

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, July 17, 2019, 7:00 p.m.

MINUTES—APPROVED

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

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

Staff Present:
Lance S. Brabant CPESC, Town of Farmington Engineer, MRB Group D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent

Applicants Present:
Walter F. Baker, Engineering Manager, D.S.B. Engineers & Architects, P.C.,
2394 Ridgeway Avenue, Rochester, N.Y. 14626
Christian Brunelle, Senior Executive Vice President, Sonbyrne Sales Inc.,
DBA Byrne Dairy Stores, 171 Route 5, Weedsport, N.Y. 13166
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#415, Rochester, N.Y. 14610
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
129 S. Union Street, Spencerport, N.Y. 14559
Jeffrey D. Netzband, P.E., P.G., Vice President, Foundation Design, P.C., 46A Sager Drive,
Rochester, N.Y. 14607
Donald A. Young, Esq., Boylan Code, 145 Culver Road, Suite 100, Rochester, N.Y. 14620

Residents Present:
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Petrina Case, 5191 Fox Road, Palmyra, N.Y. 14522
Edith Chapman, 230 Ellsworth Road, Palmyra, N.Y. 14522

Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
 Linda Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609
 Donald M. Ioannone, Town of Gates Zoning Board of Appeals, 1605 Buffalo Road,
 Rochester, N.Y. 14624
 Tmmy Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522
 Frances Kabat, Esq., The Zoughlin Group PLLC, 300 State Street, Suite 502,
 Rochester, N.Y. 14614
 Sharon and Earl Maltman, 179 County Road 28, Palmyra, N.Y. 14522
 Chad Redmond, Fox Road and Stafford Road, Palmyra, N.Y. 14522
 Jim Redmond for Fox Road, 175 Burnham Heights, Palmyra, N.Y. 14522
 Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

1. MEETING OPENING

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

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

2. APPROVAL OF MINUTES OF JULY 2, 2019

■ A motion was made by MS. NEALE, seconded by MR. VIETS, that the minutes of the July 2, 2019, meeting be approved.

Motion carried by voice vote. Mr. Bellis and Mr. Maloy abstained due to their absences from the meeting on July 2, 2019.

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

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

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

3b. CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

3c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1006-18 Continued Special Use Permit

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

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

The Zoning Board of Appeals (ZBA) opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; May 20, 2019; and June 24, 2019. The ZBA Public Hearings have been continued to Monday, July 22, 2019.

The Area Variance applications before the ZBA for relief from the Town Code-required interior lot setbacks are as follows:

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

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

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

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

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

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

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

Involved Agency: New York State Energy Research and Development Authority

Involved Agency: New York State Department of Environmental Conservation

Involved Agency: U.S. Army Corps of Engineers

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

Involved Agency: Town of Farmington Planning Board

Involved Agency: Town of Farmington Zoning Board of Appeals

Involved Agency: Town of Farmington Highway and Parks Department

Interested Agency: Ontario County Agricultural Enhancement Board

Interested Agency: New York State Department of Agriculture and Markets

Interested Agency: Town of Farmington Agricultural Advisory Committee

Interested Agency: Town of Farmington Conservation Advisory Board

Interested Agency: Town of Farmington Town Clerk

Interested Agency: Town of Farmington Historian

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

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

These applications were presented by Daniel Compitello (Solar Project Developer, Delaware River Solar). David Matt (Project Engineer, Schultz Associates Engineers and Land Surveyors PC); and Donald A., Esq. (Boylan Code) also attended.

Mr. Compitello said that the geotechnical report that was requested by the Planning Board was completed last week by Foundation Design, P.C., of Rochester, N.Y., and submitted to the Town and to RBI Solar of Cincinnati, Ohio, the construction engineering firm for Delaware River Solar.

Mr. Compitello said that RBI Solar selected the actual posts that will be suitable for the soil conditions that were found on the Smith property. He said that Delaware River Solar requested RBI Solar to determine the impacts of driving the pilings into the ground, which was the main question of the Planning Board that led to the request for the geotechnical report.

Mr. Compitello said that a summary cover letter and the complete geotechnical report were submitted to the Town on July 11, 2019, as required for distribution to the Planning Board and the Town staff in the packets for the meeting this evening.

Mr. Netzband of Foundation Design, P.C., who conducted the geotechnical study, said that 24 test holes spaced across the parcel were drilled to develop the set of soil conditions on the site. He said that the general site profile is that there is a hill on the back side of the site [that portion furthest away from the adjacent roads] composed of dense glacial till. He said that the land drops to the north to a sand and gravel formation.

From a groundwater standpoint, Mr. Netzband said that there are really three different levels of groundwater that were encountered. The first is surface water that is flowing from the south of the proposed development area toward a pond that is on the parcel. He said that this surface water kind of stops at the pond and does not any go further. He said that this water seems to be flowing on the surface, that two test pits three-feet deep were dug next to this stream and that they had no water in the holes that were dug. He said that this water seems to be just trapped—because of the gradient and slope of the land—flowing on the surface—that it reaches the pond, and that it is infiltrating into the sand and gravel deposits.

Mr. Netzband said that the second layer of water that was encountered is basically water that is sitting on top of the dense soil. He said that this water drops from the south of the site to the north. He said that there is a big wet area just north of where the array is going and that this is representative of the true groundwater table.

Mr. Netzband said that from the pile standpoint, the contractor is looking to drive either a “W” or a “C” channel galvanized steel pile into the ground. He said that the galvanizing process is intended to protect the steel from corrosion [over the] long term. He said that the galvanizing process actually bonds to the steel—sticks to it. He said that the bond is intended to stay on the pile so that corrosion will not occur.

Mr. Netzband said that some pieces of the galvanizing usually do scrape off because of the soil conditions as the piles are driven into the ground. He said that they do not believe that the amount of the material that would be scraped off the piles during the pile-driving operation would pose any type of concern to the environment.

Mr. Hemminger asked about the depth of the bedrock. Mr. Netzband said that the deepest hole that was dug was about 20 feet below grade, that they did not hit bedrock at that depth, and that the bedrock is much deeper.

Mr. Hemminger asked about the third type of water to which Mr. Netzband referred. Mr. Netzband said that they have the surface water table which is kind of perched on top of the dense soil, and then they have that wet area down near the road which they think is the true groundwater table.

Mr. Brand said that the board should be prepared at the next meeting to make a determination of significance upon the environmental record for this project after having given a thorough evaluation of the information obtained during the State Environmental Quality Review (SEQR) process that has been identified to date. He said that a draft resolution was submitted for the board's consideration and posted upon the Town website on Monday (July 15, 2019), pending the board's discussion this evening.

Mr. Delpriore said that the website is up to date with correspondence, several of which were received today. This includes a letter from Terence L. Robinson, Esq., attorney for Delaware River Solar, to the Town Attorney (Correspondence #114); a letter from Frances Kabat, Esq., attorney for a group of residents (Correspondence #115); and the accompanying attachments to Ms. Kabat's letter (Correspondence #116), consisting of 582 pages of materials. Mr. Delpriore said that it will take a period of time for the Town staff to review these materials, especially given the number of pages in Correspondence #116.

Mr. Brabant said MRB Group is continuing to review the foundation design of the 75-page geotechnical report. He said that MRB Group typically goes through these types of reports to determine if anything is missing that should be provided for the board's review. Mr. Brabant said that the applicant provided a summary sheet both of the foundation design and from the solar company which provides a smaller breakdown of the outcome from the foundation design testing on the site. He said that this is dated July 11, 2019, and that the submittal package is dated July 9, 2019.

Mr. Brabant said that the applicant's engineer has referenced 11 criteria to be addressed if this project were to move forward. Mr. Brabant said that he did not see any of these to which he objects. He said that several criteria were standard procedures for the construction process but one of which is more thoroughly evaluated in the engineer's letter of July 11, 2019. He asked Mr. Netzman to again explain his discussion about the galvanized steel poles.

Mr. Netzband said that the galvanization is used to protect the piles from corrosion. He said that the piles would either be a "W"- or "C"-shaped pile to be determined following the structural design. He said that either one of these will have a galvanized protection of a zinc coating that will add corrosion protection to the piles. [In his letter of July 11, 2019, Mr. Netzband said that zinc is a naturally occurring element often found in the environment.] He said that they did not find that the soils were corrosive but that the gal-

vanizing process will provide an extra layer of protection [for the piles] over the longevity of the system.

Mr. Netzband said that the coating is very similar to a type of system installed over a galvanized culvert pipe or on galvanized water supply pipes inside of residential homes. He said that the galvanizing process is an accepted method of corrosion protection by the Federal Highway Administration. He said that ultimately they do not see a long-term issue with this coating system on the piles.

Mr. Hemminger asked Mr. Brabant how long it would take MRB Group to review the geotechnical report and to send the MRB Group findings to the board. Mr. Brabant said that he will have an MRB Group response letter (either in agreement or disagreement with the geotechnical report) by the deadline of Thursday, August 1, 2019, in time for inclusion in the board packets for the meeting on August 7, 2019.

Mr. Hemminger then asked if anyone in attendance wished to comment or ask questions on this application. He further noted that once again, and just prior to tonight's meeting, the Town received a large document from the The Zoghlin Group, PLLC, of Rochester, N.Y., containing more than 580 pages of material. He said that the board's adopted Rules of Procedure do not permit the board to consider materials, at the meeting, that are submitted after the established meeting submission deadline, or on the day of a meeting. He requested that all input to be reviewed by the board at the August 7, 2019, meeting must be received by the Town before 12:00 noon on Thursday, August 1, 2019.

Ms. Case (5191 Fox Road) asked if the property has water runoff that will not affect the surrounding properties. Mr. Hemminger said that according to the geotechnical report that was discussed tonight there will not be any change to the land that will impact the site's groundwater. Mr. Brabant said that based upon the information provided, and based upon the project that is before [the board], this [type of project] typically has very little land disturbance with piles being driven into the ground. He said that there will be land disturbance activities for the internal road where they [the contractors] will have excavators and where they are going to move dirt. But Mr. Brabant said that the standard procedure for solar projects like this will have little areas of disturbance associated with piles being driven into the ground, meaning that they will not be excavating dirt out of an area at a depth of five feet that could potentially change the groundwater.

Ms. Case asked if there would be degradation of the system after the construction—possibly five years from now—that would cause contaminants to enter the soil and become a major impact on farms. Mr. Brabant said that based upon what we heard tonight, the soils are not corrosive and the galvanized steel pipes that are to be placed in the ground do not appear to be a contaminant that they are concerned about. He said that the long-term answer to Ms. Case's question, based on that understanding, is no.

Ms. Case said that her concerns are the [solar] cells—when they break down—because it is the contaminants within the cells themselves that are cancer-causing. She said that let's hope that they don't ever break down. She said that her concern is if they do.

Ms. Johnson (126 Yellow Mills Road), said that she lives about a quarter-mile from the site. She asked about Mr. Netzband's comments on the containment of water runoff. Ms. Johnson said that her first question is how did Mr. Netzband determine that there is no water runoff on the property. Ms. Johnson said that she also spoke to the Town Board because she had fecal animal bacteria in her water well. Ms. Johnson asked about the testing on the property and if water on the land is traveling off the site.

Mr. Hemminger said that the geotechnical report provides information on the bedrock and/or underground water issues. He said that this was the reason for the drilling of test holes. He said that the above-ground stream was not necessarily part of the geotechnical study itself. Mr. Hemminger said that the driving of the piles, the roadway construction and other site development issues will be reviewed by the Town engineer and by the Department of Environmental Conservation as part of site plan approval.

Ms. Case asked which Town roads will be used to access the site during construction. Mr. Compitello said that the construction access will be off Fox Road. Mr. Brabant said for clarification that the construction access is shown on the plans as off Fox Road, but how the construction vehicles reach Fox Road has not yet been determined. He said that these details would be discussed during the Preliminary Site Plan review. He said that at this point, the proposed access for construction vehicles is off Fox Road which has been evaluated as part of the environmental review.

Mr. Falanga (395 Ellsworth Road) said that the proposed construction access off Fox Road is 985 feet from Yellow Mills Road and is at the crest of a hill. He expressed concern about the safety of this point of access.

Mr. Falanga said that he reviewed the geotechnical report, as well, and that what he could find from the layman's standpoint is that the report is packed with a lot of "I believes" and opinions. He said that he did not see fact-based information, just "probably representative" and "probably the true water table." Mr. Falanga said that he does not deal in probabilities. He said that he wants absolutes since this is his land. Mr. Falanga said that the water does not stay stagnant [on the property] and that it all drains across the road [to the north]. Mr. Netzband said that he agrees with Mr. Falanga that the water does flow to the north.

Ms. Kabat—the attorney for a group of residents—distributed hard copies of a letter that she sent to the board and Town staff via e-mail this afternoon. She also distributed two hard copies of the 582-page document of attachments to this letter, and a number of computer drives with the attachments for the board members and Town staff.

Ms. Kabat then delivered the following statement into the record of the meeting:

Hello, my name is Frances Kabat, and I am an attorney with the Zoghlin Group. I represent a group of residents concerned about the impacts of solar development in Farmington.

I appreciate having the opportunity to speak at today's meeting.

I would like to thank the board for taking the issues raised by the residents into consideration. I would like to briefly highlight a few issues worth additional consideration by this board.

As this board knows, a Lead Agency must issue a Pos Dec if it determines that the proposed action “may have a significant adverse impact on the environment.”

The Town has already correctly identified six potentially significant environmental impacts including: impacts to land; impacts to agricultural resources; impacts to aesthetic resources; impacts on open space; consistency with community plans; and consistency with community character. The Planning Board must also require a more robust traffic analysis and review of potential impacts that may be caused by the solar panels and driven steel pilings.

1. Further traffic safety analysis is needed.

Residents, through letters and comments to the Planning Board, have cited a number of safety concerns regarding the Yellow Mills Road/Fox Road intersection. Residents also have concerns that the Yellow Mills Road/Fox Mills Road intersection will become more dangerous at morning and evening rush hour during the Project's construction period, which was not reviewed by the traffic analysis provided to the Town. In fact, the site plan locates the main access road in close proximity to a crest in Fox Road, and reduced visibility could become a major safety concern.

2. The geotechnical study raises a number of issues which should be further investigated by this board.

Impervious surfaces such as solar panels will concentrate precipitation before it reaches the ground and increase stormwater runoff: placement of the panels will not improve water absorption on-site. Impervious surfaces also accumulate pollutants and sediments which, when washed off during storm events, are rapidly delivered to nearby water bodies. Concentrated stormwater runoff resulting from densely massed impervious solar array surfaces will impact stormwater flow and quality in and around the Project site. These impacts may be exacerbated by differences in soil and slope characteristics on the Project site. This is important because there are four regulated wetlands on the site which will likely be impacted by any increase in stormwater volume.

Additionally, the developer's geotechnical report indicates that the soil corrosivity is low. It is unclear soil conditions (including pH) may change over time as a result of the proposed Project. The Project site will be covered in impervious surfaces, which will limit the soil's ability to properly drain.

This is important because steel pilings coated with zinc will be driven into the ground. Rain water and water condensation can corrode galvanized steel pilings. Additionally, zinc can be dispersed into the environment from corroded galvanized steel pilings. Increased zinc concentrations can negatively impact environmental health, including terrestrial and aquatic plants and animals.

3. Potential leaching of solar panels should also be investigated by this board.

The developer's toxicity report states that the solar PV panels which may be installed at the site meet EPA standards, but installed panels are not totally safe from an environmental and health standpoint. Toxic compounds contained within the panels may leach out into the environment if panels break or are not disposed of properly.

Metals are released from Solar PV panels under a wide range of environmental conditions. This creates serious concerns for Solar PV panel maintenance, as the proposed Project will presumably have a 30 year life span.

Notably, solar panels can be damaged during severe weather events, such as rain and wind storms, increasing the risk that toxic compounds contained in PV panels are released into the environment. The risk of toxic compounds leaching out of damaged Solar PV panels at the proposed Project site is a significant environmental concern because the proposed Project sits on top of an aquifer and is located close proximity to environmentally sensitive wetland resources.

For the foregoing reasons, we request that the Planning Board issue a positive declaration of environmental significance and require preparation of an Environmental Impact Statement.

Thank you for your time.

—Frances M. Kabat, Esq.
The Zoghlin Group, PLLC, Rochester, N.Y. 14614

Ms. Heberle (531 Yellow Mills Road) requested clarification of the board's responses on May 15, 2019, to Question #18 (Consistency with Community Character) of the State En-

ironmental Quality Review (SEQR) Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts.

Mr. Hemminger said that the board determined that the answer to the main question in this category is “Yes”—*The proposed project is inconsistent with the existing community character.*

Ms. Heberle then asked about the board’s responses to Subquestions (18e) and (18f). Mr. Hemminger confirmed that the board’s responses to these Subquestions were as follows:

- 18e. The proposed action is inconsistent with the predominant architectural scale and character—*Moderate to large impact may occur.*
- 18f. The proposed action is inconsistent with the character of the existing natural landscape—*Moderate to large impact may occur.*

(Clerk’s Note: Following is the supplemental narrative to these Subquestions [see Planning Board minutes, May 15, 2019, page 29 of 36].)

18. Consistency with Community Character

- 18e. MODERATE TO LARGE IMPACT:** The proposed action is inconsistent with the predominant architectural scale and character.
Request: The applicant is to provide supplemental narrative that defines how the applicant intends to mitigate the potentially large impact the proposed action is likely to have upon the existing natural landscape through the use of plantings along those portions of the project viewed along the public road.
- 18f. MODERATE TO LARGE IMPACT:** Proposed action is inconsistent with the character of the existing natural landscape.
Request: The applicant is to describe the existing natural landscape of the site, how the proposed action is either consistent or inconsistent with that character, and what mitigation measures can be provided, if any, to make the action consistent with the character of the existing natural landscape.

Ms. Heberle asked if the board would confirm that the answers to these questions are “Moderate to large impact.” Mr. Hemminger confirmed that the answers to Subquestions 18e and 18f are “Moderate to large impact may occur.”

Continuing the discussion of Question #18, Ms. Heberle referred to the points described in the State Environmental Quality Review Workbook for Part 2 (specifically, the section on “Consistency with Community Character”), as follows:

Moderate to Large Impact:

A moderate to large impact could occur under one or more of these circumstances:

- The proposed project moderately or significantly changes the visual character of the area.
- The proposed project is of a larger scale than currently exists in the area.
- The building design, lot layout, streetscapes, or intensity of use is in sharp contrast to that which exists.
- The project introduces a land use that is inconsistent or in sharp contrast with surrounding land uses.
- The project introduces odors, lights, noise, or traffic to an area in a way that is different than currently exists.

Ms. Heberle asked if the answer to the question “the proposed project is of a larger scale than currently exists in the area” should be “Yes.” She said that this [the Delaware River Solar Project] application is of a larger scale than current exists in the neighborhood.

Ms. Heberle then asked about a comment made by Mr. Viets at the meeting on May 15, 2019, regarding rooftop solar units. Ms. Heberle asked Mr. Viets about his comment. Mr. Viets said that, to him, this [application] is larger than rooftop solar units.

Reading from the SEQR Workbook for Part 2, Ms. Heberle asked about the question that the intensity in use is in sharp contrast to that which exists. She asked if this was right?

Mr. Hemminger said that two of the five questions in Category #18 on the SEQR form were answered as “Moderate to large impact may occur.”

Ms. Heberle said that she did not have a copy of the SEQR Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts, to which Mr. Hemminger referred. Mr. Hemminger said that this was the document that board used on May 15, 2019, to determine the potential project environmental impacts.

He then read aloud the questions in category #18 from the Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts, and the board’s responses on May 15, 2019:

- 18a. The proposed action may replace or eliminate existing facilities, structures or areas of historic importance to the community—*No, or small impact may occur.*
- 18b. The proposed action may create a demand for additional community services (e.g., schools, police, fire)—*No, or small impact may occur.*

- 18c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing—*No, or small impact may occur.*
- 18d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources—*No, or small impact may occur.*
- 18e. The proposed action is inconsistent with the predominant architectural scale and character—*Moderate to large impact may occur.*
- 18f. The proposed action is inconsistent with the character of the existing natural landscape—*Moderate to large impact may occur.*

He said that these are questions in this category on the SEQR worksheet with which the board deals.

Mr. Brabant said that for the record the applicant provided responses to these questions on how the applicant plans to mitigate these concerns. Mr. Hemminger said that it is now the board's job to verify the applicant's responses that there is enough mitigation to these issues to move forward, or not. He said that the board has not made that decision yet.

Ms. Johnson discussed the SEQR questions. She asked if public roads are the resources to which are referred in Question 18d. Mr. Hemminger said no. He said that this question refers to such public resources as parks.

Ms. Case asked about the 10-acre Finger Lakes Wildlife Center at County Road 28 and Fox Road. She asked if this could be considered as a local public resource. Mr. Hemminger asked if the nature center is open to the public. Ms. Case said yes.

(Clerk's Note: The Finger Lakes Wildlife Center Inc., 4949 Fox Road, is described as a non-profit organization for environmental conservation education through exhibition of native New York State flora and fauna. According to its Facebook social-media page, the center "is currently closed to the public but working hard to acquire resources needed to open the facility to visitors." The center was founded by Erin and John Lord-Astles in 2014. A link to the center's web page was not followed due to a "Warning: Potential Security Risk Ahead" error message.)

Mr. Falanga said that the meeting agenda has an error. He said that the listing for PB #1004-18 Preliminary Site Plan indicates that the solar system would be comprised of 7,000 solar panels. Mr. Falanga said that this should be corrected to 21,000 solar panels.

Mr. Maloy asked about the surface water on the property and whether it was from the streams that have been identified on the property or if it was runoff from a storm event. Mr. Netzband said that there is an intermittent stream on the site that drains toward the pond. He said that this is the surface water to which he referred, that two test pits were dug on each side of it, and that the holes were dry.

Mr. Maloy asked the amount and size of cobbles. Mr. Netzband said that on the surface there are cobbles of about 12 inches and it is possible that they could be larger elsewhere on the site. He said that at the time of construction each hole will be pre-drilled as part of the installation to open a hole in the ground in which to drive the pile.

Mr. Maloy asked about a recommendation in the geotechnical report to clear and grub the entire site under the solar array. He asked for a clarification. Mr. Netzband that this recommendation was included if the contractor has to clear and grade the entire site. He said that it would be recommended that the site be cleared and grubbed if the contractor planned to move a great deal of earth, which he said does not seem to be the case based upon the discussion this evening. Mr. Maloy said that the soil disturbance calculations would have to be changed quite a bit [if the entire site were to be cleared and grubbed].

Mr. Maloy asked about the recommendation in the geotechnical report about slabs on grades, frost walls, and the trenches for the electrical components. He said that these topics should be noted in the discussion of the amount of disturbance on the property. Mr. Maloy discussed impervious surfaces. He said that the New York State Department of Environmental Conservation (DEC) recognizes that disconnected roofs and similar structures serve to mitigate impervious surfaces. He said that the 21,000 solar panels are not contiguous and that they will drain onto the ground, which the board will take into consideration.

Mr. Hemminger said that the DEC does not consider solar panels as impervious surfaces.

Mr. Brabant said that the solar panels—which are proposed to be pile driven into the ground—would not be considered impervious surfaces in terms of drainage runoff, as opposed to a platform base installation. He said, for the record, that as part of the MRB Group review, they will look at the entire perimeter of the site. He said that MRB Group is expected to issue comments on both water quality and quantity. Mr. Hemminger said that the board takes this issue seriously.

Ms. Case asked if residents have to be worried about sink holes [because of] this project. Mr. Brabant said no, based on the site and the soils that are on the property.

Mr. Viets asked if the trenches are to be backfilled with native material, or if material is to be taken off site. Mr. Compitello said that the depth of the trenches will be a minimum of 36 inches and a maximum of 48 inches, per New York State Department of Agriculture and Market specifications. He said that as much fill from the site as possible will be used and that nothing is planned to be removed from the site except for some vegetation.

Mr. Viets asked about the possible stockpiling of soil and other material. Mr. Hemminger said that this would be reviewed at the Preliminary Site Plan stage.

Mr. Viets expressed concern about hot spots if an arc were to occur underground. He asked if there is a system to cut off a solar panel in the event of an underground fire. Mr. Compitello said that the three-wire diagram that was submitted with the application delin-

eates a series of reclosers. He said that if an arc occurs in one part of the system, it can be separated and shut off from the system, depending upon where the fault was found. He said that they do not expect anything to happen that would not be repairable.

Mr. Viets asked about firefighting. He said that you cannot turn the sun off. Mr. Compitello said that a fault will be contained at the source of connection.

Regarding Mr. Viets's comment on stockpiling of soil and material on the site. Mr. Compitello said that the proposed stockpile location is shown on the site plan and that he will provide additional details following receipt of MRB Group engineering comments and the submission of the Stormwater Pollution Prevention Plan (SWPPP).

Mr. Viets asked if the piles will be driven into the ground rather than augered into the ground. He asked if the design must be taken into account if the piles are to be augered. Mr. Compitello said that the method of installation will be taken into account at the time of site plan and the ordering of materials. He said that the construction engineer will determine the types of piles to be used on the site. Mr. Hemminger said that these topics will be discussed in detail at the site plan stage.

Mr. Hemminger said that the board's goal is to have everything—correspondence, reports, questions, etc.—submitted by 12:00 noon on Thursday, August 1, 2019, for inclusion in the board members' packets for the meeting on Wednesday, August 7, 2019. He said that this is the requirement of the board's Rules of Procedures to provide the board with an opportunity to review this information. He said that he hopes that the board will determine on August 7, 2019, that it has everything that it needs for making the SEQR determination of significance.

Mr. Hemminger said that the board will always address any issues that come up and that the application will proceed in the proper way.

Mr. Young asked if the applicant would have an opportunity to respond if the board received a pile of information next Thursday (August 1, 2019). Mr. Hemminger said yes.

Mr. Young asked if there will be any point at which the board will stop the submission period so that [the board] can move forward with the review. Mr. Hemminger said that he is not convinced that the board has yet reached this point, but that the answer is that the board will have to do this [conclude the submission period] at some point.

There were no further comments or questions on these applications this evening.

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

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

Actions:

- ZB #0902-18 Area Variance Application (SEQR Determination)**
- ZB #0903-18 Area Variance Application (SEQR Determination)**
- ZB #0904-18 Area Variance Application (SEQR Determination)**
- ZB #0905-18 Area Variance Application (SEQR Determination)**
- PB #1003-18 Preliminary Subdivision Plat Application**
- PB #1004-18 Preliminary Site Plan Application**
- PB #1006-18 Special Use Permit Application**

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

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

WHEREAS, the Planning Board has reopened the continued Public Hearings at tonight’s meeting upon the Actions identified above herein; and

WHEREAS, the Planning Board is the designated Lead Agency, under the State Environmental Quality Review (SEQR) Regulations, for making a determination of significance upon said Actions; and

WHEREAS, the Planning Board at its May 15, 2019, meeting, made a determination that based upon the public abstract prepared by John M. Robortella, Clerk of the Board, dated May 15, 2019, that all information previously requested by the Board has been provided and determined the environmental information contained in said abstract to be complete; and

WHEREAS, the Planning Board at its May 15, 2019, meeting completed the Full Environmental Assessment Form (EAF) Part 2 and determined a number of Small and Moderate to Large Impacts likely to result from the proposed Actions; and

WHEREAS, the Planning Board requested the Applicant to submit written mitigation measures for these categories to be provided to the Town by noon on Thursday, May 30, 2019, so the Planning Board could determine if said narrative adequately identifies mitigation of these likely impacts, which would then allow the Board to complete the Part 3 of the Full EAF—Determination of Environmental Significance; and

WHEREAS, the Applicant provided responses to the requested information dated May 15, 2019, and was received by the Development Office by noon on Thursday, May 30, 2019, as requested; and

WHEREAS, the Planning Board, at its June 5, 2019, meeting, upon review of the supplemental information dated May 30, 2019, provided by the Applicant, determined that a Geotechnical Report is necessary to provide the site specific geological information pertaining to the soils upon which the proposed solar panels would be located in order to substantiate the identified impacts of existing bedrock and ground water table resulting from the placement of said solar panels; and

WHEREAS the Applicant, at the June 5, 2019, meeting, informed the Board that a Geotechnical Report had been scheduled and that it would take 6–8 weeks for completion; and

WHEREAS, the Planning Board continued its deliberation upon the environmental record to the July 17, 2019, Planning Board Meeting with the understanding from the Applicant that a Geotechnical Report will be provided to the Town in time for distribution to the Board members packets on noon on Thursday, July 11, 2019. Failure on the part of the Applicant to meet this deadline shall result in the SEQR deliberations being continued to August 7, 2019; and

WHEREAS, the Board, on July 11, 2019, received copies of a one page letter, dated July 9, 2019, prepared by Nick Allen, P.E., RBI SOLAR, 5513 Vine Street, Cincinnati, Ohio, in regards to the potential environmental impact upon the site's groundwater of hot dipped galvanized steel columns driven into the native soil on the site; and

WHEREAS, the Board, on July 11, 2019, also received an eight-page summary letter, dated July 9, 2019, to Mr. Peter Dolgos, Delaware River Solar, 33 Irving Place, New York, New York 10003, from Jeffrey D. Netzband, P.E., P.G., Vice President, Foundation Design, P.C. 46A Sager Drive, Rochester, New York, 14607; and

WHEREAS, the Town, on July 11, 2019, received a seventy-five (75-) page geotechnical evaluation for the Yellow Mills Road Solar Farm, identified as Geotechnical Evaluation, 4618.0 (Revised), prepared by Foundation Design, P.C., 46A Sager Drive, Rochester, New York, 14607; and

WHEREAS, the Planning Board has received at tonight's Public Hearings testimony and additional information relating to the proposed Actions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby continue its deliberations upon the environmental record, that has been prepared for the above referenced Actions, to its August 7, 2019, meeting, to permit the Board adequate time to conduct a thorough review of said record, to review the criteria set forth in Part 617 of the State Environmental Conservation Law, and to make its determination upon the significance of the anticipated impacts likely to occur as the result of these Actions.

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

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

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

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye
Motion carried.	

4. NEW FINAL SITE PLAN

**PB #0701-19 New Final Site Plan Application:
Section 2, Monarch Manor Incentive Zoning Project**

Name: A&D Real Estate Development LLC, 7 Beauclaire Lane, Fairport, N.Y. 14450

Location: Monarch Manor Subdivision, northeast corner of Canandaigua–Farmington Town Line Road and New Michigan Road

Zoning District: IZ Incentive Zoning

Request: Final Site Plan approval for Monarch Manor Subdivision, Section 2, consisting of 38 units located on the northeast corner of Canandaigua–Farmington Town Line Road and New Michigan Road

June 3, 2015: The State Environmental Quality Review (SEQR) determination for the Monarch Manor Subdivision was approved by the Planning Board (no significant adverse environmental impacts).

June 3, 2015: The Planning Board approved the resolution to override the Ontario County Planning Board referrals #36-2015 and #36.1-2015.

June 3, 2015: The Monarch Manor Preliminary Overall Subdivision Plan was approved with conditions by the Planning Board on June 3, 2015 (PB #0402-15).

June 3, 2015: The Monarch Manor Preliminary Subdivision Plat, Section 1, was approved with conditions by the Planning Board on June 3, 2015 (PB #0403-15).

August 5, 2015: The Monarch Manor Final Subdivision Plan was approved with conditions by the Planning Board (PB #0705-15.1).

Mr. Baker (D.S.B. Engineers) presented this application.

He said that Section 2 of the Monarch Manor Subdivision comprises 11 acres and is being built by Sortino Builders. He said that a new Town road will connect Section 1 and Section 2 to Canandaigua–Farmington Town Line Road and that the applicant would like to complete the installation of site utilities and the road this year in preparation for building 38 townhome units next year.

Mr. Baker said that he, A&D Real Estate Development and 104 Contractors have also been working with the Town staff on the installation of the 12-inch water main along the north side of Canandaigua–Farmington Town Line Road. He said that the water main will ultimately proceed north along the east side of New Michigan Road to connect with an existing water main. The water main is a Town Board condition of approval of the applicant's Incentive Zoning application for Section 2.

Mr. Baker described the future sections 3, 4 and 5 on the subdivision plat. Mr. Hemminger asked about the timing of construction for the remaining sections. Mr. Baker said that Sortino Builders has been doing well, that the subdivision has been well received, and that the development of the remaining sections will be based upon the economy and interest rates.

Mr. Brand said that the applicant has complied with the conditions of Incentive Zoning approval for Section 1 and that there are financial obligations which the applicant must satisfy prior to the issuance of the first building permit for Section 2. Mr. Baker reviewed several of the Section 1 Incentive Zoning conditions that included the installation of sewer and water utility service on New Michigan Road and construction of a length of sidewalk.

Mr. Brand said that he has prepared a resolution for the board's consideration this evening for the approval with conditions of the Final Site Plan for Section 2 of the Monarch Manor Subdivision.

Mr. Giroux asked about the placement of trees that have been planted in Section 1 of the subdivision. Mr. Baker said that the plans called for the trees to be planted outside of the utility easements but that the builder planted the trees farther away from the homes and inside of the easements. Mr. Giroux said that the Town permitted these trees to remain in place on the easement line between the sanitary sewer and the water mains, but that the Town will not permit future trees to be planted inside of the easements. He said that now is time establish the location of the planting of the trees in Section 2.

Mr. Hemminger said that the Town will not be as flexible if the trees are planted in the wrong locations in Section 2. Mr. Delpriore said that his office will verify the locations of the trees prior to the issuing of a Certificate of Occupancy for the first unit in Section 2.

Mr. Degear said that the builder knew the correct locations of the trees and that a stake-outs of the locations was requested. He said that the Town will not be as lenient [if the trees are planted in the wrong locations] next time.

Mr. Degear also said that the Town appreciates the installation of the water and sewer lines by the applicant and the builder.

Mr. Brabant said that most of the MRB Group engineering comments are to fine-tune the plan. He said that he did not believe that any one of the comments would result in a change in the project as presented to the Planning Board this evening. Mr. Brabant commended Mr. Baker and his design team for the installation of the water and sewer utilities. He said that this was a major undertaking and that these utilities will be a huge benefit to the Town.

Mr. Brabant said that the plans have been updated to reflect the engineering comments. He said that the design meets the grade along Canandaigua–Farmington Town Line Road.

Mr. Brabant requested that the applicant consider providing a sidewalk easement to the Town for a future extension of the sidewalk on Canandaigua–Farmington Town Line Road to the intersection with New Michigan Road. Mr. Baker said that this will be noted on the plans as a sidewalk easement 15 feet from the right of way. Mr. Brabant said that this request comes as a result of the Canandaigua–Farmington Town Line Road improvement project that is now in progress.

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

Mr. Hemminger asked Mr. Baker if he received the draft approval resolution prior to the meeting, and if he understood the resolution and agreed with the conditions. Mr. Baker acknowledged that he received the draft resolution prior to the meeting, and that he understood the resolution and agreed with the conditions.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SUBDIVISION PLAT, SECTION 2**

PB #0701-19

APPLICANT: A&D Real Estate Development Corporation, c/o Anthony DiPrima, 7 Beauclaire Lane, Fairport, N.Y. 14450

**ACTION: Final Subdivision Plat Approval
Monarch Manor Incentive Zoning Project, Section 2**

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

WHEREAS, the Planning Board has received testimony at tonight's meeting upon this application that will be entered into the public record upon this Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant Final Subdivision Plat Approval, as may be further amended below herein, with the following conditions:

1. Final Plat Approval is based upon the last revised set of drawings dated 7/8/19 identified as Project Number 15-0432, drawing numbers 1 of 9 through 9 of 9, prepared by D.S.B. Engineers and Architects, P.C., entitled "Final Subdivision Plat, Section 2, Monarch Manor."
2. Final Plat Approval is based upon the Applicant complying with all Conditions of the rezoning approval contained in Town Board Resolution No. 98 of 2015. In particular the agreed-to site amenities having a total value of \$118,361.00 which are to be made to the Town prior to the issuance of the first Building Permit in Section 2.
3. The Applicant is to provide the Town Engineer with a written response to the July 16, 2019, letter prior to signing the Final Plat drawings for Section 2.
4. The Applicant's Engineer is requested to prepare a Letter of Credit Estimate, in the total amount for site improvements that are going to be dedicated to the Town within Section 2. Included in this estimate are the sidewalks, the street lights, water line and fire hydrant installations, sewer line installation, roadways and landscaping. Please note that it is the policy of the Town that no Pre-Construction Meeting is to be established until a Letter of Credit has been approved by the Planning Board, accepted by the Town Board and filed with the Town Clerk's Office.
5. A condition of Final Plat approval is the pre-requisite payment to the Town for the Park and Recreation Fees prior to the issuance of any Building Permit for a structure in Section 2.
6. Once all of these revisions have been made to the drawings, including the revision boxes on each of the drawings amended, then one set is to be submitted to the Town Code Enforcement Officer for review and acceptance prior to signing by Town Officials.
7. No Building Permits are to be issued until the Town Engineer and Town Code Enforcement Officer are satisfied that the Applicant has complied with the State of New York's MS4 Program requirements.

- 8. The applicant is advised that prior to the start of construction a “Pre-Construction Meeting” will be scheduled by the Town Code Enforcement Officer. A prerequisite to the scheduling of the “Pre-Construction Meeting” will be the filing of a Letter of Credit with the Town Clerk for any site improvement that is to be dedicated to the Town. The applicant is further advised to discuss the process for establishing a Letter of Credit with the Town Code Enforcement Officer to avoid any delay in obtaining a Building Permit.
- 9. The Final Subdivision Plat drawings specified above herein are to first be signed by the Town Highway and Parks Superintendent, the Town Water and Sewer Superintendent and the Town Engineer, before the Planning Board Chairperson signs. A total of six (6) sets of the Final Subdivision Plat Maps and Plans once signed are to be distributed to the following: Town Highway and Parks Superintendent; Town Water and Sewer Superintendent; Town Construction Inspector; Town Engineer; and the Town Development Office. One copy of the signed Final Drawings is to be returned to the Applicant. The Applicant is to provide the number of additional copies of the Final drawings that they will need for their files.
- 10. Final Subdivision Plat Approval is valid for a period of 180 days and shall expire unless the drawings have been signed by the Planning Board Chairperson.
- 11. No Building Permits will be issued until notification has been received from the Ontario County Clerk’s Office of the filing of the Plat Maps.

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

Motion carried.

5. NEW FINAL SITE PLAN

PB #0504-19 New Final Plan Application

Name: Sonbyrne Sales Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166

Location: 6215 State Route 96

Zoning District: GB General Business and MTOD Major Thoroughfare Overlay District

Request: Final Site Plan application to develop a 1.99-acre site located at the southwest corner of the intersection of State Route 96 and Merten-

sia Road for a 4,232-square-foot Byrne Dairy Convenience Store with gasoline dispensing units.

These applications were reviewed by the Project Review Committee on April 5, 2019; May 3, 2019; and June 7, 2019.

The Planning Board received a concept presentation of this project by the applicant on May 1, 2019.

The Planning Board approved the State Environmental Quality Review (SEQR) determination on June 19, 2019 (Unlisted Action, no significant adverse environmental impacts).

The Planning Board approved the Special Use Permit (PB #0503-19) and the Preliminary Site Plan (PB #0504-19) on these applications on June 19, 2019.

Mr. Brunelle presented this application.

He reviewed the changes that have been made to the plans in response to the conditions of approval of the Preliminary Site Plan and the comments from the Project Review Committee:

- Crosswalk ramp note for the pedestrian crossing of Mertensia Road at the intersection with State Route 96, with the future crosswalk to be installed by others. Mr. Brunelle said that his traffic engineer is working with the New York State Department of Transportation on the plans for submittal.
- The water line is now shown on the plans to be on the east side of Mertensia Road.
- The catch basin is now shown on the plans to tie in to the 24-inch pipe.
- The street light, located near the Mertensia Road entrance, has been slightly rotated several degrees at the request of the Planning Board to provide more light to the on-site crosswalk located in this area of the property.

Mr. Brunelle said that the owner of the adjacent Woodlawn Court manufactured home park has signed the cross-access easement and that the paperwork has been forwarded to the Byrne Dairy attorney.

He reviewed the location of the pressure-treated split-rail fence to surround the storm water pond on the plans and confirmed his intended compliance with the future Main Street—Street Scape specifications regarding lighting and tree spacing, species of trees, and placement of benches and amenities. Mr. Brunelle acknowledged receipt of the MRB Group engineering comment letter and said that all engineering comments will be addressed.

Mr. Brand said that it has been a pleasure to work with Mr. Brunelle, especially because of Mr. Brunelle's desire to include details in the site plan for the benefit of the community, such as those proposed for the Main Street—Street Scape initiative.

Mr. Brand said that the Main Street—Street Scape improvements will begin at the west end of the Byrne Dairy site (near the manufactured home park entrance) and will continue east to the intersection of State Route 96 and Mertensia Road. This "street scape plan" will then continue east to the State Route 96/State Route 332 intersection.

Mr. Brand asked about a site illumination plan for the exterior lighting fixtures. Mr. Brunelle said that an illumination plan is included in the packet of drawings that had been previously submitted to the Town as part of the Preliminary Site Plan approval. Mr. Brand requested that the illumination plan be included as part of the Final Site Plan documents, especially because there has been a change to one of the light fixtures. Mr. Brunelle said that he would do this.

Mr. Brand said that the next steps following Final Site Plan approval by the Planning Board will be the posting of the Letter of Credit which is a prerequisite to the scheduling of the Pre-Construction Meeting. He informed Mr. Brunelle of the Planning Board and Town Board process for establishing the surety.

Mr. Brand said that he has prepared a resolution for the board's consideration this evening for the approval with conditions of the Final Site Plan for the Byrne Dairy Store.

Mr. Delpriore said that he is pleased with the plans for this project. He said that Mr. Brunelle may come into the office for a demolition permit which will be issued at any time after he closes on the purchase on the property. Mr. Delpriore said that he will work with Mr. Brunelle to set up the Pre-Construction Meeting at that time.

Mr. Degear said that this project emphasizes the good working relationship between the developer and the Town staff. He said that he has no issues with the water and sewer utilities to the site.

Mr. Brabant commended Mr. Brunelle and his design team for providing an oversized storm water system and for complying with the Town's request to install a closed storm water system to avoid storm water runoff impact upon the adjacent residential neighborhoods.

Mr. Brabant said that the MRB Group engineering comments also include the Main Street—Street Scape Standards regarding existing trees, the caliper of new street trees, berms, tree spacing, species, native plantings, landscaping, external lighting, benches and trash receptacles (*see* MRB Group comment letter, July 16, 2019). He said that MRB Group continues with the work on the conceptual plan for the "street scape."

Mr. Hemminger suggested that the street scape light poles include devices for the hanging of banners, flags or flower baskets during certain times of the year.

Mr. Viets said that his previous comment regarding the photometrics of the external lighting has been addressed.

Mr. Bellis asked about the removal of existing site trees during the demolition of the existing structure. Mr. Brunelle said that the owner of the Woodlawn Court manufactured home park has requested that several trees with low-hanging branches be trimmed. He also said that two trees will have to be removed during the demolition of the structure.

Mr. Bellis asked about the fence around the proposed storm water pond. Mr. Brunelle said that the four-foot-high fence will be constructed of 4x4 pressure treated wood with two 2x6's. Mr. Bellis said that he understands that the fence is required for safety. He requested that it be well designed for the site. Mr. Brunelle said that it is the company's goal to provide clean and well-appointed stores and sites.

Mr. Maloy asked about the utility lateral connections on the demolition plan. Mr. Brunelle said that the MRB Group engineering comments on this issue will be addressed. Mr. Maloy expressed concern about making the outfall connection of two 12-inch pipes at a shallow angle to a single 12-inch pipe. Mr. Brunelle said that he would bring this to the attention of his engineer.

Mr. Maloy also asked about an emergency overflow for the storm water pond. He said that there are two pipes going into the pond but only one pipe coming out, and that he did not see an emergency outflow on the plans. Mr. Brunelle said that he would address this.

Mr. Maloy again expressed concern about the safety of the crosswalk off Mertensia Road that is located in the southeast portion of the site and that dead-ends into the median located between the site and the private driveway to the adjacent manufactured home park. He said that this design will give pedestrians the temptation to walk along the tree line in a dark area of the property and that they could become stuck in the median between the two driveways.

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

Mr. Hemminger asked Mr. Brunelle if he received the draft approval resolution prior to the meeting, and if he understood the resolution and agreed with the conditions. Mr. Brunelle acknowledged that he received the draft resolution prior to the meeting, and that he understood the resolution and agreed with the conditions.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
BYRNE DAIRY CONVENIENCE STORE PROJECT
FINAL SITE PLAN**

PB #0704-19

APPLICANT: **Sonbyrne Sales, Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166**

ACTIONS: **Final Site Plan approval to develop a 1.9-acre site located at
the southwest corner of the intersection of State Route 96 and
Mertensia Road for a Byrne Dairy Convenience Store with
gasoline dispensing units**

WHEREAS, the Town of Farmington Planning Board has been designated as the Lead Agency under the provisions of §617 of NYCRR, Article 8, New York State Environmental Conservation Law for the coordinated review of this Action; and,

WHEREAS, the Planning Board, as the Lead Agency has made a determination of non-significance upon this Action; and

WHEREAS, the Planning Board has conducted a Public Hearing upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the Public Hearing record and to the Ontario County Planning Board referral #120-2019, dated June 12, 2019, classified as a Class 1 with comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the Final Site Plan application with the following conditions:

1. Final Site Plan Approval is based upon the set of drawings prepared by Plumley Engineering, P.C., dated March 2019 and having the latest revision date of 7/03/19, Project No. 2019017, Drawing Number C201, entitled “Final Site Plan,” as is further hereby amended by these conditions of approval contained below herein.
2. All comments contained in the Region 4 Office, New York State Department of Transportation’s May 6, 2019, letter are hereby made conditions of Final Site Plan Approval by the Planning Board.
3. All conditions of Preliminary Site Plan Approval granted by the Planning Board apply to the conditions of approval for the conditions of Final Site Plan Approval.
4. All proposed easements are to be filed in the Ontario County Clerk’s Office and recorded in the Town Development Office prior to the issuance of any Building Permits for this site’s development.

5. Prior to the issuance of a Certificate of Occupancy for this project, the applicant is to provide the landscaping improvement for the “Main Street—Street Scape” concept plan that is being prepared by the Town Engineers, MRB Group.
6. A Site Lighting Plan is to be prepared as part of the Final Site Plan Approval. Said lighting plan is to provide street lights as proposed by the Town Engineer, MRB Group, in the “Main Street—Street Scape” concept plan. Street lights are to start at the west end of the project to illuminate the Northrup Drive Park entrance from State Route 96 and then spaced according to the Concept Plan along the frontage of Route 96. There is also to be a street light at the entrance from Mertensia Road.
7. Prior to the issuance of a Certificate of Occupancy, there is to be installed a State Department of Transportation Pedestrian Crossing Signal at the southwest corner of the intersection of State Route 96 and Mertensia Road, along with approved concrete pad and ramps to both highways.
8. All comments contained in the MRB Group letter, dated July 16, 2019, are to be addressed in writing and changes made to the drawings referenced prior to the drawings being signed by the Town Engineer.
9. Once all conditions of Final Site Plan Approval have been made on the drawings, one (1) copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a total of seven (7) sets of revised drawings and Building Elevation drawings are to be submitted to the Town for signing. One copy of the signed Final Site Plans and Building Elevation drawings are to be provided to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Assistant Resident Engineer, New York State Department of Transportation, Ontario County Office; the Town Engineer; the Town Development Office; and two (2) sets returned to the Applicant’s Engineers, Plumley Engineering. If additional copies of the Final Plans are deemed necessary, then those copies are to be provided at the time of signing. Once all signatures have been affixed to the Final Site Plans and Building Elevation Drawings then the Town Code Enforcement Officer will entertain an application for Final Site Plan Approval and schedule the action for a future Planning Board meeting.
10. Final Site Plan Approval is valid for a period of 180 days and shall expire unless renewed, or signatures have been made to the revised drawings.

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

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported that the main segment of the Auburn Trail officially opened with a ribbon-cutting ceremony on July 13, 2019. He said that the contractor is now working on a secondary segment that will link the main segment to Canandaigua–Farmington Town Line Road. He said that the contractor is committed to the completion of this segment by August 2, 2019.

Mr. Brand said that a meeting will be scheduled with Parrone Engineering to discuss the first segment of the development of the DiFelice property on the west side of State Route 332 between West Corporate Drive and the MacDonald's Restaurant.

Mr. Brand also reported that the applicant of the Farmington Market Center on State Route 96 is reviewing the draft incentives and amenities that have been proposed by the Town for the Incentive Zoning application on this project. He said that the owner of the adjacent property to the east (LeFrois Builders) is interested to move forward once the Farmington Market Center project is underway.

Code Enforcement Officer:

Mr. Delpriore said that the Planning Board will receive a presentation in August from the Finger Lakes Wildlife Center Inc., 4949 Fox Road, regarding this organization's plans. (See Clerk's Note on Page 13 of these minutes for more information about this organization.)

Highway and Parks Superintendent:

Mr. Giroux reported that road improvement projects on Hook Road, Curran Road and Canandaigua–Farmington Town Line Road are progressing well. He also said that the new section of Ivory Drive is now open and enables motorists in the Auburn Meadows Subdivision to drive to the signalized intersection at the corner of State Route 332 and Carmen's Way.

Mr. Giroux said that a three-way stop sign has been installed at the Jasper Drive/Marion Way/Ivory Drive intersection. He said that one of the Town's electronic speed measuring signs has been installed on Ivory Drive west of the Auburn Trail crossing to alert motorists to the 30-mile-per-hour speed limit in the subdivision.

Water and Sewer Superintendent:

Mr. Degear reported on water main repairs that have been made in the vicinity of State Route 96 and Mertensia Road. He also said that the Town crews have been working on a sewer clean-up project on County Road 9 under the inspection of the New York State Department of Environmental Conservation. Mr. Degear said that this project has taken a great deal of the staff's time.

Town Engineer (MRB Group, D.P.C.):

Mr. Brabant reported that the MS4 Committee will meet tomorrow (July 18, 2019) to work on responses to the State audit of the Town's MS4 Program.

He also discussed updates to the Town's Site Design and Development Criteria that includes:

- Reducing the number of pages in Dedication and Letter of Credit Partial Release forms.
- Creating one inspection form for all inspections.
- Creating a Grading Permit checklist.
- Removing the interpretation question on Building Permit forms.
- Clarification of Fire Meter forms (red caps).
- Revision of Sidewalk Form (sidewalks within State and County rights of way are to meet Town standards).
- Clarification of lighting wattage (maximum of 30 watts).

Board Members' Comments:

Mr. Viets discussed the recent malfunction of traffic signals on State Route 332. Mr. Giroux said that the New York State Department of Transportation is aware of the issues. He said that the traffic signal at the intersection of State Route 332 and County Road 41 also was out for a period of time recently.

Ms. Neale said that she noticed that the parking spaces in the new sections of the Farmington on the Creek apartment complex are single striped. Mr. Delpriore said that all parking spaces in the Town must be doubled striped. He said that he will inspect these spaces and will address this.

Ms. Neale asked about single-striped parking spaces at Farmington Court Apartments on Mertensia Road. Mr. Delpriore said that this is an older development and that the owner will be required to comply with the updated Town Code requirement for double striped parking spaces at the time that the parking lot is resealed. The concern is that the property owner is not required to notify the Town when the resealing is going to occur.

Mr. Bellis asked about the removal of trees on the west side of State Route 332 north of County Road 41. Mr. Degear said that the trees have been removed as part of the installation of the sewer line to the Hathaway's Corners development on the southwest corner of State Route 332 and County Road 41.

Mr. Bellis asked about the MIII Enterprises (Always Locked Self Storage, 6061 Carmen's Way) Letter of Credit release. He said that the topsoil stockpile on the property still has not been removed. Mr. Brand said that the applicant's engineer and excavating contractor have been notified of this.

Mr. Bellis asked about the stabilization of the storm water retention pond and the berm on the American Equipment property on the northeast corner of State Route 332 and Collett Road. Mr. Delpriore said that the company has a Conditional Certificate of Occupancy to move furniture into the new structure but that the building cannot yet be occupied. Mr. Brabant said that the company has an open NOI and are paying an inspector to make weekly SWPPP inspections because more than one acre has been disturbed. He said that the company has not yet asked for a return of the Letter of Credit funds and that site stabilization will be required prior to the return of the Letter of Credit.

Mr. Hemminger said that he recommends that the depth of burying fiber optic cable should be increased from 36 inches to 48 inches in the updates to the Town's Site Design and Development Criteria. He said that he recommends this following the recent shearing of a cable by contractor. Mr. Hemminger said that a 48-inch depth should be the Town's minimum. Mr. Brabant said that he will review the Site Design and Development Criteria for this specification. He said that the current depth of 36 inches may be dictated by utility companies.

7. PUBLIC COMMENTS

None.

8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:50 p.m.

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

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

Respectfully submitted,

John M. Robortella,
Clerk of the Farmington Planning Board

L.S.