

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 13TH day of August, 2024, at 7:00 PM, there were:

PRESENT: Peter Ingalsbe – Supervisor
Mike Casale – Councilman
Steven Holtz – Councilman
Nate Bowerman – Councilman
Ron Herendeen – Councilman
Michelle Finley – Town Clerk-online
Sarah Cerniglia – Deputy Town Clerk

Also present in person: **Tim Ford** – Highway/Parks Superintendent, **Robin MacDonald** – Acting Water & Sewer Superintendent, **August Gordner** – Deputy Code Enforcement Officer, **Ron Brand** – Director of Planning & Development, **Dave Herman** – MRB Group, **Ed Hemminger** – Planning Board Chairman, **Adrian Bellis** – Planning Board Member, **Mark Cain** – Recreation Director, **Betsy Brugg** – Woods Oviatt Gilman-Attorney for Whitestone Development Partners, **Jess Sudol** – Engineer, Passero Associates for Whitestone Development Partners, **Justin Mirando** – Whitestone Development Partners, and **David Santiago and guest** – Troop 61

Also present by telephone/video conferencing was: **Michael Phillips** – resident, and **Michelle Finley** – Town Clerk

PUBLIC HEARINGS: WHITESTONE INCENTIVE ZONING

Supervisor Ingalsbe opened the public hearing and asked if anyone online or in person wanted to speak for or against the project, no one wished to speak. Ms. Brugg, the Attorney for Whitestone Development, stated that they have worked with town staff and refined all the details and addressed all the issues. Supervisor Ingalsbe asked Ms. Brugg if they have had a chance to review the latest version from Mr. Brand and if they were okay with it, Ms. Brugg replied that they had reviewed it and are okay with it. Supervisor Ingalsbe closed the public hearing at 7:02 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Bowerman** and seconded by **Councilman Casale** that the minutes of the July 23, 2024, Town Board Meeting, that were previously given to members for review, be approved. Five Voting “Aye” (Holtz, Herendeen, Casale, Bowerman, and Ingalsbe). Motion **CARRIED**.

PRIVILEGE OF THE FLOOR: None.

PUBLIC CONCERNS: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Herendeen reported:

Water & Sewer:

1. Discussed Patrick Primary Clarifier – electrical issues – now back online.
2. Discussed roof repair
3. Discussed Digester #1- gas tube blockage – problem has been solved and back online.
4. Discussed quotes received to replace sand and rehab sand filter.
5. Final pumps have blown their seal – seal has been rebuilt.
6. Discussed UV Bank A has a communication error – ordered driver rack, installation this week.
7. Discussed electrical repair on primary clarifier (north).
8. Discussed replacement parts on pumps (PS#3) at the plant – waiting for quotes.
9. Discussed Lift Stations – routine maintenance.
10. Discussed Muni-link software – can now read 510 meters remotely.
11. Gauge replacement has been started on needed stations.
12. Installed new water service on Co Rd. 41.
13. Country Max water line is in service now.
14. Flusher Truck is fixed.
15. Fixed service leak on Emma Lane.
16. Watermain break on Co Rd 41 under a new sidewalk.
17. Discussed resolutions on agenda.

Highway & Parks:

1. Highway- equipment maintenance, roadside mowing, paved CFTL Road and working on shoulders of road, sweeping roads, trucks have been helping Victor with paving, accident with Truck #13, worked on topsoil Canandaigua Farmington Townline Road sidewalk, paved Doe Haven Drive, Bridle Path Lane and Belmont Drive and will be paving the week of 8/19.
2. Parks- mowing parks and trails, grooming ball fields, striped ball fields, striping crosswalks and stop lines, watering plants on Rt. 96, patch crack @ Pumpkin Hook Park Basketball Court, helped Highway move Roller and Bobcat and helped flag traffic on Shortsville Road.
3. Buildings- Repaired water leak at Grange and fixed plugged toilet pipes at Town Hall.
4. Discussed resolutions on agenda.

Town Operations Committee: Councilman Casale reported:

1. Discussed resolutions on agenda.
2. Work continues on the Town's TAP Sidewalk Grant Project. Work continues boxing out the alignment and installing stone base for a new section of public sidewalk along the north side of State Route 96, west of Mertensia Road. Work also continues along the south side of County Road 41 west of Beaver Creek and between the Auburn Trail crossing; Concrete work is continuing along both sides of Mertensia Road, north of State Route 96. The pedestrian/bicycle bridge abutments are being installed for crossing Beaver Creek. The design plans for the pedestrian/bicycle bridge have just been received and are being reviewed by Fisher Associates and the State Department of Transportation. Once all sections of concrete sidewalks have been installed then restoration work will commence of all of the lawns and driveways affected.
3. The Town's Agricultural Advisory Committee continues to discuss a draft local law that amends portions of the A-80 Agricultural District, a part of Chapter 165 of the Town Code.
4. The second meeting of the Parks & Recreation Update Committee was held on August 5th at 6:30 p.m.

Town Finance Committee: Supervisor Ingalsbe reported: None.**Town Public Safety Committee: Councilman Holtz reported: None.****REPORTS OF TOWN OFFICIALS:****Supervisor Peter Ingalsbe reported:**

1. Town budget process has started, budget worksheets from departments are due this week. The tentative budget will be presented to the Town Board on September 10th.
2. Ontario County – Government Operations and Insurance and Weights and Means meetings.

Highway & Parks Superintendent Tim Ford reported:

1. Update on Farmington Grove Park – mostly completed, parking lots are done, sidewalks are in, and grass is growing. Light pole still needs to be put in. Park is open.
2. Hail damage update on vehicles. Called a few repair shops, they are months out though for repairs. Supervisor Ingalsbe stated that the town did receive insurance checks and that they have a \$2,500 deductible. He stated that there may be a few vehicles that they do not fix as they are close to being transitioned out. He asked the Town Board for their thoughts if they wanted to stick with one collision repair shop or use multiple ones to get them done quicker. Superintendent Ford stated that the parks vehicles (3) have minimal damage and felt that they might not have even met the \$2,500 deductible. He added that his truck has damage that would need to be repaired. Superintendent MacDonald stated that they have 4 vehicles that need to be repaired.

Deputy Town Clerk Sarah Cerniglia reported:

1. NYSDEC changing DECALS (Hunting/Fishing) program, paper versus valeron.
2. Update on Peddler Permits being issued.

Supervisor Ingalsbe thanked Sarah for filling in while Michelle was out due to having surgery.

Acting Water & Sewer Superintendent Robin MacDonald reported:

1. Update on the Brickyard Road tank project.

Deputy Code Enforcement Officer August Gordner reported:

1. 105 permits issued for the month of July, 250 permit inspections, 11 fire inspections, and 31 stormwater/zoning inspections.
2. 4 fire calls last month.
3. Resolutions on agenda for tonight.
4. Issuing a lot of roof and siding permits due to hailstorm.

Director of Planning and Development Ron Brand reported:

1. Town Operations Report available on website and filed with the Town Clerk.
2. Several thousand linear feet of sidewalk have now been installed, they continued to fill in driveway crossings along those corridors (County Road 41, Mertensia Road, Elizabeth Way, and Route 96). The sidewalk is complete between Glen Carlyn Drive and Fairdale Glen. They will be working to complete the sidewalk on Rt. 96 west of Mertensia. The bridge design is finally in for the pedestrian bicycle bridge crossing for Beavercreek and it will be reviewed by Fishers Associates and NYSDOT. He added that on Friday, they will be marking the rear property lines for parcels adjacent to the stone dust trail between the trail and the County Road 41 sidewalks.
3. Paddocks Landing was granted a 90-day extension, the applicants are still working with NYSDOT and NYSDEC trying to decide how to best align the two driveway entrances that are required by State Building Code.
4. Sidewalk inventory continues with Paul Crandall at the Highway Department. This will be an update for the total number of linear feet (somewhere is the range of 30,000 linear feet) of sidewalk.
5. The sureties update for the site design and development criteria has been submitted to MRB Group and they are working on it.

6. The new Planning Board member that the Board will be appointing tonight is a very welcomed edition to the Planning Board.
7. Sky Solar submissions were received today, and they have the realignment of the road. Ready to move forward with this project.

Assessor Donna LaPlant reported: None.

Town Engineer Dave Herman reported:

1. Updated on the following projects: Brickyard Road Tank project is progressing nicely, and still reviewing the bids for the Collett Road/Mertensia Road Waterman Replacement project.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – Fowler Family Trust, Sky Solar, Creekwood Phase 2, and partial releases on Letter of Credits.

Zoning Board of Appeals, Thomas Yourch reported: None.

Recreation Advisory Board, Bryan Meck reported: None.

Recreation Director Mark Cain reported:

1. Summer Recreation program ended last Friday, averaging 250-260 kids per day, about 180 kids for each of the field trips. He added that it was a successful recreation season.
2. Truck and Treat coming up on October 26th.
3. Holiday party will be December 6th at the Lodge.
4. Discussed field usage at Beaver Creek Park. Currently Victor Youth Girls Lacross is utilizing those fields, starting first week in September for a six-week program and they will supply the nets, not the town.

Ontario County Planning Board Member reported: None.

Conservation Board Chairperson reported: None.

Town Historian Donna Herendeen reported: None.

Swap Shop Update: Councilman Holtz reported: None.

Agricultural Advisory Committee Chairman Hal Adams: None.

COMMUNICATIONS:

1. M&T Bank Notice of Non-Renewal. Re: Ashley and Associates.
2. Delaware River Solar New York Community Solar Operations and Maintenance Plan – December 2020 v.4.
3. Letter to Allison Ricker from the Town Supervisor. Re: Final payment.
4. Memo to the Town Board from the Town Supervisor. Re: Finance Committee Meeting July 16, 2024.
5. Dryden Mutual Insurance Company Notice of Cancellation – Kenneth F. Miller dba Green Acres.
6. Utica First Insurance Company Notice of Cancellation – Rabetoy Construction.
7. Petition – Small Claims Assessment Review. Re: 6021 Redfield Drive.
8. Dryden Mutual Insurance Company Notice of Reinstatement. Re: Kenneth F. Miller dba Green Acres.
9. Letters to various residents from the Town Supervisor. Re: Water meter readings for: 102 Cranberry, 5852 Allen Padgham, 1129 Colonie, 5929 Green, 101 Gannett, 92 Old Mill, 5570 Purdy, 679 Sheldon, 1935 County Road 28, 630 Crowley, 1528 Red Fern, 5730 Bean Pole, 2289-2291 County Road 28, 223 Ellsworth.
10. Letter to Henry Murphy from the Town Supervisor. Re: Sidewalks on Marion Way.
11. Letter to the Town Supervisor from the NYS Education Department. Re: Federal and State Grant Quarterly Status Report.
12. Letter to the Town Supervisor from Timothy McGill, Esq. Re: \$5,000,000 Bond Anticipation Note, 2024.
13. Supreme Court Notice of Electronic Filing. Re: 1370 CR8 LLC and Buckingham Properties, LLC v. Town of Farmington Board of Assessment Review, Assessor, and Town of Farmington.
14. Letter to the Town Clerk from Debra Sullivan of Barclay Damon. Re: Indus 332, LLC v. Town of Farmington.
15. Letter to the Town Supervisor from Edmund Russell III of Hodgson Russ LLP. Re: Ontario County Industrial Development Agency proposed revisions to Uniform Tax Exemption Policy.
16. Ontario County Clerk Recording Page. Re: I, Gordon Corporation v. Town of Farmington Assessor, Board of Assessment Review, and the Town of Farmington.
17. Letter to the Town Supervisor from Christopher Koetzle of NYS Association of Towns. Re: 2025 Dues.
18. Certificates of Liability Insurance from: RG&E, Paul Davis Restoration of Greater Rochester, Penfield Plumbing & Heating, Heberle Plumbing, Inc., Green Renewable, LLC, Kaplan Schmidt Electric, Inc.
19. Certificates of Workers' Compensation Insurance from: Allstate Roofing & More, LLC, JD Rogers Electric and Mechanical Cont. Service, LLC, Heberle Plumbing, Inc.
20. Certificate of NYS Disability and Paid Family Leave Benefits Law Insurance from: JD Rogers Electric & Mechanical Contract Service, LLC.

REPORTS & MINUTES:

1. Ontario County Sheriff Traffic Report – July 2024.
2. Planning Board Meeting Minutes – July 17, 2024.
3. Monthly Report – Judge Lew – July 2024.
4. Monthly Report – Judge Thomas – July 2024.
5. Historic Preservation Meeting Minutes – April 11, 2024.
6. Historic Preservation Meeting Minutes – June 13, 2024.
7. Victor Fire Department Chief’s Report – July 2024.
8. Manchester Fire Department Incident Run Log – July 2024.
9. ALS Group Water Analysis Report – July 2024.

ORDER OF BUSINESS:**RESOLUTION #281-2024:**

Councilman Casale offered the following Resolution, seconded by **Councilman Bowerman**:

APPROVING THE FINAL RELEASE OF FUNDS (RELEASE NO. 2) FROM THE LETTER OF CREDIT FOR WORK WITHIN THE WESTERN NEW YORK COMMERCIAL STORAGE SITE PLAN PROJECT, IN THE TOTAL AMOUNT OF \$19,772.58

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has been informed by the Planning Board Chairperson, that the Town Planning Board (hereinafter referred to as Planning Board) has taken Action, at their July 17, 2024, meeting, to recommend approval of the final release of funds (Release No.2) from the Letter of Credit for the above referenced project, in the total amount of \$ 19,772.58; and

WHEREAS, the Town Board has also been provided a copy of the Town Engineer’s letter dated June 25, 2024, which includes the completed Forms G-1.1, Letter of Credit/Surety - Final Release and G-2.0, the Letter of Credit/Surety Release Forms, in the amount specified above herein and the Applicant’s Engineer’s Estimate of Value for site improvements that have been completed; and

WHEREAS, the Town Clerk has completed her review of the dollar amounts specified herein for the final release (Release No. 2) finding them to be accurate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the above specified Planning Board’s recommendation for the final release of funds (Release No. 2), from the established Letter of Credit for the above referenced project, in the total amount of \$ 19,772.58; and grants approval thereof.

BE IT FURTHER RESOLVED, that the Town Clerk, having verified the total amount for this Letter of Credit is \$72,981.59, with a zero balance remaining after this final release No. 2, to complete the project.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign and date the Letter of Credit Release Form G-2.0.

BE IT FURTHER RESOLVED, that the Town Clerk, is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; August Gordner, Town Fire Marshal and Assistant Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

FINALLY BE IT RESOLVED, that a certified copy of this resolution is to be issued to the Applicant, Edward Samoel, 321 Pittsford Palmyra Road, Macedon, NY 14502; and the Applicant’s Engineer, Landtech Surveying & Planning, 1105 Ridgeway Avenue, Rochester, New York 14615.

All Voting “Aye” (Ingalsbe, Holtz, Casale, Bowerman, and Herendeen), the Resolution was **CARRIED**.

RESOLUTION #282-2024:

Councilman Holtz offered the following Resolution, seconded by **Councilman Herendeen**:

APPROVING A PARTIAL RELEASE OF FUNDS (RELEASE NO. 1) FROM THE LETTER OF CREDIT FOR WORK WITHIN THE COUNTRYMAX SITE PLAN PROJECT, IN THE TOTAL AMOUNT OF \$ 288,137.35

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has been informed by the Planning Board Chairperson, that the Town Planning Board (hereinafter referred to as Planning Board) has taken Action, at their July 17, 2024, meeting, to recommend approval of a partial release of funds (Release No.1) from the Letter of Credit for the above referenced project, in the total amount of \$ 288,137.35; and

WHEREAS, the Town Board has also been provided a copy of the Town Engineer’s letter dated July 1, 2024, which includes the completed Forms G-1.1, Letter of Credit/Surety - Partial Release and G-2.0, the Letter of Credit/Surety Release Forms, in the amount specified above herein and the Applicant’s Engineer’s Estimate of Value for site improvements that have been completed; and

WHEREAS, the Town Clerk has completed her review of the dollar amounts specified herein for the partial release (Release No. 1) finding them to be accurate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the above specified Planning Board’s recommendation for a partial release of funds (Release No. 1), from the established Letter of Credit for the above referenced project, in the total amount of \$288,137.35; and grants approval thereof.

BE IT FURTHER RESOLVED, that the Town Clerk, having verified the total amount for this Letter of Credit is \$417,376.60, with \$ 129,239.25 remaining after partial release No. 1, to complete the project.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign and date the Letter of Credit Release Form G-2.0.

BE IT FURTHER RESOLVED, that the Town Clerk, is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; August Gordner, Town Fire Marshal and Assistant Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

FINALLY BE IT RESOLVED, that a certified copy of this resolution is to be issued to the Applicant, Donald Payne, CountryMax, Corporate Office, 6290 State Route 94, Victor, NY 14564; and the Applicant's Engineer, Wendy Meagher, P.E., Meagher Engineering, PLLC, 2024 W. Henrietta Road, #2C, Rochester, New York 14623.

All Voting "Aye" (Ingalsbe, Holtz, Casale, Bowerman, and Herendeen), the Resolution was **CARRIED**.

RESOLUTION 283-2024:

Councilman Bowerman offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION APPOINTING REGINA SOUSA AS A MEMBER OF THE PLANNING BOARD

WHEREAS, Aaron Sweeney has recently turned in his resignation for the Planning Board leaving a vacancy, and

WHEREAS, Ed Hemminger, Chairperson of the Planning Board, has recommended that Regina Sousa fill the vacancy, now therefore

BE IT RESOLVED, that the Town Board hereby appoints Regina Sousa to the Planning Board effective August 14, 2024 for a term ending December 31, 2025; and

BE IT FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to Ed Hemminger, the Accountant I, the Confidential Secretary and Regina Sousa at regina.m.connolly@gmail.com.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #284-2024:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION TO DECLARE EQUIPMENT SURPLUS SO IT MAY BE DISPOSED OF APPROPRIATELY

WHEREAS, the Supervisor's Office, W&S Department, and Highway Department have miscellaneous computer equipment that is outdated and/or in operable, and

WHEREAS, the Confidential Secretary is asking that the Town Board declare said equipment as surplus so it can be disposed of appropriately:

- (1) Fractal Design Computer
- (1) ASUS Monitor
- (1) Dell Monitor
- (3) Lenovo ThinkCentres
- (1) CyberPower Battery Backup
- (2) Lenovo Keyboards
- (1) Lenovo Mouse
- (3) Lenovo Laptops
- (1) Dell Optiplex 3050
- (1) Lenovo AC Adaptor
- (1) Dell AC Adaptor
- (1) Dell Keyboard
- (1) Microsoft Keyboard
- (1) OKI Printer

RESOLVED, that the Town Board hereby authorizes the miscellaneous equipment listed above be declared as surplus so it may be disposed of properly, and be it further

RESOLVED, that the Town Clerk provide copies of this Resolution to the Accountant I, the Highway Department, the W&S Department, and the Confidential Secretary.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #285-2024:

Councilman Holtz offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION AUTHORIZING THE RETURN OF A PARK RESERVATION FEE TO ERIN TRIOLA

WHEREAS, Erin Triola reserved the Farmbrook Park for July 21, 2024, and

WHEREAS, they were unable to use the bathrooms due to being locked, therefore be it

RESOLVED, that the Farmington Town Board authorizes the return of the park reservation fee in the amount of \$25.00 to Erin Triola, 5756 Wishingwell Lane, Farmington, and further be it

RESOLVED, that the Town Clerk provide copies of this resolution to the Highway Superintendent and Accountant 1.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #286-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Bowerman**:

ACCEPTANCE OF A RECOMMENDATION FROM THE TOWN PLANNING BOARD AND AUTHORIZING THE FIRST PARTIAL RELEASE OF FUNDS [RELEASE NUMBER 1] FOR THE GLN FARMINGTON PHASE 1A PROJECT, IN THE TOTAL AMOUNT OF \$ 332,058.35

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a resolution from the Town Planning Board (hereinafter referred to as Planning Board), dated August 7, 2024, recommending the Town Board take action to approve the first partial release of funds, in the total amount of \$ 332,958.35 from a Letter of Credit that has been established for the above referenced project,; and

WHEREAS, the Planning Board's recommendation is based upon their review and acceptance of the recommendations received from the Town Construction Inspector and the Town's Engineers of their review of the Applicant's Engineer's Estimate of Value for the approved site improvements located in Phase 1A of the GLN Farmington Realty Project that are to be dedicated to the Town; and

WHEREAS, Town Staff have completed their reviews and have signed-off on this requested partial release of funds as evidenced by Appendix Form G-1.1 [Letter of Credit/Surety – Partial Release] and G-2.0 [Letter of Credit – Release Form].

WHEREAS, the Town Clerk has verified the above referenced amounts to be correct.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Planning Board's recommendation and approves of the partial release of funds [Release Number 1] from the above referenced surety in the total amount of \$332,058.35.

BE IT FURTHER RESOLVED, that with this first partial release of funds there will remain a balance of \$542,529.77 in the Letter of Credit to ensure satisfactory completion of the remainder of development to be dedicated to the Town in Phase 1A of the GLN Realty Project.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign and date the Town's Appendix Form G-2.0.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to notify tomorrow, by U.S. Mailing, certified copies of this resolution to: Richard LeFrois, LeFrois Builders & Developers, 1020 Lehigh Station Road, Henrietta, New York 14467; John LeFrois, LeFrois Builders & Developers, 1020 Lehigh Station Road, Henrietta, New York 14467; Peter Vars, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450; Tom Danks, Project Manager, BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450.

BE IT FINALLY RESOLVED, that electronic certified copies of this resolution are also to be provided to the Town Highway & Parks Superintendent, the Acting Town Water & Sewer Superintendent, the Town Code Enforcement Officer, the Town Director of Planning and Development, the Town Construction Inspectors, David Orians and Matthew Heilmann, and the Town Engineer, Lance S. Brabant, CPESC, MRB Group.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #287-2024:

Councilman Holtz offered the following Resolution, seconded by **Councilman Bowerman**:

ACCEPTANCE OF A RECOMMENDATION FROM THE TOWN PLANNING BOARD AND AUTHORIZING THE FIRST PARTIAL RELEASE OF FUNDS [RELEASE NUMBER 1] FOR THE FARBROOK SUBDIVISION PHASES 7A & 7B-2 PROJECT, IN THE TOTAL AMOUNT OF \$ 288,807.88

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a resolution from the Town Planning Board (hereinafter referred to as Planning Board), dated August 7, 2024, recommending the Town Board take action to approve the first partial release of funds, in the total amount of \$288,807.88 from a Letter of Credit that has been established for the above referenced project,; and

WHEREAS, the Planning Board's recommendation is based upon their review and acceptance of the recommendations received from the Town Construction Inspector and the Town's Engineers of their review of the Applicant's Estimate of Value for the approved site improvements located in Phases 7A & 7B of the above referenced Project that are to be dedicated to the Town; and

WHEREAS, Town Staff have completed their reviews and have signed-off on this requested partial release of funds as evidenced by Appendix Forms G-1.1 [Letter of Credit/Surety – Partial Release] and G-2.0 [Letter of Credit – Release Form] dated 08/05/24.

WHEREAS, the Town Clerk has verified the above referenced amounts to be correct.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Planning Board's recommendation and approves of the partial release of funds [Release Number 1] from the above referenced surety in the total amount of \$288,807.88.

BE IT FURTHER RESOLVED, that with this first partial release of funds there will remain a balance of

\$ 1,218,636.08 in the Letter of Credit to ensure satisfactory completion of the remainder of development to be dedicated to the Town in Phases 7A & 7B of the above referenced Project.

BE IT FURTHER **RESOLVED**, that the Town Supervisor is hereby authorized to sign and date the Town’s Appendix Form G-2.0.

BE IT FURTHER **RESOLVED**, that the Town Clerk is hereby directed to notify tomorrow, by U.S. Mailing, certified copies of this resolution to: Brian Mahoney, Partner, Canandaigua Development Company, LLC, 28 South Main Street, Canandaigua, NY 14424; and Robert Brenner, Partner, Canandaigua Development Company, LLC, 28 South Main Street, Canandaigua, NY 14424.

BE IT FINALLY **RESOLVED**, that electronic certified copies of this resolution are also to be provided to the Town Highway & Parks Superintendent, the Acting Town Water & Sewer Superintendent, the Town Code Enforcement Officer, the Town Director of Planning and Development, the Town Construction Inspectors, David Orians and Matthew Heilmann, and the Town Engineer, Lance S. Brabant, CPESC, MRB Group.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #288-2024:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Casale**:

CONFIRMING RESOLUTION AUTHORIZING PAYMENT TO REGIONAL INTERNATIONAL CORP. FOR INSPECTION AND REPAIR OF AC OPERATION ON TRUCK 16 (FLUSHER TRUCK)

WHEREAS, the Water and Sewer Superintendent has recognized the need for a for mentioned repair; and

WHEREAS, after receiving the invoice for the emergency repair for Truck # 16 (Flusher Truck) from Regional International. in the amount to be paid of \$4,845.79; now therefore

BE IT **RESOLVED**, the funds are from budget lines SS8120.4 in the amount of \$1,615.26 and SS8120.4V in the amount of \$1,615.27 and SW1-8340.4 in the amount of \$1,615.26; and

BE IT FURTHER **RESOLVED**, that the Town Clerk provides a copy of this resolution to the Acting Water/Sewer Superintendent, and the Accountant I.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #289-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Bowerman**:

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR THE GENERAL FUND

WHEREAS, Resolution 85-2024 authorized the Town to enter into a contract with NYS IND using funds totaling \$74,890 from the Local Government Records Management Improvement Fund grant to the consultant for the preparation, scanning and indexing of small and large format documents, and

WHEREAS, fifty percent of the grant funds were received in the 2023 fiscal year, and the remaining funding from the grant is anticipated to be received in the 2024 fiscal year, now therefore

BE IT **RESOLVED**, that the grant revenue be transferred to the expense line for the contractor payment with the following budget amendment:

A3060 Records Management State Aid	\$37,445	
A599 Appropriated Fund Balance	\$37,445	
A1460.41 Grant Funding Contractual		\$74,890

BE IT FURTHER **RESOLVED**, that copies of this resolution be submitted by the Town Clerk to the Accountant I and the Building Department.

All Voting “Aye” (Ingalsbe, Bowerman, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION #290-2024:

Councilman Bowerman offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR THE GENERAL FUND

WHEREAS, the following amendments are needed in the General Fund to cover expenses, now therefore

BE IT **RESOLVED**, that the Town Board of Farmington hereby authorizes the following budget amendments:

Debit: A2725 VLT	\$20,000
Credit: A1410.12 Town Clerk Overtime	\$600
Credit: A1010.4 Town Board	\$14,900
Credit: A1680.4 Central Data Processing	\$4,500

BE IT FURTHER **RESOLVED**, that copies of this resolution be submitted by the Town Clerk to the Accountant I.

All Voting “Aye” (Ingalsbe, Herendeen, Bowerman, Holtz, and Casale), the Resolution was **CARRIED**.

RESOLUTION #291-2024:

Councilman Bowerman offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION CONFIRMING THE CONSOLIDATION OF THE FOX ROAD WATER DISTRICT EXTENSION INTO THE CANANDAIGUA-FARMINGTON WATER DISTRICT FOR THE 2025 TAX ROLL

WHEREAS, in July 2003, the Town Board of Farmington passed a resolution authorizing the consolidation of the Canandaigua-Farmington Water District, and the Fox Road Water District Extension, as well as several other District Extensions, and

WHEREAS, for tax purposes the water districts were separately maintained on the town's assessment and tax rolls, so that the debt in each of the district extensions could be tracked and taxed accordingly, and

WHEREAS, the debt that was established in 2001 in the Fox Road Extension has been satisfied, now therefore

BE IT RESOLVED, that the assessment values for Fox Water District Extension (WD285) be combined into Canandaigua-Farmington Water District (WD281) for the Town of Farmington, and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to Town of Farmington Assessor, Ontario County Real Property Tax Services (20 Ontario St, Canandaigua), and the Town of Farmington Accountant I.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #292-2024:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION AUTHORIZING WAIVING DEVELOPMENT FEES FOR THE ST. JOHN LUTHERAN CHURCH COMMUNITY EAGLE SCOUT PROJECT

WHEREAS, St. John Lutheran Church is located at 153 Church Ave and has submitted a building permit application to install a wood shed in the front yard which would need a variance and approved site plan by the planning board, and

WHEREAS, as part of his Eagle Scout Project, Daniel Kirsch will be working on the installation of said wood shed, and

WHEREAS, St. John Lutheran Church being a not-for-profit organization has requested the fees be waived for all development application which would include building permit fees, planning board fees, and zoning board fees relating to the Eagle Scout Project, now therefore be it

RESOLVED, the Farmington Town Board authorizes waiving the development fees for the St. John Lutheran Church for the Eagle Scout Project, and be it

FURTHER RESOLVED, that the Town Clerk provide a copy of this resolution to St. John Lutheran Church at 153 Church Ave Attn: Jacob Kirsch, Dan Delpriore, Code Enforcement Officer, and Accountant I.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #293-2024:

Councilman Holtz offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON CODE OFFICER, DAN DELPRIORE, TO ATTEND THE NEW YORK STATE BUILDING OFFICIALS CONFERENCE (NYSBOC) ANNUAL BUSINESS MEETING AND TRAINING ON SEPTEMBER 19TH AND 20TH AT RADISSON HOTEL IN CORNING

WHEREAS, this is a budgeted item, and

WHEREAS, the Code Officer, Dan Delpriore, has requested approval to attend said annual business meeting which would include meals, and lodging at a cost not to exceed \$300.00, now therefore

BE IT RESOLVED, that the Town Board of Farmington does hereby approve the attendance of Dan Delpriore to the NYSBOC annual business meeting at a cost not to exceed \$300.00, and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Accountant I, Code Officer Dan Delpriore, and Confidential Secretary.

All Voting "Aye" (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #294-2024:

Councilman Bowerman offered the following Resolution, seconded by **Councilman Holtz**:

RESOLUTION AUTHORIZING PAYMENT TO DAVE'S DIGS FOR A MEMORIAL PLAQUE IN POWER CEMETERY

WHEREAS, the Historic Preservation Commission has requested to purchase a memorial plaque to be installed in Power Cemetery, and

WHEREAS, a quote was received from Dave's Digs for the memorial plaque at a cost not to exceed \$2,109.00, now therefore

BE IT RESOLVED, that the Town Board of Farmington does hereby authorize payment to Dave's Digs for a memorial plaque in Power Cemetery at a cost not to exceed \$2,109.00, and

BE IT FURTHER **RESOLVED**, that copies of this resolution be submitted by the Town Clerk to the Accountant I and Jean Allison at jmallison777@gmail.com.

Four Voting "Aye" (Holtz, Herendeen, Bowerman, and Casale), One Abstention (Ingalsbe), the Resolution was **CARRIED**.

RESOLUTION #295-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Holtz**:

RESOLUTION OF APPROVAL FOR THE TOWN HISTORIAN TO APPLY FOR A MARKER GRANT WITH THE WILLIAM POMEROY FOUNDATION

WHEREAS, the Town Historian has requested approval from the Town Board to apply for a Patriot Marker to be installed in Hathaway Cemetery to honor the men who served in the American Revolution, and

WHEREAS, the Patriots buried in the cemetery are Stephen Hayward, Levi Smith, and Isaac Hathaway, and

WHEREAS, the markers will help highlight the Town's recognition of the Semiquintennial (250th) Anniversary of the signing of the Declaration of Independence, and

WHEREAS, the Rochester Chapter of the Sons of the American Revolution has agreed to prepare the William Pomeroy Marker Grant Application, now therefore

BE IT RESOLVED, that the Town Board approves the Town Historian's request to apply for a marker grant, and

BE IT FURTHER RESOLVED, that the Town Board approves the Town Historian's request to place said marker in the Hathaway Cemetery, and

BE IT FINALLY RESOLVED, that the Town Clerk provide a copy of this Resolution to the Town Historian.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #296-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

CONFIRMING RESOLUTION APPROVING MID YEAR INCREASE FOR HIGHWAY EMPLOYEE DEVON MURPHY

WHEREAS, there are funds in the Highway Budget for mid-year pay increases, and

WHEREAS, Devon Murphy was set to receive a mid-year increase, and

WHEREAS, due to an administrative error, Devon Murphy was excluded from Resolution #271-2024, now therefore

BE IT RESOLVED, that the Town Board approves the a mid-year increase for Devon Murphy at a rate of \$.96 per hour effective with Payroll #17 (August 4, 2024), and

BE IT FURTHER RESOLVED, that the Town Clerk provide a copies of this Resolution to the Highway Superintendent, the Accountant I, and the Confidential Secretary.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #297-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

ADOPTION OF LOCAL LAW NO. 4 OF 2024, AND AUTHORIZING THE AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP FOR DELINEATING THE REZONING OF LAND [TAX MAP ACCOUNTS 41.07-1-28.210 AND 41.00-1-28.300] FROM PD PLANNED DEVELOPMENT FOR THE "GLACIER LAKES WATERPARK AND CONFERENCE CENTER PROJECT" AND MTOD MAJOR THOROUGHFARE OVERLAY DISTRICT TO IZ INCENTIVE ZONING FOR THE PROJECT KNOWN AS "WHITESTONE INCENTIVE ZONING PROJECT, STATE ROUTE 332 AND COUNTY ROAD 41," WITH MTOD MAJOR THOROUGHFARE OVERLAY DISTRICT; ADOPTION OF THE IZ INCENTIVE ZONING DISTRICT CONDITIONS OF APPROVAL FOR SAID PROJECT; AND ACCEPTANCE OF THE ZONING AMENITIES WITH CONDITIONS FOR SAID PROJECT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board), has on July 9, 2024, [Town Board Resolution #257-2024] completed its' review of the environmental record for the above referenced legislative action for the rezoning of land identified above herein, and making a determination of non-significance thereon under the provisions of 6NYCRR Part §617.2 (a), article 8, New York State Environmental Conservation Law (ECL); and

WHEREAS, the Town Board has considered the public hearing record upon said Action, including the Ontario County Planning Board's Referral No. 53 of 2024; and

WHEREAS, the Town Board tonight has closed the public hearing upon said Action.

NOW, THEREFORE, **BE IT RESOLVED**, that the Town Board does hereby adopt in its' entirety the final form Local Law No. 4 of the year 2024, dated August 13, 2024.

BE IT FURTHER RESOLVED, that the Town Board does hereby adopt the following conditions of approval, contained below herein, for the "Whitestone Incentive Zoning Project, State Route 332 and County Road 41," which is based upon the latest revised Concept Plan drawings, prepared by Passero Associates, dated June 21,

2024, identified as “Whitestone Incentive Zoning Concept Figures,” drawings 01 and 02; and the drawing prepared by Passero Associates, dated June 21, 2024, identified as “Whitestone Incentive Zoning Phasing Plan Figure,” drawing 01.

BE IT FURTHER **RESOLVED**, that the Town Board does hereby establish the following zoning criteria for the development of the “Whitestone Incentive Zoning Project, State Route 332 and County Road 41:”

Residential Area – Lot 1 –

This portion of the project involves 38.2 acres of land, providing for a maximum of 280 single-family town house dwelling units in two phases.

Phase 1 is planned for the period 2025 through 2029 and is hereby approved for the construction of a total of nineteen (19) residential buildings containing one hundred and ninety (190) single-family attached dwelling units and related site improvements. Phase 2, is approved for starting construction in 2029, or upon completion of Phase 1 development, whichever comes first, and involves construction of a total of nine (9) residential buildings containing a total of ninety (90) single-family attached dwelling units and related site improvements.

Phase 1 related site improvements include the construction and dedication of two town road identified as the north/south road between State Route 332 and County Road 41, and the east/west road between the north/south road and Quentonshire/Pintail Crossing on the east.

Phase 1 related site improvements include construction of a five-foot-wide concrete sidewalk along the east site of the proposed north/south town road between State Route 332 and County Road 41 and a section of five-foot-wide concrete sidewalk along the south side of County Road 41 across the frontage of the IZ Project site, known as Lot 2.

Phase 1 related side improvements include the construction of a five-foot-wide concrete sidewalk along the south side of the proposed town road running east/west between the proposed north/south road and Quentonshire Drive (aka Pintail Crossing Drive).

Phase 1 site improvement include the construction of the proposed “Village Green” area, having related walking trails and proposed pavilions to be approved by the Planning Board as part of the Overall Preliminary Subdivision Plan/Site Plan for the Whitestone Incentive Zoning Project.

All dwelling units shall be part of a rental community providing a mix of one- and two-story single-family dwelling units, each unit with separate/independent entrances and with a maximum of ten (10) dwelling units per building. The buildings include a mix of one floor units and two floor units, one unit on the lower level and one units on the upper level, and designed materially as to be approved by the Planning Board as part of Overall Preliminary Site Plan for the Whitestone Incentive Zoning Project. The maximum height of said buildings shall not exceed forty (40) feet above finished grade. Minimum front setback from the right-of-way of a Town highway shall be 50 feet. Minimum front setback from the edge of pavement for a private drive shall be 35 feet. Each dwelling unit shall have a one or two car garage, as illustrated on the attached architectural and floor plans.

Prior to the issuance of the first Certificate of Occupancy for any dwelling unit located within the Phase 1 residential portion of the project, there shall be dedication of the north/south town road, and installation of sidewalks along the east side of said road.

Prior to the issuance for the of the tenth (10th) Building Permit for this residential phase of the project, there shall be construction underway of the east/west town road connecting the north/south town road with Quentonshire/Pintail Crossing.

Prior to the issuance of a Certificate of Occupancy for the tenth (10th) building, sidewalks shall be installed along the south side of the east/west road between the north/south road and Quentonshire/Pintail Crossing and connecting to the sidewalk along the east side of Quentonshire/Pintail Crossing.

Prior to issuance of the Certificate of Occupancy for the one hundred fortieth (140th) dwelling unit in Phase 1, the east/west town road between the north/south town road and Quentonshire/Pintail Crossing shall be dedicated to the Town.

Prior to the issuance of the Certificate of Occupancy for the tenth (10th) building within Phase 1 the “Village Green” open area shall be completed with lawn, landscaping, walking trails and pavilions that are to be approved by the Planning Board as part of Overall Preliminary Subdivision/Site Plan Approval.

There shall be no accessory structures allowed for any of the dwelling units within the residential portion of the IZ Project other than for the community building, and any recreation structures (ex. Pavilions) and/or a maintenance building serving the residential community.

There shall be no outside storage of trash or recycling receptacles for any of the dwelling units within the residential portion of the IZ Project.

There shall be designated public parking spaces strategically located throughout the residential portion of the project. No more than 1 parking space per 5 dwelling units shall be required. These parking areas are to be restricted for off-street parking of licensed automobiles only. Each of these parking areas are to be located adjacent to a public sidewalk providing access to nearby dwelling units. All parking areas are to be illuminated for safety and security purposes.

There shall be no outdoor storage of recreational vehicles permitted within the residential portion of the IZ Project.

There shall be a dog park provided for use by the occupants of said townhouse project.

There shall be a sidewalk connection between the proposed Community Center and the sidewalk along the east side of the proposed north/south public street or similar sidewalk connectivity if the layout changes from the current concept.

Along the delineated hiking/walking trails within the proposed “Village Green” there may be up to four (4) freestanding pavilions used for gatherings of the residents of the single-family dwellings. The Planning Board is to determine the total number of pavilions and locations as part of their review and approval of the Overall Preliminary Subdivision and Site Plan process.

Each residential building shall have street trees planted along the building frontages. Street trees shall also be required along one side of the public streets located within the designated residential portion of the site. The details of the landscaping improvements are to be approved by the Planning Board as part of the overall site plan process.

A six foot (6 ft.) wide asphalt bike path shall be constructed, to Town standards, along that part of the north-south dedicated right-of-way from NY 332 to the point of intersection with and along the east-west dedicated right-of way to connect with Quentonshire/Pintail Crossing. The path will be within the dedicated right-of-way but not built as part of the dedicated street. The bike path is to be installed within six months of the completion of construction of the signalized intersection of the north-south dedicated road with State Route 332.

There shall be a community center constructed as part of the first phase of the residential portion of the IZ Project. Said facility to be designed to accommodate the year-round recreational/social needs of the residents. Said facility may be allowed a leasing office, fitness center, community room, small kitchen area and public rest rooms for its members and guests. In addition, said community center area may include an outdoor inground pool and patio area. In addition, there shall be a secure area reserved for exercising residents' dogs. Finally, on-site parking for this community center facility shall not exceed twenty (20) parking spaces.

Limited Industrial Area - Lot 2 -

The Limited Industrial parcel, containing approximately three (3) acres of land identified as Lot 2 on the above referenced Passero Drawings, will be developed as part of Phase 1. In addition, all the commercial properties, identified on the Passero Drawings, as Lots 3 through 7, shall be included in in Phase 1. The five (5) commercial parcels shown on the referenced Passero Drawings are subject to the location of lot lines, individual parcel size, and the number of the individual parcels within the commercial area, as may be modified to accommodate a proposed user for final site plan approval by the Planning Board.

The following uses are permitted within the delineated Lot 2 area:

- a. A climate-controlled self-storage facility, cold self-storage facilities and outdoor storage of recreational vehicles when located on a climate-controlled self-storage site provided such outdoor storage area is not larger than thirty percent (30%) of the developed portion of the site and is well screened and buffered from adjacent public streets.
- b. Warehouse for enclosed storage of goods and materials, distribution center, wholesale businesses, excluding bulk storage of fuel and other flammable liquids or gases.
- c. Research and development laboratories.
- d. Health care facility, including but not limited to urgent care services.
- e. Car washes provided no entrance or exit drive shall be located within 100 feet of any street intersection, and provided further that there are at least 15 reservoir spaces for each wash lane.

Dimensional requirements: (see Table One below for additional specifications):

- a. No driveways shall be allowed direct access along the County Road 41 frontage of this IZ Project site.
- b. Driveway spacing on the dedicated public streets within the IZ Project shall be restricted to a minimum separation of 130 lineal feet, or opposite alignment with planned or existing driveways located along the two public streets within the IZ Project as shown on the IZ Concept Drawing.
- c. Front setback from County Road 41 shall be the lesser of either eighty (80) feet or match that of adjacent properties along said highway.
- d. Front setback from along either of the two public streets to be located within the IZ Project shall be fifty (50) feet minimum. Side setback shall be 25 feet minimum, Rear setback shall be 30 feet minimum, maximum building coverage shall be thirty-five percent (35%), and maximum site coverage shall be sixty percent (60%).
- e. Maximum building height shall be fifty (50) feet.
- f. A deviation from any dimensional provision provided in this approval of 10% or less may be approved by the Code Enforcement Officer.

Five-foot-wide concrete sidewalks are to be installed along one side of both public streets to Town Standards contained in the Town's Site Design and Development Criteria. There shall be no parking/standing permitted along either side of these two public streets.

Streetlights are to be installed at each intersection of the public streets with private drives or private streets. One or more lighting districts shall be established for the residential, limited industrial, and commercial portions of the IZ Project or this area shall be added to the Creekwood or Pintail lighting districts.

Commercial Area - Lots 3-7

This portion of the IZ Project (currently shown as Lots 3 – 7) contains a minimum of 15.5 acres of land adjacent to State Route 332. This portion of the IZ Project site is designated for a mix of permitted commercial uses described below.

Across the State Route 332 frontage there shall be landscape plantings on berms designed to enhance the site while not obstructing visibility of proposed commercial uses from Route 332.

Along this frontage there shall be street trees planted and spaced in accordance with a landscaping plan to be approved by the Planning Board as part of their approval of an overall preliminary site plan. Wherever practicable the site's mature trees located along the State Route 332 frontage shall be maintained and incorporated into the site's landscaping plans to be approved by the Planning Board.

All commercial sites along the east side of the State Route 332 frontage are to have pedestrian connections to the public sidewalks that are to be constructed in the first phase, both externally along the State Route 332 frontage and internally among connecting Lots (3 through 6).

Vehicle access (driveways to/from these commercial sites) shall be provided from the proposed north/south public street starting at the intersection with Route 332. The locations for these driveways are to be approved by the Planning Board as part of a Preliminary Overall Subdivision Plat/Site Plan for the Whitestone Incentive Zoning Project and in accordance with the driveway spacing guidelines contained in Chapter 165, Article IV, Section 165-34. Major Thoroughfare Overlay District (MTOD).
[Exception here]

Prior to the issuance of a Certificate of Occupancy for a building located on proposed Lot 7, the proposed easement between the proposed building and the community center and connecting the north/south public street to the property adjacent to the south of the southern IZ property shall be filed in the Ontario County Clerk’s Office and shown on a Final Site Plan drawing for Lot 7.

The developer agrees to install pedestrian crosswalk signals on both the north and south sides of County Road 41, east of State Route 332, and a striped crosswalk.

Public sidewalks along the east side of State Route 332, between the south property line of the IZ Project and the sidewalks at the intersection of Farmbrook Drive and State Route 332 are to be constructed and dedicated prior to the issuance of the first Certificate of Occupancy for any building located within the Phase Two portion of the IZ Project.

The following uses are permitted within the commercial portion of the IZ Project, together with any accessory uses that may be customary, incidental, subordinate to or part of a permitted use:

1. Commercial uses, including but not limited to retail sales, such as department and discount stores, drugstores, clothing and shoe stores, hardware stores, laundry and dry-cleaning stores, liquor stores, furniture, and home appliance stores.
2. Hotels designed for up to four stories in height and which may include retail shops, restaurants, and banquet facilities, indoor and outdoor seating, and other accessory uses.
3. Rentals of automobiles, trucks, trailers, or recreational vehicles.
4. Fast-food and drive-through restaurants.
5. Car washes subject further to the standards specified above for the Lot 2 portion of the IZ Project.
6. Commercial shopping plazas and shopping malls.
7. Business uses and office uses, including but not limited to professional, and executive offices, and general office uses.
8. Barbershops, beauty shops, and other personal service shops, such as travel agencies and other services.
9. Specialty schools, such as yoga, fitness, karate, dance, academic and/or testing learning centers, etc,...
10. Health care facility, including but not limited to urgent care services, medical offices, clinics, labs, dialysis center, plasma center, medical equipment sales and rental.
11. Breweries, cideries and bars, which may serve food and/or which may include outdoor seating and recreation areas.
12. Grocery, specialty food stores and convenience-type food stores.
13. Banks and lending institutions, with drive-through tellers and ATMs if at least two (2) reservoir spaces are provided for each teller’s window and/or ATMs.
14. Nursery schools or day-care centers or similar uses.
15. Tennis, pickle ball, or racquetball clubs, health clubs, or indoor sports facilities (e.g. golf simulators, bowling alleys, gymnastic facilities, etc.).
16. Uses which are deemed to be similar to or compatible with any Permitted Use by the Code Enforcement Officer.

Dimensional requirements: (see table below as well)

TABLE ONE DIMENSIONAL REQUIREMENTS

- a. Driveway spacing on the dedicated public streets within the IZ Project shall be restricted to a minimum separation of 130 lineal feet, or opposite alignment with planned or existing driveways located along the two public streets within the IZ Project as shown on the IZ Concept Drawing.
- b. Front setback from Route 332 for buildings shall be a minimum of seventy-five (75) feet.
- c. Front setback from along either of the two public streets to be located within the IZ Project shall be fifty (50) feet minimum. Side setback shall be 25 feet minimum, Rear setback shall be 30 feet minimum, maximum building coverage shall be thirty-five percent (35%), and maximum site coverage shall be sixty percent (60%).
- d. Maximum building height shall be 75 ft. and 3 stories, except that a hotel may be 4 stories.
- e. A deviation from any dimensional provision provided in this approval of 10% or less may be approved by the Code Enforcement Officer.

The Whitestone IZ Project’s Commercial sites shall be subject to the Routes 332/96 Design Guidelines adopted by the Planning Board except as superseded or amended herein.

The minimum front setbacks for all proposed buildings fronting along the east side of State Route 332, shall be 75 ft.

The Bulk Lot Requirements for the Whitestone Incentive Zoning Project shall be as follows:

Maximum Building Cover	35%	
Maximum Building Heights		Residential 40 feet Limited Industrial 50 feet Commercial 75 feet
Maximum No. Stories		Residential 2 1/2 stories Limited Industrial 3 stories Commercial 3 stories *

*Except for a hotel which shall be a maximum height of 75 feet and 4 stories.

For drive-through uses, bank teller windows and kiosks, queuing shall be provided for no less than 4 vehicles.

Commercial Speech Signs – Lots 2 through 7 -

Commercial Speech Signage shall be permitted for the IZ Project as follows:

For the residential portion of the IZ project, there may be erected two two-sided ground-mounted commercial speech business identification signs, one proximate to the main entrance to the residential community from the internal north-south dedicated street, and a second sign on the NYS Route 332 frontage. Said commercial speech signs shall not exceed 64 square feet in sign area or extend in height 15 feet one inch or greater above existing grade. The edge portion of said two-sided ground-mounted business identification sign shall not be located nearer than 15 feet to a public right-of-way line. Every ground-mounted commercial speech business identification sign shall be surrounded at its base by landscaping approved by the Planning Board as part of site plan review. The minimum ratio of landscaping required shall be one square foot of ground area for each square foot in sign copy area.

For each commercial or limited industrial parcel or building in the IZ project (lots 2-7), the following shall be permitted:

Two building-mounted commercial speech signs are allowed for each parcel or building. The total square footage each building-mounted commercial speech sign shall not exceed 60 square feet. Upon approval of the Planning Board, the permitted 60 square feet of any building-mounted sign may be divided into two signs on the same facade in lieu of the one.

In addition to building-mounted commercial speech business identification signs, there may be erected one two-sided ground-mounted commercial speech business identification sign upon any parcel fronting along State Route 332 or County Route 41. Said commercial speech sign shall not exceed 64 square feet in sign area or extend in height 15 feet one inch or greater above existing grade. The edge portion of said two-sided ground-mounted business identification sign shall not be located nearer than 15 feet to a public right-of-way line. Every ground-mounted commercial speech business identification sign shall be surrounded at its base by landscaping approved by the Planning Board as part of site plan review. The minimum ratio of landscaping required shall be one square foot of ground area for each square foot in sign copy area.

As an alternative to any building-mounted commercial speech sign or ground-mounted freestanding commercial speech business identification sign for those buildings fronting along State Route 332 or County Route 41, there may be erected an awning sign. Awning sign(s) shall be uniform in vertical dimension and height above existing grade. The maximum letter height shall be twelve inches. Awning sign(s) shall be uniform in vertical dimensions, lettering and height above existing grade. Such awnings sign(s) shall be of the same color and material on all buildings. Such awning sign(s) shall be no larger than the window opening. No sign message shall be permitted on the sloping area of the awning; however, a simple logo may be permitted on each awning.

The following signage shall be permitted where more than one principal building or activity is proposed or exists upon a single parcel or on several related parcels, where the parcels have their primary or only point of access on the new dedicated north-south street to be constructed as part of the IZ project: One double-sided, ground-mounted, free-standing commercial speech sign may be installed to identify the name of a shopping center, plaza, office complex or other multiple-use facility and the name of each business within it. Such sign shall have a sign area of up to 60 square ft. and not be higher than 15 ft. above grade.

In addition to business identification signs, on-site signage shall be permitted to include signage customary or incidental to the use of the property, such as menu boards, pre-order boards, and kiosk signage.

Directional signage shall be provided for purposes of wayfinding and safety. All signage may be internally illuminated or ground lit.

There shall be no changeable copy signage allowed on any site located along State Route 332, or County Road 41.

The inclusion of the commercial/limited industrial development in Phase 1 together with the first 190 residential units will both advance the development of the commercial uses and allow the developer to provide important amenities in Phase 1, including the construction of the internal dedicated streets and sidewalks.

Incentive Zoning Site Amenities –

The following Zoning Amenities are hereby accepted and established as conditions of this rezoning Action:

The Applicant agrees to provide a matching financial contribution in the future along with the owner(s) of the Hathaway's Corners Incentive Zoning Project, located along the west side of State Route 332 and opposite the Whitestone Incentive Zoning Project, for making the required construction costs for a Route 332 signalized intersection improvement project. The costs for said project are to be determined in the future by the Town of Farmington in consultation with the New York State Department of Transportation (NYSDOT). The shared costs, between these two Incentive Zoning Projects, are to be based upon a trip generation study and updated construction cost estimates for both the intersecting streets of the Hathaway's Corners IZ Project (Barry Place) and the Whitestone IZ Project (north/south town road) of a fully signalized intersection with State Route 332. Said construction cost estimates shall include pedestrian crosswalks, pedestrian crossing signals, left turn lane improvements on 332, intersection street lighting, and shall be subject to the NYSDOT's determination that warrants exist for this highway intersection project.

The Applicant agrees to provide a future matching financial contribution, with the owner(s) of the Hathaway's Corners Incentive Zoning Project, for conducting a traffic engineering study referenced above to determine shared costs for a Route 332 signalized intersection improvement project.

Public sidewalks are to be constructed by the Applicant to Town Specifications along the east side of State Route 332, between the south property line of the IZ Project and a future crosswalk at County Road 41, then continuing and connecting to the sidewalk along the north side of County Road 41. At County Road 41, pedestrian signals are to be installed for crossing said County highway. This amenity is to be dedicated prior to the issuance of the first Certificate of Occupancy for any building located within the Phase 1 portion of the IZ Project.

Public sidewalks are to be constructed to Town Specifications along the east side of State Route 332, between the south property line of the IZ Project and connecting to the sidewalk located at the intersection of State Route 332 and Farmbrook Drive. This amenity is to be constructed prior to the issuance of the first Certificate of Occupancy for any building located within the Phase 1 portion of the IZ Project.

Public sidewalks are to be constructed to Town Specifications along the south side of County Road 41 and across the entire frontage of the IZ Project. This amenity is to be constructed prior to the issuance of the first Certificate of Occupancy for any building located within the Phase 1 portion of the IZ Project.

Public sidewalks are to be constructed to Town Specifications along the east side of the proposed north/south town road located in Phase 1 and between State Route 332 and County Road 41.

Public sidewalks are to be constructed along the south side of the east/west town road between the north/south town road and Quentionshire/Pintail Crossing intersection at the northeast corner of the IZ Project, at the time specified above herein.

A cash contribution of \$100,000.00 is to be made to the Town on or before June 30, 2027, for the Town of Farmington's Beaver Creek Sanitary Sewer Force Main Capital Project Account, for the project connecting the Pump Station No. 1, located along the south side of State Route 96 to the Interceptor Sewer crossing under Beaver Creek Road.

There are to be constructed and dedicated to the Town, as part of the first phase of the project, two town highways identified above as the north/south town road and the east/west town road, as shown on the Passero drawings referenced above herein.

There are to be a variety of street trees installed along one side of each of these public streets, planted prior to dedication, and spaced approximately forty feet (40 ft.) apart and in accordance with a landscaping plan to be approved by the Planning Board.

BE IT FURTHER **RESOLVED**, that the Town Board does hereby direct the Applicant to prepare an Overall Preliminary Subdivision Plat/Site Plan to submit to the Town Planning Board for the development of the Whitestone Incentive Zoning Project in accordance with the conditions of approval set forth above and as further provided for in Chapter 165, Article IV, Section 165-34.1. of the Farmington Town Code.

BE IT FURTHER **RESOLVED**, that the Town Board hereby authorizes the Town Clerk to affix notice upon the Town's Official Zoning Map, upon the filing in the Office of the Town Clerk an Overall Preliminary Subdivision Plat/Site Plan for the Whitestone Incentive Zoning Project approved by the Town Planning Board, thereby giving public notice that the development of these two tax map accounts were approved under the Town's Incentive Zoning provisions. Said amendment is to include a reference date to such action taken by the Planning Board; and notation of said Official Zoning Map amendment.

BE IT FINALLY **RESOLVED**, that the Town Board directs the Town Clerk to file certified copies of this resolution and all attachments thereto with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231-0001; the involved agencies under the State Environmental Quality Review Act (SEQRA) identified as: the New York State Department of Transportation, Region 4 Office, 1530 Jefferson Road, Rochester, New York 14623; the New York State Department of Environmental Conservation, Region 8 Office, 6274 East Avon Lima Road, Avon, New York 14414; the New York State Department of Health, Geneva Regional Office, 624 Pre Emption Road, Geneva, New York 14456; the Ontario County Department of Public Works, 2962 County Road 48, Canandaigua, New York 14424; the Town Highway Superintendent; the Town Water and Sewer Superintendent; the Town Planning Board; the Town Engineers, MRB Group, D.P.C.; the Applicant, Whitestone Development Partners, LLC, Attn: Justin Mirando, 1170 Pittsford Victor Road, Suite 260, Pittsford, New York 14534; the Applicant's Engineer, Passero Associates, Attn: Jess Sudol, President, 242 West Main Street, Suite 100, Rochester, New York 14614; and the Applicant's Attorney, Woods Oviatt Gilman, Attn: Betsy D. Brugg, 1900 Bausch and Lomb Place, Rochester, New York 14604.

Discussion: Councilman Holtz stated that he has voted against this through the whole process and that he thinks they have multi-family land that is already zoned for development, and he would like to see that happen before they approve more land for that. Councilman Bowerman agreed with Councilman Holtz. Supervisor Ingalsbe asked the developer if they understood all the conditions listed, he replied yes.

Three Voting "Aye" (Ingalsbe, Herendeen, and Casale), Two Voting "Nay" (Holtz and Bowerman), the Resolution was **CARRIED**.

Local Law no. 4 of the year 2024

A local law amending: Chapter 165, Article III, Establishment and Designation of Districts, Section 165-12 Zoning Map.

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 165, Article III, Establishment and Designation of Districts, Section 165-12. C., Zoning Map of the Code of the Town of Farmington, New York, which was last updated on June 23, 2021, is hereby further amended as follows:

Tax Map Accounts 41.07-01-28.210 and 41.00-01-28.300 containing a total of 65.1 acres of land, owned by DiFelice Family, LLC, which are currently zoned PD Planned Development and MTOD Major Thoroughfare Overlay Districts are hereby rezoned to IZ Incentive Zoning and MTOD Major Thoroughfare Overlay District for the project known as "Whitestone Incentive Zoning Project, State Route 332 and County Road 41," subject to the conditions set forth in Town Board Resolution # 297 of 2024, adopted on Tuesday, August 13, 2024; and

Section 2: The Town Clerk, in accordance with the provisions contained in Chapter 165, Article IV, Section 34.1. O. of the Farmington Town Code, and upon the filing in the Town Clerk's Office an Overall Preliminary Site Plan and Preliminary Subdivision Plat that has been approved by the Town Planning Board, shall affix notice upon the Town's Official Zoning Map that the development of these two(2) parcels was approved under the Town's Incentive Zoning provisions, include a reference date to such action taken by the Planning Board; and cause said map amendment to be made upon the Town's Official Zoning Map.

Section 3: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 4: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #298-2024:

Councilman Holtz offered the following Resolution, seconded by **Councilman Herendeen**:

KYLE MARKGRAF SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD

WHEREAS, Kyle Markgraf was hired by the Highway/Parks Superintendent with a start date of February 5, 2024 and on August 5, 2024 has successfully completed the required six-month probationary period, and

WHEREAS, Kyle Markgraf is employed in the Highway Department and has shown the knowledge base and per employee policy, upon the successful completion of a probationary period, the hourly employee maybe granted a wage adjustment, and

WHEREAS, the current Highway Superintendent believes that Kyle has displayed exemplary job performance, now therefore be it

RESOLVED, that the Town Board hereby grants Kyle Markgraf a \$1.00 per hour wage increase rate to be effective beginning with Payroll # 17 (August 4, 2024), and

BE IT FURTHER **RESOLVED**, that the Town Clerk provides copies of this resolution to the Highway/Parks Department, the Supervisor’s Confidential Secretary, and Accountant I.

All Voting “Aye” (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #299-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR JULY 2024

WHEREAS, Town Law states the Town Board must approve/reject the Supervisor’s Monthly Report, and

WHEREAS, the Accountant I submitted the Monthly Report of the Supervisor for July 2024 to the Town Supervisor on August 5, 2024, and

WHEREAS, the Town Supervisor approved and executed the Monthly Report of the Supervisor for July 2024 on August 12, 2024,

WHEREAS, the Town Supervisor submitted said Monthly Report to the Town Board for approval via email, now therefore

BE IT **RESOLVED**, that the Town Board hereby accepts the Monthly Report of the Supervisor for July 2024, and

BE IT FURTHER **RESOLVED**, that the Town Clerk give a copy of this resolution to the Accountant I.

All Voting “Aye” (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #300-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

Abstract 15 – 2024

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

<i>ABSTRACT NUMBER</i>		<i>15</i>	
<i>DATE OF BOARD MEETING</i>		<i>8/13/2024</i>	
<i>FUND CODE</i>	<i>FUND NAME</i>	<i>TOTAL FOR EACH FUND</i>	<i>VOUCHER NUMBERS</i>
A	GENERAL FUND	191,168.95	1417-1422,1424-1427,1429-1439,1441-1468,1470-1489,1499
DA	HIGHWAY FUND	18,820.41	1446,1455,1485, 1490-1499
HC	CRANBERRY DR WATERLINE	3,025.00	1455
HK	SIDEWALK CAP PROJ	23,148.67	1440
HV	MERTENSIA WATERLINE	1,400.00	1455
HW	WATER TANK REPAIR	26,404.92	1423,1455,1503
HY	RT 332 & COLLETT	1,400.00	1455
HZ	TOWNLIN CAP PROJ	2,384.86	1492
SD	STORM DRAINAGE	3,893.85	1408,1455
SL1	LIGHTING DISTRICT	230.42	1430,1469
SS	SEWER DISTRICT	302,147.99	1376-1408,1423,1428, 1433,1446,1455, 1467,1485-1488,1499,1500, 1502
SW1	WATER DISTRICT	44,919.95	1376,1377,1382, 1383,1386-1388,1390,1392-1393,1395,1398, 1401,1402,1408-1416,1433,1446, 1455,1467,1485-1488,1499,1501
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	24.85	1484
	TOTAL ABSTRACT	\$ 618,969.87	

All Voting “Aye” (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED**.

DISCUSSION: Request to waive late fee – 2025 Stablegate Drive, Canandaigua.

Supervisor Ingalsbe stated that the customer was in the hospital for 30 days and the amount is \$12.00. The board was in favor of waiving the fee.

WAIVER OF THE RULE: No objection:

RESOLUTION #301-2024:

Councilman Casale offered the following Resolution, seconded by **Councilman Holtz:**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF DONATIONS

WHEREAS, donations were made by Potato-Liscious (\$420) and Chefs Greek (\$80) to the Town of Farmington Recreation Department from the Fourth of July celebration in the total amount of \$500; now therefore

BE IT RESOLVED, that the Town Board of Farmington accepts the donation; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Accountant I.

All Voting “Aye” (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED.**

RESOLUTION #302-2024:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Bowerman:**

RESOLUTION TO AWARD THE CONTRACT FOR THE GRINDING OF THE BRUSH PILE AT THE TOWN TRANSFER STATION

WHEREAS, a bid opening for the grinding of the brush pile at the transfer station was held on July 25, and

WHEREAS, only one bid was received: Green Renewable Energy in the amount of \$15,000 for each of the next two years, and

WHEREAS, the grinding will be expensed from the Highway brush contractual line with the following budget amendment:

Debit: DA2401 Interest & Earnings	\$5,000	
Credit: DA5140.4 Brush & Weeds Contractual		\$5,000

BE IT RESOLVED , that the Town Board approve a two year contact with Green Renewable,

BE IT FURTHER RESOLVED, that a copy of this resolution be supplied to the Highway Superintendent, the Accountant I, and Green Renewable, 155 State St, Manchester, NY 14504.

All Voting “Aye” (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED.**

RESOLUTION #303-2024:

Councilman Holtz offered the following Resolution, seconded by **Councilman Bowerman:**

RESOLUTION AUTHORIZING THE REMEDIATION OF THE NORTH SAND FILTER BED AT THE WASTEWATER TREATMENT PLANT

WHEREAS, three quotes were received to vacuum out the sand and grit from the North sand filter bed:

Sun Environmental-\$5,870
The Precision-\$10,000
T&R Environmental-\$6,264

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves the Supervisor to sign the proposal from Sun Environmental Corp at a price not to exceed \$5,870 to be expensed from contractual line SS8130.4,

BE IT FULLY RESOLVED, that a copy of the signed proposal and resolution be supplied to Donnal King, Project Manager, Sun Environmental Corp. at 230 McKee Road, Rochester, NY 14611, Water and Sewer Department, and a copy of the resolution supplied the Accountant I.

All Voting “Aye” (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED.**

RESOLUTION #304-2024:

Councilman Bowerman offered the following Resolution, seconded by **Councilman Casale:**

RESOLUTION TO RECALL AND AMEND RESOLUTION #275-2024

WHEREAS, the Town Board passed Resolution #275-2024 on July 23, 2024 authorizing hiring a Zoning Inspector, and

WHEREAS, the candidates approved by Ontario County did not have the work experience that the Town is looking for; and

WHEREAS, the Building Department has a vacancy for an Assistant Building Inspector, which is a classified position, and

WHEREAS, the candidate selected for this position must take the Civil Service Exam and score in the top 3, now therefore

BE IT RESOLVED, that the Town Board of Farmington hereby recalls and amends Resolution #275-2024 authorizing hiring an Assistant Building Inspector effective August 6, 2024, at a rate of \$22.00 per hour, and

BE IT FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to the Building Department, the Accountant I, and the Confidential Secretary.

All Voting "Aye" (Ingalsbe, Herendeen, Holtz, Bowerman, and Casale), the Resolution was **CARRIED**.

TRAINING AT OR UNDER \$100.00: None.

EXECUTIVE SESSION:

Councilman Casale made a motion to enter into executive session at 7:40 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, and to discuss proposed, pending, or current litigation, **Councilman Bowerman** seconded the motion. All were in favor, motion **CARRIED**.

Councilman Casale made a motion to exit the executive session at 8:20 p.m., **Councilman Bowerman** seconded the motion, all were in favor, motion **CARRIED**.

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 8:21 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk