

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, December 4, 2019, 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
Shauncy Maloy
Mary Neale

Board Member Excused: Douglas Viets

Staff Present:

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

Applicants Present:

Ty Allen, New Energy Works, 1180 Commercial Drive, Farmington, N.Y. 14425
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#415, Rochester, N.Y. 14610
Robert Laviano, Farmington Country Plaza Inc., 122 King Arthur's Court,
Rochester, N.Y. 14626
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
129 S. Union Street, Spencerport, N.Y. 14559
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522
John Schirabba, President and CEO, LandTech Surveying and Planning PLLC,
710 Latta Road, Suite 200, Rochester, N.Y. 14612
Glenn F. Thornton, P.E., Thornton Engineering LLP, 30 Assembly Drive, Suite 106,
Mendon, N.Y. 14506

Residents Present:

William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425

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

Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522

1. MEETING OPENING

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

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

2. APPROVAL OF MINUTES OF NOVEMBER 20, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the November 20, 2019, meeting be approved.

Motion carried by voice vote.

3a. PUBLIC HEARING: CONTINUED PRELIMINARY FOUR-LOT SUBDIVISION

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

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

3b. CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval for erect a 7-megawatt Photovoltaic (PV) Solar System comprised of 21,000 solar panels utilizing approximately 35 acres of land to be located upon three subdivided lots from Tax Map #010.00-01-37.100.

3c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1006-18 Continued Special Use Permit

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

These applications were reviewed by the Project Review Committee on August 3, 2018; September 7, 2018; September 6, 2019; and November 1, 2019.

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.

The ZBA opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; May 20, 2019; June 24, 2019; July 22, 2019; and August 26, 2019, at which meeting the four Area Variance applications were denied.

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

The SEQR Involved and Interested Agencies 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

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision), PB #1006-18 (Special Use Permit) and PB #1004-18 (Preliminary Site Plan). The Public Hearings were reconvened on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; August 7, 2019; September 4, 2019; October 16, 2019; November 20, 2019; and were continued to tonight's public meeting (December 4, 2019).

On 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. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) on August 7, 2019.

On October 31, 2019, Mr. Compitello of Delaware River Solar provided site plan changes 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).

On October 31, 2019, Mr. Compitello submitted written correspondence that indicated that each of the three solar systems requires its own Point of Interconnection (POI) to connect to existing Rochester Gas & Electric Corporation (RG&E) power lines. He said that RG&E conducted a site visit on October 10, 2019, and proposed that two new access roads were to be built to serve two of the POIs, and that the center POI would be served by the originally proposed access road.

On November 1, 2019, Mr. Compitello provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP). In a cover letter, he said that DRS has completed coordination with RG&E to revise the POI design so that all three POI locations can be sited at the central access road. He said that this change avoids building two additional access roads from Fox Road and also minimizes visual impacts to the greatest extent possible. He said that these changes do not impact the SWPPP scope and that the SWPPP will be updated after comments are received from the Town Engineer.

On 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.

On 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).

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

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

Mr. Compitello summarized the materials that were submitted to the Planning Board on November 27, 2019, as follows:

1. Revised Narrative for Amended State Environmental Quality Review (SEQR) Negative Declaration.
2. Letter from Foundation Design PC, re: geotechnical evaluation update.
3. Appendix B: Yellow Mills Road Solar Zoning Determination Setback Changes—Comparison Table.
4. Letter from Bermann Associates, re: responses to Lakeside Engineering comments of November 20, 2019.

These materials were submitted after the Planning Board packet deadline of 12:00 noon on November 27, 2019, and therefore were not included in the board packets for consideration at this evening's meeting.

Mr. Hemminger said that his goal is to have the Planning Board members review the SEQR Part 2 of the Full Environmental Form, Part 3 of the Full Environmental Assessment Form, and the SEQR Negative Declaration (each of which had been completed at the meeting on August 7, 2019) at the next meeting on December 18, 2019. The purpose of this review will be to determine if revisions are required to the Part 2 and Part 3 forms, and to the SEQR Negative Declaration, based upon the revised materials (revised Preliminary Subdivision Plat and revised Site Plan) submitted by Delaware River Solar.

Mr. Compitello said that no changes were submitted in the revised narrative for the Amended SEQR Negative Declaration where it was felt that no environmental impacts had been identified from the original narrative. He said that revisions were submitted based upon the impacts of the changes to the proposed subdivision plat and site plan.

Mr. Hemminger asked about the points in the revised narrative that have been changed from the original narrative. Mr. Compitello said that the revised narrative includes com-

ments pertaining to the Stormwater Pollution Prevention Plan (SWPPP) that has been submitted by Delaware River Solar, even though the SWPPP is not part of the SEQR process but that it had been addressed by the Planning Board during the completion of Part 2 of the Full Environmental Assessment Form.

Mr. Brand requested that Planning Board members carefully review all of the information that has been submitted, that they make their own determinations on Part 2 of the Full Environmental Assessment Form, and that they be prepared to determine on December 18, 2019, in the public-meeting setting, whether or not the environmental record stands or requires amendment. He also requested that board members should be prepared to determine if the original SEQR Negative Declaration should be affirmed or should be amended based upon the revised plan.

Mr. Delpriore said that hard copies of the materials submitted by Mr. Compitello on November 27, 2019, will be in the board members' packets for the next meeting. He asked board members to take their time, read through everything, and make their own judgements. (Later in the meeting, Mr. Bellis asked if the materials could be provided to the board sooner than the distribution of the next board packets. Mr. Delpriore said that he would arrange for the materials to be available to the board members tomorrow [December 5, 2019]).

Mr. Brabant said that MRB Group has completed a cursory review of the following materials:

1. Preliminary Site Plan and SWPPP Review Letter dated November 20, 2019, prepared by Lakeside Engineering (the engineering firm retained by the Concerned Citizens of Farmington).
2. Preliminary SWPPP last revised November 1, 2019, submitted by Delaware River Solar.
3. Preliminary Subdivision and Site Plan last revised November 1, 2019, prepared by Schultz Associates.

He referred to the MRB Group engineering comment letter of November 26, 2019, and read aloud the following portion from this letter:

The proposed solar facility will be required to comply with the provisions and standards of numerous codes and regulations. In regards to stormwater and land disturbances, the project will be required to comply with NYSDEC regulations, including obtaining coverage under the most current NYS SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 or the latest version in effect (herein referred to as Construction General Permit or CGP), and the Town of Farmington Code. Like the vast majority of other projects which come before planning boards, the review of this project is an iterative process which

will include multiple reviews and changes to ensure that the project complies with all applicable regulations, codes and standards.

—Lance S. Brabant, MRB Group, November 26, 2019

Mr. Brabant said that the site plan—at this point in the process—is a moving target [as revisions are submitted by the applicant and discussed by the Planning Board]. He said that the final SWPPP to be approved by the Town and the New York State Department of Environmental Conservation will be based upon the final approved site plan. He said that the SWPPP also must comply with MS4 requirements (Farmington is an MS4 community), that the SWPPP will be an evolving document, and that it may continue to change based upon construction impacts.

Mr. Hemminger said that it is the board's plan to review the SEQR Part 2 and Part 3 forms, and the previously-determined Negative Declaration, at the next meeting [on December 18, 2019].

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

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

To the Planning Board from the Concerned Citizens of Farmington,

It is our position that the August 7th Neg[ative] Dec[laration] should be rescinded and a Pos[itive] Dec[laration] should be issued. Per SEQRA's regulations, "a lead agency must rescind a negative declaration when (i) substantive changes are proposed for the project; or (ii) new information is discovered" 6 N.Y.C.R.R. §617.7 (f).

On November 20, 2019, we submitted a letter to the Planning Board summarizing potentially significant environmental impacts which require further review. We also submitted a letter from our engineer which reviews and comments on the Developer's Stormwater Pollution Prevent Plan. We reviewed DRS' latest submissions, and we believe that the following potentially significant environmental impacts are still at issue.

It is likely that one or more moderate to large impacts may occur because the proposed project will disturb a significant portion of land. The physical disturbance caused by the proposed project has increased from 1.1 acres to 2.6 acres. This [is] significant—the area to be disturbed by the project has more than doubled in size. Pre- and post-construction activities associated with earthwork, installation of the solar pv systems (including arrays and associated infrastructure) and project maintenance will disturb project land

and may have the potential for significant impacts to land on the project site.

The new area covered by Developer's revised site plans, which extend the solar arrays to the south and east, was not reviewed as part of Foundation Design's initial geotechnical study. This study noted shallow perched water conditions at 7 borings, and 3 of these borings (P-8, P15 and P-22) are located in close proximity to areas where the project has been expanded. The project site's soils are dense, rocky, and moisture sensitive, and it is unclear what soil conditions exist in the new project area without performing further testing.

It is unclear if impacts to sight line distances stemming from revisions to the site plan (moving solar pv systems and landscaping closer to Yellow Mills Road) have been evaluated. This is a major concern as the project is located next to the Yellow Mills Road and Fox Road intersection. Further, potential traffic impacts during construction have not been evaluated.

One or more moderate to large impacts to surface water and groundwater may occur because the project site sits on top of an aquifer and contains two federally regulated and two state regulated wetlands, which are hydrologically connected to off-site wetlands and a stream. Pre- and post-construction activities associated with earthwork, installation of the solar pv systems (including arrays and associated infrastructure) and project maintenance may increase stormwater flows and sedimentation on the project site, impacting the quality of nearby waterbodies on and off the project site.

Our engineer's letter reviewing and commenting on the developer's SWPPP disagrees with Bergman's conclusion that there will be no change to the rate and volume of stormwater runoff leaving the project site when comparing conditions before and after the construction. The densely massed configuration of the solar arrays will likely increase stormwater runoff. Soil compaction resulting from construction and maintenance activities will decrease water absorption and increase stormwater runoff on the project site. The fact that the project will utilize best management practices does not negate the need for comprehensive review during the SEQ RA process to determine the project's potential impacts to surface water bodies on and off site. The placement of the arrays does not appear to follow the existing contours of the site, and very minimal permanent erosion and stabilization measures have been proposed.

—James Falanga, December 4, 2019

Mr. Delpriore said that the deadline is Wednesday, December 11, 2019, at 12:00 noon for materials to be included in the board packets for consideration at the next meeting on December 18, 2019.

Mr. Hemminger then asked if anyone else in attendance wished to comment or ask questions on these applications. There were no further comments or questions this evening.

Mr. Hemminger then read aloud the relevant portions of the following complete resolution:

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

Actions:

- PB #1003-18 Revised Preliminary Subdivision Plat Application**
- PB #1004-18 Revised Preliminary Site Plan Application**
- PB #1006-18 Special Use Permit Application**

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

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

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has reopened the continued Public Hearings upon the above identified Actions at tonight’s meeting; and

WHEREAS, the Planning Board’s deadline for receiving additional information to be included in their packets for the December 4, 2019, Planning Board meeting was established, at the November 20, 2019 meeting and made known to all, for noon on Wednesday, November 27, 2019; and

WHEREAS, the Applicant failed to meet this deadline and packets were distributed without the information received from the Applicant; and

WHEREAS, the Planning Board’s adopted Rules of Procedure specify that information received after the distribution of packets will not be considered at the next meeting; and

WHEREAS, the Town Hall Offices were closed on both Thursday, November 28th and Friday, November 29th as scheduled holidays; and

WHEREAS, the Town did post on the Town’s website on Monday, December 2, 2019, additional information being received from the Applicant; and

WHEREAS, the Board has received additional testimony and information at tonight’s public hearing, relating to the proposed Actions; and

WHEREAS, the Board desires time for the public: to review the new information that was posted on Monday, December 2, 2019; to compare this new information to the requested revisions to the preliminary subdivision plat and preliminary site plan drawing; and to review the public input received at tonight’s public hearing before continuing its deliberations upon an amended environmental record, Parts 2 and 3 of the FEAF, leading to the Board’s eventual Determination of Significance upon the most recent information received to date upon the above described proposed Actions.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby agree to: continue the Public Hearings and its deliberations upon the environmental record for the three Actions identified above herein to their December 18, 2019, meeting; enable the public time to review the new information referenced above herein; review tonight’s public hearing record; and to allow the Planning Board, in turn, time to determine what, if any changes may be necessary to complete Parts 2 and 3 of a Full Environmental Assessment Form.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide certified copies of this resolution to: the Applicant; the Applicant’s engineer; the Applicant’s attorney; the Town’s Special Legal Counsel; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Attorney to the Town; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C.

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

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

Motion carried.

4. NEW FINAL SITE PLAN

PB #1205-19 New Final Site Plan Application

Name: New Energy Works, 1180 Commercial Drive,

Farmington, N.Y. 14425

Location: 1180 Commercial Drive

Zoning District: LI Limited Industrial

Request: Final Site Plan approval to erect a 6,000-square-foot single-story storage building.

Mr. Thornton (Thornton Engineering) and Mr. Allen (New Energy Works) presented this application.

Mr. Thornton said that the original separation of 32 feet between the proposed new building and an existing building on the property has been increased to more than 40 feet by the reduction in size of the new building from 6,000 square feet to 5,400 square feet and by shifting the new building 1½ feet to the west to avoid a front setback issue.

Mr. Delpriore said that upon inspection at the site it was discovered that the parking spaces do not comply with the Town Code regarding parking lot striping (double striping is required). Mr. Delpriore also said that it appears that the parking spaces may not be wide enough. Mr. Hemminger suggested that correction of the parking spaces to comply with the Town Code be included as a condition of Final Site Plan approval to avoid the issuing of a code violation to the applicant, and to provide time for the corrections. Mr. Delpriore said that he will send the Town's parking space specifications to Mr. Thornton.

Mr. Weidenborner (who previously served as the Farmington Volunteer Fire Association representative to the Planning Board) said that he was requested by Mr. Delpriore to conduct a site visit in response to the Planning Board's request made at the meeting on November 20, 2019. Mr. Weidenborner said that a sprinkler system is not required by the Town Code in the proposed new building but that the fire department is concerned about the fire load on the property, i.e., the prospective storage of combustible materials in and around the new building, and the proximity of the site to homes and other businesses.

Mr. Weidenborner said that the fire department recommends that a sprinkler system be installed in the new building. He discussed several fires which have occurred on the property over the the past years. These included a building fire that occurred approximately 20 years ago and an occasional kiln fire. He said that there have been no major issues because of these fires. He said that the fire department recommends the installation of a sprinkler system to avoid major fire issues in the future, especially with the wood materials that would be stored in the new building.

In lieu of sprinklers, Mr. Weidenborner said that the fire department recommends the installation of another fire hydrant on the property. He said that the second closest hydrant is located near State Route 96 and that these recommendations are based upon the impact of a worst-case scenario of a major fire on the property.

Mr. Delpriore said that the comments for installation of a sprinkler system and/or another fire hydrant are recommendations from the fire department. He then read aloud an e-mail sent by Farmington Fire Marshal Jamie Kincaid to Planning Board Chairperson Edward Hemminger (dated December 4, 2019) that the new building as proposed will comply with the Town Code without a sprinkler system or added hydrant protection:

The New Energy Works building that is proposed for storage will be fine without sprinkler protection and without added hydrant protection (within 400 feet of nearest hydrant) as long as:

1. The structure remains an S-1 occupancy used only for storage.
2. At no time can there be any fabrication or cutting, milling of wood products. This is a change of use. No operation may happen inside structure other than storage, or an approved NFPA 13 Sprinkler System will be required.
3. The building is at least 30 feet from any other structure. No fire separation required
4. Piled combustible storage may not reach 12 feet in height or more inside structure and 20 feet outside structure or within 10 feet of structure. Anything over 12 feet of combustible storage will be required to install an NFPA 72 approved automatic fire alarm system, and a heat and smoke removal system. A hardwired smoke or heat detection system will be required regardless.
5. Clearance from storage to ceiling is at least 24 inches separation.
6. Clear exits and path of egress must be maintained and clear of storage.
7. No storage of wood or plastic pallets inside the structure (piled storage of pallets) unless fully sprinklered.

A hardwired system is required in an S-1 Building. I believe they will be better off adding to the fire alarm system they already have in the existing buildings. There is no code to force them into adding to the existing fire alarm but without this building being occupied on a regular basis, a hardwired multiple station smoke detection system may never be heard by anyone if there is no one in it. If the alarm is set off in the building and it has been added to the existing system, notification will go out to dispatch and the alarm won't be missed. We can't force them but Ed, this would be a smart move for New Energy Works.

—Jamie Kincaid

Farmington Fire Marshal, Building Department and Development Office

Mr. Delpriore said that the Building Department would like the concerns of the fire department and the fire marshal to be considered, and that the Building Department would like to work with the applicant to come to a conclusion.

Mr. Brand said that the draft resolution that had been prepared for board consideration [to approve the Final Site Plan with conditions] had been distributed prior to having learned of the concerns of the fire department. Based upon the comments from the fire department this evening, Mr. Brand said that the Planning Board could approve the Final Site Plan with the additional conditions that the parking lot striping must be corrected to comply with the Town Code and that the fire alarm system must be wired into the existing alarm system (i.e., a daisy chain fire alarm system).

Mr. Brand suggested that the proposed condition of approval regarding the parking lot striping indicate that the striping must be completed prior to the issuing of a Certificate of Occupancy or by May 31, 2020, whichever occurs later.

Mr. Hemminger suggested that a dry sprinkler system would avoid the process of installing an additional fire hydrant and the corresponding approval by the New York State Department of Health.

Mr. Delpriore said that the Planning Board could approve the Final Site Plan this evening with the condition that the parking lot striping and installation of the fire alarm system is subject to staff approval based upon the Planning Board's conditions of approval.

Referring to Mr. Kincaid's comments, Mr. Hemminger asked Mr. Allen about the future use of the new building for manufacturing or other uses. Mr. Allen said that the building will be used only for storage and that he has no issues with the fire marshal's comments.

Mr. Hemminger asked Mr. Allen about the fire marshal's comments regarding the installation of a fire alarm system that is connected to the existing alarm system (i.e., daisy chain fire alarm system). Mr. Allen said that he also has no issues with this.

Mr. Maloy asked about the 20-foot-wide fire equipment access driveway width, as noted on the plans. He requested that this access be delineated to assure that the storage of materials would not creep into it. Mr. Allen said that the stored materials would not creep into the fire lane, that they wish to maintain at least a 32-foot fire access, and that they decided to increase the width to 40 feet even though this width was not required. He said that he does not see the stored materials encroaching into the fire access lane and that the company trucks also need to get back and forth [on this driveway] through this area.

Mr. Bellis asked about the location of the closest fire hydrant. Mr. Weidenborner said that a fire hydrant is located approximately 340 feet north of the site and that another is located near the Comfort Inn on State Route 96.

Mr. Thornton reviewed the locations of fire hydrants on the site plan. He said that hydrants are located on Commercial Drive and on State Route 96.

Mr. Bellis said that a sprinkler system would not be necessary for a storage building but that an alarm system connected to the company's existing alarm system is needed to alert the staff of a fire in the storage building. He said that he would not want the whole thing to go up before someone calls it in.

Ms. Neale also said that a fire alarm system connected to the company's existing alarm system (i.e., daisy chain fire alarm system) would be beneficial for the protection of the company's endeavor.

Mr. Bellis asked about the color of the new building. He said that color elevation renderings were not included in the board packets. Mr. Allen said that the new building would be a bronze color with red tones, similar to the company's existing buildings. Mr. Delpriore distributed hard-copy color elevation renderings to the board.

Mr. Hemminger suggested that conditions of approval be added to the Final Site Plan resolution to include the restriping of the parking spaces and widths to comply with the Town Code prior to the issuing of a Certificate of Occupancy or May 31, 2020 (whichever is later) and the connection of the fire alarm in the new building to the company's existing fire alarm system (i.e., daisy chain fire alarm system).

Mr. Hemminger also suggested that Mr. Allen consider the installation of a sprinkler system during construction of the new building. He discussed the Comfort Inn that is located south of the site, the next section of the Redfield Grove residential development, and other projects that are under consideration for this growing portion of the Town. Mr. Hemminger said that the Town will continue to grow around the New Energy Works facility and that it will be important to keep fire issues at a minimum.

Mr. Bellis asked why the parking area striping was not in compliance with the Town Code. Mr. Delpriore said that this may not have been noticed during previous inspections. He said that now is the opportunity to correct it. Mr. Hemminger said that corrections to parking lot striping have been made at a number of other locations recently. Mr. Delpriore said that the parking lot at the Farmington Country Plaza recently was restriped to comply with the Town Code after the parking lot had been resealed and striped incorrectly.

Mr. Allen asked why New Energy Works has to restripe the parking lot if the proposed new building will not affect the parking area. Mr. Hemminger said that Town Code deficiencies which are discovered as part of a site plan application must be corrected. He said that the Town desires to bring everything up to code.

Mr. Bellis asked if the parking striping would have been discovered during an annual fire inspection. Mr. Delpriore said that fire inspections at New Energy Works are conducted every two years and that the parking striping violation may not have been noticed at the time of the last inspection. He said that property owners are notified of the parking lot double-striping requirement when the Town is made aware that parking lots are going to be resealed and then re-striped.

Mr. Allen asked if the parking double striping is a new Town standard. Mr. Brand said that this has been in effect for a long period of time. Mr. Delpriore said that the majority of parking spaces in the Town are doubled striped and that property owners are notified to make corrections when code violations are discovered or when a property owner proposes a new site plan.

Mr. Thornton asked about the purpose of double striping parking spaces. He said that this is unusual and that it costs extra money for the property owner. Mr. Delpriore said that this is a requirement of the Town Code.

From the audience, Mr. Laviano—the owner of the Farmington Country Plaza—said that he had to restripe his parking lot after it had been resealed and single-striped earlier this year. He said that he was not aware of the Town's double-striping requirement at the time that the parking lot was resealed.

Mr. Hemminger asked about the installation of sprinklers in the new building. Mr. Weidenborner said that the fire department recommended this as a loss prevention measure. He said that a fire in the storage building would be a worst-case scenario and that sprinklers should be taken into consideration.

Mr. Brand said that Phase 2 of the Redfield Grove residential development is now under construction and will include the new entrance way into New Energy Works, and water line improvements along Commercial Drive. He said that construction is anticipated in the middle of next year and that this development will help with fire hydrant flows.

Mr. Weidenborner said that the fire department would be happy with a fire alarm that is connected to the company's 24-hour system (i.e., daisy chain fire alarm). Mr. Bellis said that he agrees to a point that a sprinkler system is not necessary in a storage building.

Following discussion, it was the consensus of the board that the following two conditions of approval be added to the Final Site Plan draft resolution:

New Condition #3: Final Site Plan Approval is further based upon the conditions of approval set forth in the Town Fire Marshal's e-mail memo to the Town Planning Board Chairperson which is dated 12/4/2019, 1:53 p.m. A copy of this email was provided to the Applicant at tonight's meeting, discussed and agreed-to by the Applicant.

New Condition #4: Final Site Plan Approval is further based upon the need to stripe parking spaces in all parking areas on the site to be in compliance with the Town of Farmington Site Design and Development Criteria regarding parking space dimensions and double striping of parking spaces (*see* Town of Farmington Site Design and Development Criteria, Appendix H-16.0, dated 2019). Striping is to be completed prior

to the issuing of the Certificate of Occupancy for the new building or by May 31, 2020, whichever occurs later.

New Condition #5: Final Site Plan Approval is further based upon fire alarm system in the proposed new storage building to be connected to the applicant’s central alarm system that is currently in use on the premises.

Mr. Hemminger asked Mr. Allen if he had received the draft resolution prior to the meeting, and if he understood the resolution and agreed with conditions.

Mr. Allen said that he had received the draft resolution and asked to review the resolution. Mr. Hemminger provided him with a hard copy.

Mr. Allen said that he understood the resolution and that he agreed with the conditions in the draft resolution and those additional conditions that have been discussed tonight.

Mr. Hemminger asked if Mr. Allen understood the comment from the fire marshal that he must return to the Town for site plan approval if the use of the new building changes in the future. Mr. Allen said that he understands this.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN ACTION
NEW ENERGY WORKS STORAGE BUILDING**

PB #1205-19

APPLICANT: New Energy Works, 1180 Commercial Drive, Farmington, N.Y. 14425

ACTION: Final Site Plan Approval to erect a 5,400-square-foot single story building to be used for storage of both finished and unfinished wood products

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application for Final Site Plan Approval for the above referenced Action; and

WHEREAS, the Board has completed its review of the Short Environmental Assessment Form and has by separate resolution dated November 20, 2019 (File #PB 1104-19) made a Determination of Non-Significance upon the proposed Action; and

WHEREAS, the Board has received testimony at tonight’s public meeting upon said Action and has given consideration to the Ontario County Planning Board’s comments and recommendation contained in County Referral #222-2019.

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

1. Final Site Plan Approval is based upon the drawings prepared by Thornton Engineering, LLP, Sheet numbers S-1 and S-2, and D-1, dated October, 2019 with a revised date of November 26, 2019, identified as Project No. 19-759 and entitled “Final Site Plan Storage Building New Energy Works, 1180 Commercial Drive, Farmington, New York.”
2. Final Site Plan Approval is further based upon the drawings prepared by New Energy Works entitled “Storage Building Renderings,” issued dated 11.26.16, Project Drawing Number 19-D-249, SD-1.0; and the color renderings of said storage building prepared by New Energy Works dated 11.26.16.
3. Final Site Plan Approval is further based upon the conditions of approval set forth in the Town Fire Marshal’s e-mail memo to the Town Planning Board Chairperson which is dated 12/4/2019, 1:53 p.m. A copy of this email was provided to the Applicant at tonight’s meeting, discussed and agreed-to by the Applicant.
4. Final Site Plan Approval is further based upon the need to stripe parking spaces in all parking areas on the site to be in compliance with the Town of Farmington Site Design and Development Criteria regarding parking space dimensions and double striping of parking spaces (*see* Town of Farmington Site Design and Development Criteria, Appendix H-16.0, dated 2019). Striping is to be completed prior to the issuing of the Certificate of Occupancy for the new building or by May 31, 2020, whichever occurs later.
5. Final Site Plan Approval is further based upon fire alarm system in the proposed new storage building to be connected to the applicant’s central alarm system that is currently in use on the premises.
6. A total of five (5) sets of paper prints of all drawings identified above herein will be signed by: the Town Water and Sewer Superintendent; the Town Engineer; and then the Planning Board Chairperson. One set will be filed in the Town Development Office. One set will be filed with the Town Water and Sewer Superintendent; the Town Engineer; the Applicant’s Engineer; and the Applicant. If additional copies of the signed prints are required then those copies are to be provided at the time of signing the Final Site Plan drawings.

- 7. Final Site Plan Approval expires in 180 days from today. All conditions of Final Site Plan Approval must be placed on revised drawings and signatures of the above referenced Town Officials affixed thereto.

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

Motion carried.

5. PLANNING BOARD ACTION ITEMS

- A. ■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the following two resolutions be blocked for concurrent action, that the readings of the resolutions be waived, and that the resolutions be approved as submitted by Town staff:

DiMartino Letter of Credit Release (Final)—Hathaway Drive Project:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 FINAL LETTER OF CREDIT RELEASE #1
 MARK DIMARTINO, D.D.S.—TOTAL AMOUNT \$127,102.00**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from the Town Director of Planning and Development (hereinafter referred to as Director) to consider a final release of funds from the established Letter of Credit for site improvements made to the Mark DiMartino, D.D.S. Site Plan Project, located along the east side of Hathaway Drive; and

WHEREAS, Lance S. Brabant, CPESC, MRB Group, P.C., the Town Engineer, in a letter to the Director, dated November 21, 2019, requests the final release in the total amount of \$127,102.00; and

WHEREAS, the request has been reviewed by the Town Construction Inspector and the Town Engineers with both finding the quantities and prices identified in the document to be consistent with the final site plan conditions to date; and

WHEREAS, the Town Department Heads have completed their reviews and signed-off on Appendix G-1.0, Letter of Credit Department Heads Signed Form, dated 11/25/19; and

WHEREAS, the Letter of Credit Release Form, G-2.0, has been completed and is dated 11/21/2019; and

WHEREAS, under the provisions of Chapter 144, Section 32. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the final release of funds from a Letter of Credit Estimate.

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, the Town Engineer and the Town Department Heads, does hereby confirm this request and recommends that the Town Board take formal action to accept the requested final release (Release #1) from the Letter of Credit Estimate.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide copies of this resolution to: Matthew Tomlinson, P.E., Marathon Engineering; Mark DiMartino, D.D.S.; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineer; and the Director of Planning and Development.

Confirming Resolution: Letter of Credit Release (Final)—Farmington Gardens II, Phase 1:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL LETTER OF CREDIT RELEASE #5
FARMINGTON GARDENS II, PHASE 1—TOTAL AMOUNT \$123,207.37**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from the Town Director of Planning and Development (hereinafter referred to as Director) to consider a final release of funds from the established Letter of Credit for site improvements located within Phase 1, Farmington Gardens II Project; and

WHEREAS, Lance S. Brabant, CPESC, MRB Group, P.C., the Town Engineer, in a letter to the Director, dated November 27, 2019, requests the final release in the total amount of \$123,207.37; and

WHEREAS, the request has been reviewed by the Town Construction Inspector and the Town Engineers with both finding the quantities and prices identified in the document to be consistent with the final site plan conditions; and

WHEREAS, the Town Department Heads have completed their reviews and signed off on Appendix G-1.0, Letter of Credit Department Heads Signed Form, dated 11/25/19; and

WHEREAS, under the provisions of Chapter 144, Section 32. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the final release of funds from a Letter of Credit Estimate.

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, the Town Engineer and the Town Department Heads, does hereby confirm this request and agrees with the Town Board formal action that was taken at their meeting on Tuesday, November 26, 2019, to approve the requested final release (Release #5) from the Letter of Credit Estimate.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide copies of this resolution to: Gregg McMahon, P.E., McMahon/LaRue Associates; Megan Houppert, Home Leasing, LLC; Michael Bonnachi, Controller, Home Leasing, LLC; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineer; and the Director of Planning and Development.

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

Motion to approve the above two resolutions carried.

B. State Route 96 Street Scape Plan—Final Review and Planning Board Resolution to the Town Board:

The draft of the State Route 96 Street Scape Design Guidelines was distributed to Planning Board members prior to the meeting.

Mr. Hemminger commended the Town staff and Mr. Brabant of MRB Group for their work on these guidelines. Mr. Delpriore said that Byrne Dairy on State Route 96 has incorporated many of the guidelines in the design of the new store.

Mr. Hemminger suggested that Street Scape Design Guidelines also be considered for developments on State Route 332.

■ A motion was made by MR. BELLIS , seconded by MS. NEALE, that the State Route 96 Street Scape Guidelines be approved by the Planning Board and that the Guidelines be transmitted to the Town Board for adoption.

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

Motion carried.

C. Farmington Pointe (1600 Rochester Road) Incentive Zoning Project: Planning Board Recommendation to the Town Board:

Mr. Schirabba (LandTech Surveying and Planning PLLC) and Mr. Laviano (Farmington Country Plaza)

Mr. Schirabba provided the following information:

- Farmington Pointe, 1600 Rochester Road (west side of Rochester Road in the vicinity of the Farmington Country Plaza, Cobblestone Arts Center, Auburn Meadows Subdivision, Farmington Grove Subdivision, Prosecco’s Restaurant and the future extensions of Carmen’s Way)
- 85-acre site.
- Project to be developed in six phases.

Structures proposed:

Townhomes:
31 buildings, total of 165 units

Apartments:
5 buildings with 28 apartments per building, total of 140 units

Plaza:
1 building, 26,774 square feet

Coffee Shop:
1 building, 5,625 square feet

Mixed Retail:
6 buildings, total of 37,916 square feet

Assisted Living/Memory Care Facility:
1 building, 57,600 square feet

Mr. Schirabba displayed the concept plan. He said that the Hathaway's Corners and the Always Locked projects, Carmen's Way, and the State Route 332/Farmbrook Drive intersection have been superimposed over the Farmington Pointe plan to depict these adjacent developments in relation to the concept plan.

Mr. Schirabba said that Mr. Laviano intends to propose an Incentive Zoning application to the Town Board to consolidate the existing zoning districts on the 85-acre site (General Commercial, Neighborhood Commercial, Multi Family and R-1-15 residential zones).

He said that the first phase would include the invigoration of the Farmington Country Plaza with construction of a new United States Postal Service building and other retail uses behind the existing plaza (to the west).

Mr. Schirabba said that the concept plan is a broad stroke of Mr. Laviano's plans.

Lot coverage will be 50 percent of the site with 10 acres of stormwater ponds.

Mr. Schirabba said that he has been working with the Town Engineer. He also said that SRF Associates has been retained for a traffic study.

Mr. Brand said that Mr. Laviano's plan was first proposed about one year ago at which time the Town Sewer Master Plan was also in the process of being updated. The Plan update identified solutions to mitigate sanitary sewer flow constraints along State Route 332 and along State Route 96. He said that there was a concern about accommodating this project and providing sanitary sewer service to other properties along the State Route 332 corridor at the time. Mr. Brand said that the Sewer Master Plan has been completed. It was accepted by the Town Board in October.

Mr. Brand again extended thanks to Mr. Laviano and to his father Carmen for the donation of land to the Town for the Auburn Trail—the main portion of which has been opened to the public.

Mr. Brand also thanked Mr. Laviano and to the developer of the Always Locked project for their contributions of land for the completion of the extension of Ivory Drive and Carmen's Way. These roads provide access to the signalized intersection at State Route 332 and Farmbrook Drive for residents of the Auburn Meadows Subdivision. Mr. Laviano's contribution also will provide the future connection from Carmen's Way to the Hathaway's Corners development to the north.

Mr. Brand said that Ontario County has received a grant from the Genesee Transportation Council to study the State Route 96 and State Route 332 corridors.

He said that one of the prospective Incentive Zoning amenities from Mr. Laviano will be the donation of a parcel of land currently shown in the vicinity of the extension of Carmen's Way for a Farmington fire substation. He requested that Chief Hartman discuss this with the board of directors of the fire department and provide their comments as soon as possible. If it is determined that this land is no longer being considered for a fire station, then the Town Board needs to know not to ask for this amenity. Also, if the land is not being considered, then the applicant could redesign the concept plan accordingly. Chief Hartman and Assistant Chief Weidenborner said that they would bring this to the attention of the fire department board.

Mr. Brand said that a draft report to the Town Board on the concept plan is expected to be submitted for Planning Board review at the meeting on December 18, 2019, or at the first meeting in January. The timing would be dependent upon the completion of the Traffic Impact Study now underway by SRF Associates.

Mr. Brabant discussed the Sewer Master Plan and the main areas of sanitary sewer capacity issues on State Route 96 and State Route 332. He said that a sewer force main in the northern portion of the Town will divert sanitary sewer flow to the main trunk line to handle the additional flow on State Route 96.

Mr. Brabant said that sanitary sewer improvements have also been identified for the areas of Mertensia Road and the Auburn Meadows Subdivision to bring the sanitary sewer flow to the main trunk line.

Mr. Bellis asked about the location of the future post office. Mr. Schiarabba said that this would be located to the south of the existing Prosecco's Restaurant in the vicinity of the miniature golf course.

Mr. Hemminger commended Mr. Laviano for his cooperation in working with the Town and the other property owners to achieve the extension of Ivory Drive and the completion of Carmen's Way.

Mr. Hemminger asked the applicants to calculate the amount of green space on the site without including the stormwater ponds. He said that he always looks for usable green space, and that although the Town Code does not differentiate between stormwater ponds and green space, the ponds cannot be used by residents as recreational facilities.

There were no further comments or questions on the concept plan this evening.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported on the following topics:

The next meeting of the 2020 Comprehensive Plan Update Committee will be held on Tuesday, December 17, 2019, at 6:30 p.m. at the Town Hall. Mr. Brand is awaiting comments from the committee on the draft Chapter 1. He also noted that the committee may consider conducting a Town survey to receive public comment on future development concerns.

Mr. Delpriore and Mr. Weidenborner are working on amendments to the Town Code. It is expected that the committee will meet in January or February to review the revisions.

Mr. Brand said that a groundbreaking ceremony for Lyons National Bank will be held at 11:30 a.m. on Monday, December 9, 2019, at the site on the northwest corner of State Route 332 and County Road 41. He also noted that a ribbon-cutting ceremony is being planned for Wednesday, December 18, 2019, at the Byrne Dairy Store located on the southwest corner of State Route 96 and Mertensia Road.

Code Enforcement Officer:

Mr. Delpriore said that the December 18, 2019, Planning Board agenda is expected to include the Delaware River Solar project, a preliminary residential site site, two applications for the Cobblestone Arts Center and a sign application from American Equipment on Collett Road.

He said that a walk-through of the perimeter and of the interior the Byrne Dairy store was recently made by the Building Department staff. The store is scheduled to open on Wednesday, December 11, 2019; with a formal ribbon-cutting ceremony to follow on Wednesday, December 18, 2019. Mr. Delpriore said that Byrne Dairy incorporated the State Route 96 Street Scape concepts into the design of the property. He also said that the improvement of the area at the southwest corner of State Route 96 and Mertensia Road will be completed in the spring following completion of a water line project by the Town.

Highway and Parks Superintendent:

Mr. Giroux reported that the Highway Department is now in winter plowing operations. He also said that the Auburn Trail between Mertensia Road and the Town of Victor has been resurfaced.

Town Engineer:

Mr. Brabant said that the revisions to the Town Site Design and Development Criteria have been approved by the Town Board. A PDF file will be provided for posting on the Town website.

Planning Board Members' Comments:

Mr. Hemminger suggested that the 2020 Comprehensive Plan Update Committee receive information on the Incentive Zoning concept. He expressed the importance of the committee's understanding of Incentive Zoning and the Town Board's role in the rezoning of property for these applications.

7. PUBLIC COMMENTS

William Allen (5988 County Road 41) asked about the stormwater pond on the property of Mark DiMartino, D.D.S., 1375 Hathaway Drive. Mr. Delpriore said that the pond did not pass inspection and was too shallow. Mr. Brabant said that the depth of the pond has been increased.

8. TRAINING OPPORTUNITIES

Conservation Easement Workshops for Farmland Owners

Tuesdays, December 9 and 16, 2019; and January 6 and 13, 2020
6:30 p.m. to 8:30 p.m.

Ontario County Safety Training Facility
2914 County Road 48, Canandaigua, N.Y. 14424
Registration link: <https://tinyurl.com/y6wadcg>
or Ontario County Planning Department, (585) 396-4455

New York State Department of State 2019–2020 Winter Webinar Series

December 11, 2019: Special Use Permits
December 18, 2019: Adaptive Reuses for White Elephants
January 8, 2020: Planning Board Overview
January 15, 2020: Zoning Board of Appeals Overview

Attend from wherever you are. A computer with speakers or a mobile device is needed.
For information: <http://www.dos.ny.gov/lg/lut/index.html>

Future Training Opportunities Online

Ontario County Planning Department website now lists upcoming training:
<https://www.co.ontario.ny.us/192/Training>

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:25 p.m.

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, December 4, 2019, at 7:00 p.m.

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

Respectfully submitted,

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