

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, February 19, 2020 • 7:00 p.m.**

## **MINUTES—APPROVED**

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

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

**Staff Present:**

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

**Applicants Present:**

Stacy Bartl, Outreach Contractor to AVANGRID, 1300 Scottsville Road, 2nd Floor,  
Rochester, N.Y. 14624  
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,  
#415, Rochester, N.Y. 14610  
Jason Cronin, RG&E Corporation, 1300 Scottsville Road, Rochester, N.Y. 14624  
Mike Greene, Greene Land Surveying PLLC, 403 East Miller Street, Newark, N.Y. 14513  
Owen Hill, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614  
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,  
129 S. Union Street, Spencerport, N.Y. 14559  
Mark Robinson, Victor Softball, 1309 Mertensia Road, Farmington, N.Y. 14425  
Boyd Shearer, RG&E Corporation/LaBella Associates, 1300 Scottsville Road,  
Rochester, N.Y. 14624  
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522  
Mary Steblein, P.E., CPESC, LaBella Associates, 300 State Street, Suite 201,  
Rochester, N.Y. 14614

Jon M. Stern, Esq., Kaman, Berlove, Marafioti, Jacobstein & Goldman LLC, 135 Corporate Woods, Suite 300, Rochester, N.Y. 14623  
Gary Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522

**Residents Present:**

William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425  
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425  
Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522  
Tanner Fox, 388 Prospect Drive, Palmyra, N.Y. 14522  
Whitney Wright, 388 Prospect Drive, Palmyra, N.Y. 14522

**1. MEETING OPENING**

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

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

**2. APPROVAL OF MINUTES OF FEBRUARY 5, 2020**

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the minutes of the February 5, 2020, meeting be approved.

Motion carried by voice vote.

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

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

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

**Location:** 466 Yellow Mills Road

**Zoning District:** A-80 Agricultural District

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

**3b. CONTINUED PRELIMINARY SITE PLAN**

**PB #1004-18 Continued Preliminary Site Plan Application**

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

**Location:** 466 Yellow Mills Road

**Zoning District:** A-80 Agricultural District

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

**3c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT**

**PB #1006-18 Continued Special Use Permit**

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

**Location:** 466 Yellow Mills Road

**Zoning District:** A-80 Agricultural District

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

These applications were reviewed by the Project Review Committee on August 3, 2018; September 7, 2018; September 6, 2019; November 1, 2019; and February 7, 2020.

The Zoning Board of Appeals (ZBA) classified this project as a Type I Action under the State Environmental Quality Review (SEQR) Regulations and established the 30-day SEQR public review and comment period from September 28, 2018, to October 29, 2018. The ZBA opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; May 20, 2019; June 24, 2019; July 22, 2019; and August 26, 2019, at which meeting the four Area Variance applications were denied.

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

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

Involved Agency: New York State Energy Research and Development Authority

Involved Agency: New York State Department of Environmental Conservation

Involved Agency: U.S. Army Corps of Engineers

Involved Agency: New York State Office of Parks, Recreation and Historic Preservation

Involved Agency: Town of Farmington Planning Board

Involved Agency: Town of Farmington Zoning Board of Appeals

Involved Agency: Town of Farmington Highway and Parks Department

Interested Agency: Ontario County Agricultural Enhancement Board

Interested Agency: New York State Department of Agriculture and Markets

Interested Agency: Town of Farmington Agricultural Advisory Committee

Interested Agency: Town of Farmington Conservation Advisory Board

Interested Agency: Town of Farmington Town Clerk

Interested Agency: Town of Farmington Historian

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision), PB #1006-18 (Special Use Permit) and PB #1004-18 (Preliminary Site Plan). The Public Hearings were reconvened on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; August 7, 2019; September 4, 2019; October 16, 2019; November 20, 2019; December 4, 2019; December 18, 2019; January 15, 2020; and were continued to tonight's public meeting (February 19, 2020).

On August 7, 2019, the Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment Form. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) on August 7, 2019.

On October 31, 2019, Mr. Compitello of Delaware River Solar provided site plan changes that were made because of the denial of the Area Variances by the Zoning Board of Appeals (*see* Farmington Planning Board minutes, November 20, 2019).

On November 1, 2019, Mr. Compitello provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP).

On November 6, 2019, the Planning Board accepted the revised State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 1 (as corrected at the meeting) and referred the second revised materials to the SEQR Involved Agencies and to the Ontario County Planning Board.

On November 12, 2019, the Ontario County Planning Board reviewed the second revised materials (Referral #226-2019) and retained referral #226-2019 as Class 1 (*see* Farmington Planning Board minutes, November 20, 2019).

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

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

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

Mr. Compitello said that he and Mr. Matt met with the Project Review Committee on February 7, 2020, to review the revised Decommissioning Plan and other materials. He said that responses to the Committee's questions were submitted to the Town on February 13, 2020, and have been posted upon the Town website. Mr. Compitello said that he is now awaiting comments from the Planning Board and the Town staff on the Special Use Permit application.

Mr. Brand said that draft resolutions have been prepared by the Town staff for the board's consideration this evening for approval of the Preliminary Subdivision Plat with conditions and to continue the Special Use Permit and the Preliminary Site Plan applications to March 18, 2020, to provide time for the Town staff to review the volume of material that has been submitted and to ensure that the conditions of the Special Use Permit have been fully included in any resolution.

Mr. Brand asked for the length of time involved with the solar operations. He said that on previous occasions the length of time has been given as 20 years, 25 years and 30 years. Mr. Compitello said that the term of the lease agreement and the operation of this solar farm would be 30 years.

Mr. Brand said that the Town is now dealing with preparing draft resolutions for these applications that will govern the use of this property for the next 30 years. He said that this is something that the board and the Town staff need to thoroughly understand regarding what the Town is considering, and to determine how the Town is going to best regulate and monitor the project for the 30-year period. He said that the Planning Board and the Town staff have been very deliberate to date and want to get these matters right.

Mr. Brabant said that among the comments at the Project Review Committee meeting (on February 7, 2020) were that the applicant must assure that full compliance with the Town local solar law is to be included in the Operations and Maintenance Plan and in the Decommissioning Plan. He said that the Committee requested that site-specific details must be included in the Operations and Maintenance Plan, and that Delaware River Solar has made modifications to the materials in response to these requests.

Mr. Brabant said that the staff is now working to identify the form of surety that will make the most sense for this project, such as a Letter of Credit or a bond. He said that it will be up to the Planning Board to make this decision and that the staff wants to provide the board with required information that the board will need to make this determination. Mr. Brabant said that the board will have the recommendation from the staff on the surety by March 18, 2020.

Mr. Hemminger said that the Special Use Permit conditions of approval will be tied to the pending Preliminary Site Plan. He said that if the Preliminary Site Plan or the Final Site Plan applications are not approved, then the Special Use Permit would not go into effect.

Mr. Hemminger asked if anyone in attendance wished to speak for or against these applications, or ask questions.

Mr. Falanga (395 Ellsworth Road) said that he attended the Project Review Committee meeting on February 7, 2020. He requested clarification on the bonding. He said that his [citizens'] group is researching solar applications and bonding at other sites across the State.

Mr. Brand said that Letters of Credit are issued in one-year intervals and are renewable. He said that a Letter of Credit can continue for however long it takes to close out a project, and that this project is planned for 30 years.

Mr. Brand said that a Maintenance Bond for the improvements to be dedicated to the municipality is required after a Letter of Credit has been exhausted. He said that there will be no improvements to be dedicated to the Town from this project. The staff is now considering alternatives to a Letter of Credit in the form of a Performance Bond to assure that the property is operated in the manner in which the project may be approved for over the 30-year period of time.

Mr. Brand said that the Town Code Special Use Permit criteria requires periodic status reports every three years of what has occurred on the site. This periodic inspection interval provides the municipality with the flexibility to look at additional bonding that may become necessary. He said that the staff will meet with the Town's legal counsel on this. No recommendations (to the Planning Board) have yet been determined.

Mr. Falanga asked about a uniform tax rate for the solar farm. Mr. Brand said that the property is currently assessed as residential and that it has an agricultural exemption which will likely be affected with the site development. Once the land is converted to another use, a different set of property assessment standards will apply. He said that the Town Assessor is aware of this project, that she is researching solar farms in other parts of the State, and that she will advise the Planning Board on this.

Mr. Hemminger said that the Town Assessor is analyzing options throughout the State but that the tax assessment on the property is a separate action from the Planning Board.

Mr. Falanga asked about David Plante (a Farmington resident who is employed by the Rochester, N.Y., engineering firm of Bergmann Associates) who has been retained by Delaware River Solar to serve as the Environmental Manager of the project. Mr. Falanga said that it was noted at the Project Review Committee meeting that the Environmental Manager would be on the site every day during construction.

Mr. Compitello said that the Town Code requires that the project's Environmental Manager be on the site to assure adherence to the Town Code requirements and to ensure the restoration of the agricultural soils to the best extent practicable. The Environmental Manager will be present each day during construction and at decommissioning. He said that Bergmann Associates has assembled the duties and responsibilities of the Environmental Manager which have been submitted to the Town and which are available on the Town website (*see* Delaware River Solar correspondence #151E, submitted February 10, 2020). Mr. Compitello said that Mr. Plante will be overseeing the [Bergmann Associates] people there on the site. He said that a number of people from their firm are qualified for this work will be on the site during construction and for inspections, which go hand in hand.

Mr. Greene (Greene Land Surveying, Newark, N.Y.) asked how long the construction would take. Mr. Compitello said that a similar size 7 MW solar installation in Ogden, N.Y., is identical to the Farmington project and took about 4½ months to construct. He said that he expects the Farmington project to take about the same period of time.

Mr. Hemminger then asked if anyone else in attendance wished to comment on this application or ask questions. There were no further comments or questions from those in attendance.

Mr. Maloy requested that photographs from the Delaware River Solar project in Ogden, N.Y., be submitted. Mr. Compitello said that photographs from five other projects have already been submitted. Mr. Maloy said that he would like to see photos of the Ogden, N.Y., project since it is the same size as the Farmington proposal. Mr. Compitello agreed to submit photos from the Ogden, N.Y., site.

Mr. Maloy said that he did not like the layout of the lots in the proposed subdivision which are flag lots with 20-foot-wide strips in between the interior portions of the lots. He asked why the subdivision could not have been five parcels instead of the proposed four parcels. Mr. Matt said that having more lots would have required additional tax parcels for non-buildable undeveloped lots. He said that for this project the entire piece of land will be under the same ownership [Roger and Carol Smith]. He said that just because the paper [plat] has lines [to divide the parcels] these lines will not be seen in the field. He said that the property's appearances will be farmland, solar panels and landscaping.

Mr. Hemminger said that the current plan is that the property owners will be able to use the other portions of the property for cattle grazing. Mr. Matt said that no one will see the property lines except on paper.



Mr. Maloy asked about reconfiguring the lots to have more frontage with five lots [instead of four lots]. Mr. Hemminger said that the layout of the lots provides a central point for access to the RG&E interconnection point. Mr. Matt said that the three solar lots will each connect to one access RG&E interconnection point.

Mr. Maloy expressed concern about access to the property or to the RG&E interconnection point if one or more of the individual solar lots were to be sold, or if the entire farm were to be sold. He said that the solar lots would be non-buildable lots and may not accommodate an entrance way easily [if separated]. He said that although it may be unlikely that one of the solar lots would be sold off, he is nonetheless concerned about this. Mr. Hemminger said that the property owners could sell a solar lot but that it would be sold as a non-buildable lot and that the new owner would have to apply to the Planning Board for site plan approval to develop it.

Mr. Matt said that the whole point of 20-foot wide portions of the flag lots is to weave a driveway. Mr. Compitello said that the board has requested that the solar lots be labeled as non-buildable lots until decommissioning, at which time the lots will be recombined into one parcel [as it is now].

Mr. Brand said that the subdivision of land does not convey anything other than a drawing of the metes and bounds descriptions for each lot. He said that the subdivision plat and the record will show that all three (3) of the solar parcels are non-buildable lots. He said that he is not as concerned about the subdivision of the land as he is with the Special Use Permit and the Site Plan applications.

Mr. Compitello said that the property owners could sell the solar lots but that the lease will run with the land. He said that the lots will be identified as non-buildable and that the land will only be able to be used for farming and for the solar panels until it is decommissioned. He said that the Decommissioning Plan states that the lots will be subdivided back [combined into the parent parcel] or in some other configuration allowable in that [zoning] district.

Mr. Maloy asked about the specific reference to this in the Decommissioning Plan. Mr. Compitello said that the Decommissioning Plan confirms the comments of the New York State Department of Agriculture and Markets on the re-merging of the land.

Mr. Hemminger said that the Decommissioning Plan has the re-merging of all the lots back into one lot.

Mr. Brabant said that there should be a statement in the Decommissioning Plan regarding the recombining of the parcels into one single lot. He said that this is included in the Town solar law and in the New York State Department of Agriculture and Markets regulations.

Mr. Maloy said that he is OK with the subdivision application as long as it is required that the four parcels are to be re-merged at the time of decommissioning.



Mr. Viets asked if there is a way to indicate that a possible future owner of the property will be responsible for the surety and have the responsibility of decommissioning. Mr. Brand said that three limited liability companies are proposed for the three solar lots. Mr. Brabant said that the Town local law clearly states that the owner of the property and the lessee are responsible for the decommissioning, not the the Town. He said that the local law clearly states that the Town is not financially liable for the decommissioning.

Mr. Hemminger asked how a new property owner would know about the liability of the cost of decommissioning. Mr. Brand said that any reasonable real estate agent or attorney would capture this information as part of the title search for a real estate transaction.

Mr. DeLucia said that he understands the conditions of approval in the draft preliminary subdivision plat resolution and that he has no questions.

Mr. Brand reminded the board members of their request to have a letter from the property owners' legal counsel that they [the property owners] are fully aware of their responsibilities and potential decommissioning financial liability that they are about to incur [from this project]. He said that Mr. Maloy expressed this concern at the previous meeting.

Mr. Hemminger asked Roger and Carol Smith if they received legal advice. They indicated that they did. Mr. Hemminger said that the Smiths have submitted a letter regarding the confirmation of their responsibilities (*see* Delaware River Solar correspondence #151D, February 13, 2020, landowners' decommissioning acknowledgement).

Mr. Hemminger then requested that a letter from the attorney for the Smiths be submitted to further acknowledge their awareness of their responsibilities and possible financial liability for the decommissioning of the site.

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

Mr. Hemminger said that the draft subdivision resolution had been posted upon the Town website. He asked if everyone had read the draft subdivision resolution and the conditions of approval. Mr. Falanga requested that the conditions be read aloud.

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

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

**PB#1003-18**

**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 Approval for the subdividing of land (Tax Map Account #010.00-01-37.110) into four (4) Lots, three (3) of which will be unbuildable lots to be used for a Large Scale Solar Operation; and the remaining lot to continue to be used for a single-family dwelling, a barn and agricultural operations.**

**WHEREAS**, the Planning Board has opened the Public Hearing at tonight’s meeting upon the proposed Preliminary Subdivision Plat application referenced above (hereinafter referred to as Action); and

**WHEREAS**, the Planning Board has received testimony at tonight’s Public Hearing upon said Action; and

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

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

1. Preliminary Plat Approval is based upon the drawing prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No. 18.023, Sheet No. 1 of 4, having the latest revision date of 01-28-20 and entitled “Preliminary Plat, Delaware River Solar, LLC Solar Energy Facility, Yellow Mills Road.” The title of the drawing is to be amended to read . . . “Preliminary Plat, Lots #1 through #4, Roger and Carol Smith Subdivision,” and is hereby made subject further to the following conditions.
2. The total acreage in the above referenced Tax Map Parcel of Land is 135.367 acres of land. Of this total, proposed Lot #1 is to have a total of 92.262 acres of land; proposed Lot #2 is to have a total of 14.851 acres of land; proposed Lot #3 is to have a total of 13.008 acres of land; and proposed Lot #4 is to have a total of 15.246 acres of land.
3. There is to be a Note added to the drawing which reads . . . “Lots #2, #3 and #4 of this subdivision plat are defined by the Planning Board as “Non-Buildable Lots. The term Non-Buildable Lot is defined by the Board as a Lot that is not eligible for any Building Permits for Permanent residential dwellings to be located upon until Final Site Plan Approval, based upon Final Site Plan drawings, have been approved by the Planning Board.”
4. General Note 1 on the drawing is to be amended. The entire site does not lie within a delineated Zone C Area of Minimal Flooding. Proposed Lot #1 identifies an Un-number A Zone, a designated Area of Special Flood Hazard. The drawing should

identify that proposed Lots #2, #3 and #4 lie within a delineated Zone C Area of Minimal Flooding.

5. The fenced portion of the Un-numbered A Zone shown in the north west portion of the proposed Lot #1 will need to be removed, or a Floodplain Development Permit will need to be issued by the Town Code Enforcement Officer.
6. General Note 8 on the drawing identifies that all utilities to be underground. If any portion of the pending site plan involves utilities that will be visible above ground then this note needs to be amended to reflect what will occur on the sites.
7. All conditions contained in the MRB Letter, dated February 13, 2020, are to be made to the plat map drawing prior to submission for signatures.
8. The revised Preliminary Plat drawing is to have the Revision Box updated to reflect these conditions of preliminary plat approval and the date of such revisions.
9. Once these conditions of Preliminary Subdivision Plat Approval have been made to the revised drawing then one copy of the amended map is to be submitted to the Town's Code Enforcement Officer for his review and acceptance of these conditions being shown. Upon his acceptance, the applicant is to submit five (5) additional paper prints for signing. If additional copies of the Preliminary Subdivision Plat Map are needed by the Applicant, then the additional number is to be provided at the time of signing.
10. Once the Preliminary Subdivision Plat Maps have been signed, then the applicant may submit an application for Final Subdivision Plat Approval. At that time such application will be placed upon the next available planning board agenda.
11. Preliminary Subdivision Plat Approval is granted for a period of 180 days from today and shall expire unless revised preliminary plat maps have been signed by Town Officials.

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

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

Following the reading of the conditions of approval, Mr. Bellis asked about the possible future sale of the lots. Mr. Brand said that the property owners will be responsible for the costs of decommissioning if the lessee cannot fulfill this responsibility. Mr. Hemminger said that in theory the property owners could, in the future, sell any one or all of the solar parcels, or the entire farm.

Mr. Delpriore requested that the applicant give special attention to Draft Condition #5 regarding the fenced portion of the Un-numbered A Floodplain Zone shown in the northwest portion of Proposed Lot #1. He said that this fence will have to be removed or that a Floodplain Development Permit will be required [to be issued by the Town Code Enforcement Officer].

Mr. Bellis asked about Draft Condition #6 regarding the drawing identification that all utilities will be underground. Mr. Compitello said that some above ground utility poles and wires will be required for the connection to the RG&E system that will be near and along the Town highway [Fox Road]. The draft condition requires that this note must be amended to reflect what will occur on the sites [for utilities that will be visible above ground].

Mr. Brand requested for further emphasis that Mr. Hemminger re-read Draft Condition #3 regarding the identification of Proposed Lots #2, #3 and #4 as non-buildable lots and the definition of a non-buildable lot. Mr. Hemminger then re-read aloud Draft Condition #3.

There were no further comments or questions on the Preliminary Subdivision Plat approval resolution.

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

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

Motion carried.

Mr. Hemminger then opened the discussion on the Special Use Permit application (PB #1006-18).

Mr. Brand said that a working-paper of a draft Special Use Permit resolution is under review by the Town staff and the Planning Board’s legal counsel. He said that the working-paper will be prepared in draft resolution form and will be shared with the board and posted upon the Town website for the public upon completion of the attorney’s review and verification.

Mr. Hemminger suggested that the Operations and Maintenance Plan, and that the Decommissioning Plan, be tightened up to reflect compliance by the applicant with board and staff requests thus far in the process.

Mr. Delpriore asked about the letter from the attorney for Roger and Carol Smith regarding the acknowledgement of their responsibilities and possible financial liability for the costs of decommissioning. Mr. Brand again said that this letter from the Smiths' attorney is what had been requested by the Planning Board at the previous presentation. Mr. Delpriore requested that this letter be received by the Planning Board packet deadline of March 11, 2020, at 12:00 noon, for inclusion in the board packets for the meeting on March 18, 2020.

Mr. Hemminger then asked if anyone in attendance wished to speak for or against this application, or to ask questions.

Mr. Falanga said that Delaware River Solar is talking about a 30-year commitment. He said that he was sure that none of you would like to live across the street from an industrial commercial development. He said that this slaps the face of our Comprehensive Plan. He said that we are talking about a 30-year commitment by a company that does not have a great track record for staying with the property very long, and that he would hate to see this [the financial responsibility for decommissioning] fall back on the Town.

Mr. Falanga said that when this started, they [the residents] were told that it would be a 2.3 MW solar farm tucked behind the marsh where no one would see it. He said that those were direct words. He said that they knew that Mr. Brand and two members of the Town Board said they had no idea that something this large [7 MW] would ever be proposed in Farmington. Mr. Falanga said that Delaware River helped write the law and was in attendance at the Solar Committee meetings. He asked that the board vet them [Delaware River Solar] thoroughly and that when they flip this he can guarantee that Delaware River Solar will not be here in 30 years. Mr. Falanga urged caution and said it is unprecedented that [the Town] would take such a gamble on something that is not proven for a 30-year commitment.

Mr. Hemminger asked Mr. Compitello if a decision has been made on mowing [the area around the solar panels] or if grazing sheep will be used. Mr. Compitello said that no decision has yet been made on this.

Mr. Hemminger asked about the cleaning of the solar panels and if this would be done with plain water or with chemicals. Mr. Compitello said that the solar panels would be cleaned with plain water.

Mr. Maloy asked about the operation [production] report that is to be submitted and then reviewed every three years. He asked about the format and whether the report would include photographs and other items. Mr. Compitello said that the Town Code requires that a production report is to be submitted. He said that it will be in the same format as the report that is required by the New York State Energy Research and Development Authority

(NYSERDA). He said that the report will be available to the public in real time online so that anyone can see it.

Mr. Hemminger asked about photographs to be provided by the Town Code Enforcement Officer. Mr. Delpriore said that the Town staff monitors the compliance of Special Use Permits and will make their own inspections which will be separate from the applicant's inspections and reports.

Mr. Compitello asked if the board could submit their questions and comments to him a week prior to the deadline of March 11th to enable him to include the responses in the next board packet for the meeting on March 18, 2020.

Mr. Brand again discussed the removal of the fence in the northwest portion of the property or the need for a Floodplain Development Permit. He said that the applicant will be required to identify how this portion of the site will be made available to continued farming operations.

Mr. Hemminger requested that additional comments and questions from Planning Board members be sent to him by March 4, 2020.

There were no further comments or questions on the Special Use Permit application this evening.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
DELAWARE RIVER SOLAR PROJECT, 466 YELLOW MILLS ROAD  
CONTINUATION OF PUBLIC HEARING**

**PB #1006-18**

**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:** Special Use Permit for the development of a 7-megawatt solar farm to be constructed upon approximately 43.105 acres of land (Lots #2, #3 and #4, Roger and Carol Smith Subdivision) having a property address at 466 Yellow Mills Road.

**WHEREAS**, the Planning Board (hereinafter referred to as Board) has opened the Public Hearing at tonight's meeting upon the proposed Preliminary Site Plan application referenced above (hereinafter referred to as Action); and

**WHEREAS**, the Board has received testimony at tonight’s Public Hearing upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to table any further discussion upon the above referenced Action, and moves to continue the Public Hearing thereon to 7:00 p.m. on March 18, 2020, to provide time for the Board to review its related Action upon the Special Use Permit for the proposed solar farm.

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

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; 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.

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

Motion carried.

Mr. Hemminger then opened the discussion of the Preliminary Site Plan application.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
DELAWARE RIVER SOLAR PROJECT, 466 YELLOW MILLS ROAD  
CONTINUATION OF PUBLIC HEARING**

**PB #1004-18**

**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 Site Plan Application for the development of a 7 Megawatt Solar Farm to be constructed upon approximately 43.105 acres of land (Lots #2, #3 and #4, Roger and Carol Smith Subdivision) having a property address at 466 Yellow Mills Road.**

**WHEREAS,** the Planning Board (hereinafter referred to as Board) has opened the Public Hearing at tonight’s meeting upon the proposed Preliminary Site Plan application referenced above (hereinafter referred to as Action); and

**WHEREAS,** the Board has received testimony at tonight’s Public Hearing upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to table any further discussion upon the above referenced Action, and moves to continue the Public Hearing thereon to 7:00 p.m. on March 18, 2020, to provide time for the Board to review its related Action upon the Special Use Permit for the proposed solar farm.

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

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; 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.

During the discussion of the motion, Mr. Brand asked if the Planning Board would like Mr. Compitello and Mr. Matt to return to the Project Review Committee on Friday, March 6, 2020, to further discuss these applications. Mr. Hemminger said that the applicant should return to the Project Review Committee only if the staff feels that there is a value to having them back. Following discussion, it was the consensus of the board and the Town staff that Mr. Compitello and Mr. Matt should attend the March meeting of the Project Review Committee.

There was no further discussion of the motion.

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

Motion carried.

#### 4. NEW PRELIMINARY SITE PLAN

**PB #0202-20                      New Preliminary Site Plan Application**

**Name:** Gary Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522

**Location:** 573 Yellow Mills Road

**Zoning District:** A-80 Agricultural

**Request:** Preliminary Site Plan approval to erect a single-family residence of approximately 2,520 square feet upon Lot #2 of the Subdivision Plan of Land owned by Whitney N. Wright (Gary M. and Theresa K. Wright Reserved Life Use)

Mr. Greene (Greene Land Surveying PLLC) presented this application. Mr. Wright and others also attended.

Mr. Greene said that the applicants received Preliminary and Final Re-Subdivision Plat approval from the Planning Board on January 15, 2020. He said that the application this evening is for Preliminary Site Plan approval for the construction of a new single-family residence on Lot #R-2B of the subdivision.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening for Preliminary Site Plan approval with conditions. He said that the draft resolution was posted upon the Town website prior to this evening's meeting.

Mr. Delpriore said that the application was submitted to the Ontario County Planning Board (Referral #16-2020, February 12, 2020) and to the Ontario County Soil and Water Conservation District for review. He said that these agencies recommended the implementation of green infrastructure measures to absorb water before it migrates off the property, specifically: "Green infrastructure could be considered to manage water from indicated drainage"—comments from the Ontario County Soil and Water Conservation District.

Mr. Delpriore also acknowledged receipt of two letters from Linda Heberle (for 531 Yellow Mills Road) dated February 13, 2020; and February 19, 2020; in which Ms. Heberle expressed concern about stormwater drainage flowing from the Wright property onto her property to the north. In the letters, she requested that the Town consider requiring a stormwater facility to hold some of the additional runoff on the Wright property to reduce the adverse drainage onto her agricultural land.

Mr. Brabant discussed the MRB Group engineering comment letter of January 24, 2020. He requested that roof leaders and downspouts from the new house and the barn should be

shown on the plans and should not discharge to the north. He also said that a note is to be added to the plans indicating that if the disturbance area meets or exceeds one acre, the applicant would be required to meet the New York State Department of Environmental Conservation stormwater requirements including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and receiving coverage under the Construction General Permit GP-0-15-002 (or latest version).

Mr. Brabant said that an investigation of the property to the north (the Heberle property) was conducted. He said that stormwater drainage flows from south to north, and that there are two existing drainage swales and two ridgelines that form between the two properties which create these channels. He said that both swales flow from south to north and create a massive wetland on the southeast corner of the Heberle property.

Mr. Brabant said that this is the natural flow of runoff from this site to the wetland. He said that green infrastructure deals with water quality, not with water quantity, with which Ms. Heberle is concerned. He said that some type of green infrastructure is an option for the Planning Board under its purview, but that the way these properties are set up, water is directed toward the wetland.

Mr. Hemminger said that the issue is water quantity, not water quality, and that a rain garden does not address water quantity.

Mr. Delpriore said that there is a benefit any time that water quality and water quantity can be addressed. He said that this is a reason for the recommendation to address the runoff from the house and barn roof leaders.

Mr. Greene said that the percolation rates show that they cannot turn enough water on to create a retention swale. He said that they propose grading out the back side (of the new house) and creating a walk-out area. Mr. Greene said that any runoff from the house would be heading east and will flow into the existing swale.

Mr. Brand asked if what is being proposed will satisfy the Ontario County Planning Board. Mr. Greene said yes. He said that water quality should be taken care of. Mr. Brabant said that they propose to create a vegetative swale, that they are stating that the percolation rate is not there, and that they will have the same flow out of the site as it exists today.

Mr. Brabant said that the applicant plans to direct all stormwater runoff to the east and then north to the wetland [that is located on the Heberle property]. Mr. Greene said that the swale crosses another property before it reaches the Heberle property.

Mr. Hemminger asked if there is a documented issue on the wetland. Mr. Delpriore said that the Ontario County Soil and Water Conservation District representative walked the property and determined that it is a wetland and that there is no real answer or solution on how to deal with it.



Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
 PRELIMINARY SITE PLAN APPROVAL, LOT #R-2B,  
 SEAN O’CONNELL TRUSTEE SUBDIVISION  
 GARY WRIGHT, YELLOW MILLS ROAD**

**PB #0202-20**

**APPLICANT: Gary Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522**

**ACTION: Preliminary Site Plan Approval of Lot #R-2B, Sean O’Connell, Trustee Subdivision, containing a total of 3.333 acres, for a single-family dwelling, a 1,200 square foot barn and related site improvements**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application from Gary M. Wright for Preliminary Site Plan Approval for Lot #R-2B of the Sean O’Connell, Trustee Subdivision Plat of Lands; and

**WHEREAS**, the Planning Board has determined the proposed action is identified as a Type II Action under Part 617, of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as the SEQR Regulations); and

**WHEREAS**, the Planning Board has completed its review upon this Action under SEQR Regulations; and

**WHEREAS**, the Planning Board has given consideration to the comments contained in Ontario County Planning Board Referral 16-2020, dated February 12, 2020; and

**WHEREAS**, the Planning Board has received testimony at tonight’s public meeting regarding the proposed preliminary site plan.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Board does hereby move to grant Preliminary Site Plan Approval with the following conditions:

1. Preliminary Site Plan Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, identified as Job No. 19-5162, having the latest revision date

2/3/20 and entitled “Preliminary Site Plan of Land, Being Lot 2 of the Sean O’Connell, Trustee Subdivision,” prepared for Gary M & Theresa K. Wright” and subject further to the conditions set forth below herein.

2. The title of the drawing is to be amended to read “Preliminary Site Plan Lots #R-2B, Sean O’Connell, Trustee Subdivision.”
3. The Site Plan Drawing is to label Lot #R-2B and Lot #R-1B.
4. Any and all comments contained in the MRB Group’s report letter dated January 24, 2020, requiring any changes to the Preliminary Site Plan Drawing cited above herein are to be made and noted in the drawing’s revision box before the Town Engineer’s signing of the preliminary site plan drawing. In particular, the design changes to comply with Appendix H-4.0 and H-5.0 of the Town of Farmington Site Design and Development Criteria.
5. A Note is to be added to the drawing to read . . . “A Park and Recreation Fee, in the amount prevailing at the time of application for a Building Permit for Lot #R-2B shall be a pre-requisite to the issuance of a Building Permit.”
6. A Note is to be added to the drawing to read . . . “The finish grade of the driveway shall be not more than 2 feet above finish grade at centerline of Yellow Mills Road and the driveway slope within the lot shall not be greater than 10 percent.”
7. A Note is to be added to the drawing to read . . . “A leveling area of 3 percent maximum adjacent to the right-of-way of Yellow Mills Road shall be provided which is a minimum of 30 feet in length from the edge of the street pavement. This area is to be black-topped.” The revised Preliminary Site Plan drawing is to show this delineated area.
8. Preliminary Site Plan Approval is valid for a period of 180 days and must be renewed unless all conditions of approval have been made and a signed preliminary site plan map has been placed in the file in the Town Development Office. Failure to comply with this time period shall result in this preliminary site plan approval being made null and void.
9. Once all conditions of Preliminary Site Plan Approval have been made on the revised drawing, a total of five (5) paper prints are to be submitted to the Town Code Enforcement Officer, within the 180 day period, for his review and acceptance for signing by the Planning Board Chairperson and other Town Officials.
10. Copies of this resolution are to be provided to: Gary M. and Theresa K. Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522; Timothy R. Voellinger, L.S., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; Don Giroux, Town Highway Superintendent; Lance S. Brabant, CPESC, MRB Group; the Town Clerk; and the Town Development Office.

Mr. Hemminger asked Mr. Greene if he received the draft resolution prior to the meeting. Mr. Greene said that he had not seen the resolution prior to the meeting. Mr. Brand said that the draft resolution was sent to Mr. Greene via e-mail prior to the meeting. Mr. Greene acknowledged receipt of the draft resolution but said that he did not have a chance to read the e-mail.

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

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

Motion carried.

**5. NEW PRELIMINARY SITE PLAN**

**Name:** Rochester Gas & Electric, P.O. Box 5224, Binghamton, N.Y. 13902

**Location:** 961 Hook Road

**Zoning District:** General Industrial (GI) and Major Thoroughfare Overlay District (MTOD)

**Request:** Preliminary Site Plan approval to expand the electrical substation to include an access road to the adjacent natural gas facility.

Ms. Steblein (LaBella Associates) presented this application. Ms. Bartl, Mr. Cronin, Mr. Hill and Mr. Shearer (all from RG&E) also attended.

Ms. Steblein said that this application was discussed at the Project Review Committee meeting on February 7, 2020. She said that project will provide improvements to the Canandaigua district grid, to the Farmington grid, and to the adjacent National Fuel Gas Compressor Station that is now under construction. She said that the improvements also will reduce the load at RG&E Station #121 in Macedon, N.Y.

She said that the project includes the installation of three new transmission lines and improvements within the existing substation with the installation of a second transformer to provide redundancy and to improve system reliability to reduce outages, brownouts and flickering lights.



Ms. Steblein said that the yard platform will be extended to a more rectangular shape, that new fencing and pole lighting will be installed, and that a new access road to the National Fuel Gas property will be constructed.

She said that the site disturbance will trigger stormwater management requirements. A bioretention facility will be built to address water quality issues. Ms. Steblein said that no sanitary or water utilities are required

Mr. Brand asked if the adjacent National Fuel Gas property will be affected by the RG&E project. Ms. Steblein said that some RG&E metering equipment will be installed on the northwest corner of the National Fuel Gas property. Mr. Brand asked if this has been shown on the National Fuel Gas site plan. Ms. Steblein said yes, and that the equipment will be owned by RG&E. An RG&E representative in the audience said that an easement will be provided by National Fuel Gas to RG&E.

Mr. Brand asked if the RG&E installation on the National Fuel Gas property will comply with the National Fuel Gas site plan that had been approved by the Planning Board. Ms. Steblein said yes and that no changes to the National Fuel Gas site plan are required.

Mr. Brand said that the Planning Board traditionally requires lighting and landscape details or may consider a waiver if requested by an applicant. He said that National Fuel Gas has done a good job with landscaping and that he is looking to RG&E to do something along those lines, on their property, as well.

Mr. Depriore said that stormwater mitigation measures will be required due to the amount of site disturbance. He said that the Town's standard Stormwater Maintenance Agreement has been sent to RG&E and that an access easement will be required on the roadway near the proposed stormwater ponds to provide the Town with access for inspections and for access during emergencies. Mr. Depriore emphasized that a Certificate of Occupancy will not be issued until the easement is approved by the Town Board and is filed in the Ontario County Clerk's Office.

Mr. Brabant said that most of the MRB Group engineering comments are geared toward stormwater mitigation measures. He said that he is working with the applicant's design engineers on these and that he has no additional issues at this time. Mr. Brabant also noted that the easement to be granted to the Town by RG&E will provide access to the stormwater ponds for inspection and for access during emergencies. He said that the issue [of the easement] must be addressed as the application moves forward.

Mr. Viets said the lighting plan should assure that there will be no light spill onto adjacent properties.

Mr. Hemminger said that a landscape plan and a lighting plan must be submitted with the Final Site Plan application.

Mr. Maloy asked about the FS1 and FS2 grass filter strips that are noted outside the limits of disturbance on the site plan. He asked to where they lead. Ms. Steblein said that those will be refined as the application moves forward.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION  
SEQR RESOLUTION—UNLISTED ACTION  
PRELIMINARY SITE PLAN**

**PB #0205-20**

**APPLICANT: Rochester Gas & Electric, P.O. Box 5224,  
Binghamton, N.Y. 13902**

**ACTION: Preliminary Site Plan Approval to expand the RG&E  
Electrical Substation #127, located at 961 Hook Road; and  
related site improvements to serve the adjacent Empire  
Pipeline Natural Gas Pumping Station.**

**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 FINALLY RESOLVED** that the Board, in accordance with the adopted Rules of Procedure for 2020, has received from the Town Director of Planning and Development a draft of Parts 2 and 3 of the Short Environmental Assessment Form for the Board’s review and acceptance.

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

Motion carried.

■ 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 the Town staff:

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

**PB #0205-20**

**APPLICANT: Rochester Gas & Electric, P.O. Box 5224,  
Binghamton, N.Y. 13902**

**ACTION: Preliminary Site Plan Approval to expand the RG&E  
Electrical Substation #127, located at 961 Hook Road; and  
related site improvements to serve the adjacent Empire  
Pipeline Natural Gas Pumping Station.**

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

**WHEREAS**, the Planning Board has conducted a public meeting upon said Action giving consideration to the comments provided; and

**WHEREAS**, the Planning Board is the designated Lead Agency in accordance with the procedures established under Part 617 described above herein; and

**WHEREAS**, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Short Environmental Assessment Form (EAF), along with supporting documentation and maps submitted with this application.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby accept the draft Parts 2 and 3 of the Short EAF prepared by the Town Director of Planning and Development, dated February 12, 2020, as being a complete and thorough evaluation of the anticipated environmental impacts associated with the above referenced Action.

**BE IT FURTHER RESOLVED** that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity; traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and

- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Cultural Resource Information System which indicates that the site is not within an archeologically sensitive area, or will the proposed Action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of current active agricultural land;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

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

**BE IT FURTHER RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance upon said Action and directs the Planning Board Chair-

person to sign and date the Short Environmental Assessment Form and to check the Negative Declaration Form.

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 and 3 of the Short Environmental Assessment Form, the Determination of Non-Significance Resolution with the Applicants.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	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:

**FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SITE PLAN APPROVAL  
ROCHESTER GAS & ELECTRIC SUBSTATION #127, 961 HOOK ROAD**

**PB #0205-20**

**APPLICANT: Rochester Gas & Electric, P.O. Box 5224,  
Binghamton, N.Y. 13902**

**ACTION: Preliminary Site Plan Approval to expand the RG&E  
Electrical Substation #127, located at 961 Hook Road; and  
related site improvements to serve the adjacent Empire  
Pipeline Natural Gas Pumping Station**

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

**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, making a determination of non-significance upon the proposed Action classified as an Unlisted Action; and,

**WHEREAS**, the Board has reviewed and given consideration to the Town of Farmington Project Review Committee (PRC) draft meeting minutes for the February 7, 2020, PRC meeting; and

**WHEREAS**, the Board has reviewed the Ontario County Planning Board referral Number CP 17-2020, dated February 12, 2020; and

**WHEREAS**, the Board has given consideration to the public comments entered into the public meeting record.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board does hereby grant preliminary site plan approval with the following conditions:

1. Preliminary Site Plan Approval is based upon the Application dated January 15, 2020, submitted by Carol Howland, P.E., CPESC Rochester Gas & Electric and the related documents and drawings prepared by LaBella Associates, dated January 16, 2020 by Mary B. Steblein, P.E., CPESC and having the latest revision date of January 14, 2020.
2. The Applicant is to comply with the requirements contained in the Town Engineer's letter dated February 11, 2020 which are to be reflected upon revised Preliminary Site Plan drawings and related documents.
3. The title of drawing number R127-1-13UG-D-0001 is to have Preliminary Site Plan added.
4. Signature lines and dates for the Town Highway and Parks Superintendent, the Town Water and Sewer Superintendent, the Town Engineer and the Planning Board Chairperson are to added to the following drawings: R127-1-13UG-D-0001; R127-1-13UG-D-0020; R127-1-13UG-D-0021; and R127-1-13UG-D-0023.
5. Preliminary Site Plan Approval is granted with the condition that a detailed landscaping plan and planting schedule will be part of any Final Site Plan Application.
6. Preliminary Site Plan Approval is granted with the condition that a detailed site lighting plan, with fixture cut-sheet and site illumination pattern will be part of any Final Site Plan Application.
7. Preliminary Site Plan Approval is valid for a period of 180 days from the date of this meeting and shall expire unless all changes required herein have been made to the drawings and documents and signatures affixed to the drawings.

Once all changes have been made to the documents and maps referenced above herein, the Applicant is to submit one (1) mylar and one (1) paper copy of the drawings for signing. Once signatures have been affixed to these drawings, the mylar will be returned to the Applicant's Engineer for making a total of four (4) paper sets. One set is to be provided to the Town Highway and Parks Superintendent; one set to the Town Water and Sewer Superintendent; one set to the Town Engineers; and the final set for the Town Development Office.

Once these maps have been distributed then the Applicant may make application for Final Site Plan Approval and will be placed upon a future Planning Board meeting agenda.

Mr. Hemminger then asked Ms. Steblein if she received the draft resolution prior to the meeting, if she understood the resolution and if she agreed with the conditions. Ms. Steblein said that she received the draft resolution prior to the meeting, that she understood the resolution and that she agreed with the conditions.

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

Motion carried.

The meeting recessed from 8:20 p.m. to 8:25 p.m.

**6. PLANNING BOARD ACTION ITEMS**

**A. Adoption of 2020 Major Thoroughfare Overlay District (MTOD) Site Design Guidelines:**

Mr. Hemminger asked if board members or Town staff had revisions to the Major Thoroughfare Overlay District (MTOD) Site Design Guidelines. No amendments to the current version were offered by board members or Town staff.

Mr. Hemminger then requested that the MTOD Site Design Guidelines be accepted as presented for 2020.

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the reading of the following resolution be waived and that the resolution and the accompanying 2020 MTOD Site Design Guidelines be adopted as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
MAJOR THOROUGHFARE OVERLAY DISTRICT (MTOD) SITE DESIGN  
GUIDELINES 2020**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board), in accordance with the provisions of Chapter 165, Section 100. D. (3) of the Town Code, has reviewed the above reference Action; and



**WHEREAS**, the Board has previously made a determination of significance under Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review [SEQR] Regulations) upon this Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby accept the Site Design Guidelines for the calendar year 2020 as provided for in Local Law #6 of 2009, per the document appended to these minutes.

**BE IT FINALLY RESOLVED** that a certified copy of these Guidelines is to be filed with the Town Clerk’s Office, posted on the Town’s website and distributed to members of the Planning Board, Town Development Staff, Town Engineer and made available to the general public upon request.

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

Motion carried.

*See Appendix 1: 2020 MTOD Site Design Guidelines*

**B. PB #1105-19: Victor Softball, 1309 Mertensia Road, Final Site Plan**

Mr. Robinson of Victor Softball and attorney Jon M. Stern, Esq., requested to address the board to discuss the conditions of approval of the Victor Softball Final Site Plan that was approved on November 20, 2019 (PB #1105-19).

They specifically expressed concern about Condition #7, as follows:

- 7. A Conditional Certificate of Occupancy (C of O) may be issued for the proposed use of the Building. A Permanent C of O shall not be issued until the proposed 10-foot water main easement has been accepted by the Town Board and filed in the Office of the County Clerk. Evidence of said filing shall be the Liber and Page copy to be filed in the Town Development Office no later than January 31, 2020.

Mr. Robinson said that the easement paperwork has now been filed with the Building Department, that the Town safety inspection has been completed, and that the organization would like to receive a Certificate of Occupancy to begin the use of the building for their softball programs.

Mr. Delpriore said that Mr. Robinson came to the Building Department yesterday (February 18, 2020) to request time on this evening’s Planning Board agenda to discuss this with the board. Mr. Delpriore said that he told Mr. Robinson that the

agenda for this evening's meeting was closed and that he could appear before the board at the meeting on March 4, 2020.

Mr. Delpriore said that Mr. Robinson agreed to the conditions of Final Site Plan approval on November 20, 2019, which required that the easement be filed no later than January 31, 2020. Mr. Delpriore said that the easement was not provided by the required date. He said that the easement was submitted to the Building Department on Thursday, February 13, 2020.

Mr. Delpriore said that the Building Department does not issue temporary Certificates of Occupancy and that all conditions of final site plan approval must be met prior to the issuing of a Certificate of Occupancy. He referred to his comments that had been made earlier in the meeting to the previous applicant (RG&E) regarding the filing of their easement prior to issuing a Certificate of Occupancy.

Mr. Delpriore said that Mr. Robinson reached out to the Town Supervisor and to the Planning Board Chairperson regarding this issue.

Mr. Delpriore said that the easement documents have been referred to the Town Construction Inspector. He said that if the easement documents are 100 percent correct, then the Construction Inspector will forward the documents to the Town Attorney for review. Upon approval by the Town Attorney, the documents will then be presented to the Town Board for approval, and then filed in the Ontario County Clerk's Office. He noted that as of this time we do not know if the submitted documents are acceptable or not.

Mr. Hemminger said that at this point the Town does not know if the easement documents are in the proper form that is acceptable to us [the Town] that there isn't anything the Planning Board could do tonight. He said that the Town has a process of review by the Construction Inspector and by the Town Attorney, and that the process has not yet been completed as of this evening.

Mr. Stern, an attorney, said that he is an assistant coach and attended the meeting this evening to assist Mr. Robinson. Mr. Stern asked to expand on Mr. Robinson's request. He said that they were here to beg you frankly [the Planning Board] and request that the board authorize Mr. Delpriore to issue a Conditional Certificate of Occupancy. He said that he understands that this is not an action item on the agenda this evening. He said that he had an opportunity to review the board's Final Site Plan approval in the minutes of the meeting of November 20, 2019.

Mr. Stern said that the issue seems to be—when he reads the conditions [of Final Site Plan approval]—that Mr. Delpriore declines to issue the Temporary or Conditional Certificate of Occupancy because of the issues for the paperwork of the easement. He said that when he read New Condition #7, it seemed to him when he read it that the board authorized that a Conditional Certificate of Occupancy may be

issued for the proposed use of the building back in November. He said that the evidence of the filing of the easement paperwork is related to the final approval.

Mr. Stern said that they represent 100 Little League girls and that the Town's inspection officer who inspected the property can verify that their organization has taken care of every one of these conditions. He said that the easement that is in question is for a water main for which you [the Town] have access within two feet, and that the easement is for 10 feet.

Mr. Stern said that he and Mr. Robinson are here to determine if there is any way that they can get a Temporary or Conditional C of O so that they can get their girls in for practice over the next two weeks. He said that he understands that this [application] is not as big as a solar farm. He said that it seems that they have jumped through every hoop and that it would be a shame to deny what was already authorized which was a Conditional Certificate of Occupancy based on Mark [Mr. Robinson] being unable to get the easement paperwork for [Town] Attorney [Jeffrey] Graff to look at.

Furthermore, Mr. Stern said that it seems like they could not possibly satisfy that [easement] condition before January 31, 2020, because the Town had not approved the easement paperwork.

Mr. Stern then read aloud a portion of Condition #7, i.e.:

“ . . . A Permanent C of O shall not be issued until the proposed 10-foot water main easement has been accepted by the Town Board and filed in the Office of the County Clerk. Evidence of said filing shall be the Liber and Page copy to be filed in the Town Development Office . . . ”

He said that if this is the reason for denial [of the Certificate of Occupancy] there does not seem to be any legal basis for it.

Mr. Giroux said that we [the Town] set these conditions for a reason. He alluded to the fact that this is not as big as Delaware River Solar but we set a policy here—we set conditions—and January 31st was the deadline. Mr. Giroux said that the deadline was not met and that Dan [Delpriore] does not have the option to issue a Temporary C of O. Mr. Giroux said that we need to follow policy because if this applicant does it this week, the next applicant does it next week, and it is a snowball effect.

Mr. Hemminger said that this is certainly outside our [the board's] Rules of Procedure.

Mr. Giroux said that it sounds like they [the applicant] have been aware of what they have needed for two months.

Mr. Stern said that when he reads Condition #7, the permanent Certificate of Occupancy was based on the January 31st deadline, not the temporary.

Mr. Hemminger said that we are not going to argue about this, straight up.

Mr. Brand said that he understands that the decision on this issue [to grant a Temporary or Conditional Certificate of Occupancy] rests solely with the Code Enforcement Officer and that it has nothing to do with this board. He said that his concern from the Town's perspective is that we learned after three or four months—November, December, January—that we were dealing with legal counsel who had been dead for some unknown amount of time.

Mr. Robinson said that they did contact with the [property] owner in California who signed the paperwork and had it notarized. He said that all the paperwork is there.

Mr. Brand said that the point that he was trying to get at was that you [the applicant] now have a process that if the Construction Inspector and/or Town Attorney finds need for additional changes, [the paperwork] has to go back to California, or it could be done electronically. He would like to avoid another three- (3-) month delay in making any necessary revisions that may be discovered.

Mr. Stern said that they are not debating that they still need to get through the rest of those pieces on there, but that Dan [Delpriore] is under the impression that he is not able to issue a Temporary Certificate because of the condition that I highlighted. What we would like is to do is to make sure that this board has no objection to him [Mr. Delpriore]—if we meet the criteria he is looking for—to issue the Temporary Certificate.

Mr. Hemminger said that it seems that the decision is completely in Mr. Delpriore's area and that he [Mr. Delpriore] can issue a Conditional [C of O] if he feels [that it is] appropriate or a Final [C of ] if he feels [that it is] appropriate.

Mr. Delpriore said that it is our [the Town's] policy that they will not issue Temporary C of O's. Mr. Hemminger said that we [the board] put this special one [Condition #7] in there to specifically help this [project] go along, to serve as a stimulus to get matters resolved, and it did not get taken care of.

Mr. Robinson said that from the perspective of this board there is nothing constraining him [Mr. Delpriore] at this point from being able to issue this.

Mr. Hemminger said that it is his [Mr. Delpriore's] responsibility to issue Certificates of Occupancy. Period.

Mr. Delpriore said that unless the board gives him direction to issue a Temporary C of O, we [the Building Department] will not issue a Temporary C of O.

Mr. Stern said that respectfully they [the board] are not directing you [Mr. Delpriore] to do anything.

Mr. Delpriore said that with that direction, we [the Building Department] will not do anything. He said that they are going to wait for the easement to be accepted by the Town Board and then filed in the County Clerk's Office prior to granting a Certificate of Occupancy.

Mr. Stern that said—with his understanding on the matter—this is again that the only reason, substantively, that you are not issuing it [the Certificate of Occupancy] is because Mark [Mr. Robinson] was unable to get the paperwork in.

Mr. Hemminger said that he is not convinced one bit that you [Mr. Stern] are helping the case by arguing with the Code Enforcement Officer.

Mr. Stern said that he is just trying to clarify.

Mr. Hemminger said that he did not think that there is any clarity that needs to be done.

Mr. Hemminger said that we are not in a court of law and that there is no value to this, unless the board somehow wants to hear any additional back and forth. He said that he did not think so.

Mr. Hemminger asked if the board wanted to hear anything more.

Mr. DeLucia said no. He said that this is up to the Code Enforcement Officer. It is his job, it is his process, and that he [Mr. DeLucia] is not going to object to that.

Mr. Viets said that he feels the same way, and that they [the applicants] are in a bad spot, but that it is Dan's [Mr. Delpriore's] call and that he was not sure whether the board can waive this condition of board approval.

Mr. Bellis said that he agrees with the others. He asked about the timeframe in the Town now. Mr. Delpriore said that they do not know right now because the review of the easement paperwork has not yet been done. He said that if it is 100 percent and if we are good, it could be a week or a week-and-half before it could go before the Town Board [for approval].

Mr. Brand said that the Town Construction Inspector accepts the draft documents—which we do not know at this time if they will be accepted. He said that it is the intent of the Town Supervisor's Office to have the acceptance of that [the easement] on the Town Board agenda for next Tuesday night (February 25, 2020) if everything is found to be in order. Mr. Brand said that normally all Town Board agenda items must be filed with the Supervisor's Office by the Friday prior to the Tuesday meeting. He said that if there is consensus from the Construction Inspector and the

Town Attorney for the Town Board to act on this on Tuesday night, it is likely that we would know this on Friday (February 21, 2020) so that it could then be posted on the Town Board agenda.

Mr. Brand said that if you [Mr. Delpriore] were informed that everything would be good to go for Tuesday night, then it would be a different story for him [Mr. Delpriore] to issue a Conditional C of O with the knowledge that the Town Board would act on the following Tuesday.

Mr. Delpriore said that the best scenario, if everything is perfect, it would be to get your C of O Wednesday morning (February 26, 2020).

Mr. Hemminger said that he hoped that Mr. Robinson and Mr. Stern understand that this is not really in the Planning Board's hands at this point. He said that is in the hands of the Town Construction Inspector, the Town Attorney, the Code Enforcement Officer and the Town Board. That is where it is at.

Mr. Robinson said that he thought that Mr. Delpriore was saying that his hands were kind of tied because of the way the resolution was written. He said that what he wanted to do tonight is that they have the [property] owner on notice that if there is something that needs to be changed we can get them overnight something. He asked if they [the Construction Inspector and the Town Attorney] have looked over the papers and said that it is good for the Town Board on Tuesday—and they would have to do this by Friday—would you [Mr. Delpriore] be able to do a Temporary one [C of O]?

Mr. Delpriore said that he is not going to issue a Temporary [C of O]. He said that he has already made a decision on that.

Mr. Robinson said that this just irks the girls.

Mr. Maloy said he is not going to step on the Code Enforcement Officer's area. He said that the applicant needs to go through the process. He said that he wishes them luck getting it done.

Mr. Stern said that for the record he understands the decision. He said that he read the condition and that he thinks that the Code Enforcement [Officer] is going beyond what this court—this board—authorized, just for the record.

Mr. Hemminger said that he thinks what the applicant is missing is that the Code Enforcement Officer has his own procedures and rules. Mr. Hemminger said that one of the things that this Town is good at is being consistent with the way we handle things. He said that is why the board has Rules of Procedures—to try and be as consistent as humanly possible. Mr. Hemminger said that we are all bleeding hearts and sad that the girls cannot practice, but that there are procedures and rules that we [the board and Town staff] follow.

Mr. Brabant said for the record that for every application that comes before this board all easements have to be accepted by the Town Board and recorded in the County Clerk's Office prior to the issuing of a Building Permit. He said that this is not a Code Enforcement Officer requirement. He said that this is a Town requirement. Mr. Delpriore said that the Town has already given [this applicant] leniency by moving it from the issuance of a Building Permit to the issuance of a Certificate.

Mr. Hemminger said that the key will be to insure that the Town Construction Inspector gets that [the easement paperwork] reviewed and that his comments get to back to your [the applicant's] folks and get fixed, and back to the Construction Inspector by Friday so that this can get on the Town Board agenda for Tuesday (February 25, 2020).

Mr. Hemminger said that this is the best that we can do—to help you [the applicant] understand the process.

Mr. Delpriore said that the reason why the Town has gotten away from issuing Conditional Certificates is that all too often what happens is we are chasing information—and this Town has chased a lot of information—and over the last year we have gone about it very aggressively about changing our policies so that we do not issue [certificates and permits] up front any more. There is a long track record—Mr. Brabant and Mr. Giroux have both attested to that—that the rules are the rules.

There were no further comments on this topic this evening.

## 7. **OPEN DISCUSSION**

### ***Director of Development and Planning:***

Mr. Brand reported on the following topics:

- Information on legal issues for planning and zoning boards was provided at the Association of Towns meeting that concluded today in New York City. Mr. Brand said that the material will be available for study by members of the board. Board members who complete the review of this material will receive two hours of training credit. Mr. Brand also noted that there was considerable discussion of 5G broadband networks at the Association of Towns meeting.
- Mr. Brand requested that the board hold an Executive Session this evening to discuss pending litigation.



***Code Enforcement Officer:***

Mr. Delpriore reported that the recreational vehicles that had been stored outdoors at Always Locked Self Storage, 6061 Carmen's Way, have been moved and that the U-Haul trucks are being parked in the back of the building.

He also reported that earthwork is underway on the site of the new building at Home Power Systems, 1127 Corporate Drive.

***Highway Superintendent:***

Mr. Giroux said utility and earthwork is continuing at Beaver Creek Park, weather permitting.

**8. PUBLIC COMMENTS**

None.

**9. EXECUTIVE SESSION**

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the board enter into Executive Session for the purpose of discussing pending litigation.

Motion carried by voice vote.

The board entered into Executive Session at 9:00 p.m. The board came out of Executive Session at 9:12 p.m.

No decisions were made in the Executive Session.

■ A motion was made by MR. BELLIS, seconded by MR. MALOY, that the meeting be reconvened.

Motion carried by voice vote.

The meeting was reconvened at 9:12 p.m.

**10. TRAINING OPPORTUNITIES****82nd Annual New York Planning Federation Conference**

April 19–April 21, 2019

The Sagamore Resort, Bolton Landing, N.Y.

For information and updates: [www.nypf.org](http://www.nypf.org), (585) 512-5270

**Future Training Opportunities Online**

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

**11. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 9:13 p.m.

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, March 4, 2020, at 7:00 p.m.

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

Respectfully submitted,

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

**Appendix 1:****TOWN OF FARMINGTON BOARD RESOLUTION  
MAJOR THOROUGHFARE OVERLAY DISTRICT (MTOD) SITE DESIGN GUIDELINES 2020****ADOPTED FEBRUARY 19, 2020****1. Adoption by the Board**

The creation of this Site Design Criteria Manual is an implementation action identified in the adopted *Town of Farmington Comprehensive Plan*. The following site design guidelines are hereby established by the Farmington Town Board as part of Chapter 165, Section 100, of the Farmington Town Code and the powers provided to the Board as set forth in Sections 271 and 274 b of the New York State Town Law. These guidelines shall remain in effect each year subject to Board review and adoption as part of their annual organizational meeting, or at other times subject to formal Board action. Certified copies of this Manual are on file in the Town Development Office and may be purchased from the Town Clerk's Office during normal business hours. A copy of these Site Design Guidelines is available online at the Town's website:

[www.townoffarmingtonny.com](http://www.townoffarmingtonny.com).

**2. Authority**

These guidelines are provided for in Local Law Number 6 of 2009, adopted by the Town Board on December 22, 2009, and also adopted thereafter annually by Board resolution. When adopted they establish standards for Site Plan approvals as provided for under the established provisions of the Town Code. These guidelines pertain to all applications subject first to Site Plan approval by the Board as provided for in Chapter 165 of the Town Code. The Board reserves the right to modify, waive or request additional requirements depending upon the scope, location or nature of development. It is hereby declared the Board's intent to be consistent in applying the standards of these guidelines throughout the Town where site plan approval is required.

**3. Overall Site Design Objectives**

The purpose of these Site Design Guidelines is to communicate to applicants the expectations that the Board has for enhancing the appearance of development in Farmington through its site plan approval process by:

- a. fostering attractive building and site designs with enduring aesthetic appeal;
- b. fostering attractive, inviting, pedestrian-friendly designs that are likely to evoke a strong "sense of place;"
- c. fostering designs that have continuity with the best design traditions and values of the community;

- d. fostering designs which are likely to evoke feelings of pride in one's community;
- e. fostering the preservation and enhancement of significant views and characteristics of the natural landscape including topographic and water course features;
- f. enhancing the use and pedestrian appeal of spaces around and between buildings for the enjoyment of the public;
- g. promoting and enhancing the interconnection of on-site pedestrian walkways with off-site pedestrian access ways;
- h. encouraging opportunities to allow pedestrian accessibility to areas with strong natural features such as wooded areas, wetlands and water courses, by the attainment of public rights-of-access, and
- i. promoting multi-modal travel between adjacent sites.

#### **4. Relationship to Surrounding Neighborhoods and Land Use**

The design of buildings and sites should be undertaken by design professionals who are sensitive to the surrounding landscape, views and character of the community. Site and building designs are expected to have cohesive, appealing stand-alone design qualities as well as to have design scale and design continuity that allows them to compliment and enhance the best design traditions of the community.

#### **5. Architectural Design Characteristics**

The Board expects that building design professionals will be sensitive to the character of residential areas adjacent to a site that is seeking Site Plan approval. In addition, the Board expects that building design professionals will be sensitive to the site improvements which will also be attractive and appropriate to the character of adjacent sites.

The Board and its consultants will review the scale and design character of proposed building and site designs, and require design treatments that are appealing to, and in scale with, pedestrian neighborhoods whenever possible. Such design treatments may include, but are not limited to, the following:

- a. *Façades, roof forms and exterior walls.* Façades, roof lines and exterior walls should have three dimensional variations to provide interest and variety. In large buildings, suggested techniques include: organizing large building masses into a series of smaller masses; providing offsets in exterior walls; providing an accent form or forms, and providing a variation in roof lines or heights that are compatible with the design theme. The areas and patterns of glazing used in facades should be interesting and compatible with the three-dimensional design of the building.

Exterior walls above grade that are attached to buildings should appear to be integral to the building, i.e., walls attached to brick building surfaces should be brick. Other above grade screening walls, such as dumpster enclosures or transformer screen walls, should match materials and colors used in the building façade.

- b. *Building entrances.* Building entrances should be interesting, attractive, obvious, in scale with the building façade and have a weather cover that is a permanent component of the building extending outward from and above the entrance and providing shelter from the elements. In no instance will a canvas canopy suffice for adequate covering of a building entrance. In addition, depending upon the orientation of the entrance on the site, additional design considerations shall be required so as to adequately protect persons entering and exiting the building. Individual tenants should have separate entrances.
- c. *Screening of equipment.* Rooftop screening equipment shall appear to be integral with the building design. That is, parapet walls or sloped roof forms integral to the design of the building are preferred. Other equipment located at grade such as compactors, dumpsters, HVAC equipment, electrical transformers and switchgear located on site shall be totally screened from public view in a manner approved by the Board. Screening materials and design should be attractive and compatible with the building design and overall landscape design.
- d. *Color and material of primary building components.* The Board has a preference for the use of brick and clear glass as primary façade materials. Alternative materials may be chosen if they are more appropriate to adjacent residential communities. Where other materials are being proposed, the Board may ask that brick be incorporated as a major component. The use of reflective glass, split face concrete masonry units or metal siding is discouraged. Façade material colors should be selected to avoid being dreary and also to avoid being excessively bold.
- e. *Character of exterior space.* Exterior space design is an integral component of good site design. Special attention should be taken in the design and coordination of landscape treatments of exterior spaces around and between buildings to allow them to be inviting and attractive to pedestrian users. Well-designed exterior spaces will soften the impact of a building on a site and help it appear to belong there. There should be an exterior design concept on each project and it should complement the building design. Opportunities to embellish pedestrian gathering spaces with compatible landscape accessories are encouraged. Landscape planting, pedestrian paving treatments and landscape accessories will be requested between the parking lot or driveway curb lines and primary building façades. Larger areas of pedestrian walkway pavements should be subdivided by aesthetically arranged control and expansion joint patterns. The Board encourages the use of colored unit pavers for incorporation into the overall hardscape design layout to provide pattern and color variation to other more standard paving materials and to accent the location of landscape accessories such as tree grates, tree guards, planters, plant beds, trash

containers and bicycle stands. For additional information, see Section 9 of these Guidelines.

- f. *Building canopies and canopy lighting.* The Board may allow back lighted canopies up to eight (8) feet wide and eight (8) feet in height over the entire main entrance area to a building. Lighting fixtures, lamps or lenses may not project below canopy soffits. Back lighting larger canopies is not recommended. The underside of building canopy heights shall not exceed fourteen (14) feet above grade or pedestrian/vehicular pavement surface below. Canopy colors, excluding signage graphics, should not be bright attention-getting colors. In no event shall a canvas awning be accepted as a suitable canopy covering for a building entrance under these guidelines.
- g. *Gasoline pump canopies.* Canopies covering gasoline pump islands, which are free-standing or attached to buildings, should not be back lighted, except for any approved signage or logo. Any lighting of the area underneath the canopy that covers the gasoline pump islands shall be down ward oriented and fully shielded to reduce glare. Canopies covering gasoline pump islands should not exceed fourteen (14) feet in height above grade or pavement surface below.
- h. *Prototype building designs.* Prototype building designs will be considered if they are consistent in design, material, color and detail with the design intent of these Guidelines. The Board reserves the right to require design alterations to standard building designs that the Board deems to be inconsistent with the general intent of these Site Design Guidelines.

## **6. Building and Site Lighting**

Site and exterior building lighting should be similar in color of light. The Board preference is for LED lamped site lighting (as opposed metal to halide or sodium vapor). Exterior building lighting should have a light color that is compatible with the LED light color. Pedestrian walkway lighting should be appropriate in style with the design character of the space and should not exceed fourteen (14) feet above surrounding grade. Parking lot light poles should not exceed thirty (30) feet mounted on a maximum three (3) foot base and should be located within landscaped islands or on lawn area wherever possible. All building mounted exterior light fixtures must be shown on building elevations and must be approved by the Board for design location and fixture color. All building mounted lighting and site lighting shall be shielded from adjoining properties and public rights-of-way. Light cut-sheets and distribution patterns shall be submitted with all lighting plans.

Subtle landscape lighting shall not glare into vehicular or pedestrian circulation areas. Landscape lighting design components include, but are not limited to the following:

- a. Exterior electrical outlets at building canopies and at tree bases that allow building managers to provide seasonal low wattage mini-lights is encouraged.

- b. Subtle landscape lighting may include lighted bollards along walkways, surface-mounted exterior lighting to highlight or backlight plant materials and subsurface light fixtures that are recessed below finished grade. These should be located to highlight plants and portions of building walls.
- c. Building façade lighting should be subtle in nature and could ideally be accomplished with upward directed landscape lighting that filters through, or backlights, landscape plantings onto building walls.
- d. The use of bright colors, neon or similar materials, motion lighting, strobe lights and similar attention-getting lighting devices is strongly discouraged.

See Section 8.c for additional information.

## **7. Site and Building Signage**

Sign graphics and lighting should be designed to allow for clear communication, but should otherwise not be over lighted. Signs with exterior illumination shall not glare into vehicular or pedestrian traffic areas. Internally illuminated signs should have the sign letters and logos highlighted with dimmer background lighting of the sign. This concept applies to all site and building signage, including traffic control signs. Sign site lighting should not glare to either on-site or off-site locations. The wattage of sign lighting should be submitted for Board review as part of any Site Plan or Sign Site Plan application.

Larger signs that are allowed by Code which are attached directly to buildings should have separate letters with no box or cabinet background.

## **8. Site Design Characteristics**

The natural characteristics (e.g., tree masses, streams, topography, etc.) of each site should be preserved and enhanced where possible.

The Board encourages the incorporation of curved edges and surfaces where possible as accents in the layout of pedestrian walkways, planting beds, finish grade contours, ponds and drainage swales to achieve a more natural appearance. Drainage ponds and swales with straight edges should be avoided wherever possible.

Finish grading plans should incorporate soft, irregular, undulating, landscaped earth forms to enhance pavement and plant locations and to provide an appealing visual transition between parking areas and both streets and neighboring parcels.

Site amenities such as pedestrian walkways and landscape accessories should be included where space allows. This adds to the pedestrian friendly appeal of exterior spaces. See Section 10 for additional information.



The following is a checklist of landscape considerations and features that should be incorporated into the landscape designs for all site plans:

- a. *Preservation of natural character.* Try to preserve all of the best natural resources of the site, such as trees, stream, rock out-croppings, natural topography, view-scapes and wetlands.
- b. *Viewscapes.* Carefully study the site's good, as well as bad, views. Analyze preliminary site views for both positive and negative attributes.
  - 1) Keep attractive views open and framed for greatest landscape value.
  - 2) Screen out unattractive and objectionable views either by constructing structures or by an aesthetically unique landscape design.
  - 3) The landscape design should have unity, harmony and fitness to use. There must be a harmonious landscape relationship with the vertical and horizontal lines of the buildings.
- c. *Landscape lighting design standards.* The Board recommends the use of landscape lighting to create soft night lighting of plants, where appropriate. Lighting designs should incorporate two or more of the following techniques based on available opportunities.
  - 1) Down Lighting is the most natural and efficient form of lighting like sun-light or moonlight. The light sources are hidden and directed straight down through plant and tree material.
  - 2) Up Lighting is achieved by placing the light fixture in the ground and directing it up through plant material. The internal structure of plants becomes dramatically lighted and large shadows can be produced.
  - 3) Back Lighting is the soft wash lighting of a background such as a wall or a fence and is a very subtle form of lighting. The plant material is viewed in silhouette against the lighted backdrop.
  - 4) Subminiature lamps on a flexible ribbon or tubular lighting may be appropriate for seasonal displays indoors or out.
  - 5) Electrical outlets should be located at the base of designated trees and plants to allow the future use of seasonal lighting.
  - 6) Bollards are available with internal illumination. The use of lighted bollards is optimal.

- 7) Flood Lighting on a residential or commercial level is soft, gentle flood lighting used as background lighting to create visual depth. Avoid using discharge mercury and sodium-vapor lighting used as security lighting. These lights should not cause glare.
  - 8) Recreational Lighting for small court games (i.e., shuffleboard, or putting greens, etc.) requires special study and selection. The light must be even and general, yet not in the eyes of the players. Large court games, (i.e., volleyball, badminton, or tennis) may require specialized lighting design. These lights should not glare off site.
  - 9) Landscape Lighting should be used as a feature of the landscape design to highlight designated design elements such as plants, walkways, walls, building façades or a combination thereof.
  - 10) A combination of various lighting techniques such as down lighting, up lighting or back lighting to create a more interesting setting is suggested.
  - 11) The source of light should be concealed to enhance the effect rather than the fixture itself.
  - 12) Avoid over lighting that can produce glare and limit visibility.
  - 13) Use LED lamps as a type of light source to avoid mixing light color on site.
  - 14) Fixture colors should be coordinated with building colors. Typical colors available are solid brass, copper or bronze in color; black, white, natural non-corrosive plastic; redwood (clear, all heart, kiln dried); cast aluminum or satin aluminum and glass in combination with flexible ribbon lighting.
- d. *Landscape plant forms.* Plants should be selected to be natural looking and graceful. Plants should be chosen to be as mature as possible to attain their desired shapes in relatively short periods of time. Each shape has its own place in landscape design. For example, deciduous shrubs are usually upright, round or spreading. Deciduous trees are round, weeping, oval, vasselike, erect or columnar, and pyramidal. Evergreens are columnar, narrow pyramidal, broad pyramidal, round, spreading or creeping. Different shapes provide variety and interest by accenting the major type with other forms. This is recommended to avoid monotonous repetition.
- e. *Plant texture and color.* Color and texture are important qualities that should be considered along with the form of plants. The Board expects that landscape architects will take special efforts to include the right balance of plant textures in the overall plant selection process. Texture is a plant feature that offers another chance to add variety and interest to a planting picture. Texture can be defined as the relation between foliage and twig size and the remainder of the plant. Close up, texture comes from the size, surface, and spacing of leaves and twigs at different

seasons. At a distance, texture is the entire mass effect of plants and the quality of light and shadow. Patterns created by light and shade are an important part of texture. These patterns vary from season to season and even from hour to hour. The shadows cast by fine-textured plants are weak because of the spacing and size of the mass and because of light filtering through the foliage. The shadows cast by coarse-textured plants are strong because the foliage is large or dense and light is reflected from the surface. This play of light and shadows emphasizes the fineness or coarseness of the plants' texture. Landscape lighting is expected to highlight these features.

The Board expects that the color of plants will be taken into account by the landscape architect to achieve the best overall design results.

The variety and location of landscaping should be appropriate for the environmental conditions, use, purpose and care that it will be subject to.

f. *Plant material and minimum sizes.* The following is a list of recommended plantings:

- 1) Evergreens (conifers and ornamentals)
  - Abies (fir)
  - Chamaecyparis (cypress)
  - Erica (heath)
  - Juniperus (juniper)
  - Picea (spruce)
  - Pinus (pine)
  - Pseudotsuga (fir)
  - Taxus (yew)
  - Tsuga (hemlock)
- 2) Broadleaf Evergreens
  - Buxus (boxwood)
  - Calluna (heather)
  - Euonymus (euonymus ever)
  - Ilex (holly)
  - Pieris (andromeda)
  - Rhododendron (rhododendron)
  - Rhododendron (azalea)
- 3) Deciduous Trees (shade and ornamental flowering)
  - Acer (maple)
  - Amelanchier (shadbush-service berry)
  - Betula (birch)
  - Carpinus (hornbeam)
  - Cercis (redbud)
  - Cornus (dogwood)
  - Crataegus (hawthorn)

- Fagus (beech)
  - Gleditsia (locust)
  - Magnolia (magnolia)
  - Malus (flowering crabapple)
  - Prunus (flowering–cherry)
  - Pyrus (flowering pear)
  - Tilis (linden)
  - Syringa (tree lilac)
4. Deciduous Shrubs
    - Aronia (choke cherry)
    - Clethra (summersweet)
    - Cornus (dogwood)
    - Cotoneaster (contoneaster)
    - Deutzia (deutzia)
    - Forsythia (forshythia)
    - Hamamelis (witch hazel)
    - Ilex (holly)
    - Philadelphus (mock organe)
    - Spiraea (spirea)
    - Syringa (lilac)
    - Viburnum (viburnum)
    - Weigela (weigela)
  5. Herbaceous Perennials including  
Daylilies, Hostas, Sedum and Fern
  6. Ornamental Grass, Sedges, Reeds
    - Calamagrostis (feather reed grass)
    - Festuca (dwarf clumping grass)
    - Miscanthus (large clumping grass)
    - Panicum (switch grass)
    - Pennisetum (fountain grass)
  7. Ground Covers
    - Ajuga (Bugleweed)
    - Euonymus (wintercreeper)
    - Hedera (English ivy, Baltic ivy)
    - Lonicera (halls honeysuckle)
    - Pachysandra (pachysandra)
    - Vinca (myrtle)

The following is a list of minimum sizes for the recommended Plant groups at the time of planting:

- Evergreen (conifer) 6' to 8'
- Evergreen (ornamental) 24" to 48"

- Broadleaf Evergreens 24" to 48"
- Deciduous trees (shade) 3" caliper
- Deciduous trees (ornamental flowering) 2" to 2½" caliper
- Deciduous Shrubs 18" to 48" or 2–3 gal.
- Herbaceous Perennials 1–3 gal.
- Ornamental Grass 1–3 gal.
- Ground Cover 2 year 2½" pot

All landscape plant material must meet the American Standard for Nursery Stock quality. All plant material must be No. 1 or heavy specimen quality grade.

All landscaping shall be installed and maintained to ensure growth. All landscaping materials shall be maintained free from disease, pests, weeds, and litter. The regular maintenance shall also include prompt replacement, where necessary, of any landscaping plantings that die, turn brown or defoliate. The replacement plantings shall be of the same size, species and quantity as shown on the approved plans. Substitutions shall be approved by the Town Planning Department and so noted on the approved drawings. A two-year maintenance bond or cash equivalent may be required to be posted with the town if determined by the Code Enforcement Officer (CEO) to be appropriate.

The following trees/shrubs are considered undesirable in most applications. These plants have a tendency to become over-dominant, also are soft or brittle and tend to break during high winds or heavy snows.

- |           |  |
|-----------|--|
| Acer      | Box Elder, Amur Maple, Silver Maple            |
| Ailanthus | Tree of Heaven                                 |
| Populus   | White Poplar, Carolina Poplar, Lombardy Poplar |
| Salix     | All willows                                    |
| Prunus    | Purple Leaf Plus                               |
| Elaeagnus | Russian Olive, Autumn Olive                    |
| Juniperus | Andorra Juniper, Hetzi Juniper                 |
| Thuja     | All Arbor Vitaes                               |
| Juglans   | All nut trees                                  |

Any changes to the approved landscape design, including variety and size of plants, must be made in writing to the Town CEO for change approval.

**9. Applicant Submissions**

Both conceptual site and conceptual building designs should be incorporated into the applicant’s plans, beginning with the applicant’s concept, or sketch plan, reviews submission. Subsequent submissions should include sufficient drawings, photos and text to clearly and thoroughly communicate the complete design intent of the project, to the satisfaction of the Board. The applicant is encouraged to have a pre-planning submission conference with the CEO, the Director of

Planning and Development and the landscape consultant. Submission information to the Board shall include, but not be limited to the following:

*Conceptual/sketch Plan:*

- a. All drawings should have a scale that is indicated on the drawing, along with the direction of north and each sheet should be numbered and dated.
- b. The design character of the building(s) should be shown on the plan along with a three-dimensional concept sketch indicating anticipated size, shapes, materials and relationship to the site.
- c. Generic landscape ideas and exterior space concepts should be included.

*Preliminary Plan:*

- a. Provide building plans and elevation drawings to scale that are numbered and dated. Provide a first-floor plan.
- b. All building elevations must be in color. All colors shown shall be the colors of the building to be constructed and identified by an objective manner, paint identification number or nomenclature, or similar material.
- c. Three-dimensional representations of primary building façades should be included that include roof forms, method of screening visible building equipment, trash and loading areas. These drawings shall indicate color and material representations.
- d. The Board may request: a site profile incorporating a key building profile; an additional three-dimensional rendition or electronic 3-D walkthrough; or even a mass model, if necessary to fully understand the three dimensional characteristics of proposed buildings.

*Final Plan:*

- a. Provide final design drawings that include final design refinements that incorporate Board comments from prior submissions. Provide colored elevations of all building elevations, screening, light fixtures, roof penetrations, HVAC grilles, building-mounted lights, signs and canopies. Clearly identify all materials and colors, including exterior soffit materials.
- b. Provide colored exterior elevations of all sides of building and provide three-dimensional renditions, if requested by the Board. Provide a first-floor plan and a roof plan. Provide elevations of exterior screen walls.

- c. Provide a “hardscape” plan at least 1/8"–1' 0" in scale indicating: pedestrian paving materials; surface patterns; control and expansion joint locations; key dimensions and location of landscape accessories; and all site accessories. This plan shall include all dimensioning necessary for accurate layout of all paving including control and expansion joint locations.
- d. Final grading plans and landscape planting plans shall be prepared and sealed by a Licensed Landscape Architect.
- e. Provide a written list of all exterior building materials with samples of each material. A sample of glass will be required if anything other than clear glass is being proposed.
- f. Provide catalog cuts with color selections of site lighting fixtures and landscape accessories including: fencing, tables, benches, trash containers, tree grates, tree guards, pedestrian walkway light fixtures, landscape lighting fixtures, bollards, fountains, clocks and bicycle racks, etc. Provide material and color samples of unit paving materials. Lighting fixture submittals shall indicate type of lamp and wattage per fixture.
- g. Provide a signage package including drawings to scale of all site signage, including building-mounted signs, site signage including vehicular traffic control signs. This material shall clearly indicate the graphic layout, dimensions, colors, type of illumination, lamp wattage.
- h. Provide finished grading plans and landscape plans. Finish grading and landscape plans shall be prepared and sealed by a NYS licensed landscape architect. Final landscape drawings shall include a plant schedule that clearly keys each plant type to the site. This schedule shall include the Latin name, common name, plant group, height, ball size, quantity and caliper required. See landscape section for additional requirements.

## 10. Terminology

For the purposes of these Guidelines, the following shall serve to clarify the meaning of special terminology included in this text:

- a. *Earth Forms*: This term describes the three-dimensional character of subtle earth mounds or depressions which may be used to aesthetically enhance the locations of site plan features such as pedestrian walkways, pedestrian gathering areas, paved parking areas, locations of featured plant groupings, signage or landscape elements, among other things. Irregular earth forms are preferred. This term refers to visually soft, curvilinear earth shapes that undulate in both the vertical and horizontal planes. Earth forms where possible, should be interconnected into groups, the tops of which might vary from 12 inches to 30 inches and in special cases, higher or



lower. The slope of grades used in defining earth forms could be gradual enough to allow for the mowing of sloped surfaces.

- b. *Hardscape*: This term describes that portion of a finished landscape design which includes, but is not limited to, the dimensional layout of pedestrian paving materials and patterns; the location of paving score lines and expansion joints; the location of landscape accessories including but not limited to bicycle racks, tables, benches, trash containers, tree grates, tree guards, bollards, trellises, gazebos and decorative walkway lighting; and the location of raised planters, curbed plant beds and decorative fountains. Hardscape elements are any of the above listed landscape accessories that are used to enhance the overall landscape design.
- c. *Pedestrian Friendly*: This term describes the positive aesthetic character of exterior space design that is likely to be inviting, interesting and enjoyable to pedestrians. Design components that impact on the pedestrian friendly and pedestrian scale of spaces include: pedestrian paving materials and their colors, textures and patterns; plant material including seasonal variety and color; subtle earth forming; size and character of pedestrian signage; use of park-like landscape accessories such as plant beds, benches, tree grates, tree guards, bollards and decorative lighting, to mention a few. It is important to note that pedestrian scale spaces can and should be inviting to passing motorists as well.
- d. *Sense of Place*: This term describes the ambiance of exterior spaces that are designed to have a personality that is inviting and attractive to pedestrians. Such spaces are best located between parking areas and building entrance façades, between buildings or between building wings.