

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, August 5, 2020 • 7:00 p.m.

MINUTES—APPROVED

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

In response to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor, the Planning Board meeting this evening was held in accordance with New York State Governor Andrew M. Cuomo’s Executive Order No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 12, 2020, and extended by Executive Order 202.48 through September 4, 2020, subsection as follows:
subsection as follows:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

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

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors on August 3, 2020.

This meeting was conducted according to the Rules of Procedure approved by the Planning Board on January 15, 2020, with the following revisions per the above reference to the Governor’s Executive Order:

- All applications will be introduced by the Planning Board Chairperson.
- The Planning Board Chairperson will ask for comments from the Town staff.
- The Planning Board Chairperson will ask for comments from the Planning Board.
- The applicant(s) will provide responses where needed at the direction of the Planning Board Chairperson.
- The Planning Board members will vote upon the application(s).
- Public comments will be received by thre Planning Board Chairperson only during the Public Comment agenda item.
- The meeting will be recorded and later fully transcribed by the Clerk of the Board.

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

Board Member Present via Telephone Conference: Timothy DeLucia

Town Official Present:
 Supervisor Peter Ingalsbe (8:00 p.m.)

Staff Present:
 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
 August Gordner, Town of Farmington Code Enforcement Officer
 Sarah Mitchell, Town of Farmington Building Department Administrator

Staff Present via Telephone Conference:
 Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C.

Applicants Present:
 Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,
 #415, Rochester, N.Y. 14610
 Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522

Applicants Present via Telephone Conference:

Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, N.Y. 14450

John LeFrois, GLN Farmington Realty LLC, 1020 Lehigh Station Road, Henrietta, N.Y. 14467

Others Present:

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

Will Morgan, WHAM-TV Channel 13, 4225 West Henrietta Road, Rochester, N.Y. 14623

Others Present via Telephone Conference:

Christina Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522

Linda Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609

Tammy Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522

Bridget O'Toole, Esq., Partner, The Zoghlin Group PLLC, 300 State Street, Suite 502,
Rochester, N.Y. 14614

Other(s) [unidentified]

1. MEETING OPENING

The meeting was called to order at 7:00 p.m.

Mr. Hemminger 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 reviewed the guidelines and safety measures that have been established for this hybrid meeting which was held in person at the Town Hall (via audio telephone conference and visual displays for those using a computer) due to the Coronavirus (COVID-19) pandemic. Several staff members and applicants participated via audio telephone and visual conference. 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.

2. APPROVAL OF MINUTES OF JULY 15, 2020

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the minutes of the July 15, 2020, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, July 29, 2020:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Planning Board of the Town of Farmington, will on the 5th day of August 2020, commencing at 7:00 p.m. Eastern Daylight Saving Time, in the Farmington Town Hall Main Meeting Room, 1000 County Road 8, Ontario County, N.Y., 14425 be resuming the following Public Hearings:

PB 1004-18: DELAWARE RIVER SOLAR, 140 EAST 45th STREET, SUITE 32-B1, NEW YORK, N.Y. 10017: Preliminary Site Plan Approval to erect a 7-megawatt PV Solar System, containing a total of 21,000 solar panels, to be located upon three 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. The property is located at 466 Yellow Mills Road, Palmyra, N.Y. 14522 and is zoned A-80 Agriculture.

PB 1006-18: DELAWARE RIVER SOLAR, 140 EAST 45th STREET, SUITE 32-B1, NEW YORK, N.Y. 10017: Special Use Permit Approval to operate a 7-megawatt Solar PV System on approximately 35 acres of land, proposed to be located upon three subdivided lots from Tax Map #10.00-1-37.110. The property is located at 466 Yellow Mills Road, Palmyra, N.Y. 14522 and is zoned A-80 Agriculture.

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

4a. CONTINUED PRELIMINARY FOUR-LOT SUBDIVISION

PB #1003-18 Continued Preliminary Four-Lot Subdivision 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 Subdivision Plat approval for a four-lot subdivision of land, Tax Account #010.00-01-37.110, which contains approximately 136.4 acres of land

4b. 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.

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; and July 2, 2020.

The Zoning Board of Appeals (ZBA) classified this project as a Type I Action under the State Environmental Quality Review (SEQR) Regulations and established the 30-day SEQR public review and comment period from September 28, 2018, to October 29, 2018. 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; and March 18, 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. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) on August 7, 2019.

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 1, 2020, the Planning Board took Administrative Actions to continue the Public Hearings to May 6, 2020.

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

On April 15, 2020, the Planning Board took Administrative Actions to recall the continuation resolution of April 1, 2020, and continue the Public Hearings to an unspecified date.

On June 3, 2020, the Planning Board took Administrative Actions to reschedule the Public Hearings to July 1, 2020.

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 June 17, 2020, the Planning Board took Administrative Actions to recall the continuation resolution of June 3, 2020, and to reschedule the Public Hearings to August 5, 2020 (this evening's meeting).

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.

Mr. Hemminger reconvened the Public Hearings on the above referenced applications at this evening's meeting (August 5, 2020).

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

Mr. Hemminger then read aloud the following statement into the record of the meeting:

I would like to begin by summarizing the status of the Delaware River Solar applications.

On March 4th, the Public Hearing on the Subdivision application was closed and the Planning Board approved the Revised Preliminary Subdivision Plat application. At a future date, the Planning Board will consider the Revised Final Subdivision Plat application.

On February 19th, the Special Use Permit application was continued to March 18th. But the March 18th meeting was cancelled in compliance

with the Governor's Executive Order on public gatherings during the Covid-19 pandemic.

The Public Hearing on the Special Use Permit was then continued by Administrative Action to May 6th. Due to the continuing pandemic, the board took Administrative Action on April 15th to continue the Public Hearing to an unspecified date, and finally on June 17th the board took another Administrative Action to continue the Public Hearing to this evening's meeting (August 5th).

Since our previous session in February, the following materials related to Delaware River Solar have been received:

On April 3rd, the board received a Draft Special Use Permit approval resolution prepared by the Town staff. This draft was posted upon the Town website upon receipt for the public's review. It is Correspondence #156.

On May 21st, the Town engineering consultant MRB Group submitted an engineering comment letter on the Delaware River Solar Decommissioning Plan and Maintenance Plan. This was posted upon receipt and is Correspondence #159.

On June 16th, the board received the ruling from Ontario County Supreme Court that the Article 78 proceeding that had been filed by the Concerned Citizens of Farmington group had been dismissed without prejudice.

On June 26th, the board received responses from Delaware River Solar to the MRB Group engineering comments on the Decommissioning Plan and Maintenance Plan (Correspondence #162A and #162B).

Also, on June 26th, the board received responses from Delaware River Solar regarding the Draft Special Use Permit approval resolution (Correspondence #162C).

On July 14th, the board received MRB Group's engineering comments on the Delaware River Solar Stormwater Pollution Prevention Plan (the SWPPP) and the applicant's New York Community Solar Operations and Maintenance Plan, Version #2 (Correspondence #163).

On July 22, the board received a comment letter from Bridget O'Toole, Esq., of the Zoghlin Group, the attorney on behalf of the Concerned Citizens of Farmington group, requesting that the Planning Board deny the Special Use Permit application (Correspondence #164).

On July 30, 2020, the board received a comment letter from Terence L. Robinson, Esq., of the firm Muehe, Maue & Robinson, attorney for Delaware River Solar, requesting that the Planning Board approve the Special Use Permit (Correspondence #165).

As I noted a moment ago, all the correspondence is posted upon receipt on the Town website and has been available for public review and downloading from the web.

This evening, I now reconvene the Public Hearing on PB #1006-18, the Delaware River Solar Special Use Permit application and the Preliminary Site Plan application, PB #1004-18.

Because of the meeting cancellation and rescheduling due to the pandemic, the Planning Board re-advertised these Public Hearings in a Legal Notice in the Daily Messenger on July 29th. The affidavit of publication will be on file in the Town Clerk's Office.

As you have heard from the summary, we have received a number of new materials since our last session. At this point, I would like to ask if anyone has any additional information that has not already been provided either in testimony at one of our previous sessions or in correspondence that has been submitted since February of this year.

And by the way, the first official presentation of this project was made to the Town's Project Review Committee on August 3, 2018, and the Public Hearings before the Planning Board were opened on November 7, 2018.

So again, I am asking now if anyone has any additional information that has not already been provided to us.

—Edward Hemminger, Chairperson

Following the reading of the statement by Mr. Hemminger, Mr. Brand questioned Mr. Hemminger's reference to a date in the fourth paragraph of the statement. Mr. Brand said that Mr. Hemminger referred to "September 17th." Mr. Hemminger acknowledged that he misspoke and that the reference should have been read as "June 17th."

(Clerk's note: The reference is correct in the text of the statement published above.)

Mr. Compitello (Delaware River Solar) thanked Mr. Hemminger for the thorough summary of the applications. He requested that this summary be included in the record of the meeting. Mr. Hemminger said that the statement would be included in the minutes.

Mr. Hemminger then asked if anyone in attendance in the meeting room wished to speak for or against the applications, or to ask questions.

Mr. Falanga (395 Ellsworth Road) said that he would like to defer to the attorney who is representing the Concerned Citizens of Farmington group who will speak on behalf of the group, and that he would make his comments after her remarks.

Mr. Hemminger then called upon Ms. O’Toole (The Zoghlin Group), the attorney representing the Concerned Citizens of Farmington, who delivered the following statement into the record of the meeting:

The applicant in March sent this board two aerial images of its project of a similar size in the Town of Ogden. I’d like to point out to this Board that the project was on relatively flat and level ground and the Town of Ogden conditioned their site plan approval on planting two staggered rows of evergreen trees that were eight to 10 feet tall at the time of planting. That’s different than what is being proposed in this project, which is trees between four and six feet. That project is also set back significantly further from the road than the 40 feet proposed [here] and is not located near an intersection.

The panels will be at a higher elevation than the elevation of Yellow Mills Road (approximately 570 feet) and Fox Road (between 550–560 feet). Whereas the panels are to be placed at elevations as high as 585 feet. The fence will be eight feet taller and panels will be another 15 feet taller: the proposed screening of evergreens four to six feet tall on an already elevated site is a farse in terms of screening and is patently insufficient.

In at least one location, there will be a home only 350 feet from the project and only 715 feet from the closest panel.

I would offer to this board that the applicant cannot meet the community character and landscaping standards of [Town Code] § 165.99 (C) and this is the new information that I have that is not in my letter [of July 22, 2020].

Thank you.

—Bridget O’Toole, Esq.

Mr. Hemminger then asked twice if anyone else on the conference call wished to comment on the application. There were no requests.

He then called upon Mr. Falanga in the meeting room.

Mr. Falanga delivered the following comments into the record of the meeting:

After meeting with several of our concerned citizens’ groups, many felt uncomfortable coming here tonight and appearing in person because of the Covid-19 pandemic. They did feel, however, that if this were in a larger

setting, they may be more willing to come out. One—and this is a direct quote—that this has been deemed nonessential. “Why would we risk infection to exercise our right to participate in the meeting?” That was one of our folks.

As far as new information, I’ll try to keep it as short as I possibly can. I know that Tim {Planning Board member Timothy DeLucia} is listening at home, and Tim was not part of the process beginning way back in August 2018. But I do feel compelled to hit a couple highlights for this poorly written law. *(Clerk’s note: Mr. DeLucia was participating in the meeting via telephone conference from out of town. He was serving as the chairperson of the Farmington Zoning Board of Appeals when the public hearings on the Delaware River Solar applications for Area Variances were opened on September 24, 2018. Mr. DeLucia was appointed to the Planning Board on January 7, 2020, to fill an unexpired term—JR.)*

We do know that [Town] Board member [Dr. Michael] Casale as well as Ron Brand, Director of Development, are quoted as saying that they never thought anything this large would be proposed when the solar law was established. [Town Board member] Nate Bowerman is on record as saying that we put the solar law in place to help small farmers on their farms for their individual farm projects. No one envisioned a \$10 million industrial commercial power plant. It’s not a community farm. There’s nothing community about it.

Another famous quote from Ron Brand is the Town of Farmington will not benefit one penny from this project, other than application fees.

We also handed in 110-plus signatures for a moratorium that was considered by the [Town] Board. *(Clerk’s note: The reference is to Delaware River Solar Correspondence #61—Citizen Petition to the Town Board, received January 24, 2019—JR.)*

As far as the data that we had handed in, we did ask two specific questions that were never answered. One was the traffic study. To this day, we have not received the report of the traffic study, other than that intersection is extremely dangerous, resulting in 10 times the accident rate as other similar intersections. What we have asked for is how many cars—how many vehicles went up and down that road—we have never been able to receive that. *(Clerk’s note: See Delaware River Correspondence #107—Trip Generation Letter/Intersection Crash Analysis Letter submitted by SRF Associates, Transportation Planning/Engineering/Design, Rochester, N.Y., received May 31, 2019—JR.)*

We also haven't been able to receive any information on the supposedly 30 percent of green space that is supposed to be included in any such solar industrial complex projects.

I heard from Ed [Hemminger] say that there were 10 or 11 [?] online. That doesn't surprise me. A good share of our group are my age, or senior, and they said that they were going to try to do the technology to tune in tonight. But due to the technology, it doesn't surprise me that maybe some of them could not do that.

One of the ones who could not do that—and I have his text—is Jim Redmond—and Jim has been here several meetings. He is the owner of Jrlon on Fox Road who employs a good share of Farmington residents, and Wayne County residents, as well.

He says, "Tell the board I do not wish to attend due to Covid-19. My land is adjacent to the proposed project site and water runs above and below ground directly from the project site to my land. I have begun testing underground water samples to compare them to samples post-construction if this power plant [?]. This raises my concern as I look forward to getting those samples." So that's from Jim Redmond. I'm not sure if he is one of the ones trying to sign in tonight, or not.

We also have established that there will be a substantial undue adverse effect upon the adjacent properties—the character of the neighborhood. This will discourage any desirable future residential development. We've had experts testify that the natural progression is farms, then down to farmettes, then down to residential. The documentation is clear. As is the Planning Board, I believe as one of your criteria is—will this affect adjacent property values?

Hazards that are dangerous to the general public or to persons in the vicinity. I've been told that if there was a fire, that the fire department would just let it burn out, that there is no plan to fight a fire on an industrial/commercial solar power plant. And if the wind is blowing in a certain direction, obviously that could have an effect.

And then lastly, just the sensitive nature of the features, hydrologically we are all connected. Our property is also adjacent to Jim Redmond's property. The water does flow directly above ground and underground into the wetlands, as well.

Let's see, other than that, I got an email from Channel 13—Tanner Jubenville—who says, "Jim, you've raised some very interesting points here. Should the Town Board be hosting these meetings and risking infection to its citizens when the project itself has been deemed nonessential?"

I thank you.

—James Falanga

Nancy Falanga (395 Ellsworth Road), made the following statement:

Technical issues aside, I feel like I just have to be a face on the personal side of this. I know a lot of people in this town who feel like—they have put a lot of money, time and effort—they've worked their whole lives to pay for their properties, to pay for the taxes on their properties, and I feel like myself, and many of those people, feel like we're kind of calling on deaf ears, here, I guess I could say. None of us understand how the Town is not hearing what we're saying—siding with the company that the only thing they care about is the money they're going to make from Farmington. They have no ties to Farmington. I don't know what the word is.

But, for example, Jim Dennie's property was in a very big disarray when he purchased that property. He's put in so much money and so much time into that property, and it's beautiful now. It adds to the Town of Farmington and it feels like a kick in the teeth—is what it feels like—to say here's 20,000 solar panels for your front yard.

And I just had to get that off my chest, because it's been bothering me since Day 1. The Town has made us suffer for two years, thinking about this every night, trying to figure out a way to convince you—why it shouldn't happen. And, I just feel like I have to give you the emotional side of it.

—Nancy Falanga

Mr. Hemminger then asked if anyone else on the conference call wished to comment, ask questions or present new information on the Special Use Permit application.

Ms. Johnson (126 Yellow Mills Road), thanked the board for having this meeting and that she was sorry that she could not attend. She delivered the following comments:

The one question that I do have, obviously things continue to come up that are alarming for me. The situation where—if there is a fire—really doesn't settle well for me. I live on Yellow Mills Road about two miles from Fox, and if there is a big, massive fire and you're just going to let it burn out—again, I'm advocating for Mother Nature and our earth and our planet. I have tried to advocate for Her before. But I haven't been aware of that information. I do know there are fire hydrants [?]. I realize if there is a fire—whether electrical or Mother Nature—that would be a huge problem, like carcinogens—all those kinds of things. But, it just sort of concerns me that if there is a fire, you're just going to let it burn out, if that's the truth.

And I don't want you to waste our precious firemen's resources and time and energy. I know they're fighting a fire of electric, metal panels, and chemicals, and all those things. But, if you're considering a project of this mammoth size, and if there is a fire, you don't want to waste manpower on it, maybe that's why the fire department wouldn't be called, and that's even really more alarming to me. Everything is red flag in my mind, and I don't know how to rectify this. I continue to pray and we're just going to continue to advocate and I hope you guys can sleep well at night when you make your decision, because I certainly can't.

As someone said, we've all chosen where we live. The majority of us that are coming out, and trying to do this online, we've all chosen and been residents for a very long time. We chose Farmington for a reason. We didn't chose an inner city or whatever, you know. I realize Farmington has to grow but I don't think this is the way we need to grow. Thank you very much for your time.

—Tammy Johnson

Christina Dennie (595 Yellow Mills Road) said that she was speaking about what Tammy Johnson was saying. She said that she was not aware at all if there was a fire what the protocol would be. She said that the majority of the people on Yellow Mills Road have well water and that consideration must be taken regarding the contamination of the water. Mr. Hemminger said that the board will revisit the issue of fire protection.

Mr. Hemminger then asked twice if anyone else on the conference call wished to comment or to ask questions. There were no responses.

Mr. Falanga said that he has received two text messages from two of his concerned citizens who tried to get on line and were denied access. He requested that they try again. He said that they said that the phone number was not working and that there are issues that they just can't get on. He said that something this significant needs to have public participation.

Mr. Brand requested that names of the residents who could not connect to the conference call for the record.

Mr. Hemminger asked Mr. Brabant of MRB Group (who was coordinating the conference call) if there were issues regarding people who were trying to connect to the conference call. Mr. Brabant said that two people tried to log on as "presenters" and that those two people were denied the ability to "present." But he said this did not prevent them from the ability to speak at, or to listen, to the meeting. Mr. Brabant said that for the record the conference call is unlocked and people can call in and be connected to the meeting.

Mr. Hemminger requested that the names and phone numbers of the people who could not connect to the conference call be given to the clerk and that they will have access to

the transcripts of the meeting. Mr. Hemminger said that people have the ability to call in, but that they do not have the ability to “present.”

Mr. Hemminger then provided time for Mr. Falanga to respond to the people via text message who were trying to connect to the conference call.

Ms. Heberle (for 531 Yellow Mills Road) said that she would like to reiterate her opposition that she has expressed before. She said that her property would be directly across from this industrial power plant and that it is her understanding that it would be too dangerous for the firefighters to get in there and actually fight a fire. Ms. Heberle said that she has been saying all along that the land is elevated and that she will be looking down on this [the solar panels] from her land. She said that the trees that they proposed will not buffer her property and that there is still no buffer on the south side back where the panels would be and would be visible from her home and the property they own.

Ms. Heberle said that the site plan has to be enhanced as far making it “invisible.” She said that they do not want to look out and see the glass reflecting onto them. She said that they do not wish to be inundated by the smoke that usually comes out of the west if there should be a situation, that hopefully that will not happen. Ms. Heberle said that if it does, there is no plan. She said that everything that people brought up tonight were valid points, and that some of the things that Delaware River Solar has proposed are things that they proposed last year, and that there are no changes.

Mr. Falanga said that Edie Chapman said by text message that she is trying again to connect to the conference call.

Mr. Hemminger again asked several times if anyone else wished to speak for or against the application, or to ask questions.

Mr. Compitello said that Delaware River Solar certainly can work with the board during the site plan review to look at different types of trees or taller trees at planting. He said that they can address this.

Mr. Hemminger asked again if anyone else in the meeting room or on the conference call wished to speak for or against the application, or to ask questions. There were no additional comments. Other than the one person who was not able to connect to the conference call [Edie Chapman], Mr. Hemminger said that everyone in the meeting room and on the conference call who wished to speak had the opportunity to do so this evening.

Mr. Hemminger then read aloud the following resolution to close the Public Hearing on the Special Use Permit application.

During the reading of the resolution, the audible signal on the conference call was heard that someone connected to the call. Mr. Hemminger stopped reading the resolution and again asked if anyone on the conference wished to speak for or against the application, or

to ask questions. There was no response from anyone on the conference call. He then resumed reading the resolution aloud.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PROJECT, SPECIAL USE PERMIT
CLOSING THE PUBLIC HEARING**

PB#1006-18

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

ACTION: Special Use Permit 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 and Carol Smith Subdivision) and having a property address cited above herein

WHEREAS, the Planning Board (hereinafter referred to as Board) on June 17, 2020, took administrative action scheduling the continuation of a Public Hearing upon the above referenced Action to Wednesday, August 5, 2020; and

WHEREAS, the Board has at tonight's meeting conducted said Public Hearing and has received testimony upon the above Action.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to close the Public Hearing on PB #1006-18—Delaware River Solar LLC Special Use Permit.

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. MALOY, that the preceding resolution be approved.

Discussion of the motion:

Mr. Hemminger said that a 62-day time period will begin if the Planning Board approves this resolution to close the Public Hearing on the Special Use Permit application. He said

that the board will have to render a decision on the Special Use Permit during this time period unless the applicant agrees to an extension of time.

There were no further comments or questions on this resolution from members of the Planning Board.

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

Motion carried.

4c. PUBLIC HEARING: CONTINUED PRELIMINARY SITE PLAN

PB #1004-18 Continued Preliminary Site Plan Application

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

Location: 466 Yellow Mills Road

Zoning District: A-80 Agricultural District

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

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

He discussed the draft resolution submitted by the Town staff to continue the Public Hearing on the Preliminary Site Plan application to August 19, 2020.

It was the consensus of the board that a decision on the Special Use Permit application should be reached prior to consideration of the Preliminary Site Plan application, and that the Public Hearing on the Preliminary Site Plan should be continued to September 16, 2020.

■ A motion was made by MR. BELLIS, seconded by MR. VIETS, that the reading of the following resolution be waived and that the resolution be approved as amended with the continuation date of September 16, 2020:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DELAWARE RIVER SOLAR PROJECT, PRELIMINARY SITE PLAN
CONTINUE THE PUBLIC HEARING TO SEPTEMBER 16, 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 and Carol Smith Subdivision) and having a property address cited above herein

WHEREAS, the Planning Board (hereinafter referred to as Board) on February 19, 2020, scheduled the continuation of the Public Hearing upon the above referenced Action that was to have been held on Wednesday, March 18, 2020; and

WHEREAS, the Planning Board meeting that was to have been held on March 18, 2020, was cancelled due to the New York State Governor's Executive Order (hereinafter referred to as Executive Order) prohibiting public assembly during the Coronavirus (COVID-19) pandemic until further notice; and

WHEREAS, the Planning Board took Administrative Action on April 1, 2020, to continue the Public Hearing on the above referenced Action to May 6, 2020; and

WHEREAS, in the interim period (between April 1, 2020 and April 15, 2020), the Town's Attorney, in consultation with the NYS Committee on Open Government, advised the Town that there remains uncertainty in the Executive Orders issued by the Governor as they lack details that pertain to other provisions of New York State Town Law; and

WHEREAS, the Planning Board took Administrative Action on April 15, 2020, to continue the Public Hearing on the above referenced Action to an unspecified date; and

WHEREAS, the Governor's Office, on June 8, 2020, issued Executive Order No. 202.38 relative to the procedures required for conducting public hearings during the current coronavirus (COVID 19) pandemic; and

WHEREAS, the Planning Board took Administrative Action on June 17, 2020, to continue the Public Hearing on the above referenced Action to August 5, 2020; and

WHEREAS, the Town Attorney, based upon information received in a report from the State of New York, dated July 9, 2020, and entitled "An Overview of Meetings and

Public Hearings During the COVID-19 Pandemic,” has advised the various town boards to again continue conducting public hearings during the Pandemic Period, in accordance with the latest Executive Order; and

WHEREAS, the Planning Board has opened at tonight’s meeting the continued Public Hearing upon the above referenced Action; and

WHEREAS, the Planning Board has received comments at tonight’s Public Hearing upon the above referenced Application which will be entered into the Board’s record.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to continue the Public Hearing upon the above referenced Action to commence at 7:00 p.m. on Wednesday, September 16, 2020, at a place to be established which will be in accordance with the State Governor’s Executive Order for conducting Public Hearings.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to provide a Legal Notice for this continued Public Hearing which is to be posted upon the Bulletin Board in the Town Hall and posted upon the Town’s Official Website www.townoffarmingtonny.com, all in accordance with the provisions contained in New York State Town Law, Article 16.

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

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

Motion carried.

5. PLANNING BOARD ACTION ITEMS

**A. GLN Farmington Realty LLC (LeFrois Development)
Letter of Credit Grading Permit:**

This application was presented by Mr. Destro (BME Associates) via conference call. Mr. LeFrois (the applicant) also participated on the conference call.

Mr. Destro said that a site walk was conducted on Friday, July 31, 2020, with Martin Janda of BME Associates, Mr. LeFrois, Mr. Delpriore and Mr. Hemminger to review the proposed areas of the property to be cleared. He said that the proposed site clearing limits have been staked in the field.

As a result of the site walk, revisions were made to the previously proposed site clearing limits. These revisions reduced the original area of clearing by approximately four acres. The revised areas to be cleared include the proposed future dedicated road corridor (Mercier Boulevard Extension) and frontage along New York State Route 96 (7.0 acres), and the proposed stormwater management area (2.3 acres), for a total of 9.3 acres.

An exhibit that depicted the revised clearing limits was presented to the board and displayed for those in attendance in the meeting and for those participating on the conference call with video capability.

Mr. Destro provided the following description of the site clearing work:

1. Initial brush hogging/tree understory removal up to six inches in diameter.
2. Flagging trees to remain by an environmental professional for the Town's review and approval.
3. Removal of the rest of the unmarked trees.

Step #1 will help with access to complete Step #2. The trees proposed to be removed first will be all green ash trees which are dying and are of low quality and unhealthy.

The trees to be saved will be mostly red maple trees in good condition.

The areas of the future pond and its access are proposed to be cleared to allow for an excavator to enter the site and dig several test pits to map the existing bedrock elevation. The rock depth is expected to be shallow and will dictate final pond design elevations. The pond will also be the first to be constructed and established once the construction begins. Mr. Destro said that preparing for this is important.

Mr. Brand said that a draft resolution has been prepared for the board's consideration this evening to approve the Letter of Credit with conditions.

Mr. Delpriore said that it will be important for the applicant to clear the area of the proposed stormwater management pond to determine the existing rock elevations. He said that the concerns of Planning Board members from the meeting that was held on July 15, 2020, have been addressed and that another site walk will be conducted to inspect the trees that will be identified for removal.

Mr. Giroux expressed concern that brush and tree limbs must be removed from the site immediately, and that a maintenance and mowing plan should be established to maintain the site during the period between partial site clearing and construction.

Mr. Hemminger said that site walk went well. He suggested that additional details be added to the draft Letter of Credit approval resolution regarding the comments that have been discussed this evening.

Mr. Maloy said that he was pleased to see that the clearing limits have been moved back. He said that it would be OK to chip the wood and spread the wood chips on the site, but that he is not in favor of having piles of wood and wood chips remain on the property.

Mr. Bellis said that the revised plan is an improvement from the plan that was presented on July 15, 2020, but he expressed concern about the extent of the site clearing along the State Route 96 road frontage. He said that he did not think that the build-out of the site will be quick. He said that although he understands the need to clear the area of the stormwater management pond, he does not see the need to clear so much of the State Route 96 road frontage.

Mr. Viets also said that the revised plan is an improvement from the previous plan. He suggested that the access into the site from the proposed Mercier Boulevard Extension be blocked in some way after site clearing to prevent vehicles from entering the site. Mr. LeFrois said that the access road would be maintained in a way that will restrict vehicular access into the property.

Mr. Viets said that he originally had a concern about the location of the staging area. He said that he was going to recommend that the staging area be moved back from the State Route 96 road frontage but that his concern was removed when it was noted that wood and wood chips would be hauled off the site.

Mr. DeLucia said that the revised plan is a more reasonable approach to the site clearing and that he appreciated the three-step approach. He said that this plan is better than the previous version.

Mr. Hemminger said that Mr. LeFrois has indicated that some potential clients may not have the ability to visualize the [development possibilities] of the site as it is now. He said that they will have a better opportunity to consider the site when it is cleaned and cleared.

It was the consensus of the board that the draft resolution be amended to include details on the three-step proposal for site clearing, permission to dig several test pits in the area of the stormwater management pond to verify the depth of bedrock which may affect the design of the pond, the removal of wood and wood chips

from the site (or the spreading of wood chips) and the blocking of the access locations into the property following site clearing.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT ESTABLISHMENT—PARTIAL SITE CLEARING
GLN FARMINGTON REALTY PROJECT**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated July 9, 2020, which was written to the Town Director of Planning and Development, to approve a Letter of Credit to allow the clearing of a portion of the above referenced project site that is located along the south side of State Route 96; and

WHEREAS, the Planning Board has also received and reviewed the Engineer's Estimates of Value attachment, along with the drawing prepared by BME Associates, entitled "GLN Farmington Realty Property Clearing Limits Exhibit;" 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 establishment of the Letter of Credit. **NOW, THEREFORE, BE IT RESOLVED** that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Engineers, does hereby agree with the formal action taken by the Town Board, on Tuesday, July 14, 2020, to approve the request to establish of letter of credit in the total amount of \$23,287.50.

BE IT FURTHER RESOLVED that the Planning Board's recommendation is conditioned upon the understanding that there will be no stump removals or site excavation and that all brush and tree stock piles will be removed from the site in a timely manner; and

BE IT FURTHER RESOLVED that the applicant will comply with the three-step proposal presented in an email from Martin Janda (BME Associates) to Ronald L. Brand (Town of Farmington Director of Development and Planning) on July 31, 2020, as follows: 1) initial brush-hogging/tree understory removal up to six inches in diameter; 2) flagging trees to remain by an environmental professional for the Town's review and approval; and 3) removal of the rest of the unmarked trees; and

BE IT FURTHER RESOLVED that the Planning Board grants permission for the applicant to dig several test pits in the area of the proposed stormwater management facility to verify the depth of the bedrock which may affect the design of the stormwater management facility; and

BE IT FURTHER RESOLVED that no piles of wood and/or wood chips are permitted on the site and that wood and wood chips will either be removed from the site or spread upon the site; and

BE IT FINALLY RESOLVED that following the partial site clearing the motor vehicle access to the site will be sufficiently blocked.

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

Motion carried.

B. DiFelice Industrial Complex, Fourth 90-Day Extension:

Mr. Brand reported that Frank DiFelice (DiFelice Development Inc.) has requested in an email dated July 30, 2020, a fourth 90-day extension to the Final Site Plan approval for the DiFelice Industrial Complex on the south side of Collett Road, east of State Route 332 and west of Hook Road.

In the email, Mr. DiFelice said that there has been some activity on the site but that the pandemic is currently affecting the market as a whole. He wrote that he is hopeful for a manufacturing or distribution use for this site.

Mr. Maloy asked if there is a limit to the number of 90-day extensions that may be approved for an applicant. Mr. Brand said that there is no limit to the number of 90-day extensions that a Planning Board may approve, and that the limit of 90 days per extension is fixed by New York State law. Mr. Hemminger suggested that perhaps the State law should be amended to provide for fewer extensions of longer durations.

Mr. Maloy asked if a board could deny an extension request. Mr. Brand said that the board has the right to deny an extension request with justification. He said that an example for the denial of an extension could be if an applicant has made no attempts to move forward with a project.

Mr. Bellis said that he does not oppose this extension request but that he may have issues if the applicant were to apply for another extension. He said that this

project is going nowhere in his book and that he thought that the applicant would apply for an extension only a couple of times.

Mr. Hemminger said that the applicant could reapply with the same plans if a 90-day extension were to be denied. He said that the board would be required to provide its rationale for the denial of an extension, such as a change in the municipal code. He requested that board members think about these kinds of things as the board moves forward.

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

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

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

PB #0602-19

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

**ACTION: A Fourth 90-Day Extension to the Final Site Plan
Approval, last granted on May 6, 2020, by the Planning
Board, for the DiFelice Industrial Complex, located on
the South Side of Collett Road, east of State Route 332
and west of Hook Road**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has received a written request dated July 30, 2020, from Frank DiFelice, DiFelice Development Inc., on behalf of Primo DiFelice (hereinafter referred to as the Applicant) for the fourth 90-day extension of the final approval for the above referenced Action; and

WHEREAS, the Board resolution of approval with conditions was dated June 5, 2019, and was valid for a period of 180 days; and

WHEREAS, Final Site Plan Drawings were signed by all on September 9, 2019, and a copy filed in the Town Development Office; and

WHEREAS, on September 4, 2019, the Board did act to recommend to the Town Board acceptance of the proposed Letter of Credit for this project; and

WHEREAS, the Planning Board granted 90-day extensions to the Final Site Plan approval on February 5, 2020 (first and second 90-day extensions); and on May 6, 2020 (third 90-day extension); and

WHEREAS, the Board finds that of this date there has been no Letter of Credit filed with the Town Clerk which was required by the Town Board to be executed; and

WHEREAS, the Board had been notified by Frank DiFelice, in the above referenced letter that Primo DiFelice, is seeking a viable user for the project and once established will be submitting the requested Letter of Credit surety, which the Board considers would be a demonstration of good faith; and

WHEREAS, of this date and time, one of the conditions of Final Site Plan Approval (Condition #8, in the Board’s Resolution dated June 5, 2019) has been complied with, in particular. . . “Any dead tree is to be replaced within 30 days from the date of this resolution.” The Board finds that there have been two (2) dead trees, located along the Hook Road frontage, that have been replaced and have been watered over the past two months.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to grant the fourth 90-day extension to the Final Site Plan Approval which is to commence on Wednesday, August 5, 2020 and end on Tuesday, November 3, 2020.

BE IT FINALLY RESOLVED that the Board requires compliance by the Applicant to the Condition #8 Approval contained in the original resolution cited above herein, prior to any further consideration of the Board to yet another extension to the Final Site Plan Approval (on or before November 3, 2020).

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

Motion carried.

C. Auburn Meadows Subdivision, Section 7N: Letter of Credit Establishment for Site Improvements

Auburn Meadows Subdivision, Section 8N: Letter of Credit Establishment for Site Improvements:

Mr. Brand said that Anthony DiPrima (the applicant) has requested the establishment of Letters of Credit for site improvements for Sections 7N and 8N of the Auburn Meadows Subdivision.

He said that he spoke with Mr. DiPrima and with his engineer (Walter F. Baker of DSB Engineers & Architects PC) regarding the rationale for Letters of Credit for Sections 7N and 8N (which are the two remaining sections of the subdivision) when the two previous sections of the subdivision have yet to really get underway.

In an email to the Planning Board, Mr. Baker said that the builder (Ryan Homes) plans to offer a new product design in Sections 7N and 8N with cottage-style single-family ranch dwellings for which prospective buyers have an interest at this time.

Mr. Brand said that the Town has understood that Sections 7N and 8N of the subdivision are two of the more desirable portions of the entire 469 homes in the development because many of the lots in these sections will back up to Beaver Creek or to the Auburn Trail. He also said that the lots in these two sections would be larger than in other sections of the subdivision and that Ryan Homes intends to market higher-end homes in these sections.

Mr. Brand said that there are also residents in the subdivision who are considering moving up to improve their equity without leaving the subdivision, and that Ryan Homes is attempting to target this market.

He said that the Letters of Credit will enable the applicant to begin work on the utilities this fall and over the winter.

Mr. Giroux discussed stormwater management in Section 8S of the subdivision.

Mr. Brabant said that the applicant's engineer's estimates for the Letters of Credit have been reviewed by MRB Group, and by the Town staff, and that the Letters of Credit are good to go.

There were no further comments or questions on these applications this evening.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
AUBURN MEADOWS SUBDIVISION, INCENTIVE ZONING PROJECT
LETTER OF CREDIT ESTABLISHMENT—SECTION 7N**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated July 30, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for site improvements to be located within the above referenced project; and

WHEREAS, said request has also been reviewed and accepted by the Town Construction Inspector; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Applicant’s Engineer’s 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 establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to establish of Letter of Credit in the total amount of \$719,426.93.

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
AUBURN MEADOWS SUBDIVISION, INCENTIVE ZONING PROJECT
LETTER OF CREDIT ESTABLISHMENT—SECTION 8N**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated July 30, 2020, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, to approve a Letter of Credit for site improvements to be located within the above referenced project; and

WHEREAS, said request has also been reviewed and accepted by the Town Construction Inspector; and

WHEREAS, the Planning Board has also received and reviewed the Letter of Credit along with the Applicant’s Engineer’s 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 establishment of the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineers, does hereby recommend that the Town Board take formal action to approve the request to establish of Letter of Credit in the total amount of \$806,890.06.

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

Motion carried.

6. OPEN DISCUSSION

Town Supervisor:

Supervisor Ingalsbe reported that bids were opened for three Beaver Creek Park contracts, i.e., maintenance and restroom buildings, site work and electrical work. He said that a number of bidders participated and that the bids were competitive. Two of the contracts had five bidders each. Eleven bidders participated in the site work contract.

He said that the Town Board awarded all three contracts at a special meeting this morning (August 5, 2020). MRB Group will finalize the details in preparation for a Pre-Construction Meeting. The completion date for the project is June 2021.

Supervisor Ingalsbe also said that the 2021 Town budget preparation has begun. Department heads were required to submit their requests today (August 5, 2020) to his office. Mr. Hemminger said that the Planning Board budget was submitted.

Director of Development and Planning:

Mr. Brand discussed the following topics:

- Final site plans have been received for the Swetman Properties 30,500-square-foot building and site improvements at 1127 Corporate Drive. The Pre-Construction Meeting was held on June 5, 2020.
- Inquiries have been received from prospective developers regarding the construction of office buildings on the east side of Commercial Drive. Questions were asked about setback restrictions from the road right of way.

- Several inquiries have been received regarding additional sites in the Town for solar projects. More details will be provided as they are received.
- As a follow up to the closing of the Public Hearing on the Delaware River Solar Special Use Permit application earlier this evening, Mr. Brand said that the 62-day deadline for the board's decision will be Tuesday, October 6th, which is one day prior to the board's regularly scheduled meeting on Wednesday, October 7th. Mr. Brand said that the board may wish to make the decision on this application at the meeting to be held on Wednesday, September 16th.

He said that good input was received at the Public Hearing this evening and prior to the meeting from three sources, i.e., Delaware River Solar, the Zoghlin Group law firm and the Muehe Maue & Robinson law firm. He said that staff will work with the Town's legal counsel regarding possible modified conditions of approval of the draft Special Use Permit approval resolution. He said that an amended Special Use Permit resolution would be posted upon the Town website for public review and for the board's consideration.

Mr. Hemminger said that if an amended Special Use Permit resolution were to be submitted by the staff, the amended resolution should be provided to the Planning Board members and the public in time for the distribution in the Planning Board packets for the September 2nd meeting. He said that he would like to have the board discuss the amended resolution at that meeting. He said that if the board is comfortable, a vote on the resolution at either the meeting on September 2nd or on September 16th.

- The agenda for the Project Review Committee meeting to be held on Friday, August 7th has been distributed. Mr. Brand said that the Delaware River Solar Preliminary Site Plan will be discussed with the applicant at the meeting. He also asked why it is taking Delaware River Solar so long to submit the Preliminary Subdivision Plat for signatures. He requested that the applicant get that taken care of.

Mr. Hemminger requested that the Town staff provide clarification on the question of firefighting protocols on the solar farm site [as discussed this evening by the citizens during the Public Hearing on the Special Use Permit]. He said that the board needs to be able to explain what really would be done regarding firefighting on the solar farm site. He said that this was a significant issue for the residents that must be addressed.

Code Enforcement Officer:

Mr. Delpriore reported that a field change was made regarding the sign on the Lyons National Bank that is now under construction on the northwest corner of State Route 332 and County Road 41. He said that the location of the LNB building-mounted sign will be

relocated near the bank drive-through lanes. A proposed window has been removed and the new smaller sign will be installed in its place. Mr. Delpriore said that he and Mr. Hemminger signed off on the field change. He said that the bank plans to open this branch for business by the end of August.

Mr. Maloy said that the red color on the bank building seems like a cherry red. Mr. Delpriore said that he originally questioned the brown color on the bank and was told that the brown was the primer. He said that the red will be the final color on the bank. Mr. Hemminger said that the red seems a little bright. He also said that—at just the right time of the day—the glare coming off the copper is quite bright.

Mr. Delpriore said that the LNB signs are reflective but that they are not illuminated.

He also reported that Fire Marshal Jamie Kincaid has accepted a new position in another municipality and that John Hargather is assisting the Building Department with commercial inspections on Mondays and Tuesdays.

Mr. Delpriore said that the work for the Building Department staff has been challenging regarding safety and temperature checks for Covid-19 compliance throughout the Town.

Highway and Parks Superintendent:

Mr. Giroux said that the Highway Department is continuing to move forward with usual summer operations. He reviewed the upcoming schedule for milling and paving operations at various locations in the Town.

Mr. Giroux said that several Farmington basement fields require additional maintenance due to heavy use, especially because some baseball fields in the Town of Victor are not available for use. He said that clay is being added to several pitchers' mounds every few days to address the increased use of the fields.

Town Engineer:

Mr. Brabant said that MRB Group will deliver the easement package for the Byrne Dairy site to the Town tomorrow (August 6, 2020). He also said that MRB Group is working with the Town staff on the revisions to the State Route 96 Street Scape standards in preparation for adoption by the Town Board.

Mr. Brabant said that the amended Site Design and Criteria Manual will be provided in hard copy and digital format for posting on the Town website.

Planning Board Members:

Mr. Maloy asked about construction management when the Beaver Creek Park project begins. Supervisor Ingalsbe said that David Herman of MRB Group and others from MRB Group will provide construction inspection and observation during the project.

Mr. Maloy requested a digital file of the latest version of the Auburn Meadows Subdivision master plan that depicts the sections. Mr. Delpriore said that this will be provided to Mr. Maloy by the Building Department staff.

Mr. Bellis said that he will be absent from the meeting on September 2, 2020. He said that he may be able to participate via conference call.

Mr. Bellis also asked about the trailer at the Hathaway's Corners construction site (southwest corner of State Route 332 and County Road 41). Mr. Delpriore said that the trailer has been removed. Mr. Bellis asked about the clean-up of trees and other debris on the site. Mr. Delpriore said that some of the hydroseeding was washed away during the recent heavy rain. He said that the New York State Department of Environmental Conservation observed the issues and that the contractor is working on site stabilization.

Mr. Bellis asked about the paving of the turning lanes on County Road 41 at the intersection with State Route 332. Mr. Brand and Mr. Giroux said that the paving work at this intersection is expected to be completed by mid- to late-August.

7. PUBLIC COMMENTS

None.

8. 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/>

Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:

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

9. ADJOURNMENT

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

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, August 19, 2020, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. (Refer to the Town website prior to the meeting regarding alternate arrangements, if any are needed.)

Respectfully submitted,

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