

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, January 7, 2026 • 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. Unless otherwise noted, 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
Regina Sousa
Douglas Viets

Staff Present:
Collin Sowinski, CPESC, Town of Farmington Engineer, MRB Group, D.P.C.
Ronald L. Brand, Town of Farmington Director of Development and Planning
Sean Murphy, Town of Farmington Highway Superintendent
Paula Ruthven, Town of Farmington Zoning Officer

Attending:
Robert Brenner, Canandaigua Development Company, LLC, P.O. Box 70, Victor, N.Y. 14564
Brian Mahoney, Canandaigua Development Company, LLC, P.O. Box 70, Victor, N.Y. 14564
Sean Condon, P.E., Project Manager, The DDS Companies, 45 Hendrix Road,
West Henrietta, N.Y. 14586
William “Pat” and Barbara Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522
Marsha Sherwood, 1259 Glen Carlyn Drive, Farmington, N.Y. 14425
Sandra Collins and Steven Fuhry, 5774 State Route 96, Farmington, N.Y. 14425
Rochelle McManus, 1267 Glen Carlyn Drive, Farmington, N.Y. 14425

1. APPROVAL OF MINUTES

■ A motion was made by Tim DeLucia, seconded by Doug Viets, that the minutes of the Planning Board Meeting of December 17, 2025, be approved.

Motion carried by voice vote.

2. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on December 30, 2025:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Farmington will conduct a Public Hearing on the 7th day of January 2026, commencing at 7:00 p.m., in the Farmington Town Hall, Main Meeting Room, 1000 County Road 8, Farmington, N.Y. 14425 for the purpose of receiving testimony upon and considering the applications of:

PB #2025-1101: CANANDAIGUA DEVELOPMENT COMPANY, LLC, 83 SOUTH MAIN STREET, CANANDAIGUA, N.Y. 14424: Requests a Preliminary Subdivision Plat approval and Preliminary Site Plan approval for property to be subdivided which is currently comprised of four Tax Map Accounts: 29.11-2-72.000, 29.11-2-73.000, 29.11-2-74.000, 29.11-2-75.000. The proposed project involves a 41-lot subdivision, with 40-lots consisting of single-family homes and one lot to be owned by a Homeowners’ Association. The property is zoned R-7.2 Planned Subdivision District and MTOD Major Thoroughfare Overlay District. The property is located on the north side of State Route 96, at 5980 State Route 96, Farmington N.Y. 14425, which is between Glen Carlyn Drive and Fairdale Drive.

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

By order of:

Ed Hemminger, Chairman, Town of Farmington Planning Board

**3. NEW PUBLIC HEARING:
PRELIMINARY 41-LOT SUBDIVISION AND PRELIMINARY SITE PLAN**

PB #2025-1101 Preliminary 41-Lot Subdivision and Preliminary Site Plan Applications

Name: Canandaigua Development Company, LLC, 83 South Main Street,

Canandaigua, N.Y. 14424 (Mailing Address: P.O. Box 70, Victor, N.Y. 14564)

- Location:** North side of State Route 96 at 5980 State Route 96. Tax Account #29.11-2-72.000, #29.11-2-73.000, #29.11-2-74.000 and #29.11-2-75.000
- Zoning District:** R-7.2 Planned Subdivision District and Major Thoroughfare Overlay District (MTOD)
- Request:** Preliminary Subdivision Plat approval and Preliminary Site Plan approval for property to be subdivided into a 41-lot subdivision with 40 lots consisting of single-family homes and one lot to be owned by a Homeowners' Association.

On December 30, 2025, the Planning Board's draft resolutions and materials for this evening's consideration were sent via email to the applicants Robert Brenner and Brian Mahoney of the Canandaigua Development Company, LLC; and to their engineer Sean Condon, P.E., Project Manager, The DDS Companies. These included:

1. MRB Group project review from Lance S. Brabant, CPESC, dated December 11, 2025.
2. Full Environmental Assessment Form Part 2—Identification of Potential Project Impacts.
3. Full Environmental Assessment Form Part 3—Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.
4. Planning Board Draft Resolution: SEQR Designation of Lead Agency.
5. Planning Board Draft Resolution: SEQR Determination of Non-Significance.
6. Planning Board Draft Resolution: Preliminary Subdivision Plat and Preliminary Site Plan approval with conditions.

Mr. Hemminger opened the Public Hearing on this application.

The application was presented by Mr. Condon (The DDS Companies), and Mr. Brenner (Canandaigua Development Company, LLC).

Mr. Sean Condon explained that the applicant is looking to subdivide a 12.5-acre vacant property into 40 residential lots for single family homes, with one lot of green space. Each lot will have a single-family home and driveway connection. He explained that this project was designed with input from town staff over the last couple of months to keep the existing character of the neighborhood while providing residential lots, and while still accounting

for different constraints such as zoning, lot shape, existing sewer easements, proximity to Fairdale Glen, and State Route 96.

Mr. Condon explained that they have coordinated with the New York State Department of Transportation to locate the intersection of the proposed Town Road with State Route 96 directly across from the main entrance to Finger Lakes Gaming and Racetrack. The other end of the road [east end] will connect to Fairdale Glen. There are no driveways onto State Route 96.

He further explained that there will be a central stormwater management facility to collect rainwater from the surrounding areas. Soil testing was done on site, which gave good infiltration results. The final design will comply with New York State requirements. He clarified that Fairdale Glen is a Town dedicated road.

Mr. Brand stated that the Planning Board has completed a coordinated review under SEQRA and has two draft resolutions, one to designate the Planning Board as Lead Agency, one to give a negative declaration of SEQR. There is also a third resolution to approve the preliminary site plan and subdivision plat with conditions.

Mr. Brand stated that a street name proposal was received today, which will be reviewed by the Code Officer and the Ontario County 911 system. Additionally, a traffic study was received from Passero Engineers concluding that a traffic impact study was not warranted due to trip generations associated with the project.

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

Mr. Steven Fury, expressed concerns of the development pushing more water onto their land. He stated that he is to the East side of Fairdale Glen. Mr. Condon explained the only involves land West of Fairdale Glen.

Ms. Rochelle McManus noted concerns of the project causing additional water on her property.

Mr. Hemminger explained that he will make sure the Town Engineers look at this. With New York State Department of Conservation (DEC) regulations on stormwater management, there can be no more runoff from the property than there already is, so nothing should get worse. He asked Mr. Collin Sowinski, from MRB, to make a note to review that water on the side will be moved to the retention pond on the North end of the property.

Ms. McManus, as well as Ms. Marsha Sherwood noted concerns of the tree separation on Glen Carlyn Drive and the proposed project. Mr. Condon stated that the goal is to keep as many trees as possible and a tree line will remain, but some trees will need to be cleared.

Ms. Sherwood asked about the incline at the back of the property, and how the project will impact that. Mr. Condon explained that the project will grade into the hill, but they must meet

the existing grade before they meet the edge of the property. They will not change the grade on her property.

Mr. Hemminger then asked if anyone on the remote video conference wished to speak for or against this application, or to ask questions. No remote participants had comments.

Mr. Adrian Bellis and Mr. Edward Hemminger had questions about future on-street parking around the property. Mr. Condon and Mr. Brenner clarified the driveway lengths of the lots, that the proposed internal sidewalk will be moved to the south side of the proposed town road. Mr. Brenner stated that the road pavement will be one foot narrower than the width of other town road pavement and it will not be any narrower than what exists in the nearby Farmbrook subdivision.

There was additional discussion around the proposed number of streetlights to be located along the north side of the State Route 96 frontage, with Mr. Brand stating that the proposed spacing of the streetlight poles will be adjusted to better illuminate the three involved street intersections and the bump outs of the sidewalk that has been installed along the Route 96 frontage. Mr. Brenner noted that the streetlight spacing along the east side of Commercial Drive, north of State Route 96, appeared to be 110 feet. Mr. Brand notes that streetlights are to be placed no further than 70 feet apart along State Route 96 and the two County Highways (CR 8 & 41).

Mr. Brenner stated that street trees would also be planted on each interior lot, as well as the streetscape trees along the Route 96 frontage. Mr. Condon stated that his team is working to reply to MRB's previous comments.

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

Mr. Hemminger said that the Public Hearing on this application will remain open and will be continued on January 21, 2026.

■ A motion was made by Regina Sousa, seconded by Douglas 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
FAIRDALE MEADOWS
PRELIMINARY SUBDIVISION PLAT AND PRELIMINARY SITE PLAN APPLICATION
SEQR DESIGNATION AS LEAD AGENCY**

PB #2025-1101

**APPLICANT: Robert Brenner, c/o Canandaigua Development Company, LLC
P.O. Box 70, Victor, N.Y. 14564**

ACTION: **Lead Agency Designation: Preliminary Subdivision Plat and Preliminary Site Plan Application, to document compliance with the State’s SEQR Regulations allowing for the construction of the Fairdale Meadows Subdivision Tract and related site improvements located on land located along the north side of State Route 96, between Glen Carlyn Drive and Fairdale Glen.**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Board) did on Wednesday, November 19, 2025, classify the above referenced Action as being a Type I Action, subject to a coordinated review with Involved and Interested Agencies under the provisions of Part 617.4 of 6 NYCRR, a part of Article 8 of the New York State Environmental Conservation Law (ECL); and

WHEREAS the Board did establish a coordinated review period and a public review and comment period upon said Action which began on Monday, November 24, 2025, and ended at noon on Wednesday, December 24, 2025; and

WHEREAS the Board did conduct a coordinated review with Involved and Interested Agencies which began and ended on the dates specified above herein; and

WHEREAS the Board did on November 19, 2025, declare its intent to be designated Lead Agency, at its meeting on Wednesday, November 19, 2025, for making the required Determination of Significance upon the above referenced Action; and

WHEREAS the Board tonight did receive testimony from the Town’s Director of Planning and Development attesting to the above referenced coordinated review and 30-day public comment period completed upon the above referenced Action, noting no objection has been received to the Planning Board being designated as the Lead Agency, under SEQR, for making findings and a determination of significance; and

WHEREAS the Board has received drafts of Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs) for the above referenced Action from the Town’s Director of Planning and Development for its review and acceptance, as the designated Lead Agency.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby designate itself as the Lead Agency for making the required Determination of Significance in accordance with the provisions of Part 617.7 of the above referenced provisions of the ECL.

BE IT FURTHER RESOLVED that the Board does hereby accept the draft FEAFs of Parts 2 and 3, dated December 30, 2025, and prepared by the Town Director of Planning and Development.

BE IT FINALLY RESOLVED that copies of this resolution and the attached Parts 2 and 3 FEAFs are to be provided to the identified Involved Agencies, the applicant, the applicant’s engineer and Town Agencies.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

■ A motion was made by Regina Sousa, seconded by Douglas 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
SEQR DETERMINATION OF NON-SIGNIFICANCE**

PB #2025-1101

**APPLICANT: Robert Brenner, c/o Canandaigua Development Company, LLC
P.O. Box 70, Victor, N.Y. 14564**

ACTION: SEQR Determination of Non-Significance: Preliminary Sub-division Plat and Preliminary Site Plan Application, to document compliance with the State’s SEQR Regulations allowing for the construction of the Fairdale Meadows Subdivision Tract and related site improvements located on land located along the north side of State Route 96, between Glen Carlyn Drive and Fairdale Glen.

WHEREAS the Town of Farmington Town Planning Board (hereinafter referred to as Board) has determined the proposed Action referenced above to be classified as a Type I Action (hereinafter referred to as Action) under 6NYCRR, Part 617 of the State Environmental Conservation Law (ECL); and

WHEREAS, the Board, at its January 7, 2026, meeting was designated as the Lead Agency for said Action and, therefore, is responsible under the ECL for making the required determination of significance upon said Action; and

WHEREAS, the Board, has reviewed, the drafts for Parts 2 and 3 of the Full Environmental Assessment Forms (FEAFs) for said Action, that are dated December 30, 2025, which were prepared for the Board’s consideration, by the Town Director of Planning and Development; and

WHEREAS, the Board has given consideration to the public comments provided during tonight’s public hearing upon said Action; and

WHEREAS, the Board has considered the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQRA Regulations; and the information contained within Parts 1, 2 and 3 of the FEAF, along with supporting documentation and maps submitted with this application.

NOW, THEREFORE, BE IT RESOLVED that the Board having reviewed the public record upon the above referenced Action, does hereby determine the following impacts are likely 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 three proposed sites 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, or will the proposed Action impair the existing community or neighborhood character; and
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action; and
- (vii) there will not be any hazard created to human health resulting from the proposed Action; and
- (viii) there will be no change in the use of any active agricultural land resulting from the proposed Action; and
- (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; and

- (x) there will not be created a material demand for other Action that would result in one of the above consequences; and
- (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 Board determines the proposed Action WILL NOT result in any significant (Moderate to Large) adverse environmental impacts.

BE IT FURTHER RESOLVED that the Board does hereby make a Determination of Non-Significance upon said Action and directs the Planning Board Chairperson to sign and date Part 3 of the Full Environmental Assessment Form, the State’s Negative Declaration Form.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file certified copies of the environmental record, Parts 1, 2 and 3 of the Full Environmental Assessment Forms, and this Determination of Non-Significance Resolution, with the other Involved Agencies (New York State Department of Environmental Conservation, New York State Department of Transportation, New York State Department of Health, Town of Farmington Highway Department, Town of Farmington Water and Sewer Department, Town of Farmington Zoning Board of Appeals), the Applicant, the Applicant’s Engineer, the Town Supervisor and Town Development Staff; and to place of copy of this determination of non-significance in the files upon the above referenced Action.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

■ A motion was made by Regina Sousa, seconded by Douglas 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
 FAIRDALE MEADOWS PRELIMINARY SUBDIVISION PLAT AND PRELIMINARY SITE PLAN
 APPROVAL WITH CONDITIONS**

PB #2025-1101

APPLICANT: **Robert Brenner, c/o Canandaigua Development Company, LLC
P.O. Box 70, Victor, N.Y. 14564**

ACTION: **Approval with Conditions: Preliminary Subdivision Plat and Preliminary Site Plan Application, to document compliance with the State’s SEQR Regulations allowing for the construction of the Fairdale Meadows Subdivision Tract and related site improvements located on land located along the north side of State Route 96, between Glen Carlyn Drive and Fairdale Glen.**

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

WHEREAS, the Board has considered the public testimony that has been provided at tonight’s public hearing and to the Ontario County Planning Board’s Referral Number 210.1-2025 upon said Action; and

WHEREAS, the Board, has reviewed, a draft resolution prepared by the Town Director of Planning & Development for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Board having reviewed the public record upon the above referenced Action, does hereby grant Preliminary Subdivision Plat Approval and Preliminary Site Plan Approval with the following conditions:

1. These preliminary approvals with conditions are based upon the set of drawings prepared by The DDS Companies, dated 9/17/25, Project Number 72250299, entitled “Fairdale Meadows Residential Subdivision, Canandaigua Development Company, LLC Site Development Plans T.A. #29.11-2-72.000, 29.11-2-73.000, 29.11-2-74.000 & 29.11-2-75.000;” as are to be further amended.
2. The Cover Sheet, Drawing No. C0 is to be titled . . . “Fairdale Meadows Preliminary Subdivision Plat and Preliminary Site Plans;” and
3. On the Cover Sheet, T.A.#29.11-2-76.000 is to be added to the list of affected Tax Map Accounts involved with this Action; and
4. On the Cover Sheet, the Project Location Map is to be amended to show the addition of T.A. #29.11-2-76.000, including its’ connection to Glen Carlyn Drive; and
5. Drawing No. C2, Existing Conditions and Demolition Plan, is to contain a note identifying the manner by which T.A. #29.11-2-76.000 is to be combined with the two adjacent T.A. #29.11-2-20.000 & -21.000, along with any easements to be provided to the Town; and

6. Drawing No. C3, Subdivision Plat, is to add the word Preliminary; and
7. Drawing No. C3, Preliminary Subdivision Plat, is to identify the name of the proposed public roadway and Lot #41; and
8. Drawing No. C3, Preliminary Subdivision Plat, is to include the disposition of T.A. #29.11-2-76.000; and
9. Drawing No. C3, Preliminary Subdivision Plat, is to identify the sidewalk/pedestrian easements filed in the Ontario County Clerk's Office for the sidewalk constructed across the State Route 96 frontage of this project site; and
10. Drawing No. C3, Preliminary Subdivision Plat Map is to contain a note that identifies each area variance restriction granted for the respective lots, including the file number and date such area variance was granted by the Town Zoning Board of Appeals; and
11. Drawing No. C4, is to be amended to read Preliminary Site Plan; and
12. Drawing No. C4, Preliminary Site Plan, is to contain a note identifying why the existing sidewalk needs to be relocated and how long a period of time will this pedestrian access be interrupted; and
13. Drawing No. C4, Preliminary Site Plan, is to identify the need for any additional easement to be provided to the Town for the redesign of the existing sidewalk/pedestrian easement; and
14. Drawing No. C4, Preliminary Site Plan, is to identify any need for an additional easement to be provided to the Town for the existing sidewalk bump out on proposed Lot 22; and
15. Drawing No. C5, Overall Utility Plan, is to be amended as follows:
 - a. Show completion of a looped watermain connection between Glen Carlyn Drive and Fairdale Glen to eliminate any dead-end watermain; and
 - b. Sanitary laterals shall not be terminated in manholes and revisions on the drawing are to be made for lots 1, 20, 21, 38 and 39; and
 - c. Lot 39 will require an additional cleanout; max cleanout spacing is 85-feet; and
 - d. Locate line valves with hydrant assemblies; and

- e. Currently the proposed watermain is shown under the proposed sidewalk, this is not a satisfactory alignment. Suggest relocating the sidewalk to the south side of the proposed public roadway or move the watermain out from under the sidewalk; and
16. Drawing No. C10, Lighting & Landscaping Plan, is to be amended as follows:
- a. Streetlights are to be relocated to illuminate the three intersections of the project. Two proposed intersections of the public street with State Route 96 and Fairdale Glen, and one additional streetlight at the intersection of Fairdale Glen and State Route 96; and
 - b. Crosswalks are to be delineated across all three intersections, two at State Route 96 and one internal to Fairdale Glen; and
 - c. Streetlights along the north side of State Route 96 are to be located so as to illuminate all changes in the direction of the existing and proposed sidewalks; and
 - d. Street trees are to be shown along the Route 96 Corridor and street scape improvements (benches and trash receptacles) are to be located in accordance with the Town's adopted Main Street Corridor Plan specifications; and
 - e. There shall be one street tree shown on each of the proposed lots to be located along the proposed public street.

BE IT FURTHER RESOLVED that the proposed interior sidewalk to be constructed should be relocated to the interior (southern) alignment of the proposed public street and on the same side of the street where there will be proposed streetlights.

BE IT FURTHER RESOLVED that the proposed interior sidewalk is either to be constructed within the proposed public right-of-way, or individual easements are to be provided, accepted by the Town Board and filed in the office of the Ontario County Clerk before Building Permits are issued for any involved lot.

BE IT FURTHER RESOLVED that the interior sidewalk is to be constructed to Town Standards through each involved driveway and not in the manner shown of Drawing C4, the Preliminary Site Plan. Where sidewalks cross private driveways the construction standards shall be those contained on Appendix H-6.0 of the Town's Site Design and Development Criteria Manual.

BE IT FURTHER RESOLVED that the Applicant's Engineer is provide written responses to each of the items listed in the MRB's December 11, 2025, letter to the Town Director of Planning and Development, and a copy of these responses is to be provided to

the Town for the project file. The Town Engineer is not to sign the preliminary drawings until satisfied that all comments have been adequately addressed.

BE IT FURTHER RESOLVED that once all of these amendments have been made to the drawings, one copy is to be submitted to the Town Code Enforcement Officer for his review and acceptance.

BE IT FURTHER RESOLVED that once the set of Preliminary Plat drawing and Preliminary Site Plan drawings have been signed, then the Applicant may have his engineer submit two separate Applications to the Town Development Office. One will be the Final Subdivision Plat Map for approval and filing in the office of the Ontario County Clerk. The other will be the Final Site Plan drawings for approval and filing in the Town Development Office. There shall be separate file numbers assigned to each of these final applications.

BE IT FURTHER RESOLVED that once Town Staff have determined all final application fees have been paid and have accepted the final set of drawings, then both applications will be submitted to the Planning Board for its acceptance for scheduling a public meeting thereon.

BE IT FURTHER RESOLVED that the Board does hereby give notice that the Final Site Plan Drawing and Final Subdivision Plat are to identify any intersection design required by the Region 4 Office of the New York State Department of Transportation before final drawings will be signed by Town Officials.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file certified copies of this resolution with the Applicant, the Applicant’s Engineer, the Town Engineer and Town Development Staff, and to place of copy of this resolution in the project files upon the above referenced Action.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

4. PLANNING BOARD ACTION ITEMS

A. PB #2025-1201 Preliminary Two-Lot Subdivision Application

Name: William “Pat” and Barbara Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522

- Location:** 4995 Rushmore Road; Tax Account #19.00-1-1.000
- Zoning District:** A-80 Agricultural District
- Request:** Preliminary Two-Lot Subdivision plat approval of 116.01 acres to create Parcel A of 87.438 acres and Parcel B of 28.562 acres.

On December 29, 2025, the Planning Board’s draft resolution for this evening’s consideration were sent via email to the applicants William and Barbara Murphy; and via U.S. Mail to their surveyor Gary L. Dutton, 6115 Route 15A, Springwater, N.Y. 14560.

This application was presented by Barbara Murphy and William “Pat” Murphy.

The Murphys explained that they are planning to subdivide a section of the property for their grandson to have.

Mr. Brand explained that the action must be classified, which has been done. The project has been referred to the County Planning Board, which deemed it an exempt action. The property will be posted with a public notification sign, and a public hearing will be scheduled for January 21, 2026.

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

- A motion was made by Timothy DeLucia, seconded by Adrian 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 #2025-1201

- APPLICANTS:** William and Barbara Murphy, 4995 Rushmore Road, Palmyra, N.Y. 14522
- ACTION:** Preliminary Subdivision Plat Application, Lots #A and #B, William P. and Barbara B. Murphy Subdivision of Tax Map Account 19.00-1-1.000: Acceptance of the above application as complete for classifying the action under 6NYCRR Part 617 of article 8 of the State Environmental Conservation Law, determining whether a referral is required to the Ontario County Planning Board, publishing and posting a Legal Notice

and scheduling a public hearing for Preliminary Sub-division Plat Approval of the two proposed lots.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to accept the documents submitted for this application as being adequate for its consideration.

BE IT FURTHER RESOLVED that the Planning Board does hereby classify the Action as a Type II Action, under the provisions of 6NYCRR, Part 617. 5 (23) Article 8 of the New York State Environmental Conservation Law (ECL).

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

BE IT FURTHER RESOLVED that the Planning Board determines said Action to be an Exempt Action listed in the Ontario County Planning Board’s (OCPB) By-Laws and, therefore, is not subject to a referral to the County Planning Board under the provisions of Sections 239-l and -n of the New York State General Municipal Law.

BE IT FURTHER RESOLVED that the Planning Board does hereby schedule a public meeting be held upon the above referenced Action at the January 21, 2026, meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby direct staff in the Town Development Office to prepare, publish and post a legal notice for the above referenced Public Hearing in accordance with State’s Open Meetings Law procedures.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be sent to the Applicants, the Applicants’ Land Surveyor, Gary L. Dutton, Land Surveyors, 6115 Route 15 A, Springwater, N.Y. 14560, 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
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

B. Adoption of 2026 Planning Board Rules of Procedure:

Prior to the meeting, the 2025 Rules of Procedure were distributed via email to Planning Board members and to Town staff for review in preparation of the discussion this evening.

The Planning Board discussed several edits: #29 should be updated to state 2026.

After discussion, the Planning Board asked for some additional time to review the 2026 Planning Board Rules of Procedure. The action will be continued to the January 21, 2026 Planning Board Meeting.

See Appendix #1 of the minutes for the complete draft Rules of Procedure.

C. 2026 Meeting Dates and Application Submittal Deadlines:

Prior to the meeting, the Town staff distributed the proposed 2026 schedule of submittal dates for new projects, Letter of Credit releases, Ontario County Planning Board meetings, Town Project Review Committee meetings, and Planning Board meetings.

■ **CONSENSUS:** It was the consensus of the Planning Board members present that the 2026 Planning board Submittal Dates and Meeting Dates be accepted as presented by the Town staff.

See Appendix #2 of the minutes for the complete schedule.

D. Sky Solar Preliminary Site Plans: Fourth Extension (180 Days) Application:

PB #0408-24 Preliminary Site Plan: Third 90-Day Extension 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: Fourth extension of 180 days to 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.

• • •

PB #0409-24 Preliminary Site Plan: Third 90-Day Extension 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: Fourth extension of 180 days to 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.

On October 16, 2024, the Public Hearings on PB #0408-24 and PB #0409-24 were closed and the Sky Solar East Preliminary Site Plan (PB #0408-24) and the Sky Solar West Preliminary Site Plan (PB #0409-24) were approved with conditions.

On April 16, 2025, the Planning Board approved the first 90-day extension of these applications from April 17, 2025, to July 16, 2025.

On June 18, 2025, the Planning Board approved the second 90-day extension of these applications from July 17, 2025, to October 15, 2025.

On October 15, 2025, the Planning Board approved the third 90-day extension of these applications from October 16, 2025, to January 13, 2026.

On January 5, 2026, the Planning Board’s draft resolution for this evening’s consideration was sent via email to the applicant Frank Ruffolo of Sky Solar, Inc.; and to his engineer Carl F. Frey, P.E., of LaBella Associates.

No one was present to speak on behalf of the application.

Mr. Hemminger stated that the applicants have not yet filed documents for the lot line adjustment between the East Solar Property and the adjacent New Energy Works property [owned by Jonathan Orpin], completed the lot line adjustments for the road [Commercial Drive Extension], or completed the lot line adjustment for the 60-foot-wide right-of-way to the Town for a future east/west town road between Corporate Drive East and the Commercial Drive Extension as they have been previously asked. He stated that he is aware that RG&E is delaying the project, but wanted the other items addressed.

During discussion, the other Planning Board members agreed that these three items should be addressed within the next 180-day extension, or an additional extension would not be considered.

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

■ A motion was made by Douglas Viets, seconded by Timothy DeLucia, that the reading of the following resolution be waived, and that the resolution be approved as amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
SKY SOLAR, INC. COMMERCIAL DRIVE EAST AND WEST SOLAR PROJECTS
EXTENSION OF APPROVALS FOR 180 DAYS**

**PB #0408-24 Preliminary Site Plan Approval—East Project
PB #0409-24 Preliminary Site Plan Approval—West Project**

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Board) has received a letter dated December 29, 2025, from Frank Ruffolo, EVP of Operations, Sky Solar, Inc., requesting a fourth 90-day extension of time to the conditions of Preliminary Site Plan approvals for the two above referenced Projects, which is due to expire on January 14, 2026; and

WHEREAS the Applicant’s first 90-day extension of time was granted on April 17, 2025, to expire on July 16, 2025; and a second 90-day extension of time was granted on July 17, 2025, to expire on October 15, 2025; and a third 90-day extension of time was granted on October 15, 2025, to expire on January 13, 2026; and

WHEREAS the Planning Board finds the Applicant continues to demonstrate a good faith effort for completing certain components of the conditional approvals of

the two proposed solar projects [Sky Solar East & West] which include: (1) filing a Final Lot Line Adjustment Plat transferring portions of land between Tax Map Accounts #29.07-1-58.000, 29.07-1-59.000 [Sky Solar East Project] and Tax Map Account #29.11-3-7.000 (Jonathan Orpin); and (2) filing a Lot Line Adjustment Plat delineating a 60-foot-wide right-of-way across portions of the three above identified Tax Map Accounts for the future construction of Commercial Drive, by Sky Solar, that will connect the norther and southern segments of said Town highway; and (3) a Lot Line Adjustment Plat delineating a sixty-foot-wide right-of-way along and across the southern portion of Tax Map Account #29.00-1-84.112, between the existing right-of-way of Corporate Drive East and the future right-of-way of the construction of Commercial Drive connection described in (2) above; and (4) establishing an interconnection agreement with New York State Electric & Gas (NYSEG) for their proposed Inverter Based Parallel Generation Equipment to the Electric System of NYSEG.

WHEREAS the Planning Board has been previously informed, by the Town Director of Planning & Development, that a draft Lot Line Adjustment Plat has been reviewed and accepted by Jonathan Orpin; and

WHEREAS the Planning Board has also been made aware, by the Town Director of Planning & Development, that Jaimie Evans and Nicholas Vamvas, design engineers at LaBella Associates, have now completed a re-design for the construction of the connecting section of Commercial Drive Extension, including water, sewer, drainage and sidewalk improvements; and

WHEREAS the Planning Board has also been made aware, by the Town Director of Planning & Development, that the Applicant Frank Ruffolo has agreed-to transferring the above referenced sixty-foot-wide right-of-way across Tax Map Account #29.00-1-84.112; and

WHEREAS the Applicant's December 29, 2025, letter identifies that he: has applied to NYSEG to establish a new interconnection agreement and await their response; continues to evaluate the supply chain options based upon changing tariffs; and the federal government's recent amendments to investment tax benefits introduced in the One Big Beautiful Bill Act (OBBBA).

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby move to approve a fourth extension of time allowing the Applicant to complete all of the above referenced requirements of Preliminary Site Plan Approval for these two solar projects: and

BE IT FURTHER RESOLVED that the Planning Board does hereby grant an extension of 180-days to commence on Wednesday, January 14, 2026, and continue through Monday, July 13, 2026.

BE IT FURTHER RESOLVED that the Applicant is hereby given notice that should there not be resolution of these four requirements listed above herein, on or before Wednesday, June 17, 2026, then there will need to be a fifth letter requesting another extension of time to continue the condition of approval starting on Tuesday, July 14, 2026. This letter must be submitted to the Planning Board not later than noon on Monday, June 22, 2026, to allow the request to be placed on the July 1, 2026, meeting agenda.

BE IT FURTHER RESOLVED that the Planning Board does hereby give notice that at such future date [July 1, 2026] there will need to be written evidence provided by the Applicant that he has either complied with these requirements or will have provided sound reason why he has not been able to comply with these requirements. Without such justification the Planning Board cannot, in good faith, grant additional time extension for the two preliminary site plans.

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 Superintendent; the Superintendent of the Farmington Town Water and Sewer Department; the Town Code Enforcement Officer; the Town Construction Inspectors; the Town Zoning Enforcement Officer; 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 motion was recorded in the meeting minutes:

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

E. Letter of Credit Release #2 (Final)—CountryMax Project:

Mr. Bellis noted that only some of the lights on the property seem to work. Mr. Viets stated that there was a condition of their resolution that some lights were supposed to go off after a certain hour. Mr. Bellis asked Ms. Ruthven if the Building Department could look into this.

■ A motion was made by Douglas Viets, seconded by Regina Sousa, 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 RELEASE #2 (FINAL)
COUNTRYMAX PROJECT**

PB #0602-19

WHEREAS the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has received a request dated December 29, 2025, from Ronald L. Brand, Director of Planning and Development, to approve the final release of funds (Release No. 2) from the established Letter of Credit for site improvements completed as part of the above referenced project; and

WHEREAS the Planning Board has also reviewed a cover letter dated December 12, 2025, from Lance S. Brabant, CPESC, National Director of Planning & Environmental Review Services, MRB Group, the Town’s Engineers, the Applicant’s Estimate of Values, along with the completed Town Surety Release Forms G-1.1, dated 12/15/25 and G-2.0 dated 12/12/25; and

WHEREAS a two-year Maintenance Bond was established by the Town Board on October 22, 2024, for water and sidewalk improvements, which will expire on October 26, 2026; 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 release from the Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board, after having reviewed the file on this project and the above referenced Surety Release Forms, does hereby recommend that the Town Board take formal action to approve the request for the final release of funds (Release #2) from the established letter of credit in the total amount of \$129,239.25.

BE IT FINALLY RESOLVED that a certified copy of this resolution is to be provided to the Town Clerk, the Town Confidential Secretary and the Applicant, Donald Payne, CountryMax, 6290 New York State Route 96, Victor, N.Y. 14564.

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

Adrian Bellis	Aye
Timothy DeLucia	Aye
Edward Hemminger	Aye
Regina Sousa	Aye
Douglas Viets	Aye

Motion carried.

5. OPEN DISCUSSION

Director of Planning and Development:

Mr. Brand provided the following information:

PRC meets tomorrow. He noted that Farmington Meadows will be submitting for a preliminary subdivision and site plan.

Mr. Brand led a moment of silent in the memory of Jess Sudol, President of Passero Associates.

Nothing has been heard yet from FISH Solar or from Powerhouse Technologies Solar. Paddocks Landing is continuing due to RG&E delays.

There is an industrial building proposal on County Road 41, west of Pintail Crossing.

Bids are going out in February for the Wood Drive bridge replacement.

A Transportation Alternatives Program (TAP) grant application will be submitted soon for more sidewalks.

The Town is waiting on signed final drawings from Krossber, and he anticipates the Farmington Fire Station #2 applying soon for their site plan.

Zoning Officer:

Ms. Ruthven stated that she didn't have anything to report but would like to note that today is Mr. John Robortella's birthday.

Highway Superintendent:

Mr. Murphy corrected the spelling of his name in a couple of documents. He also noted that his position is the Highway Superintendent, as Parks is its own department now.

Town Engineer:

There was no report from Mr. Collin Sowinski.

Planning Board Members:

Mr. Hemminger, on behalf of the Planning Board members, wished John Robortella a happy birthday.

Mr. Hemminger stated that he reached out to Town Staff today as he noticed that A Safe Place Storage had a building with a portion of roof height higher than the other buildings. Mr. Brand stated the resolution specified that the storage unit would be a single story, the fire marshal issued the building permit because the building is one story. Mr. Hemminger asked Mr. Brand to remind the Town Staff to reach out and ask if they are unsure.

Mr. Hemminger told Mr. Brand that he is welcome to reach out to the Conservation Board and let them know they are welcome to attend Planning Board meetings.

6. PUBLIC COMMENTS

None.

7. TRAINING OPPORTUNITIES**■ 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>

8. ADJOURNMENT

■ A motion was made by Timothy DeLucia, seconded by Adrian Bellis, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:29 p.m.

The next regular meeting of the Planning Board will be held on January 21, 2026, 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 front doors of the Town Hall.

Respectfully submitted,


_____ L.S.

Elizabeth Klingenberg
Farmington Planning Board Clerk *pro tempore*

Appendix #1:

Draft Town of Farmington Planning Board 2026 Rules of Procedure

**Town of Farmington Planning Board Resolution
2026 Rules of Procedure**

Approved January __, 2026

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 2026; 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 2026, as revised per this document appended to the minutes of the Board meeting of January __, 2026.

BE IT FURTHER RESOLVED that a copy of the adopted 2026 Rules of Procedure is to be filed with the Farmington Town Clerk, **posted on the Town's website** and shall become effective upon filing in that office.

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. Refer to the sign-in sheet (if one is used) and request that all in attendance to please sign in (or provide his or her name and address when speaking. Give notice that this meeting is being recorded on a **YouTube** video conference program and that the video will be posted on the Town website within five business days of the meeting and will remain on the Town YouTube channel for at least 12 months.
- e. Request that all cell phones, pagers and smart watches be silenced.
- f. Notice given that the Planning Board will be following these Rules of Procedure as adopted by the board on January 2, 2026, and the Town of Farmington Town Board Resolution #326 of 2020, regarding remote attendance of members. Board members participating in the meeting via video conference will be identified at this time.

- g. Approval of previous Board Meeting Minutes. Announce that a draft copy (clearly marked) of the minutes of the meeting will be posted on the Town website within two weeks of the meeting. Also announce that draft minutes of an Executive Session shall be made available within one week of the meeting.
- 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), 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. Announce that all persons participating remotely in the meeting are asked to please mute their video conference audio connection until called upon by the Planning Board Chairperson. Also, remind everyone to again mute their video conference audio connection after speaking.
- k. 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) **Application** Site Plan Approvals and Other Board Business: Agenda items include **Preliminary and** Final Subdivision Plat approvals, Preliminary Site Plan approval, Final Site Plan approvals and, Sketch Plan review **and other Board Business (Action Items)**.
 - (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) shall be in accordance with the Board determining an application is sufficient for public review. The date for scheduling a public hearing shall follow that set forth in Appendix A of these adopted Rules of Procedure. The board will follow the Submission Schedule published each year by the Town Development Office. Exceptions to this schedule shall be approved by the board on a case-by-case basis.
 - (4) Other Action **Items**:
 - (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*, available training programs, 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) Environmental Conservation Board Member Report
 - (g) Fire Chief Report
 - (h) Chairperson of the Planning Board
 - (i) Other **Planning** Board Members
- (6) Public Comments.
- l. Next Board Meeting Date.
- m. 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/Public Meeting and ask the applicant (or his or her representative) to make a presentation to the Board and the public. Any Public Hearing/Public Meeting at which the applicant (or his or her representative) is not participating shall be recessed until the applicant (or his or her representative) is participating, or the Public Hearing/ Public Meeting will be adjourned and continued to a specific date and time.
- b. The applicant shall display on the monitors, or on easels, any drawings that are part of the Public Hearing/Public Meeting. 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 in the meeting room, and then those attending via the video conference, or if there are any written comments to be received at the Public Hearing/Public Meeting.
- e. All persons desiring to speak at a Public Hearing/Public Meeting 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. 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. Once closed, there are time limits listed in the various sections of New York State Town Law and/or the Farmington Town Code for a decision to be made. In certain instances, if a decision is not made within this time period, then the application may be approved by default.

- 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.
- p. The public can submit documents/articles for the Board to review. These documents/articles will only be accepted at a scheduled Public Hearing. It is expected that the documents/articles meet the following conditions:
 - 1. Submitter provides a short statement of why he or she feels this document/ article relates to this application.
 - 2. The author should be clear, as well as how the author is an expert in the field.
 - 3. The document/article should be dated.
 - 4. Any factual data in the document/article should have a reference to where the fact was obtained (i.e., study, other document, etc.)

3. Agendas and Legal Notices

The Board requires all applicants to meet the scheduled dates of submission (*see Appendix A*) including all documents associated with a pending application. These dates have been established

by the Town Code Enforcement Officer, adopted or accepted by this Board, and are hereby made a part of these Rules of Procedure (Appendix A). The schedule for application submittals will be posted on the Town website by the Town Code Enforcement Officer, **the Town Zoning Enforcement Officer** or the **Development** Department Office Administrator.

Agendas: Copies of the draft meeting agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on the Wednesday (one week) prior to the scheduled meeting. A draft meeting agenda shall be prepared by the Development Office Administrator. Said draft agenda will then be reviewed by the Planning Board Chairperson, the Director of Planning and Development, the Town Code Enforcement Officer, **the Town Zoning 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 Wednesday prior to the Board meeting. Any change to the draft agenda shall be approved by the Chairperson, communicated via email to the Development Office Administrator, the Town Code Enforcement Officer, and the Director of Planning and Development. The Clerk of the Board will send via email an updated agenda to each Board member, any involved applicant and their agent, and involved Town staff no later than 3:00 p.m. on the Friday 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 the week of the scheduled meeting unless approved by the Planning Board Chairperson. Revisions to the agenda will be posted on the Town website.

To ensure the Planning Board members have all the information they need to provide feedback to staff on resolution preparation, all Town staff, including the Town Engineer's report, shall be provided to the Development Office Administrator no later than noon on the Wednesday of the week prior to the scheduled Board meeting. This information shall be included in the packets of information for the Board members' review and comments. In the event a Town department or the Town Engineer does not have any comments on a pending application, that information shall be provided.

The Development Office Administrator shall provide paper copies of all Legal Notices to the Town Clerk's office for posting on the Town Hall Bulletin Board. In addition, the Development Office Administrator shall post the agenda to the Town website in accordance with the legally required timelines established by the Town Board pursuant to Article Seven, Section 103 of the Public Officers Law (*see* note above regarding posting).

Legal Notices—shall be **mailed to all property owners located within 500-feet of the boundaries of the subject property**, emailed by the Development Office Administrator to the Town's Official Newspaper within thirteen (13) **seven (7)** days of a Public Hearing, with publication to be not less than seven (7) **five (5)** days prior to the Public Hearing being held by the Board. Legal Notices will include references to the video conference information and where contact information may be found.

Notification to adjacent Municipal Clerks - When a pending action (e.g., Special Use Permit, Temporary Use Permit, Site Plan approval, and Preliminary Subdivision Plat approval) involves

scheduling a public hearing for a pending action and is located on property located within 500 feet of the municipal boundary, Section 239-nn of the New York State General Municipal Law requires the Farmington Town Clerk to notify the Town Clerk of an adjacent municipality of a **scheduled public hearing upon a pending action**. The Development Office Administrator shall provide the Town Clerk with a copy of all such application(s) **and related documents** not later than ten (10) business days before the date of the Board's meeting. The Town Clerk shall provide the Development Office Administrator with a copy of the notification letter and any comments received under these provisions.

4. Determining an Complete Application adequate for and Scheduling a Public Hearing or Public Meeting

The Planning Board shall first determine when an application for preliminary subdivision plat, preliminary site plan or special use permit is complete **adequate** prior to scheduling a public hearing/public meeting upon the action. **The Planning Board shall make a finding that the documents submitted are adequate for scheduling a public hearing/meeting, classify the proposed Action under the State's Environmental Quality Review (SEQR) Regulations, determine whether the application is subject to a referral to the Ontario County Planning Board or the Clerk of an adjacent municipality (Section 239-nn of the State's General Municipal Law).** Once such a determination **finding** has been made then the Board shall start the SEQR review process. In addition, a referral, if required, shall be made to the Ontario County Planning Board and, if required, a public hearing scheduled upon the application. **T the time period for decisions by the Planning Board shall apply. The time periods are set forth in section 5 below of these Rules of Procedure.**

5. Time Period for Decisions by the Planning Board

In accordance with the provisions contained in §274-a of New York State Town Law pertaining to site plan review, a decision is to be made within sixty-two days from the day the application is received by the Planning Board, when there is no public hearing required by the Board. When the Planning Board decides there is to be a public hearing required, then a decision is to be made within sixty-two days after such hearing. The time within which the authorized board must render is decision may be extended by mutual consent of the applicant and such board.

In accordance with the provisions contained in §274-b of New York State Town Law pertaining to special use permits, a public hearing shall be conducted within sixty-two days from the day an application is received by the Board. The Planning Board shall decide upon the application within sixty-two days after the hearing. The time within which the authorized board must render is decision may be extended by mutual consent of the applicant and such board.

In accordance with the provisions contained in §276.5. Pertaining to approval of preliminary plats, all plats shall be submitted to the Planning Board for consideration. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of

the state environmental quality review act (SEQRA). The time period for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion. The time periods for action vary depending upon the designated lead agency under SEQRA.

Default approval of preliminary or final plat. The time periods prescribed herein within which a planning board must take action on a preliminary plat or a final plat are specifically intended to provide the planning board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the planning board. In the event a planning board fails to take action on a preliminary plat or a final plat within the time period prescribed therefor after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the owner and the planning board, such preliminary or final plat shall be deemed granted approval. The certificate of the town clerk as to the date of submission of the preliminary or final plat and the failure of the planning board to take action within the prescribed period of time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

6. Duplicate Applications

Should the Planning Board determine an application complete, the Planning Board shall not accept a new or second application requesting an approval of the same type (site plan, subdivision or special use permit) on the same property unless the application deemed complete shall be withdrawn.

7. Subdivision/Site Plan Simultaneous Reviews with Zoning Board of Appeals

Should the Planning Board receive an application for preliminary subdivision plat or site plan approval that is found to contain one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to section two hundred sixty-seven-b of article 16 of New York State Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

8. 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 Classification of Action under review as is first 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, Preliminary Site Plan or Special Use Permit until SEQR has been satisfied and the Public Hearing has been closed.

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 make a Type 2 Classification 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 draft resolution for making an Unlisted Action Determination of Significance. In addition, when a determination of significance is made, the Chairperson of said Board shall sign and date Part 2 of the Short Environmental Assessment Form, or Parts 2 and 3 of the Full 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 (ECL), prior to making any decision on a pending application. The SEQR Involved Agencies shall be notified of the **Board's** determination of significance.

The Town Engineer shall be responsible for filing with the New York State Department of Environmental Conservation all determinations of significance made on any Type I Action that are to be published in the State Environmental Notice Bulletin (ENB). The Clerk of the Board is to provide all related SEQR documents to the Town Engineer for this filing. (*Note: Unlisted Actions are not filed in the ENB.*)

9. Motions

When a resolution 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.

10. Resolutions and Documents

When draft resolutions have been prepared for the Board's review and consideration, said copies shall be sent electronically to the Board members by the Clerk of the Board on or before 3:00 p.m. on the Tuesday preceding the Board's meeting. Draft resolutions shall first be sent to the Board members and to Town staff. The Clerk of the Board shall send draft resolutions to the applicant and/or his or her agent by 4:30 p.m. on the Tuesday prior to the Board's meeting. In addition, the

Town Development Office Administrator shall post all draft resolutions on the Town's website by 4:30 p.m. on the Tuesday before the Board's meeting. Town staff shall not 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. The draft resolutions shall be removed from the Town's website, by the Development Office Administrator, ten (10) business days after the date the draft resolution is acted upon by the Board.

When—during the Board's open meeting deliberation upon a draft resolution—substantial new information is presented that has not been provided to the Board and posted on the Town's website, in accordance with the State's Open Meetings Law requirements, the Board may determine that said information is substantial to its pending decision and move to table their decision to the next Board meeting to allow for any changes to be made to the draft resolution, posted on the town's website and to allow for the public review of said changes prior to the meeting where action is to be taken. The Board, however, may add or change conditions of approval if it is not determined that such change(s) is/are not significant to the posted draft resolutions without holding the resolution over until the next Board Meeting.

11. Voting

Planning Board members may participate either in person at the meeting or by remote video conference participation, in compliance with State and Local directives.

The members of the Board shall be eligible to vote on the Board Meeting Minutes when they were present for the meeting (or when they meet the requirements of Town Board Resolution #326 of 2020), 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. A majority-plus-one vote is required to override a recommendation of denial by the Ontario County Planning Board (*see #9, below*). A certified copy of all resolutions acted upon by the Board, which have been the subject of a County Planning Board referral and recommendation, shall be provided to said County Board within five (5) business days of the date of said action by the Clerk of the Board.

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. When this occurs, the draft resolution is to be amended to include compliance with the County's recommendation. 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 or agent if he or she understands the resolution that is about to be acted on, and if the applicant/agent 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. 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 five (5) business days after final action is taken.

12. State Environmental Quality Review (SEQR)

A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act (SEQRA). 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.

13. 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.

The Board must file a copy of said resolution with the County, along with a certified copy of the resolution taking action upon the application, within the time frame prescribed in the above referenced sections of the New York State General Municipal Law.

14. 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.

15. Disapproval without Prejudice

Should the Planning Board find that an application does not contain everything required by the applicable Town of Farmington Code, by any applicable Ontario County, New York State or Federal law or regulation or by any reasonable request of the Town Planning Board and further finds that it has given the applicant a reasonable and sufficient amount of time to provide a complete application, it may then find the application to be incomplete and return the application to the applicant without prejudice and without refund of any application fee, and the Planning Board shall take no further action thereon.

When such action is taken upon a preliminary or final site plan, the applicant is to be provided advanced notice of the Planning Board's declared intent and given notice that, in accordance with the provisions within §165-100 H. (6) Site development plan, of the Farmington Town Code, the Planning Board may not be resubmitted an application for preliminary or final site plan approval for a period of one year from the date of such decision, unless such plan has been changed or revised to reflect the concerns and recommendations of the Planning Board as indicated in its resolution of denial. A decision to this effect must be documented in a separate resolution by the Planning Board before a new application may be submitted.

16. Privilege of the Floor

During Public Comment Time, any person (attending in person or via video conference), and upon 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.

17. 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 Wednesday one week prior to the scheduled meeting (*see* Section 3—“Agendas and Legal Notices”).

When an application has been continued by the Board, the Public Notification Sign posted on the property shall continue to be displayed.

Any property not properly posted before a public meeting is held shall not be heard by the Board and the matter shall be continued to the next Board Meeting to enable posting of the subject property. All Public Notification signs shall remain on the property until the Board has taken final action on the application. Once final action has been taken, all Public Notification signs are to be removed within five (5) business days by either the Town Code Enforcement Officer or Town Zoning **Enforcement** Officer.

18. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in Chapter 9, Article V of the Farmington Town Code, entitled “Planning Board (PB) Duties and Responsibilities,” 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, -n and -nn of the New York State General Municipal Law.

19. 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. Draft meeting minutes shall be posted on the Town website within two weeks of the meeting.

20. Corrections to the Draft Meeting Minutes

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

21. 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 **and posted on the Town’s website**, as well as providing electronic copies to the Town Board members, the Planning Board members, and to the Town’s Confidential Secretary. for filing and posting on the Town’s Website.

22. 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.

23. YouTube Connections to and Recordings of Board Meetings

YouTube recordings of Planning Board Meetings are provided for the public's remote participation in both public hearings and public meetings; and to view a meeting that they may not have been able to attend in person or remotely. The recordings may not be used to replace minutes that have been approved by Planning Board members and recorded in the office of the Farmington Town Clerk.

24. 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 Chairperson'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 **shall be acted upon** 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.

25. 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 re-

ceived the original adopted Rules of Procedure for the given year and posted upon the Town's website. Any action to amend the Rules of Procedure shall be placed upon a meeting agenda.

26. 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.

27. 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 Chairperson or 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 Chairperson or 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.

28. County Referrals

The Director of Planning and Development and the Code **Zoning** Enforcement Officer will review all Board referrals for completeness before they may be transmitted to the Ontario County Planning Board. The Code **Zoning** Enforcement Officer or the Director of Planning and Development will sign the referral form. The Town staff shall provide a **An electronic** copy of the referred application packet **shall be provided electronically to the Clerk of the Board, the Town's Director of Planning and Development and** 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. **Following the County Planning Board's meeting an electronic copy of the County's referral shall be placed in the project's file and a copy provided to the Clerk of the Board and the Town's Director of Planning and Development. Following action by the Planning Board, a certified copy of the Board's resolution shall be filed with the Ontario County Department of Planning.**

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29. Acting Chairperson

With the adoption of this resolution, the Board determines that the Acting Chairperson for 2024 will be board member DOUGLAS VIETS. In the event that DOUGLAS 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.

30. Training Requirements and Training Update Classes

All Board members, and the Town's representative on the Ontario County Planning 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, the Town Clerk and the Town's Confidential Secretary 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 a Town Board 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 2023 Rules of Procedure shall also be amended as necessary.

31. Attendance at Public Meetings, and Committee Meetings

Planning Board members may participate either in person at the meeting or by remote video conference participation, in compliance with State and Local directives.

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 Planning 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. When a Planning Board member intends to participate in a meeting via video conference, then the address from where the member will be participating must be announced and recorded in the minutes.

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.

The Board members may send via email questions and concerns about an application to the Chairperson only. Members must not conduct email discussions with more than one other Board member, as it would be in violation of the State's 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.

32. 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.

33. 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.

34. Site Design Guidelines

The Town Planning Board, as part of its annual meeting, is required to review and if necessary 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; and the adopted *Main Street Overlay District (MSOD) Site Design Guidelines* (Reference: Town Board Resolution #208 of 2021). Should any amendments be determined necessary to these site design guidelines a certified copy of the Planning Board Resolution adopting said changes shall be filed with the Town Clerk, the Town Development Office, the Town Code Enforcement Officer, the Town Engineer, the Town Director of Planning and Development and the Clerk of the Board.

35. 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 each year. Said report is then to be submitted to and reviewed by the Town Operations Committee. The Committee is then to notify the Town Board for their acceptance of the report 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 edition of the *Comprehensive Plan* and will be noted by Town Board resolution and entered into Appendix C, Public Participation, of said Plan.

36. 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 Chapters 144 and 165 Section 32. F. of the Town Code have been satisfied and has met submittal date listed on Appendix A. 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-1.1 Form entitled “Letter of Credit/Surety—Partial or Final Release” 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 (2) years from the date of formal dedication of the site improvements. 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-4.0 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 certified 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 Accountant 1 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.

37. 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.

38. Effective Date

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

39. Distribution

Certified copies of the 2026 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 2026 Planning Board Rules of Procedure shall also be kept on file in the Town Development Office.

40. 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:
2026 Meeting Dates and Application Submittal Deadlines

	A	B	C	D	E
1	Project Application Submittal	LOC Release Submittal	County Meeting Submittal	PRC Date	Planning Board
2	Deadline 12:00 pm	Deadline 12:00 pm	Deadline 12:00 pm		Meeting 7:00 p.m.
3	December 11, 2025	January 2, 2026		January 8, 2026	January 7, 2026
4		January 16, 2026	December 26, 2025		January 21, 2026
5	January 8, 2026	January 30, 2026		February 5, 2026	February 4, 2026
6		February 13, 2026	January 30, 2026		February 18, 2026
7	February 12, 2026	February 27, 2026		March 5, 2026	March 4, 2026
8		March 13, 2026	February 27, 2026		March 18, 2026
9	March 12, 2026	March 27, 2026		April 2, 2026	April 1, 2026
10		April 10, 2026	March 27, 2026		April 15, 2026
11	April 9, 2026	May 1, 2026		May 7, 2026	May 6, 2026
12		May 15, 2026	May 1, 2026		May 20, 2026
13	May 14, 2026	May 29, 2026		June 4, 2026	June 3, 2026
14		June 12, 2026	May 29, 2026		June 17, 2026
15	June 11, 2026	June 26, 2026		July 2, 2026	July 1, 2026
16		July 10, 2026	June 26, 2026		July 15, 2026
17	July 9, 2026	July 31, 2026		August 6, 2026	August 5, 2026
18		August 14, 2026	July 31, 2026		August 19, 2026
19	August 13, 2026	August 28, 2026		September 3, 2025	September 2, 2026
20		September 11, 2026	August 28, 2026		September 16, 2026
21	September 10, 2026	October 2, 2026		October 8, 2026	October 7, 2026
22		October 16, 2026	October 2, 2026		October 21, 2026
23	October 8, 2026	October 30, 2026		November 5, 2026	November 4, 2026
24		November 13, 2026	October 30, 2026		November 18, 2026
25	November 12, 2026	November 27, 2026		December 3, 2026	December 2, 2026
26		December 11, 2026	November 27, 2026		December 16, 2026
27	December 10, 2026	January 1, 2027		January 7, 2027	January 6, 2027
28		January 15, 2027	December 31, 2026		January 20, 2027