was held at the meeting.
- The Town received notice yesterday (December 18, 2018) that the Consolidated Funding Grant for Beaver Creek Park was not approved.

Code Enforcement Officer:

Mr. Morse said that plans have been submitted to the Building Department for Phase II of the Redfield Grove Subdivision. This application will be scheduled for the Planning Board meeting on January 2, 2019.

He said that the 700th building permit for 2018 is expected to be issued this week, which surpasses the approximately 600 building permits which were issued in 2017. Mr. Morse said that the number of building permits is increasing by about 100 per year. He said that this pace is expected to continue as economic conditions remain favorable.

Mr. Morse said that he received a schedule of Ontario County training topics and will send this to board members. He said that one of the sessions will be on the new SEQR regulations.

Mr. Morse said that the new Taco Bell Restaurant on State Route 332 is scheduled to open on Sunday, December 23, 2018. He said that Kip Finley, who was the Indus Hospitality representative for this project, is no longer with the company and that the Town is now dealing with a new representative. Mr. Morse said that the company expects to begin construction on the adjacent Microtel Hotel in March or April of 2019.

Highway and Parks Superintendent:

Mr. Giroux said that Sections 6N and 6S of the Auburn Meadows Subdivision, that sections in the Hickory Rise Subdivision, and that Quentonshire Drive have been paved with the binder course and that road gutters have been installed. He said that construction of sidewalks, installation of streetlights, and the stabilization of the rights of way on these roads are to be completed by June 1, 2019.

Planning Board Chairperson:

Mr. Hemminger reviewed the board members' training credits for 2018. All board members have completed their required number of hours for the year; several board members have additional credits which will be carried over into 2019.

The Planning Board 2019 Organizational Meeting will be held on Saturday, January 12, 2019, from 10:00 a.m. to 11:30 a.m. at the Town Hall. Mr. Hemminger said that he will invite Town Board members and Town staff.

Mr. Hemminger asked board members to review the current Rules of Procedure and to suggest amendments to him. He noted that the Town Clerk has requested that only one hard copy of the meeting minutes be filed either with the Supervisor's office or the Town Clerk's Office.

Mr. Hemminger requested that board members use the new SEQR Part 2 and Part 3 forms during their review of the Delaware River Solar project. He asked that board members contact him as soon as possible if they require additional information from the applicant. The Planning Board will have 20 days to make the SEQR determination following receipt of all requested information.

Mr. Hemminger said that Code Enforcement Officer James Morse is working with the Town Attorney on an interpretation of Section 8, Paragraph (1) [b] (3) of Local Law #6 of 2017, *Solar Photovoltaic (PV) Systems Regulations*, regarding the following:

- (3) Large-scale ground-mounted solar PV systems located upon Farmland located within the delineated Town of Farmington Active Farmland Map, Number 8, page 92 of the adopted Town of Farmington Farmland Protection Plan, shall be allowed on soils classified as Class 1 through 4 as documented upon the Soil Group Worksheets prepared by the Ontario County Soil and Water Conservation District and used by the Town Assessor in calculation of the Agricultural Use Exemption Values, a part of the New York State Department of Agriculture and Markets Agricultural Districts Law, once it can be determined, by the Planning Board, that there is no feasible alternative. . . .

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:45 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, January 2, 2019, at 7:00 p.m.

Respectfully submitted,

John M. Robortella,
Clerk of the Farmington Planning Board

L.S.