

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD **Wednesday, September 16, 2020 • 7:00 p.m.**

MINUTES—APPROVED

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

Board Members Present: Douglas Viets, *Acting Chairperson*
Adrian Bellis
Timothy DeLucia
Shauncy Maloy

Board Member Present via Remote Participation: Edward Hemminger

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
Sherman Gittens, Civil Engineer, MRB Group D.P.C.
John Weidenborner, Town of Farmington Zoning Officer

Applicants Present:
Frank Affronti, 104 Contractors Inc., P.O. Box 205, Union Hill, N.Y. 14563
Ariadna Cheremeteff, 145 Suellen Drive, Rochester, N.Y. 14609
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road, #415, Rochester, N.Y. 14610
Jim Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522
Andrew R. Spencer, R.L.A., Project Manager, BME Associates 10 Lift Bridge Lane East, Fairport, N.Y. 14450

Others Present:
Linh T. Chu, 6249 Pheasants Crossing, Farmington, N.Y. 14425

Jerry Dee, 23 Beaufort Street, Rochester, N.Y. 14620
Louis DiFrancesco, 6256 Pheasants Crossing, Farmington, N.Y. 14425
James and Nancy Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522

1. MEETING OPENING

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

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

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

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

3. APPROVAL OF MINUTES OF SEPTEMBER 2, 2020

■ A motion was made by MR. DELUCIA, seconded by MR. MALOY, that the minutes of the September 2, 2020, meeting be approved.

Motion carried by a 4-0 voice vote. Mr. Bellis abstained due to his absence from the meeting on September 2, 2020.

4. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, September 9, 2020:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Planning Board of the Town of Farmington, will on the 16th day of September 2020, commencing at 7:00 p.m. in the Farmington Town Hall Main Meeting Room, 1000 County Road 8, Farmington, N.Y., 14425, for the purpose of considering the application of:

PB #0902-20: JAMES FOWLER JR., 6176 HUNTERS DRIVE, FARMINGTON, N.Y. 14425: Preliminary Two-Lot Re-Subdivision Plat approval of land, identified as Tax Map Account 029.13-1-5.000, containing a total of 12.0938 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5 of the Pheasants Crossing Subdivision, owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 7.909 acres and Lot #R-5B consisting of 4.181 acres, both of which are to remain vacant as non-approved building lots requiring site plan approval before any Building Permits may be issued. The property is located at 6240 Pheasants Crossing, Farmington, N.Y. 14425, and is zoned RS-25 Residential.

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

Ed Hemminger, Chairman, Planning Board

5. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

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

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

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

Mr. Brand said that a comment letter from Town Engineer Lance S. Brabant of MRB Group regarding the revised Preliminary Site Plan, the Stormwater Pollution Prevention Plan (SWPPP), the Decommissioning Plan, and the Operation and Maintenance Plan had just been received today (September 16, 2020) (*see* Delaware River Solar Correspondence #180 on the Town website).

In accordance with the Planning Board's adopted Rules of Procedure cited above, Mr. Brand said that he has prepared a draft resolution for the board's consideration this evening to continue the Preliminary Site Plan application to October 7, 2020, to provide time for the Planning Board, the Town staff and the public to review the engineer's comment letter. He said this letter and any other documents presented at tonight's public hearing will be added to the Project Abstract and posted on the Town's website in accordance with procedures. He said that the Public Hearing remains open and that the board may receive testimony on the application this evening.

Mr. Viets asked if anyone in attendance wished to comment or ask questions on this application.

Mr. Falanga (395 Ellsworth Road) read aloud all or portions of the following materials. He provided hard copies of these materials which have been posted to the Delaware River Solar correspondence abstract on the Town website with the following identification numbers:

Correspondence #175:

Email from Bridget O'Toole, Esq., The Zoghlin Group PLLC, Rochester, N.Y. 14614, re: discussion points on the Preliminary Site Plan and the Special Use Permit.

Correspondence #176:

Web article from the Coalition to Protect Our Rural Communities Inc. (nogridsolarwny.com), "Solar Panels Produce Tons of Toxic Waste—Literally: A Closer Look at Solar Panels Opens a Wide Array of Questions That Need Answers," dated November 18, 2019.

Correspondence #177:

Web article from ajmarciniak (WordPress.com site), "Solar Energy: Yes or No," by Dr. Calvin Luther Martin, dated February 18, 2019.

Correspondence #178:

Web article posted by the National Fire Protection Agency (NFPA) on 24/03/2020 in *Electric & Electronic 2020*, "Stranded Energy."

Correspondence #179:

Email from James Foley, email subject line: "Calvin Martin Solar Energy Yes or No," email dated September 16, 2020.

Mr. Falanga said that the Concerned Citizens of Farmington group has asked to join the Coalition to Protect Our Rural Communities Inc. for representation. He also said that Dr. Martin has been invited to one of their meetings and is considering coming.

Mr. Viets requested that Mr. Falanga refer his comments to the Site Plan application, which is the subject of this Public Hearing this evening.

Mr. Falanga said that solar panels are not silent. He said that he went online today and found that a solar farm has been built by a neighboring community (which Mr. Falanga did not identify) and that the town (the neighboring community) is now responsible for putting up barriers for sound mitigation.

Mr. Falanga said that James Redmond (4344 Fox Road, a member of the Concerned Citizens of Farmington group) is currently taking water and soil samples on his property [to establish benchmark levels]. Mr. Falanga said that he asked Mr. Redmond to also include the Falanga property when taking these samples.

In response to comments in Mr. Foley's email [regarding the moratorium on solar projects that is now effect in the Town,] Mr. Brand said that the moratorium is a Town Board action, and that it is not a Planning Board action.

Mr. Compitello said that Schultz Associates (the Delaware River Solar engineering firm) reviewed the Town Engineer's comment letter and will submit a response to the remaining site plan issues.

In response to comments read by Mr. Falanga, Mr. Compitello said that the Farmington project is not being designed with on-site storage batteries and that no batteries will be part of the site plan.

Mr. Compitello said that the design of the fence around the solar panels has not changed. He said that this will be a seven-foot-high farm fence with wooden posts that one would see surrounding a farm. He said that no barbed wire would be used, and that barbed wire has never been proposed for the Farmington project, although it is an option in the solar law.

Mr. Compitello said that the fence must be seven feet high to comply with industry standards.

Mr. Brand said that the materials that have been presented this evening will be posted on the Town website in the Delaware River Solar correspondence abstract, in the same manner that previous materials and documents have been posted.

Mr. Delpriore said that he has reached out to the Ontario County Fire Coordinator to provide a report on the concerns of fires on solar panels. He said that the Fire Coordinator is working on information at the County level but that a report has not yet been received.

Mr. Brabant said that MRB Group has reviewed the revised Preliminary Site Plan, that an engineering comment letter was issued on September 4, 2020, that responses have been received from the applicant's engineer, and that an MRB Group comment letter was submitted to the Town today (September 16, 2020) (*see* Delaware River Solar Correspondence #180 on the Town website).

Mr. Viets then asked if anyone else in attendance wished to comment or ask questions on this application. There were no further comments or questions from those in attendance.

Mr. Maloy asked if the applicant has a contingency plan (the relocation of the installation of the solar panels or reducing the number of panels) if some of the panels could not be installed in several areas of steep slopes on the property. Mr. Compitello said that the geotechnical study determined that the selected locations on the site [for installation of the solar panels] are OK. He said that the results of the geotechnical study also included the size of the steel posts that will be required for installation of the solar panels. Mr. Compitello said that he is confident that there is enough room [on the property] for the installation of the solar panels as shown on the site plan and as the project as been designed.

Mr. Maloy asked about the fence. Mr. Compitello said that this will be a typical seven-foot-high farm fence. He said that "deer fence" is another way of saying it.

Mr. Maloy asked how erosion control will be addressed on the areas of steeper slopes during construction and until the plants are established. He said that the silt fence is intended to run across the site's contours and that the vegetation must be established to avoid erosion and the washing of silt down into the site's freshwater wetlands.

Mr. Maloy said that he will have additional comments on the Stormwater Pollution Prevention Plan (SWPPP) after he has further reviewed the revised SWPPP.

Mr. DeLucia said that he was concerned about the use of barbed wire on the fence but that this question has been answered by Mr. Compitello's previous comments this evening.

Mr. Hemminger requested that the Ontario County Fire Coordinator be made aware that there will be no battery storage equipment on the site. He requested that the Fire Coordinator's comments should be appropriate to the application as submitted and provided to the board prior to the continued Public Hearing date.

Mr. Hemminger said that he would like to receive digital copies of the materials that have been submitted [by Mr. Falanga] this evening. Mr. Viets said that the clerk will add the materials to the correspondence abstract and that the Development Office staff will post the updated abstract on the Town website tomorrow (Thursday, September 17, 2020).

Mr. Compitello said that a number of the comments [that have been discussed this evening] regarding the rising slopes on the drumlins are addressed in the revised SWPPP.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PROJECT, PRELIMINARY SITE PLAN
CONTINUE THE PUBLIC HEARING TO OCTOBER 7, 2020**

PB#1004-18

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

ACTION: Preliminary Site Plan approval with Conditions for the development of a 7 Megawatt Solar Farm to be constructed upon approximately 45.105 acres of land (Lots #2, #3 and #4, Roger & Carol Smith Subdivision) and having a property address cited above herein

WHEREAS, the Planning Board took Administrative Action on August 5, 2020, to continue the Public Hearing on the above referenced Action to September 16, 2020; and

WHEREAS, the Planning Board has received comments at tonight's Public Hearing upon the above referenced Action which will be entered into the Board's record; and

WHEREAS, the Planning Board today received a report from the Town Engineers, MRB Group, D.P.C., which has not been provided for the public's review and consideration in advance of tonight's public hearing; and

WHEREAS, said report shall be entered tomorrow into the public abstract upon this Action and posted upon the Town's website in accordance with established procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to continue the Public Hearing upon the above referenced Action to the October 7, 2020 meeting.

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

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

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

Motion carried.

(At this point in the meeting, James and Nancy Falanga left the meeting room and did not return.)

6. NEW PUBLIC HEARING: PRELIMINARY RE-SUBDIVISION PLAT

PB #0902-20 Preliminary Re-Subdivision Plat Application

Name: James Fowler Jr., 6176 Hunters Drive, Farmington, N.Y. 14425

Location: 6240 Pheasants Crossing

Zoning District: RS-25 Residential

Request: Preliminary Two-Lot Re-Subdivision Plat approval of land identified as Tax Map Account #029.13-1-5.000 containing a total of 12.0938 acres of land; and as further identified as Re-Subdivision Plat Approval Lot #5 of the Pheasants Crossing Subdivision owned by the Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 7.909 acres and Lot #R-5B consisting of 4.181 acres, both of which are to remain vacant as non-approved building lots requiring site plan approval for any Building Permits may be issued.

On August 19, 2020, the Planning Board opened a Public Hearing on the applicant’s previous Preliminary Three-Lot Re-Subdivision Plat application (PB #0802-20). It was noted at that meeting the applicant would require approval of an Area Variance for proposed Lot #5C from the Zoning Board of Appeals or would have to revise the Re-Subdivision Plat to identify only two proposed re-subdivided lots with each proposed lot meeting the minimum lot width for the RS-25 Zoning District (i.e., 125 feet of frontage), thereby avoiding the need for an Area Variance.

The Public Hearing on PB #0802-20 was closed on August 19, 2020.

This evening, the applicant has submitted a revised Re-Subdivision Plat to identify only two proposed re-subdivided lots.

Mr. Viets opened the Public Hearing on PB #0902-20.

Mr. Fowler presented this application.

Mr. Brand confirmed that the applicant has amended his original three-lot re-subdivision application by the removal of one lot. He said that both proposed lots now meet the Town Zoning Law minimum frontage requirement.

Mr. Brand said that notes will be required on the drawings to indicate that “no building permits for the construction of any structures on the two re-subdivided lots being created by this Action shall be issued until Final Site Plan approvals have been granted by the Planning Board for each lot.”

He also said that the Preliminary Two-Lot Re-Subdivision application is ready for Planning Board consideration this evening. The State Environmental Quality Review (SEQR) classification (Type II Action) was determined at the time of the original subdivision approval.

Mr. Fowler said that a number of deed restrictions were placed upon the lots in the Pheasants Crossing subdivision [at the time of the original subdivision]. He said that there is a 1,400-square-foot minimum and an 1,800-square-foot minimum for two-story homes.

Mr. Delpriore said that the Re-Subdivision application was referred to the Town of Victor because of the property’s location within 500 feet of the Town boundary line, and to the Ontario County Planning Board. He said that the comments that have been received concern the area of the creek on the lower portion of the property.

Mr. Brabant said that MRB Group issued an engineering comment letter on this application on September 2, 2020. He suggested that consideration be given to the establishment of a Conservation Easement or a Drainage Easement along Mud Creek for the preservation and protection of the Mud Creek corridor, which is one of the main drainage areas of the Town. Mr. Brabant said that this could be considered at the Final Re-Subdivision Plat application stage.

Mr. Viets then asked if anyone in attendance wished to comment or ask questions on this application.

Mr. Chu (6249 Pheasants Crossing) asked about the construction on the proposed two lots. Mr. Viets said that the application this evening is only for the subdivision of the lot. He said that there would be only one home permitted for construction on each new lot and that a site plan application for the construction of each home would have to be submitted for approval by the Planning Board.

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 Public Hearing on this application be closed.

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

Motion carried. The Public Hearing was closed.

Mr. Viets then asked Mr. Fowler if he received the draft Preliminary Re-Subdivision resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions. Mr. Fowler said that he received the resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions.

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

**FARMINGTON PLANNING BOARD RESOLUTION
PRELIMINARY TWO-LOT RE-SUBDIVISION APPLICATION**

PB # 0902-20

APPLICANT: James Fowler, 6176 Hunters Drive, Farmington, N.Y. 14425

ACTION: Preliminary Re-Subdivision Plat Application, to create two (2) non-buildable lots from Lot 5, Pheasants Crossing Subdivision

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

WHEREAS, the Board, having reviewed the criteria set forth in Part 617.5 (c) (34) of Article 8 of the New York State Environment Conservation Law, the State’s SEQR Regulations finds that the proposed Action involves only the review of an application to determine compliance with technical requirements and that no such determination entitles or permits the project sponsor (the Applicant) to commence further action upon the land involved until all requirements of this Part have been fulfilled; and

WHEREAS, the Board has given consideration to the Ontario County Planning Board’s comments (Referral #149-2020) which were provided in accordance with the provisions of Sections 239-l and -n of the New York State General Municipal Law; and

WHEREAS, the Board has provided notice of this proposed Action to the Victor Town Clerk, in accordance with the provisions contained in Section 239-nn of the New York State General Municipal Law; and

WHEREAS, the Board, understands that the applicant (Mr. James Fowler) is proposing the re-subdivision of Lot #5 of the Pheasants Crossing Subdivision (tax map account 029.13-1-5) into two lots; and

WHEREAS, in accordance with the requirement contained in the previous Planning Board Resolution (File PB -0802-20) the Town Director of Planning and Development, and the Town Code Enforcement Officer, have notified this Board that, for the most part, this application is deemed complete and ready for the Board's action; and

WHEREAS, the Board has given consideration to the public comments made during tonight's public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby determine the proposed Action to be a Type II Action as identified under Part 617.5 (c) (34) of Article 8 of the New York State Environment Conservation Law.

BE IT FURTHER RESOLVED that Type II Actions have been determined not to have a significant impact upon the environment and, therefore, no further review is required.

BE IT FUTHER RESOLVED that the Board does hereby move to grant preliminary re-subdivision plat approval of the plat map prepared by Anthony A. Venezia, Licensed Land Surveyor, having a signed stamped date of 9/8/2020, and entitled "Subdivision Plat prepared for Fowler Family Trust, 6240 Pheasants Crossing," with the following conditions:

1. The title of this plat map is to be amended to read . . . "Preliminary Re-subdivision Plat, Lot 5, Pheasants Crossing Subdivision, creating Lots R5-A and R5-B."
2. There are to be signature lines added to the preliminary plat map for signing by: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent, and the Town Engineer.
3. There is to be a note added to the plat map that reads . . . "No Building Permits for the construction of any structures on the two re-subdivided lots being created with this action shall be issued until Final Site Plan Approvals have been granted by the Planning Board for each lot."
4. The note referencing the FEMA Flood Zones C and A5 is to be corrected to have the correct date of September 30, 1983, instead of September 30, 1938.
5. The Vicinity Map is to be amended to change Rochester Road to State Route 332.

- 6. The Lot designations shown on the plat map (Lot 5-A and Lot 5-B) are to be amended to read . . . “Lot R5-A” and “Lot R5-B.”

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

Motion carried.

7. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT

PB #1006-18 Continued Special Use Permit

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

Request: Special Use Permit to operate a 7-megawatt Photovoltaic (PV) System on approximately 35 acres of land proposed to be located upon three subdivided lots from Tax Map #010.00-01-37.110.

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

Mr. Viets reconvened the Public Hearing on the Special Use Permit application (PB #1006-18).

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

Mr. Brand said that the draft Special Use Permit approval resolution has been prepared by the Town staff and by the Town’s Special Legal Counsel, and was posted upon the Town website and the Delaware River Solar correspondence abstract on September 2, 2020 (Correspondence #168). He said that the Town staff is ready to move forward if the board finds that the resolution is acceptable.

Mr. DeLucia asked about receipt of the lease agreement between Delaware River Solar and the property owners. Mr. Brand said that the submission of the lease agreement and acceptance by the Planning Board will be a condition of Special Use Permit approval.

Mr. Viets confirmed that the draft Special Use Permit approval resolution has been posted on the Town website for public review since September 2, 2020. He then asked about the correction of several clerical errors.

The clerk said that the outdated references to the title of the New York State Department of Agriculture and Markets *Guidelines for Agricultural Mitigation for Solar Energy Projects* have been updated to *Guidelines for Solar Energy Projects—Construction Mitigation for Agricultural Lands* on pages 3, 20, 36, 37 and 38 of the draft resolution.

Mr. Viets asked Mr. Compitello if he received the draft resolution prior to the meeting.

Mr. Compitello said that he received the draft resolution prior to the meeting.

He said that Section 9 of the lease agreement between Delaware River Solar and the landowners deals with the decommissioning of the project and how it relates to the Town Code. He said that the lease has been written more generally (for codes throughout the State) to comply with various decommissioning laws and that the company adhered to these laws in this lease.

Mr. Compitello said that the lease is a private agreement between the company and the landowner and would not be part of the public record. Mr. Viets said that the lease has been reviewed by the Town's legal counsel and that private information has been redacted.

Mr. Viets asked Mr. Compitello if he agreed with all the conditions in the draft Special Use Permit approval resolution.

Mr. Compitello said that Delaware River Solar and the company's legal counsel would like to see more clarity on Draft Condition #7 (pages 39–42 of the draft resolution). He requested that the board provide them with more time to deliberate on this condition. He said that the draft resolution is moving in the right direction but that they have a question of interpretation on the use of the property 20 years to 30 years from now.

Mr. Brand said that the Planning Board closed the Public Hearing on the Special Use Permit on August 5, 2020, and that the board must render a decision on the application within 62 days of that date unless the applicant requests and agrees to an extension, which Mr. Brand said is what the applicant is asking for this evening. Mr. Brand recommended that the application be continued to the next Planning Board meeting on October 7, 2020, based upon the applicant's request and agreement to the extension of time.

Mr. Viets asked about the date of submission of the company's comments. Mr. Delpriore said that the comments must be received by the close of business (4:30 p.m.) on Wednesday, September 23, 2020, for consideration by the Town staff and by the Town's Special Legal Counsel, and for submission to the Planning Board for consideration at the next meeting on October 7, 2020.

Mr. Compitello said that the company will submit comments by September 23, 2020.

Mr. Brand said that Bergmann Associates of Rochester, N.Y., has been identified as the environmental monitor for the project and that the firm has submitted a technical memorandum (*see* Correspondence #173A and #173B, received September 14, 2020).

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

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the Delaware River Solar Special Use Permit application (PB #1006-18) be continued to October 7, 2020.

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

Motion carried.

7. PLANNING BOARD ACTION ITEMS

A. Mertensia Road Project:

Mr. Spencer (BME Associates) and Mr. Affronti (104 Contractors) provided a concept presentation of a residential development proposed for the southwest corner of Collett Road and Mertensia Road. They provided the following information:

- Project area: 48.56 acres.
- Existing zoning: Residential Multi-Family and Major Thoroughfare Overlay District (MTOD).
- Proposed use: 216 residential townhomes within 54 buildings of four units each.
- 388 residential units are permitted on this site in this zoning district; 216 residential units are proposed.
- 40 townhouse units are to be located in the southeast corner of the site; 12 townhouse units to be located in the northeast corner; the remaining units will be located in the western portion of the site.
- The project will consist of both private and dedicated roads.

- A State Freshwater Wetland located in the center portion of the parcel will not be disturbed.
- 70-foot minimum front setbacks from Collett Road and Mertensia Road will be honored; area variances will be requested from the Zoning Board of Appeals for 35-foot front setbacks on the driveway side of the dedicated roads and 30-foot front setbacks on the non-sidewalk side of the dedicated roads; front setback variances will be requested on all lots fronting on the dedicated roads with the exception of units 181–188 and 205–212.
- Parking requirements: 2 spaces per unit are required; 3 spaces per unit (garage and driveway) are proposed; plus 42 guest parking spaces for a total of 690 spaces.
- Minimum lot coverage: 30 percent required; less than 30 percent is proposed.
- A sidewalk will be installed on one side of the proposed dedicated roads.
- A trail network through the open space in the center of the property is proposed.
- Stormwater management areas will be installed for each section of the project.

Mr. Spencer said that the front setback area variances will be requested to reduce the length of the driveways to achieve reductions of the amount of land disturbance and impervious surfaces.

He said that the stormwater management areas will be designed to conform to New York State Department of Environmental Conservation guidelines. The specific locations are not proposed at this time and are to be determined. The stormwater facilities will drain into the wetlands to assure that the wetlands retain water.

Mr. Spencer said that he met with the Project Review Committee on September 4, 2020, and that the Town staff comments will be incorporated into the revised plans. He said that a staff concern about a cul-de-sac in the southern portion of the property will be addressed.

Mr. Spencer said that an eight-inch water service on Mertensia Road will be upgraded to a 10-inch service. Connection to the existing sanitary sewer service will be from the west near the railroad tracks.

He said that the project is expected to be constructed in two or three phases to be determined based upon the sale of the units and the site itself. He said that the

applicant looks forward to finalizing a design based upon the comments from the Planning Board received this evening.

Mr. Brand said that the property's western boundary coincides with the boundary of the Town of Victor. He also said that there will be sidewalks constructed as part of this project along Collett Road and Mertensia Road.

Mr. Brand thanked Mr. Spencer and Mr. Affronti for including plans for a nature trail through the property in the vicinity of the wetlands for its connectivity to existing trails and linking together the three sections of the project.

Mr. Brand encouraged Planning Board members to review the Project Review Committee minutes (September 4, 2020) on this application regarding the discussion on the water and sanitary sewer connections. He said the capacities of these utilities are now being researched regarding the flow under the railroad tracks.

Mr. Brand said that there may be the potential for the connection of Collett Road West with Plastermill Road (located in the Town of Victor) based upon the recommendation contained in a recently completed Genesee Transportation Council (GTC) study in the Town of Victor for the State Route 96 corridor. He also said that another alternative has been identified which involves extending Mertensia Road north across the railroad tracks creating an intersection with Gateway Drive. Either of these two alternatives would have an impact upon the intersection of Collett Road West and Mertensia Road.

Mr. Giroux suggested consideration of the continuation of a loop road in the project instead of a cul-de-sac to improve traffic flow, and for winter maintenance and snow storage.

He also expressed concern about the deviation from the Town Code regarding the proposed front setback variances. He said that the Town does not wish to have vehicles parked on the sidewalks or to have cars parked across the sidewalks [if there is not enough room in a driveway].

Mr. Giroux also suggested centralized mailboxes to avoid having several clusters of mailboxes.

Mr. Brabant said that MRB Group provided record drawings of the utilities in the area to BME Associates. He said that model calculations for the water service were made which determined that a 10-inch water service along Collett Road and/or Mertensia Road will be required. He also said that the Town is working on a design for the area south of this project to increase the water utility on Mertensia Road from eight-inch to 10-inch service.

Mr. Maloy asked in which phase the nature trails would be constructed. Mr. Spencer said that the sequencing of the installation of the trails is to be determined.

Mr. Maloy asked about the responsibility for the on-going maintenance of the trails. Mr. Spencer said that these dwellings will all be for-sale units and that specific details have not yet been determined. He expects that a homeowners' association would be established for the funding of the maintenance of the green spaces and the trails.

Mr. Spencer said that it is the applicant's intent to have driveways that would be long enough for the parking of two vehicles. Off-street guest parking areas are also proposed. He referred to the comments of Town staff at the Project Review Committee meeting regarding the possibility of land-banked parking. He said that the applicant does not wish the project to look like a parking lot.

Mr. Bellis and Mr. DeLucia discussed the current stop signs and proposed driveway locations for a portion of this project located at the southwest corner of Collett Road and Mertensia Road. Mr. Spencer said that there would not be individual driveways for these units. He said that they will be common driveways to serve either four units (showing access to Collett Road West) or eight units (showing access to Mertensia Road), and that the final location of these driveways could be shifted to the south along Mertensia Road to address possible safety concerns at the intersection [caused by driveways being located too close to the intersection].

Mr. Hemminger asked if the units would have basements. Mr. Spencer said that the applicant's intent is for all units to have basements. He said that some may be walk-out basements depending upon the grade of the land.

Mr. Hemminger said that storage and parking will be important issues. He said that parking for residents and guests will be a huge issue, especially in winter when parking on the dedicated roads is not permitted.

Mr. Viets suggested that consideration be given to widening the driveways or relocating the homes farther back on the lots to assure that there will be enough parking on a driveway for two vehicles with no vehicular encroachment upon the sidewalks.

Mr. Bellis asked about the location of the phased construction of the townhomes. Mr. Spencer said that phasing and sequencing of construction are to be determined.

Mr. Bellis asked about the driveways near the Collett Road/Mertensia Road intersection. Mr. Delpriore said that he does not see a hazard at this point. Mr. Brabant said that the driveway distances to the intersection and the safety concerns would

be further reviewed when detailed plans are submitted. Mr. Brand said that the Genesee Transportation Council also may review the intersection if the recommended Town of Victor road improvements are made.

Mr. Delpriore said that the State's Fire Code requires that sprinklers be installed in residential units if more than 30 units are built on a road with only one entrance. Mr. Spencer said that he will look into this.

Mr. Bellis asked about sidewalks along Mertensia Road. Mr. Brabant said that the Town has acquired sidewalk easements along the west side of Mertensia Road south of the applicant's property and extending to the sidewalk along State Route 96.

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

B. Phillips Landing Amendment to Overall Cluster Development Site Plan:

Mr. Brand said that the developer of Phillips Landing has recently created two additional lots within the subdivision for which buyers have now been identified. The project was originally constructed under the Cluster provisions of Section 278 of the New York State Town Law to allow for 84 residential units. The two additional lots will increase the total number of lots to 86.

Mr. Brand said the development of 86 lots would still be within the overall density permitted by the underlying R-1-15 Zoning District. Mr. Brand said that the developer's engineer is working on an Amended Overall Preliminary Plan that will depict a total of 86 lots.

He said that the creation of two additional lots would not require a change to the Town's Official Zoning Map which already includes proposed Lot #85 and Lot #86.

If there are no objections from the Planning Board, Mr. Brand said that he will inform the landowner and the developer's engineer that the creation of two additional lots would not increase the density guidelines of the original concept of the Phillips Landing development and that an Amended Overall Preliminary Plan is required, along with detailed site plans for the development of these two lots.

There were no objections from the members of the Planning Board. The board concurred with Mr. Brand's analysis.

C. Rules of Procedure Amendment to Remote Meeting Policy and Procedures:

Mr. Delpriore and Mr. Brand discussed the adoption of the “Town Boards and Committees Remote Participation in Public Meetings” policies and procedures by the Farmington Town Board on September 8, 2020 (Town Board Resolution #326 of 2020).

The purpose of this policy is to allow for members of all Town boards and all Town committees that may be established by the Town Board to participate in public meetings from remote settings via video conference.

Participants who attend meetings via the remote means may be counted for the purposes of a quorum, may make or second motions, and may vote on any action that is properly brought up at a meeting. Members who attend the meeting remotely may also vote to accept the meeting minutes at a future meeting.

Mr. Brand suggested that the Planning Board add this policy to its Rules of Procedure during the board’s annual review in January.

8. OPEN DISCUSSION***Director of Development and Planning:***

Mr. Brand discussed the construction that is now underway at Beaver Creek Park. He said that three contracts have been awarded by the Town Board and that work is in progress by each contractor.

Code Enforcement Officer:

Mr. Delpriore said Lyons National Bank is now open under a conditional Certificate of Occupancy. He said that the punch list includes completion of an outbuilding and installation of a remaining section of sidewalk leading to Hathaway Drive. Mr. Delpriore said that Lyons National Bank may send a letter to the Town requesting that the installation of this section of sidewalk be delayed for safety reasons until there is a destination for pedestrians to reach at the end of the sidewalk.

Mr. Giroux said that the Town Highway Department staff would paint crosswalk markings across Hathaway Drive if the bank would install this section of the sidewalk as required on the approved site plan.

Mr. Brabant suggested that the Town may wish to require Lyons National Bank to post a surety for the installation of this section of the sidewalk if the board were to decide to extend the date for installation of the sidewalk.

Mr. DeLucia said that the bank should install this section of the sidewalk as required on the site plan.

Clerk's Note: On Thursday, September 17, 2020, Mr. Delpriore reported to the board via email that he met with representatives of Lyons National Bank who informed him that the bank will move forward with the stake-out and installation of this section of the sidewalk in the next week or so.

Highway and Parks Superintendent:

Mr. Giroux said that a relocated streetlight on Hathaway Drive will be installed by Lyons National Bank in a location to the north of the bank's northern driveway for better illumination along this portion of the Town road. He expressed his appreciation to the bank for agreeing to do this.

He also said that the second phase of the Canandaigua–Farmington Town Line Road improvement project will begin on Monday, September 21, 2020. He also noted that the Highway Department crews are working throughout the town on clearing drainage ditches and culvert pipes in preparation for winter snow and thaws.

Town Engineer:

Mr. Brabant introduced Sherman Gittens, a Civil Engineer with MRB Group, who will be working with Mr. Brabant on Planning Board matters in the coming months.

9. PUBLIC COMMENTS

None.

10. TRAINING OPPORTUNITIES

General Code e-Code

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

Information:

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

Wednesday, October 7, 2020

10:00 a.m. to 11:00 a.m.

Ask the Attorneys

Tuesday, October 20, 2020
10:00 a.m. to 11:00 a.m.

Roles and Responsibilities of the Town Board and Highway Superintendent

Free to Association of Towns members. Registration required. www.nytowns.org.

Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:
<https://www.co.ontario.ny.us/192/Training>

11. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:50 p.m.

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

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

Respectfully submitted,

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

Appendix 1 Delaware River Solar Applications

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

These applications were reviewed by the Project Review Committee on August 3, 2018; September 7, 2018; September 6, 2019; November 1, 2019; February 7, 2020; March 6, 2020; July 2, 2020; August 7, 2020; and September 4, 2020.

The Zoning Board of Appeals (ZBA) classified this project as a Type I Action under the State Environmental Quality Review (SEQR) Regulations and established the 30-day SEQR public review and comment period from September 28, 2018, to October 29, 2018.

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

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

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

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

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on:

PB #1003-18 Preliminary Four-Lot Subdivision
PB #1006-18 Special Use Permit
PB #1004-18 Preliminary Site Plan

The Public Hearings were reconvened on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; August 7, 2019; September 4, 2019; October 16, 2019; November 20, 2019; December 4, 2019; December 18, 2019; January 15, 2020; February 19, 2020; March 18, 2020 (meeting cancelled due to Covid-19 pandemic); April 15, 2020 (administrative action to continue the Public Hearings to an unspecified date); June 3, 2020 (administrative action to continue the Public Hearings to July 1, 2020); June 17, 2020 (administrative action to continue the Public Hearings to August 5, 2020); and August 5, 2020 (Preliminary Site Plan continued to September 16, 2020; Special Use Permit Public Hearing closed).

On March 4, 2020, the Planning Board closed the Public Hearing on the Subdivision Plat application and approved the Preliminary Subdivision Plat (PB #1003-18).

On September 2, 2020, the Planning Board approved the first 90-day extension of Preliminary Four-Lot Subdivision Plat approval (PB #1003-18) to expire on Monday, November 30, 2020.

On August 7, 2019, the Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment Form.

On August 7, 2020, the Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration).

On September 6, 2019, an Article 78 Proceeding was filed in Supreme Court (State of New York, Ontario County) by petitioners/plaintiffs Concerned Citizens of Farmington (James and Nancy Falanga, James Dennie, James Redmond, James and Ann Foley, Eric and Edith Chapman, Petrina Case and Daniel Geer vs. Town of Farmington (New York State Unified Court System Index #126079-2019).

On October 31, 2019, Mr. Compitello of Delaware River Solar provided site plan revisions that were made because of the denial of the Area Variances by the Zoning Board of Appeals (*see* Farmington Planning Board minutes, November 20, 2019).

On November 1, 2019, Mr. Compitello provided second revised subdivision and site plan drawings, and the draft Stormwater Pollution Prevention Plan (SWPPP).

On November 6, 2019, the Planning Board accepted the revised State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 1 (as corrected at the meeting) and referred the second revised materials to the SEQR Involved Agencies and to the Ontario County Planning Board.

On November 12, 2019, the Ontario County Planning Board reviewed the second revised materials (Referral #226-2019) and retained referral #226-2019 as Class 1 (see Farmington Planning Board minutes, November 20, 2019).

On December 18, 2019, the Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment for the revised applications. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) for the revised applications on December 18, 2019.

The Planning Board meeting that had been scheduled on March 18, 2020, was cancelled in compliance with the New York State Governor's Executive Order on public gatherings during the Covid-19 pandemic.

On April 3, 2020, the Town staff submitted a Special Use Permit draft approval resolution to the Planning Board for consideration.

On June 16, 2020, the Article 78 Proceeding in Supreme Court (State of New York, Ontario County) was dismissed without prejudice (New York State Unified Court System Index #126079-2019).

On July 15, 2020, the Planning Board acknowledged receipt of the applicant's responses to the Special Use Permit draft approval resolution of May 6, 2020.

On September 2, 2020, the Planning Board acknowledged receipt of the revised draft approval Special Use Permit approval resolution submitted by the Town's Special Legal Counsel.

On September 16, 2020, the Site Plan and the Special Use Permit applications were continued to October 7, 2020.