

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD

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

Wednesday, August 7, 2024 • 7:00 p.m.

MINUTES—APPROVED

The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Planning Board adopted Rules of Procedure. The audio recording is retained for 12 months. Video recordings of the meetings are posted on the Town of Farmington’s YouTube channel (subscribe at youtube.com; enter Town of Farmington NY in the search box).

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

R = Attended via remote video conference.

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

Vacant Board Position: One vacant position

Clerk’s Note: Due to family and employment time commitments,
Aaron Sweeney has resigned from the Planning Board.

Staff Present:
Lance S. Brabant, CPPESC, Town of Farmington Engineer, MRB Group, D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
Tim Ford, Town of Farmington Highway Superintendent
Cadin Lloyd, Town of Farmington Code Enforcement Officer

Attending:
Robert Brenner, Canandaigua Development Company, LLC, 83 South Main Street,
Canandaigua, N.Y. 14424
Paul Brown, Dayton, Ohio
Patrick and Maureen Dispenza, 6237 Pheasants Crossing, Farmington, N.Y. 14425

James Fowler, Fowler Family Trust, 6176 Hunters Drive, Farmington, N.Y. 14425
 Nicole and Chris Herpich, 49 Coachlight Circle, Farmington, N.Y. 14425
 Paul Johnson, MJohnson Construction, 670 N. Winton Road, Rochester, NY 14609
 Emily Lukasik, EIT, LaBella Associates, 300 State Street, Suite 201, Rochester, N.Y. 14614
 Brian Mahoney, Canandaigua Development Company, LLC, 83 South Main Street,
 Canandaigua, N.Y. 14424
 Debora K. Potter, 1426 County Road 8, Shortsville, N.Y. 14548
 Frank Ruffolo, Sky Solar Inc., 1129 Northern Boulevard, Suite 404,
 Manhasset, N.Y. 11030
 Brittany Sherrier, 16 Bent Oak Trail, Fairport, N.Y. 14450
 Tam Spitzer, 5999 Redfield Drive, Farmington, N.Y. 14425
 Jeff Stevens, 6031 Redfield Drive, Farmington, N.Y. 14425
 Brayden Wirth, 49 Coachlight Circle, Farmington, N.Y. 14425
 Eric Wood, Senior Consultant, Energy Safety Response Group (ESRG),
 8350 U.S. Highway 23 North, Delaware, Ohio 43015
 Representative of Marathon Engineering—**R**

1. MEETING OPENING

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

2. APPROVAL OF MINUTES

Minutes of July 17, 2024:

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, that the minutes of the July 17, 2024, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

None

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

PB #0702-23

Continued Preliminary Three-Lot Re-subdivision Application

Name: Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; representing the Fowler Family Trust, 6240 Pheasants Crossing, Farmington, N.Y. 14425

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

Zoning District: RS-25 Residential Suburban

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

See Planning Board minutes of June 19, 2024, or the Project Abstract, for the previous actions on this application.

On July 17, 2024, the Public Hearing was reconvened and testimony was received. The Public Hearing was then continued to the meeting this evening (August 7, 2024).

Mr. Hemminger reconvened the Public Hearing on this application.

Mr. Fowler presented this application. He said that he understands that the application will be moving to the Zoning Board of Appeals (ZBA) with recommendations from the Planning Board.

Mr. Brand said that at the request of the Planning Board at the previous meeting he has prepared Parts 2 and 3 of the Full Environmental Assessment Form for review. He said that the board has not yet directed him to prepare a State Environmental Quality Review (SEQR) determination of significance draft resolution or a draft recommendation from the Planning Board to the ZBA.

Mr. Brand said that he has prepared a draft resolution for the board's consideration this evening to continue the application to the next meeting on August 21, 2024. This resolution also directs him to prepare a draft SEQR determination of significance resolution, and to prepare a draft Planning Board recommendation to the ZBA. He also requested that the board take the opportunity to provide him with the issues which they would like to have incorporated into the Planning Board's recommendation to the ZBA.

Mr. Hemminger said that Mr. Brand's comments reflect the draft continuation resolution which has been prepared for the board's consideration this evening, and that it appears that

the board is just one more meeting away from making the SEQR determination of significance on this application, following which the Planning Board will be able to refer the application to the ZBA for their consideration of the applicant's area variance request.

Mr. Hemminger then asked if anyone in the meeting room would like to speak for or against this application, or to ask questions.

Ms. Dispenza (6237 Pheasants Crossing) said that she read the soil portion of Parts 2 and 3 of the Full Environmental Assessment Form (Full EAF), i.e., "Item #1: Impact on Land." She asked if Mr. Hemminger could quickly explain Parts 2 and 3 of the Full EAF and what would may, or may not, be impacted. She said that this explanation would be helpful.

Mr. Hemminger said that the draft Full EAF has been posted on the Town website and can be reviewed at any time.

Regarding Item #1 (b) of the draft Full EAF Part 2, Mr. Hemminger said that this section has been labeled as "Yes, the proposed action may involve construction on, or physical alteration of, the land surface of the proposed site," and that specifically Item #1 (b) is marked that "no impact, or a small impact," may occur on slopes of 15 percent or greater. He explained that Part 2 of the form is the key to the environmental record and that Part 3 will record the board's determination of [environmental] significance of the application.

Mr. Hemminger said that the only section of Part 2 which is indicated as "Yes" is Item #1 (Impact on Land). He said that this "Yes" response will trigger an additional environmental review, and that the purpose of the Full EAF Part 2 is to determine whether the board would need additional environmental review.

Mr. Hemminger asked Ms. Dispenza if that answered her question. Ms. Dispenza said that it does.

Mr. Hemminger then asked if anyone else in the meeting room or on the remote video conference wished to speak for or against the application, or ask questions. There were no additional requests from those in the meeting room or from those on the remote video conference.

Mr. DeLucia asked about Items #17 and #18 in the Full EAF Part 2:

Item #17

"Consistency with Community Plans"

The proposed action is not consistent with adopted land use plans.

and

Item #18:

"Consistency with Community Character"

The proposed project is inconsistent with the existing community character.

Mr. DeLucia asked why both of these items received “No” responses when the board has heard from neighbors that a flag lot was not consistent with the make-up of the rest of the properties [in the neighborhood]. He said that perhaps Item #18 should be checked “Yes” so that the board may discuss whether a flag lot is consistent with community character.

Mr. DeLucia also said that perhaps Item 18 (f)—“Proposed action is inconsistent with the character of the existing natural landscape”—should be delineated as “moderate to large impact may occur.”

Mr. Brand said that the board must consider the questions in the manner in which the State “words” them on the form. He said that he is not hearing the word “not.” Mr. DeLucia said that Item 18 (f) appears on the form as the “proposed action is inconsistent with the character of the existing natural landscape.”

Mr. Hemminger said that the board has received the [geotechnical] determination that a dwelling can be built on the property.

Mr. Brand said that he prepared the draft of Item #18 as “No” because the character of the community is single-family detached homes, which is what is being proposed.

Mr. Bellis said that the lot delineation does not matter.

Mr. Hemminger said that there are numerous subdivisions in the Town that have flag lots. He said that if the board wanted to indicate “Yes” for Item #18 (f), this response would definitely be a “no, or small impact may occur” because it already has been determined that even if it is inconsistent with the character of the community, this [a dwelling] is allowed to be built there.

Mr. Brand said that a home would not be built on the slope. Mr. Hemminger said that a dwelling would be built close to the slope.

Mr. DeLucia discussed Item #17 (c), i.e., “the proposed action is inconsistent with local land use plans or zoning regulations.” He said that the applicant has to apply for a variance from the ZBA because the plans as submitted do not comply with the Town’s zoning regulations.

Mr. Hemminger said that the board could mark Item #17 (c) as “no, or small impact may occur.” He asked that board members let him know over the next two weeks whether the [environmental] determination will be significant or non-significant to enable Mr. Brand to prepare the proper resolution for the board’s consideration..

Mr. Hemminger said that even if Item #17 (c) is checked as “small” impact, the board could still reach a determination of non-significance in the environmental record because the only thing that would be next if we said that it is “significant” would be that we would have to do a lot more environmental review, and it doesn’t seem to necessarily fall in that category.

Mr. DeLucia said that from his service on the ZBA, anything which is above a 50 percent variance is significant, and that to him Item #17 (c) would be indicated as a “moderate to large

impact may occur.” He said that this would be his interpretation based upon his experience on the ZBA.

Mr. Brabant said that even if the board identifies Item #17 (c) as a “moderate to large impact,” it does not automatically make it a pos-dec (positive SEQR declaration). He said that if it is determined to be a “moderate to large impact” then this would have to be evaluated and that the board would have to identify conditions for avoiding this impact or substantially mitigating it.

Mr. Brabant said that tonight, what is needed, is to know whether it is “Yes” and whether it is a “small” or “large” impact, and if so, the board would have to direct Mr. Brand to provide further evaluation and whether further mitigation is warranted by the applicant.

Mr. Brand said that the board should not get hung up on whether a “large” impact would prevent the application from moving forward.

Mr. Hemminger said that the mitigation would be the review and approval of the variance by the ZBA.

Mr. Hemminger asked Mr. DeLucia if he would like Item #17 (c) to be labeled as a “moderate to large impact may occur” with some verbiage for mitigation. Mr. DeLucia said yes.

Mr. Viets said—that to him—this is more of a ZBA issue with the variance application for mitigation. He said that he sees the ZBA action as the mitigation. Mr. Hemminger said that the Planning Board is the Lead Agency and must make the SEQR determination of significance.

Mr. Hemminger asked Mr. Viets if he agreed with the “moderate to large impact may occur” answer to Item #17 (c). Mr. Viets said that at this point the mitigation is “small” in his mind but the examples in the SEQR book would provide the guidelines.

Mr. Bellis said that he is okay with this because the ZBA must consider the variance [application].

Mr. Fowler asked if it would be okay if he submitted six or seven examples of what previously has occurred in the Town [reference to other flag lots], which is exactly what he is asking for. Mr. Hemminger said that he did not think that would be necessary. He said that based on the board’s experience and even with a “moderate to large impact may occur” response, the environmental determination could still be non-significant because it could be mitigated by the ZBA’s approval of the variance.

■ **CONSENSUS:** Based upon the above discussion, it was the consensus of the board that the overall response to Item #17 “Consistency with Community Plans” should be “Yes” and that Item #17 (c) “The proposed action is a small or no impact for being inconsistent with local land use plans or zoning regulations” and not a “Moderate to large impact may occur.” This is based upon mitigation by the ZBA’s approval of the requested area variance.

Mr. Hemminger said that the Public Hearing will remain open until the board is ready to complete the SEQR environmental record.

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

■ 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 the Town staff:

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

PB #0702-23

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

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

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has on July 17, 2024, adjourned and continued the Public Hearing upon this application to tonight’s meeting, to provide time for Town Staff to prepare drafts of Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs), for this Action, that have been acted upon tonight; and

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

WHEREAS, the Planning Board now must wait for the Town’s Zoning Board of Appeals (ZBA) to consider a requested area variance for proposed Lot R5-C, at their meeting on Monday, August 26, 2024, before the Planning Board may then consider acting upon the proposed re-subdivision application referenced above; and

WHEREAS, the Planning Board also needs to provide the ZBA with recommendation(s) that has been requested upon the area variance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table further deliberations upon the above referenced Action and adjourns the Public Hearing to be continued on Wednesday, August 21, 2024, to provide time for Town staff to prepare a draft of said resolution, for the Planning Board’s review and acceptance, and providing recommendation(s) to the ZBA on the above requested area variance.

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

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

5. CONTINUED SPECIAL USE PERMITS AND PRELIMINARY SITE PLANS

PB #0406-24 Continued Special Use Permit Application

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

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

Zoning District: LI Limited Industrial

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

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PB #0407-24 Continued Special Use Permit Application

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

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

Zoning District: LI Limited Industrial

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

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PB #0408-24 Continued Preliminary Site Plan Application

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

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

Zoning District: LI Limited Industrial

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

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PB #0409-24 Continued Preliminary Site Plan Application

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

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

Zoning District: LI Limited Industrial

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

The above four applications were reviewed by the Project Review Committee on September 7, 2023; November 2, 2023; December 7, 2023; January 4, 2024; February 1, 2024; March 7, 2024; April 11, 2024; May 2, 2024; June 6, 2024; and August 1, 2024.

See Planning Board minutes of July 17, 2024, or the Project Abstract, for the previous actions on this application.

On July 17, 2024, the Public Hearings were reconvened and testimony was received. The Public Hearings were then continued to the meeting this evening (August 7, 2024).

On July 31, 2024, Susan Willard of 6011 Redfield Drive submitted the following electronic files to the Town Building Department. This material has been entered into the Sky Solar Project Abstract as *Attachment #19*:

Item #01:
Do solar farms lower property values A new study has some answers Ars Technica copy.pdf

Item #02:
Do solar farms lower property values A new study has some answers Ars Technica.pdf

Item #03:
General-Advice-00769-1-Attachment copy.pdf

Item #04:
General-Advice-00769-2-Attachment.pdf

Item #05:
solar-Community & Environmental Defense Services copy.pdf

Item #06:
solar-Community & Environmental Defense Sefvices.pdf

Item #7:

Solar farms run into problems with water pollution Popular Science copy.pdf

Item #8:

Solar farms run into problems with water pollution Popular Science.df

Item #9:

The-Problem-with-Solar-Farms.pdf

Item #10:

Utility-Scale Solar Health and Safety Concerns – West Gardner Solar Project – Concerned Citizens for.pdf

Item #11:

What are the Health Risks Living Near Solar Farm – Energy Theory.pdf

Item #12:

What are the Health Risks Living Near Solar Farm_ - Energy Theory.html

Item #13:

What is a Safe Distance to Live From a Solar Farm Archives – Irish Solar.html

Item #14:

What is a Safe Distance to Live from a Solar Farm_.html

On August 6, 2024, a response letter to Ms. Willard's materials was received from Mr. Ruffolo of Sky Solar. The response has been entered into the Sky Solar Project Abstract as *Attachment #20*.

Mr. Hemminger reconvened the Public Hearings on these applications.

Frank Ruffolo of Sky Solar Inc. of Manhasset, N.Y.; and Emily Lukasik of LaBella Associates of Rochester, N.Y., presented these applications. Paul Brown and Eric Wood of Energy Safety Response Group (ESRG) also attended.

The Public Hearings on these four applications were held concurrently.

Mr. Ruffolo said that the plans have been revised to delineate the shifting of the Commercial Drive road connection to allow for a tree buffer between the roadway and the neighbors to the east. He said that the revised plans have been submitted to the Town. A hard-copy drawing of the revised roadway location was displayed in the meeting room.

Ms. Lukasik said that a number of comments were received from MRB Group and the Town staff, that most of them have already been addressed, and that the remaining comments regarding a detailed water design, electrical design for the streetlights, and access paths to the stormwater facilities will be in the next submission.

Ms. Lukasik said that the locations of the drainage areas were shifted due to the realignment of the road connection of Commercial Drive. She said that a detention basin has now been added to the plans (she reviewed this location on the hard copy drawing on display) and said that this will require the removal of some trees. However, Ms. Lukasik said that this will still provide a buffer [to the east property line] of between 40 feet and 60 feet of trees in this area. Mr. Hemminger asked if the location of the detention pond is in the curve area of the road. Ms. Lukasik said yes. She reviewed the location on the drawing.

Mr. Brand said that drafts of Parts 2 and 3 of the Full Environmental Assessment Form (Full EAF) have been submitted to the board for consideration this evening. He also said that drafts of the State Environmental Quality Review (SEQR) determination of significance resolutions also have been submitted for the board's consideration. He said that the Town staff is prepared to answer questions and that he is glad that the Town is moving forward with the SEQR deliberations. From the residents' comments at previous sessions of the Public Hearing, Mr. Brand said that he characterized that the neighbors were relieved to see that the Commercial Drive road connection has been realigned thanks in large part to Jonathan Orpin, the owner of New Energy Works (the adjacent property), and to Mr. Ruffolo of Sky Solar.

Mr. Hemminger said that the board also appreciated the work of the two property owners.

Mr. Brabant confirmed that MRB Group is reviewing the materials which have been submitted by the applicant and his engineer, and that they are moving to address all the Town's engineering comments.

Mr. Hemminger acknowledged receipt of the materials which were submitted via electronic files to the Building Department by Susan Willard of 6011 Redfield Drive (*see* list on pp. 10–11, above). This material has been entered into the Sky Solar Project Abstract. Mr. Hemminger said that typically the board would prefer to have this type of information presented at a Planning Board meeting for the entry into the official record of the public hearing, and that in theory the submittal of this information is not official because it has not been submitted at a Planning Board meeting. But Mr. Hemminger said that the electronic files contained good information and that the information was appreciated. Mr. Hemminger said that the materials were sent to the Planning Board members and to the applicant upon receipt in the Building Department.

Mr. Hemminger also acknowledged receipt of a response to Ms. Willard's material by Mr. Ruffolo which also has been entered into the Sky Solar Project Abstract.

Mr. Hemminger said that he would like to table deliberations on the acceptance of Parts 2 and 3 of the Full EAF, and on the SEQR determination of significance, to allow time for the board and the Town staff to further review all of the data and materials which have been received. There were no objections to this from board members.

Mr. Hemminger then asked twice if anyone in the meeting room or on the remote video conference wished to speak for or against this application, or to ask questions.

There were no comments or questions from those in the meeting room or from those on the remote video conference.

Mr. Hemminger said that the draft Parts 2 and 3 of the Full EAF for each of the Sky Solar applications, and the draft resolutions which have been prepared for the SEQR determinations for each of the Sky Solar applications, have been posted on the Town website, as follows:

DRAFT PB #0406-24

Sky Solar Special Use Permit East: Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts

DRAFT PB #0406-24

Sky Solar Special Use Permit East: Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

DRAFT PB #0408-24

Sky Solar Preliminary Site Plan East: Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts

DRAFT PB #0408-24

Sky Solar Preliminary Site Plan East: Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Non-Significance

DRAFT PB #0406-24 and PB #0408-24

Sky Solar Special Use Permit East and Preliminary Site Plan East: Accepting Parts 2 and 3 of the Full Environmental Assessment Forms

DRAFT PB #0406-24 and PB #0408-24:

Sky Solar Special Use Permit East and Preliminary Site Plan East: Making a Determination of Non-Significance

DRAFT PB #0407-24

Sky Solar Special Use Permit West: Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts

DRAFT PB #0407-24

Sky Solar Special Use Permit West: Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

DRAFT PB #0409-24

Sky Solar Preliminary Site Plan West: Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts

DRAFT PB #0409-24

Sky Solar Preliminary Site Plan West: Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Non-Significance

DRAFT PB #0407-24 and PB #0409-24

Sky Solar Special Use Permit West and Preliminary Site Plan West: Accepting Parts 2 and 3 of the Full Environmental Assessment Forms

DRAFT PB #0407-24 and PB #0409-24

Sky Solar Special Use Permit West and Preliminary Site Plan West: Making a Determination of Non-Significance

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

■ 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 the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARINGS FOR THE
SPECIAL USE PERMITS AND PRELIMINARY SITE PLANS FOR THE
PROPOSED SKY SOLAR, INC. SOLAR PROJECT**

- PB #0406-24** Special Use Permit, East Project
- PB #0407-24** Special Use Permit, West Project
- PB #0408-24** Preliminary Site Plan, East Project
- PB #0409-24** Preliminary Site Plan, West Project

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

ACTION: Adjournment and Continuation of the applications for Special Use Permits and Preliminary Site Plan Approvals to allow for the construction of solar arrays, a transformer area and a stand-alone battery energy storage system to be located upon portions of Tax Map Accounts #29.00-1-84.112, #29.00-1-057.000, #29.00-1-058.000.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as the Planning Board) has tonight reconvened the Public Hearings upon these applications; and

WHEREAS, the Planning Board has tonight received testimony upon these applications.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby adjourn these Public Hearings tonight and moves to continue them at the scheduled August 21,

2024, public meeting to allow Town Staff time to prepare draft resolutions for the acceptance of the Full Environmental Assessment Forms Part 2 and 3, and for the determination of significance; and

BE IT FURTHER RESOLVED that the Planning Board does hereby request Town Staff to prepare draft resolutions of approvals with conditions for each of the above referenced applications for the Planning Board’s review and acceptance, at their August 21, 2024, meeting.

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

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

Following the voting, Mr. Hemminger said that he expects to have a decision on the SEQR environmental determination at the next meeting on August 21, 2024, following which the board will begin moving into the consideration of the Special Use Permits and the Preliminary Site Plans.

He also requested that the applicant and his engineer should work closely with Mr. Brabant, MRB Group, and the Town staff regarding the Decommissioning Plan and the Operations and Maintenance Plan. He said that Mr. Brabant is aware of the board’s concerns [regarding solar installations in the Town] and that the board especially will be looking for some continuation of information flow should the solar project be sold to a subsequent owner in the coming years.

6. NEW FINAL SITE PLAN

PB #0708-24 New Final Site Plan Application

Name: Marathon Engineering, c/o Rafael Barreto, 39 Cascade Drive, Rochester, N.Y. 14614; representing Brittany Sherrier, 16 Bent Oak Trail, Fairport, N.Y. 14450

Location: 5998 State Route 96

Zoning District: Redfield Drive Incentive Zoning District—Phase #3, Lot #1

Request: Final Site Plan approval for a commercial/retail use of an existing structure for a tanning and waxing business, and related site improvements, on property located at 5998 State Route 96.

On May 15, 2024, the Planning Board classified this application as a Type II Action under the State Environmental Quality Review Act (SEQR).

On June 19, 2024, the Planning Board approved the Preliminary Site Plan with conditions (PB #0601-24).

Ms. Sherrier presented this application. A representative from Marathon Engineering attended via remote video conference.

Ms. Sherrier said that there have been no changes to the application and that it is ready to go this evening.

Mr. Brand confirmed that the Preliminary Site Plan has been signed, that the Final Site Plan application has been submitted, and that all Town requirements appear on the Final Site Plan drawings. He said that a draft Final Site Plan resolution has been prepared for the board’s consideration this evening.

Mr. Hemminger said that the draft Final Site Plan resolution includes a note that approval of the resolution does not include approvals for any Commercial Speech Signs that may be determined necessary in the future. Ms. Sherrier said that one building-mounted Commercial Speech Sign is included on the plans. Mr. Brand said that this may have been determined to meet all Town requirements.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION
FINAL SITE PLAN, REDFIELD GROVE INCENTIVE ZONING PROJECT, PHASE #3, LOT #1
PB #0708-24**

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

ACTION: Final Site Plan: Redfield Grove Incentive Zoning Project, Phase #3, Lot #1, 5998 State Route 96: Approving with conditions the Final Site Plan for 5998 State Route 96, SHMILLER PROPERTIES, LLC.

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has tonight received an application for the above referenced Action; and

WHEREAS the Planning Board, in a resolution dated May 15, 2024, classified this Action as being a Type II Action under 6NYCRR, Part 617.5 (21) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS the Planning Board has opened the public meeting and received testimony.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the above referenced Action with the following conditions of amendment to the submitted Site Plan drawings:

1. Final Site Plan Approval with Conditions is based upon the drawing prepared by Marathon Engineering, dated 07/03/2024, Job No. 1735-24, drawing numbers C1.0 and C2.0, entitled “Final Site Plans for Shmiller Properties, LLC, 5998 NYS RTE 96.”
2. A Signature Block, as shown on Appendix G-13.0 of the Town of Farmington Site Design and Development Criteria Manual (herein after referred to as Design Manual), is to be added to drawing number C1.0. The Signature Block needs the Water and Sewer Superintendent’s signature line and the Planning Board Chairperson’s Signature Line.

BE IT FURTHER RESOLVED that this Final Site Plan Approval does not include approvals for any Commercial Speech Signs that may be determined necessary in the future.

BE IT FURTHER RESOLVED that once the above amendment is made to the Final Site Plan, one paper copy and an electronic copy of the drawings are to be submitted to the Town Code Enforcement Officer for his review and acceptance. Upon accepting the revised drawings, the CEO shall contact the Water and Sewer Superintendent and the Planning Board Chairperson to sign the Final drawings.

BE IT FURTHER RESOLVED that this Conditional Final Site Plan Approval is valid for a period of 180 days from today and shall automatically expire if revised drawings have not been submitted to the Town Development Office and signatures affixed.

BE IT FURTHER RESOLVED that once Final Site Plan Drawings have been signed and filed in the Town Development Office, the Town Code Enforcement Officer may issue Building Permit(s).

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

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

7. NEW PRELIMINARY SITE PLAN

PB #0709-24 New Preliminary Site Plan Application

Name: Nicole and Chris Herpich, 49 Coachlight Circle,
Farmington, N.Y. 14450

Location: 1426 County Road 8, Shortsville, N.Y. 14548, along the west side
of County Road 8, north of County Road 41

Zoning District: RR-80 Rural Residential

Request: Preliminary Site Plan approval to construct a single-family
dwelling and related site improvements on Lot #1 of the Debora K.
Potter Two-Lot Subdivision Plat.

Nicole and Chris Herpich, Debora Potter and Paul Johnson (MJohnson Construction) presented this application.

Mr. Hemminger said that the street address of the recently created Lot #1 of the Debora K. Potter Two-Lot Subdivision will be determined later.

Mr. Brand said that draft resolutions have been prepared for the board’s consideration this evening for the State Environmental Quality Review (SEQR) classification (Type II Action) and for approval of the Preliminary Site Plan with conditions.

Mr. Hemminger said that the conditions of Preliminary Site Plan approval must be addressed on revised Preliminary Site Plan drawings for submission to the Town staff who will confirm that the conditions have been met. Mr. Hemminger said that he and the others would then be able to sign the revised Preliminary Site Plan drawings, following which the applicant may then submit the Final Site Plan application for the board’s consideration.

Ms. Potter asked if the revised Preliminary Site Plan can be signed prior to the next Planning Board meeting on August 21, 2024. Mr. Hemminger said that the revised Preliminary Site Plan drawings can be signed prior to the next meeting but that the Final Site Plan application cannot be submitted until the revised Preliminary Site Plan has been signed.

Mr. Johnson said that the changes to the Preliminary Site Plan have already been made. Mr. Hemminger said that if this is the case then he and the applicants should work with the Town staff to be sure all conditions of Preliminary Site Plan approval have been addressed, following which he [Mr. Hemminger] would then sign the drawings.

Ms. Potter asked about draft Condition 1 (b) regarding the street address. Mr. Hemminger said that this condition can be deleted from the draft Preliminary Site Plan resolution. There were no objections from board members or the Town staff to this deletion.

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

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0709-24

**APPLICANTS: Nicole and Chris Herpich, 49 Coachlight Circle,
Farmington, N.Y. 14425**

**ACTION: Preliminary Site Plan Approval, Lot #1, “Subdivision of Land
of Debora K. Potter,” Action Classification under 6NYCRR,
Part 617.5, article 8 of the New York State Environmental
Conservation Law (ECL).**

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

WHEREAS the Planning Board must now classify the above referenced Action thereby satisfying the provisions of 6NYCRR, Part 617.5 of the State’s Environmental Conservation Law (ECL).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby classify the above referenced Action as being a Type II Action, as further specified in Part 617.5 (11) and (13) of the above referenced ECL.

BE IT FURTHER RESOLVED that Type II Actions are not subject to review under 6NYCRR as they have been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under the ECL.

BE IT FINALLY RESOLVED that the Planning Board in making this Classification has satisfied the procedures identified within the State’s Environmental Quality Review Act (SEQRA).

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

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

**TOWN OF FARMINGTON
PLANNING BOARD RESOLUTION**

PB #0709-24

APPLICANTS: Nicole and Chris Herpich, 49 Coachlight Circle, Farmington, N.Y. 14425

ACTION: Preliminary Site Plan Approval, Lot #1, “Subdivision of Land of Debora K. Potter,” located at 1426 County Road 8, Shortsville, New York 14548, along the west side of County Road 8, north of County Road 41, proposing a single-family dwelling and related site improvements for Lot #1.

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

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

WHEREAS the Planning Board’s review included a drawing prepared by Efferi Design, 6722 Aldrich Road, Victor, New York 14564.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board grants Preliminary Site Plan Approval of the above listed Action with the following conditions:

1. Preliminary Site Plan Approval is based upon the Planning Board’s Review of the drawing prepared by EF Custom Designs, entitled “Herpich Residence Permit Set—July 24, 2024, County Road 8, Farmington, New York, Lot 1,” including Sheet Numbers: C-100, Site Plan; A-100, Foundation Plan; A-101 First Floor Plan; A-103 Roof/Framing Plan; A-200 Exterior Elevations; A-201 Exterior Elevations; A-300 Wall Sections; and A-301 Building Sections, and is subject to the following amendments:
 - a. The title of Sheet C-100 is to be amended to read . . . “Preliminary Site Plan, Lot No. 1, Debora K. Potter Subdivision of Land;” and
 - b. Sheet C-100 note for new driveway entrance is to be changed to reflect blacktop connection for County Road 8 and there is to be a Design Sheet added that includes the Design Appendix H-4.0 entitled Typical Driveway Apron Detail, as shown in the Town’s 2024 Site Design and Development Criteria Manual; and
 - c. A revision box is to be added to the amended drawing (Sheet C-100) identifying the Planning Board’s conditional approval, file number and date; and
 - d. All design amendments identified are to be shown on a new Design Sheet and based upon the appropriate Appendices list herein; and
 - e. Sheet C-100 existing dual driveways used for the abandoned farm stand market are to be removed and the areas re-established as lawn areas; and
 - f. Sheet C-100 is to have signature lines for the Town’s Acting Water & Sewer Superintendent and the Planning Board Chairperson located in the portion of the sheet as specified on Appendix G-13.0, Signature Lines, Appendix G-13.0, 2024 Town of Farmington Site Design and Development Criteria Manual; and
 - g. Sheet C-100 is showing the un-signed final plat for the Debora K. Potter Two-Lot Subdivision. This drawing is to be removed and replaced with the signed Final Subdivision Plat Map for the Debora K. Potter Two Lot Subdivision; and

BE IT FURTHER RESOLVED that the Applicant’s Design Firm is to meet with the Town’s Acting Water and Sewer Superintendent to understand what sheet drawings need to be revised to reflect the following comments: Plastic only for the water service; meters interior only unless they want to put a meter pit in; how do they plan to tie into our [the Town’s] manhole? I would say a short piece of 4" stubbed out of MH and tie the force main into that; both water and the sanitary force main need to be bedded in sand; and remove the MCWA referenced and replace with Town of Farmington Water and Sewer Department signature.

BE IT FURTHER RESOLVED that the following changes are to be made to Sheet C-100:

- Sheet C-100 remove water service note “WCWA to provide water curb” and replace it with “Town of Farmington to provide curb.”
- Sheet C-100 water curb box needs to be labeled and shown on easement line.
- Sheet C-100 remove all MCWA water service line notes.
- Sheet C-100 please add the details that I have attached to this email. (W-4.0, W-13.0).
- Sheet C-100 Please label the 1 and ¼ inch sanitary sewer FM material is to be used on plans.
- Sheet C-100 please verify the connection point for the new sanitary FM to the existing sanitary sewer and the means for connection on plans and or detail

BE IT FURTHER RESOLVED that there is to be a Public Safety Sign added to the Sheet C-100 and the Design Detail Sheet is to add the Public Safety Sign Detail, Appendix G-9.0, 2024 Town of Farmington Site Design and Development Criteria Manual.

BE IT FURTHER RESOLVED that once these conditions of Preliminary Site Plan Approval have been provided on revised Sheet C-100, then an electronic copy of the amended drawing and one paper copy of the amended drawing are to be submitted to the Town Code Enforcement Officer for his review and acceptance before the Town’s Acting Water and Sewer Superintendent and the Planning Board Chairperson’s signature is to be affixed.

BE IT FURTHER RESOLVED that once there is a signed Preliminary Site Plan drawing then the applicant may submit an application for final site plan approval along with the revised final site plan map, Sheet C-100, for review and acceptance by the Town Code Enforcement Officer and placement on a future Planning Board Meeting Agenda.

BE IT FURTHER RESOLVED that Preliminary Site Plan approval shall automatically expire within 180 days from today unless signed preliminary site plan drawing, Sheet C-100, has been completed and filed with the Town Development Office, or the Applicant has requested and received an extension thereto from the Planning Board.

BE IT FURTHER RESOLVED that the Applicant is hereby given notice that at the time of application for Final Site Plan approval for Lot No. 1, a highway work permit from the Ontario County Department of Public Works shall be required. Said permit application is to be based upon a Preliminary Site Plan drawing signed by the Planning Board Chairperson.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicant; the Applicant’s Design Firm; Town Staff; the Town Engineer; and Chris Day,

Ontario County Department of Public Works; and a signed copy filed with the Town Development Office.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

9. OTHER BOARD ACTIONS

A. Partial Letter of Credit Release #1, GLN Farmington Realty:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT—PARTIAL RELEASE #1
GLN FARMINGTON REALTY, PHASE 1A**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated August 5, 2024, to recommend a partial release of funds from the Letter of Credit for the above referenced project, in the total amount of \$332,058.35; and

WHEREAS, the Town Engineer’s recommendation has been coordinated with Matthew Heilmann, Town Construction Inspector, and is based upon the Applicants Engineer’s Estimate of Values for approved site improvements to be dedicated to the Town; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render recommendations to the Town Board whether to honor the requested partial release of funds (Release #1) from the established Letter of Credit for approved site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspector and the Town Engineer, does hereby recommend that the

Town Board take formal action to authorize the requested partial release (Release #1) from the Letter of Credit in the total amount of \$332,058.35 and to directs the filing hereof with the Town Clerk’s Office.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board and the Town Clerk.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicants, Richard and John LeFrois, LeFrois Builders & Developers; the Applicants Engineer, Peter Vars, P.E., BME Associates; the Applicants Project Manager, Tom Danks, BME Associates; Tim Ford, Town Highway and Parks Superintendent; Robin MacDonald, Acting Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

B. Partial Letter of Credit Release #1, Farmbrook Subdivision, Phases 7A and 7B:

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
LETTER OF CREDIT—PARTIAL RELEASE #1
FARBROOK SUBDIVISION, PHASES 7A AND 7B**

PB #0301-24

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineer, dated August 5, 2024, to recommend a partial

release of funds from the Letter of Credit for the above referenced project, in the total amount of \$288,807.88; and

WHEREAS, the Town Engineer’s recommendation has been coordinated with Matthew Heilmann and David Orians, Town Construction Inspectors, and is based upon the Applicant’s Estimate of Values for approved site improvements to be dedicated to the Town; and

WHEREAS, under the provisions of Chapter 144, Section 32. F. of the Farmington Town Code, the Planning Board is to render a recommendation to the Town Board whether to honor the requested partial release of funds [Release #1] from the established Letter of Credit for approved site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the recommendations from the Town Construction Inspectors and the Town Engineer, does hereby recommend that the Town Board take formal action to authorize the requested partial release (Release #1) from the Letter of Credit in the total amount of \$288,807.88 and to directs the filing hereof with the Town Clerk’s Office.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to provide notice of this recommended action to the Town Board and the Town Clerk.

BE IT FURTHER RESOLVED that copies of this resolution are to be provided to: Peter Ingalsbe, Town Supervisor; Marcy Daniels, Confidential Secretary to the Town Supervisor; Michelle Finley, Town Clerk; the Applicants, Brian Mahoney and Robert Brenner, Canandaigua Development Company, LLC,; Tim Ford, Town Highway and Parks Superintendent; Robin MacDonald, Acting Town Water and Sewer Superintendent; Matthew Heilmann, Town Construction Inspector; David Orians, Town Construction Inspector; Dan Delpriore, Town Code Enforcement Officer; August Gordner, Deputy Town Code Enforcement Officer; Ronald Brand, Town Director of Planning and Development; and Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

**C. 90-Day Extensions:
Paddock Landing Preliminary Overall Subdivision Plat
Paddock Landing Preliminary Site Plan**

On February 21, 2024, the Planning Board approved the Overall Preliminary Subdivision Plat with conditions (PB #1201-23) and the Overall Preliminary Site Plan with conditions (PB #1202-23).

Mr. Brenner and Mr. Mahoney of the Canandaigua Development Company attended.

Mr. Brand said that the applicants have been attending the monthly Project Review Committee meetings and have continued to inform the Town staff of the progress of the review of the project by the New York State Department of Transportation (DOT) and the New York State Department of Environmental Conservation (DEC).

Mr. Brand said that the DEC did not identify issues during the DEC's review of the project during the State Environmental Quality Review (SEQR) coordinated review period, but that DEC approval has not yet been given to the applicants pending the resolution of new issues which the DEC has now raised. Mr. Brand said that the applicants and BME Associates (the applicants' consulting engineering firm) have been working diligently with the State agencies to resolve these issues, and that he and the Town staff recommend the approval of the 90-day extensions. He also said that a second 90-day extension may be required.

Mr. Brenner said that the 90-day extension may not be enough but that he will continue to provide updates to the Town. He said that the DEC agreed with the DOT that two access roads into the subdivision are needed, but that the DEC disagreed with the location and the impact of the access roads upon wetlands and wildlife. Mr. Brenner said that multiple conference calls have been held with the State agencies and that the most recent feedback is that the DEC now understands the selected locations for the access roads. Mr. Brenner said that he is waiting for final signoff by the DEC. He also said that the DOT is helping to push the DEC along.

Mr. Brenner said that a second issue with the DEC involves a cross culvert for the creek on the property. He said that the DEC would prefer a 10-foot-high box culvert to enable deer to cross without interference. He said that his company would incur an additional cost of a half-million dollars for this. Instead, Mr. Brenner said that he has been discussing the existing 24-inch metal culvert with the DEC.

Mr. Brenner also discussed another issue with their other application for the development of Sections 7A and 7B of the Farmbrook subdivision regarding the lack of availability of natural gas in this area of the Town. He said that RG&E reports that operating pressure for residential areas is 60 pounds of pressure and that the pressure at the end of the existing natural gas line in the Farmbrook subdivision is only 25.8 pounds of pressure. (Mr. Brenner said that this will also become an issue for

the Whitestone Incentive Zoning Project which has been proposed by another developer for property on State Route 96.)

Mr. Brenner said that he is hearing from RG&E that the reason for the natural gas pressure issue around the Farmbrook subdivision is that the Town requires a redundant six-inch gas main on County Road 9 next to the Cobble Creek development to serve Section 7 of Farmbrook. Mr. Brenner said that this does not make a lot of sense to him, and that Supervisor Ingalsbe and New York State Senator Pamela Helming are involved in talks with RG&E and NYSEG at the highest levels of the company. He said that this is a big problem and is a problem that staff is going to continue to be hearing about as other projects come online. Mr. Brenner said that there is a real natural gas problem in the region, and it is not just Farmington but includes Victor and Canandaigua, as well.

Mr. Hemminger asked if this is part of the State's plan to go all electric. He asked about having all-electric homes, or homes served by propane.

Mr. Brenner said RG&E also wants to have an electric demand study in Farmbrook to determine whether there is sufficient electric capacity. He said that this seems to be political posturing in line with New York State Governor Kathy's Hochul efforts to promote electricity instead of natural gas and other types of fuels.

Mr. Brand said that it is interesting to note that there is a \$74 million natural-gas pumping facility in Farmington, just down the road from Farmbrook.

Mr. Hemminger said that he agrees with the need for the 90-day extension and requested that Mr. Brenner keep the Town informed. Mr. Hemminger said that Mr. Brenner provided good background [on the status of the project].

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

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

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
PADDOCK LANDING INCENTIVE ZONING PROJECT
90-DAY EXTENSION OF APPROVALS**

**PB #1201-23 Overall Preliminary Subdivision Plat
PB #1202-23 Overall Preliminary Site Plan**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Board) has tonight received a letter from Ryan T. Destro, P.E., BME Associates, requesting on behalf of the Applicant, Canandaigua Development Company, LLC,

a 90-day extension to the Overall Preliminary Subdivision and Site Plan approval for the above referenced Project, which is set to expire on August 24, 2024; and

WHEREAS, the Applicant’s Engineer has identified a need to extend the original 180-day condition of approval to allow the Applicant to obtain final approval from the New York State Department of Environmental Conservation and the United States Army Corps of Engineers of the proposed wetland crossings for the two future town road entrances to above referenced Incentive Zoning Project; and

WHEREAS, the Applicant has demonstrated a good faith effort working with the two identified agencies towards finding a solution to allow this project to proceed.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to approve a 90-day extension of time to the conditional approval granted on February 21, 2024, which is set to expire on August 19, 2024.

BE IT FURTHER RESOLVED that said 90-day extension period shall commence on Monday, August 19, 2024, and continue through Saturday, November 16, 2024.

BE IT FURTHER RESOLVED that the Applicant is hereby given notice that should there not be resolution of this issue on or before Wednesday, November 6, 2024, there needs to be a second letter requesting another 90-day extension to continue on Saturday, November 16, 2024. This letter must be submitted not later than noon on Wednesday, October 30, 2024, to allow the request to be placed on the November 6, 2024, meeting agenda.

BE IT FINALLY RESOLVED that the Board does hereby direct that certified copies of this resolution are to be provided to the Farmington Town Highway and Parks Superintendent; the Working Supervisor of the Farmington Town Water and Sewer Department; the Town Code Enforcement Officer; the Town Construction Inspectors; the Town Fire Marshal; the Town Engineers, MRB Group, D.P.C., Attn: Lance S. Brabant, Director of Planning Services; the Town Director of Planning and Development; the Applicant; and the Applicant’s Engineers.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Douglas Viets	Aye
One vacant position	—

Motion carried.

10. OPEN DISCUSSION

Director of Development and Planning:

Mr. Brand provided the following information:

Construction of new sidewalks in the Transportation Alternatives Program (TAP)—Sidewalks, Trail Connections and Bike Lanes Project continued with today's pouring of the section across the front of Northrup's Manufactured Home Park. Mr. Brand said that two issues remain. He said that the Town understands that the design of the pedestrian bridge on Country Road 41 across Beaver Creek has been completed by the new design firm and now must be approved by New York State and the Town. Mr. Brand said that the new design will affect the timing of the placement of the bridge.

Mr. Brand also said that the current alignment of the stone dust trail link between the Auburn Trail and County Road 41 encroaches upon private property. He said that these properties must be surveyed and that a determination must be made regarding the relocation and width of this trail section.

Mr. Brand said that construction of several sections of new sidewalk will have to be postponed this season due to a pending water project. The contractor will likely be asked to return in the spring of 2025 to complete these sections. He said that the Town has heard from a number of residents who are pleased with the construction of the new sidewalks, especially from those who live in the manufactured home parks. Mr. Brand said that he hopes that the Farmington Market Center project will move forward. This project will include the completion of the pedestrian crossing on the southeast corner of the intersection of State Route 96 and Mertensia Road.

Code Enforcement Officer:

Mr. Lloyd said that the Building Department has been busy with several contractors who are soliciting repair projects at homes which sustained roof and siding damage during the hail and rainstorm which occurred in July.

Highway Superintendent:

Mr. Ford said that the Highway Department is now working on Town paving projects which began today and which will continue during the season.

Town Engineer:

Mr. Brabant said that he will meet with each Town department next Thursday (August 15, 2024) to receive updates to the Site Design Criteria. He said that this is an annual update, and he would like to capture the concerns from each department.

He also said that he and MRB Group are working with the Town staff on the new criteria to the New York State Department of Environmental Conservation updates to the Municipal Separate Storm Sewer System (MS4) which will be included in the October submission. He said that these updates will follow the same process as the Site Design Criteria project.

Planning Board:

Mr. Hemminger asked board members to provide him with their recommendations for the Planning Board's report to the Zoning Board of Appeals on the Fowler Family Trust application. He said that he will then compile each board member's comments and forward them to Mr. Brand who will draft the recommendation for the board's consideration at the next meeting on August 21, 2024.

Mr. Hemminger said that he appreciated this evening's discussion on Part 2 of the Full Environmental Assessment Form for the Fowler application. He said that he did not believe that this evening's suggested amendments would change the environmental determination of significance of the application because the mitigation is with the determination of the applicant's area variance request to the Zoning Board of Appeals.

11. PUBLIC COMMENTS

None.

12. TRAINING OPPORTUNITIES

■ **2024 Municipal Bootcamp Trainings:**

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

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

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

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

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

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

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

Questions and registration:

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

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

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

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.
Information: <https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

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

13. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:55 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, August 21, 2024, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425. This meeting will also be available via remote video conference.

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

Respectfully submitted,

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