

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, January 15, 2020 • 7:00 p.m.**

## **MINUTES—APPROVED**

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

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

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

**Applicants Present:**  
Daniel Compitello, Solar Project Developer, Delaware River Solar, 130 North Winton Road,  
#415, Rochester, N.Y. 14610  
Tim Lawless, Member, CFO, Special Projects Leader, American Equipment LLC,  
6122 Collett Road, Farmington, N.Y. 14425  
David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC,  
129 S. Union Street, Spencerport, N.Y. 14559  
Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522  
J. Lincoln (Linc) Swedrock, P.E., BME Associates, 10 Lift Bridge Lane East,  
Fairport, N.Y. 14450  
Timothy R. Voellinger, L.S., Greene Land Surveying, PLLC, 403 E. Miller Street,  
Newark, N.Y. 14513  
Harry Wells, American Equipment LLC, 6122 Collett Road, Farmington, N.Y. 14425  
Gary and Terry Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522

**Residents Present:**  
William L. Allen, 5988 County Road 41, Farmington, N.Y. 14425  
Gerald A. Bloss, 81 Gannett Road, Farmington, N.Y. 14425

Tanner Fox, 388 Prospect Drive, Palmyra, N.Y. 14522  
Linda Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609  
Whitney Wright, 388 Prospect Drive, Palmyra, N.Y. 14522

## 1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. Hemminger explained the emergency evacuation procedures. He asked everyone to please sign in and requested that cell phones and other devices be set on silent mode.

Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 6, 2019.

## 2. APPROVAL OF MINUTES OF DECEMBER 18, 2019

■ A motion was made by MR. BELLIS, seconded by MR. MALOY, that the minutes of the December 18, 2019, meeting be approved.

Motion carried by voice vote.

## 3. APPROVAL OF MINUTES OF ORGANIZATIONAL MEETING JANUARY 8, 2020

■ A motion was made by MR. BELLIS, seconded by MR. MALOY, that the minutes of the January 8, 2020, Organizational Meeting, be approved.

Motion carried by voice vote.

## 4. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Wednesday, January 8, 2020:

### LEGAL NOTICE

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Farmington, 1000 County Road 8, Ontario County, New York 14425, will hold a Public Hearing on the 15th day of January 2020 commencing at 7:00 p.m. for the purpose of considering the application of:

**PB #0101-20 and PB #0102-20: GARY WRIGHT, 573 YELLOW MILLS ROAD, PALMYRA, N.Y. 14522:** Preliminary and Final Subdivision approval, Subdivision Plan

of Land owned by Whitney N. Wright (Gary M. and Theresa K. Wright reserved life use), creating Lot #1 consisting of 62.727 acres to remain with the existing house and Lot #2 consisting of 3.517 acres to remain vacant as a non-approved building lot requiring Site Plan approval. The property is located at 573 Yellow Mills Road and is zoned A-80 Agricultural.

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

Ed Hemminger, Chairperson, Planning Board

**5a. PUBLIC HEARING: CONTINUED PRELIMINARY FOUR-LOT SUBDIVISION**

**PB #1003-18 Continued Preliminary Four-Lot Subdivision Application**

**Name:** Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003

**Location:** 466 Yellow Mills Road

**Zoning District:** A-80 Agricultural District

**Request:** Preliminary Subdivision Plat approval for a four-lot subdivision of land, Tax Account #010.00-01-37.110, which contains approximately 136.4 acres of land

**5b. CONTINUED PRELIMINARY SITE PLAN**

**PB #1004-18 Continued Preliminary Site Plan Application**

**Name:** Delaware River Solar LLC, 33 Irving Place, New York, N.Y. 10003

**Location:** 466 Yellow Mills Road

**Zoning District:** A-80 Agricultural District

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

**5c. PUBLIC HEARING: CONTINUED SPECIAL USE PERMIT**

**PB #1006-18                      Continued Special Use Permit**

**Name:** Delaware River Solar LLC, 33 Irving Place, New York, N.Y.  
10003

**Location:** 466 Yellow Mills Road

**Zoning District:** A-80 Agricultural District

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

These applications were reviewed by the Project Review Committee on August 3, 2018; September 7, 2018; September 6, 2019; and November 1, 2019.

The Zoning Board of Appeals (ZBA) classified this project as a Type I Action under the State Environmental Quality Review (SEQR) Regulations and established the 30-day SEQR public review and comment period from September 28, 2018, to October 29, 2018. The ZBA opened Public Hearings on four Area Variance applications associated with this project on September 24, 2018. The ZBA Public Hearings were reconvened on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; May 20, 2019; June 24, 2019; July 22, 2019; and August 26, 2019, at which meeting the four Area Variance applications were denied.

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

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

Involved Agency: New York State Energy Research and Development Authority

Involved Agency: New York State Department of Environmental Conservation

Involved Agency: U.S. Army Corps of Engineers

Involved Agency: New York State Office of Parks, Recreation and Historic Preservation

Involved Agency: Town of Farmington Planning Board

Involved Agency: Town of Farmington Zoning Board of Appeals

Involved Agency: Town of Farmington Highway and Parks Department

Interested Agency: Ontario County Agricultural Enhancement Board

Interested Agency: New York State Department of Agriculture and Markets

Interested Agency: Town of Farmington Agricultural Advisory Committee

Interested Agency: Town of Farmington Conservation Advisory Board

Interested Agency: Town of Farmington Town Clerk

Interested Agency: Town of Farmington Historian

On November 7, 2018, Mr. Hemminger opened the Planning Board Public Hearings on PB #1003-18 (Preliminary Four-Lot Subdivision), PB #1006-18 (Special Use Permit) and PB #1004-18 (Preliminary Site Plan). The Public Hearings were reconvened on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; June 5, 2019; July 17, 2019; August 7, 2019; September 4, 2019; October 16, 2019; November 20, 2019; December 4, 2019; December 18, 2019; and were continued to tonight's public meeting (January 15, 2020).

On August 7, 2019, the Planning Board accepted the Complete Part 2 of the Full Environmental Assessment Form and the Complete Part 3 of the Full Environmental Assessment Form. The Planning Board approved the State Environmental Quality Review (SEQR) Determination of Significance (Negative Declaration) on August 7, 2019.

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

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

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

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

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

Mr. Hemminger reconvened the Public Hearings on the above referenced applications.

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

Mr. Hemminger said that the focus of this evening's discussion would be the Subdivision and the Special Use Permit applications.

Mr. Compitello displayed a comparison visual-aid map to depict how the determination of the Zoning Board of Appeals affected the subdivision and the project in the most recent November 1, 2019, site plan.

In an e-mail to the Planning Board dated January 15, 2020, he provided the following description. (The map is filed as Correspondence #146 in the Project Correspondence Abstract that is posted upon the Town website.)

The ultimate result of the August 2019 zoning determination allowed the projects to be sited on smaller parcels than originally proposed. This slight change results in five key benefits:

1. The parent parcel received 20.1 acres of land back from the Project parcels, and it now retains more agricultural lands.
2. The cattle access pathways between the main barn to all grazing fields were not impacted.
3. The vegetative screening buffers could still be proposed, and their strength was enhanced.
4. The Projects shifted further north from the southern parcel boundary, but did not shift further north to Fox Road.
5. The projects are now condensed in roughly the same footprint as they were originally proposed.

A four color preliminary plat map was displayed at the meeting (a PDF file of this map is attached to and made part of these minutes, Correspondence #147). The map shows how the zoning determination of 40-foot setbacks allowed for the boundary lines for the four parcels that are proposed for subdivision to shift slightly. Mr. Compitello noted that after the zoning determination and decision were made, the parent parcel (Parcel 1—light blue) was given back more land (approximately 20 acres) from the other parcels (Parcels 2, 3 and 4). The zoning board's decision confirmed that setbacks would only need to be 40 feet instead of the 160-foot setback as was originally proposed.

( Note: Earlier in the day, Mr. Compitello had sent a Comparison Plan showing the panel locations being proposed on Lots #2, #3 and #4; and showing the area for Lot #1 that would be receiving the approximately 20 additional acres of land. That map is attached to these minutes and is hereby made part of the Project Abstract File, Correspondence #146).

Mr. Compitello's e-mail notes that the light grey-shaded panel arrays shown on the map denote panel locations originally proposed on August 15, 2018. In addition, the yellow shaded areas show the new panel locations that were shifted slightly after the zoning determination. Arrays in the southern two Projects (proposed Lots #3 and #4) were shifted

to condense these systems closer together, and further north of the southern bordering parcel (owned by Daniel Geer). The total setbacks between interior parcels (Lots #2 and #3, and Lots #3 and #4) increased to a total of 80 feet from 40 feet (40 feet between each parcel). Arrays that were then located in the 80-foot setback area were divided up and moved slightly closer to the eastern edge of the systems along the Yellow Mills Road side. Panels shaded in orange (located on Lot #2) were not affected by the zoning determination.

Mr. Compitello also said that Delaware River Solar (DRS) provided in-line comments to the Town's Special Use Permit criteria (*see* Correspondence #145 received January 8, 2020, i.e., responses to Town Code Special Use Permit criteria for "Large-Scale Ground-Mounted Solar PV systems" and responses to Town Code Subdivision and Site Plan criteria for "Large-Scale Ground-Mounted Solar PV Systems," also posted upon the Town website).

Mr. Compitello said that the in-line responses to the Special Use Permit criteria required DRS to provide a more refined decommissioning plan that he said is now much closer to what he believes will be a final site plan. He referred to Correspondence #144 that was submitted on January 8, 2020, entitled "New York Community Solar Facilities Decommissioning Plan prepared for NY Farmington I, LLC; NY Farmington II, LLC; and NY Farmington III, LLC." Mr. Compitello said that the Decommissioning Plan also provides cost estimates and a sample decommissioning agreement that is in use by several other municipalities.

Mr. Compitello said that he plans to attend the Town Project Review Committee (PRC) meeting on Friday, February 7, 2020, to further discuss the Preliminary Subdivision Plat and Special Use Permit applications. He asked if the Planning Board and Town staff could provide their comments on the materials that have been submitted in advance of the PRC meeting to enable DRS to prepare responses. He said that it would be ideal if the board and Town comments could be received by January 22, 2020, if possible.

Mr. Hemminger said that there would be one set of comments comprised of all of the Planning Board members' comments. The set of comments will be sent electronically to DRS. These comments would then be added to the Project's Abstract and posted upon the Town's website. He also noted that some of the in-line comments refer to previously submitted documents and materials. He requested that Mr. Compitello better identify the documents to which he refers by providing the Abstract Correspondence number for easier identification by the Planning Board and Town staff. He said that materials have been received since 2018 and that he would like to be sure that the board and Town staff do not miss anything. Mr. Compitello said that he would try to provide this information to the Town by Friday (January 17, 2020).

Mr. Brand said that the Preliminary Subdivision Plat depicts four proposed lots that are based upon the requirements of Town law for frontage along public highways. He said that no cross-access easements are involved with any of the four lots.

Mr. Brand said that three of the four lots (Lots #2, #3 and #4) would be defined on the plat map as non-buildable lots. He said that the issue here for the record is to identify the fact that following the useful life of the solar farm the conversion of three of the four lots will be non-buildable lots. He said that site plan approval from the Planning Board would be required for development on the lots following the decommissioning of the solar farm. Mr. Brand said that the board is not looking at this as a subdivision of land for permitted uses in the A-80 Zoning District. He said that the Subdivision application has been submitted to meet the requirements of the New York State Energy Research and Development Authority (NYSERDA) to develop three separate solar operations on the Smith property.

Mr. Brand requested that Mr. Hemminger ask for clarification from those who will speak at this evening's Public Hearing as to whether their comments pertain to the subdivision of the land or to the Special Use Permit criteria. Mr. Brand said that the Town Code, and all documents and materials submitted by DRS and the Town residents, are posted upon the Town website.

Mr. Delpriore said that the Building Department staff has been working with Town Engineer Lance Brabant to confirm that the applicant's lot coverage calculations comply with the Town Code.

Mr. Brabant said that MRB Group has completed a cursory review of the applications that involves the itemization of disturbance on each proposed subdivision lot. The review took into account road materials, solar equipment, the access road, trenches and related work. Mr. Brabant verified that the applicant's lot coverage calculations for each of the four proposed lots are under the Town Code limit of 25 percent. He said that the MRB Group calculations matched the applicant's engineer's calculations. Mr. Brabant said that MRB Group will take this a step further by performing its own determination by scaling from the applicant's preliminary site plan drawings the MRB Group design methods. He said that conservative calculations will be used to further verify that the site disturbance is 25 percent or less.

Mr. Brabant said that his determination is that the applicant's lot coverage calculations include the solar panels themselves and all the additional impervious surfaces.

Mr. Hemminger said that lot coverage in the A-80 Zoning District cannot exceed the Town Code maximum of 25 percent. He said that he also reviewed the applicant's calculations regarding the angles of the panels, the lengths of the arrays and the number of solar racks per parcel.

Mr. Hemminger said that the board will focus this evening's discussion on the four-lot subdivision and the Special Use Permit applications. He confirmed that all documentation that the board has received is on file in the Building Department and has been posted upon the Town website for the information of the public. He also said that the Special Use Permit criteria in the Town Code is available in the Building Department and is posted in the Town Code online.



Mr. Hemminger asked if anyone in attendance wished to comment or ask questions. He first asked for comments on the subdivision application.

Ms. Heberle (531 Yellow Mills Road) said that she appreciated the Town's efforts to confirm the lot coverage percentage. She asked about the State regulation that requires three different power plants for this project. She discussed the recent State increase in the number of megawatts that can be produced on a single subdivision lot. She asked if the requirement to have three separate lots in the Farmington project is a requirement of Rochester Gas & Electric Corporation (RG&E) or the New York State Energy and Research Development Authority (NYSERDA). Mr. Compitello said that the increase to permit a five-megawatt project on one lot was made by the State Public Service Commission. He said that the Farmington project will remain at two megawatts per lot because of the limitation by RG&E to handle the total number of megawatts (7 megawatts) to be produced by this installation. He said that RG&E can better manage three 2.33-megawatt alternating current systems across its grid because DRS will be tying in three separate independently-operating systems.

Mr. Compitello said that DRS applied for a five-megawatt system but RG&E established the limit at 2.33 megawatts per parcel.

Mr. Hemminger asked if there were any other comments or questions on the subdivision application this evening. There were no further comments or questions from those in attendance on the subdivision application.

Mr. Hemminger asked if anyone in attendance wished to comment or ask questions on the Special Use Permit application or on the proposed Decommissioning Plan that had been submitted by the applicant on January 8, 2020 (Correspondence #144). He explained the procedure that the board will follow to review these applications and said that the board may or may not approve the Site Plan depending upon the decisions on the subdivision and the Special Use Permit applications. He said that the board would not consider the Site Plan application until the decisions on the subdivision and the Special Use Permit have been made. Mr. Hemminger again said that the all materials involving these applications are on file in the Building Department and have been posted upon the Town website for the public.

Mr. Compitello asked the board to note that the Decommissioning Plan cost estimates will ultimately be based upon the Final Site Plan. The cost estimates that are now included in the Decommissioning Plan will be recalculated following Final Site Plan approval. Mr. Compitello said that this is the process that is written in the Town Code.

Mr. Compitello again said that DRS would like to receive comments from the board and the Town staff on the Special Use Permit and on the Decommissioning Plan prior to the PRC meeting on February 7, 2020, to have time to respond to the comments.

Mr. Brabant said that the information for the Special Use Permit should include the construction sequence, time frame, construction and equipment listings, and landscaping. He

said that the Decommissioning Plan must also include details on the restoration of the land to its natural condition following the removal of the solar equipment, and that the estimates must include measures for cost increases due to inflation.

Mr. Hemminger said that the first level of responsibility for decommissioning the site will be the owner of the equipment (DRS or subsequent owners). He said that the second level of responsibility for decommissioning will be the property owners. The third level of responsibility for decommissioning will be for the Town to use the surety or bond established by the applicant. He said that the surety or the bond will be the tertiary fail-safe option to assure that the Town will have the necessary funds to decommission the site if the owner of the equipment or the property owner do not do so. Mr. Hemminger said that he wants to be sure that everyone understands this process.

Ms. Heberle asked if there will be three separate Decommissioning Plans because of the three separate lots and power plants. Mr. Hemminger said that the Town Engineer and the Town Attorney will be requested to review whether one overall Decommissioning Plan or three separate plans are required. He said that this project may remain in place for 30 years or more and that the Town must set things up in a proper way.

Mr. Maloy asked why there is a great deal of frontage [of the project] along Fox Road as opposed to Yellow Mills Road. Mr. Compitello said that the utility connections for all three parcels are on Parcel #2 and that the installation has been designed to avoid breaking up the frontage on Yellow Mills Road. He reviewed the boundaries of the three lots on the site plan.

Mr. Maloy asked about the reason for having four separate lots. Mr. Matt said that the site was designed to avoid creating a fifth additional parcel out of Lot #1.

Mr. Maloy said that the Decommissioning Plan also must address engineering and permitting costs if the Town were to use the surety or the bond to fund the decommission the site. He said that the Town Engineer or a consultant may have to be hired. He also said that the Decommissioning Plan must indicate that New York State Department of Environmental Conservation (DEC) MS4 stormwater regulations and that the Town's Stormwater Pollution Prevention Plan (SWPPP) regulations in effect at the time must be followed.

Mr. Maloy discussed the return of the site to its natural state upon decommissioning, as discussed earlier in the meeting by Mr. Brabant. He said that it must be determined if the screening trees and other buffering vegetation would be removed at the time of decommissioning.

Mr. Maloy said that many of the references in the materials are generic. He requested that site-specific references be provided (i.e., Town of Farmington, County of Ontario, etc.). He also requested that the Decommission Plan include a list of permits [from other agencies] that may be required by the applicant for this project.

Mr. Maloy asked about the applicant's responsibility to report on the status of the project to the Town Engineer every three years. He asked how this report would be generated and how this would be enforced. Mr. Brabant said that the Town would have the authority to stop the operations on the site for noncompliance with the conditions of approval of the Special Use Permit. Mr. Hemminger said that the Town has the "teeth" to suspend the Special Use Permit for noncompliance. Mr. Brabant said that the Town will have the same tracking mechanism as it has with other applicants who have received Special Use Permits.

Mr. Delpriore said that the Building Department will establish a tracking process to monitor compliance with the conditions of the Special Use Permit if this project is approved. He said that the Building Department could put a complete stop on the project for noncompliance. He said that this is always an option with any project in the Town.

Mr. Bellis asked about the path for farm animals. Mr. Compitello said that the path for animals remains in the plans and is mostly on Lot #3. He said that the features of the fence lines are shown and that the path is north of Lots #3 and #4. Mr. Compitello said that the landowners will own all the subdivided parcels and that cross-access easements will not be required.

Mr. Bellis asked if the Special Use Permit will run with the land and if it will be valid for future owners of the property. Mr. Brand said that Special Use Permits run with the land unless the Planning Board places a specific time limit. He noted that the applicant's proposed lease with the property owners is for an initial 30-year period with options to extend the lease in additional five-year increments. Mr. Bellis expressed concern with the long term. Mr. Brand said that the Planning Board may place limits on the time of a Special Use Permit in certain circumstances, and that this application could be one of those circumstances.

Mr. Hemminger discussed the decommissioning of the site and whether all of the buffering trees and vegetation would be removed. He also asked if the the four parcels would be recombined back into one parcel at the time of decommissioning. Mr. Brand said that the Decommissioning Plan must be specific regarding the removal of natural vegetation at the time of decommissioning and the return of the site to its natural state. He said that the Decommissioning Plan is not just the decommissioning and removal of the solar components. He said that decommissioning also involves the restoration of the land for continued agricultural use.

Mr. Viets requested that DRS must provide more site-specific details on the Decommissioning Plan and responses to the Town Special Use Permit criteria.

Mr. Viets noted that the plans indicate that there are no cuts or fills, yet a detail on the plan shows a potential for a swale if needed. He said that this may require cuts or fills and that one section of the document contradicts another.

Mr. Viets asked about the amount of topsoil to be stripped, and the storage of topsoil on the site. He asked about the height of the topsoil piles. He said that he does not wish to see monstrous piles of topsoil on the site for 30 years. He expressed concern that there could be a 40-foot-high topsoil pile that would not fit with the landforms of the property and the area. He also requested details on where the geotechnical bores were made to determine the depth and extent of topsoil that may have to be removed.

Mr. Viets also asked how topsoil would be separated with the auger piles, i.e., how to separate the rocks versus the subsoil. He said that trenching has been addressed on the plans but not the auger piles. Mr. Viets requested that this be addressed.

Mr. Viets discussed the indication on the plans that recommends removing topsoil and replacing it with sand. He said that this will change the natural drainage of the land and that the Ontario County Soil and Water Conservation District should be consulted. He asked about the removal and relocation of the topsoil, and if this material would be returned to the site upon decommissioning to restore the natural features of the property.

Mr. Viets said that Item #4 in the Decommissioning Plan (which includes Item 4.2 Environmental Effects) does not address the decompaction of the soil following decommissioning. He said that the soil would have to be plowed to assure that it is not overly compacted and that this should be included in the Decommissioning Plan. He also discussed the reseeded of the site and requested consistency between the Decommissioning Plan and the Town's Special Use Permit criteria.

Mr. Viets asked that more reliable (i.e., more understandable) language be used in the decommissioning cost estimates that now refer in places to the costs of removal per megawatt. He said that information like this means nothing and that he would like to see details that he can review and understand regarding what the costs really mean.

Mr. DeLucia asked about poles and structures for overhead lines inside and outside of the Town rights of way. He asked if having a pole inside the Town right of way would be an issue. Mr. Compitello said that RG&E poles on the road are within the Town right of way and that DRS poles would be installed on the landowners' property.

Mr. DeLucia asked about the decommissioning plan cost estimates. Mr. Brabant said that the cost estimates must be broken out for each of the three lots. He said that typically the cost estimates are itemized and stamped by a licensed professional engineer who will assume the responsibility for the estimates.

Mr. Hemminger asked about the process for establishing a surety or a bond. Mr. Compitello referred to the sample decommissioning agreement with options to fund a surety and to review the surety every three years to update the cost estimates.

Mr. Hemminger said that the Town must be sure that the decommissioning estimate includes the cost of trees and vegetative screening removal.

Mr. Hemminger said that the Special Use Permit will require the submission of an Operations Plan to include topics such as maintenance and monitoring of the buffering vegetation, emergency contact information, and fire department training and access, among others. He said that it will be critical to determine these early in the process.

Mr. Maloy asked if the landowner could draw from the surety or bond for the decommissioning of the site [if the equipment owner does not fund the decommissioning]. Mr. Brand said that the surety or the bond would be established specifically for use by the Town. Mr. Brabant also said that the landowner cannot draw from the surety or the bond. He said that the landowner's incentive to restore the site could include the scrap value of the solar equipment in 20 or 30 years.

Mr. Brand said that the landowner must acknowledge the encumbrances that will be placed upon the land as a result of this project. He said that the Town will have the surety or bond to provide the resources to decommission and restore the land if any or all of the three LLC solar corporations fail.

Mr. Hemminger noted that the solar project annual report would be placed online. He also said that an annual report must be provided to the Town.

Mr. Hemminger said that a provision must be added to the Decommissioning Plan that it will be reviewed by the Town Engineer and approved by the Planning Board prior to commencing decommissioning. He said that the Planning Board wants to make sure that the decommissioning schedule and all steps have been reviewed by the Town Engineer and approved by the board. He said that we do not know what it will be like in 20 or 30 years and that this process would provide the Town with the authority to review and approve the plan.

Mr. Hemminger said that there are references to the three LLC corporations in the materials that have been submitted. He suggested that a representative of DRS and the landowners should sign the plan to acknowledge that they are part of this process. He said that it is important that they do this.

Mr. Hemminger referred to Section 4.6 (“Decommissioning Notification”) in the Decommissioning Plan, as follows:

#### **4.6 Decommissioning Notification**

Decommissioning activities may require the notification of stakeholders given the nature of the works at the Facility Site. The local municipality in particular will be notified prior to commencement of any decommissioning activities. Six months prior to decommissioning, DRS will update their list of stakeholders and notify appropriate municipalities of decommissioning activities. Federal, county, and local authorities will be notified as needed to discuss the potential approvals required to engage in decommissioning activities.

He said that the Town of Farmington should be specifically listed by name in this section, and other agencies as appropriate (New York State Department of Agriculture and Markets, New York State Department of Environmental Conservation, etc.), to be sure that the Town and the other agencies are not overlooked.

Mr. Hemminger said that he agrees with Mr. Viets on the request to express decommissioning cost estimates in layman's terms. He said that the costs per megawatt do not do much for him and that he would rather see references to "8,000 feet of wiring," for example. Mr. Compitello said that the current figures in the decommissioning plan are estimates. He said that it will take about three months to create final engineering drawings following approval of the Final Site Plan. The final drawings will include the actual number of linear feet of lines and wires, and other specific information of all equipment and components to be ordered. He said that he foresaw having this conversation and that specific details will be available at the time of the final engineering drawings.

Mr. Hemminger said that the Town should have some targets now and should be comfortable about the final equipment. Mr. Compitello said that the company has an idea of what can be ordered this year and that they would like to stay on schedule.

Mr. Brand said that the Decommissioning Plan includes cost estimates for the value of the equipment being installed today for a 30-year life. He asked what happens in the course of the 30-year period if new technology comes along and the company wants to replace the panels. He asked how this would affect the value of the equipment and the established maintenance bonds. Mr. Compitello said that the simple answer is that there would be a different decommissioning cost estimate if the system is changed because of new technology. He said, though, that the interconnection with RG&E is limited to 2.3 megawatts and that the only type of technology that would be installed would be to decrease the footprint of the system (i.e., fewer panels, if technology changes). Mr. Brand said that these are the types of issues that the Town Attorney may be asked to weigh in on. He asked when would the restoration of the changed area occur in the event the footprint of the system changes. He asked that this be included in the Decommissioning Plan.

Mr. Brand asked about the reference to the Environmental Manager in the DRS in-line responses to the Special Use Permit criteria. He asked who this person would be and the what would be the duties of the position. Mr. Compitello said that the previous Town Code Enforcement Officer may have said that the Environmental Manager would be the Town Code Enforcement Officer. Mr. Hemminger said that DRS has to hire an Environmental Manager. Mr. Compitello said that the company would hire an Environmental Manager and that he was told that the Town Code Enforcement Officer would handle the duties of this position through the construction process and may or may not perform the SWPPP inspections. Mr. Delpriore clarified that the Town Code Enforcement Officer would not be the Environmental Manager through the construction process, but that the Town Code Enforcement Officer would be required to monitor the SWPPP inspection reports.

Mr. Brand said that the Town requires more elaboration on the Environmental Manager position. Mr. Compitello asked in what form. Mr. Brand said that the specifics of this position must be included in the Special Use Permit application including who this person will be, his or her duties and responsibilities, and to whom he or she reports, among other details. He said that the Town must be kept aware of damage of any kind to the solar panels prior to the situation becoming a contamination problem. Mr. Hemminger said that this is another reason why an Operations Plan specific to this site will be required.

Mr. Viets said that if an agreement is reached on an Environmental Manager during construction, the board would seek to continue with a person with the same credentials throughout the project.

Mr. Hemminger said that the discussion this evening indicates that the board is taking these applications seriously. He said that more questions are expected at future meetings and that the applicant will attend the PRC meeting on February 7, 2020, to further discuss the subdivision and Special Use Permit applications.

Ms. Heberle said that it is a fantastic idea to place a time limit on the Special Use Permit and not make it forever [i.e., not have the Special Use Permit run with the land]. She said that her vision is that once that power plant is there, it is there forever.

Mr. Hemminger said that the Special Use Permit also should indicate that the Planning Board must review the Special Use Permit if and when new equipment is proposed for installation. He said that the board must be aware of what is going on there, how long the new equipment will be installed, and whether new equipment would change the decommissioning cost estimate. He said that these are certainly on his mind if the equipment changes to a whole new technology. He said that we need to do this.

Mr. Brand said that usually a Special Use Permit runs with the land. He said that there have been no court cases yet on the limitation for solar farms. He said that we need to keep abreast of this so that the Planning Board in the future has the opportunity for another public review to determine the impact of proposed new equipment and technology.

Mr. Compitello asked the board to keep in mind that DRS is bound by good utility practice to operate and maintain these systems in a safe manner, just like RG&E is bound by good utility practice to build, update and maintain their utility infrastructure. He said that DRS has thought through many of the things that the board is thinking about tonight to be able to finance, build and operate a project like this. He said that DRS is bound by guidelines of the Federal Energy Regulatory Commission (FERC) and the Public Service Commission, and that the company is bound by their regulations over the Town. He cautioned the board not to go too far in some of these requirements. He said that wherever you [the board] may supercede good utility practice, the requirements by which we [DRS] are bound would prevail over the Town. He said that DRS will be very straightforward in responding to the comments and that so far everything is in line what they expected.

Mr. Brand asked how the FERC inspection reports would occur. He requested that copies of these reports be filed with the Town, in a similar manner as the filing of the FERC inspection reports now ongoing with the Empire Pipeline Compressor Station project.

Mr. Hemminger then asked if anyone else wished to speak for or against these applications. There were no further comments or questions from those in attendance this evening.

■ A motion was made by MR. BELLIS, 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  
DELAWARE RIVER SOLAR LLC  
CONTINUATION OF PUBLIC HEARINGS**

**Actions:**

**PB #1003-18 Preliminary Subdivision Plat Application  
PB #1004-18 Preliminary Site Plan Application  
PB #1006-18 Special Use Permit Application  
APPLICANT: Delaware River Solar LLC, 33 Irving Place, New York, N.Y.  
10003, on behalf of Roger and Carol Smith, owners of property  
at 466 Yellow Mills Road.**

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

**WHEREAS**, the Planning Board has reopened the continued Public Hearings at tonight’s meeting upon the Actions identified above herein; and

**WHEREAS**, the Planning Board did receive in their packets of information, dated January 8, 2020, from the Applicant for pending actions being considered at tonight’s meeting which include: a draft Decommissioning Plan; in-line responses to pertinent Special Use Permit criteria contained in the Town Code; and in-line responses pertinent to Subdivision and Site Plan criteria for their actions.

**WHEREAS**, the Planning Board has received at tonight’s Public Hearings testimony and additional information relating to the proposed Actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board determines that it needs additional time to review the above referenced documents, the Public Hearing comments and comments received from Town Staff upon this recently received information.



**BE IT FURTHER RESOLVED** that the Planning Board requests the draft Decommissioning Standards be reviewed by the Attorney to the Town, the Town Engineers and the Town Director of Planning and Development at the next Project Review Committee (PRC) Meeting scheduled for Friday, February 7, 2020; and that a copy of those PRC meeting minutes be provided to the Board as part of the record upon these applications.

**BE IT FURTHER RESOLVED** that the Town Code Enforcement Officer (CEO) provide an update to the Planning Board upon any concerns that exist with listed outstanding fees owed to the Town, as noted in the CEO’s letter to the Applicant, dated January 9, 2020.

**BE IT FURTHER RESOLVED** that based upon the above determinations the Planning Board does hereby agree to continue the public hearings and its deliberations upon the three identified Actions to their February 19, 2020 meeting.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby direct the Applicant to attend the February 7, 2020, Project Review Committee meeting with Town Staff, to review and address any and all concerns relating the above referenced documents that have been submitted for these Applications.

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to provide certified copies of this resolution to: the Applicant, the Applicant’s Project Manager; the Applicant’s Engineer, the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Attorney to the Town; the Town Director of Planning and Development; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning Services.

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

Motion carried.

**6a. CONTINUED PRELIMINARY SIGN SITE PLAN**

**PB #1201-19 Continued Preliminary Sign Site Plan**

**Name:** American Equipment LLC, 6122 Collett Road, Farmington, N.Y. 14425

**Location:** 6122 Collett Road

**Zoning District:** GI General Industrial

**Request:** Preliminary Sign Site Plan approval to erect three (3) on-site directional speech signs.

**6b. CONTINUED FINAL SIGN SITE PLAN**

**PB #1202-19 Continued Final Sign Site Plan**

**Name:** American Equipment LLC, 6122 Collett Road, Farmington, N.Y. 14425

**Location:** 6122 Collett Road

**Zoning District:** GI General Industrial

**Request:** Final Sign Site Plan approval to erect three (3) on-site directional speech signs.

Mr. Hemminger concurrently resumed the discussion on PB #1201-19 and PB #1202-19, Preliminary Sign Site Plan and Final Sign Site Plan for American Equipment LLC, respectively, that had been opened on December 18, 2019.

Mr. Wells (American Equipment LLC) presented this application. Mr. Lawless also attended.

Mr. Wells said that upon recommendations from the Planning Board at the meeting on December 18, 2019, the corporate logos on the signs have been reduced in size and that the speed limit sign has been moved away from Collett Road and relocated behind the proposed location for Sign #3 as shown on the site plan.

He said that the corporate logo of Villager Construction—a tenant on the property— also has been added to the signs which have been designed to direct motor vehicle traffic on the site and to eliminate the confusion of truck drivers and customers.

Mr. Wells said that he visited a number of corporate sites in the vicinity with similar signs and that he feels that this type of property signage is permitted in the Town. He then described the signs as depicted upon the drawings that were provided to the Planning Board prior to the meeting.

Mr. Brand said that revised draft resolutions for Preliminary Sign Site Plan and Final Sign Site Plan approval have been prepared for the board's consideration this evening. He said that there is more than one parcel of land on the site (i.e., American Equipment, the maintenance facility and Villager Construction) and that a fourth area of the property (the sunflower field at the northeast corner of State Route 332 and Collett Road) also may be

developed in the future. He said that the purpose of the signs is to help direct traffic with signage that is visible on the site and that is not visible from the public roads. He said that the proposed signs are consistent with those of other companies in the Town.

Mr. Brand said that the Town staff is ready to take action upon these applications this evening. He said that he appreciated the efforts of Mr. Wells to reduce the size of the corporate logo on the signs, and that with these revisions the signs will still be legible.

Mr. Delpriore said that he concurred with the comments of Mr. Brand. He confirmed that the proposed signs will be similar to those on the properties of other companies in the Town and that the signs will fit the mold of what is already installed at other sites in the vicinity of American Equipment. Mr. Delpriore said that Mr. Wells listened to the concerns of the Planning Board regarding the size of the corporate logos and that the Villager Construction logo fits appropriately on the directional sign.

Mr. Hemminger asked how the Building Department is doing business with several outdated sections on signage in the current Town Code. Mr. Delpriore said that the Town Code currently does not permit multiple signs and that his office makes determinations on a case-by-case basis on whether to refer these applications to the Zoning Board of Appeals (ZBA) for consideration of an Area Variance or to the Planning Board for sign site plan approval which would ultimately be required by the ZBA anyway.

Mr. Giroux said that the proposed signs prevail more as informational in nature rather than advertising.

Mr. Viets said that he had questions about the Planning Board application when he read through the Town Code but that Mr. Delpriore's explanation this evening clarifies the procedure that is being used by the Town staff until the update of the Town Code can remove contradictory sections and provide new sign regulations. He said that the Town Code sections on signage must be looked at for the applicants and to provide direction to the Town staff for better direction and enforcement.

Mr. Viets asked about the location of the speed limit sign. Mr. Wells reviewed the location of this sign on the site plan. He said that it will be several hundred feet in from Collett Road driveway into the site.

Mr. Bellis asked about the overall size of the signs. Mr. Wells said that the logos have been reduced in size but that the physical overall size of the sign remains the same. Mr. Bellis said that he can justify approving these applications now that the speed limit sign has been moved farther away from Collett Road.

Mr. Hemminger also said that he is pleased that the speed limit sign has been relocated farther from the road and that the size of the "No Semi Truck" sign is unchanged.

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

At the request of Ms. Heberle, Mr. Hemminger then read aloud the following resolution:

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

**PB #1201-19**

**APPLICANT: American Equipment LLC, 6122 Collett Road,  
Farmington, N.Y. 14425**

**ACTION: Preliminary Sign Site Plan Approval, SEQR Classification, to  
erect three (3) on-site directional speech signs at 6122 Collett  
Road**

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

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (15) of the SEQR Regulations in that it involves minor temporary uses of land having negligible or no permanent impact upon the environment.

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

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

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

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

Motion carried.  
The clerk then read aloud the conditions of approval from the following complete resolution.

Following the reading, Mr. Hemminger offered the following amendments:

Amended Condition #1: Preliminary Sign Site Plan Approval is based upon the drawings prepared by image 360, showing a double-sided freestanding commercial speech sign, identified as Estimate 24513, dated 01/06/20; a second drawing prepared by image 360, showing a single-sided freestanding commercial speech sign, identified as Estimate:24513, dated 01/06/20; and a third drawing showing a single-sided freestanding commercial speech sign identified as Estimate 24946, dated 9/19/19.

Amended Condition #2: The existing on-site speed limit sign is to be relocated behind the proposed location for Sign #3 shown on the Sign Site Plan drawing submitted with this application.

The resolution published below includes the above amendments.

**FARMINGTON PLANNING BOARD RESOLUTION  
PRELIMINARY SIGN SITE PLAN ACTION  
AMERICAN EQUIPMENT**

**PB #1201-19**

**APPLICANT: American Equipment LLC, 6122 Collett Road,  
Farmington, N.Y. 14425**

**ACTION: Preliminary Sign Site Plan Approval to erect: one (1) double sided freestanding commercial speech directional signs; and one (1) single-sided freestanding commercial speech directional sign to be placed upon the mixed use site located at the above address.**

**WHEREAS,** the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application for Preliminary Site Plan Approval for the above referenced Action; and

**WHEREAS,** the Board has, under separate resolution, classified said Action as a Type II Action under Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, thereby satisfying the procedural requirements under Article 8 of the New York State Conservation Law; and

**WHEREAS,** the Board has given consideration to the Ontario County Planning Board referral #232-2019; and

**WHEREAS,** the Board did, on December 18, 2019, take action to lay over the original application, requesting the Applicant to consider making certain changes to the three (3) directional signs originally submitted; and

**WHEREAS**, the Board, on January 8, 2020, received the following information pertaining to design changes made by the applicant to this Application:

- a. A cover letter to the Director of Planning and Development, dated January 8, 2020;
- b. A revised color design for a double sided sign identified as “Side A (Front) and Side B (Back)” which further identify Campus Speed Limit and Thank You for Your Business, which have been prepared by Image 360 and dated 01/06/20;
- c. A revised color design for a single sided sign identified as “Single Sided Post Panel” which further identifies the on-site locations for different services provided by American Equipment, LLC and Villager Construction, which has been prepared by Image 360 and dated 01/06/20; and
- d. A color photograph of signage for Ruston Paving Co., Inc., located at 6228 Collett Road; and
- e. A color photograph of signage for Johnson Equipment and Canandaigua Driving School, both located at 6070 Collett Road; and
- f. A color photograph of signage for UltraFab, Inc., located on their site at the north west corner of the intersection of Hook and Collett Roads; and
- g. A color photograph of signage for FedEx Ground, identifying 15 minute parking Package Pickup Only, located on their site at 5980 Collett Road; and
- h. A color photograph of signage for FedEx Ground, identifying Customer Pick-Up and No Trucks or Trailers, located on their site at 5980 Collett Road; and
- i. A color photograph of signage for Burger King Restaurant, identifying Thank You, located on their site at 1298 NY-332; and
- j. A color photograph of signage for Northrup Materials, identifying Entrance Only, located on their site at 5929 Loomis Road; and
- k. A color photograph of signage for Autopart International, identifying Reserved Parking, at their site located at 5829 County Road 41; and
- m. A color photograph of signage for Byrne Dairy & Deli, located on one of 12 gasoline pumps, at their site located at 6215 State Route 96; and
- n. A color photograph of signage for Byrne Dairy & Deli, located on their Quick Exchange Propane Fuel Tank Storage Units, at their site located at 6215 State Route 96; and

**WHEREAS**, the Board has received testimony at tonight's public meeting upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby grant Preliminary Sign Site Plan Approval with the following conditions:

1. Preliminary Sign Site Plan Approval is based upon the drawings prepared by image 360, showing a double-sided freestanding commercial speech sign, identified as Estimate 24513, dated 01/06/20; a second drawing prepared by image 360, showing a single-sided freestanding commercial speech sign, identified as Estimate:24513, dated 01/06/20; and a third drawing showing a single-sided freestanding commercial speech sign identified as Estimate 24946, dated 9/19/19.
2. The existing on-site speed limit sign is to be relocated behind the proposed location for Sign #3 shown on the Sign Site Plan drawing submitted with this application.
3. Sign Site Plan Approval is based upon these three (3) signs identified in Condition #1 above, and as shown on the above drawings and further based upon these signs not being illuminated.
4. A total of two (2) sets of both paper prints identifying this Application's File Number (PB #1201-19) and containing a signature line for the Planning Board Chairperson's signing on each of the above Image 360 Estimate Drawings is to be submitted to the Town Development Office. One set of the signed drawings will be filed with the Town and the other set will be returned to the Applicant. If additional copies of the signed prints are required then those copies are to be provided at the time of signing the Preliminary Sign Site Plan drawings.
5. Once all signed preliminary sign site plan drawings have been completed, the Applicant may then make application to be placed on a future Planning Board meeting agenda for review and consideration of Final Sign Site Plan drawings.
6. Preliminary Site Plan Approval expires in 180 days from today. All conditions of Preliminary Site Plan Approval must be placed on revised drawings and signature of the above referenced Town Official is to be affixed thereto.

Mr. Hemminger asked Mr. Wells if he received the draft resolution prior to the meeting, if he understands the resolution as amended, and if he agrees with the conditions. Mr. Wells said that he received the resolution prior to the meeting, that he understands the resolution and that he agrees with the conditions.

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

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

Motion carried.

Mr. Hemminger requested that the amendments in the Preliminary Sign Site Plan resolution be carried over to the Final Sign Site Plan resolution. There were no objections from members of the Planning Board.

■ 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 amended:

**FARMINGTON PLANNING BOARD RESOLUTION  
FINAL SIGN SITE PLAN ACTION  
AMERICAN EQUIPMENT**

**PB #1202-19**

**APPLICANT: American Equipment, LLC, 6122 Collett Road, Farmington, N.Y. 14425**

**ACTION: Final Sign Site Plan Approval to erect one (1) double-sided freestanding commercial speech directional signs and one (1) single-sided freestanding commercial speech directional sign to be placed upon the mixed use site located at the above address.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Board) has received an application for Final Site Plan Approval for the above referenced Action; and

**WHEREAS**, the Board has, under separate resolution, classified said Action as a Type II Action under Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, thereby satisfying the procedural requirements under Article 8 of the New York State Conservation Law; and

**WHEREAS**, the Board has given consideration to the Ontario County Planning Board referral #232-2019; and

**WHEREAS**, the Board has received testimony at tonight’s public meeting upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby grant Final Sign Site Plan Approval with the following conditions:



1. Final Sign Site Plan Approval is based upon the conditions imposed upon these signs by Planning Board as set forth in File #PB 1201-19.
2. Final Sign Site Plan Approval is based upon these three (3) signs as shown on the drawings identified in the Preliminary Sign Site Plan resolution and further based upon these signs not being illuminated.
3. The existing on-site speed limit sign is to be relocated behind the proposed location for Sign #3 and shown on the Sign Site Plan drawing submitted with this application.
4. A total of two (2) sets of both paper prints identifying this Application’s File Number (PB 1202-19) and containing a signature line for the Planning Board Chairperson’s signing on Attachments A & B to this resolution are to be submitted to the Town Development Office. One set of the signed drawings will be filed with the Town and the other set will be returned to the Applicant. If additional copies of the signed prints are required then those copies are to be provided at the time of signing the Final Sign Site Plan drawings.
5. Final Site Plan Approval expires in 180 days from today. All conditions of Final Site Plan Approval must be placed on revised drawings and signature of the above referenced Town Official is to be affixed thereto.

Mr. Hemminger asked Mr. Wells if he understands the resolution and if he agrees with the conditions. Mr. Wells said that he understands the resolution and that he agrees with the conditions.

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

Motion carried.

**7a. NEW PRELIMINARY TWO-LOT SUBDIVISION**

**PB #0101-19                      New Preliminary Two-Lot Subdivision Application**

**Name:** Gary Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522

**Location:** 573 Yellow Mills Road

**Zoning District:** A-80 Agricultural

**Request:** Preliminary Two-Lot Subdivision approval, Subdivision Plan of Land owned by Whitney N. Wright (Gary M. and Theresa K. Wright reserved life use), creating Lot #R-2A consisting of 62.727 acres to remain with the existing house and Lot #R-2B consisting of 3.517 acres to remain vacant as a non-approved building lot requiring Site Plan approval. The property is located at 573 Yellow Mills Road and is zoned A-80 Agricultural.

**7b. NEW PRELIMINARY TWO-LOT SUBDIVISION**

**PB #0101-19                      New Preliminary Two-Lot Subdivision Application**

**Name:** Gary Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522

**Location:** 573 Yellow Mills Road

**Zoning District:** A-80 Agricultural

**Request:** Preliminary Two-Lot Subdivision approval, Subdivision Plan of Land owned by Whitney N. Wright (Gary M. and Theresa K. Wright reserved life use), creating Lot #R-2A consisting of 62.727 acres to remain with the existing house and Lot #R-2B consisting of 3.517 acres to remain vacant as a non-approved building lot requiring Site Plan approval. The property is located at 573 Yellow Mills Road and is zoned A-80 Agricultural.

Mr. Hemminger opened the Public Hearing on these applications.

Mr. Voellinger (Greene Land Surveying PLLC) presented this application. Gary and Theresa Wright also attended.

Mr. Voellinger distributed a revised plat that reflect the conditions of approval as is contained in the draft Preliminary Re-Subdivision resolution that was provided to him by the Town staff prior to the meeting. Mr. Hemminger accepted the revised plan because it incorporates the conditions of approval of the draft Preliminary Re-Subdivision resolution.

Mr. Voellinger said that the current owner of record of the property is Whitney N. Wright and that Gary and Theresa Wright have reserved life use. He said that they are now conveying this to Whitney N. Wright and that they will have life use of Lot #R-2A.

Mr. Voellinger said that Lot #R-2A will have the existing house and septic system. He said that a site plan will be submitted in the future for construction of a new home on Lot #R-2B which has frontage along Yellow Mills Road.

He said that percolation tests were done on Lot #R-2B and that the size of the parcel reflects one- and two-minute tests. The location of the percolation test holes are shown on the re-subdivision plat.

He said that the width of Lot #R-2A is more than 150 feet along Yellow Mills Road which is permitted in the A-80 Agricultural Zoning District for lots of 40,000 square feet or more with good percolation tests. He said that Lot #R-2A is considerably larger than 40,000 square feet.

Mr. Brand confirmed that Mr. Voellinger has provided a revised subdivision plat that addresses the conditions of the approval of the draft Preliminary Plat resolution. Mr. Brand said that Mr. Voellinger has captured everything and that these applications can move forward. Mr. Voellinger said that the revised plat only includes the requested notes from the Preliminary Plat resolution with no substantial changes.

Mr. Delpriore said that he is pleased with the revised Subdivision Plat. He noted that Lot #R-2A is not really a flag lot because of another section of the lot with frontage along Yellow Mills Road as depicted on the inset map.

Mr. Delpriore also said that the percolation rates are correct for the installation of a conventional septic system.

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

Ms. Heberle asked if the board will be considering the site plan application this evening. Mr. Delpriore said that the board is considering only the subdivision application this evening and that a separate site plan application would have to be submitted by the applicant for construction of a proposed new home.

Ms. Heberle said that her farm property touches this property and that she has concerns about drainage. Mr. Delpriore said that the Ontario County Soil and Water Conservation District has been requested to review the water issue and issue a report to the Planning Board at the Preliminary Site Plan application stage. He said that it is expected that the Planning Board would not approve both the Preliminary Site Plan and the Final Site Plan applications on the same evening. He also said that the subdivision application does not affect the site plan. He said that there are options for consideration regarding the drainage issues and that he will wait for the report from the Soil and Conservation District prior to determining recommendations.

Mr. Hemminger asked if there were any other comments or questions from those in attendance. There were no further comments or questions on these applications this evening.

Mr. Hemminger then closed the Public Hearing on these applications.

**Board deliberations:**

Mr. Hemminger then read aloud the following resolution:

**FARMINGTON PLANNING BOARD RESOLUTION  
SEQR RESOLUTION—UNLISTED ACTION**

**PB #0101-20**

**APPLICANT: Gary M. and Theresa K. Wright, 573 Yellow Mills Road,  
Farmington, N.Y. 14425**

**ACTION: Preliminary Re-Subdivision Plat, Lot #R-2A and Lot #R-2B  
Sean O’Connell Trustee Subdivision, Yellow Mills Road**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) based upon its review of Sections 617.4. and 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law, finds the proposed Actions are not listed as a Type I Action or a Type II Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board determines the proposed Action is classified as an Unlisted Action.

**BE IT FINALLY RESOLVED** that the Board directs the Town Director of Planning and Development to prepare Parts 2 and 3 of the Short Environmental Assessment Form for the Board’s review and acceptance.

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

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

Motion carried.

Mr. Hemminger then read aloud the impacts that are expected to result from the following complete resolution:

**FARMINGTON PLANNING BOARD RESOLUTION  
SEQR RESOLUTION—DETERMINATION OF NON-SIGNIFICANCE**

**PB #0101-20**

**APPLICANTS:** Gary M. and Theresa K. Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522

**ACTION:** Preliminary Re-Subdivision Plat Application, Lots #R-2A and #R-2B, Sean O’Connell Trustee Subdivision, Yellow Mills Road

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has determined the proposed Action referenced above to be an Unlisted Action (hereinafter referred to as Action) under Part 617 of the State Environmental Quality Review Act (SEQR) Regulations; and

**WHEREAS**, the Planning Board has conducted a public meeting upon said Action giving consideration to the comments provided; and

**WHEREAS**, the Planning Board has been established as the designated Lead Agency in accordance with the procedures established under Part 617 described above herein; and

**WHEREAS**, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Short Environmental Assessment Form (EAF), along with supporting documentation and maps submitted with this application.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby accept the draft Parts 2 and 3 of the Short EAF prepared by the Town Director of Planning and Development as being a complete and thorough evaluation of the anticipated environmental impacts associated with the above referenced Action.

**BE IT FURTHER RESOLVED** that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity; traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and

- (iv) the overall density of the site is consistent with the Town’s Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Letter dated June 8, 2017 (File 17PR03555), or will the proposed Action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of current active agricultural land;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

**BE IT FURTHER RESOLVED** that based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

**BE IT FURTHER RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance upon said Action and directs the Planning Board Chairperson to sign and date the Short Environmental Assessment Form and the Negative Declaration Form.

**BE IT FINALLY RESOLVED** that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 and 3 of the Short Environmental Assessment Form, the Determination of Non-Significance Resolution with the Applicants.

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

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



**WHEREAS**, the Planning Board has completed its review under SEQR Regulations making a determination of non-significance upon this Action; and

**WHEREAS**, the Planning Board has received testimony at tonight's Public Hearing regarding the proposed Preliminary Two-Lot Re-subdivision.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Board does hereby move to grant Preliminary Re-Subdivision Plat Approval with the following conditions:

1. Preliminary Re-Subdivision Plat Approval is based upon the drawing prepared by Greene Land Surveying, PLLC, identified as Job No. 19-5162, dated November 20, 2019 and entitled "Preliminary Re-Subdivision Plan of Land owned by Whitney N. Wright." and subject further to the conditions set forth herein.
2. The title of the drawing is to be amended to read "Preliminary Re-Subdivision Plat, Lots #R-2A and #R-2B, Sean O'Connell, Trustee Subdivision."
3. The signature line for the "Town Building Inspector" is to be removed and replaced with the "Town Highway Superintendent."
4. The Site Data, Applicant, shown on the drawing is to be corrected to read . . . "573 Yellow Mills Road, Palmyra, New York 14522." There is no address of 573 Yellow Mills Road, in the Farmington, New York 14425 Zip Code.
5. A Note is to be added to the drawing to read . . . "Lots #R-2A and #R-2B lie entirely within Zone C, an Area of Minimal Flooding, as shown on the FEMA Flood Insurance Rate Map Number 361299-0010B, dated 9/30/83."
6. A Note is to be added to the drawing to read . . . "Lot #R-2B is a Non-Buildable Lot. No Building Permit shall be issued for development upon Lot #R-2B until Final Site Plan Approval is obtained from the Town Planning Board."
7. A Note is to be added to the drawing to read . . . "A Park and Recreation Fee, in the amount prevailing at the time of application for a Building Permit for either Lot #R-2A and #R-2B, shall be a pre-requisite to the issuance of a Building Permit."
8. Preliminary Re-Subdivision Plat Approval is valid for a period of 180 days and must be renewed unless all conditions of approval have been made and a signed Preliminary Re-Subdivision plat map has been placed in the file in the Town Development Office. Failure to comply with this time period shall result in this Preliminary Re-Subdivision plat approval being made null and void.
9. Once all conditions of Preliminary Re-Subdivision Plat Approval have been made on the revised drawing, a total of five (5) paper prints are to be submitted to the



Town Code Enforcement Officer, within the 180 day period, for his review and acceptance for signing by the Planning Board Chairperson and other Town Officials.

- 10. Once the Planning Board Chairperson’s signature has been affixed to the revised Preliminary Re-Subdivision Plat drawings then the applicant may submit application for Final Re-Subdivision Plat Approval.
- 11. Copies of this resolution are to be provided to: Gary M. & Theresa K. Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522; Timothy R. Voellinger, L.S., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; Don Giroux, Town Highway Superintendent; Lance S. Brabant, CPESC, MRB Group; the Town Clerk; and the Town Development Office.

Mr. Hemminger asked Mr. Voellinger if he understood the resolution and if he agreed with the conditions as amended. Mr. Voellinger said that he understood the resolution and that he agreed with the conditions as amended.

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

Motion carried.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
FINAL TWO-LOT RE-SUBDIVISION PLAT, LOTS R-2A AND R-2B  
GARY WRIGHT, YELLOW MILLS ROAD  
PB #0102-20**

**APPLICANTS: Gary M. and Theresa K. Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522**

**ACTION: Final Two-Lot Re-Subdivision Plat, east side of Yellow Mills Road, to re-subdivide Lot #2, Sean O’Connell, Trustee Subdivision, Tax Map Account #19.00-1-10.12, containing a total of 65.026 +/- acres into two lots—Lot #R-2A consisting of 3.333 acres as a non-approved building lot; and Lot #R-2B consisting of 61.693 +/- acres as a non-approved building lot.**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has received an Application from Gary M. Wright for Final Re-Subdivision Plat Approval for Lots #R-2A and #R-2B of the Sean O’Connell, Trustee Subdivision Plat of Lands; and

**WHEREAS**, the Planning Board has determined the proposed action is identified as an Unlisted Action under Part 617, of Article 8 of the New York State Environmental Conservation Law (hereinafter referred to as the SEQR Regulations); and

**WHEREAS**, the Planning Board has completed its review under SEQR Regulations making a determination of non-significance upon this Action; and

**WHEREAS**, the Planning Board has received testimony at tonight’s Public Hearing regarding the proposed Final Two-Lot Re-subdivision.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Board does hereby move to grant Final Re-Subdivision Plat Approval with the following conditions:

1. All conditions of approval for the Preliminary Re-Subdivision Plat are to be shown on the final plat map and entitled “Final Re-Subdivision Plat of Land owned by Whitney N. Wright.” and subject further to the conditions set forth herein.
2. Final Re-Subdivision Plat Approval is valid for a period of 180 days and must be renewed unless all conditions of approval have been made and a signed Final Re-Subdivision plat map has been filed in the Ontario County Clerk’s Office and a signed copy placed in the file in the Town Development Office. Failure to comply with this time period shall result in this Final Re-Subdivision plat approval being made null and void.
3. Once all conditions of Final Re-Subdivision Plat Approval have been made on the revised drawing, then one (1) mylar and five (5) paper prints are to be submitted to the Town Code Enforcement Officer, within the 180 day period, for his review and acceptance for signing by the Planning Board Chairperson and other Town Officials.
4. Once the Planning Board Chairperson’s signature has been affixed to the revised Final Re-subdivision Plat drawings then the applicant has 62 days from the date of signing to file said mylar and two (2) signed paper prints in the Office of the Ontario County Clerk. The remaining three (3) signed paper prints are to be filed with the Town Highway Superintendent, the Town Engineers and the Town Development Office. If additional signed copies are required then the Applicant’s Engineer may make said copies from the signed mylar.
5. Copies of this resolution are to be provided to: Gary M. and Theresa K. Wright, 573 Yellow Mills Road, Palmyra, N.Y. 14522; Timothy R. Voellinger, L.S., Greene Land Surveying, PLLC, 403 East Miller Street, Newark, N.Y. 14513; Don

Giroux, Town Highway Superintendent; Lance S. Brabant, CPESC, MRB Group; the Town Clerk; and the Town Development Office.

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

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

Motion carried.

**8. CONCEPT PLAN REVIEW**

**Name:** Sweetman Properties

**Location:** 1127 Corporate Drive East, Farmington, N.Y. 14425

**Zoning District:** LI Limited Industrial and Major Thoroughfare Overlay District (MTOD)

**Request:** Concept Plan Review for a 30,500-square-foot building and site improvements

The Concept Plan was reviewed by the Project Review Committee on January 3, 2020.

Mr. Swedrock (BME Associates) presented this Concept Plan.

**Project Overview:**

The proposal is to construct a ±30,500-square-foot one-story building including four truck bays, three overhead doors, 72 parking spaces and 44 land banked parking spaces along Corporate Drive to the north of the existing Home Power facility. The property is currently zoned LI (Limited Industrial) and MTOD (Major Thoroughfare Overlay District). Access to the site is proposed from a new curb cut near the northern limits of the property. A possible future secondary access point is also shown on the plans near the southern property limits. The proposed development will meet all the setback and bulk standards for lot coverage, access, landscaping and parking requirements.

New utility connections including a sanitary sewer service and combined domestic and fire water main will be extended from the public utilities from the Corporate Drive right of way. The overall preliminary and final plans will include a comprehensive stormwater

management plan to meet the current NYSDEC regulations for water quantity and quality, as well as landscaping and lighting improvements proposed with the site development.

**Site Notes:**

- Project area for Lot R-6B = 3.291 acres
- Existing use: Vacant
- Proposed Use: Office/warehouse/industrial manufacturing
- Applicable development standards proposed are as follows:

	<b>LI Zoning (Required)</b>	<b>Lot R-6B (Proposed)</b>
Minimum Lot Area	60,000 square feet	±143,356 sq. ft
Minimum Lot Width	250 feet	±305 feet
Minimum Lot Depth	200 feet	±470 feet
Lot Coverage	35%	±21.3%
Max. Building Area (% of lot)		
Min. Landscaping Space	30%	±31.9% (w/land banked)
<b>Setbacks:</b>		
Building Height	50 ft./3 stories	±24 ft./1 story
Min. Front Setback	80 feet	80 feet
Min. Side Setback	30 feet	30 feet
Min. Rear Setback	30 feet	30 feet
Parking	9 ft. x 20 ft. 72 spaces	9 ft. x 20 ft. 72 spaces + 44 land banked; 6 accessible spaces

**Parking Breakdown:**

Assumes 30 percent office, 20 percent manufacturing, and 50 percent warehouse.

Proposed Office:	9,162 sq. ft.	1 space/200 sq. ft.	45.8 spaces
Proposed Manufacturing	6,100 sq. ft.	1 space/300 sq. ft.	20.3 spaces
Proposed Warehouse	15,250 sq. ft.	1 space/3,000 sq. ft.	5.1 spaces

Total parking required: 71.2 spaces

- All improvements shall be in accordance with the most recent standards and specifications of the Town of Farmington and the appropriate Ontario County and New York State agencies, unless otherwise noted.
- Highway drainage along Corporate Drive to be maintained.
- All parking spaces (existing and proposed) are to be double striped as per the Town Code.

Mr. Swedrock said that this proposed structure is in addition to the applicant's 10,000-square-foot building that was approved by the Planning Board on April 17, 2019 (*see* PB #0404-19).

He said that this presentation is a concept plan for a new building with flexible space for future users who have not yet been retained. All radii will accommodate delivery trucks depending upon the needs of the tenant(s). The applicant's intent is to comply with the Town Code requirements for the Limited Industrial and MTOD zoning districts. Mr. Swedrock said that he would like to receive the Planning Board's initial comments this evening for preparation of the Preliminary Site Plan application. He said that Mr. Swetman would like to move forward with the plans in order to begin construction this summer.

Mr. Brand confirmed that the building is currently planned as flexible space for future tenants. He said that the building could be used for offices, warehouses, assembly operations or other uses, and that this is similar to the board's approval of the DiFelice Industrial Building at the southwest corner of Collett Road and Hook Road (PB #0602-19, June 5, 2019).

Mr. Brand said that this application was reviewed by the Project Review Committee (PRC). Among the Committee's concerns were the relocation of the fire department connection to the west side (road side) of the building for accessibility in time of emergency.

Mr. Delpriore said that the PRC also requested that the driveways on the opposite side of Corporate Drive be depicted upon the site plan to show how they would align. He said that concerns also were raised regarding turning radii for delivery trucks and emergency vehicles on the site. Mr. Delpriore said that overall this flexible space has a great deal of potential. He said that the applicant would prefer to have consideration of the Preliminary Site Plan application at the Planning Board meeting on February 5, 2020. He said that the application does not require review by the Ontario County Planning Board.

Mr. Giroux also requested that the driveways on the opposite side of Corporate Drive be shown on the site plan for the purpose of determining the alignments.

Mr. Brabant discussed whether the stormwater management facilities for the previously approved building could be incorporated into this plan, or possibly having a combination of the existing stormwater facilities and a new system.

Mr. Brabant suggested that a cross access between the previously approved building and this new building may be a benefit to better accommodate the movement of emergency vehicles and large trucks.

Mr. Maloy asked about the space between the two entrances to the property off Corporate Drive. Mr. Swedrock said that the driveways will be approximately 150 feet apart. Mr. Maloy expressed concern about access by large tractor trailer trucks. Mr. Swedrock said that he will review the layout.

Mr. Bellis also expressed concern about large truck access but that a bigger concern is the way that the building is facing on the site. He suggested that the building be rotated 180 degrees to enable the front façade to be viewed from Collett Road. Mr. Swedrock said that the problem is drainage from the loading dock area. Mr. Bellis said that he would rather see the front entrances along Collett Road rather than having a view of a flat wall from the road.

Mr. Bellis said that the land banking of some parking is fine. He expressed concern about turning radii for large trucks and emergency vehicles and said that he would like to see a nicer and more aesthetically pleasing façade facing Collett Road.

Mr. Viets agreed that the front elevation of the building is pleasing and that it would be shame that no one would see it if it were facing the opposite direction and away from Collett Road.

Mr. Hemminger also suggested that the building be rotated 180 degrees for the front façade to face Collett Road or that the west elevation be redesigned to be more aesthetically pleasing.

There were no further comments or questions on this Concept Plan this evening.

## **9. PLANNING BOARD ACTION ITEM**

### **Microtel Hotel (Indus Hospitality Group) Letter of Credit Establishment:**

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



## 10. OPEN DISCUSSION

### *Director of Development and Planning:*

Mr. Brand said that the next meeting of the 2020 Comprehensive Plan Update Committee will be held on Tuesday, January 21, 2020, at 6:30 p.m. at the Town Hall. A topic for consideration will be the online community survey that is expected to begin at the end of the month.

Mr. Brand also said that the final payment has been made to Nardoizzi Construction Co. for completion of the Auburn Trail. He said that the fences have been removed and that the full length of the Trail is now available for users.

### *Code Enforcement Officer:*

Mr. Delpriore said that the Building Department staff is working on various amendments to the Town Code. The next meeting of the Town Code Update Committee is expected to be held in February to begin the review of the amendments to the sections on signage, lighting and landscaping. He said that several of the concerns have already been addressed in the State Route 96 Street Scape Guidelines that also could be implemented in other areas of the Town, and in the recent update to the Site Design and Development Criteria. Mr. Delpriore said that the Town Code must catch up with the more recent planning documents that have been approved by the Town Board.

Mr. DeLucia asked about requirements for stormwater retention ponds and specifically fountains or aerators in the ponds. Mr. Delpriore said that there is a section of the Town Code on stormwater ponds and that they are designed to take the surge of a storm and allow the water to filter into the ground and waterways to avoid flooding. Mr. Brabant said that the Town Code also identifies the responsibilities for stormwater management and that the Town's MS4 criteria and New York State Department of Environmental Conservation (DEC) standards specifically refer to stormwater management.

Mr. DeLucia asked if the DEC allows fountains and/or aerators in ponds. Mr. Brabant said that fountains and aerators are permitted but that most ponds are designed to avoid the issue of stagnant water. He said that the older ponds may have this issue.

Mr. Delpriore said that the Building Department staff is working on sending the board packets electronically via PDF file. He said that this initiative will begin following the establishment of a new software system in several weeks.

Mr. Delpriore that the Building Department approved a field change at the construction site of Lyons National Bank on the northwest corner of State Route 332 and County Road 41. The change involves the deletion of a Bilco basement door on the east side of the historic Hathaway House (facing State Route 332), the construction of a five-foot-high basement "tunnel" connection between the Hathaway House and the new bank building,



and an emergency egress trap door in the basement of the Hathaway House leading to the first floor to provide a second emergency exit from the basement. He said that the emergency trap door will provide the second exit from the basement of the Hathaway House without having to disturb the cobblestone foundation. The “tunnel” connection will enter the Hathaway House basement at a point where the cobblestones are already somewhat deteriorated.

Mr. Hemminger asked about fire inspections to assure that there is no storage in the Hathaway House basement. Mr. Delpriore said that the Hathaway House basement will be regularly inspected by the Town Fire Marshal because of heating electrical equipment there. He said that the Fire Marshal would assure that the basement is not used for storage.

Mr. DeLucia asked if a basement egress window was considered. Mr. Delpriore said that the bank’s concern is not to disturb the cobblestone foundation any more than necessary.

***Planning Board 2020 Rules of Procedure:***

Mr. Hemminger said that prior to the meeting the clerk provided the board members and Town staff with an updated draft of the 2020 Rules of Procedure with revisions submitted by Mr. Brand and Mr. Hemminger. No other revisions were submitted.

Mr. Maloy asked if the 2020 Rules of Procedure were to be adopted at the meeting on February 5, 2020. Mr. Hemminger said that no further changes had been received to the “clean” copy that was distributed last week and that the board could consider the Rules of Procedure this evening.

There were no further comments or questions on the 2020 Rules of Procedure.

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
2020 RULES OF PROCEDURE**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2020; and

**WHEREAS**, the Board has determined that such Rules of Procedure are in the best interests of the Town.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby adopt the Rules of Procedure for the calendar year 2020, as revised per this document appended to the minutes of the Board meeting of January 15, 2020.

**BE IT FURTHER RESOLVED** that a copy of the adopted 2020 Rules of Procedure is to be filed with the Farmington Town Clerk.

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

Motion carried.

(See Appendix 1)

## 11. PUBLIC COMMENTS

William Allen (5988 County Road 41) said that the house on the northwest corner of County Road 41 and Hathaway Drive has been demolished by Lyons National Bank, which recently purchased the house. Mr. Allen said that the property is being cleared and the eyesore is gone. He said that earlier today a two-inch plastic natural gas line was severed during the demolition and site clearing work. He said that the fire department responded quickly and that the situation was resolved. He also noted that RG&E representatives checked his home, as well.

Mr. Allen also asked if a date has been set for the dedication of the new Lyons National Bank. Mr. Brand said that no date has been set yet. Work on the bank continues at the site.

## 12. TRAINING OPPORTUNITIES

### **Ontario County Soil and Water Conservation District Soil Health Workshop**

Wednesday, February 12, 2020

8:30 a.m.–2:30 p.m.

Ontario Produce Auction, 4860 Yautzy Road, Stanley, N.Y.

For information: (585) 394-5030 or [info@canandaigualakeassoc.org](mailto:info@canandaigualakeassoc.org)

### **82nd Annual New York Planning Federation Conference**

April 19–April 21, 2019

The Sagamore Resort, Bolton Landing, N.Y.

For information and updates: [www.nypf.org](http://www.nypf.org), (585) 512-5270

### **Future Training Opportunities Online**

Ontario County Planning Department website now lists upcoming training:

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

**13. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 9:40 p.m.

The next regular meeting of the Planning Board will be held at Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, on Wednesday, February 5, 2020, at 7:00 p.m.

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

Respectfully submitted,

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

**Appendix 1:****TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
2020 RULES OF PROCEDURE****ADOPTED JANUARY 15, 2020**

**WHEREAS**, the Town of Farmington Planning Board (hereinafter referred to as the Board) has considered the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2020; and

**WHEREAS**, the Board has determined that such Rules of Procedure are in the best interests of the Town.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby adopt the Rules of Procedure for the calendar year 2020, as revised per this document appended to the minutes of the Board meeting of January 15, 2020.

**BE IT FURTHER RESOLVED** that a copy of the adopted 2020 Rules of Procedure is to be filed with the Farmington Town Clerk.

**1. Order of Business**

At each Board Meeting, the order of business shall be:

- a. Call to Order
- b. Pledge of Allegiance
- c. Information about emergency exits.
- d. Reference to sign-in sheet and request that all in attendance to please sign in.
- e. Request that all cell phones and smart watches be silenced.
- f. Notice given that the Board will be following these Rules of Procedure as adopted by the Board on January 15, 2020.
- g. Approval of previous Board Meeting Minutes.
- h. Announce that the Legal Notices have been published in the Canandaigua *Daily Messenger* newspaper (the Town's Official Newspaper), posted on the Town Hall Bulletin Board, the Town website ([www.townoffarmingtonny.com](http://www.townoffarmingtonny.com)), and the subject property has been duly posted with public notification sign(s).

- i. Announce that draft resolutions have been previously posted on the Town website for tonight's meeting.
- j. Order of Board Business:
  - (1) Conduct Public Hearings (for Preliminary Subdivision Plats, Special Use Permits and certain Preliminary Site Plans when deemed necessary by the Board). Continued Public Hearings will be held first on the agenda. New Public Hearings will follow.
  - (2) Site Plan Approval and Other Board Business: Agenda items include Final Subdivision Plat approval, Preliminary Site Plan approval, Final Site Plan approvals, Sketch Plan review.
  - (3) Scheduling of Public Hearings for future Board meetings (for Preliminary Subdivision Plats, Special Use Permits and certain Preliminary Site Plans when deemed necessary by the Board).
  - (4) Other Actions:
    - (a) Letters of Credit and Sureties.
    - (b) Reports and Recommendations to the Town Board.
    - (c) Other Board Business (e.g., adoption of Rules of Procedure, annual report to the Town Board on the *Comprehensive Plan*, etc.).
  - (5) Open Discussion
    - (a) Director of Development and Planning Report.
    - (b) Code Enforcement Officer Report.
    - (c) Highway and Parks Superintendent Report.
    - (d) Water and Sewer Superintendent Report.
    - (e) Town Engineer Report.
    - (f) Fire Chief Report.
    - (g) Chairperson of the Planning Board
    - (h) Other Board Members
  - (6) Public Comments.

- k. Next Board Meeting Date.
- l. Adjournment: The Chairperson shall entertain a motion with a second from any Board member to adjourn the meeting and followed by a voice vote.

## **2. Public Hearing/Public Meeting Procedures**

At each public hearing or public meeting, the following procedures shall govern:

- a. The Chairperson shall open each Public Hearing and ask the applicant (or his or her representative) to make a presentation to the Board and the public.
- b. The applicant shall display on the monitors, or on easels, any drawings that are part of the Public Hearing. The applicant shall address the Chairperson with his or her presentation.
- c. The Chairperson shall ask the applicant if he or she has completed their presentation before turning to Town staff for their reports. Town staff shall address the Chairperson with their report comments. All responses will be to the Chairperson. Only the Chairperson shall entertain dialogue between Town staff and the applicant.
- d. Once all Town staff have completed their reports, the Chairperson shall then open the floor for comments by persons in attendance, or if there are any written comments to be received at the Public Hearing/Meeting.
- e. All persons desiring to speak at a Public Hearing shall be recognized by the Chairperson.
- f. Before speaking, each person shall give his or her name and address for the record.
- g. Persons speaking shall address their comments, questions or concerns to the Chairperson. There shall be no direct dialogue between a public speaker, the applicant, his or her agent or Town staff. The Chairperson shall determine when a speaker has completed his or her comments. The Chairperson shall have the right to limit the time allotted to public speakers.

Special and/or lengthy presentations shall be approved by the Chairperson prior to the start of the meeting.

- h. The Chairperson shall determine whom (either the applicant, his or her agent, or Town staff) is to reply to the public concern(s). All responses shall be to the Chairperson.
- i. Once the Chairperson has determined that there are no additional public comments, he or she shall then ask the Board for a voice resolution whether to either

close or to continue the Public Hearing. (Public Hearings normally remain open until the application is determined to be complete and can be acted upon.) If a Public Hearing is to be continued, then it shall be part of a resolution to continue it to a specific date. If the Public Hearing is to be closed, then a voice resolution to close the public hearing shall be offered and seconded by Board members followed by a voice roll call vote.

Once closed, a Public Hearing may not be reopened. Once a Public Hearing is closed, the Board may not consider any additional information received that pertains to the subject of the Public Hearing. If additional information is provided to the Board following the close of the Public Hearing, the Board may choose to advertise a second Public Hearing to be held in accordance with the provisions of New York State Open Meetings Law. After the Board closes a Public Hearing, the Board may (or may not) take action on the subject matter at that meeting. For details concerning draft resolutions, please see Item #5 below in these Rules of Procedure.

- j. The Chairperson shall then ask each Board member for his or her comments.
- k. Should a Public Hearing be continued to a specific date, said Public Hearing shall be heard first on the Board agenda of the subsequent date.
- l. Should an applicant (or a designated agent) not appear before the Board on the night of the Public Hearing meeting, then the Board may table the application and continue the Public Hearing to a specific date. In addition, the Chairperson shall direct the Clerk of the Board to provide written notification to the applicant of the date and time for the continued Public Hearing and request his or her attendance.
- m. Failure by the applicant (or his or her agent) to appear before the Board at the date of the continued Public Hearing may result in the Board taking action to deny without prejudice the requested application. In such an event, it will be necessary for the applicant to make a new application and pay a new fee for said application before being heard by the Board. *Note:* Only the Town Board may waive an application fee.
- n. A revised drawing or additional documentation, accepted by the Board at either a Public Hearing or a public meeting, may be grounds for continuing the Public Hearing or the public meeting to a specified date and time. The Board does not want to receive material the night of the meeting and be expected to act upon it. Furthermore, the Board wants the public to have an opportunity to review any new submitted documentation pertaining to an application.
- o. Any Board member who did not attend a Public Hearing/Meeting may still vote on the application at a subsequent meeting provided that no decision has been made by the Board following the close of the Public Hearing/Meeting. However, said Board member must enter into the public record that he or she has reviewed

the Public Hearing/Meeting record and is prepared to make an informed decision on the application.

### **3. Agendas and Legal Notices**

Copies of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on the Monday prior to the scheduled meeting. A draft meeting agenda shall be prepared by the Director of Planning and Development based upon information provided by the Development Office Administrator and the Town Code Enforcement Officer. Said draft agenda will then be reviewed by the Planning Board Chairperson, the Development Office Administrator, the Town Code Enforcement Officer, the Town Engineer and the Clerk of the Board. Following their input, all draft agendas will be made available to each Board member along with the packets of information on or before the Saturday prior to the Board meeting. Any change to the draft agenda shall be approved by the Chairperson, communicated via e-mail to the Development Office Administrator and the Director of Planning and Development, who in turn will send via e-mail an updated agenda to each Board member, any involved applicant, involved Town staff (including the Town webmaster) and the Clerk of the Board no later than 3:00 p.m. on the Tuesday prior to the scheduled meeting. Adequate copies of this updated agenda will also be placed in the meeting room for the public and for any staff or Board members not able to access their electronic copy by 6:45 p.m. on the night of the meeting. No additional matter shall be added to the Planning Board Agenda on the day of the scheduled meeting unless approved by the Planning Board Chairperson.

Paper copies of the agenda and legal notices shall be supplied by the Development Office Administrator to the Town Clerk's office for posting on the Town Hall Bulletin Board. In addition, the Development Office Administrator shall provide electronic copies of the agenda to the Town's webmaster for posting on the Town website in accordance with the legally required timelines established by the Town Board pursuant to Article Six, Section 103 of the Public Officers Law.

Legal notices shall be sent (either by fax or electronically) by the Development Office Administrator to the Town's Official Newspaper, within thirteen (13) days of a Public Hearing, with publication to be not less than seven (7) days prior to the Public Hearing being held by the Board.

The schedule for application submittals will be posted on the Town website by the Town Code Enforcement Officer or his or her staff.

### **4. Public Hearings—Public Notice, County Planning Compliance, and SEQR Compliance**

Where there has been a referral to the County Planning Board, then the referral number and recommendation shall be entered into the Public Hearing or public meeting record. There shall be no action taken on an application that is first subject to a referral and recommendation from the County.



The Board shall identify the Type of Action under review as classified by the State Environmental Quality Review (SEQR) Regulations, Article 8, of the New York State Environmental Conservation Law.

In no instance shall the Board vote on a Preliminary Subdivision Plat until SEQR has been satisfied and the Public Hearing has been closed.

In no instance shall the Board vote on a Preliminary or Final Site Plan or Special Use Permit until SEQR has been satisfied.

The Board may waive the requirement to read into the Public Hearing record the standard resolutions for all Type 2 Actions made under the SEQR Regulations. When so waived, the Board must still take action to accept a Type 2 Determination of Significance and record the vote taken thereon.

The Board may also waive the requirement to read into the Public Hearing/Meeting record the standard resolutions for determinations of significance to be made on all Unlisted Actions under the SEQR Regulations. When so waived, the Board must still take action to accept the Unlisted Action Determination of Significance. In addition, when a determination of non-significance is made, the Chairperson of said Board shall sign and date Part 2 of the Short Environmental Assessment Form.

The Board may not waive the requirement to read into the Public Hearing/Meeting record a resolution for the determination of significance on a Type 1 Action that is to be made under the SEQR Regulations. In addition, when a determination of non-significance is made on a Type 1 Action, the Chairperson of said Board shall sign and date the SEQR Negative Declaration Form. For all Unlisted Actions and Type 1 Actions, the Board shall comply with the procedural requirements set forth in Section 617 of Article 8 of the New York State Environmental Conservation Law, prior to making any decision on a pending application.

## **5. Motions**

When a question is under debate/discussion, no motion shall be received except a motion to: 1) amend the question; 2) call the question; 3) adjourn it to a specific date; 4) table the question; 5) refer the question to Town staff and/or legal counsel; or 6) adjourn the Board meeting. Tabled motions shall be subject to the provisions in Section 11 of these Rules of Procedure set forth below.

## **6. Resolutions and Documents**

When draft resolutions have been prepared by Town staff for the Board's review and consideration, said copies shall be sent electronically to the Board members on or before 3:00 p.m. on the Monday preceding the Board's meeting. Draft resolutions shall first be sent to the Board members and to Town staff. Draft resolutions shall also be sent to the applicant and/or his or her

agent by noon on the Tuesday prior to the Board's meeting. Town staff shall not discuss, or change any draft resolution submitted to the Board. Any such change or amendment thereto shall be made at the Board's direction at the Board meeting.

In accordance with Article Six, Section 103 of the Public Officers Law, to the extent determined practicable by Town Board Resolution, copies of all documents, including draft resolutions, to be discussed at the Board meeting shall be made accessible to the public. In addition, every effort shall be made for the Town's webmaster to post such documents on the Town website [www.townoffarmingtonny.com](http://www.townoffarmingtonny.com). All draft resolutions shall be shadow marked with the word "DRAFT" across each page. All such draft resolutions and documents shall be removed from the Town's website within 24 hours of the Board making a decision on the application.

No draft resolution that has been provided to the Board and posted on the Town's website, in accordance with the State's Open Meetings Law requirements and established Town Board policy, shall be negotiated, renegotiated or otherwise materially amended by the Board based on information presented to the Board during the public meeting. Such new information shall be treated the same as any other new information being submitted without advance public notice and the resolution may be held over to the next Board Meeting to allow for any changes to the resolution to be posted and to allow for the public review of said changes prior to the meeting where action is to be taken. The Board may add or change conditions of approval if it is not determined that such change(s) is/are not significant without holding the resolution over until the next Board Meeting.

## **7. Voting**

The members of the Board shall be eligible to vote on the Board Meeting Minutes only when they were present for the meeting or upon their proclaiming adequate knowledge of the pending Action as the result of their review of previous meeting minutes and any new information. As appropriate, Board members shall, at the outset of any application, give public notice of their financial or other private interests in any project that is pending before the Board. Where such disclosure is made, the Board Member shall be deemed to be in compliance with the provisions of Article 18 of the New York State General Municipal Law or any amendments thereto, relating to Conflicts of Interest, as well as compliance with the Code of Ethics contained in Chapter 17 of the Town of Farmington Code.

In all matters voted on by the Board, except for a vote to override a County Planning Board recommendation, there must be a majority of the entire membership voting the same way in order for an action to be approved, denied or modified.

In the instance of a resolution to override a County Planning Board recommendation, there must be a majority plus one vote of all members. Otherwise, the vote fails to override and the Planning Board must comply with the recommendation contained in the County referral. On other matters, a 2 to 2 vote taken by the Board on an application results in a no action being taken and will need to be reconsidered by the Board at a future meeting. All Board members shall record their vote by roll call taken by the Clerk of the Board and duly recorded in the minutes.

In no instance shall the Board vote to approve, modify, or deny a Sketch Plan. The Board shall only make comments or suggestions to the applicant.

Prior to taking a roll call vote on an application, the Chairperson shall ask the applicant if he or she understands the resolution that is about to be acted on, and if the applicant has any questions, concerns or objections to any part thereof.

A copy of all resolutions (decisions made) by the Board shall be filed with and date-stamped by the Town Clerk's Office prior to being mailed by the Clerk of the Board, within five (5) business days, to the applicant and the original resolution filed with the Town Clerk's Office, and a copy then made and filed with the Town Development Office. Any additional copies noted in the resolution shall be provided by the Clerk of the Board.

## **8. State Environmental Quality Review (SEQR)**

The Board's review and approval of all applications shall be subject to the requirements set forth in Article 8 of the New York State Environmental Conservation Law, the SEQR Regulations.

## **9. County Planning Recommendations and Board Voting Requirements**

In the instance where the Ontario County Planning Board has rendered an advisory report, under the provisions of Sections 239-l, -m, and -n of the New York State General Municipal Law, and the County Planning Board recommends modification or denial of an application, the Board, in order to override the County's recommendation must first have a majority plus one vote (4 of the 5 Board Members) recorded on a separate resolution that sets forth the reasons for overriding the County's recommendation.

Failure by the Board to override the County's recommendation by a majority plus one vote of the entire Board results in a denial or modification of the application. In the event the Board does override the County's recommendation, the Board shall by separate resolution set forth its reasons for overriding the County and must file a copy of said resolution with the County within the time frame prescribed in the above referenced sections of the New York State General Municipal Law.

For any application referred to the Ontario County Planning Board, a certified copy of the final action taken on the subject referral shall be filed by the Clerk of the Board with the county within thirty (30) days after final action is taken.

## **10. Votes, When Recorded**

Board members shall record their vote by stating either an "aye" or "nay" on a question. Votes shall be entered in the Minutes. All votes shall be taken in public, either by voice or by roll call by the Clerk of the Board, for each Board member present. A member who is absent from the

vote shall be noted as being either absent or excused in the roll call voting. A Board member may abstain from voting. When a Board member exercises this right, it is not necessary for the Board member to state his or her reason(s) for abstaining unless there is disclosure of a conflict of interest associated with an application.

### **11. Privilege of the Floor**

During Public Comment Time, any person, on request granted by the Chairperson, may address the Board on a matter of public concern. The time allotted for addressing the Board shall be limited by the Chairperson depending on specific circumstances. In no instance shall the Privilege of the Floor be used to make additional comments on an application pending before the Board when the Public Hearing has been closed or continued.

### **12. Public Notification**

Public meeting notice shall be given in the manner prescribed by New York State Town Law and the posting of property requirements set forth in the Farmington Town Code. In addition, copies of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on the Monday prior to the scheduled meeting (*see* Section 3—“Agendas and Legal Notices”).

When an application has been continued by the Board, the posting of the Public Notification Sign shall continue to be displayed on the subject site.

Any property not properly posted shall not be heard by the Board and the matter shall be continued to the next Board Meeting. All signs shall remain on the property until the Board has taken final action on the application. All signs, once final action has been taken, are to be returned to the Development Office by the Code Enforcement Officer.

### **13. Duties and Responsibilities**

The duties and responsibilities of the Board are set forth in the various sections of the Farmington Town Code and the New York State Town Law, New York State Public Officers Law, the State Environmental Quality Review (SEQR) Regulations and the provisions contained in Sections 239-1, -m and -n of the New York State General Municipal Law.

Section 239-nn of the New York State General Municipal Law requires the Town Clerk to notify the Town Clerk in an adjacent municipality of a pending action (e.g., Special Use Permit, Temporary Use Permit, Site Plan approval, and Preliminary Subdivision Plat approval) that is to occur within 500 feet of the municipal boundary.

#### **14. Draft Meeting Minutes**

The Board members shall be sent electronically draft meeting minutes within ten (10) business days of the date of the subject meeting. Draft meeting minutes shall be identified as being a draft.

#### **15. Corrections to the Draft Meeting Minutes**

The Board members shall, whenever possible, notify the Clerk of the Board by e-mail of all corrections to the previous meeting minutes prior to the date of the next meeting. This e-mail shall not be copied to all members of the board. Staff members shall provide any recommended changes to the Clerk of the Board. Corrections to draft minutes from board members and staff members shall be reviewed at the next meeting of the board.

#### **16. Approved Meeting Minutes**

At the Board meeting, the Board, having reviewed the Draft Meeting Minutes, will (as part of the public meeting record), take action to accept the Minutes either with or without corrections. Once the Minutes have been approved by a voice vote of at least three Board members present at the meeting, the vote shall be recorded in the meeting minutes. The Clerk of the Board shall then, within five (5) business days, file a certified copy with the Town Clerk's Office to be date stamped and filed, as well as providing electronic copies to the Town Board members, the Planning Board members, and the Town Clerk; and to the Administrator in the Town Development Office for filing and posting on the Town's Website.

#### **17. Audio Recordings of Board Meetings**

Audio recordings of the proceedings of the Board meetings shall be maintained by the Clerk of the Board for a period of twelve (12) months after the date that the meeting minutes have been approved by the Board. When requested by the Chairperson, said audio recordings shall be maintained by the Clerk of the Board for an additional period of time as specified by said Chairperson.

#### **18. Layover**

A resolution, application or action before the Board may be laid over until the next regular session of the Board if so requested by any member of the Board, unless by doing so the application would otherwise be approved by default of the Board. No further action may be taken on the resolution or its amendments, but limited discussion may occur at the discretion of the Chairperson. However whenever possible, Board members should first attempt to resolve the issue(s) leading to a layover. If a layover is imminent, the Chairperson should be notified of such action prior to the start of the regular Board meeting. When it becomes apparent to a member of the Board that a layover is being contemplated, said member shall bring this matter to the Chair-

person's attention as soon as possible. The member laying over the action is expected to be present at the next scheduled meeting.

Any action on a laid over resolution must take place at the next scheduled meeting. No resolution shall be laid over a second time. No resolution shall be laid over if it is determined that such action would violate the time limits contained in various sections of the New York State Town Law.

No layover can occur at the last meeting of the year because the next meeting in the following year may not have the same members on the Board who originally laid the matter over. The Board may vote to table the matter in this case and the new Board, when constituted, can offer a resolution to bring up the tabled resolution off the table with a motion and a second followed by a voice vote of the entire Board.

## **19. Amendment of Procedures**

The Board, on a resolution to amend, may amend these Rules of Procedures from time to time. Once amended, copies of the amended Rules of Procedure shall be distributed to all having received the original adopted Rules of Procedure for the given year and posted upon the Town's website.

## **20. Board Discussion**

The Chairperson, at his or her discretion, may limit the discussion between any Board member and the applicant, staff and/or the general public.

## **21. Board Resolutions**

All resolutions for the Board, except for those identified elsewhere in these Rules of Procedures, or those to close a Public Hearing, are to be drafted by the Town's Director of Planning and Development. The resolutions are to be read by the Clerk of the Board unless the Board members agree by a motion, second and voice vote that the reading in this case is not necessary. The Chairperson can opt to have only the conditions of approval read if it is a standard resolution and not controversial. The contents of the resolutions are to be clear and understandable to the Board members as well as to the applicant.

The Board resolutions are to contain a clear and understandable listing of all Conditions of Approval that are to be incorporated within the "Approval of the Resolution" as read by the Clerk of the Board, prior to voting on by the Board. Before voting on said resolution, the Chairperson shall ask the applicant if he or she understands the action and any conditions contained therein. The Clerk shall note this question and the applicant's response in the Minutes.

## **22. County Referrals**

Both the Director of Planning and Development and the Code Enforcement Officer will review all Board referrals for completeness before they may be transmitted to the Ontario County Planning Board. The Code Enforcement Officer or the Director of Planning and Development will sign the referral form. The Town staff shall provide a copy of the referred application packet to the Town's representative on the Ontario County Planning Board. All referrals submitted to the County shall comply with the monthly deadline published by the County Planning Board for their monthly reviews and recommendations.

## **23. Acting Chairperson**

With the adoption of this resolution, the Board determines that the Acting Chairperson for 2020 will be board member DOUGLAS VIETS. In the event Mr. Viets is not available, then board member ADRIAN BELLIS shall serve as the Acting Chairperson. In the absence of the Chairperson, the Acting Chairperson shall perform all of the functions, which are normally the responsibility of the Chairperson. This is to include the signing of documents.

## **24. Training Requirements and Training Update Classes**

All Board members and the Town's representative on the Ontario County Board, shall be required to complete at least:

- a. Twelve (12) hours of suitable training during the first full calendar year of their first term in office; or
- b. Nine (9) hours of suitable training during the remaining nine months, of the first full calendar year, of their first term in office; or
- c. Six (6) hours of suitable training during the remaining six months, of the first full calendar year, of their first term in office; or
- d. Four (4) hours of suitable training during the remaining three months, of the first full calendar year, of their first term in office; and then
- e. Eight (8) hours of suitable training, each year for the remaining term in office.

This requirement may be satisfied by training sessions that are offered throughout the year by attending state conferences and seminars and/or at county or regional training classes for the purpose of receiving updates to the state's requirements pertaining to Board members. Also included are presentations by the Town Engineer or other individual or group, as approved by the Town Board.

In addition to the above training classes and seminars, a Board member may, with the Chairperson's approval, substitute up to two (2) hours of such training with one-on-one training with

the Town's Director of Planning and Development. In such instance, the Director of Planning and Development shall certify to the Chairperson, the Town Supervisor and the Town Clerk that such training has been received.

Requests to receive training by members of the Board are to be coordinated with, and approved by, the Chairperson and then the completed training registration form must be submitted by each Board Member directly to the Confidential Secretary to the Town Supervisor. The Confidential Secretary will prepare a voucher, if there is a fee for the training, and submit it for approval by the Town Board. If the training exceeds \$100.00 it must be approved via resolution; training under \$100.00 requires approval of the voucher only.

As soon as possible following the Board member's attendance at a training session, it shall be the responsibility of the Board member to submit documentation received at the training session to the Chairperson, who, according to a Town Board resolution adopted October 23, 2007, is required to maintain copies of all certificates of attendance. The Board Member shall also provide certificates of attendance to the Confidential Secretary to the Town Supervisor and the Town Clerk, as outlined in the October 23, 2007, resolution. The Confidential Secretary to the Town Supervisor shall maintain her or his own annual training log for each Board and shall coordinate, in the fall of each year, with the Chairperson to identify the status for each Board Member. In the event the Town Board amends the Town's Training Requirements, this Section of the 2020 Rules of Procedure shall also be amended as necessary.

## **25. Attendance at Public Meetings, and Committee Meetings**

Board members are encouraged to attend other public meetings regarding issues pertinent to planning in order to obtain the thoughts and ideas of others pertaining to any and all important Town issues.

Board members are also encouraged to attend any of the Town's standing committee meetings regarding issues pertinent to the Town's planning, (i.e., Agricultural Advisory Committee, Historical Preservation, Conservation Board, etc.) which are held monthly at the Farmington Town Hall.

Board Members at such meetings are also encouraged to speak on behalf of the Board providing only the general overview of the current applications that maybe pending before the Board. However, in no event shall Board members express their own personal thoughts on a matter that is currently pending before the Board. Also, no Board member shall speak in such a manner as to imply that what is being said is the official position of the Board. Only the Chairperson may speak on behalf of the Board when authorized to do so by a Board vote. Also, when speaking at such meetings, Board members shall identify themselves as residents of the Town and members of the Board.

It is the policy of this Board not to engage in social media discussions on projects that are or have been before the Board, or that could potentially be before the Board.



The Chairperson shall attend Town Board meetings, which are normally held on the second and fourth Tuesday of each month, to report on any important pending applications or matters pertaining to the growth and/or development of the Town of Farmington.

In the event a Board member determines that he or she will not be able to attend a public meeting of the Board, said member shall notify the Chairperson as soon as possible.

Should it become necessary to cancel a scheduled Board meeting, as much public notice as possible shall be given by the Town Development Office staff. Such public notice shall include the posting on the Town Hall Bulletin Board, posting on the entrance doors to the Town Hall and posting on the Town's Official Website. In addition, notification is to be made to the Town's Official Newspaper of the meeting cancelation. In the event a Public Hearing has been scheduled for a meeting that is to be canceled, then the date of said rescheduled Public Hearing shall be included in the public notices listed above herein.

The Board members may send via e-mail questions and concerns about an application to the Chairperson only. Members must not conduct e-mail discussions with more than one other Board member, as it would be in violation of the Public Meetings Law. When the Chairperson sends an e-mail to the Board on an application, all responses must be sent back to the Chairperson only. If the Chairperson determines that the information should be in the public record, he or she will enter it into the public record at the next scheduled public meeting on the application.

## **26. Override of Rules**

By a majority vote, the Board may override any of these rules except for the layover and training rules. The Board member requesting the override is encouraged to provide the reasoning for his or her override.

## **27. Duties and Responsibilities**

The duties and responsibilities of the Board are set forth in both the New York State Town Law and the Farmington Town Code. In addition to these duties and responsibilities, all Board members shall attempt to visit each site under consideration prior to the scheduled meeting.

All Board members are expected to be familiar with the contents of the adopted *Town of Farmington Comprehensive Plan*, the adopted *Town of Farmington Site Design and Development Criteria Manual* (last updated in 2019 and in effect at the time of adoption of these Rules of Procedure), the adopted *Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines* (Reference: Local Law #7 of 2009), the adopted *Town of Farmington Agricultural and Farmland Protection Plan*, and the Farmington Town Code.

## **28. Support Personnel and Town Staff Attendance**

The Chairperson may request the presence of Town staff and/or members of Town boards and/or committees to attend Board meetings or the annual organizational meeting if pertinent information is needed by the Board that may be beyond the comments presented in the Board packets. Notice of such requests will be made following receipt of the Board packets and the meeting agenda and will be subject to the availability of the Town Staff or the requested support personnel for the Town.

## **29. Site Design Guidelines**

The Town Planning Board, as part of its annual meeting, is required to review and take action upon the *Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines* which are an attachment to Local Law Number 7 of 2009. Once acted upon, a certified copy of the Planning Board Resolution adopting said Site Design Guidelines for the year 2020 shall be filed with the Town Clerk, the Town Development Office, the Town Code Enforcement Officer, the Town Engineer and the Town Director of Planning and Development.

Should a need arise during the year to amend these Guidelines, the Board shall direct Town Staff to make such an amendment thereto and then take action to adopt said amended version following a public meeting where said action is documented. Once filed with the Town Clerk's Office, copies shall be posted on the Town Website and made available to the general public.

## **30. Comprehensive Plan Maintenance**

In accordance with the contents of Chapter 5, Implementation Chapter, *Town of Farmington Comprehensive Plan*, the Board is to prepare a report to the Town Operations Committee in July of each year. Said report is then to be reviewed and submitted by the Town Operations Committee to the Town Board for their acceptance at each year's organizational meeting. The report will summarize the implementation actions underway and identify those actions to be undertaken during the coming year. Each year's report, once accepted by the Town Board, will become an amendment to the current *Comprehensive Plan* and will be noted by Town Board resolution and entered into Appendix C, Public Participation, of said Plan.

## **31. Surety**

### Letter of Credit or Form of Surety Estimate:

The Board shall receive from the Town Director of Planning and Development a packet of information pertaining to the establishment of a Letter of Credit, or some other form of surety, for certain site improvements that ultimately will be dedicated to the Town. The packet will include information from the Town Engineer, Town Construction Inspector and the Director of Planning and Development stating that all requirements have been met by the applicant, reviewed by staff

and are ready for submission to the Town Board. In addition, a draft Planning Board resolution shall accompany all documentation. The draft resolution is a recommendation to the Town Board on whether or not to take formal action at a subsequent Town Board meeting.

#### Partial or Final Release of Funds from the Letter of Credit or Form of Surety:

The process for a release of surety (either partial or final) shall only be entertained by the Board when the requirements set forth in Chapter 144, Section 32. F. of the Town Code have been satisfied. In particular, the Board receives from the Director of Planning and Development a packet of information pertaining to the release of funds from the Letter of Credit or Surety Form, a completed and signed Appendix G-1.0 Form entitled “Letter of Credit Department Heads Signed Fax Transmittal” and a completed Letter of Credit Release Form G-2.0 (Town Site Design and Development Criteria) and a cover letter from the Town Engineer specifying the requested release. The packet shall also contain a draft Board resolution, a draft transmittal memo to the Town Board and a draft Town Board resolution requesting said resolution be acted upon by the Town Board. No resolution recommending the release of surety (either partial or final) shall be entertained the night of the scheduled Planning Board meeting unless approved by the Chairperson.

#### Establishment of a Maintenance Bond:

If the request is for the final release of funds in the Letter of Credit or Form of Surety, then the Board resolution shall recommend that the Town Board first require the applicant to establish a Maintenance Bond for a period of two years from the date of formal dedication of the site improvements. As part of the packet of information to be received by the Board, from the Director of Planning and Development, there is to be a completed and signed Appendix General Site Improvements for Dedication Forms G-3.0 and G-3.1 (Town Site Design and Development Criteria). The remainder of the packet received shall include a cover memo from the Director of Planning and Development, a draft Board resolution, a transmittal memo to the Town Board from the Board Chairperson and a draft Town Board resolution to establish a Maintenance Bond prior to the final release.

#### Release of Maintenance Bond:

A request for the release of a Maintenance Bond shall be submitted by the Director of Planning and Development to the Board as part of a packet of materials for the Board’s consideration and action. Included in the packet will be a completed and signed Appendix G-3.2 General Site Improvements Offered for Dedication Form, Final Inspection Form, G-4.0 Final Inspection Form for Expiring Surety and G-4.1 Final Inspection Form for Expiring Surety (Town Site Design and Development Criteria), a cover memo, a draft Planning Board resolution, a transmittal memo to the Town Board from the Board Chairperson and a draft Town Board resolution. Once the Town Board has acted upon the request to release final monies, the Town Clerk shall then release the Bond being held. In the event funds have been provided in lieu of a Maintenance Bond by cer-

tified bank check payable to the Town of Farmington and placed in the Town's Account Books, then a Town Board resolution directing the Town's Principal Account Clerk to prepare an Abstract for the requested refund to the applicant shall be necessary, provided the above referenced forms have been completed.

**Note: There shall be no partial release of funds contained in a Maintenance Bond or other form of surety being held in lieu of a Maintenance Bond.**

### **32. Filing**

All adopted Rules of Procedure, as may be amended from time to time, shall be filed with the Town Clerk's Office, placed on the Town's website and, otherwise, be made available for public inspection on demand.

### **33. Effective Date**

All adopted Rules of Procedure shall become effective on filing in the Office of the Farmington Town Clerk

### **34. Distribution**

Certified copies of the 2020 Board Rules of Procedure shall be filed with the Town Clerk. In addition, an electronic Portable Document Format (PDF) copy shall be sent to all Board members, the Code Enforcement Officer, the Director of Planning and Development, and posted upon the Town's website. A copy of the 2020 Planning Board Rules of Procedure shall also be kept on file in the Town Development Office.

### **35. Conflict with New York State Town Law or Town Code**

If any of these rules conflict with any provisions of the New York State Town Law or any section of the Farmington Town Code, the New York State Town Law or the Farmington Town Code provisions shall take precedence and that portion of these rules shall be disregarded with the remainder of the rules retaining their effectiveness.

**Appendix 2:**

Delaware River Solar Correspondence #146

Attached PDF file of the comparison map showing the effect of zoning determination

Delaware River Correspondence #147

Attached PDF file of the Preliminary Plat drawing presented at the Farmington Planning Board meeting on January 15, 2020.