

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, May 15, 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.

Clerk's Note: This meeting was held at the Farmington Highway Garage, 985 Hook Road, to accommodate the large number of attendees.

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

Staff Present:

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

Applicants Present:

Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#10526, Rochester, N.Y. 14610
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
129 S. Union Street, Spencerport, N.Y. 14559
Terence Robinson, Esq., Boylan Code LLP, 28 South Main Street, Canandaigua, N.Y. 14424
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

Residents Present:

Jill Attardi, 337 Stonefield Lane, Farmington, N.Y. 14522
Linda and Bob Bailey, 5163 Fox Road, Palmyra, N.Y. 14522
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425

David Capps, 768 Hook Road, Farmington, N.Y. 14425
Barbara and Nelson Case, 169 Ellsworth Road, Palmyra, N.Y. 14522
Petrina Case, 5191 Fox Road, Palmyra, N.Y. 14522
Edith Chapman, 230 Ellsworth Road, Palmyra, N.Y. 14522
Ruth DeBrock, 129 W. Main Street, Shortsville, N.Y. 14548
Terrence C. Bieck, 358 Stafford Road, P.O. Box 355, Palmyra, N.Y. 14522
Tim DeLucia, 1452 Mertensia Road, Farmington, N.Y. 14425
James R. Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522
George and Barbara Eckhardt, 357 County Road 28, Palmyra, N.Y. 14522
Marilyn Fair, 984 Stafford Road, 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
Daniel Geer, 568 Yellow Mills 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
William and Nancy Hood, 5023 Maxwell Road, Farmington, N.Y. 14425
Tammy Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522
Frances Kabat, Esq., The Zoghlin Group PLLC, 300 State Street, Suite 502,
Rochester, N.Y. 14614
Edward D. Lawrenz, 320 Yellow Mills Road, Palmyra, N.Y. 14522
Sharon and Earl Maltman, 179 County Road 28, Palmyra, N.Y. 14522
John Orbaker, 4960 Fox Road, Palmyra, N.Y. 14522
Rosemary Palmeri, 5976 Redfield Drive, Farmington, N.Y. 14425
Chad Redmond, Fox Road and Stafford Road, Palmyra, N.Y. 14522
Jim Redmond for 4500 Fox Road, 175 Burnham Heights, Palmyra, N.Y. 14522
Todd Richenberg, 5007 Maxwell Road, Farmington, N.Y. 14425
Bill Schell, 5976 Redfield Drive, Farmington, N.Y. 14425
John Scialdone, 1614 Wheatstone Drive, Farmington, N.Y. 14425
Stacey and Arnold Vandenburg, 259 Ellsworth Road, Farmington, N.Y. 14522
Peter Vanderwall, 125 Yellow Mills Road, Palmyra, N.Y. 14522
Gershom E. Yahn, 5215 Fox Road, Palmyra, N.Y. 14522

Media Present:

Josh Williams, Messenger Post Media (Canandaigua *Daily Messenger*), Canandaigua, N.Y.

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 1, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the May 1, 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; and April 22, 2019. The ZBA Public Hearings have been continued to Monday, May 20, 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; and April 17, 2019; and were continued to tonight's public meeting (May 15, 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 said that the focus of this evening's meeting, as in the previous sessions of the Public Hearing, will be the environmental record of the applications. He said that the board is closer to having all the information it needs to make the State Environmental Quality Review (SEQR) determination of significance, and that the continued purpose of the Public Hearing is to receive new information, facts, figures and data to move forward with the completion of the environmental record. He said that the format of the meeting will also be the same as previous sessions with comments from the applicant, from the Town staff and from the public.

Mr. Compitello (Delaware River Solar) said that there have been no changes or updates to the application for a 7 MW solar system on the Smith property at the southwest corner of Fox Road and Yellow Mills Road.

He provided a brief report on the information meeting sponsored by Delaware River Solar and held at the Farmington Town Hall on May 7, 2019. He said that approximately 20 people attended. Mr. Compitello thanked the Town for the use of the Town Hall for this meeting. He said that he had about 12 one-on-one conversations with visitors who were able to view visual renderings of the proposed solar installation and large-size site plans. Mr. Compitello said that he was glad to see people receiving answers to their questions in a more informal and casual setting.

He said that fact sheets about the project which were distributed on May 7th are available at the sign-in table located in the rear of the highway garage meeting area.

Mr. Brand acknowledged receipt of a second letter from Frances Kabat, Esq. (the attorney for a group of residents) dated May 13, 2019. He said that this letter has been added to the correspondence abstract and will be posted on the Town website.

Mr. Brand also acknowledged receipt of a voice-mail message this afternoon from Karis J. Vaillancourt (5785 Dalton Drive), who called him to express her opposition to the solar project because of the use of cadmium in the production of solar panels. A transcription of Ms. Vaillancourt's message has been included in the correspondence abstract. The audio file of the message also has been retained with the application materials.

Mr. Hemminger said that the Town staff seeks to capture all forms of comments regarding this application for the record.

Mr. Delpriore said that the issues with the Town website have been resolved and that all items in the correspondence abstract have been scanned and posted to the website. He requested that residents contact the Building Department if they have any difficulties with the website or in locating electronic files on the site. Mr. Hemminger also said that hard copies of all items are available for review in the Building Department for those who do not use a computer.

Following completion of Part 2 of the Full Environmental Assessment Form, Mr. Hemminger said that the next steps in the evaluation of these applications include the completion of Part 3 of the Full Environmental Assessment Form—Evaluation of the Importance of Impacts, which includes the Planning Board making either a Positive or Negative Declaration and the publishing of the determination in the *State Environmental Notice Bulletin*. Once these have been completed, then the next step will be consideration of the four Area Variance applications by the Zoning Board of Appeals. Their decision will then be followed by the continued public hearings held by the Planning Board upon the pending applications for Preliminary Subdivision Plat, Special Use Permit and Preliminary Site Plan.

Mr. Hemminger then asked if anyone in attendance wished to comment or ask questions on the environmental concerns associated with these applications.

Petrina Case (5191 Fox Road) said that she attended the Town Board meeting last night (May 14, 2019) and had always thought that the Town Board was responsible for the final vote on this project. She said that the Town Board members told her that the Planning Board was responsible for the final vote. Mr. Hemminger said that the Planning Board will make the final vote on the project following the determination of the environmental declaration and following the decisions by the Zoning Board of Appeals on the Area Variance applications. He said that the Planning Board will make the final decisions on the Subdivision, Special Use Permit and Site Plan applications.

Ms. Case said that she assumes that if this [the project] goes through that it will impact property values and that her property taxes will go down. Mr. Hemminger said that this would be between her and the Town Assessor.

Ms. Johnson (126 Yellow Mills Road) said that she also attended the Town Board meeting last night. After listening to the remarks by a gentleman at the Town Board meeting, she asked if the Town Board had the authority to change a Planning Board decision. Mr. Hemminger said that the Town Board does not have the authority to change a Planning Board decision. He noted that the comment of the gentleman at the Town Board meeting may have referred to an Incentive Zoning project at another location which is under consideration by the Town Board. Mr. Hemminger said that only the Town Board has the authority to rezone property. He said that the Town Law does not permit the Town Board to change a Planning Board decision.

Ms. Johnson asked if all three of the applications (Subdivision, Special Use Permit and Site Plan) have to be approved by the Planning Board. She asked if the project would go through if the Planning Board denied one or two of the applications. She asked if the denial of one or two applications would put the brakes on the project. She asked if the applicant had to get three in a row. Mr. Hemminger said that all three applications would have to be approved by the Planning Board in order for the project to go through. He said that the applicant still has a number of hurdles to jump through. These include the SEQR environmental declaration, which will be followed by the four Area Variance applications before the Zoning Board of Appeals. He said that all three applications before the Planning Board must be approved.

Ms. Kabat (attorney for a group of residents and landowners) delivered the following statement into the record of the meeting:

As part of its determination of significance, a lead agency must complete Part 2 of the Full Environmental Assessment Form (FEAF). This form helps lead agencies to identify potential adverse environmental impacts. Here, a review of the Part 2 FEAF questions demonstrates that the Project may have the potential for significant adverse impacts to prime agricultural farmland, surface water, groundwater, drainage, impacts on community character and plans, and traffic. Consequently, the proposed action may have a significant adverse impact requiring a positive declaration of environmental significance and preparation of an EIS.

I'd like to highlight a few ways the proposed action may have a significant adverse impact requiring a positive declaration of environmental significance and preparation of an EIS.

Question 1f asks if the proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. The FEAF workbook states that it is likely that one or more moderate to large impacts could occur if "large portions of vegetation are removed from the site."

Here, it is likely that one or more moderate to large impacts could occur because the proposed action would result in the physical disturbance of at least 1.1 acres and the project will require creation of an access road, bury-

ing of electric cables, installation of a steel post support structure for 21,000 solar arrays, construction of a concrete pad for each solar system and installation of inverter and transformer equipment. The physical disturbance of vegetation on the project site may have a potentially significant adverse environmental impact on the environment, requiring issuance of a positive dec.

Question 8g asks if “[t]he proposed project is not consistent with the adopted municipal Farmland Protection Plan.” The FEAF workbook states that it is likely that one or more moderate to large impacts could occur if “[a] project that removes lands from production that are identified in the plan as part of the areas of critical farmland and the Project reintroduces land uses that are incompatible with agriculture in an area identified in the plan as critical farmlands or that will induce non-agricultural growth.”

The Town of Farmington’s Farmland Protection Plan identifies the parcel as prime farmland. Similarly, the Ontario County Agricultural Enhancement Plan—2018 identified the property as priority land for protection. These factors indicate that the Project “may” have “the potential” for significant adverse land use changes and requires further study.

Question 3i asks if “[t]he proposed action may affect the water quality of any water bodies within or downstream of the site in the proposed action.” The FEAF workbook states that it is likely that one or more moderate to large impacts could occur if “affected waterbodies are interconnected and part of a larger system” and “waterbodies are regulated.”

Here, the Project may affect the water quality of wetlands on and near the site. It is likely that the one or more moderate to large impacts could occur because the Project site contains two federally regulated and two state regulated wetlands, which are hydrologically connected to off-site wetlands and streams.

Question 17a asks if “[t]he proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).” The FEAF workbook states that it is likely that one or more moderate to large impacts could occur if “[t]he proposed project is not consistent in its proposed use, dimensions of the lot, dimensions and location of all structures, setbacks, size of the structure(s), accessory uses, and overall scale and intensity with existing land uses and local laws and plans encourage maintenance of such existing uses.”

The Project land use is certainly different from and in sharp contrast to the surrounding land use patterns. It will convert 30 acres of open farmland to a densely massed 7MW solar facility featuring almost non-existent interior set-backs. Therefore, the proposed project is not consistent with surround-

ing land use patterns, applicable setback requirements and overall scale and intensity of existing land uses.

The Developer's attorney cites *N. Shore Steak House, Inc. v. Bd. of Appeals of Inc. Vil. Of Thomaston* in support of its argument that inclusion of a permitted use in the zoning ordinance equals a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood. The Developer's reliance on this case is misplaced. The North Shore Steak House case involved an application for a special exception permit, and the cited language was used by the Court to explain the legal difference between a special exception permit and a use variance. It simply is irrelevant to any SEQRA analysis as to whether the proposed solar energy facility is visually consistent with the surrounding agricultural farmland and whether its placement in the middle of an agricultural community may significantly affect community character.

Thank you.

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

Mr. Foley (373 Ellsworth Road) made the following statement.

Before you get to approval or disapproval of the application, you have to make an initial decision based on a declaration with regard to environmental significance. As Frances (Ms. Kabat) just spoke about, I strongly recommend that you read in full her letters. In reality, aside from the impact that this has on each and every one of us, and how we feel about it, and how we feel that this is detrimental to our community, there are also questions of law here that will ultimately affect your decision. And I do commend the brief that she sent to you, and I'm sure that you will read it because it is important.

And I also wish to commend whoever is taking care of the website in the last two weeks. Everything is up to date and it almost . . . as soon as you get it, we are reading it.

I have a comment that is somewhat outside the parameters, but since Delaware River Solar had their point speaking about the Open House, I do want to comment for the record. I spent 45 years in a system where courts were involved and deliberative bodies were involved that had to make decisions. I know that this board did not approve the Open House but the fact that the government of Farmington—when there was a pending application before it, when the Town had to make a decision—decided that it was OK to

allow an interested party with a pending application to have the use of the Town Hall for a public demonstration and ability to pitch its project, is as clear a conflict of interest as I have seen in 45 years. We are reminded every day in the court system that it isn't just a conflict of interest that you must avoid. You have to avoid the appearance of a conflict of interest. I am shocked that the people who made that decision did not understand how wrong it was. I want the record to clearly reflect my views that this is a decision that exemplifies a lot of what the people who are here have been feeling for the last five months, that we are an annoyance, that we're not important and that somehow a developer's interest is far more important than the interest of the people who live in this Town.

I know that it wasn't your decision. But if this goes on beyond this body, that some judge is going to have to look at that and have that as a factor to understand as to how this process got to where it is. Thank you very much and I know that it wasn't your decision.

—James Foley, 373 Ellsworth Road

Ms. Hood (5023 Maxwell Road) asked how the Open House was advertised and how many people knew about it. [A woman in the audience answered “personal mailing.”] She asked how many people showed up. She said that if you want to ask one on one, they should have let the Town know about. [A woman in the audience said that she received an invitation but chose not to attend.]

Mr. Richenberg (5007 Maxwell Road) made the following statement:

You have given a lot of opportunity for these three gentleman up front to speak and I think that it is really unfair that you have cut people off in this audience and won't let people from the Town speak, because at the end of the day, we are the ones who live in this community and the guys in the front row—they don't live here. We do. You cutting us off and making us feel like we're not welcome in this room—it's unacceptable.

I've come to all these meetings. I've been to every single one. You are sitting up there, belittling people in this audience, and pushing the agenda of the guys in the front row. It is very clear. You had an Open House that no one was invited to except for a couple people. It sounds like 20 people showed up, but in a town this large, 20 people is nothing. There are more people here tonight against [the project] than showed up for the project. You are not listening to the people, it seems like. I just want to make it very clear. We are all here and we have been here every time. We want you to make the

right decision because we don't want to hear about Delaware River Solar any more. We don't want it in our community.

—Todd Richenberg , 5007 Maxwell Road

Mr. Falanga (395 Ellsworth Road) referred to Mr. Compitello's comment that 20 people attended the Open House. He said that he and Jim were in the parking lot counting heads, and if you look and see who actually signed in, you'll see that some people signed in twice. He said that take out the homeowners and there were eight registered voters who attended the Open House.

Mr. Falanga said that the members of his group did some investigation and came up with the minutes from the Ontario County Planning Board (OCPB) from August 8, 2018. He submitted Pages 1 and 2 and 7–10 for the record. Mr. Falanga said that it appears that Delaware River Solar withdrew its Site Plan and Special Use Permit applications.

Mr. Compitello said that the applications were not withdrawn from the County. He said that there was a meeting date change when the Area Variance applications were not sent to the County along with the Planning Board applications. He said that the OCPB asked that the applications be moved to the next meeting so that they could review everything together.

(Clerk's Note: The Delaware River Solar applications from the Farmington Planning Board and the Farmington Zoning Board of Appeals were heard by the Ontario County Planning Board on September 12, 2018, Referral #159-2018—Site Plan, #159.1-2018—Subdivison, #159.2-2018—Special Use Permit and #159.3-2018—Area Variances.) JMR

Mr. Falanga then spoke about the Whitestone Solar application (OCPB Referral #140.1-2018, Site Plan and Special Use Permit for a 2 MW solar energy system at 5348 State Route 96 at the northwest corner of the intersection with Payne Road). He said that Mr. Compitello was present at that meeting and that Whitestone Solar later withdrew the application and walked away.

Mr. Falanga discussed the provision in the Farmington Solar Law which indicates that the Planning Board must determine that there is no feasible alternative prior to allowing development of large-scale solar facilities on Class 1 to 4 soils. He said that the OCPB minutes seem to support his group's interpretation as discussed at a previous meeting by Mr. Foley.

Ms. DeBrock (129 W. Main Street, Shortsville, N.Y.) said that she cannot believe all of you are telling someone what they can do with their land. She said that solar is what's coming and some of you don't even live in the area and you're talking about assessments. Across the road from this property there are four solar panels sitting in a yard. I think you all are being unreasonable. It's the way it's coming and you better get used to it.

Ms. Fair (984 Stafford Road) said that apparently not everyone understands what she has discussed about solar panels. She said that everyone needs to know what materials are used in the manufacturing of solar panels and that the Material Safety Data Sheets (MSDS) are necessary. She said that there is a world of difference among solar panels, that they must be installed, monitored and removed carefully, and that the components within solar panels cause cancer.

Ms. Fair said that if the solar panels in the mega-array are ever damaged in any way—in case there is some kind of catastrophic weather event—you are going to face a tremendous issue in terms of water and environment. She said that's why we are against this. She said that we are not against solar but it's this massive array. Ms. Fair said that this is too much for the land, too much for the water supply and too much for the environment. She said that [workers] have to be careful when making solar panels, that anything that comes off could kill the people who make them. She also said that used solar panels are shipped out of the country as e-waste and that she does not want to see thousands of solar panels sitting on farmland.

Barbara Case (169 Ellsworth Road) asked in what country are the solar panels made. Mr. Compitello said that the solar panels will not be purchased until the time of construction. He said that panels are made in the United States, Canada, Australia, China and Indonesia, and that most solar panels come from Asian countries.

Linda Heberle (531 Yellow Mills Road) said that without MSDS sheets we would not know what panels are being used. She said that when and if they [Delaware River Solar] figure out which panels they are going to use, we want MSDS sheets provided to everyone so we don't have to guess what country they are from. Ms. Heberle said that she is against this project. She said that she is right across the street from it.

Ms. Heberle then used some of the photo simulations and drawings that were displayed by Mr. Compitello as visual renderings to show the board. Ms. Heberle noted that there is hardly any difference between the “before project” and “after project” renderings of the site. She said that the applicant's plans to “hide” the solar arrays will not work and that witch hazel bushes will hide nothing after five years. Ms. Heberle said that trees—big pine trees—are needed if this thing [the project] goes in. She said that the intersection of Fox Road and Yellow Mills Road is a busy corner and that the solar panels will be seen from all angles.

Ms. Vandenburg (259 Ellsworth Road) said that she just returned from volunteering at the Visit Rochester booth at the Lilac Festival. She said that this region attracts millions of visitors from throughout the world. She read a letter to the editor that was not published in the Canandaigua *Messenger Post* newspaper. She speculated that the letter was not printed probably because the newspaper seems to be more in favor of this project being constructed, rather than hearing from a resident who lives less than a half-mile away.

To the Editor,

The northeast corner of Farmington is one of the last remaining areas of our town that still retains rural character and historic beauty. Beautifully maintained cobblestone homes flank acres of viable farmland. It lies among the Hill Cumorah, the Finger Lakes wildlife [?] and the 1816 Farmington Quaker Meetinghouse. We urge our Planning Board and Zoning Board to reject Delaware River Solar's plan to construct a 40-acre solar power plant containing 21,000 solar power panels on the corner of Fox and Yellow Mills Roads.

Why would they take this precious topsoil out of cultivation for 35 years? Perhaps the land could be better used by a new generation of farmers who successfully grow hops, for [an] expanded microbrewery industry, or [to] supply organic produce for farm-to-table restaurants and [?] markets in our area. Farmington is a part of the Finger Lakes—an important tourist destination. Why would we see an ugly, massive power plant on land located very near the “Welcome to Farmington” sign on Fox Road. We should choose to keep the “Farm in Farmington” and help our local farmers.

Thank you.

—Stacey Vandenburg, 259 Ellsworth Road

Ms. Johnson (126 Yellow Mills Road) asked about the SEQR process and if it has been determined where the solar panels will be made. She asked if they [Delaware River Solar] have to determine from where the panels are coming before the SEQR declaration is determined. Ms. Johnson asked how do we know what is in the panels.

Mr. Compitello said that MSDS sheets have been submitted to the Town. He said that all solar panels used by Delaware River Solar must be classified safe to use by the Environmental Protection Agency (EPA). Mr. Compitello said that the panels are tested by breaking with water and leaching tests to assure that no toxic chemicals will be released into the environment. Ms. Johnson asked if all solar panels used by the company meet these standards. Mr. Compitello said that all solar panels used by Delaware River Solar meet the EPA standards.

Petrina Case (5191 Fox Road) said that she has discussed this application with many people to get their feedback and to make sure that she does not have a closed mind. She expressed concern that property owners may give up the mineral rights on their land if they enter into a lease agreement with a solar company. Ms. Case said that these agreements may lock up the land for 35 years.

Mr. Foley (373 Ellsworth Road) asked how the Planning Board could make the environmental decision on this application when we do not know what solar panels are going to be installed. He said that the Town would be giving the developer a blank check to decide on the type of panels at the time of construction. Mr. Foley said that this seems like a lawyer saying that he wished he had asked 10 more questions after the jury comes back with the verdict. Mr. Foley said that he is concerned about what happens to the solar

panels if they become defective and break open. He said that this has not yet been determined and that a piece of the environmental review process is missing. He said that this is concerning.

Mr. Hemminger said that the type of solar panels has been determined but that the manufacturer of the panels has not yet been determined.

Mr. Compitello said that all panels used by Delaware River Solar meet EPA standards. He said that the specification sheets are the same for all panels that are purchased by the company.

Mr. Falanga asked when the next meeting will be held. Mr. Hemminger said that the date of the next meeting will be scheduled later this evening based upon the possible actions of the board at tonight's meeting. He said that that the next meeting will be held here at the highway garage.

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

Mr. Hemminger then asked Mr. Brand to review the next steps for the board.

Mr. Brand said that the board may extend the Public Hearing and also may determine that they have a complete environmental record to begin the SEQR determination process. He said that the correspondence abstract has now reached 101 items.

Mr. Brand said that the board must determine if there are any remaining questions to which there has been no response from Delaware River Solar. He said that the board can begin Part 2 of the Full Environmental Assessment Form (Identification of Potential Project Impacts) under SEQR if the board can determine that it has a complete record. He said that the board members have each received a blank Part 2 form to review and to work with independently prior to this evening's meeting.

Assuming that the environmental record is complete, Mr. Brand said that the board can consider Part 2 of the Full Environmental Assessment Form. He said that this consists of 18 categories. If the board checks "No" in a category, then they move on to the next category. If the board checks "Yes" in a category, then they must check every box in the category identifying either "No, or small impact may occur" or "Moderate to large impact may occur."

Mr. Brand said that the State form is not 100 percent clear. An identified impact may not be related, or it may be a small impact. He said that the board must identify the distinctions.

Following completion of Part 2 of the Full Environmental Assessment Form, Mr. Brand said that the board may need to ask for clarification (a supplemental narrative) from the applicant for any category that the board has determined to have a "Moderate to large

impact may occur.” He said that this supplemental narrative will help the board in completing Part 3 of the SEQR form. He said then the board may make its findings leading to the SEQR determination of significance (either a Positive Declaration or a Negative Declaration).

Mr. Hemminger said that the board would first be asked to continue the Public Hearing, following which the board would determine if it has a complete record to begin Part 2 of the Full Environmental Assessment Form.

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

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

- 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 adopted Planning Board 2019 Rules of Procedure, dated February 6, 2019, reads . . . “A revised drawing or additional documentation, accepted by the Board at either a Public Hearing or a public meeting, may be grounds for continuing the Public

Hearing or the public meeting to a specified date and time. The Board does not want to receive material the night of the meeting and be expected to act upon it;” and

WHEREAS, the Planning Board having received the above referenced input now must determine that it is in receipt of all information that it may reasonably need to make the required determination of significance; and that upon making such a finding note that the 20-day time limit specified in Section 617.5 (3) (ii) of the SEQR Regulations shall not commence until such time as the Board determines that it is in receipt of all necessary information to enable it to consider how this information relates to the Board’s completing Parts 2 and 3 of the Full Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table any further discussion upon the above referenced Actions; and moves to continue the Public Hearings thereon, to 7:00 p.m. on Wednesday, June 5, 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.

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

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

Motion carried.

Mr. Hemminger then polled the board members to ask if they have determined that the environmental record is complete and if they are ready to move forward with the completion of Part 2 of the Full Environmental Assessment Form.

Mr. Maloy, Mr. Bellis and Ms. Neale said that they have determined that the environmental record is complete and that they are ready to move forward with the completion of Part 2 of the Full Environmental Assessment Form. Mr. Hemminger said that he also has determined that the environmental record is complete.

Mr. Viets said that he was hesitant on determining the completeness of the record because of the third letter from Ms. Kabat that was received via e-mail at 6:02 p.m. this evening and for which the board has not yet had time to read or review. He said that if the letter contains relevant facts, he would hate to jump the gun.

Mr. Viets asked if the board could request additional information from the applicant after having read Ms. Kabat's letter. Mr. Brand said yes, the board can ask for additional information as part of the discovery process. He said that there may even be more questions prior to completion of Part 3 of the SEQR form.

Mr. Viets said that based upon this information he can support moving forward with Part 2 of the Full Environmental Assessment Form this evening as long as the board has the ability to ask additional questions following the reading of the letter.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC
DETERMINATION UNDER SEQR OF A COMPLETE APPLICATION**

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 (SEQR Determination)
PB #1004-18	Preliminary Site Plan Application (SEQR Determination)
PB #1006-18	Special Use Permit Application (SEQR Determination)

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 (hereinafter referred to as Board) has received additional information for the environmental record at tonight's continued Public Hearings upon the above referenced 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 having received the above referenced input now must determine that it is in receipt of all information that it may reasonably need to enable it to consider how this information relates to the Board’s completing Parts 2 and 3 of the Full Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine, based upon the public abstract prepared by John Robortella, Clerk of the Board, dated May 15, 2019, that all information previously requested by the Board has been provided.

BE IT FURTHER RESOLVED that the Board, based upon information received tonight, does hereby determine the environmental information contained in said abstract to be complete.

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

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

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

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

Motion carried.

The board then proceeded to discuss the 18 categories of the Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts.

The following is a brief summary of the discussion points. The completed Part 2 form is included as an attachment to the minutes.

The Planning Board’s Supplemental Narrative to Part 2 follows this summary.

Discussion Summary:

■ *Category #1: Impact on Land*

The board requested that a Geotechnical Report be provided to determine the depth of the water table on the portion of the Smith farm where the solar panels would be located. Mr. Brabant said that the concern is the depth and location of the water table in the specific area of the project.

Mr. Hemminger requested additional information regarding construction in an agricultural zone and the details of the decommissioning plan.

The board determined that sub-categories 1b and 1d through 1g to have “No or small impact may occur.” The board determined that sub-categories 1a and 1c to have “Small impact may occur” from the proposed action. The board determined that sub-category 1h would likely have a “Moderate to Large impact may occur” from the proposed action. See the following Supplemental Narrative for this category.

■ *Category #2: Impact on Geological Features*

The board determined that all sub-categories would likely have “No impact” associated with the proposed action.

■ *Category #3: Impacts on Surface Water*

The board noted that an erosion and sediment control plan will be required by the New York State Department of Environmental Conservation (DEC). Mr. Brabant said that two potential mitigation measures which must be addressed by the applicant are the impact of the project upon the existing wetlands on the property, and the area of disturbance. He said that meeting the DEC and the Town’s MS4 Program regulations could serve as mitigation for these issues.

The board determined that sub-categories 3a through 3c, 3f, 3g, 3j, 3k and 3l would have “No impact” resulting from this action. The board determined that sub-categories 3d, 3e, 3h and 3i would have a “Small impact” likely to occur from this action.

■ *Category #4: Impact on Groundwater*

The board requested additional information regarding the impact of damaged solar panels, and the monitoring of the integrity of the panels. Mr. Brabant said that Federal and State site protocols must be followed and that the applicant’s Operation and Maintenance Plan must provide these details. He said that DEC and local laws must be observed.

The board determined that sub-categories 4a through 4g would likely have “No impact” associated with the proposed action. The board determined that sub-category 4h would likely have a “Small impact” associated with the proposed action.

■ *Category #5: Impact on Flooding*

Mr. Brabant said that the Smith property is not located in a flood zone.

The board determined that all sub-categories would likely have “No impact” associated with the proposed action.

■ *Category #6: Impact on Air*

The board determined that all sub-categories would likely have “No impact” associated with the proposed action.

■ *Category #7: Impacts on Plants and Animals*

The board determined that all sub-categories would likely have “No impact” associated with the proposed action.

■ *Category #8: Impact on Agricultural Resources*

In response to a question from Mr. Hemminger, Mr. Brand discussed the two major goals of the Town’s Farmland Protection Plan, i.e., to preserve and protect the highly valuable and productive agricultural soils. He said that this has been done by the identification of the site’s soils and by continuing working with the Town’s Agriculture Advisory Committee to create new regulations which will further protect them. The second goal is to help sustain the viability of farming. He said that although the site contains a large amount of Class 1 through 4 Soils, this project will be temporarily using portions of these viable soils for the solar operations. He said that it is understood that with a decommissioning plan in place, these soils can be returned to productive agricultural operations. Supplementing the farmland owners’ income continues the sustainability of the farm by providing the property owners with an opportunity to continue their farming operations.

Mr. Maloy discussed the SEQR workbook which provides information and examples for determining a small impact if the land can be returned to agriculture following the removal of the solar panels. He asked that the applicant address this.

Mr. Hemminger said that the board must also consider the plan to have sheep graze on the land in the area underneath and between the solar panels. Mr. Compitello said that Delaware River Solar has not proposed sheep as part of this plan.

Mr. Viets discussed Question #8c. He requested more information about the impact of excavation or compaction of the soil during construction and operation of the solar panels. He said that he would like to receive the applicant’s plan on mitigation of the impact of the compaction.

Mr. Compitello said that Delaware River Solar will have to adhere to the New York State Department of Agriculture and Markets construction and decommissioning guidelines. He said that an Environmental Monitor will be on the site and will report back to the State. Mr. Maloy suggested that this can be addressed with the Stormwater Pollution Prevention Plan (SWPPP) process. Mr. Brabant said that this also can be addressed in the applicant's operations and decommissioning plans.

The board determined that sub-category 8a would likely have a "Moderate to Large impact may occur" from the proposed action. The board also determined that sub-categories 8c and 8e were determined likely to have a "Small impact" associated with the proposed action. Sub-categories 8b, 8d, 8f, 8g, and 8h were determined likely to have "No impact" associated with the proposed action.

■ *Category #9: Impact on Aesthetic Resources*

The board determined that sub-category 9c would likely have a "Moderate to Large impact may occur" from the proposed action. The board also determined that sub-categories 9a, 9b, 9e, 9f and 9g would likely have "No impact" associated with the proposed action. The board determined that sub-category 9d would likely have a "Small impact" associated with the proposed action.

■ *Category #10: Impact on Historic and Archaeological Resources*

The board determined that no sub-categories would likely have an impact associated with the proposed action.

■ *Category #11: Impact on Open Space and Recreation*

Mr. Maloy said that this is not an undeveloped site. He said that this is an agricultural site and that he thought that the applicant had discussed having sheep to graze on the property. He requested clarification of whether or not there will be pasturing of sheep on the site during the operation of the solar panels.

The board determined that sub-category 11a would likely have a "Small impact" associated with the proposed action. The board determined that sub-categories 11b, 11c, 11d and 11e were likely to have "No impact" associated with the proposed action.

■ *Category #12: Impact on Critical Environmental Areas*

The board determined that no sub-categories would likely have an impact associated with the proposed action.

■ *Category #13: Impact on Transportation*

The board determined that no sub-categories would likely have an impact associated with the proposed action.

■ *Category #14: Impact on Energy*

The board determined that no sub-categories would likely have an impact associated with the proposed action.

■ *Category #15: Impact on Noise, Odor and Light*

Mr. Maloy asked about motion-activated site security lights. Mr. Compitello said that outdoor lights will be controlled by a switch and will not be motion activated. The board requested additional information on the outdoor lighting.

The board determined that sub-categories 15a, 15b, 15c and 15f would likely have “No impact” associated with the proposed action. The board determined that sub-categories 15d and 15e would likely have “Small impact” associated with the proposed action.

■ *Category #16: Impact on Human Health*

The board requested additional information regarding the hazardous materials used in the manufacture of solar panels, based upon the public comments on this topic.

The board determined that sub-categories 16a through 16c, 16e and 16g through 16m would likely have “No impact” associated with the proposed action. The board determined that sub-categories 16d and 16f would likely have “Small impact” associated with the proposed action.

■ *Category #17: Consistency with Community Plans*

The board determined that the project would likely result in the sub-category 17a having a “Moderate to large impact may occur.” In addition, the board felt that sub-category 17c would have a “Small impact.” Sub-categories 17b, and 17d through 17h were determined to have “No impact.”

■ *Category #18: Consistency with Community Character*

The board determined that sub-categories 18a through 18d, and 18g to have “No impact” likely to occur. The board determined that sub-categories 18e and 18f to have “Moderate to large impact may occur.”

**TOWN OF FARMINGTON PLANNING BOARD
DELAWARE RIVER SOLAR PROJECT
FULL ENVIRONMENTAL ASSESSMENT FORM PART 2
SUPPLEMENTAL NARRATIVE**

- 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**

The following are the Planning Board’s requests for additional (supplemental) information from the applicant regarding specific topics as identified on the Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts for the Delaware River Solar applications. Additional comments by board members are also included to help clarify the specific concern to be addressed.

1. Impact on Land

- 1a. SMALL IMPACT:** The proposed action may involve construction on land where depth to the water table is less than 3 feet.
Request: Provide a Geotechnical Report on the specific acreage upon which the solar panels would be located to substantiate this impact.
- 1c. SMALL IMPACT:** The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.
Request: Provide documentation whether or not the solar panels would be located on top of bedrock which is either exposed, or generally within five feet of existing ground surface.

1h. MODERATE TO LARGE IMPACT:

Request: Provide a detailed written narrative identifying: a detailed description of how the site is to be prepared for the solar arrays and accessory uses; the role the Project's Environmental Manager will provide in site preparation, ongoing inspections and abandonment; the anticipated date of abandonment; how and when the reclamation of these soils is going to occur; and how an adequate amount of surety is to be determined.

It has been determined that viable agricultural soil is understood to be Class 1 through 4 Soils. In addition, it has been documented that there is no feasible alternative on this parcel of land to locate the proposed solar arrays which would not involve placement upon Class 1 through 4 Soils.

2. Impact on Geological Features

No Supplemental Narrative is requested.

3. Impacts on Surface Water

3d. SMALL IMPACT: The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Request: Provide mitigation plans for possible leaching of chemicals into surface water from damaged solar panels.

3e. SMALL IMPACT: The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments.

Request: Provide mitigation plans to control turbidity from being created in nearby surface water.

3h. SMALL IMPACT: The proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies.

Request: Provide mitigation details for compliance with the State's MS4 Program (Municipal Separate Storm Sewer System) requirements.

3i. SMALL IMPACT: The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

Request: Provide mitigation details for maintaining water quality on this site.

4. Impact on Groundwater

4h. SMALL IMPACT: Other impacts.

Request: Address public comments on the types of hazardous chemicals that are used in the solar panels, and measures to prevent leaching of these chemicals into the groundwater from damaged solar panels.

5. Impact on Flooding

No Supplemental Narrative is requested.

6. Impact on Air

No Supplemental Narrative is requested.

7. Impact on Plants and Animals

No Supplemental Narrative is requested.

8. Impact on Agricultural Resources

Request: The applicant is requested to provide additional narrative describing how the soils group 1 through 4 are likely to be impacted: during site construction; during the life span of the solar operation; and upon the return of these soils to agricultural use. In addition, the applicant is to delineate and identify the extent of acreage involved with the placement of the solar arrays. Also, the applicant is to identify how the pasture land underneath the solar panels are going to be maintained during the operation of the solar arrays. Finally, the applicant is to identify what guarantees there will be to have the proposed sheep maintain the pastureland underneath the solar arrays.

8a. MODERATE TO LARGE IMPACT: The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.

Request: The applicant is requested to describe the short-term and long-term impacts associated with the loss of Class 1 through 4 Soils from the farming operations. In addition, the applicant is requested to identify any cumulative efforts associated with the conversion of these farmland soils upon adjacent farming operations.

8c. SMALL IMPACT: The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.

Request: The applicant is requested to describe how excavation or compaction of the soils will be mitigated during construction, on-going during the life of the project, and then reclaimed for continued agricultural use. Compare the descriptions to guideines from the New York State Depart-

ment of Agriculture and Markets and the requirements in Chapter 165 of the Farmington Town Code. The applicant is also requested to provide the anticipated length of trench and depth for the underground cables and if they will be direct bury, in conduits or encased in concrete in duct banks. This information will have an effect on the amount of disturbance to the Class 1–4 Soils.

- 8e. SMALLL IMPACT:** The proposed action may disrupt or prevent installation of an agricultural land management system.
Request: The applicant is to describe whether or not drainage improvements exist in the area of the proposed action. If they do, how are these improvements going to be protected?

9. Impact on Aesthetic Resources

- 9c. SMALL IMPACT:** The proposed action may be visible from publicly accessible vantage points.
Request: The applicant is to identify if there are any publicly accessible vantage points, their location(s), and whether such visibility would be seasonal or year 'round.

(i). MODERATE TO LARGE IMPACT: Seasonally (e.g., screened by summer foliage, but visible during other seasons).
Request: The applicant is to describe what mitigation measures can be provided to create a year 'round screening of the solar arrays. Describe in detail the proposed plantings and what these plantings will provide both in the short term and long term.

(ii). MODERATE TO LARGE IMPACT: Year 'round.
Request: The applicant is to describe what mitigation measures can be provided to create a year 'round screening of the solar arrays. Describe in detail the proposed plantings and what these plantings will provide both in the short term and long term.

- 9d.** The situation or activity in which viewers are engaged while viewing the proposed action is:

(i). SMALL IMPACT: Routine travel by residents, including travel to and from work.
Request: The applicant is to describe what attractions to motorists will be created by the proposed solar arrays. For example, will there be glare from the panels that would distract the motorists' attention when traveling along the adjacent highways or when entering the intersection of Fox Road and Yellow Mills Road.

- (ii). **SMALL IMPACT:** Recreational or tourism-based activities.
Request: The applicant is to identify what recreational or tourism-based activities have been documented in this area of the Town and how those activities would be affected by the proposed action.

10. *Impact on Historic and Archaeological Resources*

No Supplemental Narrative is requested.

11. *Impact on Open Space and Recreation*

- 11a. **SMALL IMPACT:**** The proposed action may result in an impairment of natural functions, or “ecosystem services,” provided by an undeveloped area, including but not limited to storm water storage, nutrient cycling, wildlife habitat.

Request: The applicant is requested to provide documentation as to how the proposed solar arrays will adversely impact existing wildlife habitats on the site and in the area. Describe how the arrays will be secured from wildlife movements and how the remaining lane ways will continue to allow wildlife habitats to co-exist.

12. *Impact on Critical Environmental Areas*

No Supplemental Narrative is requested.

13. *Impact on Transportation*

No Supplemental Narrative is requested.

14. *Impact on Energy*

No Supplemental Narrative is requested.

15. *Impact on Noise, Odor and Light*

Request: Provide lighting information.

- 15d. **SMALL IMPACT:**** The proposed action may result in light shining onto adjoining properties.

Request: The applicant is to describe how site lighting will exist. What measures will be taken to ensure that light glare onto adjacent properties will not adversely affect the neighborhood’s “dark sky” conditions.

- 15e. **SMALL IMPACT:**** The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

Request: The applicant is to describe how site lighting will comply with the Town's Lighting Regulations contained in Town Code Chapter 165.

16. Impact on Human Health

- 16d. SMALL IMPACT:** The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).
Request: The applicant is to provide a list of all proposed easements, their purposes and from whom they will be required. Also, provide information on whether or not any deed restrictions are in effect upon this property that would prevent the proposed solar operation.
- 16f. SMALL IMPACT:** The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.
Request: Provide details of the decommissioning plan, i.e., why is it necessary and who is responsible for providing sureties to the Town. Describe what matters are typically addressed in such a plan and what, if any, unique stipulations may exist for this site that would affect a standard decommissioning plan.

17. Consistence with Community Plans

- 17a. MODERATE TO LARGE IMPACT:** The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).
Request: The applicant is requested to provide a narrative of the existing conditions in the neighborhood and the character of this area of the community. In addition, the applicant is to provide information on how effective screening and landscaping of the solar arrays can be accomplished. Provide details why a particular solution may or may not work in the long term (e.g., both on continued agricultural operations and any adverse effects upon the operation of the solar arrays) during the life of the project.
- 17c. SMALL IMPACT:** The proposed action is inconsistent with any County plans, or other regional land use plans.
Request: The applicant is to identify what county or regional plans exist regarding land use in this portion of the community, what those documents may say, whether or not they have been officially adopted, and what impact the proposed action will have on those plans.

18. Consistency with Community Character

18e. MODERATE TO LARGE IMPACT: The proposed action is inconsistent with the predominant architectural scale and character.

Request: The applicant is to provide supplemental narrative that defines how the applicant intends to mitigate the potentially large impact the proposed action is likely to have upon the existing natural landscape through the use of plantings along those portions of the project viewed along the public road.

18f. MODERATE TO LARGE IMPACT: Proposed action is inconsistent with the character of the existing natural landscape.

Request: The applicant is to describe the existing natural landscape of the site, how the proposed action is either consistent or inconsistent with that character, and what mitigation measures can be provided, if any, to make the action consistent with the character of the existing natural landscape.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC
COMPLETION OF PART 2 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM
IDENTIFICATION OF POTENTIAL PROJECT IMPACTS**

- 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 (SEQR Determination)**
- PB #1004-18 Preliminary Site Plan Application (SEQR Determination)**
- PB #1006-18 Special Use Permit Application (SEQR Determination)**

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 (hereinafter referred to as Board) has completed its review of the Part 2 Environmental Assessment Form for the above referenced Actions; and

WHEREAS, the Planning Board as the designated Lead Agency, under the State Environmental Quality Review (SEQR) Regulations, for making a determination of significance upon said Actions has determined a number of Moderate to Large Impacts likely to result from the proposed Actions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine based upon the Part 2 Environmental Assessment Form completed by the Board on May 15, 2019, that the following impacts require supplemental narrative to describe the Applicant's proposed mitigation of these impacts:

**SEQR Full Environmental Assessment Form
Part 2—Identification of Potential Project Impacts**

Category #1	Impact on Land	Questions 1a, 1c, 1h
Category #3	Impacts on Surface Water	Questions 3d, 3e, 3h, 3i
Category #4	Impact on Groundwater	Question 4h
Category #8	Impacts on Agricultural Resources	Questions 8a, 8c, 8e
Category #9	Impact on Aesthetic Resources	Questions 9c (i), 9c (ii), 9d (i), 9d (ii)
Category #11	Impact on Open Space and Recreation	Question 11a
Category #15	Impact on Noise, Odor and Light	Questions 15d, 15e
Category #16	Impact on Human Health	Questions 16d, 16f
Category #17	Consistency with Community Plans	Questions 17a, 17c
Category #18	Consistency with Community Character	Questions 18e, 18f

BE IT FURTHER RESOLVED that based upon receipt of the Applicant's written mitigation measures for these categories, the Planning Board shall 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.

BE IT FURTHER RESOLVED that the Planning Board does hereby continue its deliberation upon the environmental record to the June 5, 2019, Planning Board Meeting with the understanding from the Applicant that supplemental information will be provided to the Town in time for distribution in the Board members packets on noon on Thursday, May 30, 2019. Failure on the part of the Applicant to meet this deadline shall result in the SEQR deliberations being continued to June 19, 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.

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

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

Motion carried.

Mr. Bellis asked if the Public Hearing will still be continued on June 5th if Delaware River Solar cannot provide the additional requested information by May 30th. Mr. Hemminger said that the continued Public Hearing would be held on June 5th and that further action upon the environmental record would have to be continued to June 19th if the applicant does not provide the requested information by the May 30th deadline.

Mr. Maloy asked about the process for submitting additional questions which may be raised following the reading of Ms. Kabat’s letter which arrived this evening. Mr. Hemminger requested that additional questions should be sent to him and that he will arrange with the Town staff to submit the questions to the applicant for responses.

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

4a. NEW SPECIAL USE PERMIT

PB #0503-19 New Special Use Permit Application

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

Location: 6215 State Route 96, southwest corner of State Route 96 and
Mertensia Road

Zoning District: GB General Business, MTOD (Major Thoroughfare Overlay
District)

Request: Commencing the 30-day coordinated review and public comment
period under the State Environmental Quality Review (SEQR)
regulations for a Special Use Permit to develop a 1.9-acre site for a
Byrne Dairy Convenience Store with gasoline dispensing units.

4b. NEW PRELIMINARY SITE PLAN**PB #0504-19 New Preliminary Site Plan Application**

- Name:** Sonbyrne Sales Inc., DBA Byrne Dairy Stores,
171 Route 5, Weedsport, N.Y. 13166
- Location:** 6215 State Route 96, southwest corner of State Route 96 and
Mertensia Road
- Zoning District:** GB General Business, MTOD (Major Thoroughfare Overlay
District)
- Request:** Commencing the 30-day coordinated review and public comment
period under the State Environmental Quality Review (SEQR)
regulations for Preliminary Site Plan approval to develop a 1.9-
acre site for a Byrne Dairy Convenience Store with gasoline
dispensing units.

Mr. Hemminger concurrently opened the discussion on PB #0503-19 (Special Use Permit) and PB #0504-19 (Preliminary Site Plan) for construction of a new Byrne Dairy Store at 6215 State Route 96 at the southwest corner of State Route 96 and Mertensia Road.

Mr. Brand said that these applications have been referred to the Ontario County Planning Board for discussion at the County board's meeting on June 12, 2019.

He said that a resolution has been prepared for consideration this evening to declare the Planning Board's intent to be designated as Lead Agency under the State Environmental Quality Review (SEQR) regulations for these applications and to establish the 30-day public review and comment period to commence on Thursday, May 16, 2019, and to end on Monday, June 17, 2019.

The following agencies have been identified as Involved Agencies for these applications:

New York State Department of Environmental Conservation
New York State Department of Transportation, Region 4 Office
New York State Department of Health
Canandaigua–Farmington Water and Sewer District
Town of Canandaigua Highway and Parks Department

The following agencies have been identified as Interested Agencies for these applications:

New York State Department of Transportation, Ontario County Office
Ontario County Department of Planning

Lance S. Brabant, MRB Group, D.P.C.
Darren Everhardt, Director of Transportation, Victor Central School District
Dan Delpriore, Town of Farmington Code Enforcement Officer
Matt Heilmann, Town of Farmington Construction Inspector

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

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

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

**PB #0503-19 Special Use Permit Application
PB #0504-19 Preliminary Site Plan Application**

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

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

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received applications for a Special Use Permit and Preliminary Site Plan for development of a convenience store with gasoline dispensing units located on approximately 1.9 acres of land at the southwest corner of State Route 96 and Mertensia Road (hereinafter referred to as Actions); and

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

WHEREAS, the Board understands the need to complete the environmental record upon this Action, in accordance with the provisions contained in Part 617, NYCRR; and

WHEREAS, the Board finds that the proposed Action is neither classified a Type I or Type II Action under Part 617.

NOW, THEREFORE, BE IT RESOLVED that the Board determines the proposed Actions to be an Unlisted Actions as further defined in Section 617.4 (b) of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as SEQR).

BE IT FURTHER RESOLVED that the Board determines the proposed Actions under SEQR are subject to a coordinated review with Involved and Interested Agencies requiring a Lead Agency to be established.

BE IT FURTHER RESOLVED that the Unlisted Action is subject to a 30-day public review period for completing the environmental record and for making a determination of significance upon said Actions.

BE IT FURTHER RESOLVED that the Board does hereby declare its intent to be designated Lead Agency for these Actions.

BE IT FURTHER RESOLVED that the Board does hereby direct the Town Director of Planning and Development to send out a Project Notification Review Letter and Response Form along with a complete set of drawings and reports to Involved and Interested Agencies, giving notice of a 30-day public review period that is to commence on Thursday, May 16, 2019, ending on Monday, June 17, 2019; and providing notice of the above referenced declared intent of the Board to be designated Lead Agency at the Board's scheduled meeting on Wednesday, June 19, 2019.

BE IT FINALLY RESOLVED that the Board does hereby schedule and directs public notice of two public hearings upon said Actions which are to open on Wednesday evening June 19, 2019 commencing at 7:00 p.m., Eastern Daylight Savings Time, and to continue thereafter as will be determined, to be published and posted in accordance with established procedures.

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

Motion carried.

5. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported that work on the Auburn Trail is continuing. He said that the Main Trail from County Road 41 to State Route 332 is nearly complete and that a segment of about 100 feet near the Ivory Drive crossing is scheduled to be paved tomorrow (May 16, 2019), weather permitting. Mr. Brand said that work will begin on the Trail segment between Ivory Drive and Canandaigua–Farmington Town Line Road when weather permits.

Mr. Brand introduced Jill Attardi who was appointed to the Zoning Board of Appeals at last night's Town Board meeting. She succeeds Cyril Opett who resigned. Ms. Attardi will attend the Genesee Finger Lakes Regional Planning Council spring workshop on Friday, May 17th.

Code Enforcement Officer:

Mr. Delpriore reported that John Weidenborner has been hired as the new Town Zoning Officer and that August Gordner has been hired as a Code Enforcement Officer.

Water and Sewer Superintendent:

Mr. Degear reported that water service issues are being addressed on Estate Drive in the Auburn Meadows Subdivision.

6. PUBLIC COMMENTS

None.

7. TRAINING OPPORTUNITIES

SEQR Basics and Recent Changes

Tuesday, May 21, 2019

6:30 p.m. to 8:30 p.m.

Presented by Ontario County Planning Department with NYSDOS Slides
3019 Ontario County Complex Drive, off County Road 46
Building 3019, Human Resources Room 204/205, Town of Hopewell
Register by Friday, May 17th, <https://tinyurl.com/y3ov9eze>

Introduction to Planning and Zoning, and Hot Button Land Uses

Tuesday, June 4, 2019

5:00 p.m. to 9:30 p.m.

Presented by NYS Department of State for Yates and Ontario Counties
Yates County Office Building Auditorium, 413 Liberty Street, Penn Yan, N.Y.
Register by Friday, May 31st, <http://tinyurl.com/yxrwhmh>

8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 9:30 p.m.

The next regular meeting of the Planning Board will be held at Farmington Highway Garage, 985 Hook Road, Farmington, N.Y. 14425, on Wednesday, June 5, 2019, at 7:00 p.m.

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

Respectfully submitted,

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