

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD **Wednesday, October 3, 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.

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

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

Applicants Present:
Stephen Ashley, S. B. Ashley and Associates Venture Co. LLC, 700 Powers Building,
16 West Main Street, Rochester, N.Y. 14614
Robert J. Cantwell, R.L.A., BME Associates, 10 Lift Bridge Lane East,
Fairport, N.Y. 14450
Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580
Mark Stevens, S. B. Ashley and Associates Venture Co. LLC, 700 Powers Building,
16 West Main Street, Rochester, N.Y. 14614

Residents Present:
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425
Joseph DiPietro, 24 Cardogan Square, Rochester, N.Y. 14625 (1470 State Route 332)
One person who did not sign in

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited. Everyone in attendance was familiar with the members of the Planning Board and staff, and with the emergency procedures and exits. Mr. Hemminger omitted introductions and the review of procedures this evening.

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 SEPTEMBER 19, 2018

■ A motion was made by MS. NEALE, seconded by MR. BELLIS, that the minutes of the September 19, 2018, meeting be approved.

Motion carried by voice vote. Mr. Maloy abstained due to his absence from the meeting on September 19, 2018.

3. NEW FINAL SIGN SITE PLAN

PB #1005-18 New Final Sign Site Plan Application

Name: The DiMarco Group, 1950 Brighton–Henrietta Town Line Road, Rochester, N.Y. 14623, on behalf of Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580

Location: Cerone Incentive Zoning Project, West Side of State Route 332 opposite Farmbrook Drive (Auburn Junction/Always Locked Self Storage, 6061 Carmen’s Way, Farmington, N.Y. 14425)

Zoning District: IZ Incentive Zoning

Request: Sign Site Plan for commercial speech signs to be located in Phase 1 of the Auburn Junction site

The Final Site Plan for Phase 1 of the Auburn Junction/Always Locked Self Storage project was approved by the Planning Board on January 3, 2018.

The applicant presented artist’s renderings of the signs at the Planning Board meeting on September 19, 2018. The Planning Board report and recommendation were transmitted to the Town Board on September 20, 2018.

Mr. Cerone presented this application. He said that there have been no changes to the design or placement of the proposed signs since the presentation to the Planning Board on September 19, 2018.

Mr. Brand said that the sign regulation criteria for the Cerone Incentive Zoning Project which were adopted by the Town Board have been incorporated into the Final Sign Site Plan. He said that Code Enforcement Officer James Morse reviewed the Final Sign Site Plan and has reported that the plan complies with the criteria.

Mr. Brand said that draft State Environmental Quality Review (SEQR) and Final Sign Site Plan approval resolutions have been prepared for the board's consideration this evening. He also said that the Town Board voted to override the Ontario County Planning Board's recommendation of denial of the Commercial Speech Sign Regulations Amendment to the Cerone Incentive Zoning Conditions of Approval application.

Mr. Delpriore confirmed that Mr. Morse has reviewed the plan and determined that the plan complies with the Town Board sign regulation criteria for the Cerone Incentive Zoning Project.

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

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

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

PB #1005-18

APPLICANT: Paul Colucci, The DiMarco Group on behalf of Michael Cerone, MIII Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580 (Always Locked Self Storage, 6061 Carmen's Way)

ACTION: Final Sign Site Plan approval for a commercial speech building-mounted sign, a freestanding commercial speech plaza identification sign and a freestanding commercial speech directory sign, all part of Phase 1 of the Cerone Incentive Zoning Project located on the west side of State Route 332

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

WHEREAS, the Board finds the Actions are identified in Section 617.5 (c) (7) as construction of an accessory non-residential structures involving less than 4,000 square feet in area; and

WHEREAS, the Actions involves the granting of Final Sign Site Plan Approval for erecting a building-mounted commercial speech sign; for erecting a freestanding commercial speech monument sign; and for erecting a freestanding commercial speech directory sign.

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

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

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

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 conditions of approval from the following complete resolution.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
CERONE INCENTIVE ZONING PROJECT—FINAL SIGN SITE PLAN, PHASE I**

PB #1005-18

APPLICANT: Paul Colucci, The DiMarco Group, on behalf of Michael Cerone, MHH Enterprises LLC, P.O. Box 509, Webster, N.Y. 14580 (Always Locked Self Storage, 6061 Carmen’s Way)

ACTION: Final Sign Site Plan approval for a commercial speech building-mounted sign, a freestanding commercial speech plaza identification sign and a freestanding commercial speech directory sign, all part of Phase 1 of the Cerone Incentive Zoning Project located on the west side of State Route 332

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

WHEREAS, the Town Board, by separate resolution (#406-2018), has voted to override the Ontario County Planning Board's referral #156.1-2018; and

WHEREAS, the Town Board, by separate resolution (#407-2018), has voted to establish the sign regulations for the Cerone Incentive Zoning Project; and

WHEREAS, the Town Board resolution does allow for the placement of commercial speech signs; and

WHEREAS, the Planning Board has made a Determination of Non-Significance upon said Type II Action as provided for under Part 617 of the State Environmental Quality Review Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to approve the above referenced Action with the following conditions:

1. Final Sign Site Plan Approval for Phase 1 is based upon the drawing prepared by Costich Engineering, dated September 27, 2018, which is identified as "Sign Site Plan Phase 1—Route 332 MIII Enterprises Site Plan," Sheet Numbers 1 of 04, Revision R1.
2. Final Sign Site Plan Approval for Phase 1 is also based upon the drawings prepared by IDS ID Sign Systems, dated September 27, 2018, and identified as: Drawing #18-8838, Drawings Page Numbers 2 of 4, 3 of 4 and 4 of 4, all having Revision Number R1 and identified as "Exterior Main Branding Sign," "Exterior Monument Sign" and "Exterior Post & Panel Sign" respectfully.
3. All conditions of approval established by the Town Board, Resolution #407-2018, as part of the Incentive Zoning for this Project, shall continue to govern the sign site plan approval(s) for this portion of the overall site.
4. All Revision Boxes are to be updated as of the date of Final Sign Site Plan Phase 1 Approval by the Planning Board.
5. Once all amendments to the set of Final Sign Site Plan drawings have been made, one set of the revised Final Sign Site Plan Drawings is to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted a total of seven (7) sets are to be submitted for signatures.
6. Once all sets have been signed then one set is to be returned to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers; the Ontario County Office of the New York State Department of Transportation; Paul Colucci, The DiMarco

Group; Costich Engineering; and the applicant. If additional copies of the signed Final Sign Site Plan drawings are necessary then they are to be provided at the time of signing.

- 7. Final Sign Site Plan Approval for Phase 1 is valid for a period of 180 days from today and shall expire unless final drawings have been signed and filed, or this resolution of approval with conditions has been extended by the Planning Voard under separate resolution.

Following the reading of the resolution, Mr. Brand offered the following amendment. He said that the Town Engineer has no issues with the application and this condition is not needed.

Delete Draft Condition #4: ~~All comments contained in the Town Engineering firm’s October 1, 2018, letter to the Town Director of Planning and Development are to be addressed in writing and changes made to the Final Sign Site Plans as may be required by said letter.~~

Mr. Hemminger then asked Mr. Cerone if he understood the resolution and agreed with the conditions. Mr. Cerone said that he understood the resolution and agreed with the conditions.

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

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

Motion carried.

4a. CONTINUED PRELIMINARY OVERALL SITE PLAN

PB #0704-18 Continued Preliminary Overall Site Plan Application

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

Location: Hathaway’s Corners Project
Southwest corner of State Route 332 and County Road 41

Zoning District: Incentive Zoning

Request: Preliminary Overall Site Plan approval to develop 130.8 acres, includes 85 single-family lots, 61 single-family villas lots, 79 one-story townhomes (4-unit structures), 72 two-story townhomes (4-unit structures), 88 two-story apartments (8-unit structures), approximately 95,900 square feet of commercial/office buildings, an open space area of approximately 12 acres of land surrounding the Hathaway Cemetery, and a community clubhouse/office.

Mr. Hemminger resumed the discussion of this application which had been continued from the meetings on August 1, 2018; September 5, 2018; and September 19, 2018.

The application was reviewed by the Project Review Committee on July 28, 2017; September 29, 2017; April 6, 2018; June 1, 2018; July 13, 2018; and September 7, 2018.

On July 18, 2018, the Planning Board declared its intent to be designated as Lead Agency for making the State Environmental Quality Review (SEQR) determination of significance upon this application and established the 30-day SEQR public review and comment period which began on July 19, 2018, and which concluded at 12:00 p.m. on Monday, August 20, 2018.

The Public Hearing on this application opened on August 1, 2018, and continued on September 5, 2018. The Public Hearing was closed on September 5, 2018.

On September 5, 2018, the Planning Board declared itself as the Lead Agency for making the State Environmental Quality Review (SEQR) determination on this application.

The following Involved Agencies and Interested Agencies were identified for this application:

Involved Agencies:

New York State Department of Environmental Conservation, Region 8 Office
New York State Department of Transportation, Region 4 Office
New York State Department of Transportation, Ontario County Office
New York State Department of Health, Geneva Regional Office
Ontario County Department of Public Works
Canandaigua–Farmington Water and Sewer District
Town of Farmington Highway and Parks Department

Interested Agencies:

Ontario County Department of Planning
Lance S. Brabant, Director of Planning, MRB Group, D.P.C.
James Morse, Town of Farmington Code Enforcement Officer
Matt Heilmann, Town of Farmington Construction Inspector

The State Environmental Quality Review (SEQR) Criteria for Determining Significance, the SEQR determination (no significant adverse environmental impacts); the Environ-

mental Narrative Supplement to the Full Environmental Assessment Form Part 3; and the Preliminary Subdivision Plat were approved by the Planning Board on September 19, 2018.

Mr. Cantwell presented this application. Mr. Ashley and Mr. Stevens also attended.

Mr. Cantwell presented color photographs of single-family homes and the villas-style homes which were taken at the applicant's similar development. He said that these homes are representative of the styles and designs to be constructed in this project.

Mr. Cantwell said that he met with Town staff regarding this application last week. He acknowledged receipt of the staff and Town engineer's comments and said that the plans have been modified accordingly.

Mr. Hemminger said that the modified plans would be further reviewed by the Town engineer and Building Department staff to assure compliance with all comments and with the Town Board Incentive Zoning conditions of approval. He said that the Preliminary Overall Site Plan would not be signed until this review has been completed.

Mr. Brand said that the driveways of the six lots in the western portion of the project along County Road 41 in the vicinity of Tudor Way have been redesigned from the originally proposed cul-de-sac road and looped road to six lots with combined driveways having three entrance points off County Road 41. He said that this design is generally consistent with the design of the lots adjacent to the west and has been approved by the Ontario County Department of Public Works.

Mr. Brabant said that he met with the applicant's engineering design team on a number of occasions throughout the approval process to discuss drainage, landscaping, sidewalk locations and internal access points, among other topics. He said that most of the engineering comments have been technical in nature and that he will compare the most recent drawings with the Town staff and engineering comments to assure compliance prior to signing the plans. Mr. Brabant said that he is comfortable with the plans as submitted and has no issues with the Planning Board taking action upon the Preliminary Overall Site Plan this evening.

Ms. Neale asked where the color photographs of the homes which Mr. Cantwell distributed were taken. Mr. Stevens said that they were taken at the applicant's housing development in Erie County, N.Y. Mr. Cantwell said that the photographs are representative of the various styles and colors which have been used and which would be made available to prospective home buyers. Ms. Neale said that she had been interested in the diversity of styles for the Farmington location. She said that she liked the styles as shown in the photographs.

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

Mr. Hemminger then asked the clerk to read aloud the conditions of approval from the following complete resolution.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY OVERALL SITE PLAN
PB # 0704-18**

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

ACTION: Preliminary Overall Site Plan Approval, Hathaway's Corners Incentive Zoning Project, located on property at the southwest corner of State Route 332 and County Road 41

WHEREAS, the Town of Farmington Planning Board has been designated as the Lead Agency under the provisions of §617 of NYCRR, Article 8, New York State Environmental Conservation Law for the coordinated review of this Action; and,

WHEREAS, the Planning Board, as the Lead Agency has made a determination of non-significance upon this Action; and

WHEREAS, the Planning Board has conducted a Public Hearing upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the Public Hearing record upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the Public Hearing record and to the Ontario County Planning Board referral #111.1-2018, dated July 11, 2018, classified as a Class 2 recommendation of approval with comments.

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

1. Overall Preliminary Site Plan Approval is based upon the set of drawings prepared by BME Associates, dated June 2018, Project No. 2540, Drawing Numbers 15 through 26, entitled "Preliminary Site Plan, Hathaway's Corners," as is further hereby amended by these conditions of approval contained below herein.
2. All conditions of incentive zoning adopted by the Farmington Town Board, on May 8, 2018, contained in Town Board Resolution No. 220 of 2018, are hereby adopted as conditions of Overall Preliminary Site Plan Approval.

3. Preliminary site plan comments, numbers 16 through 37, contained in the MRB Group letter, dated August 16, 2018, are to have changes made to the drawings referenced above prior to the drawings being signed by the Town Engineer.
4. Comments numbered 1, 2, 3, and 5 through 11, contained in the Town Director of Planning and Development's Report, dated August 25, 2018, are to be reflected in changes made to the drawings referenced above in Condition Number 1.
5. Drawings Number 2540-10, -18, -23, -27 and -31 are to remove the proposed stone dust trail across the lands being dedicated to the Town of Farmington.
6. Utility Plan comments, numbers 38 through 58, contained in the MRB Group letter, dated August 16, 2018, are to have changes made to the drawings referenced above prior to the drawings being signed by the Town Engineer.
7. Grading, Drainage and Erosion and Sedimentation Control Plan comments, numbers 59 through 75, contained in the MRB Group letter, dated August 16, 2018, are to have changes made to the drawings referenced above prior to the drawings being signed by the Town Engineer.
8. Landscaping and Lighting Plans and Details comments, numbers 76 through 78, contained in the MRB Group letter, dated August 16, 2018, are to have changes made to the drawings referenced above prior to the drawings being signed by the Town Engineer.
9. Engineer's Report Comments, numbers 79 through 81, contained in the MRB Group letter, dated August 16, 2018 are to have changes made to the drawings referenced above prior to the drawings being signed by the Town Engineer.
10. Once all of the above conditions of Overall Preliminary Site Plan Approval have been made on the drawings and specifically those conditions set out in sections 1–9 herein above, two (2) copies of these drawings are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Once accepted, then a mylar of all drawings are to be submitted to the Town Code Enforcement Officer for signing by Town Officials. Once all signatures have been made, then one copy of the signed Overall Preliminary Site Plan 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 Ontario County Department of Public Works; the Town Engineer; the Town Development Office; and two (2) sets are to be returned to the Applicant's Engineers, BME Associates. If additional copies of the Overall Preliminary Site Plan drawings are deemed necessary, then those copies are to be made from the signed mylar. Once all signatures have been affixed to the Overall Preliminary Site Plan Drawings then the Town Code Enforcement Officer will entertain an application for Overall Final Site Plan Approval and schedule the action for a future planning board meeting.

- 11. Overall Preliminary Site Plan Approval is valid for a period of 180 days and shall expire unless renewed, or signatures have been made to the revised drawings.

Mr. Hemminger asked Mr. Cantwell if he understood the resolution and agreed with the conditions. Mr. Cantwell said that he understood the resolution and agreed with the conditions.

■ A motion was made 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.

4b. GRADING PLAN FOR PHASE 1 EARTHWORK, LETTER OF CREDIT RECOMMENDATION

PB #0704-18 Grading Plan for Phase 1 Earthwork Application Letter of Credit Recommendation to the Town Board

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

Location: Hathaway’s Corners Project

Zoning District: Southwest corner of State Route 332 and County Road 41
Incentive Zoning

Request: Grading Plan for Phase 1 Earthwork and Letter of Credit Recommendation to the Town Board

Prior to the meeting, Mr. Cantwell submitted the Hathaway’s Corners Grading Plan for Phase 1 Earthwork for consideration. Upon approval of the Grading Plan by the Planning Board and the approval of the accompanying Letter of Credit for Site Improvements by the Town Board at its meeting on October 9, 2018, the applicant may file a Letter of Credit with the Town Clerk. Once filed, then the Town Code Enforcement Officer may schedule a Pre-Construction Meeting prior to issuing a notice to begin site grading work.

Mr. Brand said that Mr. Brabant and the Town Construction Inspector have compared the proposed Grading Plan for Phase 1 Earthwork to the Preliminary Overall Site Plan and to the project engineer’s Estimates of Value. He said that the Project Review Committee

(PRC) will meet on Friday, October 5, 2018, to further review and discuss the proposed Grading Plan for Phase 1 Earthwork with Mr. Cantwell and others. Following the PRC meeting, the Town Engineer will prepare a formal Letter of Request to the Town Director of Planning and Development to introduce to the Town Board at its meeting on Tuesday, October 9, 2018.

Mr. Brand said that the Planning Board, now having granted Preliminary Overall Site Plan approval with conditions, may consider approval of the Grading Plan for Phase 1 Earthwork this evening, upon the condition that staff and Town engineer's comments and questions are satisfactorily resolved at the PRC meeting on Friday.

He also said that the board may consider a recommendation to the Town Board that the accompanying Letter of Credit for Site Improvements be established at not less than \$1 million (\$1,000,000.00) based upon the final engineering estimates to be resolved at the PRC meeting on Friday.

Mr. Hemminger said that the approval of the Grading Plan for Phase 1 Earthwork and the Planning Board's recommendation to the Town Board regarding the Letter of Credit for Site Improvements may be approved by the Planning Board this evening upon the condition that the staff and the Town Engineer are satisfied with the PRC review and discussion on Friday.

Mr. Brabant said that the applicant will be required to submit a Stormwater Pollution Prevention Plan (SWPPP), a drainage report and the New York State Department of Environmental Conservation Notice of Intent (NOI) for the entire build-out of the project as part of the initial Grading Plan.

Mr. Viets asked about the delineation of the area of disturbance proposed on the Grading Plan for Phase 1 Earthwork. Mr. Cantwell said that the area of disturbance on the plan will include all of Phase 1 of the project and the commercial pads along the State Route 332 road frontage. He said that the locations of the villas homes and the the second phase of the single-family homes would not be disturbed by the initial Grading Plan.

Mr. Cantwell said that the entire site is not included in this Grading Plan for Phase 1 Earthwork. He said that only those areas shown on the drawing would be disturbed at this stage.

Mr. Cantwell said that the applicant's strategy is to move large quantities of topsoil around on the site only once. He said that the movement of soil will be carefully considered especially to avoid construction vehicle traffic on some of the internal roads which are to be dedicated to the Town.

Mr. Viets asked about the size of the topsoil stockpile on the site. He requested that it be kept away from State Route 332. Mr. Cantwell said that it is important for the applicant to establish and seed the commercial pads along State Route 332 for erosion control related to the SWPPP, and to provide an aesthetically pleasing site to attract prospective

commercial tenants. Mr. Cantwell said that topsoil would be stored in several stockpiles on the site to avoid having one large stockpile. He said that the applicant is sensitive to how the site will appear to the public and to prospective homebuyers and commercial tenants during construction. Mr. Brabant said that the topsoil stockpile locations would be reviewed by the Town staff, the Code Enforcement Officer and during the engineering review.

Mr. Maloy asked about the verification of the limits of disturbance as shown on the Grading Plan. Mr. Brabant said that the limits of disturbance on the Grading Plan for Phase 1 Earthwork exceed the original Phase 1 portion of the project. He said that the SWPPP must be in the final form for the full build-out of the project and that the NOI will remain open during all phases of construction.

Mr. Maloy said that several drop inlets on the plans do not appear to be in the low spots on the site and may cause ponding of water. Mr. Brabant said that the preliminary grading plan has not yet been finalized and that he is reviewing the plans to determine how the plan will function during the interim construction phases. He said that temporary swales and proper drainage will be reviewed when the Planning Board approves the Final Plan to assure that the inlets are located properly.

Mr. Cantwell said that the level of significant detail required for the residential portions of the project at this preliminary stage is a credit to the Town. He said that the Grading Plan for Phase 1 Earthwork has been based upon the final lot configurations, and the size and locations of the drainage inlets. Mr. Cantwell said that as far as he is concerned, the grading plan as presented represents the final grading work in the areas of disturbance as shown on the drawing.

Mr. Hemminger said that a proposed stone dust pedestrian access path to the Auburn Trail near the home of Stephanie Valenti (6127 County Road 41) was removed. Ms. Valenti made this request during her remarks at the Public Hearing on September 5, 2018, during which she said that it was redundant to have so many points of access to the Auburn Trail.

There were no further comments or questions on the Grading Plan or the estimated Letter of Credit for Site Improvements this evening.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT AND GRADING PLAN FOR PHASE 1 EARTHWORK
CONDITIONAL APPROVAL**

PB # 0704-18

APPLICANT: S. B. Ashley and Associates Venture Co. LLC, 700 Powers

Building, 16 West Main Street, Rochester, N.Y. 14614

ACTION: Letter of Credit Recommendation to the Town Board and Grading Plan for Phase 1 Earthwork Approval, Hathaway’s Corners Incentive Zoning Project, located on property at the southwest corner of State Route 332 and County Road 41

WHEREAS, the Town of Farmington Planning Board has been designated as the Lead Agency under the provisions of §617 of NYCRR, Article 8, New York State Environmental Conservation Law for the coordinated review of this Action; and,

WHEREAS, the Planning Board, as the Lead Agency has made a determination of non-significance upon this Action; and

WHEREAS, the Planning Board has conducted a Public Hearing upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the Public Hearing record upon this proposed Action; and

WHEREAS, the Planning Board has given consideration to the Public Hearing record and to the Ontario County Planning Board referral #111.1-2018, dated July 11, 2018, classified as a Class 2 recommendation of approval with comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the Grading Plan for the Phase 1 Earthwork, as submitted by the applicant’s engineer and reviewed at this meeting, upon the condition that said Grading Plan for the Phase 1 Earthwork is approved and accepted by the Town Engineer, the Town Construction Inspector, the Town Director of Planning and Development, and the Town department heads at the Project Review Committee meeting to be held on Friday, October 5, 2018; and

BE IT FURTHER RESOLVED that the Planning Board recommends to the Town Board the acceptance at its meeting to be held on October 9, 2018, of the applicant’s Letter of Credit for this Grading Plan for the Phase 1 Earthwork in the amount of not less than \$1 million (not less than \$1,000,000.00) and based upon the applicant’s engineer’s forthcoming estimates which are currently undergoing review by the Town Engineer and the Town Construction Inspector.

BE IT FINALLY RESOLVED that the Planning Board requires a Letter of Credit be established for the Grading Plan for the Phase 1 Earthwork and filed with the Town Clerk before a Pre-Construction Meeting is scheduled by the Town Code Enforcement Officer.

Adrian Bellis	Aye
Edward Hemminger	Aye
Shauncy Maloy	Aye

Mary Neale Aye
Douglas Viets Aye

Motion carried.

5. *PENDING APPLICATION*

NEW PRELIMINARY SITE PLAN—SETTING PUBLIC HEARING

PB #0000-18 New Preliminary Site Plan Application

Name: Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC (Maddie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425, formerly O’Neil’s Power Sports)

Location: 6226 State Route 96

Request: Schedule Public Hearing

Mr. Brand said the applicant is proposing an addition to the former O’Neill Sales Inc. motor sports dealership at 6226 State Route 96. He recommended that a full Site Plan application be submitted to the Planning Board and that a Public Hearing be scheduled due to existing drainage issues on the site and within the neighborhood.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
MADDIE’S MOTOR SPORTS, 6226 STATE ROUTE 96
SETTING PUBLIC HEARING—PRELIMINARY SITE PLAN**

PB #0000-18

APPLICANT: **Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, on behalf of Marcus Development LLC (Maddie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425)**

ACTION: **Scheduling a Public Hearing to be held on Wednesday, November 7, 2018, upon the above application**

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 both Town Staff and the applicant, 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, November 7, 2018, commencing at 7:01 p.m., in the Main Meeting Room at the Farmington Town Hall, 1000 County Road 8, 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.

6. PLANNING BOARD ACTION ITEMS

a. Letters of Credit Releases

■ A motion was made by MR. MALOY, seconded by MS. NEALE, that the following two 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
AUBURN MEADOWS SUBDIVISION, SECTIONS 6N AND 6S**

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 1, 2018, to approve a partial release (Release #2) from the above referenced Letter of Credit for site improvements within Sections 6N and 6S of the Auburn Meadows 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 \$418,101.72 (Release #2) from this Letter of Credit. The total amount in the Letter of Credit is \$1,890,720.52, with a balance of \$636,992.16 remaining after this second partial release of funds.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT RELEASE #8—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 1, 2018, to approve a partial release (Release #8) 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 \$51,795.65 (Release #8) from this Letter of Credit. The total amount in the Letter of Credit is \$870,840.15, with a balance remaining of \$172,540.13 after the eighth 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.

b. Delaware River Solar LLC: Planning Board Declaration of Intent To Be Designated Lead Agency Under SEQR

Mr. Brand said that the Zoning Board of Appeals (ZBA) is considering four Area Variance applications for the proposed Delaware River Solar LLC project on Yellow Mills Road. He said that the ZBA has declared its intent not to be designated as the Lead Agency for making the State Environmental Quality Review (SEQR) determination of significance.

Mr. Brand also said that the Planning Board will consider the accompanying Preliminary Subdivision Plat, Preliminary Site Plan and Special Use Permit applications for this project.

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

**FARMINGTON PLANNING BOARD RESOLUTION
DECLARATION OF INTENT TO BE DESIGNATED LEAD AGENCY UNDER SEQR**

- 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, c/o Peter Dolgos, 33 Irving Place, New York, NY 10003, on behalf of Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522, owners of property at 466 Yellow Mills Road

ACTIONS: Area Variances, Preliminary Subdivision Plat, Special Use Permit and Preliminary Site Plan Approval

WHEREAS, the Town of Farmington Zoning Board of Appeals has received applications for four area variances (Files ZB #0902-18, ZB #0903-18, ZB #0904-18 and ZB #0905-18) to enable the proposed subdivision of land that is required for the construction of a solar farm, with three solar panel arrays, on three proposed lots containing a total of approximately 37.5 acres of land, a part of Tax Map #010.000-01-037.131, which contains a total of 135.4 acres of land; and

WHEREAS, the subdivision of land is a prerequisite for the applicant to comply with the New York State Energy Research and Development Authority (NYSERDA) restrictions for the maximum level of energy being generated on a parcel of land that is part of an operating solar energy farm; and

WHEREAS, the actions to grant a total of four area variances, two front setback and two rear setback variances, is part of the procedural requirements for the construction and operation of a solar power farm on the above referenced three proposed parcels of land; and

WHEREAS, there are other required Town approvals that involve Preliminary Subdivision Plat, Special Use Permit and Preliminary Site Plan all of which must be acted upon by the Town Planning Board; and

WHEREAS, the Town is obligated under the stated intent of the State Environmental Quality Review Act (SEQRA) regulations to consider the entire Action being proposed and not just certain components; and

WHEREAS, the site lies within the established Ontario County Consolidated Agricultural Use District Number 1; and

WHEREAS, Part 617.4. (b) (8) of Article 8 of the New York State Environmental Conservation Law, identifies any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section, to be a Type I Action; and

WHEREAS, in this instance, the above referenced 25 percent threshold involves the physical alteration of 2.5 acres of land; and

WHEREAS, the proposed Site Plan identifies the physical alteration of more than 2.5 acres of land; and

WHEREAS, the Zoning Board of Appeals opened a Public Hearing upon these actions on September 24, 2018, and received testimony; and

WHEREAS, the Zoning Board of Appeals, on September 24, 2018, has classified these actions as being Type I Actions under the requirements of Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Zoning Board of Appeals, having classified these actions as Type I Actions, directed that a coordinated review be conducted with Involved and Interested Agencies; and

WHEREAS, the 30-day public review and comment period commenced on Friday, September 28, 2018 and will end at noon on Friday, October 29, 2018; and

WHEREAS, the Zoning Board of Appeals, on September 24, 2018, declared its intent not to be designated the Lead Agency for these Actions; and

WHEREAS, the Zoning Board of Appeals, on September 24, 2018, moved to table any further consideration of these requested Area Variances until a lead agency has been established and a determination of significance made as required under the SEQR Regulations; and

WHEREAS, the Zoning Board of Appeals, on September 24, 2018, continued the Public Hearing upon these requested Area Variances to their November 26, 2018 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby declare its intent to designate itself as the Lead Agency for making the required determination of significance at its meeting to be held on November 7, 2018.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to complete the SEQR Response Form for the coordinated review and to return said form as instructed.

BE IT FINALLY RESOLVED that the Planning Board does hereby direct the Clerk of the Board to provide a certified copy of this resolution and the completed SEQR Response Form to all identified Involved and Interested Agencies.

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

Motion carried.

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand discussed the following items:

- The first of two pedestrian bridges over Beaver Creek has been installed. Photographs and a video of the installation are available for viewing. The second bridge will be installed on Wednesday, October 10, 2018, at 2:00 p.m.

- Work continues on the Auburn Trail. Status meetings with the general contractor and the consulting engineer are held twice a month. The contractor is completing the pouring of sidewalks on State Route 332 and will begin the installation of a new sidewalk section along the frontage of the Always Locked Self Storage project on the west side of State Route 332 at Farmbrook Drive. Sidewalks will then be poured on Canandaigua–Farmington Town Line Road followed by the completion of drainage improvements, installation of sidewalks and installation of granite curbing on County Road 41 from New Michigan Road to the Trail entrance. Trail signage and wood fencing has been ordered for the Trail guards and are expected to be installed by the end of November with the completion of the Main Trail from County Road 41 to State Route 332. Work on the Ivory Drive crossing and completion of the work on Canandaigua–Farmington Town Line Road may extend into the spring of 2019.
- The solar project proposed for approximately 20 acres of land at 5348 State Route 96 (northwest corner of State Route 96 and Payne Road) by Cypress Creek Renewables representing Whitestone Solar LLC, which had been discussed at the Planning Board meeting on September 5, 2018, and which had been withdrawn, is expected to be revised and resubmitted.
- The owners of the Farmington Market Center on State Route 96 have informed the Town that they will not support a separate application for a Tops Supermarket gas station. Mr. Brand said that the property owners prefer that the proposed gas station be included in the anticipated Incentive Zoning application to be submitted to the Town Board. He said that the property owners are now working on a traffic impact study and that the New York State Department of Transportation has given an indication that the agency will accept a recommendation on traffic mitigation.
- Mr. Brand said that he will meet on Friday, October 5, 2018, with a representative from the American Farmland Trust, which is an organization that was founded in 1980 to protect farmland and ranch land in the United States, promote environmentally sound farming practices and keep farmers on the land. He said that the organization has been made aware of the proposed Delaware River Solar LLC project on Fox Road and Yellow Mills Road and wishes to understand how the Town is dealing with the application regarding the protection of agricultural soils and farming operations.

8. PLANNING BOARD MEMBERS' COMMENTS

Mr. Hemminger requested that the Zoning Board of Appeals, Conservation Board, Agricultural Advisory Board, and the other SEQR Involved and Interested Agencies, provide their comments on the Delaware River Solar LLC project in writing.

9. PUBLIC COMMENTS

None.

10. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:00 p.m.

The next regular meeting of the Planning Board will be held at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, October 17, 2018, at 7:00 p.m.

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

Respectfully submitted,

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