

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD

The first meeting of the Farmington Planning Board was held on January 21, 1959.

Wednesday, May 15, 2024 • 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. Video recordings of the meetings are posted on the Town of Farmington’s YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).

The meeting was conducted at the Farmington Town Hall and via remote video conference.

R = Attended via remote video conference.

Board Members Present: Edward Hemminger, *Chairperson*
Timothy DeLucia
Douglas Viets

Board Members Excused: Adrian Bellis
Aaron Sweeney

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
Tim Ford, Town of Farmington Highway Superintendent

Attending:
Judith D. Bargy, 5982 Redfield Drive, Farmington, N.Y. 14425
Ken Burditt, 5974 Redfield Drive, Farmington, N.Y. 14425
Linda C. and Samuel F. Cammarata, 6009 Redfield Drive, Farmington, N.Y. 14425
John T. and Paulette Costanza, 6022 Redfield Drive, Farmington, N.Y. 14425
Nancy Dewitt, 5998 Redfield Drive, Farmington, N.Y. 14425
David M. DiRaddo, 5967 Redfield Drive, Farmington, N.Y. 14425
Joe Doro, 6004 Redfield Drive, Farmington, N.Y. 14425

Anne M. Dunford, 6007 Redfield Drive, Farmington, N.Y. 14425
 Richard and Robin Finn, 6020 Redfield Drive, Farmington, N.Y. 14425
 James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425
 Jim Grady, 6018 Redfield Drive, Farmington, N.Y. 14425
 John F. and Marcia C. Grady, 6018 Redfield Drive, Farmington, N.Y. 14425
 Fran Haselkorn, 5991 Redfield Drive, Farmington, N.Y. 14425
 Matt Hinckley, 5998 Redfield Drive, Farmington, N.Y. 14425
 Jeff Hutchinson—**R**
 Robert P. Karpinski, 6008 Redfield Drive, Farmington, N.Y. 14425
 Emily Lukasik, EIT, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614
 Lorraine McConnell, 6012 Redfield Drive, Farmington, N.Y. 14424
 Marc Mingoia, Howard Hanna Real Estate, 33 S. Main Street, Pittsford, N.Y. 14534
 Mary Nettnin, 6016 Redfield Drive, Farmington, N.Y. 14424
 Donna O'Connor, 6014 Redfield Drive, Farmington, N.Y. 14425
 Andy Osborne, 6006 Redfield Drive, Farmington, N.Y. 14424
 Marquita Peterson, 5967 Redfield Drive, Farmington, N.Y. 14425
 Ronald Phillips, 6014 Redfield Drive, Farmington, N.Y. 14425
 Christopher and Mary Piccola, 6026 Redfield Drive, Farmington, N.Y. 14425
 Joann and Scott Pollock, 6005 Redfield Drive, Farmington, N.Y. 14425
 Frank Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
 Manhasset, N.Y. 11030
 Michelle Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
 Manhasset, N.Y. 11030—**R**
 Tam M. Spitzer, 5999 Redfield Drive, Farmington, N.Y. 14425
 Lance Sprung, 5975 Redfield Drive, Farmington, N.Y. 14425
 Eloise M. and Jeffery A. Stevens, 6031 Redfield Drive, Farmington, N.Y. 14425
 Judith M. Whitford, 5970 Redfield Drive, Farmington, N.Y. 14425
 Susan C. Willard, 6011 Redfield Drive, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 3, 2024.

2. APPROVAL OF MINUTES

Minutes of May 1, 2024:

■ A motion was made by MR. DELUCIA, seconded by MR. VIETS, that the minutes of the May 1, 2024, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None.

**4. CONTINUED PUBLIC HEARING:
PRELIMINARY THREE-LOT RE-SUBDIVISION**

PB #0702-23 Continued Preliminary Three-Lot Re-subdivision Application

Name: APD Engineering and Architecture, c/o Christopher Kamar, P.E., 615 Fishers Run, Victor, N.Y. 14564, representing the Fowler Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

Location: 6240 Pheasants Crossing and the adjacent parcel to the south

Zoning District: RS-25 Residential Suburban

Request: Preliminary Three-Lot Re-Subdivision Plat approval of land, identified as Tax Map Accounts 29.13-1-5.100 and 29.13-1-5.200, containing a total of 12.091 acres of land; and as further to be identified as Re-Subdivision Plat Approval Lot #5A and Lot #5B of the Pheasants Crossing Subdivision owned by Fowler Family Trust. The proposed Action involves creating Lot #R-5A consisting of 6.437 acres, Lot #R-5B consisting of 2.212 acres and Lot #R-5C consisting of 3.442 acres all of which are to remain vacant as non-approved building lots requiring site plan approvals before any Building Permits may be issued.

On August 19, 2020, the Planning Board conducted a Public Hearing on the applicant’s request for a three-lot re-subdivision of 12.0938 acres of land of Lot #5 of the Pheasants Crossing Subdivision to create Lot #R-5A of 1.541 acres, Lot #R-5B consisting of 4.181 acres and Lot #R-5C of 6.368 acres (PB #0802-20). The Public Hearing was closed. No action was taken. The applicant informed the Planning Board at that time that he would apply to the Zoning Board of Appeals for an area variance for lot width.

On September 16, 2020, the applicant received Preliminary Two-Lot Re-subdivision Plat approval (PB #0902-20).

On November 18, 2020, the applicant received Final Two-Lot Re-Subdivision Plat approval (PB #1103-20).

On July 24, 2023, the Farmington Zoning Board of Appeals (ZBA) opened its Public Hearing on the applicant’s Area Variance application to have a minimum lot width of 30 feet (when the Town Code requires a minimum lot width of 125 feet) for proposed Lot #R-5C (ZB #0301-23).

The ZBA then approved the following actions on July 24, 2023:

- The ZBA agreed with the declared intent of the Planning Board that the Planning Board be designated as the State Environmental Quality Review (SEQR) Lead Agency for making the required determination of significance on the subdivision application.
- Following the Planning Board's SEQR determination and a determination of significance, the ZBA then requested that the Planning Board to provide a written recommendation to the ZBA concerning the Area Variance application.
- The ZBA continued the Area Variance application to August 28, 2023.

On August 28, 2023, the ZBA continued the Area Variance application to November 27, 2023, because the Planning Board has not yet determined that the application is complete.

On July 19, 2023, the Public Hearing on the applicant's subdivision application was opened by the Planning Board and was continued to August 2, 2023.

On August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance and requested that the applicant provide additional information which the Planning Board deemed necessary for their determining the application complete. The Planning Board then continued the Public Hearing on the subdivision application to the meeting on September 6, 2023.

On September 6, 2023, Mr. Fowler said that the additional information which had been requested by the Planning Board at their August 2nd meeting, had been submitted to the Town staff. Mr. Hemminger and Mr. Delpriore acknowledged receipt of the additional information but said that it had not been received in time for the September 6th meeting for the Town staff to review and for the Board to make a determination if the application was complete. The Planning Board then continued the Public Hearing on the re-subdivision application to the meeting on October 4, 2023.

On October 4, 2023, the Public Hearing was reconvened, testimony was taken from the applicant and from citizens, and the application was continued to the meeting on November 1, 2023). The applicant was requested to submit additional information to the Town Development Office by Wednesday, October 18, 2023, at 12:00 noon to be considered by the Planning Board on November 1, 2023.

On November 1, 2023, the Public Hearing was reconvened, testimony was taken from the applicant, and the application was continued to the meeting on December 6, 2023, at the request of Mr. Fowler. He was requested to submit additional information to the Town Development Office by Wednesday, November 15, 2023, for placement on the agenda on December 6, 2023).

On November 27, 2023, the Zoning Board of Appeals (ZBA) continued its Public Hearing (ZB #0301-23) to Monday, January 22, 2024, to again provide time for the applicant to submit a complete application to the Planning Board for its review and acceptance as being a complete application. Also on November 27, 2023, the ZBA declared its intent to close its Public Hearing upon this Action at its meeting on Monday, January 22, 2024, if the applicant by that did has not provided the Planning Board with the requested additional information, and to deny without prejudice the requested Area Variance on the grounds that the applicant has failed to provide required information for the ZBA to take action upon.

On December 6, 2023, a letter was received from Jared P. Hirt, Esq. (Evans Fox Attorneys LLP) requesting that the application be tabled. The Public Hearing was continued to the meeting on February 7, 2024.

On December 27, 2023, a letter was sent from Planning Board Chairperson Edward Hemminger to Mr. Hirt in response to Mr. Hirt's submittal package.

On January 17, 2024, the Planning Board approved a resolution to determine that this application is complete.

On February 7, 2024, the Public Hearing was convened; the Planning Board referred this application to the Ontario County Planning Board and to the Town Clerk of Victor, N.Y., under the provisions of Section 239-nn of the New York State General Municipal Law; and continued the Public Hearing to the meeting on April 3, 2024.

On March 25, 2024, the Zoning Board of Appeals had no objections to the Planning Board's request to be designated as the Lead Agency for making the determination of significance upon this application under the State Environmental Quality Review Act (SEQRA).

On April 3, 2024, the Public Hearing was reconvened and testimony was received, following which the Public Hearing was continued to the meeting on April 17, 2024.

On April 17, 2024, the Public Hearing was reconvened, testimony was received, and supplemental information was requested to be submitted by April 24, 2024. The Public Hearing was continued to the meeting on May 1, 2024.

On May 1, 2024, the Public Hearing was reconvened, testimony was received, and the applicant's attorney requested that the Public Hearing be continued to allow additional time for the preparation of the supplemental information which had been requested at the meeting on April 17, 2024. The Public Hearing was continued to the meeting this evening (May 15 2024).

Prior to the meeting this meeting, the following supplemental information was received from the applicant's engineer and surveyor:

1. Geotechnical consultation letter, dated May 9, 2024, from James M. Baker, P.E., President of Foundation Design, P.C., Rochester, N.Y.

- 2. Preliminary Re-Subdivision Plat drawing, identified as Job Number 20051 and having the latest revision date of 1/17/24, from Venezia & Associates, Canandaigua, N.Y.
- 3. Soils Overlay drawing, identified as Job Number 20051 and having no date, from Venezia & Associates, Canandaigua, N.Y.

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Fowler attended in the meeting room.

Mr. Fowler confirmed that the supplemental information had been submitted prior to the meeting this evening and that his attorney (Jared Hirt, Esq.) had no issues with the recommendation of the Town staff to continue the Public Hearing to June 5, 2024.

Mr. Brand said that the supplemental information from Mr. Baker and from Venezia & Associates was received at the end of last week, and that the Town staff and the members of the Planning Board have not yet had time to review it. He said that a draft resolution has been prepared for the board’s consideration this evening to continue the application to June 5, 2024.

Mr. Hemminger then asked twice if anyone in the meeting room wished to speak for or against this application, or to ask questions. There were no requests from those in the meeting room.

He then asked twice if anyone on the remote video conference wished to speak for or against this application, or to ask questions. There were no requests from those on the remote video conference.

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
 ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING
 UPON THE PROPOSED ACTION TO ALLOW FOR THE CREATION OF A PROPOSED
 THREE-LOT PRELIMINARY RE-SUBDIVISION PLAT FOR THE FOWLER FAMILY TRUST**

PB #0702-23

**APPLICANT: Fowler Family Trust, 6176 Hunters Drive,
Farmington, N.Y. 14425**

**ACTION: Adjournment and Continuation of the Public Hearing Upon
the Proposed Three-Lot Re-Subdivision Plat for the Fowler
Family Trust**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has on May 1, 2024, adjourned and continued the Public Hearing upon this application to tonight’s meeting, to provide time for the Applicant to submit a soils report of the soils found on proposed Lots #R5-A, #R5-B and #R5-C; and

WHEREAS, the Planning Board, on Friday, May 10, 2024, received a four- (4-) page report from James Baker, P.E., President, Foundation Design, P.C., and two (2) drawings prepared by Venezia Associates identified as Preliminary Re-Subdivision Plat and Soils Overlay, Lots R5-A and R5-B, Pheasants Crossing, Subdivision Tract; and

WHEREAS, the Planning Board tonight has re-opened and continued the Public Hearing upon this application and has received testimony.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table further deliberations upon the above referenced Action and adjourns the Public Hearing to be continued on Wednesday, June 5, 2024, to provide time for the Planning Board, the Town Staff and the Town Engineer to complete their reviews of this requested supplemental information.

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be provided to the Town of Farmington Zoning Board of Appeals, the Applicant, the Applicant’s Attorney, the Applicant’s Engineer, the Town Director of Planning and Development, the Town Code Enforcement Officer and the Town Engineers.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

5. CONTINUED SPECIAL USE PERMITS AND PRELIMINARY SITE PLANS

PB #0406-24 Continued Special Use Permit Application

Name: Sky Solar Inc., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030

Location: Tax Map Account #29.00-1-84.112 with access rom along East Corporate Drive and a future extension of commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for a Special Use Permit to allow for the construction and operation of solar arrays, a transformer area and a stand-alone battery energy storage system upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive. This parcel is to be known as the western portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the American Lumber property which fronts along the south side of Collett Road and extends south to the north property line for Tax Map Account #29.00-1-84.113.

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PB #0407-24 Continued Special Use Permit Application

Name: Sky Solar Inc., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030

Location: Tax Map Account #29.00-1-84.112 with access from along East Corporate Drive and a future extension of Commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account #29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north property line for New Energy Works and the western properties of Tax Map Account #'s 29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

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PB #0408-24 Continued Preliminary Site Plan Application

Name: Sky Solar Inc., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030

Location: Northern Portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058.

Zoning District: LI Limited Industrial

Request: An application for Preliminary Site Plan approval to allow for the construction of solar arrays and a transformer area on the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project; and the construction of a section of Town Road with sidewalks, crosswalks, streetlights, water line and fire hydrants completing the missing link between the south end and the northern portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058 which contains a total of 7.75 acres of land.

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PB #0409-24 Continued Preliminary Site Plan Application

Name: Sky Solar Inc., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030

Location: Tax Map Account #29.00-1-84.112 with access from along East Corporate Drive and a future extension of Commercial Drive.

Zoning District: LI Limited Industrial

Request: An application for Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive.

The above four applications were reviewed by the Project Review Committee on September 7, 2023; November 2, 2023; December 7, 2023; January 4, 2024; February 1, 2024; March 7, 2024; April 11, 2024; and May 2, 2024.

On April 3, 2024, the Planning Board determined that the applications were complete, declared its intent to be designated as the Lead Agency for making the State Environmental Quality Review (SEQR) environmental declaration, and scheduled the Public Hearings to begin on April 17, 2024.

The SEQR Involved Agencies are:

- New York State Department of Environmental Conservation, Region 8
- New York State Department of Health
- Canandaigua–Farmington Water and Sewer District
- Town of Farmington Highway Department

The SEQR Interested Agencies are:

Lance S. Brabant, CPESC, MRB Group, D.P.C., Town Engineers
Dan Delpriore, Farmington Code Enforcement Officer
Matthew Heilmann, Farmington Construction Inspector

Also on April 3, 2024, the Planning Board directed the Town staff to prepare the Project Notification Review Letter, related electronic documents, and the SEQR Response Form for distribution to the Involved Agencies and the Interested Agencies. The SEQR Coordinated Review Period began on Wednesday, April 10, 2024, and concluded at 12:00 p.m. on Friday, May 10, 2024.

On April 17, 2024, the Public Hearings were opened, testimony was received, and the Public Hearings were continued to the meeting this evening (May 15, 2024).

Mr. Hemminger reconvened the Public Hearings on these applications.

Mr. Ruffolo of Sky Solar Inc. of Manhasset, N.Y., and Ms. Lukasik of LaBella Associates of Rochester, N.Y., presented these applications.

The public hearings on these four applications was held concurrently.

Mr. Ruffolo acknowledged receipt of comments which were received at the previous session of the Public Hearings on April 17, 2024. In response to the comments about noise, Mr. Ruffolo said that they are preparing a study to identify the sources of the noise and to calculate the noise which would be at the project boundary.

Ms. Lukasik said that they do not have the [noise] figure put together yet, but that the study will be ready in a couple of days. She said that noise locations would be mostly on the concrete pads which are to be located at the top of the site, at the battery, at the locations of the transformers, and at locations of inverters which are at the end of the rows. Ms. Lukasik said that from the locations [of the noise] and from the decibels which have been provided from the manufacturer on the data sheets, they have been able to determine the noise level at the property line. She said that based on the locations, noise level is approximately 65 decibels which would be reduced to between 29 decibels and 23 decibels at the property line, which is equivalent to a whisper or a refrigerator. Ms. Lukasik also said that these figures do not account for trees or anything else which also would further deafen the sound.

Mr. Hemminger asked how many feet [in width] of trees will remain [along the property line]. Ms. Lukasik said that close to 100 feet of trees will remain.

Mr. Brand said that the 30-day SEQR Coordinated Review period ended at noon on May 10, 2024, and that no objections were received from the Involved Agencies regarding the Planning Board's intent to be named as the Lead Agency for making the environmental declaration. He said that there are two draft resolutions have been prepared, for each of the four pending applications, for the board's consideration this evening. One to designate the Planning Board as the SEQR Lead Agency [for this project] and the other resolution to request the

preparation of documents for the environmental record and to continue the Public Hearings to June 19, 2024.

Mr. Brand said that prior to June 19th, the board will receive the draft “Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts,” and the “Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.” Staff will need time to provide these draft documents to the board members and for the public for the review of these materials prior to the next session of the Public Hearing.

Mr. Delpriore that the Town staff is taking a hard look at every comment which has been received at the meeting on April 17th and tonight. Town staff will review this record along with the environmental documents for the board.

Mr. Hemminger asked Mr. Delpriore to remind the residents where the draft environmental documents will be posted. Mr. Delpriore said that the documents will be posted on the Town website in the same location as the draft Planning Board resolutions, and that they are always also available at the Town Hall if anyone would like to receive hard copies following release of the draft documents.

Mr. Hemminger also suggested that residents may wish to visit the New York State Department of Environmental Conservation (DEC) website to review the Full Environmental Assessment Form (FEAF) Workbook:

<https://dec.ny.gov/regulatory/permits-licenses/seqr/eaf-workbooks/feaf>

This portion of the DEC website includes sections on “When to Use the Full Environmental Assessment Form” and details on “How to Complete and Use the Full Environmental Assessment Form.”

Mr. Hemminger said that after the Public Hearing on April 17th, the Applicant’s engineer had delineated the area of the proposed road connection, at the southern property line, to enable residents, Town staff and the board to better visualize the proposed road location.

Mr. Brabant said that MRB Group has been working through the environmental review and has not yet received any additional information from the Involved Agencies other than what the Town staff has identified. He said that he will be completing the engineering review following receipt and review of the applicant’s noise study.

Mr. Hemminger asked if any of the Involved Agencies have submitted comments. Mr. Brand said that the DEC did reply during the Coordinated Review Period. He said that the DEC did not object to the Planning Board as being designated as the Lead Agency [for making the SEQR environmental declaration]. In addition, the Town Highway Superintendent and the Water and Sewer Superintendent responded. Mr. Brand said that only the New York State Department of Health did not reply during the period.

Mr. Hemminger then asked if anyone in the meeting room wished to speak for or against the application, or to ask questions. He again said that the focus of the hearing this evening is the environmental record but that citizens could comment on any topic of the project.

—Begin audio transcription—

(Note: The time stamps in the following transcription refer to the clerk's recording of the meeting. These time stamps do not correspond to the Town video which is posted on the social media YouTube site)

(16:05) Ms. Willard (6011 Redfield Drive): And I'd like to know what the noise is going to be from the road.

Mr. Hemminger: Well, I—staff—that's part of what we'll look at as part of the environmental record. That's part of what we will look at.

Ms. Willard: They only addressed the solar.

Mr. Hemminger: I know. That's all they can do. It's—they're putting in a road. But they are not necessarily responsible for the road. It's not their bailiwick. That's for staff and I and the board to address. Okay? I think that answers that question. I mean—well, it's the answer you don't want to hear but it is the factual answer for projects that we do.

Mr. Hemminger: Anything else, ma'am, before I move on?

Mr. Hemminger: Sir.

(17:00) Mr. Costanza (6022 Redfield Drive): May I approach the map over there—

Mr. Hemminger: Okay, as long as you address all your questions to me.

Mr. Costanza: No problem.

(Brief pause)

Mr. Hemminger: And remember, you're providing information to us. You're not speaking to the crowd.

Mr. Costanza: Correct.

Mr. Hemminger: Okay.

Mr. Costanza: So, the proposal as we see it, as we were here the last time—you got an earful. And if the Town is really going to go through with this proposal, I hope you'll consider an

alternative because I think it's part of our community concern along with the growth of Farmington to give you ultimate suggestions.

Mr. Hemminger: Okay.

Mr. Costanza: Okay. The first one I would make would be, instead of the road going where it's proposed, go back this way, rather than put an "S" curve in the road, which is going to be dangerous for everyone—including people driving on it—this is a very quick way of going up this road.

Mr. Hemminger: Will that stay on the existing property?

Mr. Costanza: Actually, you have a right-of-way, I believe, on this property.

Mr. Hemminger: So, it doesn't stay on the current applicant's property. Correct?

Mr. Costanza: Correct.

Mr. Hemminger: Okay. I just wanted to make that as a point.

Mr. Costanza: Yeah, and that's kind of a disadvantage for the Town.

Mr. Hemminger: Okay.

Mr. Costanza: The second one would be zoning. I think—with the new road that I propose going in here—and the HOA proposes—the residential and commercial zoning will stay separate, so we'll be in the residential—as you go over here, this will be commercial.

Mr. Hemminger: Appreciate your feedback.

Mr. Costanza: Next thing I would do is put a curve in the existing road, the way it's proposed right now, is—it would take less time and money to make this shortcut that I'm proposing, than to actually build this road.

Mr. Hemminger: Okay.

Mr. Costanza: And driving it will be a heck of a lot easier, too. Maintaining it will be a heck of a lot easier. Snowplowing it will be a heck of a lot easier. Right here, you're in people's backyards but on the other side of the wooded area, there will be less noise, there's going to be less heavy traffic, less commercial traffic, than going down here. And we've seen in our neighborhood that big commercial trucks are coming down Redfield Drive. They're pushing the envelope just a little bit. And I think if this goes in, we're pushing the envelope a lot and causing a lot of danger to the residents there, because if a truck has an accident or tips over, we know it's not just going to tip over, like this. We know it's going to move. And if it moves, you're gonna be—that tractor trailer and all the shrapnel that goes with it is gonna be in the residents' homes. Somebody's gonna get hurt here.

Mr. Hemminger: And that is the proposal you shared with Town staff?

Mr. Costanza: Right. I just want to make sure that you guys here it, as well.

Mr. Hemminger: Appreciate it.

Mr. Costanza: The proposed alternative, as I said, will be easier to maintain. It's a gentle curve. It's easier to drive. I know from being a driver-ed teacher, being on an "S" curve, what would you rather negotiate—this is heck of a lot harder to negotiate—

Mr. Hemminger: Appreciate it.

Mr. Costanza: —than it will be going this way.

Mr. Costanza: The other—I have a couple more things. I think the new proposal that I'm giving you tonight would help preserve the equity in our homes. It would also accomplish the Town's plan of connecting Redfield Drive, and if we keep it like this—I mean, people's equity is going to be destroyed in our houses. We got an earful last time about equity. And as you well know, if we had a big commercial thoroughfare through here, it's bound to destroy people's equity in our homes. With the new plan that I'm proposing tonight, along with the HOA, there'll be more green space, there's going to be more nature. These woods here are not going to be destroyed. They're going to be left for the people to enjoy, and the animals for their habitat. I think this space here, with the green space, will be a nice buffer that we can use instead of having this proposal—that green space will help buffer the noise of some of those trucks and cut that down.

Mr. Costanza: Security is going to be an issue, as well. In this type of situation, anybody can park along here, run into a house, do a smash-and-grab, and take off. This—they're not even thinking about this—because this is just the end of Commercial Drive. You're going around the neighborhoods

Mr. Costanza: So, I think, to sum it up, I think here are the advantages of the plan that I'm offering you guys tonight, is—it takes less resources, provides a better design, preserves green space, makes the road easier to maintain and negotiate, keeps the homeowners safe, preserves the property values, and provides security.

Mr. Hemminger: Appreciate it.

Mr. Costanza: Thank you.

(22:37) Ms. McConnell (6012 Redfield Drive): I would just like to add that with the curve, and you're gonna have commercial vehicles on that curve, they're gonna have to slow down, and speed back up, and the noise would be a factor, also, if it was more of a straighter drive. The truck can just go through. Otherwise—'cause I talked to some truck drivers—and they say, you know, you got the air brake goin' on, they're stopping, they're slowing again, and then — — they got to go back up again, or whatever.

Mr. Hemminger: Correct. Okay.

Ms. McConnell: And I did have a question. Is there going to be any sort of retaining walls or something along this road?

Mr. Hemminger: Right now, I don't believe there's anything proposed.

Ms. McConnell: It's just planned to be a flat road?

Mr. Hemminger: For this moment, we haven't actually got to the design yet. We're still in the environmental section. So, we're not to the design yet.

Ms. McConnell: Okay.

Mr. Hemminger: Doesn't mean there won't be. Doesn't mean there will be. But we're too early in the process to know what we're going to do.

Ms. McConnell: Okay.

Mr. Hemminger: I believe, anyway, unless staff tells me I'm wrong.

Ms. Lukasik: I can answer that. There should not—I don't see us anywhere where we need a retaining wall but there is [?] will be on an embankment in some areas just due to the topography, but no retaining walls, not anything drastic like that.

Ms. McConnell: Okay, well, I just know that some people have mentioned to me that if there was a tip over or a guy lost a tire or a tire blew out, or something swerves over, the trailer, or something like that—does that mean it comes over in my yard, it knocks down a tree, the tree falls in my yard—what would happen?

Mr. Hemminger: Appreciate the feedback. We haven't got to that section yet. Just because that's what the applicant's proposing doesn't mean the Planning Board will agree to that, so we haven't got to that point yet.

Ms. McConnell: Okay. All right. Thank you.

Mr. Hemminger: That said, so I'm not going to commit either way. Make sure that's on the record. We have someone in the back. Sir.

(24:36) Mr. Mingoia (Howard Hanna Real Estate): Just really quick following up, Ed, representing a couple of the Gradys [?] and I also have a listing at 6004 Redfield at the moment. As of last week, I got three proposed offers to us. One was—I told my clients—that this is our buyer here—and she did some research on what we're seeing here and just from finding out about the solar fields, the potential noise—they have hearing aids that didn't work on their radio frequency for hearing aids—again—

Mr. Hemminger: I understand, I understand—it's all on the records—

Mr. Mingoia: So this is all—I ended up with no offers. The people that handed me an offer that I thought was going to buy the house retracted it simply because of this. So I can speak very much so on the financial application. That road going there will destroy the equity in multiple homes, at least 10 families, which, what I gather, is at least \$60,000 of real estate taxes a year—property taxes. I hope to think that you consider that buffer behind them—because it will destroy the property values.

Mr. Hemminger: Thank you very much.

Mr. Mingoia: I sold over \$40 million of real estate just last year, and I'm very knowledgeable as a professional in this field and I wanted to share that. It's already having an effect on the sale.

Mr. Hemminger: Appreciate the feedback.

Mr. Mingoia: Thank you.

(26:00) John Grady (6018 Redfield Drive): Would you mind if I approach the dais.

Mr. Hemminger: Sure. Go ahead.

(Brief pause)

Mr. Grady: The—where the applicant has proposed to build this solar field and this road—this lies within the Major Thoroughfare Overlay District—

Mr. Hemminger: Correct.

Mr. Grady: —which was adopted on May 18, 2022, by the Town Planning Board. I'm assuming that the regulations that are outlined in these 25 pages of the MTOD will be abided by.

Mr. Hemminger: Always do.

Mr. Grady: As it pertains to the environment, Paragraph 6, says that the Design Treatments: “The Planning Board and its consultants will review the scale and design character of proposed building and site designs, and require design treatments that are appealing to, and in scale with, pedestrian neighborhoods whenever possible.”

Mr. Grady: It also says that the site plan approval process has a number of things which are required by the MTOD. Among them, “fostering designs which are likely to evoke feelings of pride in one's community, fostering the preservation and enhancement of significant views and characteristics of the natural landscape including topographic and water course features.” And I would remind everybody that this is right next to a residential community. There's no buffer in a great portion of it.

Mr. Grady (*reading from Page 2 of 25 of the Farmington 2022 MTOD and MSOD Site Design Guidelines*): “The design of buildings and sites should be undertaken by design professionals who are sensitive to the surrounding landscape, views and character of the community. Site and building designs are expected to have cohesive, appealing [and] stand-alone design qualities as well as to have design scale and design continuity that allows them to complement and enhance the best design traditions of the community.”

Mr. Grady (*continuing reading from Page 2 of 25 of the Farmington 2022 MTOD and MSOD Site Design Guidelines*): The Planning Board expects that building and site design professionals will be sensitive to the character of residential areas adjacent to a non-residential site that is seeking Site Plan approval under these guidelines. In addition, the Planning Board expects that building and site design professionals will be sensitive to the site improvements which will also be attractive and appropriate to the character of adjacent sites.”

Mr. Hemminger: We’re very familiar with the MTOD. Thank you.

Mr. Grady: Well—there’s—can you confirm that everything in this MTOD will be abided by?

Mr. Hemminger: It will be considered, certainly. Those are guidelines. They’ll all be considered as part of the process. (*Brief pause*) And like I said, we don’t need a tutorial on the MTOD, but if you want to highlight some specific areas—

Mr. Grady: I think that everybody here would like to know if those regulations—

Mr. Hemminger: You’re here to speak to me. You’re not here to do a presentation to the residents. You can certainly do that at some other time, but we’re here to address the Planning Board in the process. So, I’m sorry, I’m just trying to make sure you understand the purpose of the meeting.

Mr. Grady: I understand—

Mr. Hemminger: Okay, alright, so if you want to summarize what else you’d like to say—

Mr. Grady: These regulations, which the Planning Board adopted, state that final grading plans and landscape plan shall be prepared and sealed by a licensed landscape architect.

Mr. Hemminger: Okay.

Mr. Grady: Have any plans been submitted to the Planning Board regarding the landscaping?

Mr. Hemminger: We’re not quite at that point yet. We’re certainly getting to that point once we get this piece done. But I believe that all of the applications are—but—that is definitely is a piece that we will be looking for when we get to the actual site plan.

Mr. Grady: Is the application complete at this point?

Mr. Hemminger: It's complete enough to do the environmental assessment.

Mr. Grady: So there's more to be presented, which has not been presented at this time?

Mr. Hemminger: We'll have to determine that. That's part of what staff and what the Planning Board as we go through the process. We have to address the environmental issues first. Then we move into the next phase of when we look at everything. We certainly take public comment into consideration, so we're not closing the Public Hearing. We close the Public Hearing—that would be all we could hear from you. And we're not going to do that. We're going to turn around and keep it open so that you can continue to provide feedback to us on the application.

Mr. Grady: I'd like to ask the developer if the road that they're going to be building is an access road or is this an industrial collector road? How would you define it?

Mr. Hemminger: I'm not sure we classify it. I'm not sure, staff, how we classified that road.

Mr. Ford: It is Commercial Drive.

Mr. Brabant: There's three—the Town has adopted a Site Design Criterial Manual. That Site Design Criteria Manual has road cross sections and street cross sections. One's private drive. This is not going to be that. One is a subdivision road, typically in a subdivision of residential nature. This would not be that, as well. This is more along the lines of a commercial road slash industrial road.

Mr. Grady: It's certainly not an access road. This proposal is for an industrial collector road.

Mr. Hemminger: An industrial, road, yeah. It's not going to be a residential street road. Yes. Anything else?

Mr. Grady: As far as the environmental comments go, regarding screening adjacent to residential zoning, I just point out [?] your guidelines, if you adopt it, requires an earthen berm with a minimum height of three feet and the following plant materials: a minimum of one evergreen tree per each 10 linear feet of property line adjacent to one of the above listed residential districts. IZ is one of those districts. One small deciduous or ornamental tree per each 15 linear feet of property line adjacent to one of the above listed residential districts and one large deciduous tree per each 40 linear feet. Is that in the present application?

Mr. Delpriore: There's a presentation, but we haven't gotten—

Mr. Hemminger: —We haven't gotten to that point yet. We're still doing the environmental record. As we move forward, and the actual site itself where the solar panels will have significant screening, for sure.

Mr. Grady: Is it the intention of the Planning Board to require the applicant to abide by all of the outlined items?

Mr. Hemminger: MTOD is a guideline. We appreciate that. In turn, we address that and use that in our deliberations when we discuss the project when we get to that stage. Absolutely.

Mr. Grady: And when do you expect when that will happen?

Mr. Hemminger: We've got to finish the environmental record first, so it will come after the environmental record.

Mr. Grady: Is there any scheduled date for that?

Mr. Hemminger: No.

Mr. Hemminger: Can we wrap that up? We try to keep people to about three minutes if we can, so, I've let you go much longer than that.

Mr. Grady: Let me ask you this—at the last meeting, you had made the statement that you would like data—back-up data—for all everything—for all the comments that were made.

Mr. Hemminger: I'd like any data that would help me make decisions. Yes.

Mr. Grady: I have that data.

Mr. Hemminger: Okay.

Mr. Grady: I'd like to present it to you at the end of the meeting.

Mr. Hemminger: Certainly. Present it to the clerk and we'll make sure we get a copy to everybody. Absolutely.

Mr. Grady: So I will give you one copy and you'll make sure that everybody gets one.

Mr. Hemminger: That's the plan.

Mr. Grady: There's 92 pages.

Mr. Hemminger: We can take care of that.

Mr. Grady: Thank you for your time.

Mr. Hemminger: Thank you. Okay. Anyone else like to speak for or against this application?

(36:11) Ms. Dunford (6007 Redfield Drive): My concerns are the presence of PFAs chemicals in the solar panels themselves, and the battery storage facility, and the potential for toxic contamination, especially for the battery storage if there should be a fire or the PFAs chemicals into groundwater. And for the panel, I have several documents that I would like to give to the clerk for dissemination—

Mr. Hemminger: Please do.

Ms. Dunford:—one is an overview of the role of PFAs in the production of solar materials. Then there are several peer review studies about PFAs contamination in drinking water and the impact on human health, the presence of heat islands that are caused by solar panels themselves, and then a series of things on the safety of the systems. I have not been able to find on the Town of Farmington website your battery storage guidelines, or rules and regulations, so I may have just missed them.

Mr. Hemminger: I'm not sure we even have anything on that, do we? Ron? I don't believe we have anything on battery storage.

Ms. Dunford: I'm highly concerned about the Farmington volunteer fire and the EMS services being able to service—should there be a catastrophic event with a lithium battery storage facility going up in smoke.

Mr. Delpriore: I can address that. We have these already in the township.

Mr. Hemminger: Yes we do.

Mr. Delpriore: The fire department is already trained on them.

Ms. Dunford: It's not training necessarily that I'm concerned with them. I'm concerned of response time, and when a lithium battery storage [?] goes up, it's allowed to burn, and the amount of toxicity that comes from the smoke is documented.

Mr. Hemminger: Okay, thank you very much.

Ms. Dunford: Who do I give these to?

Mr. Hemminger: To John.

Mr. Brand: And if I could ask—in the presence of everybody here tonight—the previous speaker to present the 95 pages—

Mr. Hemminger: Yes, you can give them at this time to John, as well.

Note: Ms. Dunford and Mr. Grady then submitted the following materials, numbered 01 to 024. The materials were filed with the Farmington Town Clerk at approximately 9:00 a.m. on Thursday, May 16, 2024, following which all hard copies were scanned as PDF files and were distributed electronically via email to Planning Board members, Town staff, the applicant and the applicant's engineer at 1:25 p.m. on Thursday, May 16, 2024. The original documents have been filed with the Town Clerk.

The materials are included with the minutes as a separate PDF file.

- #01 Saving Greene: PFAs and other compounds in solar panels, wiring and coatings
- #02 Environmental Research: High exposure to perfluorinated compounds in drinking water and thyroid disease. A cohort study from Ronneby, Sweden
- #03 Journal of Hazardous Materials: GenX in water: Interactions and self-assembly
- #04 Renewable and Sustainable Energy Reviews: Environmental impacts of utility-scale solar energy
- #05 Scientific Reports: The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures
- #06 Environmental Research: Inflammatory bowel disease and biomarkers of gut inflammation and permeability in a community with high exposure to perfluoralkyl substances through drinking water
- #07 Process Safety and Environment Protection: Environmental pressure effects on thermal runaway and fire behaviors of lithium-ion battery with different cathodes and state of charge
- #08 2022 MTOD and MSOD Site Design Guidelines, annotated by Grady
- #09 Farmington Town Code Chapter 165 Zoning, Article VI Special Permit Uses, annotated by Grady
- #10 Fires at New York Battery Energy Storage System Facility Ignite State Response
- #11 Farmington Planning Board Minutes, April 17, 2024, pp. 22–55, annotated by Grady
- #12 An expert talks solar battery farms, how they work and the risks
- #13 New York battery storage owners may face new safety rules after fires
- #14 Solar farm fire in Upstate New York sends possible toxic smoke billowing into surrounding community
- #15 Questions remain after Jefferson Co. solar farm battery fire
- #16 U.S. solar expansion stalled by rural land-use protests
- #17 Citizens for Responsible Solar
- #18 The Dangers of Vehicle Exhaust
- #19 Do solar farms lower property values? A new study has some answers

- #20 Farmington Town Code Chapter 165 Zoning, Article IV District Regulations, annotated by Grady
- #21 Safety of Grid Scale Lithium-ion Battery Energy Storage Systems
- #22 Journal of Hazardous Materials: A comprehensive investigation on the thermal and toxic hazards of large format lithium-ion batteries with LiFePo₄ cathode
- #23 Journal of Loss Prevention in the Process Industries: Assessment of the explosion risk during lithium-ion battery fires
- #24 Health Effects of Diesel Exhaust

(38:43) Speaker: Yes, I wanted to make a comment. I wasn't here at the last meeting. My husband and I are closing—

Mr. Hemminger: Name and address, please.

Speaker: I'm getting there. My husband and I are closing on 6005 Redfield at 9 o'clock tomorrow morning.

Mr. Hemminger: Okay.

Speaker: My name's Joan Pollock. My husband is Scott Pollock. We're leaving Hawthorne and coming over to Redfield for a calmer, nicer life—getting up there—and ready for retirement. And the fact that this is occurring in our little Farmington town, personally, to me, it's disgusting. And I agree with Anne as far as the batteries, that was my main concern. And, may I approach the map for a minute?

Mr. Hemminger: Certainly.

Ms. Pollock: Thank you. And I appreciated the Realtor's comment also, and also the gentleman who wanted to straighten out this road. Looking at this, is there any consideration, instead of making it a road that ends up coming out on Commercial, making it a circle so it's a dead end. Really? Coming in from—this is Collett—coming in from Collett. Drop whatever you have or need to do. Do a circle and go right back out to Collett. Collett has a lot of industrial. I don't understand why you are polluting a beautiful area. [?] The truck. The dirt. I'm across the street. My two sisters are live on the other side of the street. Their patio is going to be dirty. They're going to hear airbrakes. They're going to smell the airbrakes. And, God forbid, if anything happens as far as catastrophic damages to the batteries.

Mr. Hemminger: We'll take into consideration. It certainly will be part of the discussion as we move forward. Anyone else like to speak for or against this project. Sir.

(40:54) Mr. Pollock (6005 Redfield Drive): I'm Scott Pollock. I think someone mentioned that. A couple things. This is going to be an industrial road as—

Mr. Hemminger: Yes.

Mr. Pollock: —someone mentioned. Does that mean this road is open to whomever?

Mr. Hemminger: Yes, it's a Town road. Definitely.

Mr. Pollock: So, will there be streetlights? Will there be police coverage? Will there be—

Mr. Hemminger: I doubt there'll be streetlights. We never put streetlights up.

Ms. Lukasik: There are streetlights, proposed, yes.

Mr. Hemminger: On the whole road?

Several people speaking at once.

Mr. Hemminger: Oh, on the bend.

Ms. Lukasik: There will be some on the crosswalk, as well.

Mr. Pollock: So, like she said, we're closing on this property tomorrow morning. You know, shame on me for not being—taking this serious a little bit earlier. But this would have definitely affected our decision to make an investment with the magnitude [?]. Is this site map available on the Farmington's—on the Town website?

Mr. Hemminger: The site map is not.

Mr. Pollock: Okay. Is there—can we get copies of that site map?

Mr. Delpriore: You can absolutely stop here at the Town Hall and request a copy.

Mr. Pollock: Like I said, just a major concern, 'cause I spent a lot of money on this house.

Mr. Hemminger: Understand. Anything else, sir?

Mr. Pollock: I'm good right now but I'll be back for the next [?]

(42:25) Ms. Finn (6020 Redfield Drive): So, we know where the road is going. We've got the little strips that shows exactly where the road is. The edge of the pavement is literally at our property line. We're unfortunately, right at the very beginning. The worse-case scenario. [?] So it's right there. So, when you look at the top of Commercial, it's gonna look like all of our houses are on the median. You got a road here, a road here, and then these poor, sad houses. I appreciate the Realtor being here to let you know. That's a concern, and I have to say I don't feel any empathy from you.

Mr. Hemminger: I apologize—

Ms. Finn: I know that's not your job. I know that's not your role.

Mr. Hemminger: I apologize—

Ms. Finn: You know [?] It would make us feel a little bit better if somebody is at least listening. I feel like it's pooh, pooh, pooh, and I—

Mr. Hemminger: Ma'am, we've been doing this for so long and I've listened to it. We've listened to you. We will address all of this in the process. It's the process—we've been doing it for the 20-some-odd years I've been doing it. I understand your concerns. I understand your emotions. I've been through it myself in some areas. Our role is very simple—it's to do what we can to make the project the best it can, address situations—address the situation as best we can. It's an authorized—

Ms. Finn: If there's a way to do that, it might not be so cold.

Mr. Hemminger: I'm sorry.

Mr. Hemminger: Anyone else have any comments?

(44:14) Mr. Cammarata (6009 Redfield Drive): I got a question on the proposed road with the curve. Commercial Drive currently—that portion that goes out to Route 96—the streetlights and the sidewalk are on the eastern side.

Mr. Hemminger: Correct.

Mr. Cammarata: You make the curve—is the sidewalk and the streetlights going to continue on the eastern side?

Mr. Hemminger: Staff?

Ms. Lukasik: The sidewalk as existing up here is on the western side and instead down here it's on the eastern side. Currently, as this is still in design, what we have now, is falling on eastern side all the way up and then crossing up here [?] with a streetlight [?] at a crosswalk [?].

Mr. Cammarata: If I understand you, the streetlights and the sidewalk are going to continue on the eastern side.

Ms. Lukasik: Currently, yes.

Mr. Hemminger: Almost to the end.

Mr. Cammarata: I have seen the stakeout of the proposed road. Now you're telling me that the sidewalk and streetlights are gonna be—they'll be literally in these people's backyard, at the curve. I mean—the stakes are already up.

Ms. Lukasik: Everything on this plan is within our property or on the Town's property. Nothing is going on anyone's property along here.

Mr. Cammarata: It was just a comment. You're gonna be—

Mr. Hemminger: Talk to me, sir.

Mr. Cammarata: The second thing is—the second thing is—if this is an industrial slash commercial road, why sidewalks? Why even have sidewalks and streetlights? It's an industrial road.

Ms. Lukasik: Can I make a comment on that?

Mr. Hemminger: Ron?

Ms. Lukasik: The term "industrial road" is dictating what the pavement cross section is.

Mr. Hemminger: Yes.

Ms. Lukasik: It's just to make sure that it can support any type of vehicles that might traverse that, whereas in the neighborhood you're typically looking at more like cars, passenger trucks. It's a different design for pavement just to make sure it's robust enough for the vehicles. It's not waving a flag saying all the semis drive down this road. It's just if a semi drives down it, you want to make sure that it is able to support the loads. That's what that means, not—

Mr. Hemminger: Thank you.

(47:00) Ms. Costanza (6022 Redfield Drive): My only comment is when the road was proposed—when Commercial Drive was started on the two ends—our property was considered industrial.

Mr. Hemminger: Correct.

Ms. Costanza: And then when Redfield Grove wanted to build homes there, it was changed to—

Mr. Hemminger: Incentive Zoning.

Ms. Costanza: And I think the fact that it now was residential when—that's totally different than what was intended when Commercial Drive was first set up [?] years ago.

Mr. Hemminger: Appreciate the feedback, thank you. Anyone else here in the room want to make some comments before I turn it on to the ones online. Ma'am.

(48:00) Ms. Spitzer (5999 Redfield Drive): I don't have an environmental comment. I've got a comment—[?] you talk frequently about the process. Part of the communication—I think part of the communication problem is we don't what the process is. So, from our perspective, what's happened is this proposal was made at the last meeting—probably everyone who is here now was at the last meeting—then, for whatever reason, stakes went up, you made it look like—what would that make you think—here's the road. And then, here's this environmental part, and then you talk about the design part, and it feels like it's already designed.

Mr. Hemminger: Well, we have some design information, that's correct. The reason that we asked for the staking was so that the residents and staff and the board could see the location of the proposed road. That was the purpose for those stakes—for only to educate the board, staff, as well as residents, for where that would go. You know, I apologize if we didn't make that clear but the purpose was to help people understand. That's why we did that. The process is—

Ms. Spitzer: What goes on in the design phase? Again, I think most of us in the room feel like that these kind people brought this here, design included.

Mr. Hemminger: It is partially designed but we haven't said our two cents worth into the design, ask our questions, requested any changes that would make it fit typically the way we do business. There are a lot pieces to that, that we still have to do. But we can't do that until the environmental record has been established and taken care of. Then the process turns to the actual site plan. So, it's environmental record first, and the documentation, and then design documents that we receive. Once we get—we have to have that to do the environmental. And then when we do the environmental and get that taken care of, then we can actually start looking at a bunch of the details for the actual design.

(50:40) Mr. Brabant: The environmental is set up in a manner to help the board, or boards, and staff determine what design may be needed or changed as part of this process. That's why it goes environmental first. So, they're seeking input from the public, from the agencies, from staff, right now, to gather all that information based on this design that's before them now only to get to the next step which is—based on the information and input received—concerns and comments raised by staff—to help better design and lay out a plan that hopefully mitigates or addresses the issues that are being identified today and as we go forward with the process.

Mr. Brabant: Again, he says the environmental record. But that—it takes time to go through that process because they're seeking information. Until the board feels they received all that information, they're not going to move forward with that environmental review. They're going to keep it going until they've gathered all the material they feel is ready for them to then begin to review that design, and potential mitigation, and landscaping, and guardrails, grading, whether or not this location is better than that location. All of that stuff is yet to be determined because they're trying to get all that information they can to help them assist with that review.

(52:14) Ms. Pollock (6005 Redfield Drive): Ed, I'm sorry, one more question I do have. Joann, 6005—

Mr. Hemminger: Name again so he can get it on the record.

Ms. Pollock: Joann Pollock, 6005. I should say 182 Hathorne right now. I'm really kind of pissed about the Redfield thing. Why does Farmington want a solar farm here? Why? Is it monetary? Is it—you know, we're going to save on taxes? Who cares? We end up having our grandchildren—

Mr. Hemminger: It's zoned for it, ma'am. Town Board set up the zoning for it. That's more of a Town Board question, not the Planning Board.

Ms. Pollock: Who do I talk do from the Town Board?

Mr. Hemminger: The Town Supervisor.

Ms. Pollock: Okay.

Mr. Hemminger: I mean, you know, it's an authorized special use in this area. It's—

Ms. Pollock: Why would we want it? There's Penfield, I believe, voted down. There's been other towns around. I'm thinking of my great grandchildren.

Mr. Hemminger: Appreciate it.

Ms. Pollock: You know, and I'm sure you have some, too. They might live in Farmington. Would you really want them around it?

Mr. Hemminger: Thank you. Appreciate it.

Ms. Pollock: No you wouldn't.

(53:26) Ms. Dunford (6007 Redfield Drive): Just a quick point of information, if I may. Is there anything that's ever found during the environmental review that would rescind this location of the solar farm within this particular zone?

Mr. Hemminger: Depending on how critical the issue was, each question has criticality to it, and then you have to go through mitigation. If you find something that's so critical that it can't be mitigated, the answer would be "yes." We haven't run into that in many years that I can remember but it doesn't mean it can't happen, and that's the whole point of the environmental review, is to look to see where they fall within the scale on the questions, and then what is the proposed mitigation for those issues. That's what it's about.

Ms. Dunford: Quick follow up. Will the Town be doing core sampling of soil and water in the retention ponds which are located in the Redfield Grove community, so that the Redfield

Grove HOA, which has responsibility for the maintenance of those facilities, has baselines so that further down the road we can determine whether there has been contamination by ground water seepage, for example, of PFAs.

Mr. Hemminger: That wouldn't be a question for the Planning Board. It would be a question for—

Mr. Brand: MS4 Officer.

Mr. Hemminger: Which is—Dan. I hate to put you on the spot, Dan, but I'm going to put you on the spot.

Mr. Delpriore: So, I compared to our other solar field that we have in Farmington, soil samples were required on their site. We would not be giving—or requesting that to do them on other sites. So that if the HOA would like to test their own soils, to get baseline, that's your [?] right. We're going to test them—have them give us ground samples of their exact site and they're gonna have to monitor their ground, and we would know at that point their seepage.

Ms. Dunford: And those—based on prior discussions that I may not have followed accurately—is there not water flow from their site into the retention ponds on the Redfield Grove?

Ms. Lukasik: No, and this is nothing to do with what is proposed here. Per DEC laws and regulations, I cannot go dump all my concentrated flow water onto someone else's property, no matter what I'm proposing. Everything here is contained and going for treatment on the site, and then following its existing path of flow which is almost all north, or [?] continuing into the storm system. Nothing is going into those ponds that wasn't already going into those ponds.

Mr. Hemminger: Okay. Sir.

(56:44) John Grady (6018 Redfield Drive): Just one more question. Does the developer of the solar field need to have all of the proposed road constructed for his use?

Mr. Hemminger: I don't believe we've got to that point yet. I would guess the answer is no, for their use.

Mr. Grady: I want the answer from him.

Mr. Hemminger: No. We will get you the answer. Do you guys want to address it? You can. Go ahead.

Mr. Ruffolo: The solar farm, after construction, will require limited access for maintenance. It can be access from Collett.

Mr. Grady: So the access road from Collett would be adequate. So why are you building this road?

Mr. Hemminger: Sir.

Mr. Grady: Then why is that road being built?

Mr. Hemminger: Turn it over to staff.

Mr. Delpriore: Per requirement of the Town.

Mr. Hemminger: There you go. Requirement of the Town.

Unidentified speaker: What requirement?

Several people speaking at once.

Mr. Grady: Can you give us a cost estimate of this road?

Mr. Hemminger: Sir. They have.

Mr. Grady: They have? Can you tell us how much that is?

Mr. Hemminger: Go ahead.

Mr. Ruffolo: Between \$600,000 and \$800,000.

Mr. Grady: Just for the road?

Mr. Ruffolo: Just for the road.

Unidentified speaker: That's why they want it.

Mr. Grady: And the developer is going to pay for that?

Mr. Ruffolo: It's a requirement of the Town.

Mr. Hemminger: Right.

Mr. Grady: Thank you.

(58:28) Ms. McConnell (6012 Redfield Drive): Last time we came here, I learned that you had not owned the property at that meeting.

Mr. Hemminger: Speak to me, ma'am.

Ms. McConnell: Are you now owners of that property?

Mr. Ruffolo: We are residents of the Town, yes.

Ms. McConnell: Okay, so the transaction has been—

(58:48) Mr. Costanza (6022 Redfield Drive): I'd like to propose the same question I posed at the last meeting. Because it's on the plans, should you do it? Now, for example, with the solar farm—there are other great spots in Farmington that this solar farm can go into, and away from residential areas. What is it about this piece of land that's got everyone here in this room so upset? Why it has to be built on that piece, when there are so many other pieces.

Mr. Hemminger: Appreciate your feedback.

Mr. Costanza: And when it comes to the road, because it's on the books—been there for 30 years—does that mean it *should* be built? Should you be mixing commercial and residential? How do you come to this decision where, as I said, because you can do doesn't mean you should.

Mr. Hemminger: Thank you.

Mr. Hemminger then asked if there were any additional comments from those in the meeting room before he turned to those on the remote video conference.

There were no additional comments from those in the meeting room.

Mr. Hemminger asked two times if anyone on the remote video conference wished to speak for or against this project. There were no requests to speak from anyone on the remote video conference.

He then asked one more time if anyone else in the meeting had additional comments or questions before he moves on.

(1:00:24) Mr. Cammarata (6009 Redfield Drive): John, I got your answer, because they're going to build this road at their expense.

Several people speaking at once.

Mr. Hemminger: Sir, speak to us, okay.

Mr. Cammarata: [?]

Mr. Hemminger: I appreciate it. I appreciate it.

(1:00:42) Mr. Pollock (6005 Redfield Drive): In regards to the road, and I wasn't at the last meeting, why is it a Town requirement that that road be—I'm sorry, from Collett to Commercial?

Mr. Hemminger: It's not a Planning Board requirement. It's a Town requirement. You'd have to talk to the Town Supervisor and those folks. I—we are a Planning Board. We deal with

what has been given us. We deal with what's authorized in this property, those types of things. That's what we do. And I apologize. I'm not trying to push it off. I'm just trying to help you. Somebody said they didn't understand the process. Well, this is part of understanding the process.

Unidentified speaker: We understand it.

Several people speaking at once.

Mr. Hemminger: So, anyone else like to make any comments before I turn—I want to turn one more time to staff to wrap it up.

(1:01:41) Ms. Piccola (6026 Redfield Drive): I want to know—is the road on the *Comprehensive Plan*?

Mr. Hemminger: Yes, I believe, definitely. Been on there for many years.

Ms. Piccola: I worked for the Village of Palmyra for 20 years. A *Comprehensive Plan* is a wish list—

Mr. Hemminger: Correct

Ms. Piccola: —it is not something that has to be done.

Mr. Hemminger: Anyone else have any comments? Sir.

(1:02:15) Mr. Karpinski (6008 Redfield Drive): Is there any possibility in the next Planning Board meeting we might entice someone from the Town Board to be present?

Mr. Hemminger: The answer is no. Town Board does not have authority with the Planning Board. They appoint us and we do our thing. Certainly, you can have meetings, come to the Town Board meetings. You can have meetings with the Town staff and the Supervisor. Town Board met last night, right in this room, and there was nobody here but me. So, you want to talk to the Town Board—there's multiple opportunities. They meet the second and fourth Tuesdays, so comin' up before Tuesday, the Town Board will be right here, 7 o'clock on Tuesdays.

(1:03:13) Ms. Switzer (5999 Redfield Drive): How long does this process normally take from when to—from the proposal to when the design is actually approved and finalized?

Mr. Hemminger: Let me give you a very wide range—six months to two years. The reason I say that is because we've seen 'em come as fast as six months or so, and we've had a solar project go to two years, maybe longer. So, it depends on the application. It depends on the environmental issues. It depends on many, many different things. So, there is no rhyme or reason to the timeframe, but that's kind of, I don't know—staff, am I kind of in the ballpark?

I mean, six months is fast, two years is long, so somewhere in between is probably a good guesstimate.

Ms. Switzer: Okay.

(1:04:26) Ms. Pollock (6005 Redfield Drive): You'll get to know name. The gentleman at the podium said he is a resident now. Does he mean that he lives here in Farmington, or he's a resident because they purchased that lot or land—[?]

Mr. Hemminger: We'll go ahead and let you answer that.

Mr. Ruffolo: Resident was probably the wrong—

Ms. Pollock: Yes.

Mr. Hemminger: You're a landowner.

Mr. Ruffolo: We are a property owner in Farmington.

Ms. Pollock: That concerns me. Why doesn't he live here? He's going to enjoy it.

Mr. Hemminger: Appreciate it. Thank you for the feedback.

Ms. Pollock: You're welcome.

Mr. Hemminger: Anybody else have any comments to me before we turn it over and go through staff one more time and make sure there's nothing we left out. OK. Ron?

(1:05:14) Mr. Delpriore: If you don't mind, I'll go first here.

Mr. Hemminger: Go ahead.

Mr. Delpriore: Town staff and the Town Supervisor did meet with the HOA over at Redfield this past Monday—thank you—[?]. At that meeting, which we consider a very good meeting, and I think the HOA would agree with that—they did give us a proposal of a re-road design. It does go onto a neighboring piece of property. Staff—I'm going to introduce it to the board tonight. I'll give you guys some copies—

Mr. Hemminger: We have not seen it yet.

Mr. Delpriore: And the reason that board hasn't seen it yet is because that it came in on Monday, late, and that's after the submittal time for this board, but it will be presented to them tonight. Town staff and the Supervisor are working with the neighboring properties and the current applicant to try to see if there are some agreements of—possibility of moving this road. Something to keep in mind is, we are now engaging other landowners, and those landowners have rights, as well. The Town can't force this road to be moved. This road is in an area that is accessible right now. If there's an agreement that can come between the Town and

the other landowners that we can hopefully help with, then we're going to seek out that option. But we do want everybody here to know that we have worked with the HOA and that we're listening to you guys' concerns and we are trying to see what we can come up with. I'll let Ron continue on this, and I'm going to give the board some copies of the plan.

(1:07:05) Mr. Brand: I think it was a very productive meeting. I'd defer to the other people that were in attendance if they disagree with that conclusion I've just made. I think that this is an opportunity for us to try to reach out and seek commitments, if you will, which we don't know at this point, from these other property owners. The process [is] very similar to what we were very successful with over at Carmen's Way and 332. We needed a way out from Auburn Meadows to the streetlight there opposite Farmbrook. We were able to bring all of the property owners and their attorneys—quite a feat if you think about in today's terms—to consensus of what was best for the community and we think we can at least make the effort to try to find an alternative here to the design that has been proposed. So, I will be sending an email to those property owners tomorrow based on the input I've heard here tonight and we will have some information for you coming up.

Unidentified speakers: Thank you.

Mr. Hemminger: Part of the process.

Mr. Brand: Don't thank me yet. I haven't—

Mr. Hemminger: Part of the process.

(1:08:48) Ms. Switzer (5999 Redfield Drive): I'm also head of the HOA, and yes, there was a meeting, and I totally agree that it was a productive meeting. And I did send a memo to all residents [?] basically saying the same thing. I thought we were listened to. I thought we were respected. We're hopeful and I totally agree with you.

Mr. Brand: Thank you.

Mr. Hemminger: Anything else? Anything else on the environmental process. Our engineer. Anything we want to add to that?

—End transcription—

Mr. Hemminger asked if any other members of the Town staff or the board had additional comments or questions. There were no additional comments.

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

(1:09:50) You know, and from the Planning Board, and we are missing two members tonight—they'll be back for the next meeting—we all get all the documents, we get all the

comments, we can watch the YouTube video, and we take our jobs very seriously, and I apologize if you don't think we have empathy and that we don't care or not listening. We do listen. We do care. It's our job to do the process the way it's been presented to us, and that's set by New York State laws, and I apologize if that seems a little impersonal to you. I know you have emotions. I know you have issues. I know you have concerns. And we take those seriously, but we have a process to do. The Town has established this as a specially permitted use in this district, so it is zoned for this. With that, we'll do what we can and will continue to go through the process.

Mr. Hemminger then briefly reviewed the eight resolutions which have been prepared for the board's consideration this evening.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LEAD AGENCY DESIGNATION FOR THE SPECIAL USE PERMIT
FOR THE PROPOSED EAST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0406-24

APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030

ACTION: Lead Agency Designation.

DESCRIPTION: The application for a Special Use Permit to allow for the construction and operation of solar arrays, a transformer area and a stand-alone battery energy storage system upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive. This parcel is to be known as the western portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the American Lumber property which fronts along the south side of Collett Road and extends south to the north property line for Tax Map Account #29.00-1-84.113.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review

Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and declared the Planning Board’s intent to be designated the Lead Agency at their scheduled meeting tonight (Wednesday, May 15, 2024); and

WHEREAS, the coordinated review period ended at noon, on Friday, May 10, 2024, with no Involved Agency objecting to the Planning Board’s declared intent to be designated as the Lead Agency for this Action; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of Article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action until a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby designate itself as the Lead Agency under the provisions contained in 6NYCRR Part 617.6 (b) (3) of Article 8 of the New York State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Planning Board instructs the Clerk of the Board to provide a certified copy of this resolution to each of the Involved Agencies.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE SPECIAL USE PERMIT
FOR THE PROPOSED EAST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0406-24

APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404, Manhasset, N.Y. 11030

ACTION: Adjournment and Continuation of the Public Hearing.

DESCRIPTION: The application for a Special Use Permit to allow for the construction and operation of solar arrays, a transformer area and a stand-alone battery energy storage system upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive. This parcel is to be known as the western portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of the American Lumber property which fronts along the south side of Collett Road and extends south to the north property line for Tax Map Account #29.00-1-84.113.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this Public Hearing tonight and moves to continue it at the scheduled June 19, 2024, public meeting to allow Town Staff time to prepare Parts 2 and 3 of the Full Environmental Assessment Forms and any supplement(s) thereto as part of the environmental record on this Action.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LEAD AGENCY DESIGNATION FOR THE SPECIAL USE PERMIT
FOR THE PROPOSED WEST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0407-24

**APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030**

ACTION: Lead Agency Designation.

DESCRIPTION: The application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account #29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north property line for New Energy Works and the western properties of Tax Map Account #'s 29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and declared the Planning Board’s intent to be designated the Lead Agency at their scheduled meeting tonight (Wednesday, May 15, 2024); and

WHEREAS, the coordinated review period ended at noon, on Friday, May 10, 2024, with no Involved Agency objecting to the Planning Board’s declared intent to be designated as the Lead Agency for this Action; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of Article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action under a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby designate itself as the Lead Agency under the provisions contained in 6NYCRR Part 617.6 (b) (3) of Article 8 of the New York State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Planning Board instructs the Clerk of the Board to provide a certified copy of this resolution to each of the Involved Agencies.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE SPECIAL USE PERMIT
FOR THE PROPOSED WEST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0407-24

**APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030**

ACTION: Adjournment and Continuation.

DESCRIPTION: The application for a Special Use Permit to allow for the construction and operation of solar arrays and a transformer area upon a portion of Tax Map Account #29.07-1-057. This parcel is known as the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project and is located south of A Safe Place Self-Storage property which fronts along the south side of Collett Road and extending south to the north property line for New Energy Works and the western properties of Tax Map Account #'s 29.07-4-055 through -070 and Account #'s 29.0-4-073 and -074 which are located along the west side of Redfield Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this Public Hearing tonight and moves to continue it at the scheduled June 19, 2024, public meeting to allow Town Staff time to prepare Parts 2 and 3 of the Full Environmental Assessment Forms and any supplement(s) thereto as part of the environmental record on this Action.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LEAD AGENCY DESIGNATION FOR THE PRELIMINARY SITE PLAN
FOR THE PROPOSED EAST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0408-24

APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030

ACTION: Lead Agency Designation.

DESCRIPTION: The application for Preliminary Site Plan approval to allow for the construction of solar arrays and a transformer area on the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project; and the construction of a section of Town Road with sidewalks, crosswalks, streetlights, water line and fire hydrants completing the missing link between the south end and the northern portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058 which contains a total of 7.75 acres of land.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and declared the Planning Board’s intent to be designated the Lead Agency at their scheduled meeting tonight (Wednesday, May 15, 2024); and

WHEREAS, the coordinated review period ended at noon, on Friday, May 10, 2024, with no Involved Agency objecting to the Planning Board’s declared intent to be designated as the Lead Agency for this Action; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of Article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action until a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby designate itself as the Lead Agency under the provisions contained in 6NYCRR Part 617.6 (b) (3) of Article 8 of the New York State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Planning Board instructs the Clerk of the Board to provide a certified copy of this resolution to each of the Involved Agencies.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PRELIMINARY SITE PLAN
FOR THE PROPOSED EAST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0408-24

**APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030**

ACTION: Adjournment and Continuation.

DESCRIPTION: The application for a Preliminary Site Plan approval to allow for the construction of solar arrays and a transformer area on the eastern portion of the Sky Solar, Inc., Commercial Drive Solar Project; and the construction of a section of Town Road with sidewalks, crosswalks, streetlights, water line and fire hydrants completing the missing link between the south end and the northern portion of Commercial Drive with the north end of the southern portion of Commercial Drive and located on Tax Map Accounts 029.07-1-057 and -058 which contains a total of 7.75 acres of land.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this Public Hearing tonight and moves to continue it at the scheduled June 19, 2024, public meeting to allow Town Staff time to prepare Parts 2 and 3 of the Full Environmental Assessment Forms and any supplement(s) thereto as part of the environmental record on this Action.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LEAD AGENCY DESIGNATION FOR THE PRELIMINARY SITE PLAN
FOR THE PROPOSED WEST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0409-24

**APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030**

ACTION: Lead Agency Designation.

DESCRIPTION: The application for Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

WHEREAS, the Planning Board has on April 3, 2024, classified the proposed Action in accordance with the procedures contained within the State Environmental Quality Review Act (SEQRA) as being an Unlisted Action, determined a coordinated review necessary and on April 4, 2024, provided notification to the Involved and Interested Agencies, and declared the Planning Board’s intent to be designated the Lead Agency at their scheduled meeting tonight (Wednesday, May 15, 2024); and

WHEREAS, the coordinated review period ended at noon, on Friday, May 10, 2024, with no Involved Agency objecting to the Planning Board’s declared intent to be designated as the Lead Agency for this Action; and

WHEREAS, in accordance with the provisions contained in 6NYCRR Part 617 of Article 8 of the New York State Environmental Conservation Law (ECL) no decision may be made upon this Action under a Lead Agency has completed the environmental record and has made a determination of significance thereon.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby designate itself as the Lead Agency under the provisions contained in 6NYCRR Part 617.6 (b) (3) of Article 8 of the New York State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Planning Board instructs the Clerk of the Board to provide a certified copy of this resolution to each of the Involved Agencies.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PRELIMINARY SITE PLAN
FOR THE PROPOSED WEST PORTION OF THE SKY SOLAR, INC. SOLAR PROJECT**

PB #0409-24

APPLICANT: Sky Solar, Inc., 1129 Northern Boulevard, Suite 404,
Manhasset, N.Y. 11030

ACTION: Adjournment and Continuation.

DESCRIPTION: The application for a Preliminary Site Plan approval to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon a portion of Tax Map Account #29.00-1-84.112 comprised of a total of 5.5 acres of land with access from along East Corporate Drive and a future extension of Commercial Drive.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearing on this application; and

WHEREAS, the Planning Board has tonight received testimony upon this application; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn this Public Hearing tonight and moves to continue it at the scheduled June 19, 2024, public

meeting to allow Town Staff time to prepare Parts 2 and 3 of the Full Environmental Assessment Forms and any supplement(s) thereto as part of the environmental record on this Action.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Staff, the Applicant, the Applicant’s Engineers, the Town Director of Planning and Development, the Town Code Enforcement Officer, and the Town Engineer.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

6. OTHER BOARD ACTIONS

A. Determination of adequate application for Site Plan Amendment for Mattie’s Motor Sports, 6226 State Route 96:

PB #0502-24

Name: Graham Marcus, 196 Ellis Hill Road, Arkport, N.Y. 14807

Location: Mattie’s Motor Sports, 6226 State Route 96, Farmington, N.Y. 14425

Request: Making a determination that the information submitted to date for this application is complete for scheduling a Public Meeting for Final Site Plan Amendment; classifying the Action as being a Type II under the State Environmental Quality Review Act (SEQRA); and determining that the Action, when accepted as being complete by this Board, will then be subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-l and -m of the New York State General Municipal Law before scheduling this matter on a future Planning Board Meeting Agenda.

On December 5, 2018, the Planning Board approved the State Environmental Quality Review (SEQR) classification for this application (Unlisted Action) and the Preliminary Site Plan with conditions (PB #1101-18).

On February 20, 2019, the Planning Board approved the Final Site Plan with conditions for this application (PB #0207-19).

The applicant is requesting a Site Plan Amendment to extend the outdoor display area for the display of new and used inventory.

On April 17, 2024, the Planning Board determined that the information which had been submitted to that date for this application was incomplete for scheduling a Public Meeting for a Final Site Plan Amendment.

Mr. Delpriore: said that the applicant has not yet submitted complete information to enable a referral of the application to the Ontario County Planning Board and the scheduling of the application upon a future Planning Board agenda. He said that he spoke with the applicant and that the applicant expects to submit the requested information in time for the Planning Board meeting on June 19, 2024.

Mr. Delpriore: requested that the draft resolution which had been prepared for the board’s consideration be pulled from this evening’s agenda.

Mr. Brand: said that he and Town Fire Marshal August Gordner recently met with Graham Marcus (the applicant) on the site and identified several areas for the applicant’s consideration. These included areas on the site which could be of use for merchandise display with the addition of curbing and landscaping. Mr. Brand said that Mr. Delpriore has been briefed on the site visit and that the Town is hopeful that Mr. Marcus will submit additional information soon.

There were no additional comments or questions on this application.

There was no Planning Board action on this application this evening.

B. Closing of Public Hearing: Debora K. Potter Two-Lot Preliminary Subdivision:

PB #0501-24

Name: Debora K. Potter, 1426 County Road 8, Shortsville, N.Y. 14548

Location: West side of County Road 8 and north side of County Road 41.

Zoning District: RR-80 Rural Residential District

Request: Closing the Public Hearing for the Preliminary Two-Lot Subdivision Plat approval of land, Lots No. 1 and No. 2,

identified as Tax Map Account 42.00-1-4.100, containing a total of approximately 2.9 acres of land and as further to be identified as Preliminary Subdivision of Land of Debora K. Potter. The proposed Lot No. 1 is a vacant piece of land and to be approved as a Non-Buildable Lot subject to site plan approval. Proposed Lot No. 2 is a parcel of land developed with a single-family dwelling and related site improvements.

The Public Hearing on this application was opened on May 1, 2024, at which testimony received, following which the Planning Board approved the Preliminary Two-Lot Subdivision Plat with conditions. (See Planning Board minutes, May 1, 2024, pp. 7–12.)

Mr. Hemminger said that this evening’s resolution is an administrative action to formally close the Public Hearing.

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0501-24

APPLICANT: Debora K. Potter, 1426 County Road 8,
Shortsville, N.Y. 14548

ACTION: Closing of the Public Hearing for the Preliminary Two-Lot Subdivision Plat, Lots #1 and #2, “Subdivision of Land of Debora K. Potter,” located along the west side of County Road 8 and the north side of County Road 41, proposing a non-approved building lot for Lot #1 and Lot #2 having an existing single-family dwelling and related site improvements.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) opened a Public Hearing on Wednesday, May 1, 2024, upon the above referenced Action and has received testimony thereon; and

WHEREAS the Planning Board has by separate resolution classified the Action as being a Type II Action thereby satisfying the provisions of 6NYCRR, Part 617.5 of the State’s Environmental Quality Review Act (SEQRA); and

WHEREAS the Planning Board’s review included a drawing prepared by Freeland-Parrinello, Land Surveyors; and

WHEREAS the Planning Board granted Preliminary Subdivision Plat Approval with conditions on May 1, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Public Hearing on the above referenced Action be closed; and

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant; the Applicant’s Land Surveyor; Town Staff; the Town Engineer; and Chris Day, Ontario County Department of Public Works; and a signed copy filed with the Town Development Office.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

C. Determination of complete application for Preliminary Site Plan approval for the reuse of the building and related site improvements for property at 5998 State Route 96:

PB #0601-24

Name: Brittany Sherrier, 16 Bent Oak Trail, Fairport, N.Y. 14450

Location: 5998 State Route 96

Request: Making a determination that the information submitted to date for this application is complete for scheduling a public meeting for Preliminary Site Plan approval for the reuse of the building and related site improvements for property located at 5998 State Route 96; classifying the Action as being a Type II Action under the State Environmental Quality Review Act (SEQRA); and determining that the Action is subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-l and -m of the New York State General Municipal Law.

Mr. Delpriore said that the application is complete and that the application is ready for referral to the Ontario County Planning Board meeting on June 12, 2024, and for the Planning Board agenda on June 19, 2024.

Mr. Brand said that structure at 5998 State Route 96 is currently an existing house.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0601-24

**APPLICANT: Brittany Sherrier, 16 Bent Oak Trail,
Fairport, N.Y. 14450**

ACTION: Redfield Grove Incentive Zoning Project, Phase 3, Lot #1: Making a determination that the information submitted to date for this application is complete for scheduling a public meeting for Preliminary Site Plan Approval for the reuse of the building and related site improvements for property located at 5998 State Route 96; classifying the Action as being a Type II under the State Environmental Quality Review Act (SEQRA); and determining that the Action is subject to a referral to the Ontario County Planning Board for review under the provisions of Sections 239-l and -m of the New York State General Municipal Law.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight received an application for the purpose of accepting it as being complete for public review, classifying the Action under the State's Environmental Quality Review Act (SEQRA) and giving notice that a referral is to be sent to the Ontario County Planning Board (OCPB); and

WHEREAS the Planning Board's review tonight included a draft Preliminary Site Plan drawing prepared by Marathon Engineering, dated 05/09/24, and entitled "Preliminary Site Plans for Shmiller Properties, LLC, 5998 NYS RTE 96, Farmington, New York;" and

WHEREAS the Planning Board has also reviewed 6NYCRR Parts 617.4 and 617.5 of Article 8 of the New York State Environmental Conservation Law (ECL), the

State’s Environmental Quality Review (SEQR) Regulations, for the purpose of classifying the above Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds the application to be acceptable for scheduling a public meeting thereon and directs Town Staff to schedule the public meeting to be conducted on Wednesday, June 19, 2024.

BE IT FURTHER RESOLVED that the Planning Board does hereby classify this Action as being a Type II Action under 6NYCRR, Part 617.5 (21) of the SEQR Regulations.

BE IT FURTHER RESOLVED that the Planning Board determines that the Action is subject to a referral to the OCPB under the provisions of the New York State General Municipal Law, Sections 239-l & -m.

BE IT FURTHER RESOLVED that the Planning Board directs Town Staff to submit said referral to the OCPB for their consideration and recommendation at their June 12, 2024 meeting.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant, the Applicant’s Engineer, Town Staff, the Town Engineer and filed with the Town Development Office.

The following vote on the above resolution was recorded in the meeting minutes:

Adrian Bellis	Excused
Timothy DeLucia	Aye
Edward Hemminger	Aye
Aaron Sweeney	Excused
Douglas Viets	Aye

Motion carried.

7. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

- Construction is underway on the Transportation Alternatives Program (TAP)—Sidewalks, Trail Connections and Bike Lanes Project. Bids for this project were opened on February 14, 2024. On June 21, 2022, the Commissioner of the New York State Department of Transportation had notified the Town of an award of \$1,769,000 of Federal highway funds to be matched with \$445,000 of Town funds

for this project. A Pre-Construction Meeting was held with the contractor in May. The notice to proceed was issued to the contractor on May 2, 2024.

Mr. Brand said that the current work includes the construction of 600 lineal feet of sidewalk on the south side of County Road 41. He said that subsequent to the design the sidewalk, Ontario County had installed a catch basin along County Road 41 and a solution is now required to get around it. He also said that an utility pole which is needed to provide electricity to users on Calm Lake Drive and County Road 41 must be relocated. Mr. Brand said that the Town has reach out to RG&E in Ithaca to have the pole relocated three feet to get it out of the way of the alignment of the sidewalk.

He also said that the sidewalk contractor started flagging the remainder of the sidewalk improvements on County Road 41 for the design of the pedestrian bridge crossing.

- A Steering Committee is being established for the preparation of the Parks and Recreation Master Plan. Mr. Brand asked if a member of the Planning Board would be interested in serving on this Committee.

Code Enforcement Officer:

Mr. Delpriore reviewed the Planning Board agenda items for the meetings to be held on June 5, 2024, and June 19, 2024. He also said that the Building Department is making progress in the posting of materials due to a staff member's absence due to illness longer than anticipated.

Highway Superintendent:

Mr. Ford said that work on the pavilion is moving along and that roadwork on Canandaigua–Farmington Town Line Road will begin on Monday, May 20, 2024.

Board Members' Comments:

Mr. Hemminger said that board members should begin thinking about the preparation of the environmental record for the Fowler Family Trust Preliminary Three-Lot Re-Subdivision and the Planning Board's report to the Zoning Board of Appeals on this application. He said that thought should be given to topics such as accessory structures, and the manner in which these types of issues would stand the test of time as compared to deed restrictions which often are not enforced.

Also speaking on the Fowler Family Trust application, Mr. Brand said that he was encouraged to receive two maps from Mr. Fowler's surveyor and the soils report from Mr. Fowler's engineer. Mr. Brand requested that board members review the two maps to make

sure that they are comfortable that the maps reflect the accompanying soils report. He said that board members should request additional information if the materials are not clear. Otherwise, Mr. Brand said that the next step is to basically accept or reject the information and, if accepted, the Town staff would then prepare the Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts, and the “Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance. He said that the Zoning Board of Appeals is expected to again continue the applicant’s area variance application until the Planning Board completes the environmental record and receives the Planning Board’s feedback.

Town Engineer’s Comments:

Mr. Brabant said that he and MRB Group will be assisting the Town with the preparation of the Parks and Recreation Master Plan which is now in progress.

8. PUBLIC COMMENTS

None.

9. TRAINING OPPORTUNITIES

■ **2024 Municipal Bootcamp Trainings:**

A free annual program to provide certification credits to newly elected officials, planning and zoning boards, and municipal officials presented by Hancock Estabrook and MRB Group.

Thursday, May 23, 2024, 6:00 p.m.–7:00 p.m.

Session 5: A History Lesson: Challenges and Opportunities with Historic Properties

Thursday, June 27, 2024, 6:00 p.m.–7:00 p.m.

Session 6: Putting the Home in Hometown: Strategies for Attracting Housing Investment to Your Community

Thursday, July 25, 2024, 6:00 p.m.–7:00 p.m.

Session 7: From Big to Small: Translating Comprehensive Plans into Land Use Regulations

Thursday, September 26, 2024, 6:00 p.m.–7:00 p.m.

Session 8: Under the Tent: Open Meetings, Record Keeping, and Engaging the Public in Community Development

Thursday, October 24, 2024, 6:00 p.m.–7:00 p.m.

Session 9: Short, But Not Too Short: How Short-Term Rentals Are Changing the Development and Regulatory Landscape

Thursday, December 19, 2024, 6:00 p.m.–7:00 p.m.

Session 10: Santa’s Nice and Naughty List: The Best and Worst of 2024

Questions and registration:

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

■ **New York Planning Federation Recorded Webinars:**

For information: (518) 512-5270 or nypf@nypf.org

■ **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>

10. 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, June 5, 2024, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. This meeting will also be available via remote video conference.

Following the meeting, the Town Hall front doors were locked.

Respectfully submitted,

John M. Robortella L.S.
Farmington Planning Board Clerk

Addition to Minutes:

Materials submitted by residents at Planning Board meeting of May 15, 2024.