

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, November 4, 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: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 7, 2020, and extended by Executive Order 202.72 through December 3, 2020:

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 at the Farmington Town Hall and via telephone/video conference format for those not wishing to attend in person. During the meeting, the agenda and each draft resolution was posted upon the video screen for the public, the applicants and the board members who were participating in the meeting via telephone/video format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on October 30, 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: Douglas Viets, *Acting Chairperson*
 Adrian Bellis
 Timothy DeLucia
 Shauncy Maloy

**Board Member Present
 via Remote Participation:** Edward Hemminger

Staff Present at the Town Hall:

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
 John Weidenborner, Town of Farmington Zoning Officer

Applicants Present at the Town Hall:

Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
 #415, Rochester, N.Y. 14610
 Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450
 John LeFrois, GLN Farmington Realty LLC, 1020 Lehigh Station Road, P.O. Box 230
 Henrietta, N.Y. 14467
 David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,
 129 S. Union Street, Spencerport, N.Y. 14559
 Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

Applicants Present via Telephone/Video Conference:
None

Others Present at the Town Hall:

James Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522

Other(s) Present via Telephone/Video Conference:
[Unidentified]

1. MEETING OPENING

The meeting was called to order at 7:00 by Acting Chairperson Douglas Viets.

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

Mr. Hemminger's attendance via remote video conference from 335 Hersden Lane, Arnold, Maryland 21012, was noted as being in compliance with the "Town Boards and Committees Remote Participation in Public Meetings Policy and Procedures" adopted by the Farmington Town Board on September 8, 2020 (Town Board Resolution #326 of 2020).

For those attending in person at the Farmington Town Hall, safety measures were implemented in accordance with the Governor's relevant Executive Orders regarding the COVID-19 pandemic. Board members, Town staff and residents who were in attendance at the Town Hall remained at separated distances of at least six feet and used facemasks at distances of less than six feet. A sign-in sheet was not used to avoid contact with pens, pencils and papers. Temperature checks were conducted by Town staff at the entrance to the Town Hall. Hand sanitizers were available throughout the building. Guidelines and safety measures were posted on the meeting room door and in the lobby of the Town Hall. Separate entrance and exit locations were used. Public access was restricted to the lobby, the main meeting room and the public restrooms.

2. APPROVAL OF MINUTES OF OCTOBER 21, 2020

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the minutes of the October 21, 2020, meeting be approved.

Motion carried by voice vote.

3. PUBLIC HEARING: CONTINUED PRELIMINARY SITE PLAN**PB #1004-18 Continued Preliminary Site Plan Application**

Name: Delaware River Solar LLC, 140 East 45th Street, Suite 32-B1,
New York, N.Y. 10017

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Preliminary Site Plan approval to erect a 7-megawatt Photovoltaic (PV) System containing a total of 21,000 solar panels to be located upon three parcels of land with 7,000 solar panels each, using approximately 35 acres of land to be located upon three subdivided lots from Tax Map #010.00-01-37.100

See Appendix 1 following these minutes for the chronology of actions regarding this application.

Mr. Viets reconvened the Public Hearing on the above referenced Preliminary Site Plan application (PB #1004-18).

This application was presented by Daniel Compitello (Solar Project Developer, Delaware River Solar) and David Matt (Project Engineer, Schultz Associates). Roger and Carol Smith (the property owners) also attended.

Mr. Compitello said that the Preliminary Site Plan drawings have been revised to address the comments that have been received to date from the Planning Board and the Town staff.

Mr. Matt said that revised drawings and a cover letter were submitted to the Town on October 15, 2020, which addressed the board and Town staff comments from the meeting on October 7, 2020. He also said that additional board comments that were received on October 15, 2020, also have been addressed in writing.

Mr. Matt said that the plans should be solid for Preliminary Site Plan approval this evening and that he and Mr. Compitello will address any additional questions.

Mr. Brand said that he, Mr. Brabant and Mr. Delpriore met with Mr. Matt to review the applicant's responses [to the most recent questions and comments]. Mr. Brand said that Mr. Matt prepared a detailed drawing upon which all of the identified the revisions were highlighted. He said that the Planning Board members were informed to use this map as a reference to the revisions that had been made. He said that several members did come into the Town Hall to review the highlighted drawings.

Mr. Brand said that a draft Preliminary Site Plan approval resolution was distributed to the Planning Board on Friday (October 30, 2020). He said that an amended draft resolution which included several text revisions was distributed to the Planning Board and was posted upon the Town website on Monday, November 2, 2020. Mr. Brand said that the text revisions were made for consistency with several text passages in the Special Use Permit approval resolution (*see* PB #1006-18, Special Use Permit approval resolution, October 7, 2020).

Mr. Brand said that the applicant has provided all the requested changes on the drawings and has provided a written response to date. He said that the Planning Board is ready to consider action upon this application this evening.

Mr. Delpriore confirmed that the applicant submitted the requested materials within the Town-required timeframe and that all materials were provided to the Planning Board [in the packets for this evening's meeting]. He said that the Town staff met to review the plan revisions on the highlighted map [submitted by Mr. Matt] and that the board is now at a point to make decisions.

Mr. Brabant said that he met with the Town staff to review the applicant's responses to the Planning Board's questions and to the MRB Group engineering comments. He said that these reviews resulted in the [revised] plans that have been submitted by the applicant to the board this evening.

Mr. Viets then asked if anyone in attendance or online wished to speak for or against this application, or to ask questions.

Mr. Falanga (395 Ellsworth Road) said that his group (the Concerned Citizens of Farmington) got together to review the maps and tried their best to interpret them. He said that the members of the group discussed the proposed signage that consist of "Danger," "High Voltage Within" and "Keep Out" signs and that the signs are made with high visibility reflective sheeting. Mr. Falanga said that these signs will be placed every 100 feet upon the 40 acres. He said that a member of the group estimated that there would be approximately 250 signs, while another member estimated approximately 450 signs. He said that the group would like to know just how many signs there will be.

Mr. Falanga also asked the board members to look within themselves, to do some soul searching, and to ask themselves if their property values would depreciate or increase if they lived across the street from these 400+ signs that say "Danger," "High Voltage Within" and "Keep Out." He asked if they would be more apt or less apt to purchase property across the street upon which to build. Mr. Falanga said that he thinks that we all know the answer to that. He said that common sense is that this [application] will devalue their properties.

Mr. Falanga then read excerpts from a letter dated March 20, 2019, written by Ruth Ann Rowe IFA, New York State Certified Appraiser, New York State Principal Broker (Rowe Realty, 4040 West Walworth Road, Macedon, N.Y. 14502) to James F. Redmond (4344

Fox Road, Palmyra, N.Y. 14522) in which Ms. Rowe wrote, “. . . My 30+-year experience as a NYS Certified Residential Appraiser and Broker practicing in Monroe, Wayne and Ontario counties leave no doubt that the development of the 7-megawatt PV solar system on the subject site will post an external obsolescence to the neighborhood, thereby reducing neighborhood values. . . .”

(Clerk's Note: Ms. Rowe's letter was originally received by the Town on March 29, 2019. See Delaware River Correspondence Abstract #75.)

Mr. Falanga also submitted an article by Casey White, staff writer (publication and date not identified) entitled “Property Values and Solar Farms” (*see* Attachment #2 to the minutes). Mr. Falanga said that there is no doubt that the development of the solar farm will reduce neighborhood property values. He asked that the board members keep this mind as they vote upon the site plan.

He referred to the comments in Ms. Rowe's letter that “. . . the development of a 7-megawatt solar system . . . is out of character for the neighborhood. . . .” especially when one builds a house across from 400 “Danger” and “High Voltage Within” signs.

Mr. Falanga also asked about the design of the warning signs and the design of the sign on the access driveway into the site.

Mr. Compitello said that the warning signs will be placed on the fence around the perimeter of the project, and that a project identification sign also will be installed at the gate entrance. He said that this sign will be approximately 4½ feet in height to provide a sense of the development. He said that this sign will not advertise anything and is not to sell power.

Mr. Bellis asked about the number of warning signs that will be installed. Mr. Matt said that there is a note on the drawing regarding the total length of the fence line. He said that the number of signs will be calculated by taking the total length of the fence divided by 100. Mr. Matt said that the warning signs will be installed on the fence behind the screen.

Mr. Viets asked if the installation of the signs is a regulatory requirement. Mr. Compitello said that the signs are required by the National Electric Code (NEC).

Mr. Falanga asked the board members to look within themselves before they grant site plan approval, and ask if this [project] is in the character of the neighborhood and how will this affect property values. He said that we all know the answer.

Mr. Falanga also expressed the citizens' group request that the board continue the Public Hearing on the site plan to provide time for the review of the revised drawings [that have been submitted].

Mr. Viets then asked twice if anyone else in the meeting room or participating on the audio/video conference call wished to speak for or against this application, or ask questions.

There were no further comments or questions from those in the meeting room or on the audio/video conference call.

Mr. Maloy asked about the species of plants and the seed mix that will be installed for stabilization on the steep slope areas. Mr. Matt said that this information is in the Stormwater Pollution Prevention Plan (SWPPP) and that details on the seed mixture are on the landscape plan.

Mr. Hemminger said that the board has received good feedback [from the applicant] and that the questions on the Preliminary Site Plan have been addressed.

Mr. Viets asked about the conduits and connections of the rows of solar panels. Mr. Matt said that the conduit trays will be shown on the Final Site Plan drawings.

Mr. Viets said that the MRB Group engineering recommendations included the planting of trees approximately seven feet to eight feet in height and spaced 10 feet on center. He said that the Preliminary Site Plan calls out trees of six feet in height and 14 feet on center. Mr. Viets expressed concern about the height and the spacing of the trees.

Mr. Matt said that the planting of the trees would be staggered and would be seven feet on center when planted.

Mr. Viets expressed concern about the view of the solar panels and of the site when seen from Yellow Mills Road. Mr. Compitello said that a number of photo simulations from various vantage points (including looking perpendicular into the site from Yellow Mills Road) were provided to the board (*see* Correspondence Abstract #49, January 9, 2019, photo simulations from Saratoga Associates).

Mr. Viets asked about the heights of the trees that will be planted to buffer the views of the solar panels from the roads. Mr. Compitello said that they are considering trees of about five feet to six feet in height. Mr. Viets said that he is trying to get a sense of the screening of the site by trees that would be 15 feet in height. He said that the screening could be reviewed at the Final Site Plan stage.

Mr. Brabant asked if Mr. Viets would like to require that the applicant submit additional visual renderings of the screening. Mr. Compitello said that three photo simulations of the view of the solar panels from Yellow Mills have been submitted, i.e., the existing view, the view at the time of planting, and the view several years after planting.

Mr. Viets said that he would like to know and have shown on the Final Site Plan notes the height of the trees [at planting].

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

■ A motion was made by MR. BELLIS, seconded by MR. HEMMINGER, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff. Hearing no objection, the waiving of the reading of the following resolution was approved by the board members' voice vote.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PRELIMINARY SITE PLAN
CLOSING THE PUBLIC HEARING**

PB #1004-18

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

ACTION: Preliminary Site Plan Approval to erect a 7 Megawatt PV Solar System, containing a total of 21,000 solar panels, to be located upon three (3) parcels of land with each solar system having a total of 7,000 solar panels, located upon approximately 35 acres of land subdivided from Tax Map #010.00-01-37.100 and along the south side of Fox Road and the west side of Yellow Mills Road, in the Town of Farmington

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has, at tonight's Public Hearing received testimony, given consideration to said testimony, given consideration to the abstract created for this solar farm project and given consideration to the revised site plan drawings prepared by Schultz & Associates, P.C.; and

WHEREAS, the Public Hearing on this application was opened on November 7, 2018; and was continued to the meetings on January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; August 7, 2019; September 4, 2019; October 16, 2019; November 20, 2019; December 4, 2019; December 18, 2019; January 15, 2020; February 19, 2020; March 18, 2020 (meeting cancelled to COVID-19 pandemic); May 6, 2020 (rescheduled to an unspecified date); Public Hearing reconvened on August 5, 2020; September 16, 2020; October 7, 2020; and November 4, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to close the Public Hearing on the above referenced Action.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

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

Motion carried. The Public Hearing on the Preliminary Site Plan was closed.

Mr. Viets then opened the discussion on the draft Preliminary Site Plan approval resolution that had been submitted by the Town staff prior to the meeting and posted upon the Town website on Monday, November 2, 2020.

Mr. Brand said that several text amendments to the Conditions of Approval were submitted to the board by the Town staff for consistency with the text of the Special Use Permit approval resolution.

The following text amendments were read aloud by the clerk:

Original Condition #11:

A note is to be added to each of the site plan drawings that no topsoil shall be removed from any solar farm lot.

Amended Condition #11:

No topsoil located on Lots 1, 2 or 3 shall be removed from the property.

Original Condition #23:

A note is to be added to each of the site plan drawings identifying that no barbed wire fence shall be allowed on any of the three (3) solar farm sites.

Amended Condition #23:

Permitted fencing shall not exceed 8 feet in height, though such fencing is permitted to have barbed wire canted out. (This project is not proposing to use barbed wire.)

Original Condition #24:

A note is to be added to each of the site plan drawings identifying that no ground-mounted solar system shall exceed twelve (12) feet in height above existing grade, excepting weather monitoring equipment.

Amended Condition #24:

Facility equipment is not permitted to exceed 12 feet in height measured from the ground surface. Excluded from this condition are weather station equipment up to fifteen (15) feet in height.

Original Condition #27 provides that no site planting lower than eight (8) feet in height above existing grade located within 10 feet of any fence shall be allowed.

Mr. Compitello said that from his experience with other solar projects across New York State that it is difficult to find trees of eight feet in height in the quantity which would be required for a project of this size. He said that there is a risk that a number of trees of this height would not survive the first year of planting because of the winter weather. He described a project site at which 28 of 200 seven-foot-tall trees died after the first winter. Mr. Compitello also said that trees that are planted in the late summer (August) do not survive [as well as trees that are younger and that are planted earlier in the season].

Mr. Compitello said that the screening of the project site would be adversely affected if a number of trees would not survive the first winter. He recommended that the trees for the screening buffer be in the five-foot to six-foot height. He said that they would be taking a chance that planting taller trees would have higher risk of failure over time.

Mr. Viets asked about the MRB Group recommendation regarding the planting height of the screening trees. Mr. Brabant said that the recommendation would be for the planting of trees six feet to eight feet in height, rather than in the 10-foot to 12-foot range. He said that trees in the six-foot to eight-foot height range would typically be healthier than the taller trees at planting. Mr. Brabant also said that he is seeing a number of planning boards which are requiring taller trees and in larger quantities.

Mr. Viets suggested that the site contractor may have to water the newly-planted trees often [following planting]. He said that reducing the height of the screening trees at planting [to five- to six-foot in height] defeats the screening purpose. He said that the board should stay with the initial Condition of Approval that no tree less than eight feet in height shall be allowed.

Mr. Compitello said that that success of the trees is not a watering issue. He said that the taller trees would be more adversely affected by the winter. Mr. Viets said that the Town Code provides for a planting schedule. Mr. Compitello said that there would be no screening of the site during construction if the screening trees could not be planted until next August. He said that the trees would have a better chance [of survival] if they were planted in the spring.

Mr. Bellis asked about the provisions of the Town Code regarding plantings.

Mr. Delpriore said that the installation of sidewalks and landscaping depends upon the weather conditions. He said that contractors are often installing sidewalks and yards in October, depending upon the weather. He said that it is the applicant's responsibility to

make sure that screening is installed [in accordance with the conditions of approval] and that it would be the applicant’s responsibility to replace any trees that do not survive.

Mr. Bellis said that the trees would not have to be planted until May 31st if construction were to be finished in November [of the previous year].

Mr. Delpriore said that the Town staff reviews the weather. He said that sidewalks and landscaping installation are not required if freezing weather begins but that he cannot say that October 31st [of the year] is the cut off if the weather is good.

Mr. Maloy asked about planting the screening trees long before construction begins. He asked why would the plantings have to wait until construction is finished. He asked if the screening trees could be planted first.

Mr. Delpriore said that the applicant has options on how to get the project done [and to comply with the conditions of approval]. He said that if draft Condition #27 remains in the resolution, the applicant will have to figure it out.

■ **CONSENSUS:** It was the consensus of the board that draft Condition #27 remain in the Preliminary Site Plan approval resolution as submitted by the Town staff.

There were no further comments or questions on this resolution 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 with amended Conditions of Approval #11, #23 and #24 that had been read aloud by the clerk:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PRELIMINARY SITE PLAN
CONDITIONS OF APPROVAL**

PB #1004-18

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

ACTION: Preliminary Site Plan Approval to erect a 7 Megawatt PV Solar System, containing a total of 21,000 solar panels, to be located upon three (3) parcels of land (Lots #1, #2 and #3 of the Roger and Carol Smith Subdivision) with each solar system having a total of 7,000 solar panels, located upon approximately 42 acres of land subdivided from Tax Map #010.00-01-37.100 and along the south side of Fox Road and the west side of Yellow Mills Road, in the Town of Farmington

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has, at tonight's public hearing received testimony, given consideration to said testimony, given consideration to the abstract created for this solar farm project and given consideration to the revised site plan drawings prepared by Schultz & Associates, P.C., on behalf of the applicant; and

WHEREAS, the Board has received and reviewed a draft resolution prepared by Town Staff which was submitted as part of the latest packet of information on the above referenced Action; and

WHEREAS, the Board has by separate resolution adopted at tonight's meeting closed the Public Hearing on the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby grant Preliminary Site Plan Approval for the above referenced Action as provide herein.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval is hereby granted subject to the following conditions:

1. Approval is based upon the information shown on the set of drawings prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No.18.023, sheets 1 through 6, having the latest revision date of 10/14/20.
2. Approval is based upon those applicable requirements contained in the adopted Planning Board Resolution (PB 1006-18, dated October 7, 2020) which grants approval for the Special Use Permit thereby allowing for the operation of the Delaware River Solar Project upon the three (3) parcels of land identified as Lots #1, #2 and #3 of the Roger and Carol Smith Subdivision, and that are to be operated by NY FARMINGTON I, LLC, NY FARMINGTON II, LLC, AND NY FARMINGTON III, LLC ("SYSTEM OPERATORS"), AND COMPLIANCE THEREWITH.
3. A note is to be added to each of the site plan drawings that all three (3) sites shall provide a qualified Environmental Monitor to oversee the construction, decommissioning, restoration and follow-up monitoring in the agricultural fields for these lots hosting solar farms under this Action pursuant to Town Code, Special Use Permit and Decommissioning Plan.
4. A note is to be added to each of the site plan drawings that the lane ways shown between the solar arrays are to be maintained to allow for rotational grazing systems to be provided for throughout the useful life of the solar farms, so long as the landowners are operating their cattle farm.
5. A note is to be added to each of the site plan drawings specifying that overhead collection lines shown are located upon a minimal area of the identified viable agricultural soils and along field edges to the extent practicable.

6. A note is to be added to each of the site plan drawings identifying the cross access easement(s) [liber and page numbers] filed in the Ontario County Clerk's Office providing for the one (1) access road to the three (3) solar farm lots and within the area identified on the Final Site Plan drawing(s).
7. A note is to be added to each of the site plan drawings identifying that no cut and fill shall be permitted outside the areas delineated.
8. A note is to be added to each of the site plan drawings specifying that the width of the access road across or along agricultural fields shall be no wider than twenty (20) feet.
9. A note is to be added to each of the site plan drawings specifying that all drainage and erosion control structures are to be maintained throughout the useful life of the solar systems and until decommissioning has been accepted by the Town.
10. A note is to be added to each of the site plan drawings specifying all work space that may be necessary where an open trench is required for cable installation, or topsoil stripping is to also be identified on the drawings.
11. No topsoil located on Lots 1, 2 or 3 shall be removed from the property.
12. A note is to be added to each of the site plan drawings that temporary workspace provided along open-cut electric cable trenches shall not be wider than fifty (50) feet.
13. A note is to be added to each of the site plan drawings identifying the locations where electric interconnect cables and transmission lines are located, both above and below ground.
14. A note is to be added to each of the site plan drawings identifying that all buried electrical cables shown within cropland, hay land and improved pasture shall be at least 48 inches below existing grade.
15. A note is to be added to each of the site plan drawings identifying permanent or temporary fencing around work areas; and that such fencing is to be constructed in all pasture areas as requested by the property owner.
16. A note is to be added to each of the site plan drawings identifying that excess concrete used in the construction of the three (3) solar farms, shall not be buried or left on the surface in active agricultural areas on the site.
17. A note is to be added to each of the site plan drawings identifying that the site access road is to be final graded to allow for farm equipment crossing and restored to original surface drainage patterns.

18. A note is to be added to each of the site plan drawings identifying all restored agricultural areas that are to be seeded with a mix of vegetative cover specified by the landowner and approved by the Planning Board at the time of Decommissioning.
19. A note is to be added to each of the site plan drawings identifying all surface and subsurface drainage problems resulting from the construction of the three (3) solar farms are to be corrected as determined by the Environmental Monitor, the Ontario County Soil and Water Conservation District and the landowner.
20. A note is to be added to each of the site plan drawings specifying that restoration of all agricultural areas temporarily disturbed by construction of the solar farms shall comply with the condition set forth in the Town's Condition of Approval for the Special Use Permit.
21. A note is to be added to each of the site plan drawings specifying that construction debris is to be removed from all three (3) solar farms sites within 30 days of site construction and restorations.
22. A note is to be added to each of the site plan drawings specifying that all excess rocks and stones remaining after site restoration which are greater than four-inches in width are to be removed from the solar farm site.
23. Permitted fencing shall not exceed 8 feet in height, though such fencing is permitted to have barbed wire canted out. (This project is not proposing to use barbed wire.)
24. Facility equipment is not permitted to exceed 12 feet in height measured from the ground surface. Excluded from this condition are weather station equipment up to fifteen feet in height.
25. A note is to be added to each of the site plan drawings identifying that Final Site Plan Approval shall be subject to a Decommissioning Plan accepted and adopted by Town Board Resolution, including the Resolution Number and date of adoption.
26. A note is to be added to each of the site plan drawings identifying that no fence shall be installed that is taller than eight (8) feet above existing grade.
27. A note is to be added to each of the site plan drawings identifying that no site planting lower than eight (8) feet in height above existing grade located within ten (10) feet of any fence enclosure shall be allowed.
28. A note is to be added to each of the site plan drawings identifying that there shall be no deviation from the planting schedule and approved landscaping areas shown on the Final Site Plans.

29. A note is to be added to each of the site plan drawings identifying that all plants and trees providing required landscaping are to be maintained by the System Operators for the three (3) solar farm sites during the useful life of the solar farms, and replaced when failing within two months of discovery if found during the planting season between May 1 and November 1 of such year, otherwise not later than May 31st of the following year.

BE IT FURTHER RESOLVED that the applicant is to make all necessary revisions to the Preliminary Site Plan drawings identified above herein and submit one (1) mylar and one (1) paper print for signing by those individuals listed on the drawings to the Town Development Office for the Code Enforcement Officer's review and acceptance. Once acceptance has been given, the various department heads, town engineer and chairperson of the planning board ~~is~~ ARE to sign and date the drawings.

BE IT FUTHER RESOLVED that the signed mylar is to be returned to the applicant and that four (4) paper copies of the signed mylar are to be returned to the Town Development Office. One (1) paper copy of each set of signed drawings is to be returned to: the Town Highway and Parks Superintendent; the Town's Acting Water and Sewer Superintendent; the Town's Engineers, MRB Group, D.P.C; and one copy to be filed in the Town Building Department.

BE IT FURTHER RESOLVED that the Applicant may then submit an application for Final Site Plan approval along with drawings to be placed on a future Planning Board meeting agenda.

BE IT FURTHER RESOLVED that Preliminary Site Plan Approval with Conditions is valid for a period of 180 days. Failure to submit amended drawings for signatures within this time period shall render this resolution and its Preliminary Site Plan Approval being made null and void.

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

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Director of Planning and De-velopment; the Town Code Enforcement Officer; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

Mr. Viets asked Mr. Compitello if he received the draft resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions. Mr. Compitello said

that he received the draft resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions.

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

Motion carried.

Mr. Delpriore said that the Final Site Plan application would be scheduled for a future Planning Board agenda following submission of the revised Preliminary Site Plan drawings by the applicant and the signing of the drawings by the Planning Board Chairperson.

4. CONTINUED PUBLIC HEARING: PRELIMINARY SITE PLAN

PB #0903-20 Preliminary Site Plan Application

Name: GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

Location: South side of State Route 96, west of State Route 332, and east of Mertensia Road

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

Request: Preliminary Site Plan approval of Phase 1A to erect approximately 32,750 square feet of General Business space on the parcel identified as Tax Map 29.00-1-18.100. The property is zoned GB General Business and Major Thoroughfare Overlay District (MTOD)

This application was reviewed by the Project Review Committee on April 5, 2019; February 7, 2020; May 1, 2020; June 5, 2020; July 2, 2020; August 7, 2020; September 4, 2020; and October 2, 2020.

The applicant presented concept plans to the Planning Board on March 4, 2020.

The Planning Board recommended the establishment of a Letter of Credit for partial site clearing in the amount of \$23,287.50 on August 5, 2020. The Town Board accepted this recommendation and directed that a Letter of Credit in the amount specified be filed with the Town Clerk’s Office.

The Planning Board designated itself as the Lead Agency for the State Environmental Quality Review (SEQR) determination on October 7, 2020, following a 30-day public review period during which no objections were received to the Planning Board’s designation from any of the Involved Agencies..

The Public Hearing on this application was opened on October 7, 2020, and was continued to the meetings of October 21, 2020, and to this evening (November 4, 2020).

Mr. Destro (BME Associates) and Mr. LeFrois (the applicant) presented this application.

Mr. Destro said that Mr. LeFrois is seeking site plan approval for Phase 1A of the GLN Realty project for the development of 16,000 square feet of general business uses in four structures to be constructed along the frontage of the site on the south side of State Route 96 west of the Farmington Market Center and east of the existing plaza at the corner of State Route 332 and State Route 96.

He provided the following information:

Total site area: ± 27.18 acres
Phase 1A: ± 4.29 acres

Existing zoning: General Business in a Major Thoroughfare Overlay District (MTOD)

Proposed use

Phase 1A will include four buildings, as follows:

Bank with drive-through ± 2,400 square feet
Fast-food restaurant ± 3,500 square feet
Single-tunnel car wash ± 4,400 square feet
Two-tenant commercial building ± 4,800 square feet

Individual buildings to be developed within Phase 1A will require Final Site Plan review for each individual use.

The applicant’s property is not within a recognized floodplain, based upon the Flood Insurance Map (September 30, 1983).

Federal wetland limits were delineated by BME Associates in December 2007.

The new Town-dedicated road that had been proposed for the eastern portion of the Farmington Market Center property at State Route 96 is now proposed to be relocated on the GLN Farmington Realty property in the northwest corner of the site. A traffic signal may be installed at this intersection in the future upon approval by the New York State Department of Transportation (DOT).

Mr. Destro said that an extension of Mercier Boulevard will be connected to the new Town-dedicated road and will provide access to the south sides of the four new buildings. This extension will curve to the south and will terminate at a hammerhead turnaround just south of the proposed car wash site.

Mr. Destro said that the relocation of the new Town-dedicated road off State Route 96 onto the applicant's property was discussed at a meeting on October 26, 2020, with representatives of the DOT, SRF Associates (the applicant's traffic engineer) and the Town staff. He said that the DOT did not appear to have any issues with the relocation of the Town-dedicated road onto the applicant's property.

Mr. Destro said that the DOT preferred not to add additional traffic at the eastern corner access to the property (from the existing plaza) and that the Town requested a secondary access to the site. He said that a crash gate at the secondary access (from the existing plaza) will be installed for emergency vehicle access and to prevent motorists from using this access. He said that SRF Associates is currently preparing the update to the initial traffic study to reflect the Phase 1A plan.

Mr. Destro said that the intent is for the Planning Board to review Phase 1A with the overall State Environmental Quality Review (SEQR) for the build-out of the site. He said that the engineering and traffic reports will consider the full build-out which includes a future potential of an additional 150,000 square feet of office/flex space on the Mercier Boulevard extension (for a total project of approximately 166,000 square feet of mixed uses).

The stormwater management facility has also been designed for the full build-out and will be located in the southwest corner of the property. Water quantity for the entire site will be provided. Water quality will be designed on an individual basis with water quality/green infrastructure practices as each site is submitted for final site plan approval.

The connection to the sanitary sewer to the south on Mercier Boulevard will be provided by gravity. Public water will be connected to an existing water main on State Route 96. Future phases of the water main will be looped to the existing water system on Mercier Boulevard.

Mr. Destro said that Martin Janda of BME Associates conducted a site visit and flagged the significant trees to be saved in the site-clearing operation (in response to the board's request save as many trees as possible). Mr. Janda provided the following written report:

The following is a summary of the tree survey and onsite meeting held on October 29, 2020, as required per the Planning Board Condition of Approval for the Phase 1 Clearing Operations.

The trees to be retained on site within the approved clearing limits were marked with "DO NOT CUT" flagging for the Town's review. The trees worth saving were selected based on species, health and location. The

dominant tree species found on the property include green and white ash, red and sugar maple, and cottonwood and basswood.

Unfortunately, the majority are ash trees, which are subject to the Emerald Ash Bore Beetle, especially in the western portion of the frontage, which consists primarily of younger trees. The eastern portion of the site includes more mature trees with greater separations between them. Higher quality maple and basswood trees were saved in this area.

The tree clearing will be completed according to the agreed upon tree removal plan.

—Martin Janda, BME Associates
October 30, 2020

Mr. Destro said that he anticipates that front setback variances will be required from the Zoning Board of Appeals (ZBA). He said that setbacks from State Route 96 will be coordinated with the Town staff and will be consistent with the State Route 96 Street Scape Corridor design guidelines and with the setbacks of adjacent buildings on other properties. Mr. Destro also said that parking variances may be required for the restaurant parcel and will be determined based upon the final layout of the site and the user's requirements.

Mr. Brand confirmed the meeting with the DOT, SRF Associates, the applicant's engineer and the Town staff. He said that the revised traffic study is expected to be completed in the next few weeks and will be submitted to the SEQR Involved Agencies for review and comment. Mr. Brand said that this project compliments the Major Thoroughfare Overlay District (MTOD) official map.

He said that the Town received notice yesterday (November 3, 2020) that the owner of the adjacent Farmington Market Center (Tops Supermarket plaza) is no longer pursuing an Incentive Zoning application on that property because he has no clients. Mr. Brand said that this removes any obstacles that the Town would have had with the GLN Farmington Realty project. He said that he looks forward to getting this project underway this winter and seeing something on the site in the spring/summer of 2021.

Mr. Delpriore said that he met with Mr. Janda on the site to view the trees that could be saved. He said that most of the trees on the site are ash trees and that the property is wide open in the interior, although it looks thick from the road. He said that Mr. Janda did a good job marking the trees that can be saved.

Mr. Delpriore asked about the mountain of wood chips that are now on the site. Mr. LeFrois said that the contractor is removing the logs first and then will remove the wood chips from the site.

Mr. Delpriore said that that applicant is following the requests of the Town staff and the Planning Board regarding the site-clearing operation.

Mr. Maloy asked about keeping the wood chips on the site to prevent erosion. Mr. LeFrois said that the tree stumps are not being removed [at this time] and there is not that much disturbance on the site. He said that he would rather remove the wood chips.

Mr. Delpriore said that the resolution before the board this evening is to continue the Public Hearing to November 18, 2020, to provide time to receive the comments from the Ontario County Planning Board, to receive the revised traffic study from SRF Associates and to receive comments regarding the proposed zoning variances from the applicant. He said that any approval by the Planning Board would be conditioned upon approval of the variances by the ZBA.

Mr. Delpriore said that the overall concerns of the board have been addressed and that the crash gate will address the fire department's concerns about a secondary access.

Mr. Delpriore said that Town also will require access to the stormwater pond, and that access [to the pond] must be maintained through all phases of construction. He said that information from the Water and Sewer Department is expected to be received at the Project Review Committee meeting this Friday (November 6, 2020).

Mr. Giroux discussed the completion of the full length of Mercier Boulevard from its existing endpoint at Farmington Gardens Apartments north to State Route 96. He asked the applicant to consider having the proposed extension, now shown from State Route 96 into the Phase 1A portion, remain private until the next 800 feet is constructed to connect to the existing Mercier Boulevard cul-de-sac.

Mr. Brabant said that MRB Group has received the applicant's revised Phase 1A plans and will have an engineering comment letter next week. He said that the comments will address the original engineering concerns of traffic, two points of access, and stormwater management.

Mr. Brabant also discussed the 30-foot buffer area to be located across the right of way along the State Route 96 frontage of the property. He noted that the DOT right of way jogs onto the applicant's property along the frontage of the two easternmost lots (the proposed restaurant and car wash) and that this will be ironed out in the MRB Group comments.

Mr. Viets called attention to a sanitary sewer easement along State Route 96. He said that nothing should be proposed for construction or planting atop the easement. Mr. Brabant said that the Town does not plant trees on an easement and will minimize this as much as possible.

Mr. Viets then asked if anyone in attendance or online wished to speak for or against this application, or to ask questions.

There were no comments or questions on this application this evening from those in attendance or from those who were participating on the telephone/video conference.

Mr. Maloy discussed sidewalk access from State Route 96 onto the site. He expressed concern about pedestrians walking across the parking lots of the four buildings. Mr. Destro said that he will review this.

Mr. Maloy asked if this layout is still a concept plan. Mr. LeFrois said that he is working with several prospective tenants but that he needs to provide them with a timeline of when they can get in. He said that he cannot provide them with a timeline and finalize leases until the project begins moving.

Mr. Maloy asked about the traffic pattern of the car wash. He expressed concern about traffic flow and congestion. Mr. Destro said that customers who go through the car wash may then drive to the vacuum stalls on the west side of the car wash tunnel.

Mr. Bellis asked why the car wash bypass lane is needed. Mr. Brabant said that this would be used for access by fire equipment as well as by customers.

Mr. Maloy asked about the SEQR determination for the full build-out of the development. Mr. Brand said that once a SEQR determination is made by the Lead Agency, it would not have to be revisited as long as any additional site development does not exceed the thresholds that were established when the original proposal was acted upon. If there are changes which may have the potential to increase an impact, then such action may be determined necessary to be referred to the SEQR Involved Agencies.

Mr. Maloy said that SEQR also is concerned about the uses that are proposed for a development. Mr. Brand said that SEQR looks at the potential impact of an entire site. He said that as long as the applicant stays within the parameters of the original SEQR determination, they are good to go. Mr. Maloy asked what would happen if the applicant decides to change the site plan and exceeds the original thresholds. Mr. Brand said that the Planning Board, as the Lead Agency, may amend (supplement) the SEQR determination at any time when new information is presented.

Mr. Destro said that they do not intend to segment the SEQR process but that they are trying to accomplish the overall build-out. He said that the parameters will be established by the full build-out and [will remain valid] as long as subsequent applications do not exceed the thresholds.

Mr. Maloy said that he is all for doing the full-site SEQR but that he wants to make sure that SEQR can be revisited if needed.

Mr. Maloy asked about the tree-clearing operation. Mr. Destro discussed this. He said that additional details would be discussed at final.

Mr. Maloy asked about the storage location of the excavated material from the storm-water pond. Mr. Destro said that a subsequent application will be the Final Phase 1 application for the road and for the pond.

Mr. Maloy asked about the drainage of water onto neighboring properties. Mr. Brabant said that stormwater runoff will be reviewed for compliance with Town and New York State Department of Environmental Conservation requirements.

Mr. Maloy asked about two catch basins on Mercier Boulevard and about stubs for future connections. He asked about future connections on the north side of Mercier Boulevard and if they will be installed with Phase 1A. Mr. Destro said that this is still a preliminary layout. He said that the final site plan layouts will show the best routes for drainage.

Mr. Maloy asked why perforated pipe will be used for the connection to the two catch basins. Mr. Destro said that this will be designed to the Town standards. Mr. Brabant said that he will review the Town standards. Mr. Destro said that this is for drainage for the road subbase.

Mr. Maloy said that he will be interested in seeing the site lighting and other details.

Mr. Bellis asked about an access point other than the new Town-dedicated road off State Route 96. He expressed interest in having the complete connection of Mercier Boulevard from its current endpoint at Farmington Gardens Apartments to State Route 96. Mr. Destro said that it would be likely that motorists may not want to drive all the way around [from State Route 96 to State Route 332 to Mercier Boulevard to enter the site].

Mr. Giroux said that residents are in favor of this [complete connection]. He said that a complete connection [of Mercier Boulevard] would provide access for residents coming from the south to State Route 96 while avoiding the State Route 332/State Route 96 intersection.

Mr. Bellis said that he would like to see the road [the complete connection of Mercier Boulevard] built in the first phase of the development. Mr. LeFrois said that the challenge [for him] comes at the intersection of Mercier Boulevard and State Route 332 and if a traffic signal will be required. He said that a traffic signal already may be required at the intersection of the new Town-dedicated road at State Route 96 and that there are financial concerns if two traffic signals were to be required.

Mr. LeFrois said that traffic counts have been reviewed and that drivers cannot make a left-hand turn (north) from Mercier Boulevard onto State Route 332. Mr. Bellis asked if this intersection would require a traffic signal [if the full connection of Mercier Boulevard is made]. Mr. Brabant said that the engineers at the regional office of the DOT in Rochester would make this decision. He said that a great deal of information is expected from the SRF revised traffic study.

Mr. Bellis asked about the installation of a traffic signal at the intersection of the new Town-dedicated road at State Route 96. Mr. Destro said that the traffic analysis will identify the need. Mr. Bellis asked if we know now. Mr. Delpriore said that this plan is preliminary at this point.

Mr. DeLucia asked about the timing of the plantings of the proposed landscaping around the stormwater pond. Mr. Destro said that the landscaping around the pond will be installed with the first phase of the development.

Mr. Maloy said that the temporary access driveway to the stormwater pond crosses right over a drainage swale. Mr. Destro said that he will look into piping this.

Mr. Hemminger said that this is not an Incentive Zoning application that the board will have to rely on the traffic study and the DOT decision regarding the timeframe for the installation of a traffic signal at the new Town-dedicated road and State Route 96. He also said that he has issues with drivers who may wish to make left-hand turns from the new Town-dedicated road onto State Route 96.

Mr. Hemminger said that he finds that the traffic flow to the proposed car wash, bank and restaurant confusing and very unsafe. He said that there will be criss-crossing traffic coming in and out of the car wash and coming to the drive-through windows of the bank and the fast-food restaurant. He expressed concern about vehicle queuing, and the confusing and unsafe traffic flow. Mr. Hemminger said that he did not see that the traffic flow is functional and that it looks like it is going to be a mess.

Mr. Viets also expressed vehicle queuing in the double lane for the restaurant. Mr. LeFrois said that the challenge is to provide a longer queueing lane for the restaurant to avoid having the drive-through speaker on the State Route 96 side of the building. He said that they are trying to figure out how to have the speaker on the back side.

Mr. Viets expressed concern about having enough room for deliveries by 18-wheelers and other large trucks. He requested that Mr. LeFrois discuss truck deliveries with his prospective tenants. Mr. Viets noted that there does not seem to be much maneuverability [for large vehicles]. He asked about the possibility of relocating the new Town-dedicated road to avoid the off-loading of trucks in the road.

Mr. Hemminger expressed the same [vehicle maneuverability] concern for deliveries to the car wash, the bank and the commercial building. He said that there could be issues with those kinds of deliveries.

Mr. Viets requested that the vehicle turning templates be reviewed. He said that they seem to be tight.

Mr. Viets suggested curved islands to avoid maintenance nightmares.

Mr. Giroux requested that the applicant consider the Town fire chief's comments regarding the access and accommodation of fire apparatus onto the site. He said that two 12-foot pathways will not accommodate fire apparatus.

Mr. Maloy asked about the possibility of shared parking spaces. Mr. Destro said that they wish to minimize the cross connections to avoid conflicts but that they would look into it. Mr. LeFrois said that there could be two tenants in the commercial building.

Mr. Viets asked about a vehicle drying area for car-wash customers. Mr. Destro said that the intent is for customers to pull into the one of the vacuum stations where they could dry their vehicles.

Mr. Viets asked about dumpster locations. He said that the dumpster area for the commercial building is shown to be fronting on State Route 96. He said that the dumpsters should be hidden or screened.

Mr. Bellis said that the Planning Board requires much more information about the details of this application. He again said that the complete connection of Mercier Boulevard should be included in Phase 1.

Mr. Brabant asked about the schedule for the SEQR determination. Mr. Brand said that the revised traffic study is expected to be available for review at the Planning Board meeting on November 18, 2020. He said that at that time the board could refer the study to the SEQR Involved Agencies and could provide them with a deadline of less than 30 days for the return of comments.

Mr. Delpriore said that the Town is expected to have the Ontario County Planning Board comments, the revised traffic study, and the Water and Sewer Department comments for the Planning Board meeting on November 18, 2020. He said that this date is reasonable if the applicant is comfortable with it.

Mr. Bellis asked if the shift of the new Town-dedicated road [from the Farmington Market Center property to the GLN Farmington Realty property] is a problem. Mr. Brand said that the DOT did not seem overly concerned about an alignment. He said that the best thing for the Griffith Building (on the north side of State Route 96) is that it be torn down. He said that it fits with the DOT concerns about spacing for the Generations Bank and that right now the Town does not have anyone expressing an interest to do anything out there.

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

■ A motion was made by MR. DELUCIA, 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
GLN FARMINGTON REALTY LLC, PRELIMINARY SITE PLAN
CONTINUING THE PUBLIC HEARING**

PB #0903-20

Preliminary Overall Site Plan—Amended Application

APPLICANT: GLN Farmington Realty LLC, c/o LeFrois Builders and Developers, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

ACTION: Preliminary Overall Site Plan approval to develop a 27.18 acre site, located along the south side of New York State Route 96, west of New York State Route 332 and north of Mercier Boulevard with a total of four (4) General Business sites with buildings having a total of 16,000 square feet; and four (4) Office/Flex Space Buildings having a total of 150,000 square feet; and related site improvements. This Action involves continuing the Public Hearing.

WHEREAS, the Planning Board (hereinafter referred to as Board) on October 7, 2020, took action scheduling the continuation of a Public Hearing upon the above referenced Action to Wednesday, October 21, 2020; and

WHEREAS, the Board on October 21, 2020 agreed-to the applicant’s request to continue the Public Hearing to Wednesday, November 4, 2020, to allow time for a virtual meeting to be held with staff from the Region 4 Office of the New York State Department of Transportation, a representative from SRF Associates, the applicants and their engineer, and the Town Director of Planning and Development to discuss relocation to the east of a future intersection of State Route 96 and Mercier Boulevard; and

WHEREAS, the Board has at tonight’s meeting reconvened said Public Hearing and has received testimony upon the above amended Action.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to continue the Public Hearing on this amended Preliminary Site Plan to Wednesday, November 18, 2020, at 7:00 p.m. to enable time for a revised Traffic Impact Study to be prepared and for the Ontario County Planning Board to submit their referral comments and recommendation made under the provisions of the New York State General Municipal Law.

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

Motion carried.

5. PLANNING BOARD ACTION ITEMS

A. DiFelice Industrial Complex, Fifth 90-Day Extension of Final Site Plan Approval:

Mr. Brand reported that Frank DiFelice (DiFelice Development Inc.) has requested by letter dated October 29, 2020, a fifth 90-day extension to the Final Site Plan approval for the DiFelice Industrial Complex on the south side of Collett Road, east of State Route 332 and west of Hook Road.

In the letter, Mr. DiFelice said that he will be meeting with Greater Rochester Enterprise to present this project this week.

Mr. Brabant said that this project was designed to comply with the New York State Department of Environmental Conservation (DEC) 2015 regulations. He said that the board may consider it appropriate to request that the applicant comply with 2020 DEC regulations if future extension requests were to be submitted.

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

■ A motion was made by MR. MALOY, seconded by MR. DELUCIA, that the reading of the following resolution and that the resolution be approved:

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

PB #0602-19

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

**ACTION: A fifth 90-day extension to the Final Site Plan Approval,
last granted on August 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 October 29, 2020, from Frank DiFelice, DiFelice Development Inc., on behalf of Primo DiFelice (hereinafter referred to as the Applicant) for a fifth 90-day extension of the final approval for the above referenced Action; and

WHEREAS, the Board resolution of approval with conditions was dated June 5, 2019, 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

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to grant the fifth 90-day extension to the Final Site Plan Approval which is to commence on Wednesday, November 4, 2020, and end on Wednesday, February 3, 2021.

Adrian Bellis	No
Timothy DeLucia	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye
Douglas Viets	Aye

Motion carried 4 to 1.

**B. Phillips Landing Cluster Subdivision Tract (T.L. Section 278)
Amendment to Overall Preliminary Subdivision Plan Approval:**

PB #0203.1-18

**APPLICAT: Pooler Realty LLC, c/o Gary Pooler, P.O. Box 436,
783 County Road 42, Fishers, N.Y. 14453-0436**

**ACTION: Amendment to Overall Preliminary Subdivision Plan,
Phillips Landng Cluster Development Project**

The Phillips Landing Subdivision was originally approved by the Planning Board in March 2002 under the provisions of New York State Town Law, Section 278 (PB #0308-02).

The Zoning Board of Appeals approved an Area Variance for lot widths for two lots on December 18, 2017 (ZB #1201-17).

The Planning Board approved the Final Three-Lot Subdivision application on February 14, 2018 (PB #0203-18).

The current application for an amendment to the Overall Preliminary Subdivision Plan adds only the two recently re-subdivision plats for Lot #R-230-1 and Lot #R-230-2.

Mr. Brand said that re-subdivision to add two lots to the Overall Preliminary Subdivision Plan for the Phillips Landing Cluster Development project will increase the permitted density of the subdivision but will not exceed the guidelines of the R-1-15 zoning district regulations. He said that the applicant has prospective users who wish to develop these two large sites.

Mr. Viets asked if the applicant received the draft resolution prior to the meeting, if the applicant understood the resolution and if the applicant agrees with the conditions of approval. Mr. Brand said yes.

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

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

**FARMINGTON PLANNING BOARD RESOLUTION
AMENDMENT TO OVERALL PRELIMINARY SUBDIVISION PLAN APPROVAL
PHILLIPS LANDING CLUSTER SUBDIVISION TRACT (T.L. SECTION 278)**

PB #0203.1-18

**APPLICANT: Pooler Realty LLC, c/o Gary Pooler, P.O. Box 436,
783 County Road 42, Fishers, N.Y. 14453-0436**

**ACTION: Amendment to the Overall Preliminary
Subdivision Plan, Phillips Landing Cluster
Development Project**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has previously received, at its September 16, 2020, meeting a request from Linc Swedrock, P.E., BME Associates, on behalf of Pooler Realty LLC, a request to amend the overall preliminary plan map for the above referenced Phillips Landing Cluster Development Project which was originally approved, March 2002, under the provisions of New York State Town Law, Section 278; and

WHEREAS, the Board has also previously discussed with Town Staff, at the September 16, 2020, meeting, their research which was conducted upon the overall permitted density allowed, at the time of Final Subdivision Plat Approval in 2002, finding that the proposed addition of two (2) recently re-subdivided lots, owned by Cynthia Chierichella, could be added to the permitted overall density for the Phillips Landing Cluster Subdivision Project; and

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for this administrative action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby make a determination that the proposed action is a Type II Action as set forth within Part 617.5 (c) of the New York State Environmental Quality Review Act; and as such determination has been made, no further environmental review is required of this administrative action.

BE IT FURTHER RESOLVED THAT the Board does hereby grant approval authorizing the requested amendment to the Overall Preliminary Subdivision Plan for the Phillips Landing Cluster Subdivision Project with the following conditions:

1. Amendment of the Overall Preliminary Subdivision Plan Approval for the Phillips Landing Subdivision Project is based upon the drawing originally prepared by Joseph A. Pullen, P.E., dated January 24, 2002. The Applicant is instructed to add a note to this amended plan drawing that references that information.
2. This plan amendment adds only the two (2) recently re-subdivision plats for Lot R-230-1 and Lot R-230-2, which it is noted have been added to the amended plan map.
3. The Plan drawing is to be further amended to identify the original file number PB #0308-02 and this file number PB #0308-02.
4. The applicant is to submit one mylar of the amended plan map and one paper copy thereof for signing by the Planning Board Chairperson, the identified Town Department Heads and the Town Engineer. Once signed, the mylar will be returned to the applicant. The signed paper copy will remain in the Town Development Office.
5. The applicant will then prepare and deliver to the Town Development Office a total of four (4) signed paper prints with one each to be filed with the Farmington Town Clerk's Office; the Town of Farmington Highway Department; the Town of Farmington Water and Sewer Department and the Town Engineers.

- 6. This Action is valid for a period of 180 days from today and all conditions contained herein are to be complied with during this period, or this resolution shall become null and void.
- 7. Once the Amended Overall Preliminary Plan Map has been filed with the Town Clerk’s Office, then the Planning Board will accept site plan drawings for review and approval of the above referenced two (2) re-sub-division plat maps.
- 8. A copy of this resolution is to be provided to: the Farmington Town Clerk; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town’s Engineering Firm, MRB Group, D.P.C.; the applicant’s engineer; and the applicant.

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

Motion carried.

6. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand discussed the following topics:

- Revisions to the Delaware River Solar Decommissioning Plan will be distributed to Planning Board members tomorrow (November 5, 2020). The plan will include two provisions for surety, i.e., a Letter of Credit to be posted during construction and a 30-year Maintenance Bond with provisions for three-year renewals to allow for increases in the future costs of decommissioning. Mr. Brand said the property owners would be held responsible for any costs of reclamation of the land above the Maintenance Bond if the property were not to be completely restored to its existing condition following the decommissioning of the solar farm. He said that the revised Decommissioning Plan will provide protection for the Town during the operation of the solar farm and 30 years from now. Following the review of the revised Plan, the Planning Board will recommend that the Town Board accept and adopt it.

Mr. Brand said that MRB Group is now working on the Letter of Credit and the initial Maintenance Bond cost estimates to be included in the Plan. Mr. Viets asked if these amounts will reflect the most recent revisions to the applicant’s site plan. Mr. Brand said yes.

- The owner of the Victor Chevrolet car dealership in Victor, N.Y., has purchased property on Loomis Road (a former gravel pit) in Farmington and intends to develop an industrial park on the site.
- Greg Trost (New York State Department of Transportation Assistant Resident Engineer) reported to the Town that the toll booths at New York State Thruway Exit 44 will be removed next year when the Thruway moves to a cashless toll system. Mr. Brand said that no information has been forthcoming from the State regarding barriers or other devices to slow the speed of traffic coming through the toll area and directly onto State Route 332.
- The applicant of the GLN Farmington Realty project will meet with the the owner of the properties in the vicinity of Burger King and ALDI Supermarket to discuss further development to the west of these businesses on State Route 332.
- There are five pending solar farm applications which are expected to be submitted to the Town following the conclusion of the current solar moratorium.

Code Enforcement Officer:

Mr. Delpriore said that Zoning Officer John Weidenborner has submitted additional information to the Planning Board regarding the application of Joyce Pimm (PB #1001-20) for Preliminary Site Plan approval to erect a 100-square-foot steel/aluminum kennel to house chickens that are being used as emotional support animals in the rear yard of her property at 501 Hook Road. Mr. Delpriore said that the Town has probably received as much as information that will be provided by Ms. Pimm. He suggested that board members conduct a site visit to the view property and to let the Town staff know of any additional questions prior to the meeting on November 18, 2020, at which this application will again be discussed.

Mr. Delpriore said that a number of applications are being scheduled for the November and December meetings of the board. These include GLN Farmington Realty, Meyer's RV Superstore of Farmington, the Joyce Pimm application, and the Loomis Road Self-Storage application.

He said that the engineer for the Meyer's RV Superstore of Farmington project on State Route 96 will attend the Project Review Committee meeting on Friday (November 6, 2020) to discuss the project. Mr. Delpriore said that the Town Construction Inspector conducted a site visit and was informed by the applicant's contractor that everything is perfect. He said that the Town Construction Inspector informed the contractor that the applicant's engineer was coming out to the site for an inspection and that there now seems to be sense of urgency to complete the work [on the part of the contractor]. Mr. Delpriore said that he will have a follow-up report at the Planning Board meeting on November 18, 2020.

Mr. Delpriore said that the Delaware River Solar revised Preliminary Site Plan drawings must be submitted to the Town for signatures prior to the scheduling of a Final Site Plan application. He said that Mr. Hemminger wants to make sure that the Planning Board members have enough time to review the Final Site Plan drawings prior to making a decision.

Mr. Delpriore said that the draft Delaware River Solar Decommissioning Plan will be distributed to board members tomorrow (November 5, 2020). He said that he hopes that the Planning Board would be able to provide a recommendation to the Town Board on this at the meeting on November 18, 2020.

Highway and Parks Superintendent:

Mr. Giroux said that work is continuing on the Canandaigua–Farmington Town Line Road improvement project and that the Town would like to complete as much of the work as possible during this season. He also reported that work has resumed at Beaver Creek Park following several days of rain.

Mr. Giroux reported that new concrete and sealing has created very slippery conditions at the recently-completed round-about on County Road 28 during wet and icy weather. He foresees that these conditions will continue until the sealer dissipates.

Board Members' Comments:

Mr. Maloy said that he may be absent from the meeting on November 18, 2020.

Mr. DeLucia asked about the dead trees on the Byrne Dairy property on the southwest corner of State Route 96 and Mertensia Road. Mr. Delpriore said that the company has been contacted and that the trees will be replaced.

7. PUBLIC COMMENTS

None.

8. TRAINING OPPORTUNITIES

■ **American Planning Association:**

<https://www.youtube.com/user/PlanningWebcast/videos>

■ **NYS Department of State Local Government Training Calendar posted here:**

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

Thursday, November 12, 2020, Time TBA
Floodplain Regulations for Local Review Boards, NYSDOS/Dutchess County
Registration link will be posted here when available.
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

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

9. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 9:05 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, November 18, 2020, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425.

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

Respectfully submitted,

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

Appendix 1

Delaware River Solar Applications

PB #1003-18	Preliminary Four-Lot Subdivision Plat
PB #1004-18	Preliminary Site Plan
PB #1006-18	Special Use Permit
ZB #0902-18	Area Variance Application
ZB #0903-18	Area Variance Application
ZB #0904-18	Area Variance Application
ZB #0905-18	Area Variance Application

These applications were reviewed by the Project Review Committee on:

August 3, 2018
 September 7, 2018
 September 6, 2019
 November 1, 2019
 February 7, 2020
 March 6, 2020
 July 2, 2020
 August 7, 2020
 September 4, 2020
 October 2, 2020

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.

September 24, 2018:

The ZBA opened Public Hearings on four Area Variance applications.

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
 August 26, 2019, at which meeting the four Area Variance applications were denied.

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

November 7, 2018:

The Planning Board opened Public Hearings on:

PB #1003-18 Preliminary Four-Lot Subdivision
PB #1006-18 Special Use Permit
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
November 20, 2019
December 4, 2019
December 18, 2019
January 15, 2020
February 19, 2020
March 4, 2020 (Public Hearing on Preliminary Subdivision Plat closed)
March 18, 2020 (meeting cancelled due to Covid-19 pandemic)
April 15, 2020 (administrative action to continue the Public Hearings to an unspecified date)
June 3, 2020 (administrative action to continue the Public Hearings to July 1, 2020)
June 17, 2020 (administrative action to continue the Public Hearings to August 5, 2020)

August 5, 2020

- Preliminary Site Plan continued to September 16, 2020
- Special Use Permit Public Hearing closed

September 2, 2020 (Special Use Permit and Preliminary Site Plan)

September 16, 2020 (Special Use Permit and Preliminary Site Plan)

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.

August 7, 2019:

The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration).

September 6, 2019:

An Article 78 Proceeding was filed in Supreme Court (State of New York, Ontario County) by petitioners/plaintiffs Concerned Citizens of Farmington (James and Nancy Falanga, James Dennie, James Redmond, James and Ann Foley, Eric and Edith Chapman, Petrina Case and Daniel Geer vs. Town of Farmington (New York State Unified Court System Index #126079-2019).

October 31, 2019:

Delaware River Solar provided site plan revisions that were made because of the denial of the Area Variances by the Zoning Board of Appeals (*see* Farmington Planning Board minutes, November 20, 2019).

November 1, 2019:

Delaware River Solar provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP).

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.

November 12, 2019:

The Ontario County Planning Board reviewed the second revised materials (Referral #226-2019) and retained referral #226-2019 as Class 1 (*see* Farmington Planning Board minutes, November 20, 2019).

December 18, 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 for the revised applications. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) for the revised applications on December 18, 2019.

March 4, 2020:

The Planning Board closed the Public Hearing on the Subdivision Plat application and approved the Preliminary Subdivision Plat (PB #1003-18).

March 18, 2020:

The Planning Board meeting was cancelled in compliance with the New York State Governor's Executive Order on public gatherings during the Covid-19 pandemic.

April 3, 2020:

The Town staff submitted a Special Use Permit draft approval resolution to the Planning Board for consideration.

June 16, 2020:

The Article 78 Proceeding in Supreme Court (State of New York, Ontario County) was dismissed without prejudice (New York State Unified Court System Index #126079-2019).

July 15, 2020:

The Planning Board acknowledged receipt of the applicant's responses to the Special Use Permit draft approval resolution of May 6, 2020.

September 2, 2020:

The Planning Board acknowledged receipt of the revised draft approval Special Use Permit approval resolution submitted by the Town's Special Legal Counsel.

September 2, 2020:

The Planning Board approved the first 90-day extension of Preliminary Four-Lot Subdivision Plat approval (PB #1003-18) to expire on Monday, November 30, 2020.

September 16, 2020:

The Site Plan and the Special Use Permit applications were continued to October 7, 2020.

October 7, 2020:

The Preliminary Site Plan (PB #1004-18) application was continued to November 4, 2020. The Special Use Permit (PB #1006-18) was approved.

November 4, 2020

The Preliminary Site Plan Public Hearing (PB #1004-18) was closed. The Preliminary Site Plan (PB #1004-18) was approved with conditions.