

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, January 4, 2023 • 7:00 p.m.**

## **MINUTES—APPROVED**

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

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

**R** = *Attended via remote video conference.*

**Board Members Present**                      Edward Hemminger, *Chairperson*  
Adrian Bellis  
Timothy DeLucia  
Aaron Sweeney

**Board Member Excused:**                      Douglas Viets

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

**Attending:**  
Don Giroux, Farmington Volunteer Fire Association  
Patrick S. Laber, P.E., Schultz Associates, 129 South Union Street, Spencerport, N.Y. 14559  
Drusilla Malavase—**R**  
Dan Wojick, 1398 New Seabury Lane, Victor, N.Y. 14564

**1. MEETING OPENING**

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 2, 2022.

**2. APPROVAL OF MINUTES**

■ A motion was made by MR. BELLIS, seconded by MR. DELUCIA, that the minutes of the December 21, 2022, meeting be approved.

Motion carried by voice vote. Mr. Sweeney abstained due to his absence from the meeting on December 21, 2022.

**3. LEGAL NOTICE**

None.

**4. NEW FINAL 48-LOT RE-SUBDIVISION**

**PB #0101-23 Final 48-Lot Re-Subdivision Application**

**Name:** O&L Realty LLC, P.O. Box 14, Victor, N.Y. 14564

**Location:** 1532–1582 Alfalfa Crescent

**Zoning District:** R-7.2 Planned Subdivision

**Request:** Final 48-lot Re-Subdivision Plat approval of Land, identified as Tax Map Account 41.12-5-1.000 through 41.12-5-44.000 and 41.12-5-97.000, containing a total of 18.34 acres of land; and as further to be identified as Re-Subdivision Plat Approval Farmbrook Phase 7A. The proposed Action involves creating Lot #R-528–Lot #R-573 consisting of various parcel sizes ranging from .167 acres to .303 acres; also creating a 2.930-acre lot for the Storm Water Management Easement; and also creating a 4.746-acre lot for the Farmbrook Homeowners Association, all of which are to remain vacant as non-approved building lots requiring site plan approval before any Building Permits may be issued.

This re-subdivision application was reviewed by the Project Review Committee on March 1, 2019; May 3, 2019; July 12, 2019; May 6, 2022; August 4, 2022; September 1, 2022; October 6, 2022; November 10, 2022; and December 1, 2022.

On May 4, 2022, the Public Hearing on this application was opened (PB #0501-22). The Planning Board then declared its intent to be designated as the Lead Agency for making the environmental determination of significance upon this application and classified the application as a Type I Action under the State Environmental Quality Review (SEQR) regulations. The SEQR 30-day coordinated review period began on Thursday, May 5, 2022, and ended on Monday, June 6, 2022.

The Planning Board identified the following SEQR Involved Agencies and Interested Agencies for this application:

**SEQR Involved Agencies:**

New York State Department of Environmental Conservation  
New York State Department of Health  
Canandaigua–Farmington Water District and Town of Farmington Sewer District  
Town of Farmington Highway and Parks Department

**SEQR Interested Agencies:**

Ontario County Department of Planning  
Town of Farmington Conservation Board  
MRB Group, D.P.C. (the Town consulting engineering firm)  
Town of Farmington Code Enforcement Officer  
Town of Farmington Construction Inspector

On June 15, 2022, the Public Hearing was closed and the Planning Board approved the SEQR resolutions (i.e., Lead Agency designation, review and acceptance of the Full Environmental Assessment Form Parts 2 and 3, and the SEQR determination of non-significance); and also approved the Preliminary Re-Subdivision Plat (Section 7A) with conditions.

On December 2, 2022, an engineering comment letter regarding the Final Re-Subdivision Plat was issued by Lance S. Brabant of MRB Group. On December 21, 2022, Patrick Laber, P.E., of Schultz Associates, responded to the MRB Group engineering comments via email (*see* the MRB Group comment letter and the Schultz Associates responses in the project file).

Mr. Laber (Schultz Associates) presented this application.

He reviewed the application in which 46 residential lots are proposed, with two lots to be provided to the Farmbrook Homes Association Inc. as common areas, and the realignment of Section 7A to provide space for the stormwater pond. Mr. Laber acknowledged receipt of the MRB Group engineering comment letter of December 2, 2022, and his letter in response of December 21, 2022.

Mr. Laber said that Ms. Layer of O&L Realty LLC will seek a builder for this phase of the Farmbrook subdivision prior to the development moving forward.

Mr. Brand said that a draft resolution to approve this application with conditions has been prepared for the board's consideration this evening. He said that the draft resolution includes a number of the future requirements for site plan approval of the lots. Mr. Brand said that these details have been included in the draft resolution to provide the selected developer with notice of what the Town expects [for this phase of the Farmbrook subdivision]. Mr. Brand said that he has conferred with Mr. Laber about the draft resolution. Mr. Laber said that he is okay with the draft resolution as submitted.

Mr. Delpriore and Mr. Ford had no additional comments on this application this evening.

Mr. Brabant acknowledged receipt of Mr. Laber's responses to the MRB Group engineering comment letter. Mr. Brabant said that all of his comments regarding the subdivision have been addressed and that the draft approval resolution also addresses his issues regarding stormwater management.

There were no comments on this application from members of the board this evening.

Mr. Hemminger asked Mr. Laber if he agreed with the conditions of approval in the draft resolution. Mr. Laber said yes.

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

■ A motion was made by MR. DELUCIA, seconded by MR. SWEENEY, 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  
PHASE 7A, FARMINGTON SUBDIVISION TRACT, SECTIONS 1 AND 2**

**PB #0101-23**

**APPLICANT: O&L Realty LLC, P.O. Box 14, Victor, N.Y. 14564**

**ACTION: Final Re-Subdivision Plat Application, Phase 7A, Sections 1 and 2, Farmbrook Subdivision Tract, to allow for the realignment and construction of the filed right-of-way for Alfalfa Crescent Street and the re-subdivision of a total of 48 lots (identified as Tax Map Accounts 41.12-5-1.000 through 41.12-5-46.000, Tax Map Account 41.12-5-97.000 and a new 2.930 acre Tax Map Account) all of which contain a total of 18.34 acres of land, creating Lots #R-528 through #R-573; and a new 2.930 acre parcel to be used for the construction and maintenance of a stormwater facility, to serve the development of Phases 7A & 7B, and creating a 4.746 acre parcel to be owned by the Farmbrook Homeowners Association, all of said lots and parcels are to remain as non-approved building lots**

**requiring final site plan approvals before Building Permits may be issued.**

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

**WHEREAS**, the Board has received testimony upon the above referenced Action, including why Lots 586 through 592, located in Phase 7B, Section 2, are not identified as being re-subdivided lots and why Lots 583 through 587 are identified as being re-subdivided lots, as part of the Phase 7B, Sections 1 and 2, Final Re-Subdivision Plat drawing C-1.

**NOW, THEREFORE, BE IT RESOLVED** that the Board, based upon the information presented tonight, does hereby move to grant Final Re-Subdivision Plat Approval for Section 7A, with the following conditions:

1. Final Re-Subdivision Plat Approval is hereby granted based upon the drawing prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No. 16-255, Drawing C-1, entitled “Farmbrook Subdivision, Sections 1 & 2 of Phase 7A, Final Re-Subdivision Plat,” dated November 17, 2022, as is hereby further amended by the Planning Board:
  - a. Drawing C-1 involves only the final plat map approved by this resolution for Phase 7A, Sections 1 and 2, of the Farmbrook Subdivision Tract; and
  - b. There is to be a note added to Drawing C-1 that reads . . . “Final Re-Subdivision Plat Approval with conditions identified in Planning Board File PB #0101-23, Resolution dated January 4, 2023;” and
  - c. The reference on Drawing C-1 that identifies the Developer is to be amended to read Applicant; and
  - d. Drawing C-1, the Site Development Statistics Tax Map Account Nos. are to be amended to include tax map account numbers 041.12-5-1 through 041.12-5-46; and
  - e. There is to be a note added to Drawing C-1 that reads . . . “Before Building Permits may be issued for any site development, in either Phase 7A, Section 1 or Section 2, final site plan approvals shall be granted by the Planning Board;” and
  - f. There is to be a note added to Drawing C-1 that reads . . . “As part of the first site plan application, for Phase 7A, Section 1 or Section 2, or Phase 7B, Section 2, a stormwater management facility is to be designed, approved by the Town and constructed to handle the site drainage from the full build-out of the remaining unbuildable lots in each of these three (3) phases of the

- Farmbrook Tract prior to the issuance of any Certificate of Occupancy;” and
- g. Prior to the issuance of any Building Permit for development of the lots identified as being within Section 7A and 7B, applications for Final Site Plan Approval are to be submitted to the Town Planning Board for review and approval; and
  - h. All comments contained in the Town Engineer’s December 2, 2022, letter to the Town’s Director of Planning and Development relating to Final Re-Subdivision Plat Approval are to be addressed in writing. Any required change(s) to Drawing C-1 is(are) to be made prior to the Town Engineer’s signing of the Final Re-Subdivision Plat Map.
  - i. Final Re-Subdivision Plat Approval with conditions is valid for a period of 180 days from today. Failure to amend the drawing as necessary and to obtain signatures from the identified Town representatives shall automatically result in this approval being made null and void; and
  - j. Once the Final Re-Subdivision Plat for Phase 7A, Sections 1 and 2, has been signed, a mylar and two (2) signed paper prints have been filed in the Office of the Ontario County Clerk within 62 days of the date of signing by the Planning Board Chairperson and documentation to this effect (the filing) has been provided to the Town, then the Planning Board will entertain applications for preliminary site plan approvals for Phase 7A, Sections 1 and 2 (Lots R-528 through R-573) and Phase 7B, Section 2, (Lots 587 through 611), of the Farmbrook Subdivision Tract Project.
2. In addition to the above conditions of final plat approval for Phase 7, Sections 1 and 2, the Planning Board identifies the following next steps are required prior to the issuing of any Building Permits in either Phase 7A, Sections 1 and 2, or Phase 7B, Section 2:
- k. Site plan drawings are to be submitted for all of the remaining undeveloped Lots shown on Drawing C-1 which are located within each of the remaining Phase 7A, Sections 1 and 2, and Phase 7B, Section 2, in lieu of separate (individual) lot applications for final site plan approval; and
  - l. Prior to making the future southern intersection connection of Alfalfa Crescent to Meadowbrook Lane, the remainder of Meadowbrook Lane, Phase 7B, Section 2, is to be constructed to the south property line (between Lots 596 and 597), in accordance with the current Town Standards contained in the latest edition of the “Town of Farmington Site Design and Development Criteria;” and

- m. Prior to issuance of any Building Permits in Phase 7B, Section 2, there shall be a design approved by the Town Highway Superintendent for a hammer-head turn around area on portions of Lots 596 and 597, unless the driveway for Lot 596 is to be designed from Oatfield Drive then a hammer-head will only be required on Lot 597; and
  - n. Prior to final site plan approval and the issuance of any Building Permits for Lots 595 and 596, in Phase 7B, Section 2, all improvements (e.g. water lines, sewer lines, drainage, concrete gutters, streetlight(s) and black-top pavement for the dedication of Oatfield Drive connecting to the remainder of Meadowbrook Lane, located within Phase 7B, Section 2; and
  - o. There shall be a temporary easement prepared, accepted by the Town Highway Superintendent, approved by the Town Board, and filed in the County Clerk’s Office for the above referenced hammer-head turn around area on portions of Lot 596 and/or Lot 597 prior to any future final site plan approvals being granted by the Planning Board; and
3. Copies of this resolution are to be provided to the applicant, the applicant’s engineer, town staff and the Town Engineer.

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

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

Motion carried.

**5. BOARD ACTIONS**

**2023 Rules of Procedure:**

Mr. Hemminger reviewed the amendments to the Planning Board Rules of Procedure which had been suggested by Mr. Sweeney (*see* Planning Board minutes, December 21, 2022, p. 8).

The draft of the 2023 Rules of Procedure was distributed to board members and to Town staff by the clerk prior to the meeting.

Mr. Hemminger proposed an additional amendment to Item #7: Voting. He requested that the amendment to Paragraph #1 of this section be read aloud by the clerk, as follows:

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

*—Proposed amendment to Item #7, Paragraph #1, by Mr. Hemminger*

There were no objections to this amendment from members of the Planning Board or from the Town staff.

There were no additional comments or questions on the amended 2023 Rules of Procedure this evening.

■ A motion was made by MR. SWEENEY, seconded by MR. BELLIS, that the reading of the following resolution be waived and that the 2023 Planning Board Rules of Procedure be approved as amended:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
2023 RULES OF PROCEDURE**

**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 2023; 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 2023, as revised per this document appended to the minutes of the Board meeting of January 4, 2023.

**BE IT FURTHER RESOLVED** that a copy of the adopted 2023 Rules of Procedure is to be filed with the Farmington Town Clerk.

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

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

Motion carried.

(See Appendix #1 for the text of the 2023 Planning Board Rules of Procedure as amended.)



## 6. OPEN DISCUSSION

### *Director of Development and Planning:*

Mr. Brand reported on the following topics:

- The conditions of approval of a draft Town Board resolution for the application of the Farmington Market Center (6139–6179 State Route 332, the Tops Supermarket site) for rezoning from GB General Business to IZ Incentive Zoning are being reviewed by the Town staff. Mr. Brand said that the draft resolution will then be discussed by the Town Public Works and the Town Operations committees prior to review by the owners of the three adjacent properties, i.e., Farmington Market Center, GLN Farmington Realty and G&A Development and Construction Corporation (also known as the Auto Zone Plaza) to discuss solutions for moving these three projects forward.
- The Town Board will conduct a Public Hearing on Tuesday, January 10, 2023, on the Power Incentive Zoning Project which has been proposed for ±145.8 acres along the north side of State Route 96, the south side of Collett Road and west of County Road 8. The applicants propose 216 single-family for-sale residential homes on ±116.7 acres and General Business (GB) and Limited Industrial (LI) uses on ±29.1 acres along State Route 96. Mr. Brand said that it is expected that the Town Board will continue the Public Hearing to a subsequent date in anticipation of receiving a requested design plan for the proposed LI uses. He said that the Planning Board also requested a design plan for the proposed LI uses and that the Town staff has prepared a list of accepted LI uses for review by the Town committees.
- All of the easements have been received for the Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program. The Town's grant for this program was approved in 2022. The TAP-CMAQ Program is a Federal Highway Administration Program which provides reimbursement of up to 75 percent of project-related costs for non-motorized transportation improvements, with the remaining 25 percent to be provided by the Town. The grant will fund the construction of approximately 17,000 lineal feet of sidewalks and the construction of a pedestrian bridge across Beaver Creek along the south side of County Road 41. The total grant estimate is \$2,214,000. The TAP-CMAQ is a matching grant. The Federal share will be 75 percent (\$1,771,200). The Town share will be 25 percent (\$553,500). Mr. Brand said that the easement documents will be approved by the Town Board and will be submitted to the Town Attorney for review and filing in the Ontario County Clerk's Office.
- Mr. Brand provided the following residential development statistics for the Town of Farmington:

455 residential dwelling units were constructed in the Town from 2010 to 2020.

488 residential dwelling units were constructed in the Town from 2020 to 2022.

An additional 316 residential dwelling units could be constructed beginning in 2023 based upon residential projects which are now in progress such as new sections in the Auburn Meadows, Monarch Manor, Hathaway's Corners, the Villas at Hathaway's Corners and Marrano Homes developments.

Mr. Brand also said that these statistics do not include the proposed Power Incentive Zoning Project in which 216 single-family for-sale residential homes are proposed.

***Code Enforcement Officer:***

Mr. Delpriore said that several new projects have been submitted to the Development Office and that the staff will advise if a Planning Board meeting on January 18, 2023, will be needed.

Mr. Delpriore also welcomed past Highway Superintendent Don Giroux to the meeting. Mr. Giroux, who is a member of the Farmington Volunteer Fire Association, will serve as the fire department's liaison to the Planning Board for the new year. Mr. Delpriore said that the Town is appreciative of Mr. Giroux's willingness to take on this role and looks forward to his input on applications.

***Highway and Parks Superintendent:***

Mr. Ford said that the Highway Department staff and equipment are ready for winter weather.

***Town Engineer:***

Mr. Brabant said that Mr. Brand has prepared a report for 2023 which identifies several projects which include water and sewer updates, and highway updates, to the Site Design Criteria. Mr. Brabant said that most of the updates involve materials and specifications with less emphasis on procedures at this point.

He also said that meetings are expected to resume for the Municipal Separate Storm Sewer Systems (MS4) program.

***Farmington Volunteer Fire Association:***

Mr. Giroux said that recent emergency calls have involved residential homes with water breaks, carbon dioxide and smoke alarms, and motor vehicle accidents.

**Board Members' Comments:**

Mr. Hemminger discussed the two vehicle display pads which have been proposed for Electric Car Corner, 6162 State Route 96. The Preliminary Site Plan (PB #0901-22) and two Special Use Permits (PB #0902-22 and PB #0903-22) were approved for this project by the Planning Board on October 5, 2022. Mr. Hemminger said that the proposed landscaping does not meet the Major Thoroughfare Overlay District (MTOD) standards and that the applicant must address this prior to returning to the Planning Board [with the Final Site Plan application].

Mr. Hemminger also said that there seems to be a great deal of standing water at the CountryMax construction site on the southwest corner of Collett Road and Hook Road. He said that he was surprised that the water does not seem to be draining into the stormwater pond, even though the site construction is still in progress. Mr. Delpriore said that the Town staff will discuss this with the applicant at the Project Review Committee meeting tomorrow (January 5, 2023).

**7. PUBLIC COMMENTS**

None.

**8. TRAINING OPPORTUNITIES****■ New York Planning Federation Recorded Webinars:**

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

***The Essentials of Planning and Zoning:***

Introduction to Planning, Zoning and Land Use  
 Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan  
 Understanding and Applying SEQRA (NY State Environmental Quality Review Act)  
 The What, Why, and How of Site Plan Review  
 Common Mistakes and Mishaps in Site Plan Review

***Meeting Process and Communication:***

Enhancing Transparency Effectiveness in Planning Proceedings  
 Innovations and Best Practices for Planning/Zoning Boards  
 Engaging Diverse Communities and Dealing with Difficult People  
 Working with Elected Officials and Understanding Everyone's Role in Planning  
 The Open Meetings Law for Zoning and Planning Boards, Part 2  
 Working with Developers to Foster Investment in the Community  
 Communication, the Media and Social Media  
 Open Government and Planning and Zoning Decision Making

**■ General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

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

**9. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 7:15 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, January 18, 2023, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and also via remote video conference.

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

Respectfully submitted,

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

**Appendix #1:****TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
2023 RULES OF PROCEDURE****APPROVED JANUARY 4, 2023****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). During the continuing COVID-19 period there will be no sign-in sheet used. Instead, the Planning Board Chairperson will ask those attending the meeting in person and those participating virtually to please identify themselves to the Clerk of the Board. Give notice that this meeting is being recorded on a 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 4, 2023, 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](http://www.townoffarmingtonny.com)), and the subject property has been duly posted with public notification sign(s).
- i. Announce that draft resolutions have been previously posted on the Town website for tonight's meeting.

- j. Announce that all persons participating 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 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) Site Plan Approval and Other Board Business: Agenda items include Final Subdivision Plat approval, Preliminary Site Plan approval, Final Site Plan approvals and Sketch Plan review.
  - (3) Scheduling of Public Hearings for future Board meetings (for Preliminary Subdivision Plats, Special Use Permits and certain Preliminary Site Plans when deemed necessary by the Board) shall be in accordance with the date 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 Actions:
    - (a) Letters of Credit and Sureties.
    - (b) Reports and Recommendations to the Town Board.
    - (c) Other Board Business (e.g., adoption of Rules of Procedure, annual report to the Town Board on the *Comprehensive Plan*, 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) Fire Chief Report

- (g) Chairperson of the Planning Board
  - (h) Other 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 and ask the applicant (or his or her representative) to make a presentation to the Board and the public. Any Public Hearing 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 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. 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/Meeting.
- e. All persons desiring to speak at a Public Hearing shall be recognized by the Chairperson.
- f. Before speaking, each person shall give his or her name and address for the record.
- g. Persons speaking shall address their comments, questions or concerns to the Chairperson. There shall be no direct dialogue between a public speaker, the applicant, his or her agent or Town staff. The Chairperson shall determine when a speaker has completed his or her comments. The Chairperson shall have the right to limit the time allotted to public speakers.

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

- h. The Chairperson shall determine whom (either the applicant, his or her agent, or Town staff) is to reply to the public concern(s). All responses shall be to the Chairperson.
- i. Once the Chairperson has determined that there are no additional public comments, he or she shall then ask the Board for a voice resolution whether to either close or to continue the Public Hearing. (Public Hearings normally remain open until the application is determined to be complete and can be acted upon.) If a Public Hearing is to be continued, then it shall be part of a resolution to continue it to a specific date. If the Public Hearing is to be closed, then a voice resolution to close the public hearing shall be offered and seconded by Board members followed by a voice roll call vote.

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

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

The Board expects all applicants and staff 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 or the Department Office Administrator.

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 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 Six, Section 103 of the Public Officers Law (*see note above regarding posting*).

Legal Notices shall be emailed by the Development Office Administrator to the Town's Official Newspaper within thirteen (13) days of a Public Hearing, with publication to be not less than seven (7) days prior to the Public Hearing being held by the Board. Legal Notices will include references to the video conference information and where contact information may be found.

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

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

The Board shall identify the 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, prior to making any decision on a pending application. The SEQR Involved Agencies shall be notified of the 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.*)

## **5. 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.

## **6. 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.

## **7. 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 if he or she understands the resolution that is about to be acted on, and if the applicant has any questions, concerns or objections to any part thereof.

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

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

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

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

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

The Board, to override the County’s recommendation of modification, or denial of referred action, requires a majority plus one vote of the entire Board (e.g., 4 of 5 members voting the same way). In the event the Board does override the County’s recommendation, the Board shall by separate resolution set forth its reasons for overriding the County and must file a copy of said resolution with the County, 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.

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.

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

Board members shall record their vote by stating either an “aye” or “nay” on a question. Votes shall be entered in the Minutes. All votes shall be taken in public, either by voice or by roll call by the Clerk of the Board, for each Board member present. A member who is absent from the vote shall be noted as being either absent or excused in the roll call voting. A Board member may abstain from voting. When a Board member exercises this right, it is not necessary for the Board member to state his or her reason(s) for abstaining unless there is disclosure of a conflict of interest associated with an application.

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

During Public Comment Time, any person (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.

## **12. Public Notification**

Public meeting notice shall be given in the manner prescribed by New York State Town Law and the posting of property requirements set forth in the Farmington Town Code. In addition, copies

of the Meeting Agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on the 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 Officer.

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

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

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 pending action (e.g., Special Use Permit, Temporary Use Permit, Site Plan approval, and Preliminary Subdivision Plat approval) that is to occur within 500 feet of the municipal boundary. The Development Office Administrator is to provide the Town Clerk with a copy of all such application(s) 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.

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

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

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

The Board members shall, whenever possible, notify the Clerk of the Board 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. Corrections to draft minutes from board members and staff members shall be reviewed at the next meeting of the board.

## **16. Approved Meeting Minutes**

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

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

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

## **18. Layover**

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

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

## **19. Amendment of Procedures**

The Board, on a resolution to amend, may amend these Rules of Procedures from time to time. Once amended, copies of the amended Rules of Procedure shall be distributed to all having 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.

## **20. Board Discussion**

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

## **21. Board Resolutions**

All resolutions for the Board, except for those identified elsewhere in these Rules of Procedures, or those to close a Public Hearing, are to be drafted by the Town's Director of Planning and Development. The resolutions are to be read by the 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.

## **22. County Referrals**

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

## **23. Acting Chairperson**

With the adoption of this resolution, the Board determines that the Acting Chairperson for 2023 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.



## **24. 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 2022 Rules of Procedure shall also be amended as necessary.

## **25. 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.

## **26. Override of Rules**

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

## **27. Duties and Responsibilities**

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

All Board members are expected to be familiar with the contents of the adopted *Town of Farmington Comprehensive Plan*; the adopted *Town of Farmington Site Design and Development Criteria Manual* (last updated in 2019 and in effect at the time of adoption of these Rules of Procedure); the adopted *Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines* (Reference: Local Law #7 of 2009); the adopted *Main Street Overlay District (MSOD) Site Design Guidelines* (Reference: Town Board Resolution #208 of 2021); the adopted *Town of Farmington Agricultural and Farmland Protection Plan*; and the Farmington Town Code.

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

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

## **29. Site Design Guidelines**

The Town Planning Board, as part of its annual meeting, is required to review and take action upon the *Town of Farmington Major Thoroughfare Overlay District (MTOD) Site Design Guidelines* which are an attachment to Local Law Number 7 of 2009; and the adopted *Main Street Overlay District (MSOD) Site Design Guidelines* (Reference: Town Board Resolution #208 of 2021). Once acted upon, a certified copy of the Planning Board Resolution adopting said Site Design Guidelines for the year 2022 shall be filed with the Town Clerk, the Town Development Office, the Town Code Enforcement Officer, the Town Engineer and the Town Director of Planning and Development.

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

### **30. Comprehensive Plan Maintenance**

In accordance with the contents of Chapter 5, Implementation Chapter, *Town of Farmington Comprehensive Plan*, the Board is to prepare a report to the Town Operations Committee in July of each year. Said report is then to be 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.

### **31. Surety**

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

The Board shall receive from the Town Director of Planning and Development a packet of information pertaining to the establishment of a Letter of Credit, or some other form of surety, for certain site improvements that ultimately will be dedicated to the Town. The packet will include information from the Town Engineer, Town Construction Inspector and the Director of Planning and Development stating that all requirements have been met by the applicant, reviewed by staff and are ready for submission to the Town Board. In addition, a draft Planning Board resolution shall accompany all documentation. The draft resolution is a recommendation to the Town Board on whether or not to take formal action at a subsequent Town Board meeting.

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

The process for a release of surety (either partial or final) shall only be entertained by the Board when the requirements set forth in Chapter 144, Section 32. F. of the Town Code have been satisfied 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 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 Account Clerk to prepare an Abstract for the requested refund to the applicant shall be necessary, provided the above referenced forms have been completed.

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

## **32. Filing**

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

## **33. Effective Date**

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

## **34. Distribution**

Certified copies of the 2023 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 2023 Planning Board Rules of Procedure shall also be kept on file in the Town Development Office.

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

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