

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, May 6, 2020 • 7:00 p.m.

MINUTES—APPROVED

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

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo's Executive Order No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 12, 2020, subsection as follows:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting was conducted via telephone conference audio format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on Friday, May 1, 2020.

This meeting was conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020, with the following revisions per the above reference to the Governor's Executive Order::

- All applications will be introduced by the Planning Board Chairperson.

- The Planning Board Chairperson will ask for comments from the Town staff.
- The Planning Board Chairperson will ask for comments from the Planning Board.
- The applicant(s) will provide responses where needed at the direction of the Planning Board Chairperson.
- The Planning Board members will vote upon the application(s).
- Public comments will be received by the Planning Board Chairperson only during the Public Comment agenda item.
- The meeting will be recorded and later fully transcribed by the Clerk of the Board.

Board Members Present via Telephone Conference: Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Shauncy Maloy

Board Member Excused: Douglas Viets

Staff Present via Telephone Conference:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer

Applicants Present via Telephone Conference:

Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
#415, Rochester, N.Y. 14610
Max Heagney, LeFrois Builders and Developers, 1020 Lehigh Station Road,
Henrietta, N.Y. 14467
J. Lincoln (Linc) Swedrock, P.E., BME Associates, 10 Lift Bridge Lane East,
Fairport, N.Y. 14450
James Swetman, Home Power Systems LLC, 1127 Corporate Drive, Farmington, N.Y. 14425

Residents Present via Telephone Conference:

William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425
Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Other(s) [unidentified]

1. MEETING OPENING

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

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

Mr. Hemminger asked those who have connected to the meeting to please identify themselves for the record. The only person who replied was Mr. Falanga (395 Ellsworth Road).

2. APPROVAL OF MINUTES OF APRIL 15, 2020

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the minutes of the April 15, 2020, meeting be approved.

Motion carried by voice vote.

3. NEW FINAL SITE PLAN

PB #0501-20 New Final Site Plan Application

Name: Swetman Properties LLC, c/o James Swetman,
1127 Corporate Drive, Farmington, N.Y. 14425

Location: 1127 Corporate Drive

Zoning District: LI Light Industrial

Request: Final Site Plan approval to erect a 30,500-square-foot single-story building to be used as flex-light industrial space with associated site, parking, utilities and stormwater mitigation located on Lot #R-6B

The re-subdivision of this property to create Lot #R-6A consisting of 3.413 acres and Lot #R-6B consisting of 3.291 acres was approved by the Planning Board on April 17, 2019 (PB #0403-19).

The Project Review Committee reviewed this application on January 3, 2020; March 6, 2020; April 3, 2020; and May 1, 2020.

The State Environmental Quality Review (SEQR) classification (Unlisted Action, determination of non-significance) and the Preliminary Site Plan for Lot #R-6B were approved by the Planning Board on March 4, 2020.

Mr. Swedrock (BME Associates) and Mr. Swetman presented this application via telephone conference.

Mr. Swedrock said that the Final Site Plan has been prepared based upon the previous comments from the Planning Board, the Project Review Committee and MRB Group. He said that the Final Site Plan is consistent with the Overall Preliminary Plan. He also said that one of the conditions of Preliminary Site Plan approval was the reapproval of the adjacent Home Power Systems addition.

Mr. Swedrock said that the Preliminary Site Plan has been signed and that Mr. Swetman would like to move forward with the Pre-Construction Meeting upon approval of the Final Site Plan this evening.

Mr. Swedrock said that the easement descriptions and the Letter of Credit have been submitted to the Town, and that he is now working on compliance with the Pre-Construction Meeting checklist.

Mr. Brand said that a draft resolution to approve the Final Site Plan with conditions has been prepared for the board's consideration this evening. He said that the draft resolution was posted upon the Town website prior to the meeting and was sent to Mr. Swetman and Mr. Swedrock, both of whom are in agreement with the conditions of approval.

Mr. Delpriore said that the information discussed this evening by Mr. Swedrock is correct and that the Final Site Plan is ready to move forward.

Mr. Brabant said that MRB Group has completed a final review of the plans. He acknowledged that all previous engineering comments have been addressed and that he will issue the Stormwater Pollution Prevention Plan (SWPPP) approval letter upon completion of the SWPPP.

Mr. Maloy asked that an elevation figure of 611.5 on the south side of driveway, which appears in several places on the grading plan, should be checked for accuracy. He said that it may be a typo and that it probably should be 610.5 and 610. Mr. Maloy said that this should not hold up application and that overall he has no issues.

Mr. Hemminger asked Mr. Swetman if he agreed with the eight conditions in the draft Final Site Plan approval resolution. Mr. Swetman confirmed that he reviewed the draft resolution prior to the meeting and that he agreed with the conditions.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPROVAL
SWETMAN PROPERTIES LOT R-6B**

PB #0501-20

APPLICANT: **Swetman Properties LLC, c/o James Swetman,
1127 Corporate Drive, Farmington, N.Y. 14425**

ACTION: **Final Site Plan Approval to erect a +/- 30,500-square-foot building to be used as flex-light industrial space, with associated site parking, utilities, and storm water mitigation located on a Lot R-6B.**

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

WHEREAS, the Board has previously determined said Action as neither a Type I or a Type II Action under Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, thereby classifying the Action as an Unlisted Action; and

WHEREAS, the Board has previously made a Determination of Non-Significance upon the Preliminary Site Plan Application for this Action; and

WHEREAS, the Board understands that these drawings have been reviewed by the Town Highway and Park Superintendent, the Town Water and Sewer Superintendent and the Town Code Enforcement Officer, all of whom have no conditions of approval for this application.

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

1. Final Site Plan Approval is based upon the drawings prepared by BME Associates, Sheet numbers 2621A-11 through 2621A-21, dated April, 2020 and entitled “Final Site Plan Swetman Properties,” as is further amended herein.
2. Final Site Plan Approval is further based upon the Applicant’s Engineer preparing written responses to the comments contained in the May 1, 2020, letter from MRB Group, the Town’s Engineering Firm, to the Director of Planning and Development; and making the necessary revisions to the submitted drawings prior to the Town Engineer’s signing of the final documents.
3. Final Site Plan Approval is further based upon the Untitled Building Elevation Drawing, dated 4/23/20, prepared by LeFrois Builders & Developers, which is to be further amended to include reference to this file (PB#0501-20) and to provide a signature line for the Planning Board Chairperson’s signing and date.
4. The Final Site Plan Drawing is to add the location for the Public Safety Sign and the detail drawing is to be amended to include the design specifications for such

sign. No Certificate of Occupancy is to be issued by the Code Enforcement Officer until this sign has been posted.

- 5. Once all of the above referenced amendments have been made to the submitted final site plan drawings then one (1) mylar and one (1) paper prints copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance, which when accepted are then to be signed by: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Engineer; and then the Planning Board Chairperson. The one set of the signed paper drawings will be filed in the Town Development Office. The signed mylar will be returned to the Applicant’s Engineer for making copies thereof.
- 6. Two (2) copies of the revised Building Elevation rendering are to be submitted to the Town Code Enforcement Officer for his review and acceptance, which when accepted is to be signed by the Town Planning Board Chairperson. One (1) signed copy is to be filed in the Town Development Office and one (1) signed copy is to be returned to the Applicant’s Engineer. If additional signed copies of this rendering are required then they are to be provided at the time of signing.
- 7. Once all signed drawings and building elevation drawings have been completed, a PDF copy of the signed Final Site Plans and any supporting materials are to be provided to the Town Development Office to be distributed to the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; and the Town Engineer. Once the digital copies have been provided, the Applicant may then make application to be placed on a future Planning Board meeting agenda for review and consideration of Final Site Plan drawings.
- 8. Final Site Plan Approval expires in 180 days from today. All conditions of Final Site Plan Approval must be placed on revised drawings and signatures of the above referenced Town Officials affixed thereto.

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

Motion carried.

4. PLANNING BOARD ACTION ITEMS

A. DiFelice Industrial Complex Final Site Plan 90-Day Extension:

The Final Site Plan for the DiFelice Industrial Complex, located on the southwest corner of Collett Road and Hook Road, was approved by the Planning Board on December 6, 2017 (PB #0703-17).

The Final Site Plan Amendment was approved on June 5, 2019 (PB #0602-19). A Letter of Credit for site improvements in the amount of \$411,246.35 was approved on September 4, 2019.

Mr. Brand said that the applicant is requesting another 90-day extension to the Amended Final Site Plan to provide time to comply with a condition of Final Site Plan approval for the replacement of at least two dead trees located along the Hook Road frontage of the site. Mr. Brand said that the applicant has provided a work order from a local landscaping company as evidence that the trees will be replaced.

Mr. Brand also said that the applicant's plans to market the proposed building have been delayed due to the coronavirus pandemic.

Mr. Maloy said that he will abstain from voting upon this resolution because he worked on this project several years ago [at his previous place of employment].

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

**FARMINGTON PLANNING BOARD CONTINUING RESOLUTION
90-DAY EXTENSION TO FINAL SITE PLAN
DIFELICE INDUSTRIAL COMPLEX**

PB #0602-19

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

**ACTION: 90-Day Extension to the Final Site Plan Approval, last
granted on February 5, 2020, by the Planning Board,
for the DiFelice Industrial Complex, located on the
South Side of Collett Road, east of State Route 332 and
west of Hook Road**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received a written request dated April 23, 2020, from Frank DiFelice, DiFelice Development Inc., on behalf of Primo DiFelice (hereinafter referred to as the Applicant) for a 90-day extension for the final approval for the above referenced Action; and

WHEREAS, the Board Resolution of Approval with Conditions was dated February 5, 2020, and was valid for a period of 180 days; and

WHEREAS, Final Site Plan Drawings were signed by all on September 9, 2019, and a copy filed in the Town Development Office; and

WHEREAS, on September 4, 2019, the Board did act to recommend to the Town Board acceptance of the proposed Letter of Credit for this project; and

WHEREAS, the Board finds that of this date there has been no Letter of Credit filed with the Town Clerk which was required by the Town Board to be executed; and

WHEREAS, the Board had been notified by Frank DiFelice, in the above referenced letter that Primo DiFelice, is seeking a viable user for the project and once established will be submitting the requested Letter of Credit surety, which the Board considers would be a demonstration of good faith; and

WHEREAS, of this date and time, one of the conditions of Final Site Plan Approval (Condition #8, in the Board’s Resolution dated June 5, 2019) has not been complied with, in particular. . . “Any dead tree is to be replaced within 30 days from the date of this resolution.” The Board understands that there are still at least two (2) dead trees located along the Hook Road frontage that should have been replaced and have not been replaced as of April 23, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to grant the fourth 90-day extension to the Final Site Plan Approval which is to commence on Wednesday, May 6, 2020 and end on Tuesday, August 4, 2020.

BE IT FINALLY RESOLVED that the Board requires compliance by the Applicant to the Condition #8 Approval contained in the original resolution cited above herein, prior to any further consideration of the Board to yet another fifth extension to the Final Site Plan Approval (on or before August 4, 2020).

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

Motion carried.

B. Redfield Grove Subdivision, Phase 2: Partial Letter of Credit Release #2:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #2
REDFIELD GROVE SUBDIVISION, PHASE 2**

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 Engineers, dated April 27, 2020, to approve a partial release (Release #2) from the above referenced Letter of Credit for site improvements within the Redfield Grove Subdivision, Phase 2; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit Release Forms, signed by all Department Heads and the Town Engineers, along with the applicant’s April 7, 2020, Engineer Estimates of Value attachment; 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 release from the letter of credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this subdivision and the recommendations from the Town Department Heads and Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to release a total of \$54,852.56 (Release #2) from this Letter of Credit. The total amount in the Letter of Credit is \$1,021,054.44, with a balance of \$710,612.77 remaining after this second partial release of funds.

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

Motion carried.

C. Response to Delaware River Solar: Planning Board’s Determination of the Yellow Mills Road Solar Project to be an Essential Service as Defined by the New York State Governor’s Executive Order:

Mr. Compitello (Delaware River Solar) was on the telephone conference call this evening.

Mr. Hemminger discussed a request made by Dan Compitello, Solar Project Developer for Delaware River Solar, at the April 15, 2020, Planning Board meeting. Mr. Compitello had asked the board to recognize that the proposed Yellow Mills Solar project is an essential service. Mr. Compitello also requested that the board reconsider its resolutions of April 15, 2020, to suspend indefinitely the Public Hearings on the solar project pending guidance from New York State on holding Public Hearings during the coronavirus pandemic.

■ **CONSENSUS OF THE PLANNING BOARD:** Mr. Hemminger said that it is the consensus of the Planning Board to concur with Code Enforcement Officer Dan Delpriore's interpretation of April 17, 2020, that the Delaware River Solar applications (PB #1003-18, PB #1004-18 and PB #1006-18) are not considered Essential Services in the New York State Governor's Executive Order.

Mr. Hemminger said that the board's consensus is also based upon the fact that the proposed solar farm has not been approved and that construction has not started. He said that the Planning Board will concur with the Code Enforcement Officer's interpretation until such time as the board may receive additional guidance from the New York State Governor on the holding of Public Hearings during the coronavirus pandemic.

Mr. Hemminger asked Mr. Compitello if he wished to comment. Mr. Compitello said that he had no comments this evening.

5. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand said that the Town is working with the contractor who will begin work tomorrow (May 7, 2020) on the remaining tasks to be completed on the Auburn Trail. He said that the work should be completed in about two weeks, weather permitting.

Mr. Brand said that he is working with Code Enforcement Officer Dan Delpriore on amendments to eight chapters of the Town Code that are badly needed. He said that the amendments would be considered by the Town Board when public hearings may again resume.

He also said that he is continuing to work on the update to the Comprehensive Plan. The most recent revision to Chapter 3 will be distributed to the Comprehensive Plan Update Committee tomorrow (May 7, 2020) and results of the community survey will be posted on the Town website soon.

Mr. Brand said that a review of the changes that will be required to reopen the Town Hall to the public is underway. He said that the Town Hall could be reopened to the public in a limited way on Monday, May 18, 2020.

Code Enforcement Officer:

Mr. Delpriore said that three construction projects that have been deemed “essential” by New York State are continuing. These include the Empire Pipeline Compressor Station and the RG&E Substation projects on Hook Road, and the Lyons National Bank on the northwest corner of State Route 332 and County Road 41. He said that the workers on these construction sites are under strict guidelines from New York State and the Town regarding social distancing, wearing facemasks and disinfecting the construction sites. Mr. Delpriore said that weekly reports to the Town are provided from each construction project.

Mr. Delpriore also discussed the possible reopening of the Town Hall to the public in a safe manner on Monday, May 18, 2020. He said that he and his staff are looking forward to New York State guidelines that would allow the Town to again issue permits and to make field inspections of ongoing projects. He said that the staff is now awaiting clear definitions [from the State].

He also said that no additional guidance from the State has been provided on the holding of Public Hearings during the coronavirus pandemic and that Public Hearings are still on pause.

Town Engineer:

Mr. Brabant said that MRB Group is working with the Town staff on updates to the Street Scape signage guidelines and to minor modifications to the section on sanitary sewers in the Site Design criteria.

Planning Board Members:

Mr. DeLucia said that he completed the recent webinar on “Public Meetings and Hearings” that was given on April 29, 2020, by the New York State Department of State Division of Local Government Services. He noted that a number of guides for planning and zoning board members, and question-and-answer sessions, are available for downloading on the Department of State website (*see* Page 12, below).

Mr. Hemminger said that Mr. Viets has reported how other municipalities in the country are conducting Public Hearings. He said that the question seems to be how the Public Hearings are conducted and how the citizens can react to them.

6. PUBLIC COMMENTS

Mr. Allen (5988 County Road 41) asked about the Partial Letter of Credit Release for the Redfield Grove Incentive Zoning Project that was approved this evening. Mr. Brand noted that the Redfield Grove subdivision is located off Hook Road opposite King Hill Drive.

Mr. Allen also thanked the board for the determination that the Yellow Mills Road Solar Project is not an essential service because construction has not started.

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

There were no further comments or questions from those on the telephone line.

7. TRAINING OPPORTUNITIES

New York State Department of State Division of Local Government Services Spring 2020 Webinar Series:

May 13, 2020

Land Use Moratoria

3:00 p.m.–4:30 p.m.

1.5 hours training credit

May 27, 2020

Comprehensive Planning

3:00 p.m.–5:00 p.m.

2 hours training credit

June 10, 2020

Blight: Strategies and Tools for Local Governments

3:00 p.m. to 5:00 p.m.

2 hours training credit

Information:

<http://www.dos.ny.gov/lg/lut/index.html>

Future Training Opportunities Online

Ontario County Planning Department website now lists upcoming training:

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

8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:20 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, May 20, 2020, at 7:00 p.m. (format to be determined).

Respectfully submitted,

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