

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**PLANNING BOARD**  
**Wednesday, January 3, 2024 • 7:00 p.m.**

**MINUTES—APPROVED**

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

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

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

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

**Staff Present:**  
Ronald L. Brand, Town of Farmington Director of Development and Planning  
Dan Delpriore, Town of Farmington Code Enforcement Officer

**Attending:**  
None

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*Clerk’s Note:* The Planning Board meeting which was to have been held on December 20, 2023, was cancelled by Chairperson Edward Hemminger due to having no Planning Board business on the agenda of that meeting.

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## 1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on January 4, 2023.

## 2. APPROVAL OF MINUTES

### Minutes of December 6, 2023:

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that the minutes of the December 6, 2023, meeting be approved.

Motion carried by voice vote. Mr. DeLucia abstained due to his absence from the meeting on December 6, 2023.

## 3. LEGAL NOTICE

None.

## 4. BOARD ACTIONS

### A. 2024 Planning Board Rules of Procedure:

Prior to the meeting, the 2023 Rules of Procedure were distributed via email to Planning Board members and to Town staff for review in preparation of the discussion this evening.

Proposed revisions to the Rules of Procedure were received from Mr. Brand and from Town Attorney Jeffrey Graff, and were discussed by the board at the meeting this evening.

Mr. Brand said that several of the proposed revisions are based on amendments to the State Environmental Quality Review Act (for examples, *see* Section 7 Subdivision/Site Plan Reviews and Section 12 State Environmental Quality Review (SEQR)).

Other amendments are proposed to clarify Town procedures such as the determination of complete applications (*see* Section 4 Determining A Complete Application and Scheduling a Public Hearing).

Mr. Brand said that other revisions are based upon clarification of Town procedures such as when related/simultaneous applications are considered by both the Planning Board and the Zoning Board of Appeals.

Mr. Sweeney asked about the review of applications by a representative of the Farmington fire department. Mr. Delpriore said that every project is reviewed by Town Fire Marshal August Gordner and that the fire department receives application packets and can issue comments in addition to Mr. Gordner’s review. Mr. Delpriore said that often the comments from the Fire Marshal and the fire department may be merged.

Mr. Delpriore also said that application packets are referred to the complete list of Town staff and boards which includes the Director of Development, the Code Enforcement Office, the Town Highway and Parks Superintendent, the Town Engineer, the fire department and the Town Conservation Board.

There were no additional comments or questions on the 2024 Planning Board Rules of Procedure as amended this evening.

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the reading of the following resolution be waived and that the 2024 Planning Board Rules of Procedure be approved as amended this evening:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
2024 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 2024; 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 2024, as revised per this document appended to the minutes of the Board meeting of January 3, 2024.

**BE IT FURTHER RESOLVED** that a copy of the adopted 2024 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



matched with \$445,000.00 of Town funds. Work on this project is scheduled to begin in early 2024 and be completed by the end of the calendar year.

- Town staff members are completing their final reviews of portions of the Ontario County Haz-Mat Plan which pertain to Farmington. Any Board members desiring to review the document are requested to contact Mr. Brand. Mr. Brand said that the Haz-Mat Plan includes needed improvements to Farmington fire department Station #2. He said that these improvements must be included in the Haz-Mat Plan for Federal Emergency Management Agency (FEMA) to consider funding any request(s).

***Code Enforcement Officer:***

Mr. Delpriore said that the agenda for the next Planning Board on January 17, 2024, will include the following applications:

- Paddock Landing Incentive Zoning Project (PB #1201-23 Overall Preliminary Subdivision Plat and PB #1202-23 Overall Preliminary Site Plan); and
- Jason LaPlant Preliminary Two-Lot Re-Subdivision on the south side of State Route 96 west of County Road 28 (PB #0101-24); and
- Redfield Grove Incentive Zoning Project Preliminary Re-Subdivision Plat (PB #0102-24); and
- Farmbrook Subdivision Overall Preliminary Site Plan for Section 7A and Section 7B (PB #0103-24).

Mr. Delpriore said that the packets for these applications will be provided to board members next Wednesday (January 10, 2024) and will be discussed at the Project Review Committee meeting to be held tomorrow (January 4, 2024).

**6. PUBLIC COMMENTS**

None.

**7. TRAINING OPPORTUNITIES**

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

For information: (518) 512-5270 or [nypf@nypf.org](mailto: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 MR. SWEENEY, seconded by MR. BELLIS, that the meeting be adjourned.

Motion carried by voice vote.

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

The next regular meeting of the Planning Board will be held on Wednesday, January 17, 2024, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and this meeting will also be available via remote video conference.

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

Respectfully submitted,

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

**Appendix #1:****TOWN OF FARMINGTON PLANNING BOARD RESOLUTION  
2024 RULES OF PROCEDURE****APPROVED JANUARY 3, 2024**

**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 2024; 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 2024, as revised per this document appended to the minutes of the Board meeting of January 3, 2024.

**BE IT FURTHER RESOLVED** that a copy of the adopted 2024 Rules of Procedure is to be filed with the Farmington Town Clerk 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 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 3, 2024, 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 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) 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 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 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) Environmental Conservation Board Member Report
  - (g) Fire Chief Report
  - (h) Chairperson of the Planning Board
  - (i) 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/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.

### **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 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 Seven, 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.

When a pending action (e.g., Special Use Permit, Temporary Use Permit, Site Plan approval, and Preliminary Subdivision Plat approval) involves 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 pending action. The Development Office Administrator shall 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.

#### **4. Determining a Complete Application and Scheduling a Public Hearing**

The Planning Board shall first determine when an application for preliminary subdivision plat, preliminary site plan or special use permit is complete prior to scheduling a public hearing/public

meeting upon the action. Once such a determination 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. The time period for decisions by the Planning Board are set forth in section 5 below.

## **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 Reviews**

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, 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.*)

## **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 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 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.

## **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, 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.

## **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. 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 **it** 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.

#### **24. Amendment of Procedures**

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

#### **25. 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.

#### **26. 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.

#### **27. 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.

## **28. 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.

## **29. 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.

### **30. 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.

### **31. 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.

### **32. 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.

### **33. 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.

### **34. 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.

### **35. 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.

### **36. 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.

### **37. Effective Date**

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

### **38. Distribution**

Certified copies of the 2024 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 2024 Planning Board Rules of Procedure shall also be kept on file in the Town Development Office.

**39. 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.

■ The above resolution was offered by MR. DELUCIA and seconded by MR BELLIS the meeting of the Board held on January 3, 2024. Following discussion thereon, the following vote was taken and recorded in the Official Meeting Minutes of the Board.

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

Motion carried.

I, John M. Robortella, Clerk of the Board, do hereby certify to the above resolution and to its being acted on by the Board at a Meeting held on January 3, 2024.

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