

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD **Wednesday, December 5, 2018, 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.

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

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

Staff Present:
Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group, D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent
Jeffrey D. Graff, Esq., Town of Farmington Attorney
Jamie Kincaid, Town of Farmington Fire Marshal
Donna LaPlant, Town of Farmington Assessor
James Morse, Town of Farmington Code Enforcement Officer
Collin Sowinski, MRB Group, D.P.C.
John Weidenborner, Assistant Chief, Farmington Volunteer Fire Association

Applicants Present:
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#10526, Rochester, N.Y. 14610
Graham Marcus, Maddie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
129 S. Union Street, Spencerport, N.Y. 14559

Jack Melsom, GreenRenewable Inc., 28 Taylor Avenue, P.O. Box 248, Berlin, N.Y. 12022
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522
Rocco and Pat Venezia, 5120 Laura Lane, Canandaigua, N.Y. 14424
Cliff and Jolynne Weitzel, 6190 Fisher Hill Road, Canandaigua, N.Y. 14424
Todd Wheeler, Oldcastle Lawn & Garden, 155 State Street, Manchester, N.Y. 14504
Donald A. Young, Esq., Boylan Code

Residents Present:

Henry Adams, 4650 Kyte Road, Shortsville, N.Y. 14548
Linda and Bob Bailey, 5163 Fox Road, Palmyra, N.Y. 14522
Stefanie and Matt Barnes, 4936 Fox Road, Palmyra, N.Y. 14522
Joshua Barry, 5671 Running Brook Road, Farmington, N.Y. 14425
Jennifer Baxter, 266 Yellow Mills Road, Palmyra, N.Y. 14522
Dan Bieck, 4392 Fox Road, Palmyra, N.Y. 14522
Terry Bieck, 358 Stafford Road, Palmyra, N.Y. 14522
Brian and Beth Blazey, 5075 Rushmore Road, Palmyra, N.Y. 14522
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
John and Elvira Boonstra, 5059 Maxwell Road, Farmington, N.Y. 14425
Nathan Bowerman, 230 Bowerman Road, Farmington, N.Y. 14425
Erin and John Brandt, 117 Hook Road, Farmington, N.Y. 14425
Charles Broersma, 5076 Maxwell Road, Farmington, N.Y. 14425
Jim Campbell, 1124 Magnolia Bend, Farmington, N.Y. 14425
Barbara and Nelson Case, 169 Ellsworth Road, Palmyra, N.Y. 14522
Mark and Kim Clement, 330 Ellsworth Road, Palmyra, N.Y. 14522
George Compitello, 5 Smallwood Drive, Pittsford, N.Y. 14534
James R. Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522
David Englert, 794 Weigert Road, Farmington, N.Y. 14425
Jon and Marilyn Fair, 984 Stafford Road, Shortsville, N.Y. 14548
Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Jim and Ann Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522
Bonnie Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425
Daniel T. Geer, for 568 Yellow Mills Road, c/o 6947 Proximity Lane, Victor, N.Y. 14564
Donna Harloff, 23 Gannett Road, Farmington, N.Y. 14425
Caroline Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609
Linda Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609
Ronald Herendeen, 877 County Road 8, Farmington, N.Y. 14425
Bill and Nancy Hood, 5023 Maxwell Road, Farmington, N.Y. 14425
Peter Ingalsbe, 151 Galvin Court, Farmington, N.Y. 14425
Edward and Tammy Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522
Jason Krenichyn, 4880 Fox Road, Palmyra, N.Y. 14522
Robert T. LaMotte, 192 Yellow Mills Road, Palmyra, N.Y. 14522
Edward D. Lawrenz, 320 Yellow Mills Road, Palmyra, N.Y. 14522
Mark and Dawn Maltman, 187 County Road 28, Palmyra, N.Y. 14522
Sharon and Earl Maltman, 179 County Road 28, Palmyra, N.Y. 14522
Peter B. Maslyn, 5000 Townline Road, Farmington, N.Y. 14425
Jason McKinney, 234 County Road 28, Palmyra, N.Y. 14522

William P. Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522
 John E. Orbaker, 4960 Fox Road, Palmyra, N.Y. 14522
 Sharyn, Joe, Josh and Jake Pate, 224 Yellow Mills Road, Palmyra, N.Y. 14522
 John C. Petura, 4923 Maxwell Road, Palmyra, N.Y. 14522
 Kenneth R. Preston, for 5082 State Route 96, c/o 69 Cobble Creek Road, Victor, N.Y. 14564
 Chad Redmond, 322 Stafford Road, Palmyra, N.Y. 14522
 Lisa A. Reed, 4465 Fox Road, Palmyra, N.Y. 14522
 Todd J. Richenberg, 5007 Maxwell Road, Farmington, N.Y. 14425
 Melissa Streber, 1757 Estate Drive, Farmington, N.Y. 14425
 Andrew A. Strub, 4638 Rushmore Road, Palmyra, N.Y. 14522
 Terry Sunderlin, 4697 Fox Road, Palmyra, N.Y. 14522
 Stacey and Arnold Vandenburg, 259 Ellsworth Road, Palmyra, N.Y. 14522
 Peter Vanderwall, 125 Yellow Mills Road, Palmyra, N.Y. 14522
 Richard J. Vanderwall Jr., 562 Stafford Road, Palmyra, N.Y. 14522
 Julie and Randy Waite, 226 Yellow Mills Road, Palmyra, N.Y. 14522
 Roger L. Wisner, 4820 Fox Road, Palmyra, N.Y. 14522
 Travis Woolley, 5966 Monks Road, Canandaigua, N.Y. 14424
 Gary M. Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522
 Mark Wyman, 448 Sheldon Road, Palmyra, N.Y. 14522
 Gershom E. Yahn, 5215 Fox Road, Palmyra, N.Y. 14522
 James E. Zurich, 315 Sheldon Road, Farmington, N.Y. 14425
 [?] Hannan? 626-B Crowley Road, Farmington, N.Y. 14425
 Chris [?], 4465 Fox Road, Palmyra, N.Y. 14522

Observer Present:

Robert Kanauer, Member, Town of Penfield Planning Board, 3100 Atlantic Avenue,
 Penfield, N.Y. 14526

Media Present:

Beth Cafalu, WHEC-TV, Channel 10, Rochester, N.Y.
 Andy Heinz, WHEC-TV, Channel 10, Rochester, N.Y.
 Tanner Jubenville, WHAM-TV, Channel 13, Rochester, N.Y.
 Ryan Keller, WHAM-TV, Channel 13, Rochester, N.Y.
 Josh Williams, Messenger Post Media (Canandaigua *Daily Messenger*), Canandaigua, N.Y.

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited.

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 NOVEMBER 7, 2018

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the November 7, 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 Sunday, December 2, 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 at the Farmington Highway Garage, 985 Hook Road, on the 5th day of December 2018, commencing at 7:00 p.m. for the purpose of considering the application of:

PB #1103-18: WC PREMIER PROPERTIES LLC, 6190 FISHER HILL ROAD, CANANDAIGUA, N.Y. 14424: Request a four-lot subdivision approval to create Lot #2 consisting of 2.181 acres as a non-approved building lot, Lot #1 consisting of 7.997 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 property is located at 4628 NYS Route 96 and zoned A-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: CONTINUED PRELIMINARY FOUR-LOT SUBDIVISION

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

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

4b. CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

4c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1006-18 Continued Special Use Permit

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

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

The Zoning Board of Appeals (ZBA) opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018. The ZBA Public Hearings were then continued to December 17, 2018.

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

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

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

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

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision) and PB #1006-18 (Special Use Permit) and concurrently began the discussion on PB #1004-18 (Preliminary Site Plan).

Mr. Hemminger reconvened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision) and PB #1006-18 (Special Use Permit). He concurrently resumed the discussion on PB #1004-18 (Preliminary Site Plan).

These applications were presented by Mr. Compitello (Solar Project Developer, Delaware River Solar). Mr. Matt (Project Engineer, Schultz Associates Engineers and Land Surveyors PC) also attended.

Mr. Compitello provided the following information:

- This is the 10th meeting at which this application has been presented. In addition to the Planning Board, the application has been discussed at Town Board and ZBA meetings.
- Delaware River Solar (DRS) proposes a 7MW community solar project which will provide electricity to approximately 1,000 homes to 1,200 homes to homes in Farmington and surrounding communities. The electricity will not be transmitted to other areas. The solar panels will be tied into existing power lines on Fox Road which are connected to a local substation.
- Three distinct solar systems of 2.3MW each re proposed for the property. An interconnection agreement with Rochester Gas & Electric (RG&E) has been arranged.
- Access to the site will be from Fox Road.

- The property, owned by Roger and Carol Smith, is currently used as a cattle farm. Mr. Compitello said that he has been working with the Smiths to be sure that the solar installation will work with their farm operations. He said that cattle will continue to live on the land during the installation of the panels and following the construction. He said that the cattle and farm equipment will be able to pass through the sections of the three systems and that the installation has been designed to accommodate the needs of the farm operations.
- Consideration is being given to having sheep graze on the property following the installation of the solar panels. Mr. Compitello displayed a photograph of sheep grazing among the solar panels at an existing solar farm.
- 30.5 acres of space would be used for the installation as proposed. Mr. Compitello said that about two-thirds of the 30.5 acres would remain as open space between the rows of panels, between the three separate systems and for the access paths. He said that this open space would be grass and would be perfect for sheep upon which to graze. Mr. Compitello said that the access paths would be about 12 feet wide to 15 feet wide to accommodate vehicle access.
- Photos were displayed of the existing site from several views. Mr. Compitello said that landscape buffering would be planted on the east and north borders to provide screening of the solar panels from Fox Road and Yellow Mills Road.
- A photo of a solar installation in Sullivan County was displayed. Mr. Compitello described the fence posts and the panels which are approximately nine feet high and which are angled toward the south. The photo also depicted an inverter. He said energy from the sun is absorbed into the solar panels as director current (DC). It then flows into the inverters which convert the electricity to alternating current (AC) for use by customers.
- An aerial photograph was displayed which depicted the entire Sullivan County solar installation surrounded by a fence. Mr. Compitello said that the road spacing in the photograph was approximately 11.5 feet in width and that most of the area surrounded by the fence was open space between the panels.
- Mr. Compitello said that the Farmington application proposes solar panels on 8.7 acres of land within the entire 30.5 acres on the Smith property which would be leased for the project.
- Photographs renderings of the existing Farmington site and visual photo simulations of the site as it would appear with the solar panels and vegetative screening were displayed as created by Saratoga Associates Landscape Architects (Saratoga Springs, N.Y.; New York, N.Y.; and Syracuse, N.Y.). Mr. Compitello said that Saratoga Associates created the simulation with a 3-D model of the solar panels and with the geographic coordinates of the Farmington site.

- Mr. Compitello said that the community solar program seeks to work toward the New York State mandate of producing 50 percent of the State's energy by renewable (i.e., solar, wind, hydro) means by 2030. He said that Massachusetts has roughly twice the number of solar installations as are currently installed in New York State (2.2GW of solar power), but that New York State may catch up by 2020 and may lead in solar production in the northeast. He said that the Massachusetts 2.2GW of power is equivalent to approximately 318 Yellow Mills Road solar systems.

Mr. Compitello then said that Carol Smith (one of the property owners) wished to address the group.

Ms. Smith said that she and her husband own the property that is in question and that she wanted to clear up a few things. She said that their farm would remain in Farmington, that cows are going to remain on the property roaming on the hill with free reign, and that the two donkeys and the 17 chickens also would remain. She said that the property is not going to stop being a farm and that the solar panels would just add to it. Ms. Smith said that as far as anyone can see it [the installation], you cannot see it after Delaware gets done planting the trees, unless you get into your car and drive down Fox Road just to see it. She said that the solar panels would not be an eyesore and that the property will be treed so that you don't even see it.

Ms. Smith said that she and her husband have owned the property for 30 years and that this opportunity came up. She said that everybody wants to "go green" and that solar is the future. Well, she said, it's here now, and that everybody wants to "go green" but that they don't want it in their front yard, their side yard or their back yard. She said that they are willing to put it [the solar panels] in their pasture lot. So, that's it.

Mr. Compitello then distributed hard copies of the photos to the board of the existing site and the photographic simulations of the site as it would appear with the installation of the solar panels.

Mr. Brand said that the Town received a packet of information from DRS on Thursday (November 30, 2018). He said that the materials were made available to the Planning Board and have been posted on the Town website. Mr. Brand also said that the draft minutes of the Planning Board meeting of November 7, 2018; and the draft minutes of the ZBA meeting of November 26, 2018, also have been posted on the website. He said that the Town staff has identified additional information which will be necessary for presentation to the Planning Board for the board members' review as they deliberate on the State Environmental Quality Review (SEQR) determination of significance of the application. A draft resolution requesting this material has been prepared for the Planning Board's consideration and action at tonight's meeting.

Mr. Brand said that the applicant must comply with the appropriate section of State law [1 NYCRR Part 371.2 (4) (h) 9 (i), (ii) and (iii)] regarding the filing of a Notice of Intent to be prepared through the New York State Energy Research and Development Agency

(NYSERDA) and filed with the New York State Department of Agriculture and Markets (NYSDAM). He said that no documentation that such Notice of Intent has been filed as yet, nor has there been any notice provided by either NYSERDA or NYSDAM to the Town. Mr. Brand said that this is required because of the NYSERDA partial funding of the project.

Mr. Brand also said the Town staff has determined that a Soils Group Worksheet Map for the entire holdings of the Smith property is required by the applicant and is to be prepared in cooperation with the Ontario County Soil and Water Conservation District staff. He said that this is being requested to enable the Planning Board to determine that there is no feasible alternative area on this site that will not affect soils classified as Class 1 through 4, or that there are alternative soils of lower classifications on the site where there would be a lessened impact upon the loss of the more important farmland soils.

Mr. Brand said that he has recommended that the Planning Board continue the Public Hearing after this evening's session to January 16, 2019, to provide the applicant with time to provide the requested additional materials.

Mr. Morse said that the applicant has submitted four Area Variance applications to the ZBA for relief from the Town Code-required interior lot setbacks, i.e.:

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

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

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

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

Mr. Brabant said that MRB Group has received the full package of materials for the three solar systems including the applicant's drainage reports, environmental records associated with the project and information which supports the Town's solar law regarding the decommissioning plan, surety bond estimate and operations plan which details the day-to-day, month-to-month and year-to-year operations. He said that the engineering review has begun but has not been completed due to the additional material which was received last week and due to the ongoing Planning Board and ZBA public hearings. As such, he said that the engineering report would be subject to change if it were to be issued now.

Mr. Brabant also acknowledged that the Town staff has requested, in the draft Planning Board resolution (referenced above), that MRB Group hire a certified wetland biologist to review the applicant's Wetlands Delineation and Report and provide a written report to the Planning Board no later than January 16, 2019.

Ms. LaPlant (Town of Farmington Assessor) said that she has been researching the effect of solar farms upon the sale prices of properties which are located adjacent to or near these solar farm installations. She said that among the assessors she has contacted are those in Seneca Falls and the Town of Canandaigua. Ms. LaPlant said that she also had a lengthy conversation with the Tompkins County Director of Assessment who informed her that he has several solar farms in his county and that the assessments are based upon the sales of similar properties. In his case, he reported that there are not too many adjacent properties which have sold, and for the most part the solar farms have not had a negative effect on the values of those properties. She said that the Town of Canandaigua assessor said that, to date, he has not had sales of properties near the solar farms in Canandaigua. Ms. LaPlant said that she will keep looking into this with other assessors.

Following is the text of an e-mail sent by Ms. LaPlant to Supervisor Ingalsbe and Mr. Brand:

I reached out to the Director of Assessment for Tompkins County, as there are several solar farm projects in that county. It is the same response that I have been getting from other assessors that have solar farms in their towns. Sales in the vicinity of the projects are very limited and the few that there are surrounding the smaller solar projects did not show any negative effectives from being near the solar farm. Therefore, based on all my research thus far, I am seeing no negative effect on property value (assessments) but will continue to research as sales around solar farms continue.

—Donna LaPlant, December 4, 2018

Mr. Hemminger then listed the three applications regarding this project which are now before the Planning Board, i.e., Preliminary Four-Lot Subdivision, Special Use Permit and Preliminary Site Plan. He said that the first step for the Planning Board will be the State Environmental Quality Review (SEQR) determination. At this point in the review process, the Planning Board has determined that additional information is necessary for them to determine the application to be complete. When this is complete, the Zoning Board of Appeals (ZBA) will then be in a position to address the four Area Variance applications now pending before that board. Following the ZBA determinations, the Planning Board will then begin its deliberations on the Subdivision, Special Use Permit and Site Plan applications.

Mr. Hemminger then asked for a show of hands if anyone in attendance wished to comment or ask questions at tonight's continued Public Hearing. He reminded everyone to first please identify themselves, give their address and be concise in their comments. He read aloud the Planning Board's Rules of Procedures regarding public-hearing comments and asked everyone to address their questions to him as chairperson. He said that he would then determine who would be the best source to answer a question.

Mr. Woolley (Canandaigua, N.Y.) discussed a solar farm which recently has been installed on his farm at 5966 Monks Road. He said that his property is near the Bristol

Harbor golf course, within view of Canandaigua Lake, and that he presented the plans to his 13 neighbors. Mr. Woolley said that everyone got along except for one neighbor. He said that most people want to protect agricultural land, that he values agricultural land and that he was in his 30s when he purchased his farm, which he did not inherit. Mr. Woolley said that he has a day job, an after-work job and the farm. He said that he works hard for it and that the solar farm was a tough call. He said that he received the same opportunity (as the Smiths) and that he went for it. Mr. Woolley said, that being near the lake and having lake views, he felt that he would not be able to afford the taxes through the coming years. He said that the solar farm provided a chance for him to keep up with the taxes and hopefully pass on the farm to his kids. He said that when the lease is up the solar panels will come off and the land stays the same.

Mr. Woolley said that this is the path they went. He said that he has used the money from the solar rental to purchase 15 more acres. He said that farms are dying on the south of end of Canandaigua and that this is why he and his family did it. He said that everyone has their reasons and that it came out well for him. He said that the solar company was accommodating with the placement of the solar panels and the shielding.

Mr. Woolley said that agriculture is controlled by the New York State Department of Agriculture and Markets and that much of it is beyond the control of the Town. He said that a lot more can be done on agricultural land such as a pig farm and barns, and that lots of things can change but that a Special Use Permit can save the hardships. He said that he wanted to share his side of the story.

Ms. Petura (4923 Maxwell Road) asked how Mr. Woolley was able to accommodate the other person who did not support his solar farm. Mr. Woolley said that there was no resolution in the end and that the one person was not willing to talk or compromise with the (Planning) board or the solar company. He said that he asked for input regarding the plantings and the maintenance just the same. Mr. Woolley said that the neighbor was not willing to cooperate across the board at all, and that he doesn't live there, but that he is still visiting the property and that he still owns it.

Ms. Clement (330 Ellsworth Road) said that it was noted at the previous meeting that DRS would provide photographic evidence of a solar farm with 21,000 panels. She also asked about the size of Mr. Woolley's solar farm. Mr. Woolley said that his solar farm is 2.4MW with 8,000 panels on about 19 acres. He said that his solar farm is more spread out than the Farmington proposal. Mr. Hemminger asked Mr. Compitello about the status of the photos of a solar installation of a similar size. Mr. Compitello said that he will provide photos of an 8MW solar farm.

Catherine Heberle (property owner of 531 Yellow Mills Road) said that she is 96 years of age and that her husband—a World War II veteran of the U.S. Army Air Corps—passed away last year. She said that she owns 100 acres on the east side of Yellow Mills Road across from the proposed power plant and that she and her family have owned and kept the farm in the agriculture district for about 56 years. She said that's a long time and lots of taxes. She said that she has read the appraisals which Mr. Compitello left on her porch.

She said that she can't believe the value of properties which adjoin solar farms in North Carolina. Ms. Heberle said that she has already lost value on her property. She said that many people have said that they will not buy property near a large solar plant. She said that one person expressed interest but is no longer interested. She said that her family stands to lose thousands of dollars in the present and also the future.

Linda Heberle (531 Yellow Mills Road) said that she has looked at the DRS responses to previous questions that have been posted on the Town website and could not take it all in. She said that she noticed what DRS said about buffers on Yellow Mills Road claiming that there is enough natural vegetation. Ms. Heberle said that if DRS hired a landscape company to put in a couple of trees at the corners, they are getting ripped off. She said that there are no buffers that exist on any of Yellow Mills Road and very few on Fox Road. She said that when she looks at the answers, she thinks what other erroneous information are they giving us. She asked why are we counting on them to give us accurate information. She said that it is not accurate. But then she said that it does not matter what DRS says. She said that they are in it to make money. She said that they are targeting Farmington and other New York State towns. She said that they are moving in like predators but that it does not seem that it is right that they are going around infiltrating the town planning boards and trying to effect the solar laws in their favor. She said that now we know that they did this in Farmington. She credited the Town solar committee for standing their ground on some things and enacting a solar law instead of just guidelines, as DRS wanted. Ms. Heberle said that it is the Planning Board's turn to stand up for the Town and protect us and our land. She said that there is no benefit to anyone in the Town [from the project]. She said that people can contract for solar now to get their measly 10 percent off [their electric bills]. She said that she is asking the Planning Board to say "no" to these large scale solar plants, especially on our agricultural land. She said that there should be no Special Use Permit for these three proposed power plants, no subdivision for these three power plants and no setbacks just so they can maximize their profits.

Ms. Case (169 Ellsworth Road) said that her younger son is a research meteorologist in Huntsville, Alabama, who publishes his research giving presentations at national conferences as well as traveling abroad to assist the meteorologists in Kenya, Bangladesh, India and Nepal in their forecasting. She said that he just returned from South Korea. Ms. Case said that she would like to discuss the solar project from a scientific point of view. She said that the northeast United States is notorious for lack of sun, especially in the Great Lakes area. She said that we are second only to coastal areas of Washington [State] and Oregon in the amount of sun that we get. She said that this leads one to believe that these plants would not be a cost effective source of electricity. Ms. Case said that her husband mentioned who will swish the snow of the solar panels in the winter. She said that the obvious result would be endless government taxpayer subsidies. That said, we do not want the value of our property slashed by the intrusion of a commercial plant in our area. She said that we will not see any benefit from this project, only a detriment to our lifestyle. She said to stop this project now, as well as the other solar projects being proposed, from carving up our wonderful Town of Farmington.

Ms. Case then presented a hard copy of a map of the United States entitled “Concentrating Solar Resource: Direct Normal” which depicts a greater amount of sunlight in the southwest portion of the United States (*see* Attachment #1). The map was produced by the National Renewable Energy Laboratory for the U.S. Department of Energy (February 2009).

Mr. Falanga ((395 Ellsworth Road) said that he was very impressed with the turnout at this evening’s meeting and that it shows a lot that everyone is almost unanimous in their opposition to this project. He said that he agrees with Linda Heberle and hopes that the Planning Board will not grant the Special Use Permit, the subdivision of land and the preliminary site plan. He said that this project started out in July as a relatively small eight-acre solar farm tucked behind the marsh and that it has morphed into a 40-acre 21,000-panel power plant and at a size of the equivalent of 30+ football fields. He said that if this is approved that it will forever change what it means to live in the Town of Farmington.

Mr. Falanga said that the intent of the Town’s solar committee clearly stated by [Town Councilmember] Nate Bowerman was to help small local farmers make ends meet. He said that Mr. Bowerman gave a great example of Gardner Sheldon and his solar array, who farms some of his (Mr. Falanga’s) land across the street. Mr. Falanga said that the intent was clear to help farmers with their personal solar initiatives. He said that [Director of Planning and Development] Ron Brand mentioned that they did not envision anything this large when the solar committee was meeting.

Mr. Falanga asked how did we get this far. He said that Linda [Heberle] mentioned that Delaware River said attended the solar committee meetings and attended the Town Board meeting on September 26, 2017.

(Clerk’s note: Mr. Compitello attended the meeting to which Mr. Falanga referred. At the time, Mr. Compitello represented Cypress Creek Renewables.)

Mr. Falanga then read a portion of the minutes of the September 26, 2017, Town Board meeting at which Mr. Compitello spoke, i.e.:

“ . . . He respects that a lot of work has gone into this local law but feels there are some revisions needed that would benefit it. He went over potential revisions he hopes the board would consider before adopting the local law. Don stated that Cypress Creek is a developer of solar facilities in the area and would like to come to Farmington and develop some solar facilities. He stated that one of the main issues is that the Department of Ag and Markets has develop[ed] guidelines for development on agricultural lands and a lot of the guidelines have been implemented into this code and that is what is the basis for a lot of the comments they made in their letter. He added that an issue he has is—as future revisions and updates occur to the Ag and Markets guidelines—the Town puts itself into the position of having to revise the local law possibly annually. He sug-

gested taking the guidelines out and leave them just as guidelines. They were developed to be used as guidelines, not as law. He stated that the letter states a very distinct difference between guidelines and laws. He stated that one of the distinction is that some of the guidelines the town implemented in the code lack the innards because fundamentally guidelines are often visionary in nature, they are goal oriented, their [they're] guidelines, they are not law, and they are not supported by certain standards. He talked about having an Environmental Manager and pointed out that it doesn't say what size project would require to have one. He felt that should be answered before the board adopts the code, not after. . . .”

Mr. Hemminger asked Mr. Falanga to focus upon information that would help the Planning Board.

Mr. Falanga said that this information is important for people who have not attended previous meetings and who may be attending this evening for the first time.

Mr. Falanga said that he mentioned before that DRS has lied to our good neighbors. He said that there are 17 members who work on the citizens' committee who are all pro-renewable energy and who believe in solar, but that they do not believe in commercial-based solar on an agricultural setting. He said that the Smiths have been great neighbors and that he believes that they were taken advantage of—bait and switch—when the project increased from eight acres to the current size. He said that the Smiths are good people.

Mr. Falanga said that we as a group agree with NYSERDA's recommendations that large solar farms should be located in brownfields, abandoned quarries or industrial sites. He said that Dan [Compitello] said tonight that the the State's efforts to reach 50 percent renewable energy by 2030 is a mandate. Mr. Falanga said that this is not a State mandate. He said that it is a goal.

Mr. Foley (373 Ellsworth Road) said that it has been said that fear is the product of the loss of something that we love. He said that the amendment by the Town Board to allow construction of a 40-acre power plant on prime farmland brings fear to all of us who live in this area. He said that this is not the argument of “not in my backyard,” as has been suggested by some. He said that the concern is about the destruction of our way of life and the fact that we will all be participating in failing to preserve this [way of life] for future generations. Mr. Foley said that this is an error in the Town Code to permit large-scale solar projects. He said that none of us is against solar for personal use, which is a commendable idea, and that the portion of the Town Code which allows this was an intelligent move. But, he said, the greatest error we made was to open this up to developers. He said that they were here from the get-go, that they knew before us what they wanted to do, and what they wanted to do was to make money—and they are entitled to that—but not at our expense. He said that local, community-based solar with a benefit is a sales pitch—nothing more, nothing less.

Mr. Foley said that we have to deal with the reality that this is the law. He said that the law has a method to be followed and that you're [the Planning Board] part of it.

Mr. Foley said that Ms. Neale asked for an understanding of what other sites you [DRS] have looked at and why DRS thought that the Smith property was the most feasible. He said that although Ms. Neale's was a good concern, in actuality it is not relative to what your [the Planning Board's] consideration has to be. He said that Delaware gave an answer and that their answer seems to be that the Smith property is the best place in the United States to build a solar power plant in the United States. He said that it is not. He said that the Smiths were the first ones to say "yes" and that's why it [this property] became the object of their [DRS] affection. He said that they [DRS] now have what they want. They got their land.

Mr. Foley referred to a subsection of the local law that amended the Town Code, i.e., §165-65.3.6, subparagraph B, subparagraph 3. He said—that as a lawyer—this legal gobbledegook is hard to understand but that he will try to distill it, as best he can, as a lawyer. He said that this section says that you [the Planning Board] can allow a large-scale power plant on prime farmland if there is a condition precedent met. He said that let's first understand that, by their own statements, the area where they want to put this plant is over 90 percent prime farmland, so it fits directly in the definition of what the law says that you [the Planning Board] have to think about.

Mr. Foley said that if this approved—and it can be—it can only be approved if the Planning Board determines that there are no feasible alternatives for the use of the land other than the power plant. He said that this is impossible because it is prime farmland. He said that it is not prime solar power plant land. He said that there are multiple feasible alternatives other than a power plant. He said that we have been spending week after week, meeting after meeting, looking at pictures of sheep, studies that don't tell us anything, and we have gone through the public record. Mr. Foley said that we have looked at every single thing that has been submitted by Delaware

Mr. Foley said that he questioned whether DRS has the right to be the applicant. He said that he does not know if they have standing to bring these applications. He said that the owners [of the property] have to come forward and the owners have to show evidence that they have done some type of study and that they have done some type of evaluation, and the only feasible alternative use for this land is a solar power plant. He said that he noticed that Delaware has never addressed this issue. He said that DRS helped to draft the Town Code and that they have to know what's in the law. He said that they don't speak to it at all, that it is never mentioned.

Mr. Foley said that he urges this board, before we take many more steps, to tell the applicant—whether it be Delaware or the Smiths—to produce their proof that the only feasible alternative for this land is a solar plant and then they have to show why. He said that they just can't say it. They have to demonstrate it. He said that we have had "zero" along those lines.

Mr. Foley said—that as his good friend Nate Bowerman has been saying—the reason that he [Mr. Bowerman] thought that this would work is if a farmer is having a tough time—he can't profit from his farm—we should give him an option. I think the more I talk to Nate, I think I understand that he, like I, would have understood that to be that the private owner could build a solar array to offset their utility cost.

Mr. Foley said that this makes sense but that he did not think that anyone ever envisioned a 40-acre solar power plant and until we see, and until—more importantly—you people see evidence that the only feasible use for this land is a solar power plant, the answer has to be that we can't take a step more.

Ms. Streber (1757 Estate Drive) said that she is a two-year resident of Farmington and that she decided to move here because Farmington is a great place to raise a family. She said that the Town has great people, great schools, a parks system and is family-friendly. She said that she supports the solar application because investing in clean energy is desirable and is appealing to families who care about the earth which will be left to their children. Ms. Streber said that she understands the concerns and that she has a Town park project right behind her house and that has attended those meetings. She said that there has to be common ground and that people need to be listened to. Ms. Streber said that there should be agreement on the visual issues. She said that she applauds the Smiths for taking this on, and that it is huge to be able to make a difference for the environment. She said that no one wants to put up windmills, thank goodness. Ms. Streber said that she drives by a solar farm every day to work, that it does not look bad in her opinion, and that it is surrounded by trees. She said that she thinks that there is a way we can make this work and take people's concerns into consideration.

Ms. Vandenburg (259 Ellsworth Road) asked how many other solar plants of 30 acres or larger exist in New York State. She said that this could be part of Ms. LaPlant's research on determining the land value for homes which are near large-scale solar plants. She said that no one is opposed to the right size solar farm to help a farmer, and that no one would in her neighborhood would be opposed to the eight acres to which the Smiths originally agreed. But, Ms. Vandenburg said, to have a 21,000-solar-panel array on 30 acres would be better suited in an industrially-zoned area of Farmington on State Route 332 or I-90. She said that she begs this board to consider the right size solar power in the area and to not destroy the beautiful character that exists in Farmington.

Mr. Waite (226 Yellow Mills Road) said that the sidewalks in the Town are silly and that they piece off from place to place. He said that we should make them connect together more as a Town, respectfully. Regarding the solar project, he said that as far as the owner saying that you won't see them [the solar panels], you are going to see it, it is going to be there, and that it is an eyesore and you will see them. He said that one person asked where else it could go. He asked who else did they [DRS] approach. Mr. Waite said that if you live near this [project], your property value may go down. He asked if this is what we want in the community.

Ms. Baxter (266 Yellow Mills Road) said that she read through the 2011 *Town of Farmington Master Plan* and that the gist seemed to be that the plan is setting goals for thoughtful development. She referred to Future Land Use Map #10 and said that their little corner of the Town is considered an active agriculture, environmentally sensitive and an agriculture preservation area. She said that she googled “solar energy” and that it is considered a renewable energy industry. She said—coming back to the *Master Plan*—that solar panels should be considered along the State Route 332/State Route 96 corridor. Ms. Baxter said that she does not understand why this land is being considered when the application does not consider the *Master Plan*.

Mr. Englert (794 Weigert Road) asked who will pay for the decommissioning of the site. Mr. Hemminger said that the applicant is required to submit a decommissioning plan and to provide funding which will be set aside for decommissioning. He said that this will be managed and reviewed by the Town Engineer and that the process is specifically spelled out in the solar law. He said that the goal is that no taxpayer funds would be used for the decommissioning.

Mr. Vanderwall (125 Yellow Mills Road) asked how the land can be commercial and agricultural at the same time. Mr. Hemminger said that the solar law is written in a way that permits solar installations on agricultural land. He said that this is part of the Town Code and is the way that the code was written as it relates to solar.

Ms. Fowler (6176 Hunters Drive) discussed a project which has recently been approved in her area. She said that 135 acres of empty land has now been approved for 72 two-story townhouses, 88 two-story apartments, 79 one-story single townhouses, 85 single family lots, and 61 single-family villa lots. She said that now the solar project is taking another 35 acres to 40 acres away in the country. She said that we need to scale back to keep the farm in Farmington.

George Compitello (5 Smallwood Drive), who is the brother of Dan Compitello, said that Dan is originally from the Rochester area and has longstanding associations with family and friends in this region.

Ms. Johnson (126 Yellow Mills Road) said that she grew up on Fox Road, that her parents still live there. She said that they moved here in 1977. Ms. Johnson said that Farmington really means a lot to her, that she rode bikes all over Town, and that she chose to stay here with her husband. She said that they bought a home and are raising their family here. Ms. Johnson said that her concern is that this project will open the door for more. She said that while change is inevitable, we have the opportunity to determine what kind of change will happen. She said that she is concerned that this started as eight acres and that things have changed. She said that she did not know the eventual outcome and then quoted from Helen Keller:

“I am only one, but I am still one. I cannot do everything, but still I can do something. And because I cannot do everything I will not refuse to do the something I can do.”

Ms. Johnson then added, “. . . and that is to stand up for our town.”

Jim Campbell (1124 Magnolia Bend) said that he believes that the concerns of all residents need to be heard. He said that as he has been studying this, he found that New York State is trending toward solar energy. He said that examples of this can be seen up and down the Thruway, in Geneva and in Canandaigua, where they have solar power. He said that solar is a growing industry which is meeting the needs of a growing population as the community is growing. Mr. Campbell said that he grew up in Seneca Falls, which also has a great deal of farmland, that he moved here three years ago and that this area is just like where he grew up. He said that when he looked at the facts of this whole situation, a solar power plant is not nearly as destructive to the land as some other form of energy output would be. He said that solar has no mechanism, they do not have to be powered independently, no turbines and that there is no atomic power to think about. He said that although bringing in the panels takes time, that once they are installed the panels would be a very low maintenance form of power production with an unlimited supply, very inexpensive costs to operate, and nothing to harvest except the power from the sun. He said that it costs a lot of money to generate power from coal or gas. Mr. Campbell said that communities keep on growing and the question is how do we keep the power needs up as communities grow. He said that 7 megawatts could substantially supply Farmington now and as it grows. He said that it sounds to him that the owners [of the property] are not giving up this land and that this land is not being taken from them. He said that they are leasing and that we would not have to worry about smoke or noise or anything coming from it. He said that we're talking about solar panels that are about 12 feet high. Yes, he said, you will be able to see them, but that you will also see a lot of trees once you get into the acres of it.

Mr. Campbell said that he did not want to see property values go down and that needs to be studied and it is important to be careful. He said that he is just thinking that it is in our interest to go forward with an alternative form of energy for the protection of Farmington and the northeast power grid. Mr. Campbell said that this power would be an electricity supply coming onto the local distribution lines. He discussed the implications of the age of terrorism and the hacking into power plants. He said that our power structure in the United States, and the very one that supplies us here, is now vulnerable to forms of menace and chaos that we have never seen before. Mr. Campbell said that something of this [the solar project] nature will protect us. He said that there will be changes, of course, but guess what—the farmland will still be there and they won't be digging in down to the ground for basements and paving streets. He said that they can just take the solar panels out and that the farmland will be back.

Ms. Fair (984 Stafford Road) said that no one is totally against solar but that this project is massive and that this [the size] is what they are against. She said that solar energy is in its infancy and that there is a need to research this further. Ms. Fair said that the solar panels contain extremely hazardous chemicals, according to reports from Cornell University and other sources. She then read aloud from a reference document. Ms. Fair said that although the solar panels are sealed, there is a potential for environmental contamination from improper use.

Ms. Fair asked what kind of chemicals are used in the solar panels. She said that 35 years is along time for this to go on, that we haven't been this long in solar, and that we are entering a touchy topic. Ms. Fair said that if we go on with this, we will be opening up Pandora's Box and a hornets' nest. She again said that the panels contain hazardous materials and that there is the potential for environmental contamination.

Ms. Fair said that another issue is that the photo voltaic (PV) arrays create a seasonal microclimate during the summer and during cool and dry weather. She said that a smaller installation would not create a microclimate, but that an installation this massive would create one. Ms. Fair said that we have enough climate issues, that we don't know what this is, that we don't know enough, and that more research is needed. She said that the solar panels could affect our climate, wildlife and migratory birds. Ms. Fair said that we should not say that solar is wonderful with the hazardous chemicals.

Mr. Broersma (5076 Maxwell Road) said that not one person has had anything contrary to say about the benefits of solar power. He said that people think that they are averse to solar power in this participatory democracy that we are witnessing this evening. He said that he found it intriguing and informative that the law that governs the adoption of this type of project requires a conditional precedent that says there must be sufficient research done that there is no other use of the land. He said, as Mr. Foley discussed, there are other locations, such as brown areas, former industrial sites and corridor sites that are not prime farmland [for solar panels]. Mr. Broersma said that these other sites should be considered for the 40-acre 21,000-panel array. He said that the reality is that people do not want this project.

Mr. Broersma then said that he wanted to call for a vote. He asked who was in favor of this. A few attendees (*Clerk's interpretation*) said yes. He asked who is against this. A large number of attendees (*Clerk's interpretation*) said no. (*Clerk's Note: A specific count of the numbers of people voting "yes" or "no" was not taken.*) Mr. Broersma said that he thinks we get the point.

Mr. Barry (5671 Running Brook Road) asked if there are any studies on how much the general population would save on their electricity bills. Mr. Hemminger said that a 10 percent RG&E electric credit is available now for residents who choose this option.

Ms. Pate (224 Yellow Mills Road) referred to Ms. Fair's comments and asked about the hazardous chemicals in the solar panels and the environmental impact of the chemicals. She said that solar is in an infancy stage and that we are jumping in like gangbusters. Ms. Pate said that this needs more looking into. She asked what are the hazardous chemicals and how could they affect the soils and the animals. She said that we cannot just jump into this and that the project would be the second biggest in the State and in the northeast.

Mr. Adams (4650 KYTE Road) said that he has been operating Black Brook Farm on KYTE Road for 37 years and that he is aware of the earning capacity of farmland. He said that he does not know the details of the lease with the Smiths but that even if one assumes the low end, it would be a very attractive return on farmland for them—well beyond what

one can typically produce with conventional farming practices. In an attempt to follow the money, Mr. Adams said that he referred to the NYSERDA and community solar websites. He said that if you read the analysis that was performed by the State of New York at the time of the enabling legislation, there was an admission that solar power is not market competitive. He said that the analysis found that it is more costly due to its intermittent nature, that no electricity is made at night, and that solar does not replace our existing generation capacity.

Mr. Adams said that replacing conventional power with solar some of the time means that the infrastructure can produce less power, but that conventional generation is still needed when the sun is not shining. As a result, he said that the aggregate cost of electricity goes up.

Mr. Adams asked why is solar viable. In a word, he said that it is viable because of subsidies. He said that these projects exist because of a structure of Federal and State tax credits, incentives and regulations requiring the purchase of renewable energy credits. He said that it is easy to come to the conclusion that without subsidies there would be no project, no DRS and we would not be here tonight.

Mr. Adams said that his comment would be for the residents to direct their ire to our policymakers at the Federal and State level who have created this structure of subsidies to move us to renewable energy with your money.

Ms. Fair (984 Stafford Road) said that her daughter helped her acquire the information which she previously discussed this evening. She said they turned this down in Arizona because it would have driven up the price [of electricity].

Ms. Waite (226 Yellow Mills Road) discussed the noise from each inverter, which she said produces the sound of a large air conditioner. With 21,000 panels, she said that a sizeable amount of noise would be produced. She said that she likes to be outside at night, that she listens to the frogs and crickets, and that she does not want to hear the white noise from inverters. Ms. Waite said that the trees would not hold back the noise.

An attendee said that solar panels do not like shade. The attendee asked how tall the trees would be.

Mr. Petura (4923 Maxwell Road) said that he is from southeast Pennsylvania and that he spent his career in the energy field. He said that the solar panels material safety sheets must be entered into the record. Mr. Hemminger said that these safety sheets have been requested from the applicant.

Mr. Hemminger said that the questions raised this evening will be documented in writing, will be posted upon the Town website and will be submitted to the applicant for responses.

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

Mr. Hemminger then asked the clerk to read aloud the following resolution:

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

**ZB #0902-18 Area Variance Application
ZB #0903-18 Area Variance Application
ZB #0904-18 Area Variance Application
ZB #0905-18 Area Variance Application
PB #1003-18 Preliminary Subdivision Plat Application
PB #1004-18 Preliminary Site Plan Application
PB #1006-18 Special Use Permit Application
APPLICANT: Delaware River Solar LLC, 33 Irving Place, New York, N.Y.
 10003, on behalf of Roger and Carol Smith, owners of property
 at 466 Yellow Mills Road**

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

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

WHEREAS, the Planning Board has received testimony at tonight’s Public Hearings upon said Actions; and

WHEREAS, the Planning Board as the designated as the Lead Agency under the State Environmental Quality Review (SEQR) Regulations has received information from both the general public and the applicant which is now under review; and

WHEREAS, the New York State Department of Agriculture and Markets, an Interested Agency participating in the coordinated review of this Action, considers non-residential solar arrays to be commercial facilities as defined in 1 NYCRR Part 371.2 (4) (h) 9 (i), (ii) and (iii), which if located within an Agricultural District, such as this Action is, and the sponsor receives funding from NYSERDA under the Clean Energy Standard or the NY-Sun Commercial and Industrial program, then a Notice of Intent must be prepared through NYSERDA and filed with the Department of Agriculture and Markets; and

WHEREAS, the Planning Board has no documentation that such Notice of Intent has been complied with; and

WHEREAS, the Planning Board has on Thursday, November 29, 2018, received additional documents which were requested at the November 7, 2018, meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine that it is not, at this time, in receipt of all information that it may reasonably need to make the determination of significance; and that the 20-day time limit specified in Section 617.5 (3) (ii) of the SEQR Regulations shall not commence until such time as the Board determines that it is in receipt of all necessary information to enable it to consider how this information relates to the Board's completing Parts 2 and 3 of the Full Environmental Assessment Form.

BE IT FURTHER RESOLVED, that the Planning Board also determines that a copy of the Notice of Intent filed with the New York State Department of Agriculture and Markets be provided to the Board, as it is considered important documentation that examines and addresses impacts to land, farm enterprises and agricultural resources with the Agricultural District and must demonstrate how such impacts will be avoided or minimized.

BE IT FURTHER RESOLVED that the Planning Board determines that the applicant is to prepare a Soils Group Worksheet Map for the entire holdings of the Smith Property and to have this map prepared in cooperation with the Ontario County Soil and Water Conservation District Office staff, so as to enable the Planning Board to determine that there is no feasible alternative area on this site that will not affect soils classified as Class 1 through 4, or that there are alternative soils of lower classifications on the site where there would be a lessened impact upon the loss of the more important farmland soils.

BE IT FURTHER RESOLVED that the Planning Board determines that the Town Engineers, MRB Group, D.P.C., is to hire a certified wetland biologist to review the Wetlands Delineation and Report provided by the Applicant; and that said biologist is to provide a written report to the Planning Board, on or before January 16, 2019.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to the Director of the Ontario County Soil and Water Conservation District Office, Canandaigua, N.Y. 14424; to Commissioner Richard A. Ball, New York State Department of Agriculture and Markets, 10 B Airline Drive, Albany, N.Y. 12235; Peter Dolgos, Delaware River Solar, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89, Spencerport, N.Y. 14559; and Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522.

BE IT FURTHER RESOLVED that the Planning Board does hereby move to table any further discussion upon the above referenced Actions; and moves to continue the Public Hearings thereon, to 7:00 p.m. on January 16, 2019, to provide time for the applicant to provide this requested information.

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

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

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

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

Motion carried.

At 8:40 p.m., Mr. Hemminger called a 10-minute recess in the meeting. The meeting reconvened at 8:50 p.m.

5. CONTINUED PUBLIC HEARING: CONTINUED PRELIMINARY SITE PLAN

PB #1101-18 Continued Preliminary Site Plan Application

Name: Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC, c/o Graham Marcus, Maddie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425

Location: 6226 New York State Route 96

Zoning District: GB General Business District

Request: Preliminary Site Plan approval for a proposed 6,000-square-foot building addition and related site improvements

This application was reviewed by the Project Review Committee on November 2, 2018.

The Public Hearing on this application was opened on November 7, 2018.

Mr. Hemminger reconvened the Public Hearing on this application this evening.

Mr. Venezia (Venezia & Associates) presented this application. Mr. Marcus and Ms. Venezia also attended.

Mr. Venezia said that revisions to the Preliminary Site Plan have been made to address the comments received from the Planning Board on November 7, 2018; the Project Review Committee on November 30, 2018; and the MRB Group engineering comments. He said that parking spaces on the east side of the building have been reduced for emergency vehicle and fire truck access, and for maneuverability. He also said that a fire hydrant has been relocated.

Mr. Marcus said that the number of parking spaces shown on the plan will be sufficient for the needs of customers and employees.

As requested at the previous Planning Board and Project Review Committee meetings, Mr. Marcus distributed hard copies of photographs of the exterior and interior of his Dansville, N.Y., location.

Mr. Marcus said that the previous owner of the property did not keep up the landscaping in the front of the building facing State Route 96. He said that it is his intention to keep the front maintained better than it has been. He asked for advice regarding the selection of trees and shrubs which the Planning Board may prefer. He said that he is very willing to make changes as requested.

Mr. Marcus said that a row of trees will be planted along the east side of the property to screen the view of the building from Mertensia Road.

Mr. Brand said that he has prepared draft resolutions for the board's consideration this evening for approval of the SEQR determination as an Unlisted Action of non-significance and for approval of the Preliminary Site Plan with conditions.

Mr. Morse said that Mr. Marcus and Brendan Gooding from Venezia & Associates attended the Project Review Committee meeting on November 30, 2018, and that several exterior building elevations have been provided which depict views of the structure from the road and coming from the west on State Route 96.

Mr. Hemminger asked if the number of parking spaces on the Site Plan complies with the Town Code requirement and if an Area Variance from the Zoning Board of Appeals (ZBA) would be required. Following discussion and review of the Town Code, Mr. Morse determined that an Area Variance from the ZBA is not required. He requested that Mr. Venezia revise the Site Plan to show a total of 33 parking spaces (which includes two handicapped parking spaces). Mr. Hemminger said that 12 of the parking spaces may be land-banked within the fenced area in the rear of the property. This will be noted as Condition #3 in the Preliminary Site Plan resolution.

Mr. Brabant said that most of the MRB Group engineering comments have been addressed. He said that he is in the process of reviewing the most recent set of plans, that the applicant is meeting all drainage criteria. He said that some fine-tuning of the drainage in terms of the discharge location and avoiding channelized areas which could create offsite problems will be included in his next engineering comment letter.

Mr. Brabant said that photometrics to assure that there are no illumination hot spots, and existing exterior lighting, will be requested to be shown on the Final Site Plan.

Mr. Brabant also requested that the next set of plans show the outdoor merchandise display location and that the plans identify the fire lane.

Assistant Fire Chief Weidenborner also requested that the fire lane pavement be marked.

Mr. Bellis asked about the customer main entrance into the building. Mr. Marcus described this on the elevation rendering. He said that there would be one customer entrance on the front of the building.

Mr. Bellis asked if the front sidewalk was wide enough for the main front entrance door. Mr. Venezia said that there is a parking space in front of the main entrance. Mr. Marcus discussed the dead space in front to provide customer access into the building.

Mr. Bellis asked about the brick design on the façade of the building. He asked if the brick could extend the entire length of the façade. Mr. Marcus agreed with this. This will be noted as Condition #2i in the Preliminary Site Plan resolution.

Mr. Viets requested that the proposed landscaping be shown on an elevation rendering at the time of Final Site Plan review. He referred Mr. Venezia and Mr. Marcus to the Town's MTOD Site Design Criteria for options on the selection of plantings for the property. He said that the list provides a variety from which to choose and includes the sizes of the plantings.

Mr. Bellis asked about the corporate logo sign and colors. Mr. Marcus said that the exterior sign has not yet been designed. He said that an Area Variance application would be submitted to the Zoning Board of Appeals if the design does not comply with the Town Code. He said that his corporate logo has a black background with white lettering. The signs of the brands of merchandise have their own sizes and colors. Mr. Marcus said that his Dansville location carries more brands than the Farmington location will carry.

Mr. Viets requested that the construction material for the external façade be labeled.

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

Mr. Hemminger then closed the Public Hearing on this application.

Board deliberations:

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

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR RESOLUTION – UNLISTED ACTION**

PB #1101-18

APPLICANT: Venezia Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC, c/o Graham Marcus, Maddie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425

ACTION: Preliminary Site Plan: Proposed 6,000-square-foot building addition and related site improvements at 6226 State Route 96

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) based upon its review of Sections 617.4. and 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law, finds the proposed Actions are not listed as a Type I Action or a Type II Action.

NOW, THEREFORE, BE IT RESOLVED that the Board determines the proposed Action is classified as an Unlisted Action.

BE IT FURTHER RESOLVED that the Board having completed Parts 2 and 3 of the Short Environmental Assessment Form does hereby make a Determination of Non-Significance upon the above described Action.

BE IT FINALLY RESOLVED that the Board directs the Chairperson to sign and date the Short Environmental Assessment Form, provide copy thereof to the Applicant and file a copy in the Town’s Project File.

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
MADDIE’S MOTOR SPORTS, 6226 STATE ROUTE 96
PRELIMINARY SITE PLAN**

PB #1101-18

APPLICANT: Venezia Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC, c/o Graham Marcus, Maddie's Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425

ACTION: Preliminary Site Plan: Proposed 6,000-square-foot building addition and related site improvements at 6226 State Route 96

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has given consideration to the record established at the Public Hearing upon the above application; and

WHEREAS, the Planning Board has also given consideration to the Ontario County Planning Board Referral #176-2018, a Class 1 referral; and

WHEREAS, the Planning Board has reviewed the November 30, 2018, Project Review Committee Draft Meeting Minutes on this action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Preliminary Site Plan approval with the following conditions:

1. Preliminary Site Plan Approval is based upon the drawings prepared by Venezia Associates, dated 11/28/18, File #18168, entitled "Preliminary Site Plan Set for Maddie's Power Sports, 6226 New York State Route 96, Town of Farmington, Ontario County, New York," consisting of drawings CVR, EX-1, C-1 and C-2, as further modified below herein:
 - a. The title of the drawing C-1 is to be amended to read . . . "Preliminary Site Plan."
 - b. All comments, contained in the MRB Group, D.P.C., letter, dated November 30, 2018, are to be addressed in writing and changes made to drawings.
 - c. A lighting illumination plan is to be prepared and shown on drawing C-1.
 - d. A revised landscaping plan is to be prepared and shown on one of the drawings. Said landscaping plan to be reviewed and accepted by the Town Code Enforcement Officer.
 - e. The display area to be located in the Front Yard portion of the site is to be delineated on drawing C-1.
 - f. Public Safety Street Identification signage is to be provided near the entrance from State Route 96. This detail is to be shown on drawing C-2.

- g. Drawing C-1 is to provide signature lines and title blocks for the Planning Board Chairperson, Water and Sewer Superintendent and Town Engineer.
2. The color rendering of the building elevations is hereby approved with the following conditions:
 - a. The title of this drawing is to read “Preliminary Building Elevations, South Elevation and East Elevation, Maddie’s Motor Sports.”
 - b. There is to be a West Elevation drawing provided as part of Final Site Plan Approval.
 - c. There is to be a note added to this drawing that identifies the building’s exterior materials.
 - d. There is to be a note added to the drawing that identifies the designer.
 - e. Any variances that may be needed for the “Indian Motorcycle” commercial speech building mounted signs should be identified and application made to the Zoning Board of Appeals.
 - f. A street address number is to be added to the Front of the building.
 - g. A legend box and revision box are to be added to the drawing.
 - h. A signature line and title for the Planning Board Chairperson is to be provided.
 - i. The brick façade is to be extended across the entire front of the building.
3. A total of 33 parking spaces are to be provided (this number includes the handicapped parking spaces). Twelve (12) parking space may be land-banked within the fenced area in the rear of the property.
4. Once these changes have been made to both the Preliminary Site Plan and Preliminary Building Elevation drawings, then five (5) revised sets are to be submitted to the Town Code Enforcement Officer for his review and acceptance.
5. Once accepted by the Town Code Enforcement Officer then signatures will be affixed to the drawings. One copy of the signed drawings are to be provided to: the Water and Sewer Superintendent; the Town Engineer; the Project File; and two (2) signed copies are to be provided to the applicant and his engineer. If additional copies are required by the applicant, then they are to be provided at the time of signing.

- 6. Once signed drawings have been distributed, then the applicant may submit an application for Final Site Plan Approval and placement upon a future Planning Board meeting agenda.
- 7. Preliminary Site Plan Approval is valid for 180 days and shall expire unless revised drawings have been submitted and signed by those listed above herein.

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

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

Motion carried.

6. CONTINUED PRELIMINARY SITE PLAN

PB #1104-18 Continued Preliminary Site Plan Application

Name: Oldcastle Lawn & Garden Inc., 155 State Street, Manchester, N.Y. 14504

Location: South side of State Street, west of and adjacent to the Village of Manchester boundary line

Zoning District: GI General Industrial District

Request: Preliminary and Final Site Plan approval to store pallets of bagged mulch materials upon land located adjacent to the Town of Farmington/Village of Manchester municipal boundary, south of State Street.

This application was reviewed by the Project Review Committee on November 2, 2018.

The Planning Board discussion on this application began on November 7, 2018.

Mr. Hemminger resumed the discussion on this application this evening.

Mr. Wheeler (Oldcastle Lawn & Garden Inc.) and Mr. Melsom (GreenRenewable Inc.) presented this application.

Mr. Wheeler said that no changes have been made to the plans since the Project Review Committee discussion on November 2, 2018.

Mr. Melsom asked about the timing of the installation of the “bump out” expansion of the travel lane for westbound traffic on State Street. Mr. Brand said that the “bump out” must be installed by May 15, 2019.

Mr. Brand said that he has prepared draft resolutions for the board’s consideration this evening for approval of the SEQR determination as a Type II Action and for approval of the Preliminary Site Plan with conditions.

Mr. Wheeler requested that Condition #1i in the draft resolution be removed. This draft condition referred to an encroachment of Storage Pile 15 into the Ontario Central Railroad right of way which is in the Village of Manchester. This application involves property in the Town of Manchester. There were no objections from Town staff or members of the board to remove this condition from the draft resolution.

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 submitted by the Town staff:

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

PB #1104-18

**APPLICANT: Oldcastle Lawn & Garden, 155 State Street,
Manchester, N.Y. 14504**

**ACTION: Preliminary Site Plan approval to store pallets of bagged
mulch material upon open land located adjacent to the Village
of Manchester municipal boundary and south of State Street**

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

WHEREAS, the Action involves no further physical alteration of the site and instead involves only the temporary storage of bagged landscaping material on wooden pallets placed upon previously disturbed portions of the property for distribution to various markets.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby classify this Action as being a Type II Action under the requirements of Article 8 of the New York State Environmental Conservation Law, Part 617.5 (15) minor temporary uses of land having negligible or no permanent impact on the environment.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8.

BE IT FINALLY RESOLVED THAT the Board does hereby direct certified copies of this resolution be provided to the Applicant and placed in the public file on this Action.

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN**

PB #1104-18

**APPLICANT: Oldcastle Lawn & Garden, 155 State Street,
Manchester, N.Y. 14504**

**ACTION: Preliminary Site Plan approval to store pallets of bagged
mulch material upon open land located adjacent to the Village
of Manchester municipal boundary and south of State Street**

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

WHEREAS, the Planning Board has received testimony at tonight’s meeting regarding the proposed use of land for the seasonal outdoor storage of materials associated with the Oldcastle Lawn and Garden manufacturing site located in the Village of Manchester; and

WHEREAS, the Planning Board has reviewed the Village of Manchester Planning Board’s record upon the recent action taken upon the Oldcastle Lawn and Garden project located entirely within that municipality; and

WHEREAS, the Planning Board has reviewed the Ontario County Planning Board referral #197-2018, a class 1 referral with comments, dated November 13, 2018; and

WHEREAS, the proposed Action involves the seasonal outdoor storage of pallets of bagged mulch and landscape stone materials on a total of 9.4 acres of land located in the Town of Farmington that was previously used by Spancrete Concrete Materials for the outdoor storage of prefabricated concrete panels; and

WHEREAS, the proposed Action is subject to a classification under Part 617.5 of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby classify the proposed Action as being a Type II Action, as is defined under Part 617.5 (c) (15) as being minor temporary uses of land having negligible or no permanent impact on the environment.

BE IT FURTHER RESOLVED that the Planning Board does hereby grant Preliminary Site Plan Approval with the following conditions:

1. Preliminary Site Plan Approval is based upon the drawing prepared by Advance Engineering & Surveying, PLLC, entitled “Site Plan Prepared for Oldcastle Lawn & Garden, Inc., Sheet 3 of 3” having a revised date of 11-12-18, as is further hereby amended:
 - a. The title of the drawing is to read . . . “Preliminary Site Plan Oldcastle Lawn & Garden, Inc., Tax Map Account 32.17-2-43.10, Town of Farmington.”
 - b. The Site Plan Map is to be amended to show the right-of-way of State Street in the vicinity of the entrance to the property and for a distance of 800 feet both east and west of the driveway.
 - c. The Site Plan Map is to be amended by delineating a “bump out” drawing and detail for expanding the travel lane of west bound traffic. Said design criteria is to be coordinated with and accepted by the Town Highway Superintendent.
 - d. There is to be a traffic sign located on the site plan along the south side of State Street, approximately 800 feet west of the entrance and a detail sheet prepared which identifies a reflective sign 2 feet by 3 feet, with blue background and white lettering, that reads:
Old Castle Lawn and Garden Entrance
800 Feet Ahead on Right
 - e. There is to be a Public Safety Sign erected at the entrance to the site from State Street. The details and design criteria are shown in the Town’s Site Design and Development Criteria.
 - f. All references to the former Spancrete Operation and land use are to be removed from the existing commercial speech sign located at the entrance

to the site from State Street. A new commercial speech sign is to be provided. Said sign to read . . . “Oldcastle Lawn & Garden, Inc., 55 State Street.”

- g. There are to be reflector posts located on both sides of the entrance to the site from State Street.
 - h. There is a to be landscaped area provided, not later than May 15, 2019 around the base of the new commercial speech sign.
2. Preliminary Site Plan Approval is based upon an agreement between the Town Code Enforcement Office and the Applicant on documenting annual inspections to prevent concrete, wire, asphalt and wood debris from past site use from being washed into the ditch on the site.
 3. There is to be a signature line and title for the Planning Board Chairperson’s signing of all revised drawings.
 4. Once these changes have been made to revised Preliminary Site Plan drawings then a total of five (5) sets of the revised drawings are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then the Planning Board Chairperson will sign the revised drawings.
 5. Once revised drawings have been signed one copy will be provided to the Town Highway and Parks Superintendent; one copy to the Town Engineer; one copy to the Town Project File; and two (2) copies to the Applicant. At that time, the applicant may submit revised drawings for Final Site Plan Approval by the Planning Board at a future meeting.
 6. Preliminary Site Plan approval shall expire within 180 days from today unless the revised drawings have been submitted for signatures and signed.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide a certified copy of this resolution to: Melissa Kiefer, Environmental Director, Oldcastle Lawn and Garden, 900 Ashwood Parkway, Suite 600, Atlanta, Georgia 30338; Nicholas Costa, P.E., Advance Engineering & Surveying PLLC, 11 Herbert Drive, Latham, N.Y. 12110; the Village of Manchester Planning Board, 8 Clifton Street, Manchester, N.Y. 14504; JoAnn C. Henry, Town of Manchester Town Clerk, 1272 County Road 7, Clifton Springs, N.Y. 14432; Don Giroux, Farmington Highway and Parks Superintendent; and the Town Development Office, Project File.

Mr. Hemminger asked Mr. Wheeler and Mr. Melsom if they understood the resolution and agreed with the conditions. Mr. Wheeler and Mr. Melsom said that they understood the resolution and agreed with the conditions.

Adrian Bellis

Aye

Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

7. NEW FOUR-LOT PRELIMINARY SUBDIVISION PLAT

PB #1103-18 New Four-Lot Preliminary Subdivision 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: Preliminary 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.

The Planning Board reviewed this application as a Pending Application on November 7, 2018, and scheduled the Public Hearing on the Four-Lot Preliminary Subdivision application to be held this evening (December 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).

Mr. Hemminger opened the Public Hearing on this application.

Mr. Weitzel presented this application. Jolynne Weitzel also attended.

Mr. Weitzel said that he purchased the property, which was a former farm, primarily for hunting. He said that he would to subdivide the property to sell several lots and retain the larger Lot #4 for family hunting and recreation activities.

He said that he received a right of way from the New York State Department of Transportation to provide access to Lot #1 (7.997 acres) to avoid having to cross the adjacent railroad tracks to reach this lot.

Mr. Weitzel said that he received the Area Variance for the lot with the existing house to enable a future owner to keep animals and use the lot as a farmette.

He said that Lot #1, Lot #2 and Lot #4 are being subdivided as non-buildable lots and that it will be the responsibilities of the future owners to apply for building permits and site plan approvals depending upon their plans. He said that all prospective land sales hinge upon the approval of the subdivision.

Mr. Brand said that he has prepared draft resolutions for the board's consideration this evening for approval of the SEQR determination as a Type II Action and for approval of the Preliminary Site Plan with conditions.

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 submitted by the Town staff:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
SEQR RESOLUTION—TYPE II ACTION**

PB #1103-18

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

ACTION: Preliminary 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 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	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

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

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

PB #1103-18

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

ACTION: Preliminary 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 Hearing upon the above referenced Action at tonight’s meeting; and

WHEREAS, the Board has given consideration to the public comments made during the Public Hearing; 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 Preliminary Plat Approval of the above referenced Action with the following conditions:

1. Preliminary Plat Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, having a revised date of 11/6/18, entitled “Subdivision Plan of Land owned by WC Premier Properties, LLC, NYS Route No. 96,” subject to the further amendment:
 - a. The Title of the drawing is to be changed to read . . . “Preliminary Plat, WC Premier Properties, LLC, Four-Lot Subdivision, Tax Map Account No. 31.00-1-27.”
 - b. There is to be a note added to the drawing that reads . . . “Entire site lies within a Mapped Zone C, Area of Minimal Flood Hazard, Flood Insurance Rate Map, Community Number 361299, Map Panel No. 0020 B, dated September 30, 1983.”
 - c. The drawing is to provide signature lines and titles for the Town Water and Sewer Superintendent, the Town Highway and Parks Superintendent and the Town Planning Board Chairperson.

BE IT FURTHER RESOLVED that once these changes have been made to the Preliminary Plat Map and the revision box date changed, then five (5) paper prints are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted then the above referenced officials are to sign and date the Preliminary Plat Maps.

BE IT FURTHER RESOLVED that once signed one copy is to be returned to the Town Water and Sewer Superintendent, one copy to the Town Highway and Parks Superintendent and one copy to be placed in the Project File in the Development Office. The remaining two (2) copies are to be provided to the Applicant and his Land Surveyor.

BE IT FURTHER RESOLVED that once signed copies have been provided to the Applicant, then the Town will entertain an application for Final Plat Approval and schedule a future meeting with the Planning Board.

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.

Following the reading of the conditions of approval, Mr. Weitzel asked about the flood plain note. Mr. Brand said that this is a standard note for inclusion in the resolution to document that the property is listed on the Flood Insurance Rate Map of September 30, 1983.

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

■ 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	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

9. PENDING APPLICATION

NEW PRELIMINARY SUBDIVISION PLAT AND FINAL SUBDIVISION PLAT—SETTING PUBLIC HEARING

PB #1201-18 **New Preliminary Subdivision Plat and Final Subdivision Applications: Setting Public Hearing**

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

Location: 1600 New Michigan Road (east side of New Michigan Road between Amber Drive and Lillybrook Court)

Zoning District: RR-80 Rural Residential District

Request: Schedule a Public Hearing for Wednesday, December 19, 2018, for Preliminary Subdivision Plat and Final Subdivision Plat approvals for a proposed three-lot subdivision of approximately 15 acres to create Lot #E-1 consisting of 6.545 acres, Lot #E-2 consisting of 3.357 acres and Lot #E-3 consisting of 4.529 acres.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
MANDRINO THREE-LOT PRELIMINARY SUBDIVISION APPLICATION
SETTING PUBLIC HEARING**

PB #1201-18

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

**ACTION: Scheduling a Public Hearing to be held on Wednesday,
December 19, 2018, for Preliminary Subdivision Plat approval
of a proposed three-lot subdivision of approximately 15 acres
of land located along the east side of New Michigan Road,
between Amber Drive and Lillybrook Court**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has given consideration to scheduling a Public Hearing upon above application; and

WHEREAS, the Planning Board has received testimony, from Town Staff at tonight’s meeting upon the proposed scheduling of a Public Hearing (hereinafter referred to as Action), that said action is complete and ready for public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby agree to schedule a public hearing on this application for Wednesday, December 19, 2018, commencing at 7:00 p.m., Eastern Time, in the Main Meeting room, at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

BE IT FURTHER RESOLVED that Town Staff are hereby directed to provide public notice of the scheduled public hearing by giving legal notice for publishing in the Town’s Official Newspaper, to post said Legal Notice upon the Town Hall Bulletin Board and Town Website; and to post the property with a public notification sign.

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

Motion carried.

10. PLANNING BOARD ACTION ITEMS

- a. **Letters of Credit Releases (4):**
Farmington Gardens II, Partial Letter of Credit Release #4
Hickory Rise Subdivision, Section 3, Partial Letter of Credit Release #3
Hickory Rise Subdivision, Section 4, Partial Letter of Credit Release #1
Hickory Rise Subdivision, Section 4, Partial Letter of Credit Release #2

■ A motion was made by MR. MALOY, seconded by MR. VIETS, that the following four 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
 PARTIAL LETTER OF CREDIT RELEASE #4—
 HOME LEASING (FARMINGTON GARDENS II)
 TOTAL AMOUNT—\$ 436,345.18**

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 partial 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 16, 2018, requests a partial release in the total amount of \$436,345.18; 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 11/26/18; and

WHEREAS, the Project Engineer, Owner and Town Engineer have completed their reviews and signed-off on Appendix G-2.0, Letter of Credit Release Form, Estimate No. 4, dated 11/20/2018; 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 partial releases 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 partial release (Release #4) 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; 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.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #3
HICKORY RISE SUBDIVISION, SECTION 3—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 November 26, 2018 to approve a Partial Release (Release #3) from the above referenced Letter of Credit for site improvements within Section 3 of the Hickory Rise Subdivision; and

WHEREAS, the Planning Board has also received and reviewed the 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 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 \$70,084.52 (Release #3) from this letter of credit. The total amount in the letter of credit is \$618,627.12, with \$26,598.39 remaining after the third partial 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, Gregg Bowering, Bramwell Park LLC,

1303 Marsh Road, Suite #2, Pittsford, N.Y. 14534; and Tom Danks, B.M.E. Associates, 10 Lift Bridge Lane, Fairport, N.Y. 14450.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #1
HICKORY RISE SUBDIVISION, SECTION 4—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 November 26, 2018 to approve a Partial Release (Release #1) from the above referenced Letter of Credit for site improvements within Section 4 of the Hickory Rise Subdivision; and

WHEREAS, the Planning Board has also received and reviewed the 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 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 \$317,766.51 (Release #1) from this letter of credit. The total amount in the letter of credit is \$1,170,322.13, with \$852,555.62 remaining after the first partial 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, Gregg Bowering, Bramwell Park LLC, 1303 Marsh Road, Suite #2, Pittsford, New York 14534; and Tom Danks, B.M.E. Associates, 10 Lift Bridge Lane, Fairport, New York 14450.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #2
HICKORY RISE SUBDIVISION, SECTION 4—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 November 26, 2018, to approve a

Partial Release (Release #2) from the above referenced Letter of Credit for site improvements within Section 4 of the Hickory Rise Subdivision; and

WHEREAS, the Planning Board has also received and reviewed the 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.

\$182,774.53

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 \$182,774.53 (Release #2) from this letter of credit. The total amount in the letter of credit is \$1,170,322.13, with \$669,781.09 remaining after the second partial 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, Gregg Bowering, Bramwell Park LLC, 1303 Marsh Road, Suite #2, Pittsford, New York 14534; and Tom Danks, B.M.E. Associates, 10 Lift Bridge Lane, Fariport, New York 14450.

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

Motion carried.

b. Cerone Incentive Zoning Project Amendments to Preliminary and Final Site Plan Resolutions:

PB #0501-17 and PB #1209-17

Name: Cerone Incentive Zoning Project (MIII Enterprises),
c/o Michael Cerone, P.O. Box 509, Webster, N.Y. 14580

Location: West side of State Route 332 opposite Farmbrook Drive
and north of the Cobblestone Performing Arts Center

Zoning District: IZ Incentive Zoning District

Request: Amendments to PB #0501-17 Preliminary Site Plan approval and PB #1209-17 Final Site Plan approval

The Preliminary Site Plan for the Cerone Incentive Zoning Project (PB #0501-17) was approved with conditions by the Planning Board on July 5, 2017. The Final Site Plan (PB #1209-17) was approved with conditions by the Planning Board on January 3, 2018.

Condition #6 of the Preliminary Site Plan approval resolution was approved as follows:

6. *Preliminary Site Plan approval is based upon the applicant's understanding that prior to the issuance of the first Certificate of Occupancy for the first structure, all land transfers associated with this Incentive Zoning Project are to be completed and accepted by the Town Board.*

Condition #9 of the Final Site Plan approval resolution was approved as follows:

9. *Final Site Plan approval for Phase 1 is based upon the applicant's understanding and agreement that prior to the issuance of Building Permits, all land transfers associated with this Incentive Zoning Project are to be completed, accepted by the Town Board and a Lot Line Adjustment Map, prepared by Costich Engineering, is to be filed with the Ontario County Clerk's Office.*

Mr. Brand said that the above conditions of approval prohibit the Town Code Enforcement Officer from issuing Certificates of Occupancy until all land transfers associated with the Incentive Zoning Project have been complied with. He said that the land transfers are taking much longer to complete than was originally anticipated at the time of the adoption of the Preliminary Site Plan and the Final Site Plan resolutions.

Mr. Brand said that the delays in the completion of these land transfers are not the fault of Mr. Cerone or his attorney. In the meantime, Mr. Cerone continues to make site improvements to the Phase 1 portion of the project in accordance with the Planning Board approvals.

Mr. Brand and Code Enforcement Officer James Morse recommended that the Planning Board approve a resolution to amend PB #0501-17 (Preliminary Site Plan approval) and PB #1209-17 (Final Site Plan approval) to enable Mr. Morse to issue Certificates of Occupancy on the completed mini-storage project and on the climate controlled structure when completed and inspected (which is now under construction).

Mr. Brand said that progress continues with each of the property owners and the attorneys involved in the land transfers and that negotiations are proceeding toward resolution. He said that the completed mini-storage project has been inspected by the Town Code Enforcement Officer and found to be complete and ready for a Certificate of Occupancy.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CERONE INCENTIVE ZONING PROJECT
PRELIMINARY AND FINAL SITE PLAN RESOLUTIONS AMENDMENTS
PB #0501-17 and PB #1209-17**

**APPLICANT: Michael Cerone (MIII Enterprises), P.O. Box 509,
Webster, N.Y. 14580**

**ACTION: Cerone Incentive Zoning Project: Preliminary Site Plan
and Final Site Plan Resolutions Amendments**

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

WHEREAS, the Planning Board has given consideration to the information presented by the Town Director of Planning and Development and the Town Code Enforcement Officer concerning the need to amend certain conditions of approval in both Planning Board Resolutions, PB #0501-17, Preliminary Site Plan, Condition #6; and PB #1209-17, Final Site Plan, Condition #9; and

WHEREAS, the Planning Board has determined that these two previous conditions of approval have placed restrictions upon the Applicant that prior to the issuance of the first Certificate of Occupancy for the first structure, which in this instance in the mini-warehouse portion of the site, all land transfers associated with this Incentive Zoning Project are to be completed and accepted by the Town Board; and

WHEREAS, the Planning Board has also determined that the involved land transfers continue to be delayed but not by this applicant; and

WHEREAS, the Planning Board has also determined that negotiations among all affected property owners continue to proceed toward resolution; and

WHEREAS, the Planning Board has also determined that the mini-warehouse portion of the project has been inspected by Town Code Enforcement Officials and found to be complete and ready for a Certificate of Occupancy to be issued.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to amend the two above referenced conditions of Preliminary Site Plan and Final Site Plan approvals as follows:

- 1. Condition #6, PB #0501-17, is hereby amended in its entirety to read:
 - 6. Preliminary Site Plan Approval is based upon the Applicant’s showing of good faith in reaching agreement with all of the other involved land owners associated with the proposed land transfers that were originally envisioned by the Town Board’s approval of the Incentive Rezoning for the Project. In the event such land transfers have not been accomplished at time of completion of the first structure(s), understood to be either or both the mini-warehouse structures or the first of two climate controlled structures, then the Town Code Enforcement Officer may issue a Certificate of Occupancy for those completed units.

- 2. Condition # 9, PB 1209-17, is hereby amended in its entirety to read:
 - 9. Final Site Plan Approval is based upon the Applicant’s showing of good faith in reaching agreement with all of the other involved land owners associated with the proposed land transfers that were envisioned by the Town Board’s approval of the Incentive Rezoning for the Project. In the event such land transfers have not been accomplished at time of completion of the first structure(s), understood to be either or both the mini-warehouse structures or the first of two climate controlled structures, then the Town Code Enforcement Officer may issue a Certificate of Occupancy for those completed units.

- 3. A certified copy of this resolution shall be appended to both of the above referenced resolutions, filed with the Town Clerk and with the Project Files, in the Town Development Office.

- 4. A certified copy of this resolution shall also be provided to Michael Cerone, MIII Enterprises, LLC; Paul Colucci, The DiMarco Group and the Town Code Enforcement Officer.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye

