

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, July 15, 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.*

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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. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 12, 2020, subsection as follows:

### **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 audio 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 July 10, 2020.

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 the 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:**  
 Dan Delpriore, Town of Farmington Code Enforcement Officer  
 Don Giroux, Town of Farmington Highway and Parks Superintendent

**Staff Present via Telephone Conference:**  
 Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.  
 Ronald L. Brand, Town of Farmington Director of Development and Planning

**Applicants Present:**  
 Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548  
 Glenn F. Thornton, P.E., Thornton Engineering LLP, 30 Assembly Drive, Suite 106,  
 Mendon, N.Y. 14506

**Applicants Present via Telephone Conference:**  
 Ty Allen, New Energy Works, 1180 Commercial Drive, Farmington, N.Y. 14425  
 Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450  
 John LeFrois, GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

**Resident Present:**

Denis Lepel, 1089 County Road 28, Shortsville, N.Y. 14548

**Residents Present via Telephone Conference:**

Other(s) [unidentified]

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**1. MEETING OPENING**

The meeting was called to order at 7:00 p.m.

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

Mr. Hemminger reviewed the guidelines and safety measures that have been established for this hybrid meeting which was held in person at the Town Hall and via audio telephone conference due to the Coronavirus (COVID-19) pandemic. Several staff members and applicants participated via audio telephone conference. 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. Hand sanitizers were available throughout the Town Hall. Guidelines and safety measures were posted on the meeting room door and in the lobby of the Town Hall.

**2. APPROVAL OF MINUTES OF JUNE 17, 2020**

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the minutes of the June 17, 2020, meeting be approved.

Motion carried by voice vote.

**3. PUBLIC NOTICE**

The Planning Board meeting that was to have been held on Wednesday, July 1, 2020, was cancelled. The public notice cancellation was posted on the Town website calendar, posted on the Town Hall Bulletin Board and was published in the Canandaigua *Daily Messenger* newspaper on June 27, 2020.

**4. LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, July 8, 2020:

**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Farmington, will conduct a Public Hearing on the 15th day of July 2020 commencing at 7:00 p.m., in the Farmington Town Hall Main Meeting Room, 1000 County Rd 8, Ontario County, New York, 14425 for the purpose of considering the application of:

**PB 0402-20, DIANNE ALDRICH, 4811 HERENDEEN ROAD, SHORTSVILLE, N.Y. 14548:** Preliminary Two Lot Subdivision Plat approval of land owned by Dianne Annetta Aldrich, creating Lot #1 consisting of 1.870 acres to remain with the existing house; and Lot #2 consisting of 8.128 acres to remain vacant as a non-approved building lot requiring site plan approval. The property is located at 4811 Herendeen Road and is zoned A-80 Agricultural.

This Public Hearing will be held in compliance with the latest Executive Order issued by the Governor of the State of New York

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

Ed Hemminger, Chairman, Planning Board

**5. NEW PRELIMINARY TWO-LOT SUBDIVISION**

**PB #0402-20                      New Preliminary Two-Lot Subdivision Application**

**Name:**                                      Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548

**Location:**                                      4811 Herendeen Road

**Zoning District:**                              A-80 Agricultural

**Request:**                                      Preliminary Two-Lot Subdivision approval of land owned by Dianne Annetta Aldrich creating Lot #1 consisting of 1.870 acres to remain with the existing house and Lot #2 consisting of 8.128 acres to remain vacant as a non-approved building lot requiring site plan approval.

On April 15, 2020, the Planning Board by resolution directed the Town staff to continue the Public Hearing on this and other applications to unspecified dates due to the Coronavirus (COVID-19) pandemic.

On June 3, 2020, the Planning Board scheduled the Public Hearing on this application to June 17, 2020.

On June 17, 2020, the Planning Board rescheduled the Public Hearing on this application to July 15, 2020.

Mr. Hemminger opened the Public Hearing on this application.

Ms. Aldrich presented this application.

The site plan drawing was displayed in the meeting room and was displayed electronically for those participating on the conference call.

Mr. Brand said that Ms. Aldrich would like to subdivide her property into two lots. Proposed Lot #1 will consist of 1.870 acres with her existing home. Proposed Lot #2 of 8.128 acres is adjacent and to the east of Ms. Aldrich's home and will remain as a non-approved building lot that will require site plan approval from the Planning Board for a building permit may be issued.

Mr. Brand said that it has been determined that the existing septic system on Proposed Lot #1 is a conventional system and is exempt from the 300-foot frontage requirement. He said that the Proposed Lot #2 would meet the 300-foot frontage requirement contained in Chapter 165 of the Town Code and that an Area Variance from the Zoning Board of Appeals would not be required [for installation of a non-conventional septic system].

Mr. Brand confirmed that Ms. Aldrich and her surveyor received the draft resolutions prior to the meeting. He said that has prepared the State Environmental Quality Review (SEQR) resolution (Type II classification) and Preliminary and Final Site Plan resolutions of approval with conditions for the board's consideration this evening.

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

Mr. Lepel (1089 County Road 28) asked a question about subdivisions. He said that this subdivision would create one of the lots (Proposed Lot #1) at under five acres and asked if the zoning required five-acre lots. Mr. Brand said that this property is located in the A-80 Agricultural Zoning District which requires a minimum lot size of 80,000 square feet or a lot size of 40,000 square feet if a conventional septic system is located on the property. He said that there is no five-acre minimum lot size requirement in the A-80 Zoning District.

Mr. Lepel also asked about the recent building of a deer hunting platform on the back of the applicant's property (on Proposed Lot #2). He said that his property is adjacent to the applicant's property and that the surrounding lands are also owned by others. He asked in what direction would a hunter be shooting. Ms. Aldrich said that this land has been used by the same hunter for about 12 years to 15 years, and that no other hunters use the property. She said that she knows that he has a deer stand but that she does not know where it is, and that he hunts deer and turkey during bow and gun season.



Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried.

Mr. Hemminger then asked Ms. Aldrich if she received the draft Preliminary Subdivision approval resolution prior to the meeting, if she understood the resolution and if she agreed with the conditions of approval. Ms. Aldrich said that she received the draft Preliminary Subdivision approval resolution prior to the meeting, that she understood the resolution and that she agreed with the conditions.

Mr. Maloy said that it appears that there are both U.S. Army Corps and DEC wetlands on the lot to be created [Proposed Lot #2]. Mr. Delpriore said that there are definitely wetlands on the second lot and that this subdivision application does not create a buildable lot on Proposed Lot #2. Mr. Maloy said that he wanted to make sure that the applicant is aware of the building restrictions that would be placed upon the lot because of the proximity of the wetlands. Mr. Delpriore said that the staff will have to look closely at the property if an application is submitted for building upon the lot. Mr. Maloy referred to the New York State Department of Environmental Conservation (DEC) 100-foot setback (a required buffer area) from a wetland boundary. Ms. Aldrich said that she understands this. Mr. Maloy said that he just wanted to make sure that this was understood.

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

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

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

**PB #0402-20**

**APPLICANT: Dianne Annetta Aldrich, 4811 Herendeen Road,  
Shortsville, N.Y. 14548**

**ACTION: Preliminary Plat Application, two- (2-) lot subdivision of  
approximately 10 acres of land creating one (1) non-approved  
building lot (Lot #2); and one (1) approved building lot (Lot  
#1) with an existing dwelling, located along the south side of  
Herendeen Road**

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

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

**WHEREAS**, the Board has given consideration to the Ontario County Planning Board's comments (Referral #87-2020) which were provided in accordance with the provisions of Sections 239-l and -m of the New York State General Municipal Law; and

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

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

1. Preliminary Plat approval is based upon the drawing prepared by Freeland-Parrinello Land Surveyors, having a revised date of 3/2/2020, entitled "Preliminary Subdivision Map—Lot 1 and Lot 2 on Land of Dianne Annetta Aldrich."
2. The Note shown on the Preliminary Plat Map which reads . . . "No building permit for the erection of any structure shall be permitted on the lot until Planning Board approval has been granted" is to be amended to read . . . "No building permit for any structure to be placed upon Lot #2 shall be granted until Final Site Plan Approval has been granted by the Planning Board."
3. There is to be a Note added to the Preliminary Plat Map which is to read . . . "Lot #2 is approved as a Non-Buildable Lot."
4. There is to be a Note added to the Preliminary Plat Map which is to read . . . "Prior to any proposed development on Lot #2 a fresh water wetland delineation, including the 100 foot buffer area, is to be completed and a copy filed in the Town Development Office."
5. There is to be a Note added to the Preliminary Plat Map which is to read . . . "Prior to issuing a Building Permit for development on Lot #2 a Park and Recreation Fee is to be made to the Town Clerk's Office and a copy of said receipt is to be placed in the property file."
6. There is to be a Note added to the Preliminary Plat Map which is to read . . . "New York State Freshwater Wetland No. 8, Town of Farmington, is located on Lot #2."

**BE IT FURTHER RESOLVED** that four (4) paper prints of the revised Preliminary Plat Map are to be submitted to the Town Code Enforcement Officer for his acceptance and then signing by the Officials shown on the map. Two (2) signed paper prints of this Preliminary Plat Map are to be returned to the applicant. If additional copies of the signed

Preliminary Plat Map are required then the Applicant is to provide those additional copies at the time of signing.

**BE IT FURTHER RESOLVED** one copy of the signed Preliminary Plat Map is to be provided to: the Town Highway and Parks Superintendent; the other copy is to be placed in the Town Project File.

**BE IT FURTHER RESOLVED** that once signed copies of the Preliminary Plat Map have been filed with the Town, then the Applicant may submit an application for Final Subdivision Plat Approval to the Town Planning Board. The Final Plat Map is to contain the title Final Plat Map, Lot 1 and Lot 2 on Land of Dianne Annetta Aldrich along with all of the changes contained above in this resolution.

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

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

Motion carried.

**6. NEW FINAL TWO-LOT SUBDIVISION**

**PB #0403-20 New Final Two-Lot Subdivision Application**

**Name:** Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548

**Location:** 4811 Herendeen Road

**Zoning District:** A-80 Agricultural

**Request:** Final Two-Lot Subdivision approval of land owned by Dianne Annetta Aldrich creating Lot #1 consisting of 1.870 acres to remain with the existing house and Lot #2 consisting of 8.128 acres to remain vacant as a non-approved building lot requiring site plan approval.

Mr. Hemminger then asked Ms. Aldrich if she received the draft Final Subdivision approval resolution prior to the meeting, if she understood the resolution and if she agreed with the conditions of approval. Ms. Aldrich said that she received the draft Final Sub-

division approval resolution prior to the meeting, that she understood the resolution and that she agreed with the conditions.

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

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

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

**PB #0403-20**

**APPLICANT: Dianne Annetta Aldrich, 4811 Herendeen Road,  
Shortsville, N.Y. 14548**

**ACTION: Final Plat Application, two- (2-) lot subdivision of  
approximately 10 acres of land creating one (1) non-approved  
building lot (Lot #2); and one (1) approved building lot (Lot  
#1) with an existing dwelling, located along the south side of  
Herendeen Road**

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

**WHEREAS**, the Board has previously granted Preliminary Subdivision Plat Approval (File #PB-0402-20) for the proposed two lot subdivision of land; and

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

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

1. Final Plat Approval is based upon the drawing prepared by Freeland-Parrinello Land Surveyors, having a revised date of 3/2/2020, entitled "Final Subdivision Map—Lot 1 and Lot 2 on Land of Dianne Annetta Aldrich."
2. All conditions of Preliminary Plat Map Approval, File #PB 0402-20, are to be shown on the amended final plat map.

**BE IT FURTHER RESOLVED** that one (1) mylar and six (6) paper prints of the revised Final Plat Map are to be submitted to the Town Code Enforcement Officer for his acceptance and then signing by the Officials shown on the map. The signed mylar and four (4) signed paper prints of this Final Plat Map are to be returned to the applicant. If

additional paper copies of the signed Final Plat Map are required then the Applicant is to provide those additional copies at the time of signing.

**BE IT FURTHER RESOLVED** one paper copy of the signed Final Plat Map is to be provided to: the Town Highway and Parks Superintendent; the other paper copy is to be placed in the Town Project File.

**BE IT FURTHER RESOLVED** that the Applicant is to file the signed mylar and two (2) signed paper copies of the Final Plat Map with the Ontario County Clerk’s Office within 62 days of the date of signing by the Planning Board Chairperson. Failure to file within this time period will necessitate re-signing by the Planning Board Chairperson.

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

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

Motion carried.

**7. NEW PRELIMINARY SITE PLAN**

**PB #0701-20 Preliminary Site Plan Application**

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

**Location:** 1180 Commercial Drive

**Zoning District:** LI Limited Industrial

**Request:** Preliminary Site Plan approval to erect a single-story 9,600-square-foot building to be used as storage of both finished and unfinished wood products, construction tools and equipment.

Mr. Thornton (Thornton Engineering LLP) presented this application. Mr. Allen (New Energy Works) participated via audio conference.

Mr. Thornton displayed the site plan drawing in the meeting room. The drawing also was displayed electronically for those participating in the meeting via video conference.

Mr. Thornton said that New Energy Works received Final Site Plan approval on December 4, 2019 (PB #1205-19) for construction of a 5,400-square-foot storage building. He said that New Energy Works has since reassessed their needs and now proposes an 80-foot x 120-foot 9,600-square-foot storage building. He said that the larger structure would be wider and less deep than the originally proposed structure. The reduced depth of the structure will provide more separation between the two buildings on the site. He said that the canopy that was approved on the finishing building may be under construction now. Instead of a 40-foot separation between the canopy and the new building, there will now be a 50-foot separation.

Mr. Thornton said that there are few other changes from the original proposal. He said that he included the previous conditions of approval on the new site plan drawing.

Mr. Brand said that three draft resolutions have been prepared for the board's consideration this evening, i.e., the State Environmental Quality Review (SEQR) classification (Unlisted Action), the SEQR Determination of Non-Significance and Preliminary Site Plan approval with conditions.

Mr. Brand said that he has not heard back from the Farmington Fire Department regarding several issues of concern.

Mr. Delpriore said that the plans were referred to the fire department and that although the fire department did not submit an official report, the fire department suggested consideration of the installation of either a sprinkler system because of the fire load or installation of a hard-wired fire alarm notification system.

Mr. Giroux also suggested that a sprinkler system or a type of early warning fire alarm system be considered.

Mr. Hemminger asked Mr. Allen if he understood the Town's concern about installation of a sprinkler system. Mr. Allen said that this is the same conversation as before [the 2019 application]. He said that they are not opposed at all to doing the hard-wired alarm system. He said that they may choose to install sprinklers, anyway, and that this is certainly worth considering. Mr. Allen said that they agree to install the fire alarm system and that they would make the decision about a sprinkler system as appropriate.

Mr. Hemminger said that it may be less expensive for the applicant to install a sprinkler system when the new storage building is under construction, rather than after the structure has been completed. He also said that a sprinkler system would provide the applicant with additional flexibility [for the new building] in the future.

Mr. Allen said that he understands this. He said that he totally understands and gets it, and that he appreciates the Town's concerns [on this issue].

Mr. Maloy asked about the fire department connection to the building and the location of fire hydrants. Mr. Delpriore discussed the location of the fire hydrants.

Mr. Maloy asked about the existing parking on the site. Mr. Thornton said that four additional employees will be added to the company's staff and that four more parking spaces will be provided. He said that the 32 land-banked parking spaces that were originally proposed will be retained but will be shifted to a similar location on the property to accommodate the new structure. He said that the facility will have the required number of accessible parking spaces.

Mr. Hemminger asked if additional parking spaces are required. Mr. Delpriore said that the new building will be used only for storage and that there are no occupancy issues.

Mr. Hemminger asked if the new building will replace the outdoor storage of materials on the site. Mr. Allen said that some of the existing outdoor storage of materials will go away. He said that they are trying to reduce the amount of material that is stored on the site and that they have to remove existing storage on the property to make room for the new building. He also said that an existing quanset hut on the site will be removed and that the materials now stored in the quanset hut will be stored in the new building.

Mr. Bellis asked about the overall site storage plan and the future needs of the applicant. He expressed concern that the applicant may propose additional structures in the future. He said that he does not wish to see a number of small buildings on the site. He suggested that an overall site storage plan be provided.

Mr. Allen said that they went through the [site plan approval] process last year and that many of the issues that were discussed last year are being raised again at this point. He said that they have prepared full storage layouts and parking layouts, and that all they are asking to do is to make the new storage building a bit larger because they have to vacate their County Road 8 facility. He said that he it seems that now they have to revisit things that they have already visited, and that concerns are being expressed about future buildings which they do not anticipate. He said that he is concerned on a number of fronts.

Mr. Allen said that it is his recollection that a full storage layout of the property was prepared for the application last year.

Mr. Thornton said that the full outdoor storage yard of the property is shown on the site plan drawing. He said that the company receives a great deal of material and they require an area for storage upon delivery.

Mr. Allen said that they have taken a lot of strides to clean up this area [on their property] and to reduce inventory—which from a business perspective they have done. He said that overall they have made a good faith effort to keep the area organized and to be responsible with it.

Mr. Thornton said that the plan also provides the specifications on the space in between the storage aisles.

Mr. Bellis said that he does not have a huge problem with the building at this point but that he is concerned that down the road the applicant may propose additional smaller buildings.

Mr. Thornton said that the dimensions of the proposed building are sizeable for the operation that they have.

Mr. Allen said that the size of the building has nothing to do with considering a sprinkler system. He said that their intention is to construct a storage building that is slightly larger than the building that was originally approved [in December 2019] and to add a future building to connect to the existing building. He said that these are their intentions.

Mr. Giroux expressed concern that there is a very good possibility that the applicant may return to the Town in a short period of time with an additional proposal for the property. He said that it seems reasonable to have an overall site plan that shows the full outdoor storage and parking.

Mr. Hemminger asked Mr. Delpriore to clarify the site plan.

Mr. Delpriore said that the location of the future building on the property is now shown as an outdoor storage area on the site plan. He said that when a business gets a deal [on materials], they want to bring in materials for outdoor storage. He said that this is why the board has set rules on how the materials can be displayed and look. He said that he “gets” that the applicant is receiving materials, but that he has to follow the guidance on how the Town wants it to look.

Mr. Allen said that they have spent a lot of time and a lot of money, and it goes back more than 15 years ago in their dealings with the Town to make sure that they were storing, stacking and keeping material in the way in which that the Town has asked them to do. He said that they have gone to great lengths to be organized and to create aiseways that the Town has requested. He said that it is not willy-nilly and that they have given consideration to the neighbors and to the community.

Mr. Brand said that a recent drive-through of the site, with the Town Code Enforcement Officer, found materials stockpiled within the area for designated employee and visitor parking. He also noted that along the west property boundary, in this employee parking area, there are still stockpiles of materials with weeds growing around them which indicates they have been there for awhile. Mr. Allen said that he would get this removed from this area and that the stockpiles of material was just temporary.

Mr. Delpriore discussed the comments from the Ontario County Planning Board (OCPB) on this application (Referral #100-200, July 8, 2020). The OCPB noted that the “referred materials still do not provide a concrete wash-out detail or the location of land-banked employee parking required by the future new panalization building.” The OCPB then repeated the comments from the 2019 application. The 2020 application was returned to the Farmington Planning Board with comments.

Mr. Brabant said that MRB Group issued a comment letter on July 9, 2020, that summarized all previous engineering comments. Mr. Brabant said that all the previous engineering comments have been addressed. He requested that a label be added to the site plan regarding the future panelization building and the associated parking, lighting and bioretention area for identification. He also said that the future panelization building will require approval from the Town of Farmington and is not approved for construction at this time.

Mr. Thornton said that a note on the plans will be added.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
SEQR DESIGNATION—UNLISTED ACTION  
PRELIMINARY SITE PLAN APPLICATION**

**PB #0701-20**

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

**ACTION:**                        **Preliminary Site Plan approval to erect a 9,600-square-foot  
single story building to be used for storage of both finished and  
unfinished wood products, construction tools and equipment**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application from New Energy Works for Preliminary Site Plan Approval for the above referenced Action; and

**WHEREAS**, the Board upon its review finds that said Action is neither classified a Type I or Type II Action under the provisions of Section 617.5 of the State of New York Environmental Quality Review (SEQR) Regulations, a part of Article 8 of the New York State Environmental Conservation Law.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board does hereby determine that the granting of approval upon the above referenced Action to be an Unlisted Action, as defined under Section 617.5 of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Board in making this Determination has also reviewed Part 1 of the Short Environmental Assessment Form (SEAF) prepared by the Applicant; and Part 2 of the SEAF prepared by the Town's Director of Planning and Development upon this Action.

**BE IT FINALLY RESOLVED THAT** the Board does hereby accept Part 2 of the above referenced SEAF as being an accurate evaluation of the anticipated impacts upon the environment that are associated with the proposed Action.

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 SEQR resolution be waived and that the resolution be approved as submitted by the Town staff:

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

**PB #0701-20**

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

**ACTION: Preliminary Site Plan approval to erect a 9,600-square foot  
single-story building to be used for storage of finished and  
unfinished wood products, construction tools and equipment**

**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 (SEAF), 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 SEAF prepared by the Town Director of Planning and De-

velopment, dated July 9, 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 Chairperson 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 SEAF, and this 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.

Mr. Hemminger then asked Mr. Thornton and Mr. Allen if they received the Draft Preliminary Site Plan approval resolution prior to the meeting, if they understood the resolution and if they agreed to the conditions of approval.

Mr. Thornton said that he was fine with the conditions. Mr. Hemminger asked if Mr. Thornton would like to have the resolution read aloud. Mr. Allen said that he was fine with the conditions. The resolution was not read aloud.

Mr. Hemminger then asked if the board would like to add a condition of approval that the outdoor storage area, and the paved and land-banked parking spaces, should be depicted upon the Final Site Plan. He asked if this would be appropriate. Mr. Hemminger said that the OCPB issues regarding the location of land-banked parking and ADA compliance could be addressed at the Final Site Plan stage. He said that depicting the locations of the outdoor storage and the parking areas would assist the applicant and the staff with the identification of these areas during inspections. Mr. Hemminger said that this would be best for everyone in the long run.

Mr. Allen said that he was OK with the addition of the condition of approval. He said that it is what it is.

In response to a question from Mr. Bellis, Mr. Hemminger confirmed that the site plan will include a note regarding the monitored fire alarm system. Mr. Bellis said that he wanted to make sure that the board was sticking with that. Mr. Hemminger and Mr. Allen said yes.

■ 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. The resolution published below includes new Condition #6 (discussed above) regarding the existing paved parking and designated land-banked parking area, and the outdoor material storage areas, which are to be shown on the Final Site Plan drawing:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SITE PLAN ACTION  
NEW ENERGY WORKS STORAGE BUILDING**

**PB#0701-20**

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

**ACTION:**               **Preliminary Site Plan approval to erect a 9,600-square-foot  
single story building to be used for storage of both finished and  
unfinished wood products, construction tools and equipment.**

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

**WHEREAS**, the Board has classified said Action as an Unlisted Action; and

**WHEREAS**, the Board has completed its review of Parts 1 and 2 of the Short Environmental Assessment Form and has, by separate resolution, made a Determination of Non-Significance upon the proposed Action; and

**WHEREAS**, the Board has received and given consideration to the testimony received at tonight's public meeting upon said Action;

**WHEREAS**, the Board has given consideration to the Ontario County Planning Board's comments and recommendation contained in County Referral #100-2020.

**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 drawings prepared by Thornton Engineering, LLP, Sheet numbers S-1 and S-2, and D-1, dated June, 2020, Project

No. 20-779 and entitled “Preliminary Site Plan Storage Building New Energy Works, 1180 Commercial Drive, Farmington, New York.”

2. All comments contained in the M.R.B. Group, D.P.C., letter dated July 9, 2020, are to be addressed in writing and changes, as may be appropriate, are to be made to the Preliminary Site Plan drawings.
3. A total of six (6) sets of paper prints are to be submitted to the Town Code Enforcement Officer, in the Town Development Office, for his review and acceptance. Once accepted, then the six (6) sets will be signed by: the Town Water and Sewer Superintendent; the Town Highway and Parks Superintendent; the Town Engineer; and then the Planning Board Chairperson. One signed set will be filed in the Town Development Office. One signed set will be filed with the Town Water and Sewer Superintendent; the Town Highway and Parks Superintendent; the Town Engineer; the Applicant’s Engineer; and the Applicant. If additional copies of the signed prints are required then those additional copies are to be provided at the time of signing the Preliminary Site Plan drawings.
4. Once all preliminary site plan drawings have been signed, the Applicant may then make application to be placed on a future Planning Board meeting agenda for review and consideration of Final Site Plan drawings.
5. Final Site Plan Approval will require Building Elevation Drawings to be submitted along with the Final Site Plan drawings.
6. Final Site Plan Approval will require that all paved and land-banked parking spaces, and all areas of outdoor storage of materials on the property, are to be shown.
7. Preliminary Site Plan Approval expires in 180 days from today. All conditions of Preliminary Site Plan Approval must be placed on revised drawings and signatures of the above referenced Town Officials affixed thereto.

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

Motion carried.

**8. PLANNING BOARD ACTION ITEMS**

**A. GLN Farmington Realty LLC (LeFrois Development)  
Letter of Credit Grading Permit:**

Mr. Destro (BME Associates) and Mr. LeFrois (GLN Farmington Realty LLC) presented this application via audio/video conference call.

The applicant proposes to clear an area of 13.5 acres of the total 27.18-acre site. The property is located on the south side of State Route 96 east of the Farmington Market Center (Tops plaza) and west of the State Route 332/State Route 96 intersection. The property is zoned General Business and is within the Major Thoroughfare Overlay District (MTOD). A future Town-dedicated road (the extension of Mercier Boulevard) will connect to Mercier Boulevard.

Specific areas proposed for clearing in this request are:

- Proposed future dedicated road corridor (Mercier Boulevard Extension and frontage along State Route 96 to be cleared. Area = 11.2 acres.
- Proposed stormwater management area to be located in the southwest portion of the site to be cleared. Area = 2.3 acres.

Mr. Brand said that the applicant has stated previously that he would like to selectively remove trees and brush from an area delineated on the accompanying drawing that was displayed at the Town Hall and on the video screen. He said that the applicant would like to open up the site for marketing purposes, keeping in mind that commercial pad sites would be located along the State Route 96 road frontage and that commercial and flexible-space structure sites would be located in the interior portion of the property. Mr. Brand said that currently the interior of the property is not visible from the public highways or from the adjacent properties.

Mr. Brand said that the Town Board approved the engineer's estimate of \$23,287.50 for establishing a Letter of Credit for the partial site clearing at the Town Board meeting on July 14, 2020. He said that acceptance is based upon the rendering of a recommendation by the Planning Board whether or not to honor the amount and the establishment of the Letter of Credit. He said that the Planning Board's recommendation and the filing of the Letter of Credit in the Town Clerk's Office is required prior to the issuing of a site clearing permit by the Town Code Enforcement Officer.

Mr. Hemminger asked if the Town Board expressed any concerns about the application or the estimated amount of the Letter of Credit. Mr. Brand said that the Town Board, at their meeting the night before, expressed no concerns about accepting the Letter of Credit, subject to the Town Planning Board's recommendation of acceptance.

Mr. Delpriore said that the applicant's request is just for the removal of trees and brush. He said that no tree stumps would be removed. Mr. Hemminger said that

this appears to be more of a site clearing request of trees and brush and does not appear to be a grading plan, *per se*.

Mr. Brabant referred to his MRB Group engineering comment letter of July 9, 2020, in which he noted that the quantities and unit prices identified in the applicant's Tree Clearing Surety Estimate of \$23,287.50 are consistent with the plans and private contractor pricing, respectively.

Mr. Brabant said that it should be noted that the estimate only includes the clearing of trees, associated erosion and sediment control measures, and stabilization. He confirmed that the estimate does not include the removal of stumps or site grading activities and that no project Stormwater Pollution Prevention Plan (SWPPP) or MS4 approvals are required for this permit.

Mr. Giroux asked to what extent the property would be clear cut. He asked if the site clearing would include every tree from State Route 96 through the entire property or if the site clearing would be regulated.

Mr. Destro submitted the following statement to the board, dated June 25, 2020. He also displayed a drawing delineating the clearing limits:

“The requested Clearing Permit will allow the applicant to remove the existing trees along the NYS Route 96 property frontage, along the proposed alignment of the future dedicated road corridor (Mercier Boulevard Extension) through the property, and in the vicinity of the proposed location of the future stormwater management area. The proposed initial site clearing operations will allow the applicant to market their property to prospective business operations. . . .

“ . . . The applicant proposes to clear the trees, while leaving the stumps in place for future removal, thus no soil disturbance is proposed. Therefore, coverage under the NYSDEC State Pollution Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) will not be required for the request Clearing Permit, and this has been confirmed by the Town Engineer. . . .”

—Ryan T. Destro, P.E., BME Associates

In summary, Mr. Destro said that this permit allows for the start of the identified goal of constructing a Major Thoroughfare Overlay District (MTOD) road connection through the project site. He said that it allows the applicant to market the site to potential users and to provide a sense of the property around State Route 96. Mr. Destro said that the clearing limits are only for the known areas of disturbance at this time.

Mr. LeFrois said that it is their intention to open up the property and really expose it a little bit more. He said that this is a great piece of property and that it is the “central square” of the Town of Farmington. He said that the property does not receive a great deal of traction right now because people drive by and do not notice that it is there. Mr. LeFrois said that with a little bit of tree clearing to open up the property, they would be able to provide prospective tenants with a view of the potential for this site. He said that the selective clearing will be the first step in creating development that we all want for the center of the community.

Mr. Maloy said that eventually a SWPPP will apply. He expressed concern about the possibility of erosion by the clearing of a densely wooded area with undergrowth. He said that he would like to see something in the interim that would address runoff that would be caused by the proposed site clearing, even though the applicant is not addressing disturbance at this time.

Mr. Destro said that an engineer’s report and that a drainage analysis have been prepared and were submitted with their application, using the existing conditions of the site as being wooded. He said that these reports have not factored in the proposed clearing operations.

Mr. Brabant said that he concurs with Mr. Destro on this. He said that the applicant’s engineer’s report and drainage analysis are based upon the site as it is now.

Mr. Hemminger asked if any interim measures are required. Mr. Brabant said that erosion and sediment control measures are not necessary for the requested site clearing permit. He said that the Town Code Enforcement Officer will place conditions of approval upon the site clearing permit and that the applicant will be required to comply with the Code Enforcement Officer’s conditions or the permit will be pulled.

Mr. DeLucia said that he is not in favor of cutting trees in the stormwater management area or in the path of the future Town road because no specific development is proposed at this time. He said that the property should remain the way it is and that the applicant could use concept drawings to market the site.

Mr. Bellis said that he agrees with Mr. DeLucia. He said that he does not think that the property needs to be cleared to market the project and that he does not see the rush to clear it.

Mr. Hemminger said that he would prefer that the term “clear cutting” not be used. He said that the applicant has stated tonight that he is proposing to selectively clear portions of the property and would not be clear cutting the entire parcel.

Mr. Viets said that he understands the applicant’s desire to clear some of the property but that he believes that the State Route 96 road frontage could be marketed

with a cutting depth of less than 400 feet of clearing. He also expressed concern about the potential cutting of old-growth trees that may be on the property and that could be a benefit to the development. He suggested that valuable trees should be identified and preserved. He said that he would like to see a site clearing plan with more definition of what trees are on the property.

Mr. Hemminger said that it appears that a majority of board members may not support this request to recommend establishing a Letter of Credit for this application this evening. He said that the Planning Board has been requested to make a recommendation to the Town Board on the establishment of the Letter of Credit for site clearing. He said that the Town Board can have the Planning Board's feedback and that the establishment of the Letter of Credit will be the Town Board's decision.

Mr. Brand said that the Town Board has accepted the engineer's estimate and has accepted a Letter of Credit to be filed in that dollar amount, subject to the Planning Board's recommendation that the Letter of Credit estimate is accurate and acceptable.

Mr. Brand said that last fall Mr. LeFrois spoke to him about coming in to clear portions of the property in preparation to market it, and at that time Mr. LeFrois discussed identifying and tagging the trees that would remain. Mr. Brand also said that the draft resolution that has been prepared for the board's consideration this evening requires that all brush and tree stock piles are to be removed from the site in a timely manner. He also noted that the clearing limit overlay identifies the stock pile area and the proposed access to the site from State Route 96.

Mr. Brand said that from what he is hearing tonight it appears that the Planning Board is not opposed to the engineer's Letter of Credit dollar amount but that the Planning Board desires additional information regarding the identification and location of mature trees that would greatly add to the value of the project for marketing purposes prior to the issuing of a permit by the Code Enforcement Officer. He reminded the board that this is the same process that was used in the past for the selective clearing of the parcel of land owned by Malvaso and DiFelice that is located along the west side of State Route 332.

Mr. Hemminger asked if everything within the area that is delineated in red on the drawing is to be cut.

Mr. Destro said that a majority of the area within the delineation will be cleared, as these areas are the known site disturbance, such as the stormwater management area, the extension of Mercier Boulevard, and the commercial pads along the State Route 96 frontage. He said that design plans have been submitted to the Project Review Committee and to the Town regarding these known locations, that this application is farther along than a Sketch Plan concept and that, at this point, the intent of the location of the new Town dedicated road is known.

Mr. Destro said that existing trees that would work with the individual building site plans would be retained as Mr. LeFrois receives interest from prospective users.

Mr. LeFrois said that his company does a great deal of work in Henrietta, N.Y., and that the discovery of rock seems to be a problem on just about every job site. He said that he would like to begin site clearing to provide a better definition of the location of rock on this site to enable them to make adjustments early in the process. He said that it is difficult to make these observations or grade elevation changes with trees on the site. He said that it would be easier to make these determinations with the trees out of the way.

Mr. Brand said that the Planning Board could recommend denial of the Letter of Credit resolution this evening based upon the reasons that have been discussed. Mr. Hemminger said that this resolution is a Planning Board recommendation to the Town Board. Mr. Brand said that the Planning Board's recommendation could be that the board would like to see documentation that species of the mature trees on the property will not be removed unnecessarily. He said that he has not heard this commitment from Mr. LeFrois or from Mr. Destro this evening and that he is concerned about that.

Mr. Hemminger said that the Planning Board could return this to the applicant with a request to provide additional information above and beyond what the applicant already has provided.

Mr. Brand asked Mr. Destro if he could superimpose the drawing of the site over an aerial photograph to determine which trees would have to be removed from the site clearing limits that have been delineated in red on the drawing.

Mr. Brand said that DeFelice Developers (as noted above) had expressed interest in removing all of the trees on their property located on the west side of State Route 332. He said that the Planning Board did not approve that request and required that the mature trees remain on the site. Mr. Brand said that Mr. DeFelice continues to maintain the site and the mature trees located on the site. He said that the Town is not opposed to cutting and removing brush but that the Town is opposed to clear cutting and removing trees that may not have been in harm's way just for the sake of clearing.

Mr. Destro shared an image from his computer screen but not all board members and those participating on the conference call were able to see the image.

Mr. Hemminger suggested that the board table action on this resolution to provide time for the applicant and staff to discuss this further. He said that the board's concern is that the mature trees are to remain so that the Town can move forward with this application.

Mr. Brand said that it appears that the board does not have an issue with the dollar amount of the Letter of Credit but that the board is concerned about the issue of having the Town Code Enforcement Officer issue a site clearing permit at this time. He said that Mr. Destro should come up with a plan that shows the locations of the mature trees on the property. He said that Mr. Destro and the applicant must have some idea of where they are because Mr. LeFrois talked about doing this last year.

Mr. Hemminger said that the Town Board accepted the dollar amount of the Letter of Credit but that the Planning Board requires additional information. He said that the proposed site clearing seems excessive and that, from the discussion this evening, the board seeks clearing that is minimally invasive and aesthetically pleasing to avoid having a bare field.

Mr. Brand said that he is looking to avoid a situation where the applicant may have to wait for another Town Board/Planning Board meeting cycle to approve a revised Letter of Credit dollar amount. Mr. Hemminger said that the dollar amount of the Letter of Credit may be lower if trees can be saved. Mr. Brand said that having a Letter of Credit on file which may be larger than what is eventually required is a benefit to the Town.

Mr. Hemminger said that the Planning Board is not going to make a recommendation to the Town Board this evening. He requested that the applicant submit a revised application with additional information regarding the number and location of mature trees on the site that are proposed to be removed and that are proposed to remain at this time.

The Planning Board took no action upon the draft resolution that had been prepared for consideration by the Town staff. The Chairperson tabled the resolution before the board this evening and laid it over to the next meeting on August 5, 2020.

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

**B. Delaware River Solar: Acknowledge receipt of comments on draft Planning Board resolution for a Special Use Permit and a revised New York Community Solar Facilities Decommissioning Plan:**

Mr. Brand said that the draft resolution which has been prepared for the board's consideration this evening is an administrative proceeding to acknowledge receipt of Delaware River Solar's comments on the draft Special Use Permit approval resolution that has been prepared by the Town staff. He said that the material was received after the June 25th deadline and was not placed in the Planning Board packets for their meeting on July 1, 2020. He noted that this administrative action is necessary to document what has been received by the board and when it was

received. He further noted that the Town Engineer has submitted documentation on the pending applications since the July 1, 2020, meeting and that information is entered into the record tonight. This material will be the subject of discussion at the Public Hearing on the Special Use Permit which has been continued to the next meeting on Wednesday, August 5, 2020.

Mr. Hemminger said that the Delaware River Solar comments on the draft Special Use Permit resolution and the revised New York Community Solar Facilities Decommissioning Plan submitted by the applicant are now under review by the Town staff and legal counsel.

Mr. Hemminger said that it is his goal to reconvene the Public Hearing on the Special Use Permit on August 5, 2020, receive public comments, and then close the Public Hearing on the Special Use Permit at that meeting. He said that the resolution could then be finalized by the Town staff and legal counsel and that the board may be in a position to make a decision on the Special Use Permit at the meeting on August 19, 2020.

Mr. Hemminger said that the Planning Board meeting on August 5, 2020, will be a hybrid format meeting to be held at the Farmington Town Hall and via audio/video telephone conference for those who do not wish to attend in person. The meeting will be conducted in compliance with the New York State guidelines and safety measures that have been established due to the Coronavirus (COVID-19) pandemic.

Mr. Hemminger said that the Public Hearing on the Special Use Permit will be postponed and will be rescheduled to a later date at the Town Highway Department if the attendance at the meeting on August 5, 2020, were to exceed the meeting room capacity as determined by compliance with the pandemic guidelines and safety measures.

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:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
DELAWARE RIVER SOLAR PROJECT, SPECIAL USE PERMIT**

**Resolution acknowledging receipt of responses to the draft Special Use Permit resolution and to the MRB Group comments dated May 19, 2020; and Version 5 of a draft Decommissioning Plan**

**PB#1006-18**

**APPLICANT:** Delaware River Solar LLC on behalf of the property owners Roger and Carol Smith, 466 Yellow Mills Road, Palmyra, NY 14522

**ACTION:** Special Use Permit approval with conditions for the development of a 7-megawatt solar farm to be constructed upon approximately 45.105 acres of land (Lots #2, #3 and #4, Roger and Carol Smith Subdivision) and having a property address cited above herein

**WHEREAS**, the Planning Board (hereinafter referred to as Board) has on June 17, 2020, scheduled the continuation of a Public Hearing upon the above referenced Action that was to have been held on Wednesday, July 1, 2020, to Wednesday, August 5, 2020; and

**WHEREAS**, the Applicant failed to submit requested responses to the Board's draft resolution on or before the deadline of Thursday, June 25, 2020, thereby not allowing the Board to formally accept receipt of said responses at their July 1, 2020, meeting; and

**WHEREAS**, the Board has now received from the Applicant, the following information submitted to the Town Development Office on Friday, June 26, 2020:

1. Comment responses to the MRB Group comments dated May 19, 2020 (MRB Project No. 0610.12001.000-Phase 086); and
2. Decommissioning Plan, June 2020, Version 5, updated as per comments from MRB Group dated May 19, 2020; and
3. In-line responses to the draft Special Use Permit resolution provided by the Town of Farmington Planning Board on May 8, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to accept and formally acknowledge receipt of the three (3) above referenced items.

**BE IT FURTHER RESOLVED** that the Board does hereby direct the posting of this material on the Project Abstract, posting of this material on the Town's website and directing that a copy thereof be provided to the Town Clerk's Office for public review during normal business hours.

**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, 140 East 45th Street, Suite 32-B1, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spenceport, 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.

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

Motion carried.

## 9. OPEN DISCUSSION

### *Director of Development and Planning:*

Mr. Brand discussed the following topics:

- Starting on Monday, July 20, 2020, State Route 96 will be closed to traffic in the area of the construction of the roundabout at the corner of Lynaugh Road in the Village of Victor. Traffic will follow a detour from State Route 96 to Route 444 to County Road 41 in the Town of Farmington, to State Route 332, then returning north to the State Route 332/State Route 96 intersection. An estimated 7,000 additional vehicles per day are expected to use County Road 41 and the State Route 332/County Road 41 intersection, at which construction is also ongoing for the Hathaway’s Corners and Lyons National Bank projects.
- The Auburn Trail received final clearance from the New York State Department of Transportation on June 30, 2020. The U.S. Army Corps of Engineers granted acceptance of the Trail work located within the Federal wetland areas. A contractor is now in the process of ordering two flashing “pedestrian crossing” lights to be installed at the Trail’s crossing on County Road 41. Delivery time is approximately two to three weeks. The flashing lights will be installed as a safety measure for users of the Trail who cross the heavily traveled County Road 41.
- The construction of Lyons National Bank on the northwest corner of State Route 332 and County Road 41 is progressing well. Mr. Brand said that New Energy Works of Farmington is working on the framework for a beautiful facility. Contractors are working toward a mid-August completion date.
- Following an on-site meeting this week with the Ed Mahosky (head of maintenance for New Energy Works), the Town Highway and Parks Superintendent, the Town Code Enforcement Officer, the Town Construction Inspector, the Town Engineer and the applicant and his engineer and team contractors, a field change was approved for the design of the curve on Commercial Drive and the

driveway entrance to New Energy Works site at 1180 Commercial Drive. As part of this change, a snowplow hammerhead turnaround is to be removed in this area. Mr. Mahosky agreed with the design change, noting it would provide a better solution for their deliveries.

- Frank DiFelice, the developer of the Redfield Grove subdivision, will seek an amendment to the Incentive Zoning agreement to extend the deadline for the installation of sidewalks to be installed within the vicinity of the of the Commercial Drive/Redfield Drive intersection and along the east side of Commercial Drive between said intersection and the sidewalk located to the south and along the north side of New York State Route 96. These sidewalks were originally to be installed by July 31, 2020. The developer is citing delays due to work stopping during the Coronavirus (COVID-19) pandemic. The new deadline being request is October 31, 2020. Mr. Brand requested that if there were any concerns of the Planning Board members on this topic, that those concerns should be brought to his attention before the Town Board meeting on July 28, 2020.
- Mr. Brand's latest bi-monthly report has been filed and is posted on the Town website.

#### ***Code Enforcement Officer:***

Mr. Delpriore reported that the Building Department issued 121 permits in June 2020 (approximately 40 to 50 more than in June 2019) and that the 2020 total number of permits issued to date (January 1–June 30, 2020) is 369 (approximately 100 more than for the same period in 2019). The Building Department staff completed 224 inspections in June. The total number of inspections from January 1–June 30, 2020, is 756.

Mr. Delpriore said that Fire Marshal Jamie Kincaid will be leaving the Town on June 30th to accept a position in the Village of Penn Yan. The department wishes him the best and all success in his new position. Mr. Delpriore said that a part-time staff member has been hired and that additional Building Department staff also may be hired due to the workload of the department.

Mr. Delpriore also noted that the department has been busy with COVID-19 compliance issues in local businesses and with the Farmington Summer Recreation Program.

#### ***Highway and Parks Superintendent:***

Mr. Giroux said that the Highway Department staff will be busy with the expected additional traffic through the Town beginning on Monday, July 20th, due to the State Route 96 detour at the roundabout construction site at Lynaugh Road.

***Town Engineer:***

Mr. Brabant said that MRB Group is working on the sewer capacity study for Farmington and is preparing the State Environmental Quality Review (SEQR) reports for two associated projects, i.e., the Beaver Creek Force Main and the work on Mertensia Road.

Mr. Brabant also reported that the water main project on State Route 96 at Mertensia Road is now awaiting easements to be granted to the Town by the property owners. Once these easements have been received and filed, then the formal bidding process may commence. Following completion of this water line installation project, the remaining site work at the Byrne Dairy site, located at the southwest corner of State Route 96 and Mertensia Road can be completed by Byrne Dairy. Mr. Brabant said that he is hopeful that the water main project will be completed by this fall.

He also noted that he is working with the Town staff on the update to the State Route 96 Main Street Scape Corridor guidelines with the addition of signage requirements. Approval of the Street Scape guidelines by the Town Board will lead to updates to the Town Official Zoning Map and Zoning Laws.

**10. PUBLIC COMMENTS**

None.

**11. TRAINING OPPORTUNITIES****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>

**12. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:45 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, August 5, 2020, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. (Refer to the Town website prior to the meeting regarding alternate arrangements, if any are needed.)

Respectfully submitted,

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