

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, June 5, 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.*

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**Clerk’s Note:** This meeting was held at the Farmington Highway Garage, 985 Hook Road, in anticipation of a large number of attendees.

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

**Board Member Excused:** Shauncy Maloy

**Staff Present:**  
Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.  
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  
August Gordner, Town of Farmington Code Enforcement Officer

**Applicants Present:**  
Daniel Bieck and Madeline Allen, 4392 Fox Road, Palmyra, N.Y. 14522  
Karen Brake, 1840 Magog Road, Macedon, N.Y. 14502  
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road, #10526, Rochester, N.Y. 14610  
Primo DiFelice, DiFelice Development Corporation, 91 Victor Heights Parkway, Victor, N.Y. 14564  
Cindy Ingalsbe, 151 Galvin Court, Farmington, N.Y. 14425  
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC, 129 S. Union Street, Spencerport, N.Y. 14559  
Robert F. Morris III, PLS, 104 Sherman Parkway, Newark, N.Y. 14513

Edward G. Parrone, P.E., Parrone Engineering, 349 W. Commercial Street, Suite 3200,  
East Rochester, N.Y. 14445

Terence Robinson, Esq., Boylan Code LLP, 28 South Main Street, Canandaigua, N.Y. 14424

Kyle Sadler, 5654 Allen Padgham Road, Farmington, N.Y. 14425

Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

Mike Yaeger, Parrone Engineering, 349 W. Commercial Street, Suite 3200,  
East Rochester, N.Y. 14445

**Residents Present:**

Linda Bailey, 5163 Fox Road, Palmyra, N.Y. 14522

Terrence C. Bieck, 358 Stafford Road, P.O. Box 355, Palmyra, N.Y. 14522

Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425

Edith and Eric Chapman, 230 Ellsworth Road, Palmyra, N.Y. 14522

Ruth DeBrock, 129 W. Main Street, Shortsville, N.Y. 14548

Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522

Jim and Ann Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522

Caroline Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609

Linda Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609

Frances Kabat, Esq., The Zoghlin Group PLLC, 300 State Street, Suite 502,  
Rochester, N.Y. 14614

Sharon and Earl Maltman, 179 County Road 28, Palmyra, N.Y. 14522

Pat Murphy, 4995 Rushmore 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 MAY 15, 2019**

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the May 15, 2019, meeting be approved.

Motion carried by voice vote.

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

**PB #1003-18**

**Continued Preliminary Four-Lot Subdivision Application**

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

**Location:** 466 Yellow Mills Road

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

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

**3b. CONTINUED PRELIMINARY SITE PLAN**

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

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

**Location:** 466 Yellow Mills Road

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

**Request:** Preliminary Site Plan approval for erect a 7-megawatt Photovoltaic (PV) Solar System comprised of 7,000 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; and May 20, 2019. The ZBA Public Hearings have been continued to Monday, June 24, 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; and May 15, 2019, and were continued to tonight's public meeting (June 5, 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 Terence Robinson, Esq. (Boylan Code) also attended.

Mr. Hemminger acknowledged receipt of responses from Delaware River Solar (on May 30, 2019) to the Planning Board's requests for additional information following the board's completion on May 15, 2019, of the State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 2.

He also acknowledged receipt of several other items which appear on the project's correspondence list including a traffic study report from SRF Associates of Rochester, N.Y., and a letter from Frances Kabat, Esq.—the attorney for the residents—which arrived via e-mail this afternoon.

Mr. Compitello summarized the solar project on Yellow Mills Road of three separate community solar systems, each to generate 2.338 MW of alternating current to provide power to 1,044 homes locally in the Town of Farmington and the surrounding communities.

Mr. Compitello said that Delaware River Solar (DRS) provided commentary and narrative to the board's questions on the SEQR Full Environmental Assessment Form Part 2. He said that DRS is now working on the preparation of the geotechnical study as requested by the board. He said that the geotechnical study will determine whether the depth to the water table is three feet or higher on the property. He said that this study should be completed by the end of next week and will be submitted to the Town.

Mr. Brabant acknowledged for the record that DRS provided responses to the SEQR Full Environmental Assessment Form Part 2 as requested by the board. He said that the DRS responses outlined measures which the company proposes, or has already proposed, to mitigate the potential environmental impacts which have been identified by the board.

Mr. Brabant said that a draft resolution has been prepared for the board's consideration this evening to continue the Public Hearings to July 17, 2019, to provide time for the applicant to complete the geotechnical report, and time for the board and the Town staff to review the study upon receipt.

Mr. Brabant said that the request for the geotechnical report was based upon the board's concern that the depth of the water table was identified to be shallow. He said that the

board seeks to verify what, if any, impacts upon the water table would be associated with the solar project on this portion of the property. He said that a third party conducting the study is expected to provide recommendations and mitigation measures, if any, regarding the impact of the project upon the water table.

Mr. Brabant also said that the Town retained SRF Associates of Rochester, N.Y.—a transportation planning, engineering and design firm—to provide a trip generation assessment and crash analysis for Fox Road and Yellow Mills Road in the vicinity of the proposed solar project. (*Clerk's note:* The SRF Associates report appears as #107 on the Delaware River Correspondence list and is available on the Town website.)

Mr. Brabant then read into the record the “Conclusions and Recommendations” of the SRF Associates report:

**Conclusions and Recommendation**

Given the low volume of projected site generated traffic (one [1] VPH or fewer entering and exiting the project site during the peak hours of study for any one approach) and the low ADT (average daily traffic volumes) of the existing roadways, it is our firm's professional opinion that the proposed project will not have any potentially significant adverse impact on traffic operations within the greater study area. The solar farm site should not have any equipment or plantings within the sight lines of the Fox Road/Yellow Mills Road intersection. No further study is warranted or recommended.

SRF Associates, D.P.C.  
Amy C. Dake, P.E., PTOE  
Senior Managing Traffic Engineer

Mr. Hemminger said that the Town received crash data for the Fox Road/Yellow Mills Road intersection from Ontario County and forwarded this data to the traffic engineering firm for this report. He said that this action was in response to the public concerns discussed at a previous meeting about traffic issues at the intersection. Mr. Hemminger said that the board performed due diligence in requesting this traffic study and having an expert review the data.

Mr. Delpriore said that the Town website continues to be updated as additional correspondence and reports on this project are received. He requested that residents contact him if there are difficulties in locating the information on the website.

Mr. Hemminger asked about the depth of the poles that will anchor the solar panels. Mr. Compitello said that the poles are usually anchored about four feet below the frost line. He said that the frost line may be about three to four feet below the ground surface. Mr. Compitello said that DRS already has determined that the bedrock is not within nine feet of the surface.

Mr. Hemminger asked if anyone wished to comment or ask questions on the project.

Linda Heberle (531 Yellow Mills Road) said that she thought that the traffic study focused on the maintenance of the solar plant after construction and having one or two cars entering and leaving the site during maintenance. She asked about the number of vehicles and traffic that would be using the site during construction. Ms. Heberle said that it would be more relevant to ask for a traffic study on the impact of vehicles that would be using the site during construction. Mr. Hemminger said that the traffic study took a long-term picture of the project rather than the short-term construction phase.

Ms. Heberle said that here we are again on another Wednesday night. She said that we [many of the residents] are all here on Wednesday nights because they all really care about the situation and are opposed to it. She said that she wanted to thank the Planning Board and Mr. Hemminger for advocating for year 'round screening if the project does get approved. She said that this was the first time that they have heard about year 'round screening after your [the Planning Board's] intervention and that this is heading in the right direction. But Mrs. Heberle said that she still thinks that more screening is needed, especially on the southern two arrays. She said that although a neighboring property owner has some trees on his land in this area, the company should not really count on the neighbor to screen the project.

Ms. Heberle asked about the height of the arrays. Mr. Compitello said that the arrays would be about a total height of eight to nine feet.

Ms. Heberle asked about the height of the arbor vitae proposed to be planted. Mr. Compitello said that the arbor vitae would be about five to six feet high at the time of planting. Ms. Heberle said that it may take them about five years to reach the height of the arrays. Mr. Hemminger said that these details would be part of the board's Site Plan consideration. Ms. Heberle said that if it is going to take five years for the plantings to reach the height to buffer the arrays, then they [DRS] should plant the trees and let them [DRS] wait five years [before installing the arrays].

Ms. Heberle discussed the character of the neighborhood. She said that several people at a previous meeting said that there are rooftop solar arrays in the neighborhood. Ms. Heberle said that there is a huge difference between solar panels for individuals and a for-profit power plant from which power will be sold throughout the country. She said that they [solar arrays] are not the same at all.

Ms. Heberle said that the DRS responses [to the Planning Board's questions] mentioned a power plant in Geneva, N.Y. She asked how one can compare Yellow Mills Road to Geneva and call it comparable character.

Mr. Falanga (395 Ellsworth Road) asked who commissioned the traffic study. Mr. Hemminger said that he commissioned it. Mr. Falanga asked who commissioned the report by SRF Associates. Mr. Hemminger said that the Town commissioned it.

Mr. Falanga said that he did not see in the study how many cars actually drove through [the intersection]. He referred to that portion of the study which indicates that the crash rate is 10 times greater than the State average, as follows:

**Table II: Intersection Crash Rates**

<b>Intersection</b>	<b>Number of Crashes</b>	<b>Actual Project Rate</b>	<b>Statewide Average Rate</b>
Fox Road/ Yellow Mills Road	7	1.52	0.15

As shown in **Table II**, the intersection had a crash rate over ten times greater than the statewide average. The accident types that occurred over the investigation period were right angle (3—northbound, 2—southbound), left turn (1—southbound, and other (1—northbound). It is noted that all crashes occurred in the northbound and southbound directions. Upon further investigation there is a pattern of northbound and southbound drivers failing to yield the right of way to eastbound and westbound drivers. However, the number of collisions occurring during the five-year investigation period does not warrant corrective action. STOP Ahead signs (MUTCD W3-1) are located along Yellow Mills Road approximately 825 feet in advance of both the northbound and southbound stop signs. Additionally, Intersection Warning signs with 45 MPH advisory speed plaques are located along Fox Road in both the eastbound and westbound directions approximately 825 feet in advance of the Yellow Mills Road intersection. If the number and/or severity of collisions increases, OCDPW may consider additional warning measures.

The solar farm site should not have any equipment or plantings within the sight lines of the Fox Road/Yellow Mills Road intersection.

—SRF Associates, May 31, 2019, Pages 2 and 3 of 4

Mr. Falanga said that he found the study lacking in how many cars went by and lacking in comparison of the Statewide average to our Town and County.

Mr. Falanga said that he met with Scott Allen, P.E., the Town of Macedon engineer. He said that Mr. Allen is very much aware of the solar power plant proposal in Farmington and that Mr. Allen said that a number of towns are watching to see what goes down [with this application] here.

Mr. Falanga said that Mr. Allen reported that Town of Macedon Special Use Permits are given consideration only on the site, and that the sites are chosen only after careful review of fencing and tree buffers to screen as much as possible.

Mr. Falanga said that Macedon regulations require a 1,000-foot setback from any road. He said that Doug Allen (not related to Scott Allen) said that they [the projects] are so well hidden that it is almost impossible to see them. He said that sites in Macedon are chosen in out-of-the-way locations that can barely be seen. Mr. Falanga asked what is the difference between ours and theirs [Farmington and Macedon]. He said that Mr. Allen said that this [the location] is basically the difference. Mr. Allen said that at the end of the day, we [Macedon] want people to drive by any proposal—any application—and say that it is a nice addition to our town. Mr. Falanga said that this was how they ended the conversation.

Ms. Kabat (attorney for a group of residents and landowners) distributed hard copies of a letter to the board. The letter had been sent to Mr. Hemminger, Mr. Brand and the clerk of the board via e-mail several hours prior to the meeting (#109 on the correspondence list). Ms. Kabat then delivered the following statement into the record of the meeting:

I am an associate attorney with the Zoghlin Group, and we represent a group of residents concerned about the impacts of solar development.

I would like to briefly discuss a few points pertaining to SEQRA review.

**1. Independent Review**

The Planning Board, as lead agency, must exercise its own independent judgment when determining whether a circumstance may potentially impact the environment under SEQRA and may not defer to NYSDAM and NYSDEC.

While the Department of Agriculture reviews projects to avoid or minimize impacts to agricultural land and the Department of Environmental Conservation reviews Stormwater Pollution Prevention Plans (SWPPP) and issues stormwater permits for construction activity, these activities are governed by laws and standards that are separate from the SEQRA review process.

**2. Neg Dec cannot be issued based on mitigation conditions in declaration**

It is impermissible for the Planning Board to issue a Neg Dec based on the mitigation conditions contained in the declaration itself. This makes the Neg Dec an impermissible Conditioned Negative Declaration (CND) for a Type I action. A conditioned negative declaration (CND) is a form of negative declaration which may be used for Unlisted actions only, and only in limited circumstances.

Additionally, using a conditioned negative declaration in a situation where the reviewing agency requires additional information to be submitted prior to approval is not an acceptable use of the CND procedure.

**3. Mitigation Measures Cannot Be Used As a Substitute for a Thorough Assessment of the Project’s Impacts**

Mitigating measures proposed by DRS cannot be incorporated into the FEAF and required by the lead agency as a condition precedent to issuing the negative declaration. Id.

For example, the fact that the Project requires a SWPPP does not obviate the need for additional study regarding potential impacts to surface and groundwater. Rather, it should be indicative of the potential for a moderate to large impact on surface water. The purpose of a SWPPP is to mitigate impacts during construction, not to evaluate whether and to what extent an impact will occur as required under SEQRA. A lead agency may not delegate its decision-making authority under SEQRA to another agency involved in an environmental permitting, such as the DEC.

Finally, a negative declaration cannot be based on results of future studies about potential impacts. It must be based on the facts available to the lead agency at the time of the determination.

**4. Planning Board should not complete its review until the information it has requested is received.**

The Planning Board should not complete its review until the geotechnical report has been received.

Thank you.

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

Mr. Hemminger asked if there were any additional comments or questions from those in attendance this evening. He asked several times. There were no further comments or questions.

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, 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 LLC  
CONTINUATION OF PUBLIC HEARINGS**

- 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 opened the continued Public Hearings at tonight’s meeting upon the proposed Special Use Permit, Preliminary Subdivision Plat and Preliminary Site Plan applications referenced above (hereinafter referred to as Actions); and

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

**NOW, THEREFORE BE IT RESOLVED,** the Planning Board has completed a review of the supplemental information dated May 15, 2019, provided by the Applicant and de-

terminated that a Geotechnical Report, requested to provide the specific acreage upon which the solar panels would be located to substantiate this potential impact, was not provided.

**BE IT FURTHER RESOLVED** that the Applicant’s supplemental information references that a Geotechnical Report has been scheduled and would take 6–8 weeks for completion.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby continue 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 in 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.

**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.

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

Motion carried.

Mr. Bellis asked about moving the Public Hearing sessions of the Delaware River Solar applications back to the Town Hall instead of the Highway Department [which had been selected as the venue due to the previously large number of attendees which could not be accommodated in the Town Hall Main Meeting Room].

Mr. Falanga said “Town Hall.”

Mr. Hemminger said that the board would plan to move the sessions of the Public Hearing back to the Town Hall. He said that the board would address having a large number of attendees at the time of occurrence.

Mr. Hemminger said that the board's plan is to have received and reviewed the final information from the applicant (the geotechnical report) in time to make the State Environmental Quality Review (SEQR) declaration on July 17, 2019.

Mr. Falanga asked if the Zoning Board of Appeals (ZBA) must wait until the SEQR declaration is made [prior to ZBA actions upon the Area Variance applications]. Mr. Hemminger said that the ZBA cannot act upon the Area Variance applications until the Planning Board has made the SEQR declaration.

(The meeting recessed at 7:20 p.m. for several minutes.)

#### 4. NEW FINAL SUBDIVISION

##### **PB #0601-19                      New Final Subdivision Application**

**Name:** Kyle and Bridgette Sadler, 5654 Allen Padgham Road,  
Farmington, N.Y. 14425

**Location:** 5832 Yahn Road

**Zoning District:** A-80 Agricultural

**Request:** Final two-lot subdivision approval, subdivision plat of lands of Dale and Nancy Sadler, to create Lot #1 consisting of 1 acre with an existing dwelling, and the remaining lands of the parent parcel (Lot #2) will consist of 62.349 acres to remain vacant agricultural lands.

The Public Hearing on this application was opened on May 1, 2019, and was closed on May 1, 2019.

The Planning Board approved the State Environmental Quality Review (SEQR) determination on this project (Unlisted Action, Determination of Non-Significance) and the Preliminary Subdivision Plat with conditions on May 1, 2019.

Mr. Sadler presented this application.

He said that there have been no changes to the application since the Preliminary Subdivision Plat was approved.

Mr. Brabant acknowledged that the applicant has addressed all conditions of Preliminary Subdivision approval.

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

■ A motion was made by MR. BELLIS, seconded by MS. NEALE, 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 2-LOT SUBDIVISION PLAT  
KYLE & BRIDGETTE SADLER, YAHN ROAD**

**PB #0601-19**

**APPLICANTS: Kyle and Bridgette Sadler, 5654 Allen Padgham Road,  
Farmington, N.Y. 14425**

**ACTION: Final Two-Lot Subdivision Plat, north side of Yahn Road, to  
subdivide Tax Map Account #17.00-1-16.122, containing a total  
of 63.349± acres into two lots: Lot #1 consisting of 1.000 acres  
with an existing single-family dwelling and Lot #2 consisting of  
62.349+/- acres as a non-approved building lot for a future  
residential dwelling and continued agricultural operations.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application from Kyle and Bridgette Sadler, for Final Subdivision Plat Approval for Lots #1 and #2 of the Subdivision Plat of Lands of Dale L. & Nancy A. Sadler, 5832 Yahn Road Farmington, New York 14425 (identified as Tax Map Account #017.000-01-16.122, containing a total of 63.349± acres); and

**WHEREAS**, the Planning Board has determined the proposed action is identified as an Unlisted 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 under SEQR Regulations making a determination of non-significance upon this Action; and

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

1. Final Subdivision Plat Approval is based upon the drawing prepared by Freeland-Parrinello, Land Surveyors, identified as “Final Plat Lots #1 and #2 Dale L. & Nancy A. Sadler Subdivision”, having a revised date of May 10, 2019, and subject further to the conditions set forth herein.
2. Once the Final Plat drawing mylar and four (4) paper copies have been amended, then they may be submitted to, reviewed and accepted by the Town Code Enforcement Officer and then Planning Board Chairperson may sign said drawing. Once the drawing has been signed, then the Applicant has a maximum of 62

days from the date of signing to file the mylar and two (2) paper prints are to be filed in the Ontario County Clerk’s Office.

- 3. Final Subdivision Plat Approval is valid for a period of 180 days from today. Failure to revise and submit the plat map drawing for signature by the Planning Board Chairperson within this time period will result in the approval being made null and void.
- 4. Copies of this resolution are to be provided to: Freeland-Parrinello, Land Surveyors, 42 Beeman Street, Canandaigua, N.Y. 14424; Kyle and Bridgette Sadler, 5654 Allen Padgham Road, Farmington, N.Y. 14425; and Dale L. and Nancy A. Sadler, 5832 Yahn Road, Farmington, N.Y 14425.

Mr. Hemminger asked Mr. Sadler if he received the draft resolution prior to the meeting, if he understood the resolution and if he accepted the conditions. Mr. Sadler said that he received the draft resolution prior to the meeting, that he understood the resolution and that he accepted the conditions.

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

Motion carried.

**5. NEW FINAL SITE PLAN AMENDMENT**

**PB #0602-19 New Final Site Plan Amendment Application**

**Name:** DiFelice Development Corporation, 91 Victor Heights Parkway, Victor, N.Y. 14564

**Location:** Southwest corner of Collett Road and Hook Road

**Zoning District:** LI Limited Industrial

**Request:** Amendment to Site Plan (PB #0703-17) approved by the Planning Board on December 6, 2017.

The Planning Board discussion of the DiFelice Industrial Building began on August 3, 2015.

The State Environmental Quality Review (SEQR) determination and the Preliminary Site Plan with conditions were approved by the Planning Board on April 6, 2016.

The Final Site Plan with conditions was approved by the Planning Board on December 6, 2017 (PB #0703-17).

The Final Site Plan Amendment was reviewed by the Project Review Committee on February 1, 2019; March 1, 2019; and April 5, 2019.

Mr. Parrone (Parrone Engineering) presented this application. Mr. Yaeger (Parrone Engineering) and Mr. DiFelice also attended.

Mr. Parrone said that the Final Site Plan was signed by past Planning Board Chairperson Scott Makin in 2017. Mr. Parrone said that the Letter of Credit that was established on June 20, 2018, in the amount of \$413,671.33 for site improvements, will have to be re-established.

He then reviewed the amendments to the Final Site Plan, as follows:

- The building has been shifted 44 feet to the east for the relocation of the parking area. One of the asphalt parking aisles on the east end of the building has been removed. The number of parking spaces remains at 126 (no change in the number of parking spaces from the original plan).
- The façade of the building remains the same.
- One tractor-trailer turnaround located in the southeastern portion of the site has been eliminated to avoid trucks from having to back up. Truck traffic will be routed through the property as the Planning Board has suggested. Mr. Parrone reviewed the internal vehicle routing on the Site Plan.
- The building has been raised by 2½ feet to provide a better balance of earthwork on the site. With the increase in height, a retaining wall along the Collett Road frontage has been eliminated. Mr. Parrone said that this will permit a great deal more earthwork to remain on the site with a corresponding reduction in the amount of earthwork to be brought to the site.
- Significant changes to stormwater management include the elimination of the stormwater pond which had been proposed on the northeast portion of the site. Drainage now will flow to two stormwater ponds (one in the western portion of the site and one in the southeastern portion) with facilities for SWPPP and bio-retention compliance. Stormwater will also be collected in a storm sewer system through one pipe. Concrete gutters will collect surface water from the parking area.
- The amount of green space has increased. Additional green space has been added in the back of the structure where pavement had been originally proposed.
- The water main remains within the existing easement.

- Sanitary sewer connections remain the same.
- Lateral connections will be added at perceived downspout areas.
- The originally planned drainage swales will remain.
- The lighting fits with the new parking layout and has been redistributed on the west side for improved light balance. Exterior lighting will be dark-sky compliant.

Mr. Parrone acknowledged receipt of the MRB Group engineering comment letter of May 31, 2019. He said that the comments are technical in nature, that most have already been addressed, and that he will discuss several other comments with Mr. Brabant. He said that the applicant has no major issues with any of the engineering comments.

Mr. Parrone also acknowledged receipt of the draft Final Site Plan Amendment resolution. He said that he has no issues with the conditions of approval and that he accepts the conditions.

Mr. Bellis asked about Mr. DiFelice's plans for the building. Mr. Parrone said that Mr. DiFelice intends to build this project. He said that Mr. DiFelice is in the process of soliciting proposals from several contactors. He said that the next step will be to update the Letter of Credit.

Mr. Parrone said that the project has been marketed but that no tenants have been acquired to date. He said that the building is designed for up to six tenants. He said that no changes have been made to the façade or to the building materials. Mr. Parrone said that the structure is flexible to accommodate potential tenants who may wish additional space. He said that this could result in having fewer than six tenants. Mr. Hemminger asked about fire walls between the tenant areas. Mr. Parrone said that fire walls would be installed between each tenant segment to comply with Town Code, safety and insurance requirements.

Mr. Parrone reviewed the landscape plan. He said that Mr. Brabant expressed concern about having trees and other plantings within the road right of way. Mr. Parrone said that all plantings will be on the applicant's property.

He also said that Mr. DiFelice is aware that he (Mr. DiFelice) is responsible for the installation of the sidewalk on the north side of Collett Road to connect from the existing Federal Express sidewalk east to Hook Road, and then south along Hook Road into the project site.

Mr. Parrone acknowledged that no truck traffic will be permitted on Hook Road. He said that Mr. DiFelice is very much aware of this and understands this.

Mr. Brabant said that he agrees that the Final Site Plan Amendment provides for a much improved project. He said that he has been coordinating with Mr. Parrone on addressing

the engineering comments, most of which are technical in nature. Mr. Brabant said that stormwater management on the site must comply with the New York State Department of Environmental Conservation and Town stormwater requirements. He said that the applicant also must address several changes due to the recent amendments of the Town's Site Design Criteria.

Mr. Brabant said that one of the engineering comments concerned trees and other plantings on the road right of way. Mr. Parrone acknowledged that all plantings would be on Mr. DiFelice's property.

Mr. Brabant said that lighting was a concern, especially with the adjacent residential community. He said that the applicant has reduced as much lighting as possible.

Mr. Parrone said that Mr. Brabant had suggested the removal of a light at the Hook Road entrance. He said that the applicant would like to retain this fixture to provide identification for motorists of the driveway entrance.

Mr. Giroux requested that the applicant assure that the address of the building and its tenants be Collett Road to avoid large truck traffic from using Hook Road. Mr. Brabant said that Condition #5 in the draft resolution addresses this, i.e., ". . . The sign detail on Sheet C8.3 is to be amended to include the project's street address on Collett Road. . . ."

Mr. Degear said that there would be one main water connection to the building. He said that a meter can be installed to calculate the water usage of the individual tenants.

Mr. Bellis asked about land-banked parking. Mr. Parrone said that all parking will be installed and that there would be no land-banked parking areas.

Mr. Viets asked about extending the landscaping on the east side of the building and around the corner of the building. Mr. Parrone said that there was not enough room to extend the landscaping at this point. He also said that the planting of some additional foliage in this area will provide screening. Mr. Parrone said that he is not enamored with conifers due to their difficulty of maintenance. He said that lately more applicants are selecting deciduous trees

Mr. Degear requested that no trees be planted within the sanitary sewer and force main easements. Mr. Parrone said that the applicant understands this.

Mr. Viets asked about the screening and landscaping of the ground-mounted HVAC equipment. He said that this landscaping is not currently shown on the plans. Mr. Parrone said that the landscaping details around the HVAC equipment will be depicted upon the architectural plans. He said that the HVAC equipment had originally been roof mounted.

Mr. Viets asked about the spoils piles. He requested that they be removed if work on the structure is to be delayed. Following discussion, board members and Mr. Parrone agreed on the following additional condition of approval, i.e.:

New Condition #9: Spoil piles on the site are to be removed by June 5, 2021, if the building is not constructed by June 5, 2021.

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

■ A motion was made by MR. BELLIS, seconded by MS. NEALE, 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  
ACTION RESOLUTION— FINAL SITE PLAN AMENDMENT APPROVAL**

**PB #0602-19**

**APPLICANT: Primo DiFelice, DiFelice Development, Inc.  
91 Victor Heights Parkway  
Victor, N.Y. 14564**

**ACTION: DiFelice Industrial Complex, South Side of Collett Road,  
East of State Route 332 and West of Hook Road—  
Final Site Plan Amendment**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request for Final Site Plan Amendment Approval regarding the construction of a one-story 72,000-square-foot mixed use building and related site improvements, to be comprised of both office and warehouse space, with six loading docks and enclosed light manufacturing operations, located upon land at the southwest corner of Collett and Hook Roads; and

**WHEREAS**, the Town of Farmington Planning Board was designated as Lead Agency under Part 617 of the State Environmental Quality Review (SEQR) Regulations on Wednesday, December 2, 2015, under separate resolution; and

**WHEREAS**, the Planning Board has opened a public meeting in compliance with NYS Town Law with regards to the requested Final Site Plan Amendment and has given consideration to the comments provided upon the above referenced Application; and

**WHEREAS**, the Planning Board, as the designated Lead Agency for this action, has completed, under separate resolutions, the environmental record of this application; and

**WHEREAS**, the Planning Board did, under separate resolution, make a Determination of Non-Significance upon this application; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board having closed the public hearing tonight upon this application does hereby move to grant Final Site Plan Amendment Approval with the following conditions:

1. Final Site Plan Amendment approval is based upon the set of drawings prepared by Parrone Engineering, identified as Final Site Plans, P. Difelice Industrial Complex, drawings C0.0 through C8.5, dated April 2, 2019; and the set of Building Floor Plans and Building Exterior Elevation Plans prepared by Hanlon Architects and Building Innovation Group, Sheets A-1 and A-2, stamped as Preliminary and dated 5-12-17, last revised September 28, 2017, and with the following Conditions of Approval:
2. All details on sheet C8.0-C8.5 are to be updated to reflect the current approved details identified within the Town of Farmington Site Design and Development Criteria manual dated May 8, 2018.
3. All drawings are to have the same revision date for the drawings revision box. This revision date shall be June 5, 2019, to coincide with the date of the Planning Board's Final Site Plan Amendment resolution.
4. Sidewalks are to be installed along and within the northern portion of the highway right-of-way for Collett Road, from where they currently end easterly to the intersection of Collett Road and Hook Road and then southerly along the west side of the highway right-of-way for Hook Road to the driveway entrance, then west into the site in the manner shown, at the time of the first Certificate of Occupancy being issued by the Town Code Enforcement Officer. A Letter of Credit for this site improvement is to be established as part of the other dedicated improvements for this project.
5. Public Safety Signs, as required by Town Code, are to be installed only at the main entrance to the project from Collett Road. The sign detail on Sheet C8.3 is to be amended to include the Project's Street Address on Collett Road. No Building Permit shall be issued until this signage has been installed.
6. All required easements are to be accepted by the Town Board and filed with the Town Clerk prior to the Town Code Enforcement Officer issuing a Building Permit for this project.
7. All comments contained in the May 31, 2019, report from MRB Group, D.P.C., are to be addressed before the Town Engineer signs the Final Site Plan Amendment drawings.
8. Any dead tree is to be replaced within 30 days from the date of this resolution.
9. Spoil piles on the site are to be removed by June 5, 2021, if the building is not constructed by June 5, 2021.
10. Final Site Plan Amendment approval is valid for a period of 180 days from today. If final site plan drawings have not been submitted and signed within this time

period, then this resolution shall be null and void and a new application for Final Site Plan Amendment Approval will be required.

- 11. Once the revisions have been made to the Final Site Plan Amendment Drawings and the Final Building Elevation Drawing and the Final Building Plan Drawing, then one copy is to be provided to the Town Code Enforcement Officer for his review and determination that all planning board conditions have been made. Then, upon notice from the CEO, a total of total of five (5) additional sets are to be provided for signing by Town Officials.
- 12. Once all signatures have been affixed to the Final Site Plan Drawings, then one copy is to be returned to: the Town Highway Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, D.P.C. and the Town Building Department. The sixth (6th) copy of the signed drawings is to be returned to the Applicant’s Engineers, Parrone Engineering. If additional set(s) of signed drawings are necessary then those additional set(s) are to be provided at the time of signing.

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

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

Motion carried.

**6. NEW FINAL SUBDIVISION**

**PB #0603-19 New Final Subdivision Application**

**Name:** Daniel C. Bieck and Madeline R. Allen, 4392 Fox Road, Palmyra, N.Y. 14522

**Location:** 2,245 feet north of Fox Road

**Zoning District:** A-80 Agricultural

**Request:** Final two-lot subdivision approval, Bieck and Allen Subdivision, to create Lot #1 consisting of 11.829 acres to remain vacant and Lot #2 (the remaining lands of the parent parcel) to consist of 183 acres to remain vacant.

The Public Hearing on this application was opened on May 1, 2019, and was closed on May 1, 2019.

The Planning Board approved the State Environmental Quality Review (SEQR) determination on this project (Unlisted Action, Determination of Non-Significance) and the Preliminary Subdivision Plat with conditions on May 1, 2019.

Mr. Morris presented this application. Mr. Bieck and Ms. Allen also attended.

Mr. Morris said that the conditions of Preliminary Subdivision Plat approval have been addressed and that there have been no further changes to the application.

Mr. Delpriore acknowledged that the accessory structures have been removed from the property and are no longer depicted upon the Subdivision Plat map. He said that he had no additional concerns and is ready to move forward with Final Subdivision Plat approval.

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

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, 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 2-LOT SUBDIVISION PLAT  
DANIEL BIECK AND MADELINE ALLEN, YELLOW MILLS ROAD**

**PB #0603-19**

**APPLICANTS: Daniel Bieck and Madeline Allen, 4392 Fox Road,  
Palmyra, N.Y. 14522**

**ACTION: Final Two-Lot Subdivision Plat, east side of Yellow Mills Road,  
to subdivide Tax Map Account #10.00-1-32, containing a total  
of 195.1± acres into two lots—Lot #1 consisting of 12.195 acres  
as a non-approved building lot; and Lot #2 consisting of  
182.905+/- acres as a non-approved building lot.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application from Daniel Bieck and Madeline Allen, for Final Subdivision Plat Approval for Lots #1 and #2 of the Subdivision Plat of Lands of James F. Redmond, 175 Burnham Heights, Palmyra, N.Y. 14522; and

**WHEREAS**, the Planning Board has determined the proposed action is identified as an Unlisted 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 under SEQR Regulations making a determination of non-significance upon this Action; and

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

1. Final Subdivision Plat Approval is based upon the drawing prepared by R. Morris Surveying PLS, PLLC, 104 Sherman Parkway, Newark, N.Y. 14513, identified as Project #03087, having a date of May 22, 2019, and entitled “Final Plat Lots #1 & #2 James F. Redmond Subdivision, owned by James F. Redmond” and subject further to the conditions set forth herein.
2. Once the Final Plat drawing mylar and four (4) paper copies have been amended, then they may be submitted to, reviewed and accepted by the Town Code Enforcement Officer and then Planning Board Chairperson may sign said drawing. Once the drawing has been signed, then the Applicant has a maximum of 62 days from the date of signing to file the mylar and two (2) paper prints are to be filed in the Ontario County Clerk’s Office.
3. Final Subdivision Plat Approval is valid for a period of 180 days from today. Failure to revise and submit the plat map drawing for signature by the Planning Board Chairperson within this time period will result in the approval being made null and void.
4. Copies of this resolution are to be provided to: James F. Redmond, 175 Burnham Heights, Palmyra, N.Y. 14522; Robert F. Morris, III, PLS, 104 Sherman Parkway, Newark, N.Y. 14513; and Daniel Bieck and Madeline Allen, 4392 Fox Road, Palmyra, N.Y. 14522.

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

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

Motion carried.

**7. CONCEPT PLAN DISCUSSION**

**PB #0604-19                      New Preliminary Site Plan and Temporary Use Permit Applications**

**Name:** Karen Brake (on behalf of Farmington Chamber of Commerce),  
1840 Magog Road, Macedon, N.Y. 14502

**Location:** 1560 State Route 332

**Zoning District:** General Business

**Request:** Concept Plan discussion of Preliminary Site Plan (Planning Board) and Temporary Use Permit (Zoning Board of Appeals) approval for the Farmington Chamber of Commerce to operate a farmers' market one day a week, commencing in early July and ending September 27, 2019, on a portion of the property known as the Farmington Country Plaza Site.

These applications have been referred to the Ontario County Planning Board (OCPB) (Site Plan Referral #119-2019, Temporary Use Permit Referral #119.1-2019). The OCPB Coordinated Review Committee Meeting will be held on June 11, 2019. The OCPB Meeting will be held on June 12, 2019.

Ms. Brake and Ms. Ingalsbe presented this application.

Ms. Brake said that the Farmington Chamber of Commerce proposes to hold a Farmers Market on Friday afternoons from 3:00 p.m. to 7:00 p.m. from July 5, 2019, to September 27, 2019, on property owned by Robert Laviano at 1560 State Route 332. She said that the market would be set up in front of the former miniature golf area south of Prosecco's Restaurant and north of the Farmington Country Plaza.

Ms. Brake said that the Chamber of Commerce has received a good response from the community in response to this proposal. She said that the Farmington Farmers Market would not interfere with the Victor Farmers Market (open on Wednesdays) or the Canandaigua Farmers Market (open on Saturdays).

Ms. Brake said that the Chamber of Commerce has five committed vendors for the Market. She said that the Chamber is seeking more vendors but would have no more than 15 total vendors because of the size limitations of the site.

Mr. Delpriore said that the Building Department staff has been working with the Chamber of Commerce on this application. He said that he has inspected the site and that the limit would be 14 or 15 vendors due to the size of the property.

Mr. Brabant said that the Planning Board cannot take action upon this application this evening. He said that the board must wait until comments are received from the Ontario County Planning Board and a Temporary Use Permit is issued by the Zoning Board of Appeals.

Mr. Brabant suggested that both the Preliminary Site Plan and Final Site Plan applications be placed on the Planning Board agenda for July 2, 2019. He said that both applications could be considered that evening. Ms. Neale said that she was in favor of this.

Ms. Ingalsbe said that the Chamber of Commerce would like to begin operation of the Market on Friday, July 5, 2019.

Mr. Viets asked about the availability of parking. Ms. Ingalsbe said that Farmers Market parking will be in the plaza parking lot and not in Prosecco's parking lot. She said that the Chamber of Commerce received approximately 400 responses to a survey about the proposed Market and that most respondents preferred to have the Market on Fridays.

Ms. Brake said that the Chamber of Commerce has the permission of the United States Postal Service for vendor and customer parking in the plaza.

Mr. Bellis asked about insurance for the public and the vendors. Ms. Brake said that each vendor must provide his or her own insurance coverage.

Mr. Bellis expressed concern about the proximity of the vendors' tents to State Route 332 and about high winds picking up the tents and causing them to be carried onto the road. Ms. Brake said that each vendor will have weights to hold down their tents. She said that the Chamber of Commerce discussed having the Market in the rear of the property but that it was decided to have the Market closer to State Route 332 for better customer visibility.

Mr. Bellis also expressed concern about the location of the Market. He said that he did not think that it is a good location and cited the difficulty for motorists entering and leaving the plaza parking area. Mr. Bellis said that he did not think that customers would come from Canandaigua and have to make the U-turn north of the plaza. Ms. Brake said that there will always be people who do not want to make the U-turn but she said that about 90 percent of the respondents to the Chamber of Commerce survey said that this was a good location for the Market.

Mr. Bellis asked about rules of operation for the vendors. Ms. Brake said that the rules of operation have been provided to Mr. Laviano, the property owner.

Mr. Bellis said that he is worried that the Market would compete against the farmers markets in Victor and Canandaigua. He noted that Mr. Genecco could not make his fruit stand work on State Route 332 and that this seems like a tough business. Ms. Brake said that anything is though but that the Chamber of Commerce would like to pursue this because of the good response which has been received.

Mr. Hemminger said that he assumes that the Chamber of Commerce would review the results of the first-year operation and make modifications based upon feedback from

customers' reviews. He said that he is personally excited to having a Farmers Market in the Town.

Mr. Bellis asked how many vendors from Farmington have committed to participating. Ms. Brake said that three of the five committed vendors to date are from Farmington.

Mr. Bellis asked about the length of time for a Temporary Use Permit. Mr. Hemminger said that the permit is valid for two years.

Mr. Bellis again expressed concern about the proximity of the tents to State Route 332. He suggested that a rule be added that all tents must be weighted.

Mr. Delpriore said that Mr. Bellis's concerns would be forwarded to the Zoning Board of Appeals (ZBA) when the Temporary Use Permit is considered by the ZBA on June 24, 2019. He said that he has discussed temporary signage with the Chamber of Commerce to make sure that Market customers use the plaza parking lot and not the Prosecco's parking lot. He said that the Chamber of Commerce has presented ideas on how to mitigate this eventuality.

Ms. Brake said that she has discussed this project with a representative of Prosecco's Restaurant and that the representative was OK with this.

Mr. Bellis said that he is not fully on board with this project at this time.

## **8. PLANNING BOARD ACTION ITEMS**

### **First 90-Day Extension: Creekwood Townhomes:**

#### **PB #0402.1-19 Final Site Plan Amendment 90-Day Extension Application**

**Name:** DiFelice Development Inc., 91 Victor Heights Parkway,  
Victor, N.Y. 14564

**Location:** Creekwood Subdivision, Red Fern Drive

**Zoning District:** R-7.2

**Request:** First 90-Day Extension to Final Site Plan Amendment to PB #0701-14 (July 2, 2014) to construct four two-story buildings of five units per building (20 units total)

Previous Planning Board actions on the Creekwood Subdivision:

**May 21, 2014**  
PB #0501-14

Ryan Homes: SEQR Resolution—Unlisted Action, chairman directed to sign and date Part 2 of the Short EAF that the proposed action will not result in any significant adverse impacts. APPROVED

Ryan Homes: Preliminary Site Plan Approval of the Creekwood Subdivision, Red Fern Drive. APPROVED

**July 2, 2014**  
PB #0701-14

Ryan Homes: Final Site Plan and Re-Subdivision Approval of the Creekwood Subdivision, Redfern Drive. APPROVED

**August 6, 2014**  
PB #0701-14

Creekwood Townhomes Letter of Credit for site improvements established in the amount of \$64,086.60. APPROVED

**November 19, 2014**

Creekwood Townhomes, Redfern Drive, Partial Letter of Credit Release #1 in the amount of \$38,674.00. APPROVED

**October 6, 2016**

Creekwood Townhomes, Redfern Drive, Partial Letter of Credit Release #2 in the amount of \$13,266.60. The remaining balance will be \$12,146.00. APPROVED

**March 1, 2019**

The Final Site Plan Amendment application was reviewed by the Project Review Committee on March 1, 2019.

**April 3, 2019**

Final Site Plan Amendment to to PB #0701-14 (July 2, 2014) approved by the Planning Board (four two-story buildings of five units per building, 20 units in total).

The board and Town staff discussed the need for a 90-day extension of the Final Site Plan amendment that will not expire until October 2019.

It was the consensus of the board and the Town staff to postpone action on this extension until further information from the applicant is received.

**Letter of Credit Establishment:**

**PB #1204-18**

**Name:** Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221

**Request:** Letter of Credit Establishment for the construction of an electric motor-driven natural gas compressor station and related site improvements to be constructed upon approximately 12.7 acres of a 92.399-acre site located east of Hook Road, south of and adjacent to I-90 (NYS Thruway) and north of the Town Highway Campus.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
LETTER OF CREDIT ESTABLISHMENT—SITE IMPROVEMENTS  
EMPIRE PIPELINE PROJECT**

**PB #1204-18**

**APPLICANT:** Empire Pipeline Inc., 6363 Main Street, Williamsville, N.Y. 14221

**ACTION:** Letter of Credit Establishment—Site Improvements

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for site improvements to be located within the above referenced project; and

**WHEREAS**, the Planning Board has also received and reviewed the Letter of Credit along with the Engineer’s Estimates of Value attachment thereto; 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 to establish a Letter of Credit in the total amount of \$527,407.00.

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

Motion carried.

**Planning Board Meeting Date Change:**

Mr. Hemminger suggested the Planning Board meeting scheduled for Wednesday, July 3, 2019, be rescheduled to Tuesday, July 2, 2019, to avoid a conflict with the Town’s Fourth of July celebration and fireworks at the Town Hall campus on the afternoon and evening of July 3rd.

■ A motion was made by MR. HEMMINGER, seconded by MS. NEALE, that the Planning Board meeting on Wednesday, July 3, 2019, be rescheduled to **Tuesday, July 2, 2019**, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

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

Motion carried.

**9. OPEN DISCUSSION**

***Code Enforcement Officer:***

Mr. Delpriore said that the Building Department is working to provide information and materials on upcoming applications to board members on a more timely basis. He said that materials in the regular board packets may pertain to applications which will be on a future meeting agenda. Mr. Hemminger said that the advance information will be welcomed. He requested that the Building Department staff indicate the meeting dates on the cover sheets of the advance materials.

Mr. Delpriore introduced August Gordner who recently was hired as a Code Enforcement Officer in the Building Department. Mr. Gordner reviewed his background and previous work experience with the board. Mr. Hemminger welcomed him to the Town staff and offered the Planning Board’s assistance to him as he begins his responsibilities with the Town.

***Highway and Parks Superintendent:***

Mr. Giroux reported on the work which is continuing on Canandaigua–Farmington Town Line Road that involves drainage pipe installation and paving on both sides of a box culvert.

He also said that Ivory Drive in the vicinity of the Auburn Trail and Carmen's Way has been boxed out, that road gutters have been installed and that the binder paving course on this segment of Ivory Drive is expected to be completed next week. Mr. Giroux said that the work will enable this segment of Ivory Drive to be open for motorists from the Auburn Meadows Subdivision to access Carmen's Way and the signalized intersection at State Route 332 and Carmen's Way.

***Water and Sewer Superintendent:***

Mr. Degear reported on the planting of street trees in Section 1 of the Monarch Manor Subdivision. He said that several street trees have been planted atop a sewer line and that cable, gas and electric service utility lines also have been installed atop sewer lines. Mr. Degear said that the placement of street trees in this section of the subdivision will be reviewed by the Town Board. He said that in the future the Town will look very closely at how the utility lines and street trees are positioned on the narrow lots in this subdivision.

**10. PUBLIC COMMENTS**

None.

**11. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 8:15 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, June 19, 2019, at 7:00 p.m.

Following the meeting, Mr. Giroux secured the Highway Garage.

Respectfully submitted,

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