

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, November 7, 2018, 2018, 7:00 p.m.

MINUTES—APPROVED

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

Clerk's Note 1: The Planning Board meeting of October 17, 2018, was cancelled due to having no applications or board business on the agenda.

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

Staff Present:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group, D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
David Degear, Town of Farmington Water and Sewer Superintendent
Dan Delpriore, Town of Farmington Code Enforcement Officer
Don Giroux, Town of Farmington Highway and Parks Superintendent
James Morse, Town of Farmington Code Enforcement Officer
John Weidenborner, Assistant Chief, Farmington Volunteer Fire Association

Applicants Present:

Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road, #10526, Rochester, N.Y. 14610
Melissa Kiefer, Oldcastle Lawn & Garden Inc., Environmental Director, Oldcastle Lawn and Garden, 900 Ashwood Parkway, Suite 600, Atlanta, Georgia 30338
Patrick S. Laber, P.E., Schultz Associates Engineers and Land Surveyors PC, 129 South Union Street, P.O. Box 89, Spencerport, N.Y. 14559
Graham Marcus, Maddie's Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC, 129 S. Union Street, Spencerport, N.Y. 14559

Jack Melsom, GreenRenewable Inc., 28 Taylor Avenue, P.O. Box 248, Berlin, N.Y. 12022
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522
Rocco and Pat Venezia, 5120 Laura Lane, Canandaigua, N.Y. 14424
Cliff Weitzel, 6190 Fisher Hill Road, Canandaigua, N.Y. 14424
Rich Winter, Chief Executive Officer, Delaware River Solar LLC, 3 Bridge Street,
P.O. Box 384, Callicoon, N.Y. 12723

Residents Present:

Hal Adams, 4650 Kyte Road, Shortsville, N.Y. 14548
Madeline Allen, Daniel [?], 4392 Fox Road, Palmyra, N.Y. 14522
Steve Austin, 220 [?] Street, Palmyra, N.Y. 14522
Robert and Linda Bailey, 5163 Fox Road, Palmyra, N.Y. 14522
Stefanie and Matthew Barnes, 4936 Fox Road, Palmyra, N.Y. 14522
Jennifer Baxter, 266 Yellow Mills Road, Palmyra, N.Y. 14522
Nancy Berger, 4971 Wiborn Road, Shortsville, N.Y. 14548
Terry Bieck, 358 Stafford Road, Palmyra, N.Y. 14522
[?] Blazey, 5075 Rushmore Road, Palmyra, N.Y. 14522
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
John Boonstra, 5059 Maxwell Road, Farmington, N.Y. 14425
Charles and Karen Broersma, 5076 Maxwell Road, Farmington, N.Y. 14425
Barbara and Nelson Case, 169 Ellsworth Road, Palmyra, N.Y. 14522
Eric and Edie Chapman, 230 Ellsworth Road, Palmyra, N.Y. 14522
Kim and Mark Clement, 330 Ellsworth Road, Palmyra, N.Y. 14522
G[?] Consul, 5765 Limestone Lane, Farmington, N.Y. 14425
Gary, Kathleen and Steven Cook, 4973 Fox Road, Palmyra, N.Y. 14522
Robert and Allen Cooper, 222 Yellow Mills Road, Palmyra, N.Y. 14522
Roger and Sharon Cramer, 5022 Fox Road, Palmyra, N.Y. 14522
Ron Cramer, 5132 Fox Road, Palmyra, N.Y. 14522
James Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522
John Depoint, 271 County Road 28, Palmyra, N.Y. 14522
Barbara and George Eckhardt, 357 County Road 28, Palmyra, N.Y. 14522
Marilyn and Jon Fair, 984 Stafford Road, Shortsville, N.Y. 14548
Nancy and Jim Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522
Ann and Jim Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522
Daniel Geer, 6947 Proximity Lane, Victor, N.Y. 14564 (568 Yellow Mills Road)
Noah Giunta, 1445 Creek Pointe, Farmington, N.Y. 14425
Christopher Godly, 140 Galvin Court, Farmington, N.Y. 14425
Randy and Ann Marie Greco, 218 Ellsworth Road, Palmyra, N.Y. 14522
Caroline Heberle, 53 Mildorf Street, Rochester, N.Y. 14609 (531 Yellow Mills Road)
Linda Heberle, 531 Yellow Mills Road, Palmyra, N.Y. 14522
Ryan J. Heberle, 768 Yellow Mills Road, Shortsville, N.Y. 14548
Nancy and William Hood, 5023 Maxwell Road, Farmington, N.Y. 14425
Paolo Hu, 5765 Limestone Lane, Farmington, N.Y. 14425
Tammy and Edward Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522
Dale Kratzenberg, 630 Sheldon Road, Palmyra, N.Y. 14522
Edward Lawrenz, 320 Yellow Mills Road, Palmyra, N.Y. 14522

Denis Lepel, 1089 County Road 28, Shortsville, N.Y. 14548
 Dan Litz, Country Club Car Wash, 6214 State Route 96, Farmington, N.Y. 14425
 Christina Main, 595 Yellow Mills Road, Palmyra, N.Y. 14522
 Earl and Sharon Maltman, 179 County Road 28, Palmyra, N.Y. 14522
 Mark Maltman, 187 County Road 28, Palmyra, N.Y. 14522
 Patricia and Wayne McClure, 5106 Rushmore Road, Palmyra, N.Y. 14522
 Barbara and William Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522
 John Orbaker, 2460 Fox Road, Palmyra, N.Y. 14522 (assessment roll shows 4960 Fox Road)
 Tim Paul, 4922 Maxwell Road, Palmyra, N.Y. 14522
 Chad Redmond, Fox Road, Palmyra, N.Y. 14522
 James F. Redmond, 175 Burham Heights, Palmyra, N.Y. 14522 (4500 Fox Road)
 Lisa Reed, 4465 Fox Road, Palmyra, N.Y. 14522
 Todd and Rachael Richenberg, 5007 Maxwell Road, Farmington, N.Y. 14425
 Rose Marie Schrader, 145 Ellsworth Road, Palmyra, N.Y. 14522
 Paul and Phyllis Schmitt, 4743 Rushmore Road, Palmyra, N.Y. 14522
 Carol and Roger Smith, 4790 Fox Road, Palmyra, N.Y. 14522
 Andrew Strub, 4638 Rushmore Road, Palmyra, N.Y. 14522
 Terry Sunderlin, 4697 Fox Road, Palmyra, N.Y. 14522
 Robert VanCaesele, 520 Stafford Road, Palmyra, N.Y. 14522
 Arnold and Stacey Vandenburg, 259 Ellsworth Road, Palmyra, N.Y. 14522
 Peter Vanderwall, 125 Yellow Mills Road, Palmyra, N.Y. 14522
 Richard Vanderwall, 565 Stafford Road, Palmyra, N.Y. 14522
 Allyn Wagner, 1431 Tudor Way, Farmington, N.Y. 14425
 Randy Waite, 226 Yellow Mills Road, Palmyra, N.Y. 14522
 Terry and Gary Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522
 Cynthia and Mark Wyman, 448 Sheldon Road, Palmyra, N.Y. 14522
 Gershom E. Yahn, 5215 Fox Road, Palmyra, N.Y. 14522
 Linda and James Zurich, 315 Sheldon Road, Farmington, N.Y. 14425
 [?] E. Foster Street, Palmyra, N.Y.
 [?] 54XX Holtz Road

Clerk's Note 2: At 7:00 p.m., Town Code Enforcement Officers Mr. Morse and Mr. Delpriore determined that the Meeting Room exceeded the capacity of the room, per the posted occupancy limit. Citizens were still arriving. Mr. Hemminger offered to postpone the hearing and reconvene on another date and time at a meeting place which would be large enough for all attendees. Following discussion, a number of attendees voluntarily left the Meeting Room and listened to the proceedings in the hallway to reduce the capacity of the Meeting Room to the occupancy limit. Mr. Hemminger apologized for the inconvenience. He noted that this was the largest unexpected attendance at a Planning Board meeting in his many years of service on the board.

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on March 7, 2018.

2. APPROVAL OF MINUTES OF OCTOBER 3, 2018

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the October 3, 2018, 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, October 31, 2018:

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 Public Hearings on the 7th day of November, 2018, commencing at 7:00 p.m. for the purpose of considering the applications of:

PB #1006-18: DELAWARE RIVER SOLAR: Request a Special Use Permit to allow a Solar Photovoltaic (PV) System, according to Article V, Chapter 165-65.3 E of the Town of Farmington Codes. The applicant wishes to erect a PV Solar System utilizing approximately 30–35 acres. The property is located at 466 Yellow Mills Road and zone A-80 Agricultural District.

PB #1003-18: DELAWARE RIVER SOLAR: Request a four-lot subdivision approval to create Lot #1 consisting of 72.134 acres with the existing dwelling and farm structures, Lot #2 consisting of 21.999 acres, Lot #3 consisting of 15.235 acres and the remaining lands of the parent parcel Lot #4 will consist of 25.999 acres. The property is located at 466 Yellow Mills Road and zone A-80 Agricultural District.

PB #1101-18: VENEZIA & ASSOCIATES, 5120 LAURA LANE, CANANDAIGUA, N.Y. 14424: Section 165-99 A of the Farmington Town Codes. The Town of Farmington Planning Board schedule a Public Hearing upon Preliminary Site Plan application for Maddie's Sports site improvements located at 6226 NYS State Route 96.

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

Ed Hemminger, Chairperson, Planning Board

These applications were reviewed by the Project Review Committee on August 3, 2018; and September 7, 2018.

The Zoning Board of Appeals (ZBA) opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018.

The ZBA 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 continued the Public Hearings on the Area Variance applications to November 26, 2018.

On October 3, 2018, the Planning Board declared its intent to be designated Lead Agency under SEQR for making the determination of significance upon these applications.

Mr. Hemminger opened the Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision) and PB #1006-18 (Special Use Permit). He concurrently began the discussion on PB #1004-18 (Preliminary Site Plan).

Mr. Winter, Chief Executive Officer of Delaware River Solar; Daniel Compitello; and David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC, presented these applications.

Mr. Winter provided the following information:

- Delaware River Solar (DRS) is a solar development company founded in 2015 and is focused on building community solar projects in New York State. Its first New York State project is located in Sullivan County.
- Approximately 13 projects are now under construction in New York State. DRS is working on approximately 40 projects in this area and more than 150 throughout the State. Farmington is not the only town in which a solar facility has been proposed.
- DRS is a New York State-based company and focuses solely on this part of the state.

Mr. Winter said that the company cares about what it does and cares about the communities in which it is located. He said that the company is concerned about process and wants people to understand and be satisfied with the company.

He said that an average 2 megawatt (MW) solar project would generate enough power for 200 homes. He said that the Farmington project would generate enough power for approximately 1,200 homes. Local residents in the Town would be offered the power first. All the power generated from the Farmington facility would remain here if the project is

fully subscribed. Subscribers would realize a 10 percent discount on their utility bills. Mr. Winter said that this savings is a benefit available to residents from this project.

Mr. Compitello said that he has been working in the field of community solar for three years and has developed 20 systems in New York State. He said that it was a pleasure to be able to introduce this project to the residents and to describe how it works.

Mr. Compitello said that solar installations are up to 20 years of age in other parts of the nation and that New York State is now just starting to catch up. He said that the State is working toward the the goal of the generation of 50 percent of renewable energy by 2030.

He displayed the site plan for the project which is proposed for approximately 35 acres on a 136.4-acre parcel at 466 Yellow Mills Road. Mr. Compitello said that the land is now used as a cattle farm. A barn is located on the front portion of the property. Mr. Compitello said that the solar panels would be installed on portions of the land which are most suitable for solar. The panels would connect into a three-phase facility line on Fox Road for distribution of the electricity into the grid.

Mr. Compitello said that project includes three systems, each of which would generate 2.3 MW to 2.4 MW of electricity. The systems would be tied together to produce approximately 7 MW of electricity, which is enough to power approximately 1,200 homes. Subscriptions would be offered first to residents of Farmington. The power which remains after the Farmington residents are served would be available to customers outside the Town. Mr. Compitello said that residents may subscribe as long as they desire. He said that residents would not need to invest in home-installed solar roof installations and would not incur the maintenance costs of a home-installed system if they subscribe to a community solar project like this.

He said that DRS works with Rochester Gas & Electric (RG&E) to assure a safe reliable system and connection to the grid. He said that RG&E is ready for the connection and is awaiting the approval of the project.

Mr. Compitello said that the 136.4-acre site is proposed to be subdivided into four separate tax-account lots to comply with regulations which limit solar installations to 2 MW on an individual lot. He also said that Area Variances from the setbacks which are required by the Town Code have been requested from the Zoning Board of Appeals to condense the overall size of the installation footprint on the 136.4-acre site.

He said that the landowner would be able to continue farming with the potential of having sheep graze within the fenced solar panel area. He said that sheep grazing could be in tandem with the cattle on the property. Mr. Compitello said that the solar installation would enable the landowners to keep the farm in their family for future generations. He said that the landowners are pursuing this project for the ability to reinvest in their farm.

Mr. Compitello said that in accordance with the State's Freedom of Information Act he has received the letters which were sent to the Town from residents and that he looks forward to responding to them this evening. He said that it is important for the company to learn about the community's concerns and that he hopes that DRS will become a part of this community.

Mr. Compitello discussed the visual concerns of residents. He said that there are no residences directly across the road from the site that will have direct views into the site that are not currently screened by existing vegetation or by topography. He said that there are residences close by, and where those residences do exist, he believes that there is existing vegetation that is already strong enough to screen the views of this project when it is developed, or that could be easily screened. He requested feedback on the best way to provide this additional screening.

Mr. Compitello said that there is an opportunity for visual screening by the way the parcel is sited. He said that visual screening is important to the company.

He said that the solar panels would be a fixed-tilt passive system with no moving parts. The panels will be nine to 10 feet in height which he said would be lower than anything currently on the property. Mr. Compitello said that the existing barn on the property is the highest structure one would see on the property.

Mr. Compitello displayed photographs of a solar installation in North Carolina upon which sheep were grazing. He said that the solar panels in the photos were about 12 feet in height, which are higher than the proposed Farmington project. The photos also depicted a visual buffer and fence. He said that viewers of the Farmington project would see the visual buffer before they would see the solar panels.

He also presented photographs of the area (i.e., Fox Road, Ellsworth Road) and said that the site would be very well screened by vegetation and the topography of the land.

Mr. Compitello said that the visual issue is a main concern of DRS, too. He said that all of the letters received from residents have been read and that he is interested in hearing more from the residents this evening.

Mr. Matt discussed the site plan. He said that the solar panels would be installed as far from the road and from wetlands on the property as possible. Mr. Matt said that a wetland biologist has mapped the site and has delineated a State wetland and a Federal wetland. He said that no disturbance is proposed within the Federal wetland, that no disturbance is proposed within 100 feet from the State wetland, and that no State or Federal permits are required for this project.

Mr. Matt said that the solar panels would be located approximately 430 feet from Yellow Mills Road and approximately 310 feet from Fox Road.

He said that the landowner would be able to continue to farm the land with hay fields and cattle grazing. A double fence line west of the existing farm would be installed for the movement of cattle and farm equipment to the grazing and pasture areas. Mr. Matt said that the farm operations would include cattle, hay and sheep.

Mr. Hemminger then called on Mr. Brand who asked those in the hallway if they could hear the proceedings. Not hearing any concerns, he then said that everyone in attendance would have an opportunity to speak to the Planning Board this evening. He thanked the residents for bearing with the board and the Town staff. Mr. Brand said that no one anticipated such a large attendance at this hearing this evening.

Mr. Brand discussed the process for the consideration of these applications. He said that the 30-day State Environmental Quality Review (SEQR) public review and comment period ended on October 29, 2018 and that no objections were received from any of the Involved or Interested Agencies to the Planning Board's intent to designate itself as the Lead Agency for making the SEQR determination on this project.

Mr. Brand said that, as the designated Lead Agency, it would be the responsibility of the Planning Board to make a determination of significance upon these applications and this Action. He noted that a draft Environmental Impact Statement could be prepared if the Planning Board determines a positive SEQR declaration. He said that a determination of non-significance could be made if the Planning Board determines that it has the necessary information to provide a reasoned declaration for making a determination of non-significance.

The SEQR Involved and Interested Agencies which were identified by the Planning Board and which participated in the 30-day public review and comment period are:

Involved Agency: New York State Energy Research and Development Authority
Involved Agency: New York State Department of Environmental Conservation
Involved Agency: U.S. Army Corps of Engineers
Involved Agency: New York State Office of Parks, Recreation and Historic Preservation
Involved Agency: Town of Farmington Planning Board
Involved Agency: Town of Farmington Zoning Board of Appeals
Involved Agency: Town of Farmington Highway and Parks Department

Interested Agency: Ontario County Agricultural Enhancement Board
Interested Agency: New York State Department of Agriculture and Markets
Interested Agency: Town of Farmington Agricultural Advisory Committee
Interested Agency: Town of Farmington Conservation Advisory Board
Interested Agency: Town of Farmington Town Clerk
Interested Agency: Town of Farmington Historian

Mr. Brand explained that the application process began with the four Area Variance applications which were presented to the Zoning Board of Appeals (ZBA) in September. He said that the ZBA's Public Hearings on these applications will continue on Monday,

November 26, 2018. But he said that the ZBA cannot act upon the applications until the Planning Board prepares and accepts Part 2 and Part 3 of the full environmental record, which has not yet been written. He noted that it would be unlikely that the ZBA would be taking any action on November 26th other than continuing the Public Hearings.

Mr. Brand said that these Public Hearings before the Planning Board will be continued to December 5, 2018, and will be held at the Town Highway Garage on Hook Road to accommodate the anticipated large number of residents. He said that Town meetings have been held at the Highway Garage in the past and that large numbers of attendees can be easily accommodated there.

Mr. Brabant said that the Town Engineer review of these applications will involve verification that the plans comply with the Town Solar Law, the Town's MS4 Program, New York State Department of Environmental Conservation (DEC) drainage regulations, the criteria of the Town's Special Use Permit, and the conditions of approval which the Planning Board may impose.

Mr. Brabant said that the applicant will be required to provide a compliance letter from the local utility provider (RG&E) to confirm that RG&E has the capacity to accept the power to be generated from this facility. He said that an Operations and Maintenance Plan must be provided to describe the daily, weekly, monthly and annual operation of the site. He said that this is required establish a set of standards which will be monitored by the Town staff to assure compliance with Town Code, MS4 and DEC requirements, and Planning Board conditions of approval.

Mr. Brabant said that disturbance of more than one acre requires the applicant to provide water quality and quantity measures on the site. He said that the increase of impervious surfaces will be calculated and that the applicant's design of the stormwater management facilities will be verified by the Town Engineer and the Town staff.

Mr. Hemminger asked about the reclamation of the land. Mr. Brabant discussed the decommissioning requirements which are included in the Town Solar Law. He said that the applicant will be required to provide a plan and a procedure to be followed when the site is no longer in use. He said that this plan must provide details on the removal of the equipment and the restoration of the land. Mr. Brabant said that the applicant also must provide a surety as part of the initial application which will cover the cost of removing the equipment and restoring the land.

Mr. Hemminger then asked if anyone in attendance wished to speak for or against this application, or ask questions. He reminded everyone to first please identify themselves, give their address and limit their comments to four or five minutes. Once everyone has been given an opportunity to comment, then a second round of comments will be entertained. Finally, he asked everyone to please address their questions to the chairperson who will determine the best source to answer any question.

Caroline Heberle (531 Yellow Mills Road) said that she owns 100 acres of land on the east side of Yellow Mills Road, directly across from the applicant's property, which she described as a huge solar power plant. He said that her family has kept this land in the agriculture district for 56 years and that she never could have seen this [a solar project] coming into an agricultural district. She said that she is strongly opposed to the size of this power plant and that her property will be impacted by the effects of lights, trucks and the loss of value of her property to her family. She said that she is not opposed to renewable energy but that she is opposed to having a power plant built in an agricultural district.

Mr. Hemminger confirmed that all letters from residents have been received and are in the record for these applications. He said that the letters will be part of the Planning Board and Town staff review process.

Linda Heberle (531 Yellow Mills Road) referred to the Town Solar Law concerning the consideration of alternate sites if a solar project is proposed in a prime agricultural district. She said that the applicant is saying that there is no alternative to this site. She asked if the applicant has looked into alternate sites and where they might be. Mr. Hemminger requested that the applicant provide a written response to this question.

Ms. Case (169 Ellsworth Road) read a portion of a letter from her son, who is a meteorologist in Alabama, who wrote that the northeast United States is notorious for a lack of sun, especially in the Great Lakes region, and that the only areas worse in terms of solar exposure are in Oregon and Washington State. She said that this leads one to believe that these solar plants will not be a cost-effective source of electricity. She said that the obvious result is endless government and taxpayer subsidies. Ms. Case said that she does not want the value of her property slashed by the intrusion of a commercial property in our area. She said that we will not see any benefit from this project, only a detriment to our lifestyle. She said to stop this project, as well as the other solar projects, from carving up our wonderful Town of Farmington.

Mr. Hemminger asked that the applicant to provide in writing the meteorological effects on solar projects in this area.

Mr. Falanga (395 Ellsworth Road) asked how many letters were received during the SEQR public review and comment period. Mr. Morse estimated that approximately 34 to 36 letters were received in his office and have been placed in the project file.

Mr. Falanga said that he is speaking on behalf of a group of concerned taxpayers. He said that something is amiss. He said that when he first discussed this project with Roger and Carol [Smith] that it was to be a small eight- to 10-acre solar farm tucked behind the marsh and that no one would see it. He said that something has changed since the time that the project was first proposed, that it is now 21,000 panels, and that he doesn't know if Delaware River Solar has misled his good neighbors. He said that he was told that they [DRS] found a loophole in the regulations to subdivide the property and therefore have multiple lots versus one power plant. Mr. Falanga then read from the minutes of a pre-

vious meeting regarding Mr. Brand's comments that the Town of Farmington would not financially benefit from this project other than to receive the application fee. Mr. Falanga said that he turned in 24 letters and was pleased to see the residents here. He said that young people considering buying property [in this area] now have said that they are not going to buy property here.

Mr. Falanga distributed and read aloud the five questions which the ZBA considers during deliberations on Area Variance applications. Mr. Hemminger explained that these questions refer to the deliberations of the Zoning Board of Appeals, which is a separate board. He said that although there are separate boards reviewing these applications, all the information that is received is considered in the SEQR process.

Mr. Falanga also distributed literature from the Community & Regional Development Institute (CaRDI) in the Department of Development Sociology at Cornell University on the topic of "Large-Scale Solar Information and Research Needs for New York State," which listed local impact considerations of solar projects during construction, operation, decommissioning, and long-term impacts. He referred to "solar sprawl" as discussed in the Cornell University study, i.e., when one project starts, more tend to come. Mr. Falanga said that this project will have an adverse effect on the physical and the environmental conditions of the neighborhood and will affect property values and the scenic view of this area. He asked the Planning Board to keep the "farm" in Farmington and remember the Town's *Master Plan* which calls for the northeast quadrant of the Town to be open and agriculture—not commercial or industrial. He said that this is a 7 MW commercial operation.

Mr. Falanga discussed green space regulations. He said that the group with which he has been working found that 35 percent to 40 percent of each parcel must be left for green space. He said that they see no green space at all on the individual parcels on the site plan.

Mr. Falanga said that he spoke with Sandy Pagano, the supervisor of the Town of Macedon, who said that Macedon was approached and they gave the project a big thumbs down because there is no benefit to their town. Mr. Falanga said that the job of the Planning Board is not to help developers, but is to protect the citizens of Farmington.

Mr. Foley (373 Ellsworth Road), who served as Town supervisor in the early 1990s, said that he believes that solar and renewable energy are what we have to look toward. He said that the perception in the 1990s was that the Town was being inundated by housing developments, that the Town Board considered this, and that the board decided to have the housing development under our terms and not under the developers' terms. He said that the theory was that the obligation of the elected officials was to protect the citizens of the Town and not to assist or make life better for those who want to use the Town.

Mr. Foley said that he received a letter that touts the fact that DRS is a local company. He said that the letter talked about about community solar, solar farms and the benefits to the

neighbors. Mr. Foley said that these seem to be sales words, that the company is selling something.

Mr. Foley said that he was under the impression that DRS was based in New York City. He said that Mr. Compitello signed a letter with an address of Winton Road, Rochester, N.Y. Mr. Foley said that he took a ride to 130 Winton Road and found that it is the United States Post Office on Winton Road. He presented a large photograph of the post office and said that he assumes that this is the location of a rented post office box. Regarding the company's comment that this is a community project, Mr. Foley said that nobody in this community asked for this project. Mr. Foley said that this isn't a farm—it is a power plant and they are putting this in the middle of an agricultural district. Mr. Foley said that in 1992 the Town began a *Master Plan* to preserve this quadrant of the Town as a farming, open and rural area. He said that this project will monumentally change and effectively destroy the character of our part of the Town.

Ms. Vandenburg (259 Ellsworth Road) said that she would like to know more about the DRS company. She said that she would like to see photographs of a solar project comparable in size to the Farmington proposal, and that although they showed cute photos of sheep and solar panels, they did not show a 40-acre industrial power plant. She said that she wants to see photographic evidence of what it looks like so that she can make a good decision. Ms. Vandenburg said that most of the solar projects she sees are about five acres in size and are tucked into industrial areas. She said that she came up with the phrase "*Keep the 'farm' in Farmington*" and discussed the Town's proximity to Hill Cumorah, the cobblestone homes, and the 1816 Quaker Meetinghouse. She asked why the Town would consider a project of this size in this wonderful preserved area. She asked the board to carefully consider the appropriateness of the project and to work with the company to select a better industrial area for its location.

Mr. Geer (568 Yellow Mills Road) said that he purchased his property to retire in peace and quiet, and to clear his head. He said that he does not want a commercial project on his southern border. Mr. Geer said that the project will be unsightly and that the folks will have to live with glass shining on them. He asked where the sheep will stay five months of the year. Mr. Geer said that this is baloney and that if this project happens it is a crime and it should not be in Farmington.

Ms. Chapman (230 Ellsworth Road) said that she goes by this property every day. She said that when she looks at the photograph with the fence, it is ugly and unsightly. She said that she doesn't want to drive by something like that. She asked what would happen in the future if she wishes to downsize and sell her home. She asked who is going to want to buy her house with that big operation right around the corner. She said that her property value is going to tank.

Mr. Vanderwall (125 Yellow Mills Road) asked about the wetlands on the property. Mr. Hemminger said that the solar panels would not be installed within the wetlands. Mr. Matt said that a wetlands biologist delineated the State, Federal and Isolated Federal wet-

lands on the property. He said that all disturbance would be outside the wetlands and outside the 100-foot buffer of the State wetland.

Ms. Johnson (126 Yellow Mills Road) said that she grew up in Farmington on Fox Road, that she chose to remain in the area, and that she moved to Yellow Mills Road in 1993 where she has raised her family. She said that she came to the Town several years ago to ask about getting public water and that she knows what it feels like to be opposed and to be supported. She said that she is not against Roger and Carol [Smith] and that her biggest concern is that when she came to ask about public water there were people who were opposed to this. She said that she chose to live in the country and that she wants the area to stay country. Ms. Johnson asked if this eventually is a done deal. Mr. Hemminger said that this is not a done deal, that the process began with the Zoning Board of Appeals, and that the process is now with the Planning Board to determine the State Environmental Quality Review. He said that the results of the actions of the Zoning Board of Appeals and the Planning Board will determine whether the project goes forward, and in what form or format. Mr. Hemminger said that no decisions have been made, that the board will listen to comments and will go through the process in a sequential manner. Ms. Johnson said that Supervisor Fafinski told her not to worry and that public water would eventually happen. Mr. Hemminger said that this project is a totally different process.

Mr. Waite (226 Yellow Mills Road) discussed the barn on the property and read a definition of a farm. He said that landowners had the option to install a couple of cell phone towers on their property and that the Town said no. He said that the cell tower was placed on Town property so that everyone benefits. He asked why doesn't the Town put the solar project on Town property so that everyone can benefit. Mr. Hemminger said that the Town Board approved the Solar Law which is now part of the Town Code and which guides the Code Enforcement Officer on what is allowed, and where.

Mr. Broersma (5076 Maxwell Road) asked how the decision on this project will be made. He asked if this will be a vote of the Planning Board or if this will be put to a vote of all citizens. Mr. Hemminger explained that the processes which the Planning Board and the Zoning Board of Appeals will follow. He said that the Zoning Board of Appeals will decide the four Area Variance applications and that the Planning Board will decide the Subdivision, Special Use Permit and Site Plan applications. Mr. Broersma asked if residents could force this to a vote of the citizens of Farmington. Mr. Hemminger said no, but that the citizens could petition the Town Board to amend the Solar Law which is currently on the books and which was approved by the Town Board with public comments in 2017. He said that the Town Board is the only legislative board with the authority to amend the Town Code.

Mr. Kratzenberg (630 Sheldon Road) said that he has lived in Farmington all of his life and that every year the Town becomes less and less rural. He said that he grew up on Route 96 when it was a real farm, that the family moved to Sheldon Road where it is rural, and that he likes the rural atmosphere. He said that he knows many farmers and that they are good people. Mr. Kratzenberg said that he has hunted in Wayland, N.Y., and will never forget the first time that he saw the windmills which have been installed on the

hills. He said that it brought tears to his eyes and that when he asked Mr. Fox about them, Mr. Fox said they they it's sickening, isn't it? Mr. Kratzenberg asked where the power is going. He said take a guess. New York City. He said that the only one who will benefit is the landowner. Mr. Kratzenberg said that he agrees with prosperity but that he thinks that it's time to draw the line.

Mr. Strub (4638 Rushmore Road) said that Rushmore Road has been getting busier with trucks at the new composting facility. He said that they have been good neighbors but that the road is getting busier than when he first moved here in 1992. He said that he runs through the area two or three times a week and that he can't believe that cows can be put on the property. He also said that he did not know how equipment could get through the property for hay baling.

Mr. Richenberg (5007 Maxwell Road) said that he is in support of everyone who is against this project. He said that it doesn't bring any benefit to the community, that he would not accept the 10 percent reduction in electricity cost, and that he would be willing to pay the 10 percent to keep the area rural and agricultural. He said that he moved here because of the rural community, that there is no reason for this to change and that this project does not need to go here.

Mr. Schmitt (4743 Rushmore Road) asked if the landowners will pay taxes on the value of the solar structures and equipment. Mr. Hemminger said that the Town Assessor is studying how she will reassess the property if the project is constructed. He said that he has requested the assessor to attend the Planning Board meeting on December 5, 2018, to address questions of the property assessment. Mr. Hemminger said that the property will be assessed at full value and that the applicant and the property owner have not asked for a reduction in the assessment. Mr. Schmitt asked if there will be a building on the site. Mr. Matt said that the only proposed building will be a shed for the sheep. Mr. Schmitt asked if the installation will be completely fenced in. Mr. Matt said that there will be an eight-foot high fence around the perimeter of the solar panels.

Ms. Reed (4465 Fox Road) said that she owns a horse farm and that this project is really not a farm. She said that she will have a view of the solar panels and the eight-foot fence. She said that it took her a long time to find the property, which she purchased 18 years ago from Gordy Wilson, and that her plan was to buy more land and expand. She said that she would consider selling the farm and that her property value is going to plummet.

Mr. Bieck (358 Stafford Road) said that although he is in favor of solar that this project seems excessive. He said that RG&E is a Spanish-owned company and does not have an interest in us.

Mr. Chapman (230 Ellsworth Road) said that he does not envy the Planning Board's decision. He said that DRS has done everything they are supposed to do, that it is complicated and that the board has control over it. He said that there are over 100 people here tonight—all taxpayers—and he hopes that the board will take into consideration what the people have to say.

Ms. Greco (218 Ellsworth Road) asked about fencing and security of the site. She asked if this was going to be regulated by the U.S. Department of Homeland Security or by the North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection's (CIP) Reliability Standards, which define a comprehensive set of requirements that are the basis for maintaining the reliability of the North American Bulk Electric System (BES) and protecting it from cyberattacks. Mr. Matt said that the applicant will provide a written reply.

Mr. Greco (218 Ellsworth Road) asked if there are chemicals in the solar panels. He expressed concern about seepage of chemicals into the groundwater and that residents in this area of the Town are on wells. He asked what would happen if chemicals seep into the water supply and who would be responsible. He asked what would happen to his 12-year-old son and his family. He asked "what about us? You have to protect us."

A resident asked how long the application process will take. Mr. Hemminger said that there is no set timeframe and that the Planning Board, Zoning Board of Appeals and the Town staff will proceed through process step-by-step from the preliminary to the final stages. He said that the process would not be short based upon the volume of the public comments.

Mr. Godly (140 Galvin Court) asked about the difference between Federal and State wetlands. Mr. Brabant said that disturbances of one-tenth of an acre or less are covered under a nationwide permit and do not require a Federal or State permit. For State wetlands, a 100-foot buffer is required and must be coordinated with the State DEC for verification of protocols. For Federal wetlands, no disturbance is permitted within the wetland. Mr. Brabant said that the current site plan for this project does not indicate any disturbance of the wetlands on the applicant's property. He said that the U.S. Army Corps of Engineers and the State DEC have not responded with any comments to the SEQR review. Mr. Godly asked how far the solar panels would be from the Federal wetland. Mr. Matt said that he would show this dimension on the plans.

Mr. Godly asked about the tax assessment on the property and if the new assessment would affect the assessments of other properties in the area. Mr. Hemminger said that this question will be discussed by the assessor at the next meeting.

Mr. Geer (568 Yellow Mills Road) asked who will reimburse property owners for surveys if the company encroaches upon their properties. He said that most properties and surveys are old and refer to a tree or a stone. He said that this needs to be addressed. Mr. Hemminger said that the question will be answered by the applicant at the next meeting.

Linda Heberle (531 Yellow Mills Road) said that the information about buffers which was given by Mr. Compitello is totally inaccurate and totally wrong. She said that there are no natural buffers on Yellow Mills Road, that Dan Geer's trees are located to the south, and that there are no buffers on Fox Road. She said that everyone in this room is trying to preserve what they have and that she thinks that DRS is trying to exploit what they have.

Ms. Clement (330 Ellsworth Road) said that she owns just under six acres and that she cannot imagine a solar farm that big. She said it would be a monstrosity of 40 acres.

Mr. Falanga (395 Ellsworth Road) said that he and Gordon Wilson attended the October meeting of the Town Agriculture Advisory Committee meeting and that the Committee was against the solar proposal. He said that he also attended the October meeting of the Town Conservation Board. He read the names of the Committee and Board members from the minutes. He said that the Conservation Board agreed with the Agriculture Advisory Committee and said thumbs down on the large scale solar project. Mr. Falanga said that this is not a good project; that good neighbors help neighbors; that good neighbors lend their power equipment; and that good neighbors do not lie, distort or mislead. He said that there are no buffers [around this property] and that one must listen and read carefully. He said that DRS is only presenting what they want, as far as the Code. He said that Mr. Compitello appears online on how to develop solar codes, and low and behold, he gets to sell it on a later date.

Mr. Falanga said that the intersection of Yellow Mills Road and Fox Road is a horrible intersection for accidents and fatalities. He expressed concern about increased traffic.

Mr. Falanga said that the main aquifer for the Town of Farmington is under this land. He encouraged everyone to attend the next meeting of the Planning Board on December 5, 2018. He said that his research group is aware of 300 solar projects across the State and that less than 10 percent are approved. He said that this is a power plant and that it does not belong in the Town of Farmington.

Mr. Dennie (595 Yellow Mills Road) said that he purchased his cobblestone house about three years ago and that if he knew about this terrible project on this corner he never would have bought it. He said that he wants to live in the country and does not want to live anywhere near this.

Mr. Bieck (358 Stafford Road) asked if the eight-foot-high fence is a security fence to keep people and animals out, or if it will be a visibility fence so people cannot see on the other side. She asked if the fence is to block the visibility of the panels, and if so, it will need to be higher because the road is higher. Mr. Hemminger said that the fence will be a standard chain-link fence. Mr. Matt said that it will be more rectangular, eight feet in height, see-through, and will have no barbed wire.

Mr. Paul (4922 Maxwell Road) asked who will determine the amount of the bond to reclaim the site if the company goes bankrupt or if it abandons the property. Mr. Brabant said that a licensed professional engineer will be required to determine the appropriate quantities and value of the bond which will be submitted to the Town. The Town staff and the Town Engineer will review the bond which will then be approved by the Town Board following a recommendation from the Planning Board. The bond will run with the project. It must be submitted as part of the initial work and would be under the control of the Town. Mr. Hemminger said that the amount of the bond would be reviewed at various periods of time during the duration of the project during which the Town Engineer will

review the reclamation process and costs to assure that an adequate bond is in place. He said that the amount of the bond is not a stagnant number and that there is a review process for this.

Mr. Paul asked if the solar panels are made in the United States and if it is a Union job. Mr. Hemminger requested the applicant to provide a written response to this.

Mr. Paul asked about maintenance and if the solar panels would be inspected once a month or every six months if a fence is down or for broken panels. Mr. Morse said that Town staff inspects projects and notifies property owners if violations are discovered. He said that the Town has the ability to use the applicant's Letter of Credit to pay for the cost of correcting the violations if the violations are not corrected by the applicant. Mr. Brabant said that this project would also be subject to conditions of the Special Use Permit and that the site would be inspected once a year following construction to assure continued compliance with the conditions of approval. Mr. Hemminger said that these conditions would be established by the Planning Board.

Mr. Kratzenberg (630 Sheldon Road) asked about wildlife on the property and if the New York State Department of Environmental Conservation (DEC) would inspect the site. Mr. Brabant said that the DEC would not inspect the site but that the applicant has provided a determination to the U.S. Army Corps of Engineers and the DEC as part of the environmental record regarding the delineation of the wetlands.

Mr. Hemminger then asked if anyone in the outer hallway who could not be seated in the room had any questions. Residents switched places with those from the hallway who wanted to speak.

A resident asked if DRS will purchase the property from the landowners. Mr. Compitello said that DRS will lease the land from the landowners. The resident asked if the Town knows the terms of the lease and if the financial information will be made public. Mr. Hemminger said that this is question to be answered in writing by the applicant. He said that the landowner and DRS may discuss this and he was not sure if this level of detail would be released to the Town or to the public.

Mr. Greco (218 Ellsworth Road) asked how often the site will be tested for any type of chemical spill or pollution. He said that all it takes is a few chemicals to be released into the water and that they are talking a lot of acres and a lot of panels He said that many people are still on well water and that he did not know that the main aquifer is under this property. He asked how is the Town going to protect the people of Farmington. Mr. Hemminger said that this question is exactly the type of information to be acquired during the SEQR process. He said that the Planning Board has the ability to place a number of conditions on the Special Use Permit and that best-practice inspections could be among them, assuming this application reaches that point. He again noted that the decision on this project is not a foregone conclusion and that this is not a done deal.

Ms. Zurich (315 Sheldon Road) said that she bought her land many years ago and that State and Federal wetlands are located throughout the area. She said that many types of wildlife including blue herons, birds, hawks, deer and turtles are on the property. She expressed concern about development encroaching upon the wildlife and the wetlands. Ms. Zurich asked if towers were going to be built. Mr. Matt said that no towers will be built. He said that the electric lines will connect to the existing power lines at the road. In terms of wildlife, Mr. Matt said that the applicant has received concurrence and no-impact letters from the fish and wildlife service because there will be no encroachment upon the wetlands.

Mr. Compitello said that the solar panels are made of glass, aluminum and silicon. He said that there would be no toxicity to the land below the panels if they are broken. Mr. Hemminger asked for documentation from the panel maker on the contents of the solar panels.

Mr. Hemminger requested that Mr. Compitello discuss the size and placement of the inverters. Mr. Compitello said that the inverters take the power from the solar panels (which is direct current) and convert it to alternating current. He said that they are about 12 feet tall with a small fan inside. He said that the fan can be heard about six to eight feet away. At greater distances, the sound dissipates and cannot be heard. He said that there are no toxic materials inside the inverters and that they are similar to those now in use at other RG&E facilities.

Ms. Johnson (126 Yellow Mills Road) asked about power disruption during maintenance of the panels. Mr. Compitello said that he receives this question often. He said that the power generated by the solar panels enters the grid in the same way as power from coal fired plants. He said that RG&E adjusts the flow of power into the grid to make sure that the power always stays on.

Mr. Falanga (395 Ellsworth Road) said that everyone in this room can buy solar power right now. He said that it is available right now and that it is misleading for the company to give the impression that this power is just for Farmington.

Mr. Hemminger then asked if Planning Board members had any comments or questions.

Mr. Viets said that the enhancement of agricultural viability and the preservation of agricultural land is discussed in the Town's Solar Law. He said that the board must determine that there is no feasible alternative to this site. He said that he wants to know what alternatives were studied by the applicant and why they were not feasible for this project. Mr. Viets said that this is a key point.

Ms. Neale said that she also wants to know what other parcels of land in Farmington were considered for this project. She said that she will be asking for an in-depth review of all landscaping and the applicant's means of providing screening around the property.

Mr. Hemminger requested photographs of other projects which are similar in size to this proposal. He said that he wants to see the full panel array. He also requested a maintenance record of other projects of comparable size.

Mr. Hemminger said that he wanted to make sure that the landowners understand that their property will be reassessed if this project is constructed and that they will be responsible for the payment of all property taxes as the property owners, not DRS. He said that if at some point the project becomes abandoned, the property owner will still be responsible for the payment of all property taxes no matter what DRS may do. Mr. Hemminger said that it is only fair that the property owners understand this because the tax bills will still be the responsibility of the landowners.

Mr. Hemminger again apologized for the inconvenience of not having enough space for everyone to be seated in the main meeting room. He said that this was the first time that the Planning Board has ever had such a large group of people attend a Public Hearing. He said that the next meeting will be held on Wednesday evening, December 5, 2018, in the Town Highway Garage, 985 Hook Road, where large numbers of residents have been accommodated in the past for public meetings.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC
DESIGNATION OF LEAD AGENCY STATUS**

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

APPLICANT: **Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road**

ACTIONS: **Preliminary Subdivision Plat, Preliminary Site Plan, Special Use Permit and Area Variance applications for the development of a 7 megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road**

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board) has previously determined the proposed action described above herein

(referred to as Action) to be a Type I Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Zoning Board has initiated a coordinated review with Involved agencies which has ended on Monday, October 29, 2018; and

WHEREAS, the Zoning Board has declared its intent not to be designated at the Lead Agency under the SEQR Regulations; and

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has declared its intent at their September 19, 2018, meeting to be designated, at their November 7, 2018 meeting, the Lead Agency under the SEQR Regulations; and

WHEREAS, copies of said declaration of intent were provided by the Planning Board to the Involved and Interested agencies during the 30-day public review and comment period; and

WHEREAS, the Planning Board has received no objection from any Involved agency during the public review period to their being designated as the Lead Agency for making the required determination of significance upon the above referenced Action.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board does hereby designate itself as the Lead Agency for making a Determination of Significance upon said Action.

BE IT FINALLY RESOLVED that the Planning Board does hereby directs the Clerk of the Board to provide a certified copy of this resolution to the identified Involved and Interested agencies.

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

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR LLC
DIRECTING A DRAFT OF PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT
FORMS**

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

APPLICANT: Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road

ACTIONS: Preliminary Subdivision Plat, Preliminary Site Plan, Special Use Permit and Area Variance applications for the development of a 7 megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road

WHEREAS, the Planning Board has tabled any further discussion upon the above referenced Actions and moved to continue the public hearings upon the above referenced Actions to 7:00 p.m. on December 5, 2018, to provide time for the drafting of Parts 2 and 3 of the Full Environmental Assessment Form upon the above referenced Actions; and

WHEREAS, the Planning Board has, under separate resolution adopted as part of tonight’s Public Hearings, been designated as the Lead Agency under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board as the designated Lead Agency is responsible for completing the Environmental Record upon said Actions; and

WHEREAS, the Planning Board as the designated Lead Agency is responsible for making a determination of significance upon said Actions before it may make any decisions thereon; and

WHEREAS, Article 8 of the New York State Environmental Conservation Law, Part 617.6 (b) (3) (iii) requires a designated Lead Agency to determine the significance of the action(s) within 20 calendar days of its establishment as Lead Agency, or within 20 calendar days of its receipt of all information it may reasonably need to make the determination of significance, whichever occurs later, and must immediately prepare, file and publish the determination in accordance with Section 617.12 of this Part.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to direct Town Staff to prepare a draft of Parts 2 and 3 of the Full Environmental Assessment Form for review and acceptance by the Planning Board at the December 5, 2018, meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the 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, 33 Irving Place, New York, N.Y. 10003; 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; and the Town Engineering Firm, MRB Group, D.P.C., attn: Lance S. Brabant, CPESC, Director of Planning Services.

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

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

Motion carried.

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

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

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

APPLICANT: Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003, on behalf of Roger and Carol Smith, owners of property at 466 Yellow Mills Road

ACTIONS: Preliminary Subdivision Plat, Preliminary Site Plan, Special Use Permit and Area Variance applications for the development of a 7 megawatt solar farm on approximately 35 acres of land at 466 Yellow Mills Road

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

WHEREAS, the Planning Board has received testimony at tonight’s Public Hearings upon said Actions; and

WHEREAS, the Planning Board has, under separate resolution adopted as part of tonight’s Public Hearings, been designated as the Lead Agency under the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table any further discussion upon the above referenced Actions, and moves to continue the Public Hearings thereon, to 7:02 p.m. on December 5, 2018, to provide time for the public input and SEQR compliance upon said Actions. The location of the Continued Public Hearing will be the Town of Farmington Highway Garage, 985 Hook Road, Farmington, N.Y. 14425.

BE IT FURTHER RESOLVED that the Planning Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the 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, 33 Irving Place, New York, N.Y. 10003; 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; and the Town Engineering Firm, MRB Group, D.P.C., attn: Lance S. Brabant, CPESC, Director of Planning Services.

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

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

Motion carried.

5. PUBLIC HEARING: NEW PRELIMINARY SITE PLAN

PB #1101-18 New Preliminary Site Plan Application

Name: Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC, c/o Graham Marcus, Maddie's Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425

Location: 6226 New York State Route 96

Zoning District: GB General Business District

Request: Preliminary Site Plan approval for a proposed 6,000-square-foot building addition and related site improvements

This application was reviewed by the Project Review Committee on November 2, 2018.

Mr. Hemminger opened the Public Hearing on this application.

Mr. Venezia (Venezia & Associates) presented this application. Mr. Marcus also attended.

Mr. Venezia said that Mr. Marcus purchased the former O'Neil's Power Sports at 6226 State Route 96 and proposes a 6,000-square-foot addition. He described the site and the delineation of the new addition on the site plan. He said that the existing driveway off State Route 96 would be retained, that another entrance will not be added, and that the driveway will loop around to the rear of the property.

Mr. Venezia said that the drainage system on the property will be amended to pick up the rainwater on the sides of the driveway and to channel it into an infiltration area which will include a three-foot-deep layer of heavy stone below the pavement. He said that the voids in the stone will hold the rainwater (similar to the function of a detention pond) and that the rainwater will slowly dissipate into the ground. He said that larger stone, instead of gravel, will be used to create the voids. He said that the rainwater will be picked up by catch basins and channeled into the infiltration area of the driveway.

Mr. Venezia acknowledged receipt of the MRB Group engineering comments and said that these are being worked on and will be addressed.

Mr. Brand said that this application was discussed with Mr. Marcus and Mr. Gooding from Mr. Venezia's office at the Project Review Committee (PRC) meeting on November 2, 2018. He said that the PRC requested additional details regarding parking, site features, lighting and signage. Mr. Venezia said that these are being addressed and will be included on the revised plans which will be submitted for Preliminary Site Plan approval. He said that he was under the impression that the plans would receive Preliminary Site Plan approval this evening. Mr. Brand said that the plans as submitted at the PRC meeting did not necessarily include all requirements of the Town Code and that for clarity the Planning Board would like the Preliminary Site Plan to reflect the items which were requested by the PRC.

Mr. Morse requested that the Preliminary Site Plan include color elevations and the calculation of green space, similar to what has been requested of other applicants including the Taco Bell Restaurant on State Route 332. He said that the issue of green space on the site must be addressed to avoid an Area Variance application to the Zoning Board of Appeals. Mr. Morse also noted that impervious surfaces may not account for green space.

Mr. Giroux asked about the drainage infiltration area and if a drainage pipe or absorption will be used. Mr. Venezia said that the rainwater will be forced into the ground through percolation to be dissipated slowly through the ground. He said that drainage is concern on this site and that there is currently no place for the water to go, i.e., no creek and no drainage ditch or swale.

Mr. Giroux said that emergency and fire vehicle access was discussed at the PRC meeting. He expressed concern about the turning radii for fire equipment to make the swing around the right side of the building. Mr. Venezia said that several parking spaces will be removed. Mr. Giroux said that the fire department will want to know the location of the fire connections to the building.

Mr. Degear said that all Water and Sewer Department comments have been submitted in writing and can be worked out with the applicant. He advised the applicant that all department heads must sign the Preliminary Plans prior to submission of the Final Site Plan. He said that the Preliminary Site Plan must be complete.

Mr. Brabant requested that the parking spaces be identified on the site plan, including any spaces to be added. He also requested that the display areas and the customer parking area be shown on the plans, and that turning templates and radii for fire apparatus and delivery vehicles be calculated and shown.

Mr. Brabant requested that that proposed public safety and security lighting be shown. He also asked if there was a need for the considerable amount of paved areas and that removal of some impervious surfaces would help toward reaching the required percentage of green space on the site.

Mr. Brabant said that water quality facilities will be located in the rear of the building. He said that Mr. Venezia is working to accommodate the Town to provide a water facility to deal with the pre-existing drainage issues on this site. He also requested that the applicant to take a hard look at having the roof drains flow into the infiltration area, possibly through an infiltration trench on the south side of the building, to attempt to hold back as much rainwater as possible and to meet the green space requirements.

Assistant Chief Weidenborner expressed concern about emergency and fire vehicle access into the site and around to the rear of the building. He said that the only access would be off State Route 96 or through the property of the adjacent car wash to the west. He requested that turning radii be carefully considered and calculated.

Mr. Marcus said that the building will not have sprinklers, which are not required by the Town Code for a structure of this size.

Mr. Marcus asked if the width of the driveway was an issue for the Town. He said that he would be willing to address this and to make improvements to the property. Assistant Chief Weidenborner said that the width of the driveway will be sufficient when several parking spaces are removed. He said that the fire department is willing to bring an engine to the site to make test runs.

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

Mr. Litz, who owns the Country Club Car Wash on the northeast corner of State Route 96 and Mertensia Road just west of the applicant's site, said that he would like to see photos or a rendering of the proposed project. He expressed concern about the current drainage issues on the site and suggested that dry wells will not work well. He said that stormwater runoff currently flows onto the adjacent apartment property.

Mr. Hemminger said that the Town Engineer will study the applicant's plans in depth to verify that the proposed infiltration system will function effectively and will accommodate the stormwater runoff.

Mr. Brabant said that the first step for the applicant is to comply with the Town's requirement for adequate green space on the property, followed by reduction of some pavement and the design of the infiltration system.

Mr. Hemminger said that the goal of the project is not make the runoff any worse than it is now and hopefully to improve it. He said that this is the Town's process.

Mr. Litz said that the previous owner has unloaded merchandise throughout the property and often from his property. He said that Mr. Marcus has done a good job to avoid having trucks on the car wash property. He again asked to see a rendering of the final project.

Ms. Neale requested color elevation renderings of the new addition and requested that these include the proposed landscaping. Ms. Neale also requested green space calculations.

Mr. Maloy asked about the stormwater management plan. He said that this is more of a detention system than an infiltration system. He requested additional details and asked if a perforated pipe would be installed below the stone in the infiltration area. Mr. Venezia said yes.

Mr. Maloy asked about an outlet control structure. Mr. Brabant said that the infiltration area has an overdrain on top of the pavement and that everything else will seep into the system and flow to an outflow pipe which discharges to the rear of the property.

Mr. Venezia said that the outflow pipe has been sized above and beyond what would be huge storm event, estimated at approximately a 20-year storm. He said that he is not trying to jam water into the ground but that he is trying to hold the water under the pavement in a coarse layer of stone, fill the voids between the stones with water, and then allow the water to seep out the end.

Mr. Bellis also requested color elevation renderings of the new structure. He asked about the size of the addition. Mr. Marcus said that the entire addition would be used for showroom space, an office, and two restrooms.

Mr. Bellis asked about the size and colors of the signs, parking, the arrangement of the outdoor displays of products, and drainage. Mr. Marcus said that his property is in the middle of three lots from the corner of State Route 96 and Mertensia Road and that stormwater runs across his property and onto the adjacent property to the east. He said that the plans are attempting to address this drainage issue. Mr. Bellis said that he would not want to have the drainage flow to the adjacent townhouses or onto the car wash property. Mr. Marcus said that most of the existing drainage is not being generated from his property and that he is trying to improve the drainage issues.

Mr. Bellis requested a rendering of the arrangement of the outdoor displays of merchandise.

Mr. Bellis asked about the existing shed on the property. Mr. Marcus said that the shed will be removed.

Mr. Hemminger asked about the outdoor display of products. Mr. Morse said that the displays may not encroach upon the State right of way and must not hinder emergency and fire vehicle access. He said that he will be carefully looking at the outdoor display area and that he wants to be sure that it will be consistent with other businesses.

Mr. Hemminger said that the Planning Board has supported land-banked parking and would have no issues if Mr. Venezia or Mr. Marcus would like to propose this. He said that the board would rather see green space than parking spaces.

Mr. Bellis asked about the existing sign at the road. Mr. Marcus said that the sign will be re-done for his business but that the location and the size will remain the same.

Mr. Maloy asked about the percentage of green space and the parking area. Mr. Brabant said that parking areas are considered disturbances and that the Town's MS4 Program and DEC water quality/water quantity compliance is required if more than one acre is disturbed.

Mr. Bellis asked about the products to be displayed outdoors. Mr. Marcus said that he took ownership of the property in August and that he has been as active as possible in mowing the front lawn twice a week. He said that all of the products are moved off the

grass onto the pavement when the lawn is mowed, and then the products are moved back onto the grass.

Mr. Marcus said that he operates another location in Dansville, N.Y., and that the Farmington location will be almost identical. He said that he will bring photographs of the Dansville location to the next meeting.

Mr. Bellis asked Mr. Litz if he has had any problems with Mr. Marcus's operations. Mr. Litz said that Mr. Marcus is doing a great job and that the property is 100 times better than in the past.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
MADDIE'S POWER SPORTS
PRELIMINARY SITE PLAN—CONTINUATION**

PB #1101-18

APPLICANT: Venezia Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC, c/o Graham Marcus, Maddie's Power Sports, 6226 State Route 96, Farmington, N.Y. 14425

ACTION: Preliminary Site Plan: Proposed 6,000-square-foot building addition and related site improvements at 6226 State Route 96

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has opened a Public Hearing at tonight's meeting, upon the above referenced site plan application; and

WHEREAS, the Planning Board has received testimony, from both Town Staff and the applicant, at tonight's meeting upon the proposed Action; and

WHEREAS, the Planning Board has requested additional information be provided regarding related site improvements which are to be reflected upon revised Preliminary Site Plan drawings, including but not limited to color Building Elevation drawings.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table any further discussion upon the pending Preliminary Site Plan application and to continue the Public Hearing on this application to Wednesday, December 5, 2018, com-

mencing at 7:01 p.m., in the Town of Farmington Highway Garage, 985 Hook Road, Farmington, New York 14425.

BE IT FURTHER RESOLVED that the applicant is directed to submit revised drawings to Town Staff for their review and comment at the Project Review Committee (PRC) meeting scheduled for Friday, November 30, 2018.

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

Motion carried.

6. NEW PRELIMINARY SITE PLAN AND FINAL SITE PLAN

PB #1104-18 New Preliminary Site Plan and Final Site Plan Applications

Name: Oldcastle Lawn & Garden Inc., 155 State Street, Manchester, N.Y. 14504

Location: South side of State Street, west of and adjacent to the Village of Manchester boundary line

Zoning District: GI General Industrial District

Request: Preliminary and Final Site Plan approval to store pallets of bagged mulch materials upon land located adjacent to the Town of Farmington/Village of Manchester municipal boundary, south of State Street.

This application was reviewed by the Project Review Committee on November 2, 2018.

Ms. Kiefer and Mr. Melsom presented this application.

Ms. Kiefer said that Oldcastle Lawn and Garden owns the property and the buildings in the Town of Farmington and in the Town of Manchester and that GreenRenewable Inc. operates these locations. She said that this application is to permit auxiliary storage of finished goods on pallets on the property in Farmington. She said that these mulch and stone products are produced on the Manchester property.

Mr. Brand said that this application had been withdrawn from the Ontario County Planning Board (OCPB) in October. He said that the OCPB will consider the application at its meeting on November 14, 2018, or at its December meeting. He said that the Plan-

ning Board will be able to consider the application following the OCPB's review and that he has drafted a resolution to continue the application to either the December 5, 2018, meeting or the December 19, 2018, meeting, depending upon the OCPB agenda.

Mr. Brand said that the Farmington site was previously used by Spancrete for the storage of concrete panels. He said that a concern has been identified for tractor trailer trucks to access the site from State Street off State Route 96 and not from any streets in the Village of Manchester. He said that installation of a directional sign on the Town right of way on State Street was proposed at the Project Review Committee (PRC) meeting last week as a measure to better direct truck traffic to the driveway location. He said that a light at the State Street driveway entrance also was suggested if needed.

Mr. Morse commended the applicant for the work which has been done to improve the site and the storage operations.

Mr. Giroux said that a standard Department of Transportation directional sign (two feet x three feet, blue with white lettering) has been suggested for installation in the right of way on State Street. Ms. Kiefer said that the company is willing to pay for the sign as recommended by the Town.

Mr. Brabant said that there will be no new disturbance of the site, based upon the discussion of the application at the PRC meeting last week. He requested that the following items be delineated on a revised Preliminary Site Plan:

- The four proposed pallet storage areas on the site.
- The type, size and locations of the wetlands.
- The existing tree line.
- A correct representation of the boundary of the proposed impervious area.

Mr. Brabant said that he will issue an MRB Group engineering comment letter regarding these items.

Assistant Chief John Weidenborner said that this portion of the Town of Farmington is within the Manchester Fire District. He said that he will forward the plans to the Manchester fire chief for review. Assistant Chief Weidenborner noted that the Manchester fire chief toured the site this past summer.

Mr. Maloy asked about the hours of operations. Ms. Kiefer said that indoor operations on the Manchester property take place 24 hours a day, seven days a week; and that outdoor operations in Manchester take place from 7:00 a.m. to 9:00 p.m. Monday through Friday, and partial days on Saturday and Sunday. She said that no manufacturing would be done on the Farmington property, which will be used solely for the storage of finished goods. She that pallets would be moved onto the Farmington property typically during the day-time hours when more staff and natural light are available.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY SITE PLAN—CONTINUATION**

PB #1104-18

**APPLICANT: Oldcastle Lawn & Garden, 155 State Street, Manchester, N.Y.
14504**

ACTION: Preliminary Site Plan approval to store pallets of bagged mulch material upon open land located adjacent to the Village of Manchester municipal boundary and south of State Street

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has opened a public meeting on the above referenced Action; and

WHEREAS, the Planning Board has received testimony at tonight's meeting regarding the proposed use of land for the seasonal outdoor storage of materials associated with the Oldcastle Lawn and Garden manufacturing site located in the Village of Manchester; and

WHEREAS, the Planning Board has reviewed the Village of Manchester Planning Board's record upon the recent action taken upon the Oldcastle Lawn and Garden project located entirely within that municipality; and

WHEREAS, the proposed Action involves the seasonal outdoor storage of pallets of bagged mulch and landscape stone materials on a total of 9.4 acres of land located in the Town of Farmington that was previously used by Spancrete Concrete Materials for the outdoor storage of prefabricated concrete panels; and

WHEREAS, the proposed Action is subject to a classification under Part 617.5 of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby classify the proposed Action as being a Type II Action, as is defined under Part 617.5 (c) (15) as being minor temporary uses of land having negligible or no permanent impact on the environment.

BE IT FURTHER RESOLVED that the Planning Board, having reviewed the November 2, 2018, Posting by the Ontario County Planning Board (OCPB), finds there has not been a referral to said Board as required under the provisions of Sections 239-1 and -m of the New York State General Municipal Law.

BE IT FURTHER RESOLVED that the Director of Planning was informed this morning by Linda Phillips, at the Ontario County Department of Planning, that a decision whether to accept a late referral for this application would not be made by the OCPB until Wednesday evening, November 14, 2018.

BE IT FURTHER RESOLVED that the Town Code Enforcement Officer is requested to submit a new referral and documents to the County Planning Board seeking their approval on November 14, 2018, to accept this matter as a late referral and then be able to act upon it at that meeting.

BE IT FURTHER RESOLVED that the Planning Board may not make a decision upon said Action until a referral and recommendation has been received from the OCPB.

BE IT FURTHER RESOLVED that the Planning Board hereby directs the Town Code Enforcement Officer to submit a complete referral to the OCPB for their November 14, 2018, meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby move to table any further discussion upon this Action and agrees to continue deliberations thereon at the Wednesday, December 5, 2018, meeting, provided the OCPB has reviewed a referral on this application at their November 14, 2018 meeting. Otherwise the Planning Board will, on December 5, 2018 only take action to continue the application to their December 19, 2018 meeting. The location of the meeting, on December 5, 2018 will be the Town of Farmington Highway Garage, 985 Hook Road, Farmington, N.Y. 14425.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide a certified copy of this resolution to: Melissa Kiefer, Environmental Director, Oldcastle Lawn and Garden, 900 Ashwood Parkway, Suite 600, Atlanta, Georgia 30338; Nicholas Costa, P.E., Advance Engineering & Surveying PLLC, 11 Herbert Drive, Latham, N.Y. 12110; and the Village of Manchester Planning Board, 8 Clifton Street, Manchester, N.Y. 14504.

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

Motion carried.

7. NEW FINAL SITE PLAN

PB #1102-18 New Final Site Plan Application

Name: Meyer’s RV Superstore of Farmington, 1000 Sanford Road North, Churchville, N.Y. 14428

- Location:** 6186–6200 State Route 96
- Zoning District:** GB General Business District
- Request:** Final Site Plan approval to construct a 12,000-square-foot building to operate a recreational vehicles sales and repair dealership, a 40-space customer/employee parking lot, an outdoor RV sales display yard for not more than 250 recreational vehicles, new site utilities and a stormwater management facility

The State Environmental Quality Review (SEQR) Criteria for Determining Significance, and the SEQR determination (no significant adverse environmental impact) were approved by the Planning Board on September 5, 2018.

The Preliminary Site Plan and Special Use Permit for this project were approved by the Planning Board on September 19, 2018.

Mr. Laber presented this application.

He acknowledged receipt of the MRB Group engineering comment letter and said that he is working to address the issues discussed in the letter. Mr. Laber said that a light has been added at the Mertensia Road entrance to the property and that there have no other changes to the application since the previous presentation.

Mr. Brand requested that Mr. Laber check the location of the sign at the intersection of State Route 96 and Mertensia Road. He said that the sign appears to be in the clear-vision zone and that Mr. Laber should assure that it will not encroach into the 50-foot triangular area.

Mr. Laber asked if the fire department had a preferred location for the fire department connection to the new structure. Assistant Chief Weidenborner requested that the location be easily accessible to firefighters and equipment.

Mr. Hemminger asked Mr. Laber if he reviewed the draft resolution on this application prior to the meeting and if he understood and agreed with the conditions of approval. Mr. Laber said that he reviewed the draft resolution and that he understood and agreed with the conditions.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SITE PLAN**

PB #1102-18

APPLICANT: Meyer’s RV Superstore of Farmington, 100 Sanford Road
North, Churchville, N.Y. 14428

ACTION: Final Site Plan Approval, Meyer’s RV Superstore of
Farmington, located on property at the northeast corner of
State Route 96 and Mertensia Road

WHEREAS, the Town of Farmington Planning Board has on September 19, 2018, granted Preliminary Site Plan approval for the above referenced Action; and,

WHEREAS, the Planning Board has given consideration to the July 18, 2018, public hearing record and to the Ontario County Planning Board referral #110-2018, dated July 11, 2018, classified as a Class 1 with comments; and

WHEREAS, the Planning Board has given consideration to the public comments presented at tonight’s meeting and Town Staff reports upon the proposed Final Site Plan Application.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the Final Site Plan application with the following conditions:

1. Final Site Plan Approval is based upon the set of drawings prepared by Schultz Associates, Engineers & Land Surveyors, P.C., dated June 7, 2018 and having the latest revision date of 8/28/18, Project No. 18-104, Drawing Number C-3, entitled “Final Site Plan,” as is further hereby amended by these conditions of approval contained below herein.
2. Final Site Plan Approval is further based upon the set of drawings prepared by Hanlon Architects, identified as Project No. 18-052, Sheet No. A2, which is not dated, and entitled Meyers RV New Facility,” as is to be further amended by these conditions of approval contained below herein.
3. Drawing Number C-3, entitled “Final Site Plan Drawing,” is to have the revision box changed to identify that the Preliminary Site Plan Conditions of Approval, which were granted by the Planning Board on Wednesday, September 19, 2018, have been made to this drawing. Then the revision box is to be further amended to identify that the Final Site Plan Conditions of Approval granted by the Planning Board on Wednesday, November 7, 2018, have been made to the drawing prior to any signatures being affixed.
4. Drawing Number A2, entitled “Meyers RV New Facility,” is to be changed to read . . . “Final Building Elevations Meyer’s Finger Lakes RV, 6200 State Route 96, Farmington, New York.”

5. Drawing Number A2 is to have the Revision Box amended to read . . . “Building Elevations as approved by the Planning Board Resolution, PB #0000-18 and dated 11/07/18.”
6. Site Plan approval is granted based upon the General Conditions Note Number 15, shown on the Drawing Number C-3, is to read . . . “The Applicant, by accepting these conditions of Final Site Plan Approval, is committed to installing the future five-foot-wide concrete sidewalks along the frontages of both State Route 96 and Mertensia Road and within the easements that are to be dedicated to the Town of Farmington, filed with the County Clerk’s Office and recorded in the Town Building Department, prior to the issuance of any Certificate of Occupancy for this proposed site development, in the event the Town of Farmington does not receive funding authorization of the 2018 Transportation Alternatives Program (TAP) Grant.”
7. The proposed Pylon sign shown on drawing C-3, Final Site Plan, is to be relocated outside the defined limits of the Clear-vision Zone, identified in §165-53 of the Town Code.
8. There is to be a triangular concrete slab designed and placed within the interior apex of the two intersecting sidewalks at the northeast corner of State Route 96 and Mertensia Road that will enable persons in wheel chairs to navigate the turning movement from one sidewalk to the other.
9. The water main tap is to be installed with a Tapping Sleeve and valve so as not to interrupt flow on the main.
10. The frame and cover called out in the manhole notes is to be changed to EJ Compression set cast iron manhole frame and cover.
11. End sections and size need to be called out on the drawings.
12. Rip Rap size and amounts need to be called out on the drawings.
13. All comments contained in the Town Engineer’s Report, dated November 1, 2018, are to be addressed in writing and all changes made to the Final Site Plan drawings prior to the Town Engineer’s signing.
14. All proposed easements are to be filed in the Ontario County Clerk’s Office and recorded in the Town Development Office prior to the issuance of any Building Permits for this site’s development.
15. Drawing Number C-3, Final Site Plan, is to be amended to show the two public safety (street address numbers) signs that are to be installed near the entrances on State Route 96 and Mertensia Road. Drawing Number C-11 is to be amended to show the details for these two public safety (street address numbers) signs.

16. Drawing Number C-7, Final Site Lighting Plan, is to be amended by providing a relocated light fixture that will illuminate the access driveway from Mertensia Road to the site. The current drawing is showing this driveway area to be a dark.
17. The applicant has not submitted a separate detailed Sign Site Plan drawing as part of this Final Site Plan application. Therefore, this Final Site Plan Approval applies only the two signs identified by the applicant and shown on drawings C-3 and C-9 as “Public Safety Sign: Route 96 Entrance and Public Safety Sign: Mertensia Road Entrance.” As noted in Condition Number 11 above, there is to be shown on drawing C-3, two public safety (street identification number) signs as required by Town Code.
18. Drawing Number C-4, Final Utility Plan, is to be amended to include all designs and specifications for the proposed Sanitary Dumping Station. All details are to be shown on Drawing Number C-10, Final Details.
19. All drawings showing the sidewalk delineation at the intersection of State Route 96 and Mertensia Road are to be amended to show the delineation of the easement area deemed necessary to accommodate the future sidewalks, handicap ramps, and the space necessary for the installation of a new pedestrian crossing signal in the northeast corner of the intersection of State Route 96 and Mertensia Road.
20. The Building Elevation Drawing, Sheet A-2, submitted by Hanlon Architects, identified as “Meyers RV New Facility,” is to be amended to the “simulated stone veneer” at a height of nine feet along the west elevation extending up to the first overhead door entrance. This “simulated stone veneer” height along the south elevation is to match this height between the corner of the building and the glass treatment.
21. The Building Elevation Drawing, Sheet A-2, is to be revised according to these conditions of approval, with signature line added for the Planning Board Chairperson’s signature and date.
22. All drawings to be amended are to have the revision box amended to read . . . “Revision Number __ , dated 11/07/18, Revisions per Planning Board Resolution PB #1102-18.
23. Once all conditions of Final Site Plan Approval have been made on the drawings, one (1) copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a total of seven (7) sets of revised drawings and Building Elevation drawings are to be submitted to the Town for signing. One copy of the signed Final Site Plans and Building Elevation drawings are to be provided to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Assistant Resident Engineer, New York State Department of Transportation, Ontario County Office; the Town Engineer; the Town Development Office; and two (2) sets returned to the Applicant’s Engi-

neers, Schultz Associates. If additional copies of the Final Plans are deemed necessary, then those copies are to be provided at the time of signing. Once all signatures have been affixed to the Final Site Plans and Building Elevation Drawings and a letter of credit has been received and filed with the Town Clerk, then the Town Code Enforcement Officer will schedule a Pre-Construction Meeting.

- 24. Final Site Plan Approval is valid for a period of 180 days and shall expire unless renewed, or signatures have been placed upon the revised drawings.

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

Motion carried.

8. PENDING APPLICATION

NEW PRELIMINARY SUBDIVISION PLAT—SETTING PUBLIC HEARING

PB #1103-18 New Preliminary Subdivision Plat Application: Setting Public Hearing

Name: WC Premier Properties LLC, c/o Cliff Weitzel, 6190 Fisher Hill Road, Canandaigua, N.Y. 14424

Location: State Route 96/State Street/Ontario Central Railroad Crossing

Zoning District: A-80 Agricultural District

Request: Schedule a Public Hearing for Wednesday, December 5, 2018, for Preliminary Plat approval for a proposed four-lot subdivision. Lot #1, Lot @2 and Lot #4 are proosed as vacant parcels. Lot #3 is proposed with an existing dwelling.

Mr. Weitzel presented this application.

Mr. Morse said that the applicant’s Area Variance application that will be heard by the Zoning Board of Appeals on November 26, 2018 (to allow an existing barn for housing of animals 96.2 feet from the rear property line when a minimum of 100 feet is required at 4628 State Route 96) will not affect this subdivision application.

Mr. Weitzel said that he has received the right of way from the New York State Department of Transportation for access to a portion of his property.

He asked about the process for consideration of the subdivision application. Mr. Morse said that the application will be heard by the Ontario County Planning Board (OCPB) on November 14, 2018. Mr. Brand encouraged Mr. Weitzel to attend the OCPB meeting. Mr. Brand then said that Mr. Weitzel's subdivision application will be heard by the Planning Board on December 5, 2018. He reminded Mr. Weitzel that the meeting on December 5, 2018, will be held at the Farmington Highway Garage on Hook Road.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
WC PREMIER PROPERTIES, LLC
SETTING PUBLIC HEARING**

PB #1103-18

**APPLICANT: WC Premier Properties, LLC, c/o Cliff Weitzel,
6190 Fisher Hill Road, Canandaigua, N.Y. 14424**

**ACTION: Scheduling a Public Hearing to be held on Wednesday,
December 5, 2018, for Preliminary Plat approval for a four-lot
subdivision on State Route 96/State Street/Ontario Central
Railroad Crossing**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has given consideration to scheduling a Public Hearing upon the above application; and

WHEREAS, the Planning Board has received testimony, from Town Staff at tonight's meeting upon the proposed scheduling of a Public Hearing (hereinafter referred to as Action).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby agree to schedule a Public Hearing to be held on this application for Wednesday, December 5, 2018, commencing at 7:00 p.m., at the Farmington Highway Garage, 985 Hook Road, Farmington, New York 14425.

BE IT FURTHER RESOLVED that Town Staff are hereby directed to provide public notice of the scheduled public hearing by giving legal notice for publishing in the Town's Official Newspaper, to post said Legal Notice upon the Town Hall Bulletin Board and Town Website; and to post the property with a public notification sign.

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

Motion carried.

9. PLANNING BOARD ACTION ITEMS

a. Letters of Credit Establishment (1) and Releases (2):

■ A motion was made by MR. HEMMINGER seconded by MS. NEALE, that the following three resolutions be blocked for concurrent action, that the readings of the following resolutions be waived, and that the resolutions be approved as submitted by Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PARTIAL LETTER OF CREDIT RELEASE #2
CERONE INCENTIVE ZONING PROJECT (MIII ENTERPRISES LLC), SECTION 1**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received from the Town Director of Planning and Development (hereinafter referred to as Director) a request to consider a partial release of funds from the established Letter of Credit for site improvements located within Phase 1 of the Route 332, MIII Project; and

WHEREAS, the request is based upon a letter to the Director from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated November 1, 2018, which requests a partial release of funds being held in the Letter of Credit for the above referenced project in the total amount of \$207,513.45; 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 improvements to date; and

WHEREAS, the Town Department Heads have completed their reviews and signed-off on both Letter of Credit Release Form, Appendix G-2.0; and Letter of Credit Form, Appendix G-1.0; 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 partial releases of funds from a Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector, 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 partial release (Release #2) from the Letter of Credit, in the total dollar amount of \$207,513.45.

BE IT FINALLY RESOLVED that the Clerk of the Board is hereby directed to provide copies of this resolution to: Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580; Paul Colucci, Executive Vice President, DiMarco Group, 1950 Brighton–Henrietta Town Line Road, Rochester, N.Y. 14623; 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.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT APPROVAL**

PB #0507-18

**APPLICANT: Dr. Mark DiMartino, D.D.S., 126 East Main Street,
Victor, N.Y. 14564**

**ACTION: Recommendation to the Town Board to establish a
Letter of Credit for the construction of a 3,752-square
foot office building and related site improvements of a
1.975 acre site located along the east side of
Hathaway Drive, south of the “Farmington on the
Creek Apartment Project.”**

WHEREAS, the Planning Board has received a copy of a letter to the Director of Planning and Development, dated October 29, 2018, from Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C., noting that the Town Construction Inspector and the Town Engineer have concluded that the quantities and unit prices identified in the Marathon Engineering Surety Estimate, dated October 17, 2018, are consistent with the approved plans and private contractor pricing, respectively.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board recommends to the Town Board the acceptance of the applicant’s Letter of Credit Estimate for the approved site improvements in the amount of \$127,102.00.

BE IT FURTHER RESOLVED that the Planning Board directs copies of this resolution be provided to: the Farmington Town Board; the Farmington Town Clerk; Mark DiMartino, D.D.S., 126 East Main Street, Victor, N.Y. 14564; Peter

Gorman, P.E., Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614; Lauren Levings, Construction Specialist, Live Oak Bank, 1757 Tiburon Drive, Wilmington, N.C., 28403; Matthew Heilmann, Town Construction Inspector; Lance S. Brabant, MRB Group, D.P.C., 145 Culver Road, Suite 160, Rochester, N.Y. 14620; and the Town Director of Planning and Development.

BE IT FINALLY RESOLVED that the Planning Board requires a Letter of Credit, in the amount specified above herein, be established and filed with the Town Clerk before a Pre-Construction meeting is to be scheduled by the Town Code Enforcement Officer.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT RELEASE #9—PARTIAL
REDFIELD GROVE SUBDIVISION, PHASE 1 SITE IMPROVEMENTS**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, P.C., the Town Engineers, dated October 23, 2018, to approve a partial release (Release #9) from the above referenced letter of credit for site improvements within Section 1 of the Redfield Grove Subdivision; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit Release Forms, signed by all Department Heads and the Town Engineers, along with the applicant’s Engineer Estimates of Value attachment thereto; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether or not to honor the requested release from the letter of credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this subdivision and the recommendations from the Town Department Heads and Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to release a total of \$93,582.45 (Release #9) from this letter of credit. The total amount in the letter of credit is \$870,840.15, with a balance remaining of \$78,957.68 after the ninth partial release of funds from the letter of credit.

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

Motion carried.

10. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 10:30 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Highway Garage, 985 Hook Road, Farmington, N.Y. 14425, on Wednesday, December 5, 2018, 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.