

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, June 17, 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.

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 via telephone/video conference audio format. 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 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 Monday, June 15, 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 via Telephone Conference: Edward Hemminger, *Chairperson*
 Adrian Bellis
 Timothy DeLucia
 Shauncy Maloy
 Douglas Viets

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
 Dan Delpriore, Town of Farmington Code Enforcement Officer

Applicants Present via Telephone Conference:

Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548
 Nicholas and Melissa Buttaccio, 7 Newton Street, Manchester, N.Y. 14504
 Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
 #415, Rochester, N.Y. 14610
 Doug Doebler, Gerber Homes, 1260 Ridge Road, Ontario, N.Y. 14519
 Mike Greene, Greene Land Surveying, PLLC, 403 E. Miller Street, Newark, N.Y. 14513

Residents Present via Telephone Conference:

William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425
 Other(s) [unidentified]

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.

2. APPROVAL OF MINUTES OF JUNE 3, 2020

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, that the minutes of the June 3, 2020, meeting be approved.

Motion carried by voice vote.

3a. NEW PRELIMINARY SITE PLAN

PB #0601-20 Preliminary Site Plan Application

Name: Nicholas and Melissa Buttaccio, 7 Newton Street,
Manchester, N.Y. 14504

Location: 5005 Collett Road

Zoning District: A-80 Agricultural

Request: Preliminary Site Plan approval for construction of a single-family dwelling containing approximately 2,440 square feet to be located upon Lot #3 of the Maier Property Subdivision

Mr. Greene (Greene Land Surveying, PLLC) presented this application. Nicholas and Melissa Buttaccio, and Doug Doebler (Gerber Homes) also participated via telephone conference.

The site plan drawing was displayed for those participating in the meeting via video conference.

Mr. Greene said that Nicholas and Melissa Buttaccio purchased approximately 20 acres of land at 5005 Collett Road and wish to build a new single-family home on the property. He said that electricity is the only utility serving the site and that a well and septic system will be installed.

Mr. Greene said that this is a straightforward site plan with nothing out of the ordinary.

Mr. Brand said that he has prepared two draft resolutions for the board's consideration this evening, i.e., a resolution for the SEQR classification (Type II action) and a resolution to approve the Preliminary Site Plan with conditions. He said that the conditions are minor such as the identification on the plans of County Road 28 (instead of County Road 8) and the identification of the Ontario Central Railroad.

Mr. Delpriore said that he worked with the applicants' surveyor and engineer and has reviewed the site plan. He said that this is a straightforward application.

Mr. Brabant said that this single-family residential application was not referred to MRB Group for review and that he has no additional comments this evening.

Speaking on behalf of Highway Superintendent Don Giroux, Mr. Delpriore said that the first 30 feet of the driveway off Collett Road must be paved, per the Town Site Design and Development Criteria. He also confirmed that there are no water or sewer utility services on the property.

Mr. Hemminger asked if there were any other comments or questions from those participating on the telephone conference this evening. 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:

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

PB #0601-20

**APPLICANTS: Nicholas and Melissa Buttaccio, 1 Newton Street,
Manchester, N.Y. 14504**

**ACTION: SEQR Classification for Preliminary Site Plan of a Parcel of
Land (Tax Map Account 30.00-1-17.120) located at 5005
Collett Road, in the Town of Farmington, for the construction
of a single-family dwelling and related site improvements.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board), based upon its review of Sections 617.4. and 617.5. of the State Environmental Quality Review (SEQR) Regulations, a part of Article 8 of the New York State Environmental Conservation Law, finds the proposed Action to be a Type II Action as defined under 617.5 (c) (9).

NOW, THEREFORE, BE IT RESOLVED that the Board determines the proposed Action is classified as a Type II Action.

BE IT FINALLY RESOLVED, that Type II Actions are not subject to review under this Part, as these Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State Environmental Conservation Law, Article 8.

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 PRELIMINARY SITE PLAN APPROVAL
 NICHOLAS AND MELISSA BUTTACCIO, COLLETT ROAD**

PB #0601-20

**APPLICANTS: Nicholas and Melissa Buttaccio, 1 Newton Street,
 Manchester, N.Y. 14504**

**ACTION: Preliminary Site Plan Approval of a Parcel of Land (Tax Map
 Account 30.00-1-17.120) located at 5005 Collett Road, in the
 Town of Farmington, for the construction of a single-family
 dwelling and related site improvements.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Plan-
 ning Board), has received an Application from Nicholas and Melissa Buttaccio, for Pre-
 liminary Site Plan Approval for constructing a single-family dwelling and related site im-
 provements to be made upon the above referenced parcel of land located at 5005 Collett
 Road; and

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

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

WHEREAS, the Planning Board has received testimony at tonight’s remote public meet-
 ing regarding the proposed preliminary site plan.

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

1. Preliminary Site Plan Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, identified as Job No. 20-5386, dated 6/9/20 and entitled “Preliminary Site Plan of Land, 5005 Collett Road,” prepared for Nicholas & Melissa Buttaccio, and is hereby granted approval subject to the following conditions set forth below herein.
2. The Location Sketch is to be amended to identify County Road 28 instead of County Road 8.
3. The Location Sketch is to identify the Ontario Central Railroad which is shown on the drawing.
4. There is to be a note added to the Preliminary Site Plan Drawing that reads . . . “A Park and Recreation Fee, at the prevailing fee established by the Town Board in the Town’s Fee Schedule, is to be made to the Town of Farmington prior to the issuance of a Building Permit.”
5. The Signature Line for the Town Engineer and Date is to be removed from the drawing as the Town Engineer is not reviewing this Application.
6. Preliminary Site Plan Approval is valid for a period of 180 days and must be renewed unless all conditions of approval have been made to the site plan drawing and a signed preliminary site plan map has been placed in the file in the Town Development Office. Failure to comply with this time period shall result in this preliminary site plan approval being made null and void.
7. Once all conditions of Preliminary Site Plan Approval have been made on the revised drawing, a total of four (4) paper prints are to be submitted to the Town Code Enforcement Officer, within the 180 day period, for his review and acceptance for signing by the Planning Board Chairperson and other Town Officials.
8. Copies of this resolution are to be provided to: Nicholas and Melissa Buttaccio, 1 Newton Street, Manchester, N.Y. 4504; Michael G. Sponable, P.E., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; Don Giroux, Town Highway Superintendent; the Town Clerk; and the Town Development Office.

Mr. Hemminger then asked the applicants if they received the Preliminary Site Plan draft approval resolution prior to the meeting, if they understood the resolution and if they agreed with the conditions. Mr. Buttaccio said that they received the draft resolution prior to the meeting, that they understood the resolution and that they agreed with the conditions.

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye

Shauncy Maloy Aye
Douglas Viets Aye

Motion carried.

3b. NEW FINAL SITE PLAN

PB #0602-20 Final Site Plan Application

Name: Nicholas and Melissa Buttaccio, 7 Newton Street,
 Manchester, N.Y. 14504

Location: 5005 Collett Road

Zoning District: A-80 Agricultural

Request: Final Site Plan approval for construction of a single-family dwelling containing approximately 2,440 square feet to be located upon Lot #3 of the Maier Property Subdivision

Mr. Greene (Greene Land Surveying, PLLC) presented this application. Nicholas and Melissa Buttaccio, and Doug Doebler (Gerber Homes) also participated via telephone conference.

The site plan drawing was displayed for those participating in the meeting via video conference.

Mr. Delpriore said that the applicants are requesting both Preliminary Site Plan and Final Site Plan approval this evening.

Mr. Greene said that the conditions of Preliminary Site Plan have been included on the Final Site Plan.

Mr. Hemminger asked if there were any other comments or questions from those participating in the telephone conference this evening. There were no further comments or questions on this application this evening.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPROVAL
NICHOLAS AND MELISSA BUTTACCIO, COLLETT ROAD**

PB #0602-20

APPLICANTS: **Nicholas and Melissa Buttaccio, 1 Newton Street,
Manchester, N.Y. 14504**

ACTION: **Final Site Plan Approval of a Parcel of Land (Tax Map
Account 30.00-1-17.120) located at 5005 Collett Road, in the
Town of Farmington, for the construction of a single-family
dwelling and related site improvements.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application from Nicholas and Melissa Buttaccio, for Final Site Plan Approval for constructing a single-family dwelling and related site improvements to be made upon the above referenced parcel of land located at 5005 Collett Road; and

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

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

WHEREAS, the Planning Board has, under separate resolution granted Preliminary Site Plan Approval with Conditions (File #PB 0601-20); and

WHEREAS, the Planning Board has received testimony at tonight's remote public meeting regarding the proposed Final Site Plan.

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

1. Final Site Plan Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, identified as Job No. 20-5386, dated 6/9/20 and entitled "Final Site Plan of Land, 5005 Collett Road," prepared for Nicholas & Melissa Buttaccio, and is hereby granted approval subject to the following conditions set forth below herein.
2. All Conditions of Preliminary Site Plan Approval (File PB #0601-20) are to be shown on the revised Final Site Plan Drawing before signing by Town Officials.
3. Final Site Plan Approval is valid for a period of 180 days and must be renewed unless all conditions of approval have been made to the site plan drawing and a signed Final Site Plan map has been placed in the file in the Town Development Office. Failure to comply with this time period shall result in this Final Site Plan approval being made null and void.

- 4. Once all conditions of Final Site Plan Approval have been made on the revised drawing, a total of four (4) paper prints are to be submitted to the Town Code Enforcement Officer, within the 180 day period, for his review and acceptance for signing by the Planning Board Chairperson and other Town Officials.
- 5. Copies of this resolution are to be provided to: Nicholas and Melissa Buttaccio, 1 Newark Street, Manchester, N.Y. 14504; Michael G. Sponable, P.E., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; Don Giroux, Town Highway Superintendent; the Town Clerk; and the Town Development Office.

Mr. Hemminger then asked the applicants if they received the Preliminary Site Plan draft approval resolution prior to the meeting, if they understood the resolution and if they agreed with the conditions. Ms. Buttaccio said that they received the draft resolution prior to the meeting, that they understood the resolution and that they agreed with the conditions.

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

Motion carried.

4. PLANNING BOARD ADMINISTRATIVE ACTIONS

A. Continued Special Use Permit

PB #1006-18 Continued Special Use Permit Application

Name: Delaware River Solar LLC, 33 Irving Place, New York, NY 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

Mr. Hemminger said that the Continued Public Hearing for the Delaware River Solar Use Permit had been rescheduled to July 1, 2020. However, the New York

State Governor's Executive Order No. 202.38 (issued June 8, 2020) regarding the procedures required for conducting public hearings during the current Coronavirus (COVID-19) pandemic continues the restrictions that have been placed upon conducting public hearings (as otherwise provided for in the State's Open Meetings Law).

Mr. Hemminger said that the Governor is expected to issue an updated Executive Order on July 6, 2020, that may include information on conducting public hearings.

In the meantime, Mr. Hemminger said that the Planning Board, which is acting upon advice of the Town's legal counsel, will move up the dates for rescheduled public hearings at this time, and that the Public Hearing on the Delaware River Special Use Permit and Preliminary Site Plan will be rescheduled to August 5, 2020.

Mr. Hemminger said that the deadline of Thursday, June 25, 2020, at 12:00 p.m. for submission of responses from Delaware River Solar to the draft Special Use Permit resolution (that was submitted to the board by the Town staff on April 3, 2020) remains unchanged.

Mr. Compitello (of Delaware River Solar) said that the responses will be provided by this deadline.

Mr. Compitello asked if comments from the Town staff would be available to Delaware River Solar prior to the rescheduled Public Hearing. Mr. Hemminger said that the Delaware River Solar project will be discussed at the Project Review Committee meeting to be held on Thursday, July 2, 2020. Mr. Compitello said that he will participate in that meeting.

There were no further comments or questions on this administrative action this evening.

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

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

**RECALLING A PORTION OF THE RESOLUTION DATED JUNE 3, 2020,
REGARDING THE SCHEDULING OF THE CONTINUED PUBLIC HEARING; TO
CONTINUE THE PUBLIC HEARING TO AUGUST 5, 2020; AND PROVIDING FOR
PUBLIC NOTICE THEREOF**

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 & Carol Smith Subdivision) and having a property address cited above herein

WHEREAS, the Planning Board (hereinafter referred to as Board) has on June 3, 2020, scheduled the continuation of a Public Hearing upon the above referenced Action that was to have been held on Wednesday, July 1, 2020; and

WHEREAS, since the June 3, 2020, Board meeting, the Governor's Office, on June 8, 2020 issued Executive Order No. 202.38 relative to the procedures required for conducting public hearings during the current coronavirus (COVID 19) pandemic; and

WHEREAS, said Executive Order continues the restrictions that have been placed upon conducting public hearings, as otherwise provided for within the State's Open Meetings Law, until July 6, 2020; and

WHEREAS, the Town's Attorney, in consultation with the NYS Committee on Open Government, has advised the Town that there remains uncertainty in the Executive Orders issued by the Governor as they lack details that pertain to other provisions of New York State Town Law; and

WHEREAS, there have not been any Executive Orders issued by the Governor's Office that specify how the temporarily amended provisions of the State's Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town's Attorney has issued caution for the various town boards conducting public hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to recall that portion of the above referenced June 3, 2020, Planning Board resolution regarding the scheduling of the continued Public Hearing.

BE IT FURTHER RESOLVED that the Board does hereby schedule the Public Hearing upon the above referenced Action to commence at 7:00 p.m. on Wednesday, August 5, 2020, at a place to be established which will be in accordance with the State Governor's Executive Order for conducting Public Hearings.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to provide a Legal Notice for this continued Public Hearing which is to be published in the Town’s Official Newspaper, posted upon the Bulletin Board in the Town Hall and posted upon the Town’s Official Website, www.townoffarmington.ny.com all in accordance with the provisions contained in New York State Town Law, Article 16.

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 Sola, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway & 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.

B. Continued Preliminary Site Plan

PB #1004-18 Continued Preliminary Site Plan Application

Name: Delaware River Solar LLC, 33 Irving Place, New York, NY 10003

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval 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.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PROJECT, PRELIMINARY SITE PLAN
RESOLUTION SCHEDULING THE CONTINUED PUBLIC HEARING TO AUGUST 5,
2020; AND PROVIDING FOR PUBLIC NOTICE THEREOF**

PB#1004-18

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

ACTION: Preliminary Site Plan Approval 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 continued the Public Hearing on the Special Use Permit Application for the above referenced 7 Megawatt Solar Farm to Wednesday, August 5, 2020.

NOW, THEREFOR BE IT RESOLVED that the Board does hereby schedule the Public Hearing upon the above referenced Action to commence at 7:05 p.m. on Wednesday, August 5, 2020, at a place to be established which will be in accordance with the State Governor’s Executive Order for conducting Public Hearings.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to provide a Legal Notice for this continued Public Hearing which is to be published in the Town’s Official Newspaper, posted upon the Bulletin Board in the Town Hall and posted upon the Town’s Official Website www.townoffarmington.n.y.com, all in accordance with the provisions contained in New York State Town Law, Article 16.

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 Sola, LLC, 33 Irving Place, New York, N.Y. 10003; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway & 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.

C. Continued Preliminary Subdivision Plat

PB #0302-20 Continued Preliminary Subdivision Plat Application

Name: Earl Johnson, 4686 Rushmore Road, Palmyra, N.Y. 14522

Location: 4650 Rushmore Road

Zoning District: A-80 Agricultural

Request: Preliminary Subdivision Plat approval for a proposed two-lot subdivision of land located at 4650 Rushmore Road

Mr. Brand said that Mr. Johnson contacted the Town via e-mail on June 15, 2020, to withdraw this application. Therefore, he said that a Public Hearing on this application is not longer required. Mr. Brand said that he has prepared a draft resolution for the board’s consideration this evening for formally acknowledge the withdrawal.

Mr. Hemminger asked if Mr. Johnson was on the conference call. Mr. Johnson was not on the call. Mr. Hemminger then asked if anyone who was participating on the conference call wished to comment or ask questions on this application. There were no comments or questions.

■ 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:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
EARL JOHNSON, 4686 RUSHMORE ROAD
RECALL RESOLUTION DATED JUNE 3, 2020, FOR CONTINUING THE PUBLIC
HEARING ON A TWO-LOT SUBDIVISION; WITHDRAWAL OF APPLICATION**

PB# 0302-20

**APPLICANT: Earl Johnson, 4686 Rushmore Road,
Palmyra, N.Y. 14522**

ACTION: **Application for a Preliminary 2-Lot Subdivision of
Land Located at 4650 Rushmore Road, Palmyra, N.Y.
14522**

WHEREAS, the Planning Board (hereinafter referred to as Board) did on June 3, 2020, direct the re-scheduling of a public hearing to be held upon the proposed Two-Lot Subdivision application referenced above (and hereinafter referred to as Action) which was to have been scheduled for Wednesday, June 17, 2020; and

WHEREAS, since the June 3, 2020, Board meeting, the Governor's Office, on June 8, 2020 issued Executive Order No. 202.38 relative to the procedures required for conducting public hearings during the current Coronavirus (COVID-19) Pandemic; and

WHEREAS, said Executive Order continues the restrictions that have been placed upon conducting public hearings, as otherwise provided for within the State's Open Meetings Law, until July 6, 2020; and

WHEREAS, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised the Town that there remains uncertainty in the Executive Orders issued by the Governor as they lack details that pertain to other provisions of New York State Town Law; and

WHEREAS, there have not been any Executive Orders issued by the Governor's Office that specify how the temporarily amended provisions of the State's Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town's Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service; and

WHEREAS, the Applicant, Earl Johnson, has on June 15, 2020, provided written notice to the Town Planning Board and copies to Town Staff that he is withdrawing his Application (File #PB 0302-20) as of said date.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to recall the above referenced June 3, 2020, Planning Board resolution.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Earl Johnson, 4686 Rushmore Road, Palmyra, N.Y. 14522; Timothy Voellinger, P.L.S., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; 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.

D. Continued Preliminary Subdivision Plat

PB #0402-20 Continued Preliminary Subdivision Plat Application

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

Location: 4811 Herendeen Road

Zoning District: A-80 Agricultural

Request: Preliminary Subdivision Plat approval for a proposed two-lot subdivision of land located at 4811 Shortsville Road

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DIANNE ALDRICH, 4811 HERENDEEN ROAD**

RECALL RESOLUTION DATED JUNE 3, 2020, FOR CONTINUING THE PUBLIC HEARING ON A TWO-LOT SUBDIVISION; TO CONTINUE THE PUBLIC HEARING TO JULY 15, 2020; AND PROVIDING FOR PUBLIC NOTICE THEREOF

PB# 0402-20

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

ACTION: Application for a Preliminary 2-Lot Subdivision of Land Located at 4811 Herendeen Road, Shortsville, N.Y. 14548

WHEREAS, the Planning Board (hereinafter referred to as Board) did on June 3, 2020, direct the re-scheduling of a public hearing to be held upon the proposed Two-Lot Subdivision application referenced above (and hereinafter referred to as Action) which was to have been scheduled for Wednesday, June 17, 2020; and

WHEREAS, since the June 3, 2020, Board meeting, the Governor's Office, on June 8, 2020 issued Executive Order No. 202.38 relative to the procedures required for conducting public hearings during the current Coronavirus (COVID-19) Pandemic; and

WHEREAS, said Executive Order continues the restrictions that have been placed upon conducting public hearings, as otherwise provided for within the State's Open Meetings Law, until July 6, 2020; and

WHEREAS, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised the Town that there remains uncertainty in the Executive Orders issued by the Governor as they lack details that pertain to other provisions of New York State Town Law; and

WHEREAS, there have not been any Executive Orders issued by the Governor's Office that specify how the temporarily amended provisions of the State's Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

WHEREAS, the Town's Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to recall the above referenced June 3, 2020, Planning Board resolution.

BE IT FURTHER RESOLVED that the Board does hereby move to schedule the Public Hearing upon the above referenced Action to commence at 7:05 p.m. on Wednesday, July 15, 2020, at a place to be established and which will be in accordance with the State Governor's Executive Order for conducting Public Hearings.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to provide a Legal Notice for this continued Public Hearing which is to be published in the Town's Official Newspaper, posted upon the Bulletin Board in the Town Hall and posted upon the Town's Official Website www.townoffarmingtonny.com, all in accordance with the provisions contained in New York State Town Law, Article 16.

BE IT FURTHER RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Dianne Aldrich, 4811 Herendeen Road, Shortsville, N.Y. 14548; David Parrinello, P.L.S., Freeland-Parrinello Land Surveyors, 42 Beeman Street, Canandaigua, N.Y. 14424; 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.

5. PLANNING BOARD ACTION ITEMS

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the following three resolutions be blocked for concurrent action, that the readings of the following resolutions be waived and that the resolutions be approved as submitted by the Town staff:

A. Hathaway’s Corners, Phase 1: Partial Letter of Credit Release #1 (Site Improvements):

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #1, SITE IMPROVEMENTS
HATHAWAY’S CORNERS PROJECT**

**PB #0202-19 Final Site Plan, Phase 1A
PB #0204-19 Final Site Plan, Phase 1B**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated June 8, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a partial release of funds from the established Letter of Credit for site improvements to be completed as part of Phase 1 of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit release letter along with the completed Town Surety Release Forms G-1.1 and G-2.0; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds from the established letter of credit in the total amount of \$552,980.22.

B. Hathaway’s Corners, Phase 1: Partial Letter of Credit Release #1 (Off-Site Sanitary Sewer):

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #1, OFF-SITE SANITARY SEWER
IMPROVEMENTS, HATHAWAY’S CORNERS PROJECT**

**PB #0202-19 Final Site Plan, Phase 1A
PB #0204-19 Final Site Plan, Phase 1B**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated June 9, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a partial release of funds from the established Letter of Credit for off-site sanitary sewer improvements completed as part of Phase 1 of the above referenced project; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit release letter along with the completed Town Surety Release Forms G-1.1 and G-2.0; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request for a partial release of funds from the established Letter of Credit in the total amount of \$143,784.91

C. Pintail Crossing, Phase 1: Final Letter of Credit Release #1 (Site Improvements) and Establishment of Two-Year Maintenance Bond (Top Coat Paving):

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT RELEASE #1 (FINAL), PHASE 1, SITE IMPROVEMENTS
ESTABLISHMENT OF TWO-YEAR MAINTENANCE BOND FOR PHASE 1, SITE
IMPROVEMENTS (TOP COAT PAVING), PINTAIL CROSSING PROJECT**

**PB #1201-17 Preliminary Site Plan, Phase 1
PB #0207-18 Final Site Plan, Phase 1**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated June 8, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve the final release of funds from the established Letter of Credit for site improvements to be completed as part of Phase 1 of the above referenced project; and

WHEREAS, the Planning Board has also received a request dated June 2, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to accept a two-year Maintenance Bond for the Pavement Top Coat portion of the Phase 1 Project; and

WHEREAS, the Planning Board has also received and reviewed the completed Town Surety Release Form G-2.0; and

WHEREAS, the Planning Board has received and reviewed the completed Final Inspection Form, G-11.0, for the Pavement Top Coat; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code (hereinafter referred to as Town Code), the Planning Board is to render recommendations to the Town Board whether or not to honor the requested final release of funds from the Letter of Credit; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested two-year Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, as well as the signed Town Form identified above herein, does hereby recommend that the Town Board take formal action to approve the request for the final release of funds from the established letter of credit in the total amount of \$1,290,184.00.

BE IT FURTHER RESOLVED that the Planning Board, after having reviewed the recommendations from the Town Construction Inspector and the Town Engineers, as well as the signed Town Form identified above herein, does hereby recommend that the Town Board require the establishment and filing of a two-year Maintenance Bond (Top Coat Paving), in the total amount of \$2,343.60.

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

Motion to approve the above three resolutions carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand discussed the following topics:

- Biweekly meetings have resumed by the developer, the engineers and the construction staff of the Hathaway's Corners development (southwest corner of State Route 332 and County Road 41). Paving of the access roads and turning lanes, and improvements at the State Route 332/County Road 41 intersection, are expected to be completed by the end of July. The sanitary sewer line has been extended under County Road 41 and is now being tested. The water lines have been extended under State Route 332 and have been tested.

The applicant plans to begin work on the first phase of this project with the construction of six residential homes on the south side of County Road 41 at the western portion of the property. The remaining issue to be addressed for this phase of the project is the acquisition of an easement from an adjacent property owner for extension of the sanitary sewer line by the Town. There is no way to extend this sanitary sewer line without the easement. Mr. Brand said that the process of acquiring this easement is now moving forward.

Mr. Hemminger asked about improvements and left-turn arrows at the State Route 332/County Road 41 intersection. Mr. Brand said that these improvements are included in the developer's current work for completion by the end of July.

Mr. Brand said that the western entrance road will be constructed to a point in the development to a hammerhead turnaround and that the eastern entrance road will be constructed to a point to serve the Hathaway Cemetery and the future townhomes and community center for this section of the project. He said that the developer has provided the Town staff with a design for revised fencing for installation around the Hathaway Cemetery and that the staff is working with the Town historic committee to finalize these details.

- Mr. Brand said that he and other Town staff toured the Lyons National Bank construction site on the northwest corner of State Route 332 and County Road 41. He said that both the interior of the bank and the historic Hathaway House will be

brehtaking in their design, especially with the interior timber frame beams by New Energy Works of Farmington, N.Y., in the new bank building. Mr. Brand said that the bank will be a showcase for Farmington.

- The Project Review Committee received two new applications at the June meeting. Mr. Brand said that these will be exciting projects for the Town, especially in this time of the Coronavirus COVID-19 pandemic.

The first is the LeFrois Development Project which is proposed for a parcel of land 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 applicant proposes 32,750 square feet of general business use in seven one-story buildings (placeholders only at this time, depending upon the needs of tenants) and approximately 150,000 square feet of office/flex space. The concept plan provides 36 percent open space (excluding the stormwater management area) and 41 percent open space (including the stormwater management area—11.1 acres of the 27.18-acre site). The actual layout of the site will be based upon tenant demand. Final site plans will be submitted to the Planning Board for each building as tenants are acquired.

The second new project is the Union Crossing Development (Blackwood Industrial Park Distribution Center) of two distribution center/warehouses each approximately 208,000 square feet in size on 33.6 acres in the Blackwood Industrial Park Subdivision at the northeast corner of County Road 41 and County Road 8.

(See Farmington Project Review Committee minutes, June 5, 2020, for details on these two new projects.)

- New York State will soon make the final inspection of the Auburn Trail. State clearance is expected to be received by the end of this month.
- Mr. Brand and Code Enforcement Officer Dan Delpriore are working on amendments to the Town Code. These will be presented to the Town Codes Committee this fall for review.
- Mr. Brand is working with the developer of the Hickory Rise Subdivision to finalize plans for the dedication to the Town of the Conservation Area and the Nature Trail in the subdivision.
- The draft of Chapter 4 of the update to the Comprehensive Plan was distributed to the Comprehensive Plan Update Committee on June 16, 2020. The draft of Chapter 5 and a summary of the results of the community survey will be distributed to the Committee later this week. Mr. Brand said that the Committee will resume its work on Tuesday, July 21, 2020, at 6:30 p.m.

Code Enforcement Officer:

Mr. Delpriore reported that the Building Department has received a tremendous number of residential projects during the Coronavirus (COVID-19) pandemic from residents who are working on projects at their homes during this period of time. He also said that the Building Department staff is working with businesses throughout the Town to assure that they are following the State guidelines for reopening their operations during the pandemic.

Mr. Delpriore said that the Town is looking forward to returning to in-person public meetings. He said that the Governor's recent increase to permit up to 25 people in an indoor space is in the right direction.

Planning Board Members:

Mr. DeLucia reported that he has completed the New York State Department of State Spring 2020 webinar series. He will provide three additional training certificates to Mr. Hemminger.

Mr. Viets, who was recently in Virginia working on a project for his employer, reported that the Virginia Department of Transportation (VDOT) has not accepted traffic counts since the pandemic stay-at-home order was issued for pending traffic studies for new projects. He said that VDOT believes that the traffic counts would be skewed because of the reduction in traffic with fewer motorists going to and from work, and with the schools having been closed. Mr. Hemminger said that this input is good feedback for consideration by the board when applicants discuss traffic studies for upcoming local projects.

Mr. Bellis said that he may be absent from the board meeting to be held on July 1, 2020.

Mr. Brand acknowledged the work of Mr. Delpriore and the Building Department staff through the continuing pandemic. He said that the Building Department has spent a considerable amount of time on the arrangements to safely operate the Town's recreation programs this summer.

Mr. Delpriore said that recreation registration was held earlier this evening and that the Town is excited to be able to offer a recreation program for youngsters this year, even if the number of participants must be necessarily limited. He said that the program is expected to run for five weeks, that strict safety rules will be in place and that it will be great for the residents to have a recreation program for their children this year.

Mr. Hemminger commended everyone at the Town Hall for working extremely hard under the difficult circumstances that have been created by the pandemic. He said that information has been provided to the public and that the Town is continuing to move forward with new permits and development projects that are being implemented within the guidelines imposed upon the Town by New York State.

7. PUBLIC COMMENTS

Mr. Hemminger asked if anyone who was participating in the telephone conference call wished to make comments or ask questions.

Mr. Allen (5988 County Road 41) asked about attendance at meetings and public hearings when in-person meetings resume. He asked about arrangements if more than 25 people may attend and if the telephone conference format also would be used. Mr. Hemminger said that specific arrangements have not yet been established but that everyone who desires to participate in a meeting will be provided with an opportunity to be heard.

Mr. Allen also said that he has been watching the construction at the Lyons National Bank site on the northwest corner of State Route 332 and County Road 41. He said that the project is coming along nicely and that the State Route 332/County Road 41 intersection improvements are needed, especially because of a couple of accidents that have recently occurred in that area.

Mr. Hemminger then asked twice if anyone else wished to comment or ask questions. There were no further comments or questions from those who were participating on the conference call.

8. 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/>

New York Planning Federation

Wednesday, June 24, 2020

Webinar from 12:15 p.m. to 1:30 p.m.

Understanding and Applying the State Environmental Quality Review Act

Speaker: Donald Young, Esq.

Information: bsamel@nypf.org

Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:40 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, July 1, 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.