

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption: October 24, 2023

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Mr. Ingalsbe</b>				
Councilman <b>Mr. Holtz</b>				
Councilman <b>Dr. Casale</b>				
Councilman <b>Mr. Herendeen</b>				
Councilman <b>Mr. Bowerman</b>				
Total				

**RE: Resolution adopting Local Law No. 9 of 2023 with conditions and directing the filing thereof with the New York State Secretary of State thereby approving the rezoning of approximately 18.3 acres of land from GB General Business to IZ Incentive Zoning, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District for the Farmington Market Center (FMC) Incentive Zoning Project in accordance with the provisions contained in Chapter 165, Article III [Establishment and Designation of Districts] Section 12 and Chapter 165, Article IV [District Regulations] Section 34.1 IZ Incentive Zoning District and directing the Town Clerk to amend the Town’s Official Zoning Map in accordance with these provisions.**

**Whereas,** the Farmington Town Board (hereinafter referred to as Town Board) has as the designated lead agency under the provisions of the State Environmental Quality Review Act (SEQRA) on July 25, 2023, made a determination of non-significance upon the above referenced Action; and

**Whereas,** the Town Board has given consideration to the comments made within the Ontario County Planning Board’s Referral No. 62-2022, dated April 13,2022; and

**Whereas,** the Town Board has given consideration to the public record established upon the above referenced Action; and

**Whereas,** the Town Board, based upon its review of the draft local law referenced above herein and the conditions of approval for the rezoning of land identified as Tax Map Account Numbers 29.00-01-39, 29.00-01-40 and 29.00-01-41.1 from GB General Business to IZ Incentive Zoning, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District for the Farmington Market Center Incentive Zoning Project, does hereby move to approve the following actions.

**Now, therefore, be it resolved** that the Town Board does hereby adopt Local Law No. 9 of 2023 in its entirety, subject further to the conditions set forth below herein, and directs the Town Clerk to sign and submit said Local Law, along with this resolution, which is hereby made as an attachment thereto, to the New York State Department of State for filing.

**Be it further resolved** that the Town Board does hereby grant the following zoning incentives for the Farmington Market Center (FMC) Incentive Zoning Project which replace all dimensional and land use requirements contained elsewhere in § 165-28 GB General Business District; § 165-34 MTOD Major Thoroughfare Overlay District; and §165-34.2, MSOD Main Street Overlay District, of Chapter 165 of the Code of the Town of Farmington:

1. Unless otherwise provided for herein, all buildings and structures shall be setback from State Route 96 and Mertensia Road, the minimum distance specified in the existing §§165-34.2 G. and H. of the Farmington Town Code. Notwithstanding the foregoing and in recognition that the future development of Lots #4 and #5 identified on the drawing prepared by Costich Engineering, dated 12/20/2021, drawing #5950 CE106, sheet 1 of 1, entitled “Overall Incentive Site Plan, Market Center, 6139-6179 N.Y.S. Route 96,” are speculative and do not have tenants at this time, the following setbacks for Lots #4 and #5 are hereby established with these conditions:
  - a. Lot #4, identified as “2 Tenant w/Drive Thru (5,700 square feet)” shall be eligible for a 50-foot front setback from State Route 96 and a 30-foot front setback from Mertensia Road provided that said setbacks do not encroach into any highway safety clear vision zone (sight triangle area), that there shall be no drive-thru lanes between any building and the rights-of-way of these two highways and there shall be no encroachment into the Main Street Corridor Landscape area to be installed across the frontage of the entire Lot #4; and
  - b. Lot #5, identified as “Specialty Drive Thru 2,220 square feet” shall be eligible for a 50-foot front setback from State Route 96 provided that said setback does not encroach into any highway safety clear vision zone (sight triangle area), that there shall be no drive-thru lanes between any building and the state highway right-of-way and there shall be no encroachment into the Main Street Corridor Landscape area across the frontage of the entire Lot #5; and
2. In the instance of §165-34. 2. H. of the Farmington Town Code - No structure, other than an approved streetscape structure shall be placed within thirty-foot (30 foot) from the edge of existing State Route 96 pavement; and
3. In the instance of §165-34. 2. H. of the Farmington Town Code - All ground-mounted (freestanding) commercial speech business identification signs shall be set back a minimum of 45 feet from the right-of-way for State Route 96 and a minimum of 30 feet from the right-of-way of the adjacent Town highways [e.g. Mertensia Road and Mercier Boulevard]; and

4. All buildings and structures shall be setback a minimum of thirty (30) feet from any on-site access drive shown on the Overall Preliminary Site Plan to be approved by the Town Planning Board in accordance with established IZ Incentive Rezoning Procedures; and
5. The existing access point to/from Mertensia Road shall be maintained; and
6. There shall be a total of three (3) points of access provided to the FMC site: the existing one (1) from Mertensia Road; the existing one (1) from State Route 96 (to become a redesigned entrance/exit providing only right-in and right-out traffic movements separated by a landscaped island barrier); and a new one (1) from the adjacent GLN Farmington Realty Property (the extension of Mercier Boulevard); and
7. The future access point to/from Mercier Boulevard shall be designed and shown on the Overall Preliminary Site Plan for this project to be approved by the Planning Board and it shall connect to the end of Mercier Boulevard located at the east property line of the FMC site with the adjacent Farmington Realty GLN Property; and
8. There shall be an access easement shown on the Overall Preliminary Site Plan that is to be located at the above referenced point of connection for Mercier Boulevard between FMC and GLN, that is to be agreed-to by the Town Highway Superintendent and accepted by the Town Board. This easement area shall be granted to the Town of Farmington for Town Highway Equipment use and for the temporary storage of snow accumulated from snow plowing operations of Mercier Boulevard. This easement shall be filed in the Ontario County Clerk's Office prior to the issuance of the first Certificate of Occupancy, or Certificate of Compliance; and
9. There shall be no internal driveway access point(s), either for the proposed CNB facility or the future 21,000 square foot retail strip center addition to the existing Tops Market facility, located within 150 feet of the property line between FMC and GLN; and

**Be it further resolved** that the following are hereby classified as permitted land use of the approved sites located within the FMC project and which shall further be limited to and consist of:

10. Approximately 38,370 square-feet of leased building area located on the seven (7) parcels to be leased within the 18.3-acre FMC Incentive Zoning District Site:
  - a. A 2,220 square-foot freestanding bank facility with two (2) drive through tellers and one (1) ATM; and
  - b. Six (6) fuel dispensing units (either fossil fuel or electric) with a 220 square-foot employee operated kiosk facility to be operated by Tops Markets; and
  - c. A 6,730 square-foot freestanding tire sales/service facility with a maximum of eight (8) service bays; and
  - d. A 5,700 square-foot freestanding two (2) tenants freestanding commercial building with drive-thru facility; and

- e. A 2,000 square-foot freestanding one tenant (1) commercial building with drive-thru facility; and
- f. A 21,000 square foot multi-tenant commercial building to be extended from the east side of the existing Tops Market building.
- g. All of the above building sizes may be increased in size by five percent (5%) to allow for differences encountered during the preparation of detailed architectural drawings without having to come back to the Town Board. Any building larger than 5% above that listed above herein shall require approval by the Town Board as an amendment to this resolution; and

**Be it further resolved** that the following regulations shall apply to the development of the FMC Overall Site Plan:

- 11. All new site lighting shall be in accordance with the standards contained in §165-34.2 I. of the Farmington Town Code. All site lighting associated with the operation of Automated Teller Machines (ATMs) that are part of an approved final site plan by the Planning Board shall comply with the ATM Safety Act provisions applicable to all Federal and State chartered banking institutions, including trust companies, savings banks, savings and loan associations, and credit unions; and
- 12. Commercial Speech Signs shall continue to be regulated by §165-34.2 J. of the Farmington Town Code; and
- 13. Streetscape Design Requirements shall continue to be regulated by §165-34.2 M. of the Farmington Town Code; and

**Be it further resolved** that Applicant shall use commercially reasonable efforts to install three (3) double-sided, electric vehicle charging stations [a total of six (6) chargers] installed not later than December 31, 2025, within the delineated parking spaces for the Tops Market building as shown on the Overall Preliminary Site Plan approved by the Planning Board.

**Be it further resolved** that prior to the issuance of the first Certificate of Occupancy or Certificate of Compliance for any building or use located on the FMC site, the following site-related amenities shall be under construction by the Applicant:

- a. The third (south) and fourth (east) legs of pedestrian signal improvements and cross walks for the intersection of State Route 96 and Mertensia Road; and
- b. The design for a new State Route 96 right-in/right-out entrance/exit for the FMC site is to be shown on the Overall Preliminary Site Plan to be approved by the New York State Department of Transportation and the Town Planning Board and it is to be installed, weather permitting, within six (6) months of written notification by the Town of the completion of the construction of Mercier Boulevard located within Phase 1A of the adjacent GLN Farmington Realty Project; and
- c. The section of a new public sidewalk [to be identified as Sidewalk Section 1 and shown on the Overall Preliminary Site Plan approved by the New York State Department of Transportation and the Town Planning Board] and located along the south side of State Route 96 connecting the end of the existing State Route 96 sidewalk [across the FMC site's State Route 96 frontage] to the pedestrian

- crossings and signal improvements located at the intersection of State Route 96 and Mertensia Road; and
- d. A five-foot-wide concrete pedestrian sidewalk [to be identified as Sidewalk Section 2 and shown on the Overall Preliminary Site Plan to be approved by the Planning Board] is to be constructed along the south side of the driveway entrance/exit (to/from) Mertensia Road connecting with the proposed sidewalks across the Mavis Tire Center site [to be identified as Sidewalk Section 3 and shown on the Overall Preliminary Site Plan to be approved by the Planning Board] and connecting to the existing sidewalk [to be identified as Sidewalk Section 4 and shown on the Overall Preliminary Site Plan to be approved by the Planning Board] located in front of the Tops Market building (including the sidewalk in front of the existing CN Bank Branch Office); and
  - e. A five-foot-wide concrete pedestrian sidewalk [to be identified as Sidewalk Section 5 and shown on the Overall Preliminary Site Plan to be approved by the Planning Board] is to be constructed between the existing State Route 96 entrance to the FMC site connecting to the sidewalks identified on the Overall Preliminary Site Plan drawings as [Sidewalk Sections 3 and 4]. This Sidewalk Section 5 is to be constructed along the west side of the driveway entrance/exit from State Route 96 connecting to Sidewalk Sections 3 and 4; and
  - f. A five-foot-wide concrete sidewalk [to be identified as Sidewalk Section 6 and shown on the Overall Preliminary Site Plan that is to be approved by the Planning Board] is to be constructed within the Mertensia Road right-of-way, between the sidewalk to be located at the southeast portion of the intersection of State Route 96 and Mertensia Road [Sidewalk Section 1] and connecting to the existing sidewalk located along the east side of Mertensia Road at Creekview Trail.
  - g. All streetscape improvements across the Route 96 frontage of the FMC site shown on the approved Overall Preliminary Site Plan are to be installed, within six (6) months of written notification by the Town that a certificate of occupancy or certificate of compliance has been issued for either Lot #6 or Lot #7 the streetscape improvements will be installed, weather permitting.

**Be it further resolved** that prior to the issuance of the first Building Permit for site development within the FMC Site, the Applicant is to provide the Town with a Performance Bond that is to be used for and as part of the final costs to be awarded for the future signalized construction of the intersection of State Route 96 and Mercier Boulevard which is further to be located on the adjacent GLN Farmington Realty site. Said Performance Bond is to initially be issued in the total amount of forty-four percent (44%) of the identified signal components contained in the Fisher Associates December 19, 2022, letter to the Town; and is further made subject to 44% of the approved costs associated with the final design for said signalized intersection that is to be approved by the New York State Department of Transportation at a future date. Said known current surety amount [44% of \$347,800.00] is [\$153,032.00] and is an initial performance bond. This amount is based upon the trip distribution figures provided by the former SRF Associates (current Passero Associates) Traffic Studies for both the FMC and GLN sites, and is further identified in the October 25, 2022, letter from Fisher Associates to the Town Director of Planning and Development. The final surety amount shall be determined upon mutual agreement between the Applicant (FMC), the adjacent Applicants (GLN Farmington Realty, LLC and G&A Development) and the Town depending upon the time construction of said intersection is accepted by the Region 4 Office of the New York State Department of Transportation and then State Highway Work Permits and a Notice to Proceed has been issued. The final distribution of shared

costs amongst the three Applicants shall be determined by an independent third-party review of the final signal design plans and the engineer's estimate of costs, which is to be paid for by the FMC Applicant.

**Be it further resolved** the applicant is hereby directed to order and deliver to the Town Highway Superintendent a total of 18 streetlight poles and fixtures, as are further specified in the Town's adopted Site Design and Development Criteria, on or before December 31, 2026. These streetlight fixtures and poles are hereby accepted by the Town Board as part of the amenity package for this rezoning action and are to be installed by the Town elsewhere on sites located within the mapped MSOD.

**Be it further resolved** the applicant is hereby directed to make a cash contribution, in the total maximum amount of \$100,000.00, to the Town of Farmington upon the following schedule, whichever shall occur first:

- a. \$100,000.00 on or before June 30, 2027, if no development is underway for Lots #2, #4 or #5; or
- b. \$50,000.00 upon final site plan approval for the 5,700 square foot two (2) tenant building with drive thru on Lot #4, with the remaining \$50,000.00 due upon final site plan approval for the 2,000 square foot specialty building with drive thru on Lot #5; or
- c. \$100,000.00, within sixty (60) days, upon a determination made by the Town Water & Sewer Superintendent that upon final site plan approval for any development of the above three lots (Lots #2, #4 or #5), or the reuse of the existing buildings or any expansion thereof on Lot #1 is proposed which is determined cannot be provided service due to the current capacity of the public sewer line located along the south side of State Route 96.

This total maximum contribution is to be placed in the Town of Farmington's Beaver Creek Sanitary Sewer Force Main Capital Project Account.

**Be it further resolved** that the applicant is hereby directed to provide the Town a one-time cash contribution of \$85,000.00 which is to be used towards constructing the completion of Mercier Boulevard, between the proposed Mercier Boulevard hammerhead in Phase 1A of the GLN Farmington Realty Project and the existing Mercier Boulevard cul-de-sac located within the currently identified Phase 2 drawing dated April 2021, prepared by BME Associates located on the adjacent property and extending south and east to the south property line. This payment is due within sixty (60) days from notification by the Town of the start of construction of this portion of Mercier Boulevard.

**Be it further resolved** that within six (6) months of written notification by the Town of the construction of and the Town's acceptance of the dedication of the public sidewalks that are to be constructed along the south and west sides of the proposed Town Road [Mercier Boulevard] rights-of-way that are to be located on the adjacent Phase 1A of the GLN Farmington Realty site, there shall be constructed on the FMC site a connecting five-foot-wide temporary asphalt sidewalk [to be identified as Sidewalk Section 7 and shown on the Overall Preliminary Site Plan that is to be approved by the Planning Board]. The Section 7 Sidewalk is to connect the existing sidewalk on the adjacent GLN site with the existing sidewalk located at the east end of the Tops Market Building on the FMC Overall Site Plan. Before a certificate of occupancy or certificate of compliance shall be issued for the 21,000 square foot retail strip center building on Lot #2, the

temporary five-foot-wide temporary asphalt sidewalk shall be replaced with a connective five-foot-wide permanent concrete sidewalk.

**Be it further resolved** that the Applicant is hereby directed to submit an application to the Town Planning Board for Overall Preliminary Site Plan Approval for the development of the FMC Site in accordance with the conditions of approval for this proposed rezoning action contained elsewhere within this resolution.

**Be it further resolved** that upon receiving Overall Preliminary Site Plan Approval, the Applicant is to file a signed copy of said Plan with the Town Clerk's Office within sixty (60) days of written notification by the Town Planning Board approval.

**Be it further resolved** that upon filing of the above referenced Plan, the Town Clerk is directed to cause the amendment to be made to the Town's Official Zoning Map changing the zoning designation for the three (3) parcels of land, containing approximately 18.3 acres, from GB General Business with MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District to IZ Incentive Zoning, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District for the Farmington Market Center Project.

**Be it further resolved** that once the Official Zoning Map has been amended and signed by the Town Clerk, the Applicant may then submit final site plans to the Planning Board for each of the identified site improvements associated with this rezoning action.

**Be it further resolved** that any relief to these conditions of approval shall be acted upon by the Town Board.

**Be it finally resolved** that no Building Permit(s) shall be issued until all conditions final site plan approvals granted by the Town Planning Board have been satisfied, all final site plan drawings have been signed and filed with the Town Development Officer, and any required surety has been approved by the Town Board and filed with the Town Clerk's Office.

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Mr. Ingalsbe</b>				
Councilman <b>Mr. Holtz</b>				
Councilman <b>Dr. Casale</b>				
Councilman <b>Mr. Herendeen</b>				
Councilman <b>Mr. Bowerman</b>				
Total				

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption: October 24, 2023

**RE: Resolution continuing the public hearing upon a draft Local Law No. 10 of 2023, for amending Local Law No. 5 of 2015, involving the redesign of the remaining lands located within portions of Phase 3 of the Redfield Grove Incentive Rezoning Project and further involving lands fronting along the north side of State Route 96 and the east side of Commercial Drive; and continuing the Board’s deliberations upon the adoption of said draft Local Law to the Tuesday, November 14, 2023, Town Board meeting.**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) at its’ meeting on Tuesday, September 26, 2023, by adopting Resolution No. 361 of 2023, accepted a draft local law (hereinafter referred to as Action) to be known as Local Law No. 10 of 2023, amending Local Law No. 5 of 2015, affecting the redesign of the remaining portions of land located within Phase 3 of the Overall Site Plan for the Redfield Grove Incentive Zoning Project; and

**WHEREAS**, said resolution directed submission of said action along with attachments thereto to the Ontario County Planning Board, hereinafter referenced as OCPB, for review and recommendation, under the provisions of Section 239-l & -m of the New York State General Municipal Law, at its October 11, 2023, meeting; and

**WHEREAS**, the OCPB did act, Referral 215-2023, dated October 11, 2023, to retain the referral as a Class 2 and return it to the local board as incomplete; and

**WHEREAS**, said recommendation was understood to be based in part on the October 10, 2023, County Review Committee (CRC) minutes which listed a total of six (6) CRC findings and one comment seeking clarification of what is being retained/expelled from the Plan; and

**WHEREAS**, the Town Supervisor and Town Director of Planning and Development, received on Monday, October 16, 2023, an email from Linda Phillips, Senior Planner, Ontario County Planning Department, providing more detailed references to text in the draft local law (No. 10 of 2023) that led to her comment and those of the OCPB made in the referral; and

**WHEREAS**, the County notes that much of the lacking documentation regarding zoning standards, incentives, and allowable uses is typically in the Town Board Resolution for adoption (as evidenced by Town Board resolution 103 of 2015 to adopt LL 5 of 2015, which had been submitted as part of the rezoning referral), however, such resolution (for adopting LL 10 of 2023) was not included with referred materials; and

**WHEREAS**, said October 16, 2023, email listed three (3) concerns that it is understood the OCPB needs to accept the referral for reconsideration at its November 8, 2023, meeting; and



**WHEREAS**, the Town Supervisor has, in an email response dated Friday, October 20, 2023, to Linda Phillips, provided detailed information to the requested information; and

**WHEREAS**, the Town Board has reviewed said information and does hereby make said response an attachment to this resolution in fulfillment of the County's requested information.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby move to continue the public hearing tonight upon the draft Local Law No. 10 of 2023, dated September 26, 2023, to Tuesday evening, November 14, 2023, commencing at 7:00 p.m., daylight savings time.

**BE IT FURTHER RESOLVED** that the Town Board does hereby agree, in accordance with the provisions contained in Section 239-m. 1. (c) of the New York State General Municipal Law, to continue its deliberations upon the draft local law to enable the OCPB to review and to consider amendment to Referral 215-2023.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to provide a certified copy of this resolution to Linda Phillips, Senior Planner, Ontario County Planning Board, both electronically and via U.S. Mail, on Wednesday, October 27, 2023.

**BE IT FINALLY RESOLVED** that the Town Clerk is further directed to provide certified copies of this resolution to the Applicant, Frank DiFelice, DiFelice Development Corporation, 91 Victor Heights Parkway, Victor, New York 14564; the Applicant's Engineers, Matthew Tomlinson, Project Manager, Marathon Engineering, 39 Cascade Drive, Rochester, New York 14614; and the Town Director of Planning and Development.

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Ronald Herendeen</b>				
Councilman <b>Nathan Bowerman</b>				

**RESOLUTION ADOPTING THE 2024 TOWN BUDGET**

**WHEREAS**, a Public Hearing was held October 24, 2023, for the 2024 Town Budget, and

**WHEREAS**, the public hearing was advertised in the Town’s legal newspaper on October 15, 2023, now therefore be it

**WHEREAS**, the Town’s General and Highway tax rate will decrease by 30.18% to .69 per thousand dollars of assessed property value and the total tax levy of all funds is over the New York State Property Tax Cap by \$108,527.00 and,

**WHEREAS**, the Town Board nevertheless voted at its annual Organizational Meeting, held in January 2023, to override the state’s 2 percent Property Tax Cap as a precautionary measure should any errors in calculation be found subsequent to the budget’s adoption, or changes in interpretation of the state legislation occur after the Town Budget’s adoption, now therefore be it

**RESOLVED**, the Farmington Town Board adopts the 2024 Town Budget as attached, and further be it

**RESOLVED**, that the Town Clerk is directed to furnish two copies to Ontario County along with a certified copy of this resolution adopting the budget.

Resolution No. \_\_\_\_\_ of 2023

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Ronald Herendeen</b>				
Councilman <b>Nathan Bowerman</b>				

**RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN FARMINGTON  
FIRE CONTRACT FOR 2024**

WHEREAS, the Farmington Town Board held a public hearing on October 24, 2023, for its proposed contract for 2024 with the Farmington Volunteer Fire Association, and

WHEREAS, the public hearing was advertised in the Town's legal newspaper on October 15, 2023, now therefore be it

RESOLVED the Farmington Town Board authorizes the Supervisor to sign the attached contract in the amount of \$666,645.00, and be it further

RESOLVED, that the Town Clerk forward two copies of the signed agreement to the attention of the President at the fire department and provide copies to the Accountant I and the Supervisor's Office.

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Ronald Herendeen</b>				
Councilman <b>Nathan Bowerman</b>				

**RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN MANCHESTER  
FIRE CONTRACT FOR 2024**

WHEREAS, the Farmington Town Board held a public hearing on October 24, 2023, for its proposed contract for 2024 with the Manchester Fire Department, and

WHEREAS, the public hearing was advertised in the Town's legal newspaper on October 15, 2023, now therefore be it

RESOLVED the Farmington Town Board authorizes the Supervisor to sign the attached contract in the amount of \$68,406.00, and be it further

RESOLVED, that the Town Clerk forward two copies of the signed agreement to the attention of the Chief at the fire department and provide copies to the Accountant I and the Supervisor's Office.



**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Ronald Herendeen</b>				
Councilman <b>Nathan Bowerman</b>				

**RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON  
TOWN BOARD TO REFUND THE PLANNING BOARD FEES FOR  
A MAJOR HOME OCCUPATION, A DAYCARE, FOR 1604  
CLOVERTRAIL DRIVE OF \$100.00 TO JESSICA DUDEK.**

**WHEREAS**, the Town received the \$100.00 Planning Board fees from Jessica Dudek for a Major Home Occupation, a daycare, at 1604 Clovertrail Drive,

**WHEREAS**, upon further review of the Town Code approval from the Planning Board for the Major Home Occupation, a daycare, is not required,

**NOW THEREFORE, BE IT RESOLVED** that the Town Board of Farmington does herein approve the refund of \$100.00 to Jessica Dudek of 1604 Clovertrail Drive, Farmington, New York, 14425,

**FINALLY, MAY IT BE FURTHER RESOLVED** that the Town Clerk provide copies of this resolution to the Building Department, the Accountant 1, and Jessica Dudek of 1604 Clovertrail Drive, Farmington, New York 14425.

## THE TOWN OF FARMINGTON TOWN BOARD

### Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Nathan Bowerman</b>				
Councilman <b>Ronald Herendeen</b>				

### **RESOLUTION AUTHORIZING WAIVING THE MERTENSIA LODGE FEES FOR THE COBBLESTONE ARTS CENTER**

**WHEREAS**, the Cobblestone Arts Center has requested the use of Mertensia Lodge on various dates in November and December for art classes; and

**WHEREAS**, Emily KilKenny, Without Walls Supervisor & Recreation Coordinator, is requesting the fees be waived, therefore be it

**RESOLVED**, the Farmington Town Board authorizes the waiving of the fees for the use of the Mertensia Lodge for various dates in November and December for the Cobblestone Arts Center for the art classes; and be it

**FURTHER RESOLVED** that the Town Clerk provide a copy of this resolution to Emily KilKenny at [emily.cobblestonearts@gmail.com](mailto:emily.cobblestonearts@gmail.com) and the Accountant I.

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Nathan Bowerman</b>				
Councilman <b>Ronald Herendeen</b>				

**RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN  
CHANGE ORDER ONE FOR THE CLINE & BROWNSVILLE  
ROAD HIGHWAY IMPROVEMENTS PROJECT AND APPROVING  
THE FINAL PAYMENT APPLICATION TO SENECA STONE  
CORPORATION**

**WHEREAS**, MRB has provided the Town with change order 1 in an amount of \$14,487.52 and the final payment application for this project as well as the certificate of substantial completion, the correction period letter, the bond letter, debts and claims form, release of lien, and the consent of surety, now therefore

**BE IT RESOLVED**, that the Town Board of Farmington hereby authorizes the Supervisor to sign the change order 1 and approves the final payment to Seneca Stone Corporation, and be it

**FULLY RESOLVED**, that the Town Clerk returns the signed change order to MRB Group, and forwards a copy of this resolution, the signed change order and the certificate of substantial completion to the Accountant I and the Highway department.



**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

	Names	Ayes	Nays	Abstain	Absent
The following was presented	Supervisor <b>Peter Ingalsbe</b>				
By _____	Councilman <b>Steven Holtz</b>				
Sec'd by _____	Councilman <b>Michael Casale</b>				
Date of Adoption _____	Councilman <b>Ronald Herendeen</b>				
	Councilman <b>Nathan Bowerman</b>				

**RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR  
BRICKYARD ROAD TANK AND TRANSMISSION MAIN**

**WHEREAS**, construction of 10,300+/- LF of new 16” water transmission main, removal of the existing 1.0 MG water storage tank and construction of a new 2.0 MG water storage tank needs to be completed at the Brickyard Road tank site and along Brickyard Road and Purdy Road; and

**WHEREAS**, MRB Group has prepared the Advertisement for Bids as well as a draft bidding schedule; now therefore

**BE IT RESOLVED**, that the Town Board authorizes to go to bid for the Brickyard Road Tank and Transmission Main with a pre-bid conference on November 16, 2023 at 2:00 p.m. at the Town Hall and a bid opening at the Town Hall on November 30, 2023 at 10:00 a.m.; and be it further

**RESOLVED**, that the Town Clerk have the Advertisement to Bid published in the local newspaper and forward the copies of this Resolution to the Water & Sewer Department, Bill Davis and David Herman of MRB Group, and the Accountant I.

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Nathan Bowerman</b>				
Councilman <b>Ronald Herendeen</b>				

**RESOLUTUION AUTHORIZING THE SUPERVISOR TO SIGN THE  
2024 FIREWORKS EXHIBITION AGREEMENT FROM YOUNG  
EXPLOSIVES CORPORATION**

**WHEREAS**, the Town Board for the Town of Farmington has agreed to hold the annual July 3, 2024 fireworks celebration on Town Property, and

**WHEREAS**, Young Explosives has submitted an exhibition agreement for 2024 along with a Certificate of Liability insurance, now therefore

**BE IT RESOLVED**, that the Town will be exempt from any permit fees for the celebration, and

**BE IT FULLY RESOLVED**, that the Town Clerk mails the original agreement to Young Explosives at PO Box 18653, Rochester, NY 14618 and maintains a copy of the signed document and provides a copy to the Building Department and the Recreation Department.

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS AND A  
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with 00 Loomis Rd LLC (“Owner”) regarding the Town’s obtaining a Stormwater Management Facility Easement, a Sanitary Sewer and Utility Easement and a Stormwater Maintenance Agreement over portions of Owner’s property located at 00 Loomis Road, as shown on maps attached to the easements; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owner grant to the Town the easements and agreement over said lands of said Owner;

**WHEREAS**, said easements and agreement have been offered by Owner to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered easements and agreement on behalf of the Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said easements and agreement to be fair and reasonable.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the Easements and agreement attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner, and be it further

**RESOLVED**, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on \_\_\_\_\_, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Peter Ingalsbe	_____	_____
Michael Casale	_____	_____
Steven Holtz	_____	_____
Ronald Herendeen	_____	_____
Nathan Bowerman	_____	_____

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Michelle Finley, Town Clerk

SEAL

Resolution No. \_\_\_\_\_ of 2023

## THE TOWN OF FARMINGTON TOWN BOARD

### Roll Call Vote

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Mr. Ingalsbe</b>				
Councilman <b>Mr. Holtz</b>				
Councilman <b>Dr. Casale</b>				
Councilman <b>Mr. Herendeen</b>				
Councilman <b>Mr. Bowerman</b>				
Total				

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption: September 26, 2023

**RE: Resolution Accepting a two (2) year Maintenance Bond from Redman Construction, Inc., for newly constructed site improvements within Phase 1 of The Villas at Hathaway’s Corners Incentive Zoning Project, in the total amount of \$22,600.50.**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, a letter dated October 19, 2023, recommending a two (2) year Maintenance Bond, for newly constructed improvements (e.g., sanitary sewer, watermain and sidewalk along Caleb Court) that have been dedicated to the Town, be provided and accepted in the total amount of \$26,600.50; and

**WHEREAS**, the Town Board has received the signed Dedication Checklist Form G-3.0, Dedication Forms G-3.1 and G-3.2, and the Final Inspection Form G-11.0 all dated 10-18-23; and

**WHEREAS**, the Town Board understands that a two-year Maintenance Bond, (United States Fire Insurance Company Maintenance Bond no. 602-137563-3, in the total of \$22,600.50, signed and sealed October 24, 2023,) has been received by the Town Clerk; and

**WHEREAS**, said surety is to be used for making repairs or replacement for the above identified newly constructed improvements of any defects that may be found, during a specified two (2) year period, in material and/or workmanship relating to the dedicated items; and

**WHEREAS**, the Town Clerk has verified the above referenced dollar amount in said Maintenance Board is accurate and that said two-year period is scheduled to end on October 24, 2025.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby accept the above referenced two-year Maintenance Bond, in the total amount specified above herein, for the above referenced project improvements which have been completed as part of Phase 1 of said Project.

**BE IT FURTHER RESOLVED** that said Maintenance Bond is hereby acknowledged as being on file with the Town Clerk for this Phase of said Project.

**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; David Conti, Town Water & Sewer Superintendent, Lance S. Brabant, CPESC, Director of Planning Services,

MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; Edward Hemminger, Town Planning Board Chairperson; and Ronald L. Brand, Town Director of Planning and Development.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution is to be issued to the Applicant, David A. DePaolo, Executive Vice President, Marrano Marc Equity Coporation, 2730 Transit Road, West Seneca, New York 14224-2597; and the Applicant's Contractor, Redman Construction, Inc., 6565 Redman Road, Brockport, New York 14420.

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption: October 24, 2023

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Mr. Ingalsbe</b>				
Councilman <b>Mr. Holtz</b>				
Councilman <b>Dr. Casale</b>				
Councilman <b>Mr. Herendeen</b>				
Councilman <b>Mr. Bowerman</b>				
Total				

**RE: Resolution requesting a report and recommendation from the Farmington Town Planning Board, upon a proposed rezoning of land located along the east side of State Route 332, south of County Road 41 and west of Quentonshire Drive, from PD Planned Development to IZ Incentive Zoning.**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a letter dated October 17, 2023, from Betsy D. Brugg, Woods Oviatt Gilman, LLP, on behalf of Whitestone Development Partners, LLC, requesting incentive zoning approval for the proposed development of the Whitestone Incentive Zoning Project; and

**WHEREAS**, the Town Board has also received the following documents relating to the above referenced request: a complete Part 1, Full Environmental Assessment Form; a Concept Plan for the proposed IZ Incentive Zoning Project; an aerial photo identifying the requested zoning incentives and proposed amenities; and a reply letter from Shauncy Maloy, Project Manager, Passero Associates to the Town Director of Planning and Development identifying changes that have been made to the FEAF, Part 1; and

**WHEREAS**, the Town Board tonight has received a presentation on the proposed incentive rezoning proposal from Betsy Brugg and Jess Sudol, P.E., President, Passero Associates; and

**WHEREAS**, said proposal requests the rezoning of approximately 65 acres of land, the former Glacier Lakes Water Park Project site, from PD Planned Development to IZ Incentive Zoning, for the proposed mixed use development of the Whitestone Incentive Zoning Project; and

**WHEREAS**, the Town Board desires input from the Town Planning Board upon said requested incentive rezoning.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board does hereby request the Applicant and associates to make a presentation of their request to the Town Planning Board, at their meeting on Wednesday evening, November 1, 2023; and to the Town Project Review Committee, at their meeting on Thursday morning, November 2, 2023.

**BE IT FURTHER RESOLVED THAT** the Town Board does hereby request the Town Planning Board to prepare a report and recommendation upon the requested incentive rezoning of land for the Whitestone Incentive Zoning Project.

**BE IT FURTHER RESOLVED THAT** the Town Board respectfully requests that said report and recommendation be submitted for its consideration at the November 28, 2023, Town Board meeting.

**BE IT FINALLY RESOLVED THAT** the Town Clerk is hereby directed to provide certified copies of this resolution to the following: Town Planning Board; Town Highway and Parks Superintendent; Town Water and Sewer Superintendent; Town Construction Inspector; Town Code Enforcement Officer; Town Director of Planning and Development; Town Engineer; the Applicant, Whitestone Development Partners, LLC, Justin Mirando, 1170 Pittsford-Victor Road, Suite 260, Pittsford, New York 14534; Betsy D. Brugg, Partner, Woods Oviatt Gilman, 1900 Bausch and Lomb Place, Rochester, New York 14604; and the Applicant's Engineer, Jess Sudol, P.E., President Passero Associates, 242 West Main Street, Suite 100, Rochester, New York 14614.

Resolution No. \_\_\_\_\_ of 2023

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Nathan Bowerman</b>				
Councilman <b>Ronald Herendeen</b>				

**RESOLUTION AUTHORIZING THE CLOSEOUT OF THE SIPP LINING  
CAPITAL PROJECT**

**WHEREAS**, the committee of Public Works has determined that there will be no additional disbursements for this project on the Hook Road Watermain under the thruway and that the capital project can be closed out,

**WHEREAS**, the project utilized ARPA funding and the balance in the project plus any interest earned will be returned to the General fund for use on future projects,

**THEREFORE BE IT RESOLVED**, that the following budget amendment be completed within the capital project:

HS599	Appropriated Fund Balance	\$5507.52 plus interest earned
HS9901.9	Transfer to Other Funds	\$5507.52 plus interest earned

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of the Resolution to the Accountant I.



Resolution No. \_\_\_\_\_ Of 2023

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Ronald Herendeen</b>				
Councilman <b>Nathan Bowerman</b>				

10/19/23

**CONFIRMING RESOLUTION FOR REPLACING CONCRETE  
SIDEWALKS IN THE TOWN OF FARMINGTON**

**WHEREAS**, sidewalk maintenance is required within the Town’s sidewalk districts,

**WHEREAS**, several repairs were required on Spartan Drive, Estate Drive and Clovertrail, and

**WHEREAS**, Hynes was the only proposal (including the concrete vendors listed in the Ontario County bid book) which included the removal of current sidewalks, slip forming and replacing 5” of concrete,

**NOW THEREFORE BE IT RESOLVED**, that the Highway Superintendent has decided to hire Hynes Contractor for the required sidewalk repairs which will be funded from the following sidewalk districts: SM-5410.4 (Auburn Meadows) \$12,285.00 and SM-5410.41(Beaver Creek) \$9,750, with the following budget amendments:

SM599 Appropriated Fund Balance	\$19,485	
SM5410.4 Auburn Meadows Contractual		\$10,005
SM5410.41 Beaver Creek Contractual		\$9,480

**BE IT FURTHER RESOLVED**, that the Town Clerk provide copies of this Resolution to the Highway/Parks Department, Confidential Secretary and the Accountant I.

Resolution No. \_\_\_\_\_ of 2023

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor Peter Ingalsbe				
Councilman Steven Holtz				
Councilman Michael Casale				
Councilman Nathan Bowerman				
Councilman Ronald Herendeen				

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR  
THE GENERAL FUND**

**WHEREAS**, budget amendment are needed in two contractual expense lines,

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

Credit: A2001PL Parkland Revenue \$22,500  
Debit: A1620.4 Buildings Contractual \$20,000  
Debit: A1680.4 Central Processing Contractual \$2,500

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

Resolution No. \_\_\_\_\_ of 2023

**THE TOWN OF FARMINGTON  
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

The following was presented

By \_\_\_\_\_

Sec'd by \_\_\_\_\_

Date of Adoption \_\_\_\_\_

Names	Ayes	Nays	Abstain	Absent
Supervisor <b>Peter Ingalsbe</b>				
Councilman <b>Steven Holtz</b>				
Councilman <b>Michael Casale</b>				
Councilman <b>Nathan Bowerman</b>				
Councilman <b>Ronald Herendeen</b>				

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE  
LIGHTING FUND**

**WHEREAS**, an invoice has been received from RGE for streetlight connection at Brimstone Drive, which is part of the Monarch Manor street lighting district,

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

From: SL1-599 Appropriated Fund Bal \$181  
To: SL1-5182.591 Monarch Manor Connection Fee \$181

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

**RESOLUTION ACCEPTING DEDICATION OF IMPROVEMENTS IN THE  
VILLAS AT HATHAWAY CORNERS**

**WHEREAS**, by prior resolution approved on October 25, 2022, the Town Board accepted from THE MARRANO/MARC-EQUITY CORPORATION ("Owner") Sanitary Sewer, Water and Sidewalk Easements over portions of the Owner's properties in The Villas at Hathaway's Corners, Phase 1C, as shown on a map prepared by BME Associates dated July, 2021; and

**WHEREAS**, on October 2, 2023, the aforesaid Sanitary Sewer, Water and Sidewalk Easements were all recorded in the Ontario County Clerk's Office; and

**WHEREAS**, after the Owner delivered a bill of sale to the Town of Farmington for the sanitary sewer, water and sidewalk improvements located within the easement areas of the aforesaid Sanitary Sewer, Water and Sidewalk Easements, the bill of sale was filed in the Town Clerk's Office on July 28, 2022; and

**WHEREAS**, the Town Highway Superintendent, Water and Sewer Superintendent, Code Enforcement Office and Construction Inspector have now determined that the sanitary sewer, water and sidewalk improvements located within the easement areas of the aforesaid Sanitary Sewer, Water and Sidewalk Easements are completed and have recommended that the Town Board take action to accept dedication of all such improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept dedication of the sanitary sewer, water and sidewalk improvements located within the easement areas of the aforesaid Sanitary Sewer, Water and Sidewalk Easements in The Villas at Hathaway's Corners, Phase 1C.

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on \_\_\_\_\_, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Peter Ingalsbe	_____	_____
Michael Casale	_____	_____
Steven Holtz	_____	_____
Ronald Herendeen	_____	_____
Nathan Bowerman	_____	_____

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Michelle Finley, Town Clerk

SEAL