

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, November 20, 2019, 7:00 p.m.

MINUTES—APPROVED

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

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

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

Applicants Present:
Ty Allen, New Energy Works, 1180 Commercial Drive, Farmington, N.Y. 14425
Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580
Christopher Ciardi, Always Locked Mini Storage, 6061 Carmen's Way, Farmington, N.Y. 14425
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road, #415, Rochester, N.Y. 14610
Patrick Laber, P.E., Project Engineer, Schultz Associates Engineers and Land Surveyors PC, 129 S. Union Street, Spencerport, N.Y. 14559
Mark Robinson, Victor Softball, 1309 Mertensia Road, Farmington, N.Y. 14425
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

Residents Present:
William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Jacob and Michael Kirsch, 6179 Buckskin Drive, Farmington, N.Y. 14425

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 NOVEMBER 6, 2019

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the November 6, 2019, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, November 13, 2019:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington, 1000 County Road 8, Ontario County, New York, will hold a Public Hearing on the 20th day of November 2019 commencing at 7:00 p.m. for the purpose of considering the application of:

PB #1101-19: MIII ENTERPRISES LLC, 6061 CARMEN'S WAY, FARMINGTON, N.Y. 14425: Requesting a Special Use Permit to allow outdoor storage of approximately six U-Haul rental vehicles according to Article VI, Chapter 165-84.1 of the Town of Farmington Codes. The property is located at 6061 Carmen's Way and zoned IZ Incentive Zoning District.

ALL PARTIES IN INTEREST and citizens will be given an opportunity to be heard in respect to such application. Persons may appear in person or by agent.

Ed Hemminger, Chairperson, Planning Board

4a. 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

4b. CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

4c. 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; September 7, 2018; September 6, 2019; and November 1, 2019.

The Zoning Board of Appeals (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.

The ZBA opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; May 20, 2019; June 24, 2019; July 22, 2019; and August 26, 2019, at which meeting the four Area Variance applications were denied.

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 that were identified by the Planning Board and that participated in the 30-day public review and comment period are:

Involved Agency: New York State Energy Research and Development Authority
Involved Agency: New York State Department of Environmental Conservation
Involved Agency: U.S. Army Corps of Engineers
Involved Agency: New York State Office of Parks, Recreation and Historic Preservation
Involved Agency: Town of Farmington Planning Board
Involved Agency: Town of Farmington Zoning Board of Appeals
Involved Agency: Town of Farmington Highway and Parks Department
Interested Agency: Ontario County Agricultural Enhancement Board
Interested Agency: New York State Department of Agriculture and Markets
Interested Agency: Town of Farmington Agricultural Advisory Committee
Interested Agency: Town of Farmington Conservation Advisory Board
Interested Agency: Town of Farmington Town Clerk
Interested Agency: Town of Farmington Historian

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision), PB #1006-18 (Special Use Permit) and PB #1004-18 (Preliminary Site Plan). The Public Hearings were reconvened on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; August 7, 2019; September 4, 2019; October 16, 2019; and were continued to tonight's public meeting (November 20, 2019).

On August 7, 2019, the Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment Form. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) on August 7, 2019.

On October 31, 2019, Mr. Compitello of Delaware River Solar provided the following site plan changes that were made because of the denial of the Area Variances by the Zoning Board of Appeals:

The new site plan design is a relocation of panels from areas within the newly determined 40-foot setbacks. The original exterior footprint of each project largely stays the same—please refer to the setback comparison table for a list of all changes.

Setbacks were increased by 20 feet between the three systems to 40 feet, which creates two 80-foot corridors, dividing the systems east to west. Panels were moved from these two 80-foot-wide corridors to the eastern side of the system by adding one rack of panels to the eastern side of the project area, extending the system 45 feet toward Yellow Mills Road.

The majority of the panels were relocated within the originally proposed 160-foot setback behind the Smith's barn, which was reduced to 80 feet under the new setback determination. This new usable space created ample acreage for the relocation of panels to be sited within the original project footprint. The southern cattle pass-through corridor was retained from the barn to the western pasture fields, which is now five feet wider than originally proposed. Should Delaware River Solar (DRS) decide to herd sheep, the two 80-foot corridors will provide for new ideal pasture and space for a sheep shed. Landscaped screening was enhanced and re-aligned around the perimeter of visible area of the project from public roads.

On October 31, 2019, Mr. Compitello submitted written correspondence that indicated that each of the three solar systems requires its own Point of Interconnection (POI) to connect to existing Rochester Gas & Electric Corporation (RG&E) power lines. He said that RG&E conducted a site visit on October 10, 2019, and proposed that two new access roads were to be built to serve two of the POIs, and that the center POI would be served by the originally proposed access road.

Mr. Compitello said that normally POI detail is only possible to be determined by RG&E after a final site plan is approved for a project. He said that in this case RG&E was able to conduct the site visit prior to final site plan approval, in part because they are required to schedule the design and ordering of the POI equipment within a certain time frame and because DRS requested this to be done so that the full site plan details can be determined prior to SEQR being amended, if required by the Planning Board.

On November 1, 2019, Mr. Compitello provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP). In a cover letter, he said that DRS has completed coordination with RG&E to revise the POI design so that all three POI locations can be sited at the central access road. He said that this change avoids building two additional access roads from Fox Road and also minimizes visual impacts to the greatest extent possible. He said that these changes do not impact the SWPPP scope and that the SWPPP will be updated after comments are received from the Town Engineer.

On November 6, 2019, the Planning Board accepted the revised State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 1 (as corrected at the meeting) and referred the second revised materials to the SEQR Involved Agencies and to the Ontario County Planning Board with the request that the materials be returned with comments by this evening's meeting (November 20, 2019) or that the agencies request additional time to review the second revised materials, if needed. The agencies were notified that if no response was received by November 20, 2019, then the agencies would be deemed to have no additional comments for the Farmington Planning Board to consider in making any amended SEQR Determination of Significance upon the applications.

On November 12, 2019, the Ontario County Planning Board reviewed the second revised materials (Referral #226-2019), retained referral #226-2019 as Class 1 and reported the following information in the minutes of the meeting:

This project was most recently reviewed as referral 207-2019 and 207.1-2019 in October 2019. This revised site plan reflects minor changes in the vicinity of the access road from Fox Road to provide a 3,015 SF of additional looped roadway to allow RG&E easy access to all 3 interconnection points.

In October 2019, the Ontario County Planning Board retained the referral as a Class 1 referral without countywide or intermunicipal impacts and sent the referral back to the referring body affirming the following previous comments:

Relevant 2018 Comments:

1. There should be cross access easements and financial provisions made to maintain the shared access road.
2. A site SWPPP should be prepared and reviewed by the Town Engineer and the OCSWCD.

2018 Farmington PRC Comments:

1. The applicant indicates the subdivision is required by RG&E's interconnection agreement; however, the applicant intends to enclose the 3 projects in a single fence and to have 1 decommissioning plan/account.

2018 OCSWCD Comments:

1. Tile drainage may be present and any disturbance to subsurface infrastructure would require maintenance/drainage improvements to maintain structures (as per Construction Notes).

2. While solar panels do not change impervious coverage, they do have the potential to concentrate stormwater flows. Depending on the soil and slope characteristics of the parcel, the referring body may want OCSWCD or their Town engineer to examine potential for stormwater impacts from the solar panels.

—Ontario County Planning Board
November 13, 2019
Referral #226-2019

Vote: 16 in favor, 0 opposed, 0 abstention. Motion carried

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

These applications were presented by Daniel Compitello (Solar Project Developer, Delaware River Solar). Roger and Carol Smith (the property owners) also attended.

Mr. Brand said that the second revised materials (subdivision and site plan drawings, and draft SWPPP) were referred to the SEQR Involved Agencies on November 6, 2019, as follows:

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

Mr. Brand said that the New York State Energy Research and Development Authority responded on November 19, 2019, that it has no additional comments related to the revised materials.

He also said that letters were received today (November 20, 2019) from Frances Kabat, Esq., the attorney for a group of residents (Concerned Citizens of Farmington) who have brought an Article 78 Proceeding in New York State Supreme Court on this project; and from Rod Prosser, P.E., President, Lakeside Engineering PC—the engineer retained by the residents—with comments on the applicant's draft SWPPP. Mr. Brand said these letters and the accompanying draft minutes of the Ontario County Planning Board (October 8, 2019; and November 12, 2019), also submitted by Ms. Kabat, were posted upon the Town website today for review by the Planning Board and the public.

Mr. Brand said that he has prepared a draft resolution for the board's consideration this evening to continue the Public Hearings on the applications to Wednesday, December 4, 2019, to provide time for the Planning Board and the public to review the additional correspondence. He said that the board will continue its deliberations upon how to amend

the current environmental record based upon the identified impacts presented with the revised plans on December 4, 2019.

Mr. Hemminger asked about the referral of the revised materials to the Ontario County Planning Board (OCPB). Mr. Brand said that the referral to the OCPB was not part of the State Environmental Quality Review (SEQR) but was a referral based upon general municipal law. He referred to the OCPB's comments (*see above*).

In response to a question from Linda Heberle (for 531 Yellow Mills Road) at the Public Hearings on October 16, 2019, Mr. Gordner said that the Building Department has determined that the revised plans meet the minimum lot coverage of 25 percent. He cited Town Code Chapter 165, Section 65.3 (f) (9).

Mr. Brabant said that MRB Group has completed a cursory review of the applicant's draft SWPPP and drainage calculations. He said that MRB Group has determined that these comply with the New York State Department of Environmental Conservation stormwater mitigation criteria and with the Town's MS4 Program requirements. Mr. Brabant said that MRB Group will conduct a further review of the SWPPP and the drainage calculations following the Planning Board's decision on whether the SEQR Determination of Significance is to be amended based upon the revised materials.

Mr. Hemminger asked if anyone in attendance wished to comment or ask questions on the applications.

Mr. Falanga (395 Ellsworth Road) delivered the following statement into the record of the meeting on behalf of the Concerned Citizens of Farmington:

It is our position that the August 7th Negative Declaration should be rescinded and a Positive Declaration should be issued, or that the applications should be denied.

We submitted a letter to the Planning Board [referring to Ms. Kabat's letter received today] summarizing potentially significant environmental impacts which require further review. We also submitted a letter from our engineer which reviews and comments on the developer's Stormwater Pollution Prevention Plan.

It is likely that one or more moderate to large impacts may occur because the proposed project will disturb a significant portion of land. The physical disturbance caused by the proposed project has increased from 1.1 acres to 2.6 acres. This [is] significant. The area to be disturbed by the project has more than doubled in size. Pre- and post-construction activities associated with earthwork, installation of the solar PV systems (including arrays and associated infrastructure) and project maintenance will disturb project land and may have the potential for significant impacts to land on the project

site. It is unclear if the new area covered by the developer's revised site plans was reviewed as part of the initial geotechnical study.

It is unclear whether the changes to the developer's site plans have been fully evaluated for impacts to prime agricultural farmland, as a portion of the proposed project has been shifted toward Yellow Mills road. The project requires further review by the New York State Department of Agriculture and Markets to determine if adverse impacts to agricultural lands will be minimized or avoided.

One or more moderate to large impacts to surface water and groundwater may occur because the project site sits on top of an aquifer and contains two Federally regulated and two State regulated wetlands, which are hydrologically connected to off site wetlands and streams. Pre- and post-construction activities associated with earthwork, installation of the solar PV systems (including arrays and associated infrastructure) and project maintenance may increase stormwater flows and sedimentation on the project site, impacting the quality of nearby water bodies on and off the project site.

Our engineer's letter reviewing and commenting on the developer's SWPPP disagrees with the report's conclusion that there will be essentially no change to the rate and volume [of] stormwater runoff leaving the project site when comparing conditions before and after the project.

They're claiming that there will be no change in stormwater runoff. We all know that where there are concentrated arrays—whether it's your rooftop or wherever—it's going to concentrate the water as it flows. The densely massed configuration of the solar arrays will likely increase stormwater runoff. Soil compaction resulting from construction and maintenance activities will decrease water absorption and increase stormwater runoff on the project site. It just kind of makes sense that as these vehicles go in and compact the dirt, the water will no longer absorb into that dirt, and it has to go somewhere, and this is not covered in their report. According to our engineer, this will considerably increase the amount of stormwater which will then flow into neighboring properties and such.

So once again I appreciate the opportunity. We are asking that the Planning Board rescind the Negative Declaration and issue a Positive Declaration, and/or deny the applications all together.

Thank you.

—James Falanga, 395 Ellsworth Road

Mr. Hemminger then asked if anyone else in attendance wished to comment or ask questions on these applications. There were no further comments or questions this evening.

Mr. Hemminger then read aloud the relevant portions of the following complete resolution:

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

Actions:

- PB #1003-18 Revised Preliminary Subdivision Plat Application**
- PB #1004-18 Revised 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: Revised Preliminary Subdivision Plat, Revised Preliminary Site Plan and Special Use Permit applications for the development of a 7-megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has reopened the continued Public Hearings upon the above identified Actions at tonight’s meeting; and

WHEREAS, the Board has received the revised Preliminary Subdivision Plat drawing dated November 1, 2019; the revised Preliminary Site Plan drawing dated November 1, 2019; a proposed Storm Water Pollution Prevention Plan (SWPPP); a four- (4-) page Project Status Log, dated October 31, 2019, from Daniel Compitello, Project Developer, Delaware River Solar; a two- (2-) page Project Status Log dated 11-1-2019, from Daniel Compitello, Project Developer, Delaware River Solar; and a revised Part 1 of the Full Environmental Assessment Form, dated November 1, 2019. as requested by the Board at their October 16, 2019 meeting; and

WHEREAS, the Board did not receive in their packets provided to them on Friday, November 15, 2019, any additional information, including a copy of the referral from the Ontario County Planning Board (Referral No. 226-2019) acted upon at their November 13, 2019 meeting; and

WHEREAS, the Board also did not receive in the packets referenced above herein, any response from any of the involved agencies identified under the State Environmental Quality Review (SEQR) Regulations which were sent notices, on November 7, 2019 of the revisions to the proposed Actions; and

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

WHEREAS, the Board has learned from their review of the November 1, 2019, Project Review Committee (PRC) Meeting Minutes, that a third submission of the revised drawings and narrative, dated November 1, 2019 has been sent to the Ontario County Planning Board, which includes among other items the latest Site Plan drawing that allegedly has been agreed-to by RG&E on November 1, 2019 and the Storm Water Pollution Prevention Plan (SWPPP) for the amended Project; and

WHEREAS, the Board has, at its November 6, 2019 meeting, completed its review of the amended Part 1 of the Full Environmental Assessment Form (FEAF), dated November 1, 2019 finding it to be complete; and

WHEREAS, the Board desires time for the public and the other involved agencies identified under the State Environmental Quality Review (SEQR) Regulations to review the new information, the requested revisions to the preliminary subdivision plat and preliminary site plan drawing and the public input received at tonight’s public hearing before continuing its deliberations upon an amended environmental record, Parts 2 and 3 of the FEAF, leading to the Board’s eventual Determination of Significance upon the most recent information received to date upon the above described proposed Actions.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby agree to continue the Public Hearings and its deliberations upon the environmental record for the three Actions identified above herein to their December 4, 2019, meeting to: enable the public and the Involved Agencies time to review the new applications referenced above herein; to enable the Ontario County Planning Board Referral No. 226-2019 to be received and reviewed; to review tonight’s Public Hearing record and to allow the Planning Board, in turn, time to determine what, if any changes may be necessary to complete Parts 2 and 3 of a Full Environmental Assessment Form.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide certified copies of this resolution to: the applicant; the applicant’s engineer; the applicant’s attorney; the Town’s Special Legal Counsel; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Attorney to the Town; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C.

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

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

Motion carried.

Following the vote on this resolution, Mr. Compitello thanked the Planning Board members for their attention to these applications during the past months of meetings.

5. CONTINUED PRELIMINARY SITE PLAN

PB #1107-19 Continued Preliminary Site Plan Application

Name: Victor Association of Cultural and Performing Arts Inc.,
630 Crowley Road, Farmington, N.Y. 14425

Location: 1622 State Route 332

Zoning District: GB General Business

Request: Preliminary Site Plan approval to erect a 4,201-square-foot single-story building addition with deck to be used for instruction/lesson space, lectures and cafeteria space for people with disabilities.

This application was continued from the Planning Board meetings on October 16, 2019; and November 6, 2019.

Mr. Laber (Schultz Associates) presented this application.

He said that only minor changes have been made to the site plan since the previous presentation to the Planning Board.

In response to requests by board members, Mr. Laber presented color architect's photo simulations depicting the new addition's building elevations from along State Route 332. He said that the roof line has been lowered from the previous design to better match the existing building and that the roof slope also has been lowered. Mr. Laber said that there is now improved window symmetry and that the outdoor deck has been extended to the southeast to mimic the gazebo in the front yard. All colors will be the same as the existing building including stone, siding and the roof.

Mr. Hemminger said that his major issue was the lack of symmetry of the windows on the original design.

Mr. Brand said that the requested photo simulations of the view of the new addition as viewed from State Route 332 have been submitted. He said that draft resolutions have been prepared for the board's consideration this evening for the SEQR classification and for Preliminary Site Plan approval with conditions.

Mr. Brabant said that the applicant has addressed the comments in the MRB Group engineering letter of November 19, 2019. He said that the requested stormwater calculations will be addressed as technical comments. The engineering letter indicates that an updated stormwater maintenance agreement may be required and that the water service sizing calculations should be based upon estimated peak demand rather than average demand.

Mr. Bellis asked about the damaged schoolbuses that are stored behind the bus garage, several of which have been parked there for some time. Mr. Brand said that the buses may have been parked there for a longer period time to be available to the applicant's insurance carrier for inspection. Mr. Laber said that he will let Scott Benson of the Cobblestone Arts Center know of the Planning Board's concern about the parked damaged buses.

Mr. Viets asked about other work on the site. Mr. Laber said that a new sanitary sewer line will be installed and that the existing water line from State Route 332 to the building will be inspected and upgraded if needed. He said that this utility work is included as part of the project.

Mr. Viets asked about the topsoil stockpile. Mr. Laber said that it will be trucked off site. Mr. Viets expressed concern about having topsoil from a stockpile blowing onto State Route 332.

Mr. Viets said that the renderings indicate an improved design of the new addition. He and Ms. Neale said that the site could be further dressed up by landscaping. Mr. Laber said that a landscaping plan has been provided. Ms. Neale said that the design of the new addition complements the existing building.

Mr. Hemminger said that he likes the improved window symmetry. He said that the extended deck will be a good addition for use by the students.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR DESIGNATION—UNLISTED ACTION
COBBLESTONE ARTS CENTER BUILDING ADDITION**

PB 1007-19

**APPLICANT: Victor Association of Cultural & Performing Arts, Inc.
1622 State Route 332, Farmington, N.Y. 14425**

ACTION: SEQR Designation: Preliminary Site Plan Approval to erect a

4,201 square-foot single-story building addition with deck to be used for instruction/lesson space, lectures and cafeteria space

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

WHEREAS, said Action is classified as neither a Type I or a Type II Action under Section 617.5 of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby determine the granting of the above referenced Action to be an Unlisted Action under Section 617.5 of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT the Board in making this Determination has reviewed Part 1 of the Short Environmental Assessment Form (EAF) prepared by the Applicant and Part 2 of the Short EAF prepared by the Town’s Director of Planning and Development upon this Action.

BE IT FURTHER RESOLVED THAT the Board does hereby accept Part 2 of the Short EAF as being an accurate evaluation of the anticipated impacts associated with the proposed building addition.

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CRITERIA FOR DETERMINING SIGNIFICANCE**

PB 1007-19

APPLICANT: Victor Association of Cultural & Performing Arts, Inc.
1622 State Route 332, Farmington, N.Y. 14425

ACTION: SEQR Criteria for Determining Significance: Preliminary Site Plan Approval to erect a 4,201 square-foot single-story

building addition with deck to be used for instruction/lesson space, lectures and cafeteria space

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), based upon review of the Criteria contained in §617.2 (a) of Part 617 of NYCRR, Article 8, New York State Environmental Conservation Law, has found the above referenced Action to be an Unlisted Action; and

WHEREAS, the Planning Board has reviewed the completed Part 1 of the Short Environmental Assessment Form; and

WHEREAS, the Planning Board has completed Parts 2 and 3 of the Short Environmental Assessment Form.

WHEREAS, the Planning Board is the only involved agency with said Actions and, therefore, is the designated lead agency for making the required determination of significance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 1 and 2 of the Short EAF and directs the Planning Board Chairperson to sign and date the EAF Part 3.

BE IT FURTHER RESOLVED that the Planning Board reasonably concludes the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the sites is consistent with the Town's Comprehensive Plan land use recommendations;

- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

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

Motion carried.

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

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN ACTION
COBBLESTONE ARTS CENTER BUILDING ADDITION**

PB #1007-19

**APPLICANT: Victor Association of Cultural & Performing Arts, Inc.,
1622 State Route 332, Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval to erect a 4,201-square-foot
single-story building addition with deck to be used for
instruction/lesson space, lectures and cafeteria space**

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

WHEREAS, the Board has classified 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 completed its review of the Short Environmental Assessment Form and has by separate resolution made a Determination of Non-Significance upon the proposed Action; and

WHEREAS, the Board has received testimony at tonight’s public meeting upon said Action and has given consideration to the Ontario County Planning Board’s comments and recommendation contained in County Referral # 205-2019.

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

1. Preliminary Site Plan Approval is based upon the drawings prepared by Schultz Associates, Engineers & Land Surveyors, P.C., Sheet numbers C-1 through C-5, dated September 17, 2019, and entitled “Preliminary Site & Utility Plan Cobblestone Arts & Education Center—2019 Facility” as is further amended herein.
2. Preliminary Site Plan Approval is based upon the Photo Simulations of the Building Addition Drawings prepared by Hanlon Architects, dated 11/14/19 and entitled “Cobblestone Arts Center View from southeast and View from east.”
3. A total of five (5) sets of paper prints will be signed by: the Town Water & Sewer Superintendent; the Town Engineer; and then the Planning Board Chairperson. One set will be filed in the Town Development Office. One set will be filed with the Town Water and Sewer Superintendent; the Town Engineer; the Applicant’s

Engineer; and the Applicant. If additional copies of the signed prints are required then those copies are to be provided at the time of signing the Preliminary Site Plan drawings.

- 4. Once all signed drawings have been completed, 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.
- 5. Final Site Plan Approval will require Building Elevation Drawings to be submitted along with the Final Site Plan drawings.
- 6. Preliminary Site Plan Approval expires in 180 days from today. All conditions of Preliminary Site Plan Approval must be placed on revised drawings and signatures of the above referenced Town Officials affixed thereto.

Mr. Hemminger asked Mr. Laber if he received the draft Preliminary Site Plan resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions of approval. Mr. Laber said that he received the draft Preliminary Site Plan resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions of approval.

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

Motion carried.

6. NEW PUBLIC HEARING: SPECIAL USE PERMIT

PB #1101-19 New Special Use Permit Application

Name: MIII Enterprises LLC, 6061 Carmen’s Way, Farmington, N.Y. 14425

Location: 6061 Carmen’s Way

Zoning District: IZ Incentive Zoning District

Request: Special Use Permit to allow outdoor storage of approximately six U-Haul rental vehicles.

Mr. Hemminger opened the Public Hearing on this application.

Mr. Cerone and Mr. Ciardi of MIII Enterprises presented this application.

Mr. Cerone said that he is seeking a Special Use Permit for the rental operation of U-Haul trucks and vans on the Always Locked Mini Storage site at 6061 Carmen's Way, and for the outdoor parking of up to six U-Haul vehicles at any one time. He said that the vehicles would be parked in the southwest corner of the property. Vehicles returned by customers after hours would be parked in a designated area near the front of the Always Locked building and would be moved to the designated parking area by the staff first thing the next morning.

Mr. Cerone said that he felt that offering U-Haul rental trucks would be a good combination with the storage facilities.

Mr. Hemminger asked how the storage business is going. Mr. Cerone said that all of the units are at approximately 45 percent occupancy in the first year of operation and that customers are now expressing a greater interest in the climate controlled building.

Mr. Brand said that resolutions have been prepared for the board's consideration this evening for the SEQR classification (Type II Action) and for approval of the Special Use Permit with conditions. He said that an application for additional signage for the U-Haul operation would have to be submitted to the Town Board because Mr. Cerone's project was approved as an Incentive Zoning application by the Town Board.

Mr. Brand also said that part of the original Incentive Zoning approval prohibits the overnight parking of personal vehicles on the property. He suggested that Mr. Cerone also discuss the need for this with the Town Board. Mr. Cerone said that he is familiar with this rule and that he will pursue this with the Town Board.

Mr. Brand said that the Planning Board has been granted the authority by the Town Board, as part of the Incentive Zoning Local Law, to establish conditions for the Special Use Permit.

Mr. Hemminger said that the draft resolution submitted by the Town staff indicates that up to six U-Haul vans and trucks could be parked on the property. He asked Mr. Cerone if he was comfortable with having up to six vehicles. Mr. Cerone said yes.

Mr. Brand asked about U-Haul trailers that may be dropped off by customers. Mr. Cerone said that he is not authorized to rent trailers but that one had been dropped off by a customer and that the U-Haul representative from Victor, N.Y., was called to pick it up.

Mr. Hemminger suggested that the draft resolution be amended to include the outdoor parking of up to a total of six U-Haul vehicles including vans, trucks and/or trailers. Mr. Cerone agreed with this suggestion.

Mr. Bellis asked how many U-Haul trucks may be parked on the property. Mr. Ciardi said that a summertime peak is having five trucks. He said that two trucks are assigned to

the property and that others are dropped off by customers and picked up by the U-Haul representative.

Mr. Gordner said that the Building Department staff has reviewed the plans and that the sizes of the parking spaces comply with the Town Code. He said that the staff is concerned about the overnight parking of customers’ personal vehicles [which is currently prohibited by the Incentive Zoning agreement].

Mr. Bellis said that some customers may wish to leave their personal vehicles overnight when they rent a U-Haul truck.

Following discussion, it was the consensus of the board members, the Town staff and the applicant to include the following amendments in the Special Use Permit approval resolution:

Revised Paragraph #5: **BE IT FURTHER RESOLVED** that the the Board limits the the maximum number of U-Haul vans, trucks and/or trailers to six (6) vehicles to be stored on-site at any one time.

New Paragraph #10: **BE IT FURTHER RESOLVED** that any commercial speech advertising of this rental service would need to be applied for under separate application to the Farmington Town Board.

New Paragraph #11: **BE IT FINALLY RESOLVED** that a copy of this resolution be provided to the Farmington Town Board.

Mr. Hemminger asked if anyone in attendance wished to speak for or against the application, or to ask questions. There were no comments or questions from those in attendance.

■ A motion was made by MR. BELLIS, seconded by MR. MALOY, that the Public Hearing be closed.

Motion carried by voice vote. The Public Hearing was closed.

Board deliberations:

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

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

PB #1101-19

**APPLICANT: MHH Enterprises LLC
6061 Carmen’s Way, Farmington, New York 14425**

**ACTION: Special Use Permit Approval, SEQR Classification,
modifications to an existing commercial site to allow for truck
and/or van rentals and for the parking of up to six U-Haul
vans and/or trucks.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) (18) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (18) of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Motion carried.

■ A motion was made by MR. BELLIS, seconded by MS. NEALE, that the reading of the following resolution be waived and that the resolution be approved as amended:

**FARMINGTON PLANNING BOARD RESOLUTION
SPECIAL USE PERMIT RESOLUTION—APPROVAL WITH CONDITIONS**

PB #1101-19

**APPLICANT: MHH Enterprises LLC
6061 Carmen’s Way, Farmington, New York 14425**

ACTION: **Special Use Permit Approval, to allow for trucks, trailers and/or van rentals and for the parking of up to six U-Haul vans, trailers and/or trucks on the above referenced site.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has under separate resolution determined the proposed Action referenced above to be a Type II Action; and

WHEREAS, the Board in making this Classification has satisfied the procedural requirements under SEQR; and

WHEREAS, the Board has given consideration to the classification and comments made by the Ontario County Planning Board in their referral #213-2019, dated November 13, 2019.

NOW, THEREFORE, BE IT RESOLVED THAT the Board approves of the requested Special Use Permit to allow for the rental operation of U-Haul vans, trailers and/or trucks used as a complementary service to the existing mini-storage business known as Always Locked Self Storage and located at the above referenced address.

BE IT FURTHER RESOLVED THAT the Board limits the maximum number of U-Haul vans, trucks and/or trailers to six (6) vehicles to be stored on-site at any one time.

BE IT FURTHER RESOLVED THAT the rental vehicles are to be stored on-site in the location shown on the sketch drawing submitted by Paul Colucci, The DiMarco Group, on behalf of the property owner.

BE IT FURTHER RESOLVED THAT said sketch drawing is to be signed by the Planning Board Chairperson, dated and the Planning Board File #PB1101-19 is to be added to the drawing.

BE IT FURTHER RESOLVED THAT in accordance with the conditions of the Incentive Zoning District Regulations created for the MIII Incentive Zoning Project, Local Law #2 of 2017, there shall be no overnight parking on the site of any personal vehicles associated with the rental vehicles.

BE IT FURTHER RESOLVED THAT the vehicle rentals are to be conducted through the existing rental office for Always Locked Self Storage located within the climate controlled storage facility existing on the site, at this time.

BE IT FURTHER RESOLVED THAT any proposed commercial speech advertising of this rental service would need to be applied for under separate application to the Farmington Town Board.

BE IT FINALLY RESOLVED THAT a copy of this resolution is to be provided to the Farmington Town Board.

Mr. Hemminger asked Mr. Cerone if he received the draft Preliminary Site Plan resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions of approval and the amendments. Mr. Cerone said that he received the draft Preliminary Site Plan resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions of approval and the amendments.

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

Motion carried.

7. NEW PRELIMINARY SITE PLAN

PB #1104-19 New Preliminary Site Plan Application

Name: New Energy Works, 1180 Commercial Drive,
Farmington, N.Y. 14425

Location: 1180 Commercial Drive

Zoning District: LI Limited Industrial

Request: Preliminary Site Plan approval to erect a 6,000-square-foot single-story storage building.

Mr. Allen (New Energy Works) presented this application.

He said that New Energy Works seeks to build a 6,000-square-foot storage building for finished goods and raw materials. He said that many of these materials are now stored in a rented building and that the materials would be moved into the new storage building on the company's site on Commercial Drive.

Mr. Allen said that the company also would like to add a covered area for outdoor storage on the east side of the building to go around to the covered area on the north side.

Mr. Hemminger asked about the company's future plans. Mr. Allen said that he hopes that the company's panelization operation will continue to grow. He said that he discussed future plans and the company's overall vision of the site with the Town's Project Review Committee on November 1, 2019, to provide the Town with a sense of where the company is heading. He said that that company will definitely wish to expand if the current application [for additional storage] is successful. A prospective outdoor timber stor-

age area of approximately 130-feet x 75-feet is shown on the plans as an intention for the future.

Mr. Brand said that draft resolutions have been submitted for the board's consideration this evening for the SEQR classification (Unlisted Action) and for Preliminary Site Plan approval with conditions. He expressed concern about the location of the prospective outdoor timber storage area upon which is now land-banked parking. He asked Mr. Allen to keep in mind that land-banked parking must meet the same standards as onsite parking, i.e., a maximum of a 300-foot distance from the building for which the land-banked parking may serve.

Mr. Gordner reported that the 6,000-square-foot building that is proposed in this application does not meet the 80-foot front setback as required by the Town Code. He said that the front setback for this property is the east property line, as that is where access to the site from Commercial Drive is provided. He said that the options for the applicant are that the building must be relocated by approximately 1½ feet to comply with the front setback, or the applicant must apply for an Area Variance from the Zoning Board of Appeals. Following discussion, Mr. Allen said that he would work with his engineer to relocate the building 1½ feet to comply with the 80-foot setback requirement.

Mr. Gordner said that the Building Department is working with the Town Supervisor's Office to arrange for a review of the driveway by the Farmington Fire Department to assure that the driveway width and turnaround area are wide and large enough for the maneuverability of fire apparatus and other emergency vehicles.

Mr. Giroux also expressed concern about the width of the driveway for access by fire apparatus if the building were to be shifted 1½ feet to comply with the setback requirement.

Mr. Hemminger said that fire apparatus access and fire protection is a major concern.

Mr. Allen said that the driveway width of 30 feet meets the Town Code requirements.

Mr. Brabant said that the concern is with the height of the building and the angles that could affect the maneuverability of fire equipment and other large vehicles. He suggested that an onsite test with the fire department's largest vehicle be made. He also suggested that the applicant consider relocating a canopy proposed for the new building to better accommodate the turning movements of fire apparatus and large vehicles, if needed.

Mr. Brabant discussed the MRB Group engineering comment letter of November 18, 2019. He requested that the temporary construction staging area should be shown on the site plan. Mr. Brabant also said that a note is to be added to the plans indicating that any future site expansions which would result in additional impervious area (including land-banked parking areas), or that cumulatively results in one or more acres of disturbance (including current and future disturbances) will require the project to comply with the most current New York State Pollutant Discharge Elimination Systems (SPDES) General Permit for Stormwater Discharges from Construction Activity, including the development

of a SWPPP with post-construction stormwater management practices for all current and future disturbance.

Mr. Maloy asked for clarification of what is considered the front setback of the property. Mr. Brand said that the front setback is defined as access to the site from the public highway (Commercial Drive). He said that the front is that area which is parallel to the public highway. Mr. Brand also said that access to this property from State Route 96 is by easement only and is not for use by large tractor trailer trucks as a means of entering the property due to the tight maneuvering area.

Mr. Bellis asked if the new building must have fire-suppression sprinklers. Mr. Gordner said that sprinklers are not required by the Town Code in this application because the building is for storage only and will not be a habitable work area.

Mr. Bellis asked about renderings of the new building. Mr. Allen said that the building will have stick frame trusses, insulated walls, and will probably be of metal construction. Mr. Bellis requested that a rendering be submitted with the Final Site Plan application.

Mr. Hemminger said that he will be very uncomfortable considering the Final Site Plan application without clarity from the fire department regarding the maneuverability of fire apparatus. He suggested that an onsite test be made with the fire department and that a report be provided to the Planning Board on the results. Mr. Hemminger said that this safety concern is for the benefit of the firefighters who may be called to the scene and for the benefit of Mr. Allen's company. Mr. Allen said that he appreciates this.

Following discussion, it was the consensus of the board members, the Town staff and the applicant to include the following amendments in the Preliminary Site Plan approval resolution:

- New Condition #3: Final Site Plan approval will be conditioned upon the relocation of the proposed 6,000- square-foot structure to meet the front setback as prescribed by the Town of Farmington Codes; or submitting an application to the Zoning Board of Appeals for consideration of an Area Variance of approximately 1½ feet.
- New Condition #4: Final Site Plan approval will be conditioned upon a satisfactory report from the Farmington Fire Department that there is adequate driveway access and turnaround space for firefighting apparatus and other emergency equipment.
- New Condition #5: Final Site Plan approval will be conditioned upon submitting a building elevation drawing for review and approval by the Planning Board.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
SEQR DESIGNATION—UNLISTED ACTION—PRELIMINARY SITE PLAN
NEW ENERGY WORKS 6,000-SQUARE-FOOT STORAGE BUILDING**

PB #1104-19

**APPLICANT: New Energy Works, 1180 Commercial Drive,
Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval to erect a 6,000-square-foot
single story building to be used for storage of both finished and
unfinished wood products**

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

WHEREAS, said Action is classified as neither a Type I or a Type II Action under Section 617.5 of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby determine the granting of the above referenced Action to be an Unlisted Action under Section 617.5 of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT the Board in making this Determination has reviewed Part 1 of the Short Environmental Assessment Form (EAF) prepared by the Applicant and Part 2 of the Short EAF prepared by the Town’s Director of Planning and Development upon this Action.

BE IT FURTHER RESOLVED THAT the Board does hereby accept Part 2 of the Short EAF as being an accurate evaluation of the anticipated impacts associated with the proposed building addition.

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

Motion carried.

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

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN ACTION
NEW ENERGY WORKS STORAGE BUILDING**

PB #1104-19

**APPLICANT: New Energy Works, 1180 Commercial Drive,
Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval to erect a 6,000-square-foot
single story building to be used for storage of both finished and
unfinished wood products**

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

WHEREAS, the Board has classified 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 completed its review of the Short Environmental Assessment Form and has by separate resolution made a Determination of Non-Significance upon the proposed Action; and

WHEREAS, the Board has received testimony at tonight's public meeting upon said Action and has given consideration to the Ontario County Planning Board's comments and recommendation contained in County Referral # 222-2019.

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

1. Preliminary Site Plan Approval is based upon the drawings prepared by Thornton Engineering, LLP, Sheet numbers S-1 and S-2, and D-1, dated October, 2019, Project No. 19-759 and entitled "Preliminary Site Plan Storage Building New Energy Works, 1180 Commercial Drive, Farmington, New York."
2. All comments contained in the MRB Group, DPC letter dated November 18, 2019, are to be addressed in writing and changes, as may be appropriate, are to be made to the Preliminary Site Plan drawings.
3. Final Site Plan approval will be conditioned upon the relocation of the proposed 6,000- square-foot structure to meet the front setback as prescribed by the Town

of Farmington Codes; or submitting an application to the Zoning Board of Appeals for consideration of an Area Variance of approximately 1½ feet.

4. Final Site Plan approval will be conditioned upon a satisfactory report from the Farmington Fire Department that there is adequate driveway access and turn-around space for firefighting apparatus and other emergency equipment.
5. Final Site Plan approval will be conditioned upon submitting a building elevation drawing for review and approval by the Planning Board.
6. A total of five (5) sets of paper prints will be signed by: the Town Water and Sewer Superintendent; the Town Engineer; and then the Planning Board Chairperson. One set will be filed in the Town Development Office. One set will be filed with the Town Water and Sewer Superintendent; the Town Engineer; the Applicant’s Engineer; and the Applicant. If additional copies of the signed prints are required then those copies are to be provided at the time of signing the Preliminary Site Plan drawings.
7. Once all signed drawings have been completed, 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 will require Building Elevation Drawings to be submitted along with the Final Site Plan drawings.
9. Preliminary Site Plan Approval expires in 180 days from today. All conditions of Preliminary Site Plan Approval must be placed on revised drawings and signatures of the above referenced Town Officials affixed thereto.

Mr. Hemminger asked Mr. Allen if he received the draft Preliminary Site Plan resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions of approval and the amendments. Mr. Allen said that he received the draft Preliminary Site Plan resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions of approval as amended.

Mr. Allen said that the building will probably be relocated approximately 1½ feet to comply with the front setback, instead of applying for an Area Variance to the Zoning Board of Appeals.

Mr. Allen requested that he be notified in advance of the fire department onsite test. He said that he would like to be present at the time of the test.

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

Mr. Gordner requested that references to “Temporary Certificate of Occupancy” be corrected to “Conditional Certificate of Occupancy” where they appear in the draft resolution. He explained that the Town does not issue “Temporary Certificates of Occupancy” but that the Town may issue “Conditional Certificates of Occupancy.”

Mr. Gordner said that Condition #6 in the draft resolution requires that the asphalt driveway and parking lot must be completed and striped no later than May 30, 2020. He also said that the water main easement must be filed no later than January 31, 2020, and that exterior lighting must be installed and in operation prior the issuing of a Conditional Certificate of Occupancy.

Mr. Robinson said that a separate lighting plan has been submitted. Mr. Brabant said that draft Condition #3 regarding site lighting can be deleted from the resolution. He said that the lighting plan will be signed at the time that the Final Site Plan drawing is signed.

Mr. Giroux confirmed that a sidewalk easement is not required.

Mr. Brabant said that all exterior lighting must be dark-sky compliant and shining downward. He said that he reviewed the lighting specifications, that the lighting is sufficient and that the cut sheets meet the Town’s requirements. Mr. Brabant said that he is fine with the lighting as proposed.

Mr. Maloy discussed the entrance driveway off Mertensia Road into the site and the sharp turn that motorists may have to make when someone is pulling into the site at the same time that someone is pulling out. Mr. Brabant said that the situation is not ideal but that the applicant wishes to use the existing driveway and parking area without having to install additional pavement.

It was suggested that the most northwest parking space is to be non-striped, land banked and depicted upon the Final Site Plan drawing as a land-banked parking space. It was determined following discussion at the meeting that the removal of this space will provide additional room for vehicle ingress and egress from and to Mertensia Road.

Following discussion, it was the consensus of the board members, the Town staff and the applicant to include the following amendments in the Final Site Plan approval resolution:

New Condition #3: The most northwest parking space is to be non-striped, land banked and depicted upon the Final Site Plan drawing as a land-banked parking space.

New Condition #4: All Site Lighting is to comply with the Town’s Site Lighting Standards contained in Chapter 165 of the Town Code and is to be installed prior to the issuing of a Conditional Certificate of Occupancy.

New Condition #7: A Conditional Certificate of Occupancy (C of O) may be issued for the proposed use of the Building. A Permanent C of O shall not be issued until the proposed 10-foot water main easement has been accepted by the Town Board and filed in the Office of the County Clerk. Evidence of said filing shall be the Liber and Page copy to be filed in the Town Development Office no later than January 31, 2020.

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

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the reading of the following resolution be waived and that the resolution be approved as amended:

**FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN APPROVAL**

PB #1105-19

**APPLICANT: Victor Softball
1309 Mertensia Road, Farmington, N.Y. 14425**

ACTION: Final Site Plan Approval, for interior modifications to an existing commercial building and related on-site parking lot and site lighting improvements located at 1309 Mertensia Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has at tonight's meeting received input from the applicant upon this application; and

WHEREAS, the Board has given consideration to the Ontario County Planning Board's comments made in their referral #205-2019.

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 drawing prepared by Mike Gullace, identified as Sheet No. S-1, dated 11/01/2019 and entitled "Final Site Plan For: Victor Softball, 1309 Mertensia Rd;" and date stamped by Ann Kristen Hansen, Registered Architect.
2. Final Site Plan Approval is granted for the interior use of the existing 4,000 square foot metal frame building. Said site plan approval does not include the use of, or renovations to, the existing Covered Storage Area shown on the drawing entitled "Renovation Work Phase 2 Vestibule Addition or Enclosed Covered Pole Barn Area."

3. The most northwest parking space is to be non-striped, land banked, and depicted upon the Final Site Plan drawing as a land-banked parking space.
4. All Site Lighting is to comply with the Town's Site Lighting Standards contained in Chapter 165 of the Town Code and is to be installed prior to the issuing of a Conditional Certificate of Occupancy.
5. Final Site Plan Approval does not include any sign site plan approval that may become desired by the Applicant.
6. A Conditional Certificate of Occupancy (C of O) may be issued for the proposed use of the Building. A Permanent C of O shall not be issued until the proposed asphalt driveway and parking lot has been completed and the striping completed. The applicant has until May 30, 2020, to complete this site improvement.
7. A Conditional Certificate of Occupancy (C of O) may be issued for the proposed use of the Building. A Permanent C of O shall not be issued until the proposed 10-foot water main easement has been accepted by the Town Board and filed in the Office of the County Clerk. Evidence of said filing shall be the Liber and Page copy to be filed in the Town Development Office no later than January 31, 2020.
8. A Conditional Certificate of Occupancy (C of O) may be issued once the Public Safety Sign has been installed on the property.
9. Once the above changes have been made to the Final Site Plan drawing then one (1) set of revised drawings is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Upon acceptance, then an additional five (5) sets of the Site Plan are to be submitted for signing by the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Engineer; and the Planning Board Chairperson. A total of four (4) copies of the signed Final Site Plan drawings are to be filed with the Town Development Office. Then one set each will be filed with the: Town Highway & Parks Department; Town Water and Sewer Department; Town Engineer; and the Development Office. The fifth copy of the signed drawings will be returned to the Applicant. If additional copies are required by the Applicant then they are to be submitted at the time of signing by Town Officials.
10. Final Site Plan Approval shall expire within 180 days unless Final Site Plan drawings have been signed by Town Officials.

Mr. Hemminger asked Mr. Robinson if he received the draft Final Site Plan resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions of approval and the amendments. Mr. Robinson said that he received the draft Final Site Plan resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions of approval as amended.

Adrian Bellis	Aye
Edward Hemminger	Aye

Shauncy Maloy	Aye
Mary Neale	Aye
Douglas Viets	Aye

Motion carried.

9. PLANNING BOARD ACTION ITEMS

A. Hathaway’s Corners, Final Phase 1—Second 90-Day Extension:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
HATHAWAY’S CORNERS INCENTIVE ZONING PROJECT
FINAL PHASE 1A AND PHASE 1B—90-DAY EXTENSION**

**PB #0201-19 and PB #0203-19
Final Subdivision Plats, Phase 1A and Phase 1B**

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

**APPLICANT: S. B. Ashley and Associates Venture Co. LLC, 700
Powers Building, 16 West Main Street, Rochester, N.Y.
14614**

**ACTION: Final Subdivision Plats, Phase 1A and Phase 1B
Final Site Plans, Phase 1A and Phase 1B
Second 90-Day Extension**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has on February 20, 2019, granted final approvals with conditions for the above referenced Final Subdivision Plat drawings and Final Site Plan drawings, prepared by BME Associates; and

WHEREAS, the Planning Board’s conditional approval is valid for a period of 180 days which expired on Monday, August 19, 2019, unless extended by the Board for an additional period of time as provided for within Sections 274-a and 276 of New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to grant a Second 90-day extension to its original Final Subdivision Plat and Final Site Plan approval resolutions with the following conditions:

1. The conditions of Final Site Plan approval granted by the Planning Board on February 20, 2019, continue to remain in effect with the only exception being the original 180-day time limit for expiration.
2. This second 90-day extension to the original resolution shall be in effect starting on Monday, November 18, 2019, and ending on Tuesday, February 18, 2020.

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

Motion carried.

B. Farmington Gardens II, Phase 1—Letter of Credit Release #6 (Final):

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL LETTER OF CREDIT RELEASE (RELEASE #6)
FARMINGTON GARDENS II, PHASE 1—\$76,548.29**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from the Town Director of Planning and Development (hereinafter referred to as Director) to consider a final release of funds from the established Letter of Credit for site improvements located within Phase 1, Farmington Gardens II Project; and

WHEREAS, Lance S. Brabant, CPESC, MRB Group, P.C., the Town Engineer, in a letter to the Director, dated November 15, 2019, requests the final release in the total amount of \$76,548.29; and

WHEREAS, the request has been reviewed by the Town Construction Inspector and the Town Engineers with both finding the quantities and prices identified in the document to be consistent with the final site plan conditions to date; and

WHEREAS, the Town Department Heads have completed their reviews and signed-off on Appendix G-1.0, Letter of Credit Department Heads Signed Form, dated 11/18/19; and

WHEREAS, the Project Engineer, Owner and Town Engineer have completed their reviews and signed-off on Appendix G-2.0, Letter of Credit Release Form, Estimate No. 6, dated 11/15/2019; and

WHEREAS, under the provisions of Chapter 144, Section 32. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the final release of funds from a Letter of Credit Estimate.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector, the Town Engineer and the Town Department Heads, does hereby confirm this request and recommends that the Town Board take formal action to accept the requested final release (Release #6) from the Letter of Credit Estimate.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide copies of this resolution to: Gregg McMahan, P.E., McMahan/LaRue Associates; Megan Houppert, Home Leasing, LLC; Michael Bonacchi, Controller, Home Leasing LLC; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineer; and the Director of Planning and Development.

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

Motion carried.

10. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand reported on the following topics:

- The first meeting of the 2020 Farmington Comprehensive Plan Update Committee was held on November 19, 2019. The eleven members of the Committee include representatives of the various Town boards (Mr. Maloy is the Planning Board representative) and residents. Town staff members serve as Advisors. The Committee is considering the preparation of a survey to receive public comment on existing and future development in the Town. Mr. Brand said that the Committee membership includes three professional planners. He commended the Committee members who will be volunteering their experience and knowledge on this project, and

he extended his appreciation to the Town staff and Advisors for their participation.

- Nardozzi Paving and Construction of Geneva, N.Y., has been retained by the bond company to complete the remaining work on the Auburn Trail following the abandonment of the project by the original contractor. Mr. Brand said that the company will be requested to perform some additional work on the Trail that is within the scope of the project including the installation of safety bollards at the Trail entrance on Canandaigua–Farmington Town Line Road, directional signs at sidewalks in the Auburn Meadows Subdivision, and paving the Trail parking lot at Ivory Drive.

Highway and Parks Superintendent:

Mr. Giroux reported that work on the fueling station at the Highway Campus on Hook Road is underway. Pavement and bollards have been installed, the electrical shed is in place and power from the storage barn to the fueling station has been connected.

Planning Board Members' Comments:

Mr. Hemminger announced that Ms. Neale will retire from service on the Planning Board as of December 31, 2019, and that she will be very much missed. He said that Tim DeLucia, who is currently the chairperson of the Zoning Board of Appeals, will succeed Ms. Neale on the Planning Board and will serve the time remaining in her appointment which expires on December 31, 2022; and that Jeremy Marshall is expected to be appointed as chairperson of the Zoning Board of Appeals by the Town Board.

Mr. Maloy requested that comments and concerns regarding the update to the Comprehensive Plan be reported to him and that he will bring the comments to the attention of the Committee. Mr. Hemminger highly encouraged the Committee to report its progress and work on social media and on the Town website. He said that it is important that accurate information is provided to the residents on the various digital and social media platforms.

11. PUBLIC COMMENTS

William Allen (5988 County Road 41), who lives on the north side of County Road 41 in the second house from the corner of County Road 41 and Hathaway Drive, asked about the hours of construction on the Hathaway's Corners project. Mr. Gordner said that work can begin at 7:00 a.m. Monday through Saturday, and must end at 7:00 p.m.

Mr. Allen also said that the Veritiv Corporation warehouse (the former Unisoure warehouse) at 5986 Collett Road will closing by December 31st. He said that this will be a very large empty warehouse following the company's departure.

12. TRAINING OPPORTUNITIES

Conservation Easement Workshops for Farmland Owners

Tuesdays, December 9 and 16, 2019; and January 6 and 13, 2020
6:30 p.m. to 8:30 p.m.

Ontario County Safety Training Facility
2914 County Road 48, Canandaigua, N.Y. 14424
Registration link: <https://tinyurl.com/y6wadcg>
or Ontario County Planning Department, (585) 396-4455

New York State Department of State 2019–2020 Winter Webinar Series

December 4, 2019: Intermunicipal Cooperation: Building Code Enforcement
December 11, 2019: Special Use Permits
December 18, 2019: Adaptive Reuses for White Elephants
January 8, 2020: Planning Board Overview
January 15, 2020: Zoning Board of Appeals Overview

Attend from wherever you are. A computer with speakers or a mobile device is needed.
For 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>

13. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:30 p.m.

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, December 4, 2019, at 7:00 p.m.

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

Respectfully submitted,

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