

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, January 20, 2021 • 7:00 p.m.

MINUTES—APPROVED

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

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 7, 2020, and extended by Executive Order 202.87 through January 29, 2021:

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

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

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

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on Tuesday, January 19, 2021.

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

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

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

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

Staff Present via Telephone/Video Conference:
 John Robortella, Farmington Planning Board Clerk

Applicants Present at the Town Hall:
 None

Applicants Present via Telephone/Video Conference:
 Michael Montalto, Costich Engineering, 217 Lake Avenue, Rochester, N.Y. 14608

Others present at the Town Hall:
 Chief Phil Robinson, Farmington Volunteer Fire Association

Others Present via Telephone/Video Conference:

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

[Others, unidentified]

1. MEETING OPENING

The meeting was called to order at 7:00 by Chairperson Edward Hemminger.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020.

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

2. APPROVAL OF MINUTES OF JANUARY 6, 2021

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the minutes of the January 6, 2021, meeting be approved.

Motion carried by voice vote.

3. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN

PB #1205-20 Preliminary Site Plan Application

Name: Union Crossing Development LLC, c/o Karl Schuler, 2580 Baird Road, Penfield, N.Y. 14526

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

Zoning District: LI Limited Industrial

Request: Preliminary Site Plan approval to erect two single-story buildings 39 feet in height on Lot #2R of the Blackwood Industrial Park

Subdivision. Each building will be 216,000 square feet in size, for a total of 432,000 square feet.

This application was reviewed by the Project Review Committee on June 5, 2020 (concept plan presented); July 2, 2020; August 7, 2020; September 4, 2020; October 2, 2020; November 6, 2020; December 4, 2020; and January 8, 2021.

The Public Hearing on a three-lot subdivision and the Preliminary Site Plan was opened on December 16, 2020.

The applicant has revised the plans and has withdrawn the subdivision application.

Mr. Hemminger reconvened the Public Hearing on the Preliminary Site Plan application.

Mr. Montalto (Costich Engineering) presented this application via telephone/video conference.

He provided the following information:

- The applicant and Costich Engineering have been engaged with the New York State Department of Transportation (DOT) and the Ontario County Department of Public Works (OCDPW) regarding the Traffic Impact Study prepared by SRF Associates of Rochester, N.Y. The OCDPW retained a consultant—C&S Companies of Rochester, N.Y.—to review the SRF Associates Traffic Impact Study and provide comments and requests for additional information (*see* letter from C&S Companies to Timothy G. McElligott, P.E., OCDPW, dated January 4, 2021, in the project file).
- Comments also have been received from the Town staff and from MRB Group. Mr. Montalto said that these comments are consistent with the comments discussed at the Planning Board meeting on December 16, 2020. He said that no changes have been made to the plans since the December meeting and that the applicant is awaiting comments from the State Environmental Quality Review (SEQR) Involved and Interested Agencies, from the DOT, and from the OCDWP and its consultant before making revisions to the plans. Following receipt of these comments, Mr. Montalto said that further technical issues from the Town staff and from MRB Group will be addressed.

Mr. Brand said that the combined SEQR Coordinated Review and the 30-day public review period ended on Monday, January 18, 2021, and that the DOT and the OCDPW requested additional time to review the Traffic Impact Study and the County consultant's report. He said that the Town Clerk has submitted a report stating that there were no public comments received in her office during the 30-day period, and that this report has been placed in the project file. He also said that a draft resolution has been prepared for Planning Board consideration this evening for the designation of the board as SEQR Lead Agency for making the environmental determination of significance and for continuing

the Public Hearing to February 3, 2021, when the DOT and the OCDPW indicated that their comments would be submitted (*see also* email in the project file from Zachary J. Starke, P.E., Region 4 Permits, DOT, January 20, 2021).

Mr. Brand said that once acted upon the clerk of the board will provide certified copies of the resolution to be considered this evening to the SEQR Involved and Interested Agencies to inform them of the date of the continued Public Hearing.

Mr. Delpriore confirmed that the Town is awaiting the DOT and the OCDPW comments on this application. He said that the comments from the Town staff and MRB Group have been forwarded to Mr. Montalto and to the applicant, and that they are aware of these concerns and are working to address them.

Mr. Giroux requested that the applicant give consideration to stormwater retention and runoff on the north side of the property. He said that water which flows off the property to the north will have to be looked at seriously.

Mr. Brabant referred to the MRB Group engineering comments of December 22, 2020, in which he discussed the need to identify and mitigate stormwater ponding on the flat areas of the site. He said that the engineering comments identify the concerns that stormwater must flow to the proposed bioretention facility on the site. He said that he expects these details to be included on the Revised Preliminary Site Plan to be submitted by the applicant [following receipt of comments from the SEQR Involved and Interested Agencies, from the DOT and from the OCDPW].

Mr. Bellis asked about the timeline for receipt of the DOT and the OCDPW comments. He expressed concern that the board would not have time to review them if they are submitted on the day of the next Planning Board meeting on February 3, 2021. Mr. Delpriore said that these materials may not be able to be included in the board packets for the February 3rd meeting (to be available for the board on Wednesday, January 27th) but that the materials would be provided to the board prior to the February 3rd meeting.

Mr. Brand said that he has sent an email to both agencies reminding them that their comments must be submitted to the Town not later than February 1, 2021, to permit time to draft the resolution(s) for the next meeting.

Mr. Maloy discussed his previously submitted comments regarding the Town Code requirements for loading zones, which require at least one loading dock of 14 feet in width per building. Mr. Delpriore said that additional smaller loading docks are permitted. He said that the Town staff will review the plans to make sure that the additional loading docks are not too small.

Mr. Maloy asked about the striped concrete island at the corners of the two proposed buildings. He suggested that these areas be opened up to provide more open space. He also noted that it may be difficult to pour concrete in some of these areas.

Mr. Maloy also asked about screening [of the adjacent residential property to the east]. Mr. Montalto acknowledged this concern and said that it would be addressed on revised drawings.

Mr. Viets and Mr. DeLucia said that they have reviewed the MRB Group engineering and the Town staff comments and that they have no further questions [at this point in the application process].

Mr. Hemminger requested that mitigation measures be taken to avoid having glare from the exterior building lighting spill off the site and onto neighboring residential properties. He said that he is aware that the exterior lighting must be dark-sky compliant and theoretically must not extend past the applicant’s property, but in another project he said that a site light glare issue recently arose with a neighbor [on County Road 41 opposite the Lyons National Bank]. Mr. Hemminger said that anything that can be done regarding light spillage [off the applicant’s property] should be considered. Mr. Brabant said that this issue was discussed at a Project Review Committee meeting with the applicant and that this topic has been identified as a potential concern. Mr. Hemminger suggested that consideration be given to the shielding of the light bulbs in the fixtures. Mr. Brabant said that he and the Town staff will do their best to make sure that the lighting fixtures are properly spaced and shielded.

Mr. Hemminger asked if anyone in the meeting room or on the audio/video conference call wished to comment or ask questions on this application.

There were no further comments or questions from those in the meeting room or from those on the audio/visual conference call.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as amended (regarding the date of the continuation of the Public Hearing):

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
BLACKWOOD INDUSTRIAL PARK PROJECT—LOT #R2
SEQR DESIGNATION OF LEAD AGENCY**

PB #1205-20

**APPLICANT: Union Crossing Development LLC
c/o Karl Schuler, 2580 Baird Road, Penfield, N.Y. 14526**

ACTION: Designation of Lead Agency Status for determining the significance upon the Preliminary Site Plan application to develop proposed Lot #R-2 of the Blackwood Industrial Park, located on land north and west of the intersection of County Road 8 and County Road 41, for two industrial buildings and related site improvements.

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

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

WHEREAS, the Board, at its December 16, 2020, meeting declared its intent to be designated the Lead Agency for making a Determination of Significance upon this designated Type I Action, as defined in Section 617.4 (b) of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as SEQR); and

WHEREAS, the Board has provided for a coordinated review with Involved and Interested Agencies, and has provided a 30-day public review period which ended at noon on Monday, January 18, 2021; and

WHEREAS, the Board has received no objection to it being designated as the Lead Agency for completing the environmental review and making a determination of significance as required under the SEQR Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board does hereby designate itself as the designated Lead Agency for this Action.

BE IT FURTHER RESOLVED that the Board does hereby direct the Clerk of the Board to provide notice of this designation to those Involved and Interested Agencies identified on the attachment to the Town's December 17, 2020, Project Notification Review Letter.

BE IT FURTHER RESOLVED that the Board has been informed at tonight's Public Hearing, which was continued on this Action from December 16, 2020, that two (2) of the Involved Agencies—the New York State Department of Transportation and the Ontario County Department of Public Works—have requested additional time to complete their reviews of the Traffic Impact Statement prepared for this Action.

BE IT FURTHER RESOLVED that the Board, as the designated Lead Agency for this Action, does hereby accept the requests from these two (2) Involved Agencies and moves to continue the Public Hearing on this Action to their public meeting on Wednesday evening, February 3, 2021, commencing at 7:00 p.m. Standard Time.

BE IT FINALLY RESOLVED that the Board directs that amendments be made to the public notices posted on both the Town Hall Bulletin Board and the Town's website of this continued Public Hearing.

BE IT FINALLY RESOLVED that copies of this resolution are to be provided to: the Involved and Interested Agencies; the Town Highway and Parks Superintendent; the

Acting Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineers, MRB Group, D.P.C.; the applicant's engineers (Costich Engineers); and the applicant.

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

Motion carried.

4. **PLANNING BOARD ACTION ITEMS**

A. PB #1002-20—Meyer's RV Superstore of Farmington Final Site Plan Amendment, Phase 1:

As requested by the Planning Board and discussed by the Town staff with the applicant at the Project Review Committee meeting on January 8, 2021, a construction schedule with completion dates of various steps was submitted to the Town by Construction Manager Jeff Berends of Meyer's RV Superstore of Farmington today (January 20, 2021), and was distributed to the Town staff and to the board prior to the meeting this evening.

Mr. Hemminger asked if this schedule is "do-able." Mr. Delpriore said that overall it is what the board has requested but he expressed concern that no work is planned in the month of February and that some work could be done in February. He suggested that the applicant and Mr. Berends be requested to attend the Project Review Committee (PRC) meeting on Friday, February 5, 2021, to review the schedule line by line, followed by a report on this review to the Planning Board at the meeting on February 17, 2021. Mr. Hemminger requested that Mr. Berends attend the Project Review Committee meeting on February 5, 2021, to discuss this schedule.

Mr. Hemminger said that he and Mr. Bellis are concerned about the process for the applicant to obtain a highway work permit from the New York State Department of Transportation (DOT), which could take a few weeks or considerably longer, and then still be able to meet the proposed schedule dates. Mr. Bellis said that the minutes of the Project Review Committee meeting on January 8, 2021, indicate that the applicant was going to submit the highway work permit application to the DOT that day. He also said that submitting an application does not mean that it is complete or that a work permit would be issued.

Mr. Delpriore said that he agrees and that this is one of the issues that the Town staff would like to discuss with the applicant at the PRC meeting in February.

Mr. Hemminger requested that the Town staff also discuss with the applicant the initiation of some of the work earlier [than noted on the schedule] or concurrently with other construction steps. He said that the board would like to receive a revised schedule following the PRC meeting discussion and that the board would then hold the applicant's feet to the fire on meeting the deadlines in the revised schedule.

Mr. Delpriore said that this schedule was submitted by Mr. Berends this afternoon and that the Town staff has not has a chance to review it in detail. He said that more information will be forthcoming following the PRC meeting in February.

Mr. Brand requested that Mr. Delpriore send a copy of the schedule to Greg Trost, Assistant Resident Engineer at the DOT office in Canandaigua and asked that Mr. Trost be invited to the Project Review Committee meeting on February 5, 2021, to provide a status report on the highway work permit application.

Mr. Brand said that the schedule provided earlier today is a good first attempt but that some of the work—such as drainage improvements along State Route 96 and the entrance into the property from State Route 96—should be completed prior to work commencing on the State Route 96 Street Scape improvements and the new parking lot. He said that the Town must convey [to the applicant] that this schedule is a start but that it must be tightened up to meet the Planning Board's deadlines. Mr. Brand said that there is a lot of work being scheduled in a small area of the site during a short period of time.

Mr. Delpriore said that Mr. Berends indicated that the State DOT highway work permit application was to have been submitted to the DOT on January 8, 2021. Mr. Brand said that this does not mean that the DOT will begin their review of the application on that day.

Mr. Brabant said that the completion of the Planning Board-required tasks looks "do-able" in five months, but that there is no scheduling of sewer or water testing or certification time included on this schedule, and no time to allow for the schedule of Town-required inspections. He said that he does not understand why the water and sewer work will not begin until March [as indicated on the schedule]. He said that these are the types of questions to be discussed by the Town staff with the applicant and his construction manager.

Mr. Hemminger said that he is looking for the Town staff to advise the board if this schedule as submitted is realistic and "do-able." He asked why no work is scheduled in the month of February. Mr. Hemminger said that he certainly would understand if a blizzard shuts down the construction site and that this circumstance could change things, but that given no absolute crisis the board wants to have this work completed.

Mr. Maloy discussed the concrete curb pour (scheduled for five days in April) and the installation of the parking lot (scheduled for six days in May). He said that it may be too wet to pour concrete in April and that there appears to be no time in the schedule for paving contingencies.

Mr. Bellis and Mr. DeLucia said that they would wait for more information [following the Town staff's meeting with the applicant at the PRC meeting in February] before making further comments.

Mr. Viets also said that this is a tight schedule with no time for construction contingencies. He said that the applicant's contractor must have some serious buy-in on this [schedule] and must be informed that this is what the board is expecting.

Mr. Hemminger said that the board will expect monthly construction status reports after the Town staff meets with the applicant and finalizes the schedule. He said that he expects something that is reasonable and "do-able."

Mr. Maloy asked about critical-path items. Mr. Hemminger said that some steps may be depend upon the completion of previous steps, but that other tasks could begin if they are not contingent upon the completion of a previous step.

Mr. Bellis asked who would be doing the work. Mr. Hemminger said that it is the applicant's responsibility to select a contractor, whether the work will be done by a general contractor or by subcontractors.

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

B. 2021 Rules of Procedure:

Mr. Hemminger discussed the most recent revisions (Draft #3) to the 2021 Planning Board Rules of Procedure.

Revisions had been submitted by Mr. Brand and by the Town Development Office staff.

There were no additional revisions submitted 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 and the appended 2021 Planning Board Rules of Procedure be approved as amended:

TOWN OF FARMINGTON PLANNING BOARD RESOLUTION 2021 RULES OF PROCEDURE

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2021; and

WHEREAS, the Board has determined that such Rules of Procedure are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the Rules of Procedure for the calendar year 2021, as revised per this document appended to the minutes of the Board meeting of January 20, 2021.

BE IT FURTHER RESOLVED that a copy of the adopted 2021 Rules of Procedure is to be filed with the Farmington Town Clerk.

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

Motion carried.

(See the attached Appendix #1 for the full text of the 2021 Planning Board of Procedure.)

5. OPEN DISCUSSION

Director of Development and Planning Report:

Mr. Brand discussed the following topics:

- Work is continuing on the revised solar regulations, on the State Route 96 Street Scape Guidelines and on revisions to several sections of the Town Code. The target date for submission of the State Route 96 Street Scape Guidelines to the Town Board is February, followed by referral to the Ontario County Planning Board in March and a formal Public Hearing conducted by the Town Board in April.
- Mr. Brand, Supervisor Ingalsbe and Mr. Delpriore met with Lorene Benson of the Cobblestone Arts Center on State Route 332 regarding plans for a proposed community center. Mr. Brand said that Ms. Benson may submit an application in the near future.
- The Zoning Board of Appeals will hear the GLN Farmington Realty Area Variance application at it meeting on Monday, January 25, 2021. The applicant proposes to erect up to ±16,000 square feet of General Business space consisting of

possible tenants that may include a $\pm 2,400$ -square-foot proposed bank, a $\pm 3,500$ -square-foot quick service restaurant, a $\pm 4,400$ -square-foot proposed commercial building and a proposed $\pm 4,800$ -square-foot proposed commercial building. The project is proposed to have a front setback of 70 feet (the Town Code requires a minimum front setback of 100 feet in this zoning district). The property is located along the south side of State Route 96 west of State Route 332 and east of Mertensia Road and is zoned General Business (GB) and is within the Major Thoroughfare Overlay District (MTOD). Mr. Hemminger requested that the members of the Planning Board review the applicant's plans and provide comments to the Town staff in advance of their preparation of the draft Planning Board resolution that would be submitted if the Zoning Board of Appeals approves the front setback Area Variance.

- Mr. Brand discussed a webinar produced by the New York State Planning Federation on the topic of the roles and responsibilities of planning and zoning boards. He said that a number of webinars are online and working well (*see Training Opportunities below*).
- The developer of the Auburn Meadows Subdivision is preparing to submit a Letter of Credit for the development of Section 8N to enable Ryan Homes to begin the construction of new homes in this section.

Code Enforcement Officer Report:

Mr. Delpriore said that discussions of new development projects are continuing almost daily and—that if this is any indication—then 2021 will be a full year of development in the Town.

He discussed a new application procedure which was used for the Blackwood Industrial Park (Union Crossing Development LLC) project and which worked well for board members and Town staff for submission of comments and questions in advance of the Planning Board meeting. Mr. Delpriore said that the Development Office staff was pleased with how well this procedure worked and that it will be used for the review of other projects, as well.

Mr. Delpriore discussed the GLN Farmington Realty project on the south side of State Route 96. He said that the board will be requested to approve the road layout and infrastructure at the Preliminary Site Plan stage. He said that elevation renderings of the proposed buildings would be submitted at the Final Site Plan stage based upon the acquisition of tenants by the developer.

Mr. Giroux discussed the existing condition of the GLN Farmington Realty site. He said that three metal poles have not yet been removed (as noted by the applicant) and that the tree stumps remain in place. Mr. Giroux said that the condition of the site seems less marketable now [than it was in its natural state prior to the removal of the trees].

Highway and Parks Superintendent Report:

Mr. Giroux said that the Town Highway Department staff assisted Spectrum in the installation of conduit for cable service at Beaver Creek Park. He said that the roof has been installed on the maintenance building and that RG&E will soon begin the installation of the electric service to the building.

Mr. Giroux said that Supervisor Ingalsbe received positive feedback on the Highway Department's recent snow-plowing operations. He said that the staff is working on enclosing a drainage ditch in the rear of several homes on Beanpole Circle, weather permitting, as a safety measure for children and residents in that neighborhood.

Mr. Giroux also said that swing sets at Pumpkin Hook Park and at Farmbook Park, several of which are 20 to 25 years old, are being replaced also for the safety of the youngsters who use the parks.

Town Engineer's Report:

Mr. Brabant discussed a webinar "boot camp" training series which is being offered by MRB Group once a month, free of charge, to board members. Training credit is provided. The webinar series will begin on Thursday, January 28, 2021, and will run from 6:00 p.m. to 7:00 p.m. one night a month. Mr. Brabant said that he will provide details to Mr. Hemminger for forwarding to the board members (*see* Training Opportunities below).

Board Members' Comments:

Mr. Maloy asked about the calculation in the Town Code of the six-foot minimum screening height, and if this height is calculated based upon the height of a berm plus the height of hedges or trees which may be planted atop the berm. Mr. Delpriore said that that the height is calculated from the existing grade.

6. PUBLIC COMMENTS

Mr. Allen (5988 County Road 41) asked about the amount of truck traffic that is expected on County Road 41 from the development of the Blackwood Industrial Park (Union Crossing Development LLC). Mr. Hemminger said that approximately 30 trucks per day are expected to enter and leave the site. Mr. Allen said that he worked at the former Veritiv Corporation warehouse on Collett Road and that the number of trucks cited by Mr. Hemminger seems to coincide with the number of trucks on a daily basis at Veritiv Corporation (about 15 to 16 vendor deliveries and about two to three deliveries per Veritiv drivers per day).

Mr. Allen also expressed appreciation to the Town staff and the board for improving the quality of life for neighbors who live near the Lyons National Bank on County Road 41 with the adjustment of the angle and the intensity of the external lights on the bank property. He said this was really appreciated.

7. TRAINING OPPORTUNITIES

■ 2021 Municipal Bootcamp:

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program will be provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MREB Group.

Thursday, January 28, 2021, 6:00 p.m. to 7:00 p.m.

Session 1: Who Am I? How Did I Get Here?

Thursday, February 25, 2021, 6:00 p.m. to 7:00 p.m.

Session 2: How Does This Whole Thing Work?

Thursday, March 25, 2021, 6:00 p.m. to 7:00 p.m.

Session 3: Leave It Better Than You Found It

Thursday, April 22, 2021, 6:00 p.m. to 7:00 p.m.

Session 4: What Not To Say, and What *Really* Not To Do

Thursday, May 27, 2021, 6:00 p.m. to 7:00 p.m.

Session 5: Come One, Come All to the Greatest Show on . . . well . . .

Thursday, June 24, 2021, 6:00 p.m. to 7:00 p.m.

Session 6: Planning From (At Least) Six Feet Away

Thursday, July 22, 2021, 6:00 p.m. to 7:00 p.m.

Session 7: Ask Me Anything

Thursday, September 23, 2021, 6:00 p.m. to 7:00 p.m.

Session 8: From Big to Small

Thursday, October 28, 2021, 6:00 p.m. to 7:00 p.m.

Session 9: Well, Aren't You Special?

Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.

Session 10: All the Right Forms in All the Right Places

Questions to:

Wendy A. Marsh, Partner, Hancock Estabrook
wmarsh@hancocklaw.com
(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group
matt.horn@mrbgroup.com
(315) 220-0740

Registration link:

<https://register.gotowebinar.com/rt/4608077833213548299>

■ Open Government in Planning and Zoning Decision Making:

February 3, 2021, 12:00 noon to 1:00 p.m.
Free webinar to members of New York Planning Federation

This session will discuss how open government laws apply to planning and zoning decision making, including technical legal requirements and recommended practices that go above and beyond them. The webinar is part of the New York Planning Federation series “The Basics of Planning and Zoning in New York State.” The presenter will be Mark Schachner, Esq., Senior Principal Attorney of Miller, Mannix, Schachner & Hafner LLC in Glens Falls, N.Y., and Round Lake, N.Y.

Registration link:

<https://register.gotowebinar.com/register/9517785066313488>

■ General Code e-Code

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.
Information:
<https://www.generalcode.com/training/>

■ Future Training Opportunities Online:

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

8. ADJOURNMENT

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

The meeting was adjourned at 7:55 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, February 3, 2021, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

Respectfully submitted,

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

Appendix #1: 2021 Rules of Procedure**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
2021 RULES OF PROCEDURE****ADOPTED JANUARY 20, 2021****1. Order of Business**

At each Board Meeting, the order of business shall be:

- a. Call to Order
- b. Pledge of Allegiance
- c. Information about emergency exits.
- d. Reference to sign-in sheet and request that all in attendance to please sign in. During the continuing COVID-19 period there will be no sign-in sheet used. Instead the Planning Board Chairperson will ask those attending the meeting in person and those participating virtually to please identify themselves to the Clerk of the Board.
- e. Request that all cell phones, pagers and smart watches be silenced.
- f. Notice given that the Board will be following these Rules of Procedure as adopted by the Board on January 20, 2021, and the Town of Farmington Town Board Resolution #326 of 2020 regarding remote attendance of members.
- g. Approval of previous Board Meeting Minutes.
- h. Announce that the Legal Notices have been published in the Canandaigua *Daily Messenger* newspaper (the Town's Official Newspaper), posted on the Town Hall Bulletin Board, the Town website (www.townoffarmingtonny.com), and the subject property has been duly posted with public notification sign(s).
- i. Announce that draft resolutions have been previously posted on the Town website for tonight's meeting.
- j. Order of Board Business:
 - (1) Conduct Public Hearings (for Preliminary Subdivision Plats, Special Use Permits and certain Preliminary Site Plans when deemed necessary by the Board). Continued Public Hearings will be held first on the agenda. New Public Hearings will follow.

- (2) Site Plan Approval and Other Board Business: Agenda items include Final Sub-division Plat approval, Preliminary Site Plan approval, Final Site Plan approvals, Sketch Plan review.
 - (3) Scheduling of Public Hearings for future Board meetings (for Preliminary Sub-division Plats, Special Use Permits and certain Preliminary Site Plans when deemed necessary by the Board) shall be in accordance with the date set forth in Appendix A of these adopted Rules of Procedure.
 - (4) Other Actions:
 - (a) Letters of Credit and Sureties.
 - (b) Reports and Recommendations to the Town Board.
 - (c) Other Board Business (e.g., adoption of Rules of Procedure, annual report to the Town Board on the *Comprehensive Plan*, available training programs, etc.).
 - (5) Open Discussion
 - (a) Director of Development and Planning Report.
 - (b) Code Enforcement Officer Report.
 - (c) Highway and Parks Superintendent Report.
 - (d) Water and Sewer Superintendent Report.
 - (e) Town Engineer Report.
 - (f) Fire Chief Report.
 - (g) Chairperson of the Planning Board
 - (h) Other Board Members
 - (6) Public Comments.
- k. Next Board Meeting Date.
- l. Adjournment: The Chairperson shall entertain a motion with a second from any Board member to adjourn the meeting and followed by a voice vote.

2. Public Hearing/Public Meeting Procedures

At each public hearing or public meeting, the following procedures shall govern:

- a. The Chairperson shall open each Public Hearing and ask the applicant (or his or her representative) to make a presentation to the Board and the public.
- b. The applicant shall display on the monitors, or on easels, any drawings that are part of the Public Hearing. The applicant shall address the Chairperson with his or her presentation.
- c. The Chairperson shall ask the applicant if he or she has completed their presentation before turning to Town staff for their reports. Town staff shall address the Chairperson with their report comments. All responses will be to the Chairperson. Only the Chairperson shall entertain dialogue between Town staff and the applicant.
- d. Once all Town staff have completed their reports, the Chairperson shall then open the floor for comments by persons in attendance, or if there are any written comments to be received at the Public Hearing/Meeting.
- e. All persons desiring to speak at a Public Hearing shall be recognized by the Chairperson.
- f. Before speaking, each person shall give his or her name and address for the record.
- g. Persons speaking shall address their comments, questions or concerns to the Chairperson. There shall be no direct dialogue between a public speaker, the applicant, his or her agent or Town staff. The Chairperson shall determine when a speaker has completed his or her comments. The Chairperson shall have the right to limit the time allotted to public speakers.
Special and/or lengthy presentations shall be approved by the Chairperson prior to the start of the meeting.
- h. The Chairperson shall determine whom (either the applicant, his or her agent, or Town staff) is to reply to the public concern(s). All responses shall be to the Chairperson.
- i. Once the Chairperson has determined that there are no additional public comments, he or she shall then ask the Board for a voice resolution whether to either close or to continue the Public Hearing. (Public Hearings normally remain open until the application is determined to be complete and can be acted upon.) If a Public Hearing is to be continued, then it shall be part of a resolution to continue it to a specific date. If the Public Hearing is to be closed, then a voice resolution to close the public hearing shall be offered and seconded by Board members followed by a voice roll call vote.

Once closed, a Public Hearing may not be reopened. Once a Public Hearing is closed, the Board may not consider any additional information received that pertains to the subject of the Public Hearing. If additional information is provided to the Board following the close of the Public Hearing, the Board may choose to advertise a second Public Hearing to be held in accordance with the provisions of New York State Open Meetings Law. After the Board closes a Public Hearing, the Board may (or may not) take action on the subject matter at that meeting. For details concerning draft resolutions, please see Item #5 below in these Rules of Procedure.

- j. The Chairperson shall then ask each Board member for his or her comments.
- k. Should a Public Hearing be continued to a specific date, said Public Hearing shall be heard first on the Board agenda of the subsequent date.
- l. Should an applicant (or a designated agent) not appear before the Board on the night of the Public Hearing meeting, then the Board may table the application and continue the Public Hearing to a specific date. In addition, the Chairperson shall direct the Clerk of the Board to provide written notification to the applicant of the date and time for the continued Public Hearing and request his or her attendance.
- m. Failure by the applicant (or his or her agent) to appear before the Board at the date of the continued Public Hearing may result in the Board taking action to deny without prejudice the requested application. In such an event, it will be necessary for the applicant to make a new application and pay a new fee for said application before being heard by the Board. *Note:* Only the Town Board may waive an application fee.
- n. A revised drawing or additional documentation, accepted by the Board at either a Public Hearing or a public meeting, may be grounds for continuing the Public Hearing or the public meeting to a specified date and time. The Board does not want to receive material the night of the meeting and be expected to act upon it. Furthermore, the Board wants the public to have an opportunity to review any new submitted documentation pertaining to an application.
- o. Any Board member who did not attend a Public Hearing/Meeting may still vote on the application at a subsequent meeting provided that no decision has been made by the Board following the close of the Public Hearing/Meeting. However, said Board member must enter into the public record that he or she has reviewed the Public Hearing/Meeting record and is prepared to make an informed decision on the application.

3. Agendas and Legal Notices

The Board expects all applicants and staff to meet the scheduled dates of submission of all documents associated with a pending application. These dates have been established by the Town Code Enforcement Officer, adopted by this Board, and are hereby made a part of these Rules of Procedure (Appendix A). The schedule for application submittals will be posted on the Town website by the Town Code Enforcement Officer or the Department Office Administrator.

Copies of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on the Wednesday (one week) prior to the scheduled meeting. A draft meeting agenda shall be prepared by the Development Office Administrator. Said draft agenda will then be reviewed by the Planning Board Chairperson, the Director of Planning and Development, the Town Code Enforcement Officer, the Town Engineer and the Clerk of the Board. Following their input, all draft agendas will be made available to each Board member along with the packets of information on or before the Wednesday prior to the Board meeting. Any change to the draft agenda shall be approved by the Chairperson, communicated via email to the Development Office Administrator, the Town Code Enforcement Officer, and the Director of Planning and Development. The Clerk of the Board will send via email an updated agenda to each Board member, any involved applicant and their agent, and involved Town staff no later than 3:00 p.m. on the Friday prior to the scheduled meeting. Adequate copies of this updated agenda will also be placed in the meeting room for the public and for any staff or Board members not able to access their electronic copy by 6:45 p.m. on the night of the meeting. No additional matter shall be added to the Planning Board Agenda the week of the scheduled meeting unless approved by the Planning Board Chairperson.

To ensure the Planning Board members have all the information they need to provide feedback to staff on Resolution preparation, all Town staff, including the Town Engineer's report, shall be provided to the Development Office Administrator no later than Noon on the Wednesday of the week prior to the scheduled Board meeting. This information shall be included in the packets of information for the Board members' review and comments. In the event a Town department or the Town Engineer does not have any comments on a pending application, that information shall be provided.

The Development Office Administrator shall provide paper copies of all legal notices to the Town Clerk's office for posting on the Town Hall Bulletin Board. In addition, the Development Office Administrator shall post the agenda to the Town website in accordance with the legally required timelines established by the Town Board pursuant to Article Six, Section 103 of the Public Officers Law.

Legal notices shall be emailed by the Development Office Administrator to the Town's Official Newspaper within thirteen (13) days of a Public Hearing, with publication to be not less than seven (7) days prior to the Public Hearing being held by the Board.

4. Public Hearings—Public Notice, County Planning Compliance, and SEQR Compliance

Where there has been a referral to the County Planning Board, then the referral number and recommendation shall be entered into the Public Hearing or public meeting record. There shall be no action taken on an application that is first subject to a referral and recommendation from the County.

The Board shall identify the Type of Action under review as classified by the State Environmental Quality Review (SEQR) Regulations, Article 8, of the New York State Environmental Conservation Law.

In no instance shall the Board vote on a Preliminary Subdivision Plat until SEQR has been satisfied and the Public Hearing has been closed.

In no instance shall the Board vote on a Preliminary or Final Site Plan or Special Use Permit until SEQR has been satisfied.

The Board may waive the requirement to read into the Public Hearing record the standard resolutions for all Type 2 Actions made under the SEQR Regulations. When so waived, the Board must still take action to accept a Type 2 Determination of Significance and record the vote taken thereon.

The Board may also waive the requirement to read into the Public Hearing/Meeting record the standard resolutions for determinations of significance to be made on all Unlisted Actions under the SEQR Regulations. When so waived, the Board must still take action to accept the Unlisted Action Determination of Significance. In addition, when a determination of non-significance is made, the Chairperson of said Board shall sign and date Part 2 of the Short Environmental Assessment Form.

The Board may not waive the requirement to read into the Public Hearing/Meeting record a resolution for the determination of significance on a Type 1 Action that is to be made under the SEQR Regulations. In addition, when a determination of non-significance is made on a Type 1 Action, the Chairperson of said Board shall sign and date the SEQR Negative Declaration Form. For all Unlisted Actions and Type 1 Actions, the Board shall comply with the procedural requirements set forth in Section 617 of Article 8 of the New York State Environmental Conservation Law, prior to making any decision on a pending application.

The Town Engineer shall be responsible for filing with the New York State Department of Environmental Conservation all determinations of significance made on any Type I Action that are to be published in the State Environmental Notice Bulletin. The Clerk of the Board is to provide all related SEQR documents to the Town Engineer for this filing.

5. Motions

When a resolution is under debate/discussion, no motion shall be received except a motion to: 1) amend the question; 2) call the question; 3) adjourn it to a specific date; 4) table the question; 5) refer the question to Town staff and/or legal counsel; or 6) adjourn the Board meeting. Tabled motions shall be subject to the provisions in Section 11 of these Rules of Procedure set forth below.

6. Resolutions and Documents

When draft resolutions have been prepared by the Director of Development for the Board's review and consideration, said copies shall be sent electronically to the Board members by the Clerk of the Board on or before 3:00 p.m. on the Tuesday preceding the Board's meeting. Draft resolutions shall first be sent to the Board members and to Town staff. The Clerk of the Board shall send draft resolutions to the applicant and/or his or her agent by 4:30 p.m. on the Tuesday prior to the Board's meeting. In addition, the Town Development Office Administrator shall post all draft resolutions on the Town's website by 4:30 p.m. on the Tuesday before the Board's meeting. Town staff shall not discuss, or change any draft resolution submitted to the Board. Any such change or amendment thereto shall be made at the Board's direction at the Board meeting. The draft resolutions shall be removed from the Town's website, by the Development Office Administrator, ten (10) business days after the date the draft resolution is acted upon by the Board.

When during the Board's open meeting deliberation upon a draft resolution substantial new information is presented that has not been provided to the Board and posted on the Town's website, in accordance with the State's Open Meetings Law requirements, the Board may determine that said information is substantial to its pending decision and move to table their decision to the next Board meeting to allow for any changes to be made to the draft resolution, posted on the town's website and to allow for the public review of said changes prior to the meeting where action is to be taken. The Board, however, may add or change conditions of approval if it is not determined that such change(s) is/are not significant without holding the resolution over until the next Board Meeting.

7. Voting

Planning Board members may participate in the meeting by attendance via remote video conference in compliance with the "Town Board and Committees Remote Participation in Public Meetings Policy and Procedures" adopted by the Farmington Town Board on September 8, 2020 (Town Board Resolution #326 of 2020).

The members of the Board shall be eligible to vote on the Board Meeting Minutes when they were present for the meeting (or when they meet the requirements of Town Board Resolution #326 of 2020), or upon their proclaiming adequate knowledge of the pending Action as the result of their review of previous meeting minutes and any new information. As appropriate, Board

members shall, at the outset of any application, give public notice of their financial or other private interests in any project that is pending before the Board. Where such disclosure is made, the Board Member shall be deemed to be in compliance with the provisions of Article 18 of the New York State General Municipal Law or any amendments thereto, relating to Conflicts of Interest, as well as compliance with the Code of Ethics contained in Chapter 17 of the Town of Farmington Code.

In all matters voted on by the Board, except for a vote to override a County Planning Board recommendation, there must be a majority of the entire membership voting the same way in order for an action to be approved, denied or modified. A certified copy of all resolutions acted upon by the Board, which have been the subject of a County Planning Board referral and recommendation, shall be provided to said County Board within five (5) business days of the date of said action by the Clerk of the Board.

In the instance of a resolution to override a County Planning Board recommendation, there must be a majority plus one vote of all members. Otherwise, the vote fails to override and the Planning Board must comply with the recommendation contained in the County referral. When this occurs, the draft resolution is to be amended to include compliance with the County's recommendation. On other matters, a 2 to 2 vote taken by the Board on an application results in a no action being taken and will need to be reconsidered by the Board at a future meeting. All Board members shall record their vote by roll call taken by the Clerk of the Board and duly recorded in the minutes.

In no instance shall the Board vote to approve, modify, or deny a Sketch Plan. The Board shall only make comments or suggestions to the applicant.

Prior to taking a roll call vote on an application, the Chairperson shall ask the applicant if he or she understands the resolution that is about to be acted on, and if the applicant has any questions, concerns or objections to any part thereof.

A copy of all resolutions (decisions made) by the Board shall be filed with and date-stamped by the Town Clerk's Office prior to being mailed by the Clerk of the Board, within five (5) business days, to the applicant and the original resolution filed with the Town Clerk's Office, and a copy then made and filed with the Town Development Office. Any additional copies noted in the resolution shall be provided by the Clerk of the Board.

8. State Environmental Quality Review (SEQR)

The Board's review and approval of all applications shall be subject to the requirements set forth in Article 8 of the New York State Environmental Conservation Law, the SEQR Regulations.

9. County Planning Recommendations and Board Voting Requirements

In the instance where the Ontario County Planning Board has rendered an advisory report, under the provisions of Sections 239–l, –m, and –n of the New York State General Municipal Law, and the County Planning Board recommends modification or denial of an application, the Board, in order to override the County’s recommendation must first have a majority plus one vote (4 of the 5 Board Members) recorded on a separate resolution that sets forth the reasons for overriding the County’s recommendation.

The Board, to override the County’s recommendation of modification, or denial of referred action, requires a majority plus one vote of the entire Board (e.g., 4 of 5 members voting the same way). In the event the Board does override the County’s recommendation, the Board shall by separate resolution set forth its reasons for overriding the County and must file a copy of said resolution with the County, along with a certified copy of the resolution taking action upon the application, within the time frame prescribed in the above referenced sections of the New York State General Municipal Law.

For any application referred to the Ontario County Planning Board, a certified copy of the final action taken on the subject referral shall be filed by the Clerk of the Board with the County within five (5) business days after final action is taken.

10. Votes, When Recorded

Board members shall record their vote by stating either an “aye” or “nay” on a question. Votes shall be entered in the Minutes. All votes shall be taken in public, either by voice or by roll call by the Clerk of the Board, for each Board member present. A member who is absent from the vote shall be noted as being either absent or excused in the roll call voting. A Board member may abstain from voting. When a Board member exercises this right, it is not necessary for the Board member to state his or her reason(s) for abstaining unless there is disclosure of a conflict of interest associated with an application.

11. Privilege of the Floor

During Public Comment Time, any person, on request granted by the Chairperson, may address the Board on a matter of public concern. The time allotted for addressing the Board shall be limited by the Chairperson depending on specific circumstances. In no instance shall the Privilege of the Floor be used to make additional comments on an application pending before the Board when the Public Hearing has been closed or continued.

12. Public Notification

Public meeting notice shall be given in the manner prescribed by New York State Town Law and the posting of property requirements set forth in the Farmington Town Code. In addition, copies of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no

later than 3:00 p.m. on the Wednesday 1 week prior to the scheduled meeting (*see* Section 3—“Agendas and Legal Notices”).

When an application has been continued by the Board, the posting of the Public Notification Sign shall continue to be displayed on the subject site.

Any property not properly posted before a public meeting is held shall not be heard by the Board and the matter shall be continued to the next Board Meeting to enable posting of the subject property. All Public Notification signs shall remain on the property until the Board has taken final action on the application. Once final action has been taken, all Public Notification signs are to be removed within five (5) business days by either the Town Code Enforcement Officer or Town Zoning Officer.

13. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in the various sections of the Farmington Town Code and the New York State Town Law, New York State Public Officers Law, the State Environmental Quality Review (SEQR) Regulations and the provisions contained in Sections 239-1, -m, -n and -nn of the New York State General Municipal Law.

Section 239-nn of the New York State General Municipal Law requires the Farmington Town Clerk to notify the Town Clerk of an adjacent municipality of a pending action (e.g., Special Use Permit, Temporary Use Permit, Site Plan approval, and Preliminary Subdivision Plat approval) that is to occur within 500 feet of the municipal boundary. The Development Office Administrator is to provide the Town Clerk with a copy of all such application(s) not later than ten (10) business days before the date of the Board’s meeting. The Town Clerk shall provide the Development Office Administrator with a copy of the notification letter and any comments received under these provisions.

14. Draft Meeting Minutes

The Board members shall be sent electronically draft meeting minutes within ten (10) business days of the date of the subject meeting. Draft meeting minutes shall be identified as being a draft.

15. Corrections to the Draft Meeting Minutes

The Board members shall, whenever possible, notify the Clerk of the Board by email of all corrections to the previous meeting minutes prior to the date of the next meeting. This email shall not be copied to all members of the board. Staff members shall provide any recommended changes to the Clerk of the Board. Corrections to draft minutes from board members and staff members shall be reviewed at the next meeting of the board.

16. Approved Meeting Minutes

At the Board meeting, the Board, having reviewed the Draft Meeting Minutes, will (as part of the public meeting record), take action to accept the Minutes either with or without corrections. Once the Minutes have been approved by a voice vote of at least three Board members present at the meeting, the vote shall be recorded in the meeting minutes. The Clerk of the Board shall then, within five (5) business days, file a certified copy with the Town Clerk's Office to be date stamped and filed, as well as providing electronic copies to the Town Board members, the Planning Board member, and to the Confidential Secretary for filing and posting on the Town's Website.

17. Audio Recordings of Board Meetings

Audio recordings of the proceedings of the Board meetings shall be maintained by the Clerk of the Board for a period of twelve (12) months after the date that the meeting minutes have been approved by the Board. When requested by the Chairperson, said audio recordings shall be maintained by the Clerk of the Board for an additional period of time as specified by said Chairperson.

18. Layover

A resolution, application or action before the Board may be laid over until the next regular session of the Board if so requested by any member of the Board, unless by doing so the application would otherwise be approved by default of the Board. No further action may be taken on the resolution or its amendments, but limited discussion may occur at the discretion of the Chairperson. However whenever possible, Board members should first attempt to resolve the issue(s) leading to a layover. If a layover is imminent, the Chairperson should be notified of such action prior to the start of the regular Board meeting. When it becomes apparent to a member of the Board that a layover is being contemplated, said member shall bring this matter to the Chairperson's attention as soon as possible. The member laying over the action is expected to be present at the next scheduled meeting.

Any action on a laid over resolution must take place at the next scheduled meeting. No resolution shall be laid over a second time. No resolution shall be laid over if it is determined that such action would violate the time limits contained in various sections of the New York State Town Law.

No layover can occur at the last meeting of the year because the next meeting in the following year may not have the same members on the Board who originally laid the matter over. The Board may vote to table the matter in this case and the new Board, when constituted, can offer a resolution to bring up the tabled resolution off the table with a motion and a second followed by a voice vote of the entire Board.

19. Amendment of Procedures

The Board, on a resolution to amend, may amend these Rules of Procedures from time to time. Once amended, copies of the amended Rules of Procedure shall be distributed to all having received the original adopted Rules of Procedure for the given year and posted upon the Town's website.

20. Board Discussion

The Chairperson, at his or her discretion, may limit the discussion between any Board member and the applicant, staff and/or the general public.

21. Board Resolutions

All resolutions for the Board, except for those identified elsewhere in these Rules of Procedures, or those to close a Public Hearing, are to be drafted by the Town's Director of Planning and Development. The resolutions are to be read by the Chairperson or the Clerk of the Board unless the Board members agree by a motion, second and voice vote that the reading in this case is not necessary. The Chairperson can opt to have only the conditions of approval read if it is a standard resolution and not controversial. The contents of the resolutions are to be clear and understandable to the Board members as well as to the applicant.

The Board resolutions are to contain a clear and understandable listing of all Conditions of Approval that are to be incorporated within the "Approval of the Resolution" as read by the Chairperson or the Clerk of the Board, prior to voting on by the Board. Before voting on said resolution, the Chairperson shall ask the applicant if he or she understands the action and any conditions contained therein. The Clerk shall note this question and the applicant's response in the Minutes.

22. County Referrals

The Director of Planning and Development or the Code Enforcement Officer will review all Board referrals for completeness before they may be transmitted to the Ontario County Planning Board. The Code Enforcement Officer or the Director of Planning and Development will sign the referral form. The Town staff shall provide a copy of the referred application packet to the Town's representative on the Ontario County Planning Board. All referrals submitted to the County shall comply with the monthly deadline published by the County Planning Board for their monthly reviews and recommendations.

23. Acting Chairperson

With the adoption of this resolution, the Board determines that the Acting Chairperson for 2021 will be board member DOUGLAS VIETS. In the event Mr. Viets is not available, then board

member ADRIAN BELLIS shall serve as the Acting Chairperson. In the absence of the Chairperson, the Acting Chairperson shall perform all of the functions, which are normally the responsibility of the Chairperson. This is to include the signing of documents.

24. Training Requirements and Training Update Classes

All Board members and the Town's representative on the Ontario County Board, shall be required to complete at least:

- a. Twelve (12) hours of suitable training during the first full calendar year of their first term in office; or
- b. Nine (9) hours of suitable training during the remaining nine months, of the first full calendar year, of their first term in office; or
- c. Six (6) hours of suitable training during the remaining six months, of the first full calendar year, of their first term in office; or
- d. Four (4) hours of suitable training during the remaining three months, of the first full calendar year, of their first term in office; and then
- e. Eight (8) hours of suitable training, each year for the remaining term in office.

This requirement may be satisfied by training sessions that are offered throughout the year by attending state conferences and seminars and/or at county or regional training classes for the purpose of receiving updates to the state's requirements pertaining to Board members. Also included are presentations by the Town Engineer or other individual or group, as approved by the Town Board.

In addition to the above training classes and seminars, a Board member may, with the Chairperson's approval, substitute up to two (2) hours of such training with one-on-one training with the Town's Director of Planning and Development. In such instance, the Director of Planning and Development shall certify to the Chairperson, the Town Supervisor and the Town Clerk that such training has been received.

Requests to receive training by members of the Board are to be coordinated with, and approved by, the Chairperson and then the completed training registration form must be submitted by each Board Member directly to the Confidential Secretary to the Town Supervisor. The Confidential Secretary will prepare a voucher, if there is a fee for the training, and submit it for approval by the Town Board. If the training exceeds \$100.00 it must be approved via resolution; training under \$100.00 requires approval of the voucher only.

As soon as possible following the Board member's attendance at a training session, it shall be the responsibility of the Board member to submit documentation received at the training session to the Chairperson, who, according to a Town Board resolution adopted October 23, 2007, is re-

quired to maintain copies of all certificates of attendance. The Board Member shall also provide certificates of attendance to the Confidential Secretary to the Town Supervisor and the Town Clerk, as outlined in the October 23, 2007, resolution. The Confidential Secretary to the Town Supervisor shall maintain her or his own annual training log for each Board and shall coordinate, in the fall of each year, with the Chairperson to identify the status for each Board Member. In the event the Town Board amends the Town's Training Requirements, this Section of the 2020 Rules of Procedure shall also be amended as necessary.

25. Attendance at Public Meetings, and Committee Meetings

Board members are encouraged to attend other public meetings regarding issues pertinent to planning in order to obtain the thoughts and ideas of others pertaining to any and all important Town issues.

Board members are also encouraged to attend any of the Town's standing committee meetings regarding issues pertinent to the Town's planning, (i.e., Agricultural Advisory Committee, Historical Preservation, Conservation Board, etc.) which are held monthly at the Farmington Town Hall.

Board Members at such meetings are also encouraged to speak on behalf of the Board providing only the general overview of the current applications that maybe pending before the Board. However, in no event shall Board members express their own personal thoughts on a matter that is currently pending before the Board. Also, no Board member shall speak in such a manner as to imply that what is being said is the official position of the Board. Only the Chairperson may speak on behalf of the Board when authorized to do so by a Board vote. Also, when speaking at such meetings, Board members shall identify themselves as residents of the Town and members of the Board.

It is the policy of this Board not to engage in social media discussions on projects that are or have been before the Board, or that could potentially be before the Board.

The Chairperson shall attend Town Board meetings, which are normally held on the second and fourth Tuesday of each month, to report on any important pending applications or matters pertaining to the growth and/or development of the Town of Farmington.

In the event a Board member determines that he or she will not be able to attend a public meeting of the Board, said member shall notify the Chairperson as soon as possible.

Should it become necessary to cancel a scheduled Board meeting, as much public notice as possible shall be given by the Town Development Office staff. Such public notice shall include the posting on the Town Hall Bulletin Board, posting on the entrance doors to the Town Hall and posting on the Town's Official Website.

The Board members may send via email questions and concerns about an application to the Chairperson only. Members must not conduct e-mail discussions with more than one other Board

member, as it would be in violation of the Public Meetings Law. When the Chairperson sends an e-mail to the Board on an application, all responses must be sent back to the Chairperson only. If the Chairperson determines that the information should be in the public record, he or she will enter it into the public record at the next scheduled public meeting on the application.

26. Override of Rules

By a majority vote, the Board may override any of these rules except for the layover and training rules. The Board member requesting the override is encouraged to provide the reasoning for his or her override.

27. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in both the New York State Town Law and the Farmington Town Code. In addition to these duties and responsibilities, all Board members shall attempt to visit each site under consideration prior to the scheduled meeting.

All Board members are expected to be familiar with the contents of the adopted *Town of Farmington Comprehensive Plan*, the adopted *Town of Farmington Site Design and Development Criteria Manual* (last updated in 2019 and in effect at the time of adoption of these Rules of Procedure), the adopted *Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines* (Reference: Local Law #7 of 2009), the adopted *Town of Farmington Agricultural and Farmland Protection Plan*, and the Farmington Town Code.

28. Support Personnel and Town Staff Attendance

The Chairperson may request the presence of Town staff and/or members of Town boards and/or committees to attend Board meetings or the annual organizational meeting if pertinent information is needed by the Board that may be beyond the comments presented in the Board packets. Notice of such requests will be made following receipt of the Board packets and the meeting agenda and will be subject to the availability of the Town Staff or the requested support personnel for the Town.

29. Site Design Guidelines

The Town Planning Board, as part of its annual meeting, is required to review and take action upon the *Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines* which are an attachment to Local Law Number 7 of 2009. Once acted upon, a certified copy of the Planning Board Resolution adopting said Site Design Guidelines for the year 2020 shall be filed with the Town Clerk, the Town Development Office, the Town Code Enforcement Officer, the Town Engineer and the Town Director of Planning and Development.

Should a need arise during the year to amend these Guidelines, the Board shall direct Town Staff to make such an amendment thereto and then take action to adopt said amended version following a public meeting where said action is documented. Once filed with the Town Clerk's Office, copies shall be posted on the Town Website and made available to the general public.

30. Comprehensive Plan Maintenance

In accordance with the contents of Chapter 5, Implementation Chapter, *Town of Farmington Comprehensive Plan*, the Board is to prepare a report to the Town Operations Committee in July of each year. Said report is then to be submitted to and reviewed by the Town Operations Committee. The Committee is then to notify the Town Board for their acceptance of the report at each year's organizational meeting. The report will summarize the implementation actions underway and identify those actions to be undertaken during the coming year. Each year's report, once accepted by the Town Board, will become an amendment to the current edition of the *Comprehensive Plan* and will be noted by Town Board resolution and entered into Appendix C, Public Participation, of said Plan.

31. Surety

Letter of Credit or Form of Surety Estimate:

The Board shall receive from the Town Director of Planning and Development a packet of information pertaining to the establishment of a Letter of Credit, or some other form of surety, for certain site improvements that ultimately will be dedicated to the Town. The packet will include information from the Town Engineer, Town Construction Inspector and the Director of Planning and Development stating that all requirements have been met by the applicant, reviewed by staff and are ready for submission to the Town Board. In addition, a draft Planning Board resolution shall accompany all documentation. The draft resolution is a recommendation to the Town Board on whether or not to take formal action at a subsequent Town Board meeting.

Partial or Final Release of Funds from the Letter of Credit or Form of Surety:

The process for a release of surety (either partial or final) shall only be entertained by the Board when the requirements set forth in Chapter 144, Section 32. F. of the Town Code have been satisfied and has met submittal date listed on Appendix A. In particular, the Board receives from the Director of Planning and Development a packet of information pertaining to the release of funds from the Letter of Credit or Surety Form, a completed and signed Appendix G-1.0 Form entitled "Letter of Credit Department Heads Signed Fax Transmittal" and a completed Letter of Credit Release Form G-2.0 (Town Site Design and Development Criteria) and a cover letter from the Town Engineer specifying the requested release. The packet shall also contain a draft Board resolution, a draft transmittal memo to the Town Board and a draft Town Board resolution requesting said resolution be acted upon by the Town Board. No resolution recommending the

release of surety (either partial or final) shall be entertained the night of the scheduled Planning Board meeting unless approved by the Chairperson.

Establishment of a Maintenance Bond:

If the request is for the final release of funds in the Letter of Credit or Form of Surety, then the Board resolution shall recommend that the Town Board first require the applicant to establish a Maintenance Bond for a period of two years from the date of formal dedication of the site improvements. As part of the packet of information to be received by the Board, from the Director of Planning and Development, there is to be a completed and signed Appendix General Site Improvements for Dedication Forms G-3.0 and G-3.1 (Town Site Design and Development Criteria). The remainder of the packet received shall include a cover memo from the Director of Planning and Development, a draft Board resolution, a transmittal memo to the Town Board from the Board Chairperson and a draft Town Board resolution to establish a Maintenance Bond prior to the final release.

Release of Maintenance Bond:

A request for the release of a Maintenance Bond shall be submitted by the Director of Planning and Development to the Board as part of a packet of materials for the Board's consideration and action. Included in the packet will be a completed and signed Appendix G-3.2 General Site Improvements Offered for Dedication Form, Final Inspection Form, G-4.0 Final Inspection Form for Expiring Surety and G-4.1 Final Inspection Form for Expiring Surety (Town Site Design and Development Criteria), a cover memo, a draft Planning Board resolution, a transmittal memo to the Town Board from the Board Chairperson and a draft Town Board resolution. Once the Town Board has acted upon the request to release final monies, the Town Clerk shall then release the Bond being held. In the event funds have been provided in lieu of a Maintenance Bond by certified bank check payable to the Town of Farmington and placed in the Town's Account Books, then a Town Board resolution directing the Town's Principal Account Clerk to prepare an Abstract for the requested refund to the applicant shall be necessary, provided the above referenced forms have been completed.

Note: There shall be no partial release of funds contained in a Maintenance Bond or other form of surety being held in lieu of a Maintenance Bond.

32. Filing

All adopted Rules of Procedure, as may be amended from time to time, shall be filed with the Town Clerk's Office, placed on the Town's website and, otherwise, be made available for public inspection on demand.

33. Effective Date

All adopted Rules of Procedure shall become effective on filing in the Office of the Farmington Town Clerk.

34. Distribution

Certified copies of the 2021 Board Rules of Procedure shall be filed with the Town Clerk. In addition, an electronic Portable Document Format (PDF) copy shall be sent to all Board members, the Code Enforcement Officer, the Director of Planning and Development, and posted upon the Town's website. A copy of the 2021 Planning Board Rules of Procedure shall also be kept on file in the Town Development Office.

35. Conflict with New York State Town Law or Town Code

If any of these rules conflict with any provisions of the New York State Town Law or any section of the Farmington Town Code, the New York State Town Law or the Farmington Town Code provisions shall take precedence and that portion of these rules shall be disregarded with the remainder of the rules retaining their effectiveness.