

Resolution No. ____ of 2023

**THE TOWN OF FARMINGTON
TOWN BOARD**

Roll Call Vote

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

The following was presented

By _____

Sec'd by _____

Date of Adoption:

RESOLUTION APPOINTING KIMBERLY YOURCH TO THE CONSERVATION BOARD

WHEREAS, the Conservation Board has a vacancy; and

WHEREAS, Kimberly Yourch has submitted a letter of interest and resume for review; and

WHEREAS, Kimberly has attended Conservation Board Meetings and has been recommended to fill the vacancy by Kim Boyd, Chairperson, now therefore be it

RESOLVED, the Farmington Town Board appoints Kimberly Yourch to the Conservation Board for a term beginning October 11th, 2023 to expire on December 31st, 2024; and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to Kim Boyd, the Confidential Secretary and Kimberly Yourch, 855 Hook Road, Farmington, NY 14425.

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 Ronald Herendeen				
Councilman Nathan Bowerman				

October 10, 2023

**RESOLUTION AUTHORIZING PAYMENT TO REGIONAL INTERNATIONAL FOR REPAIR FOR
TRUCK # 17 ITERNATIONAL UTILITY TRUCK**

WHEREAS, The Water and Sewer Superintendent has identified the need to repair said Utility Truck; and

WHEREAS, The Water and Sewer Superintendent has received a bill for said utility truck in the amount of \$5,052.93; now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the Water and Sewer Superintendent to pay this bill for parts and labor at cost not to exceed \$5,052.93 split 50% - 50% from 2023 account codes SS8130.4 and SWI8340.4; and

BE IT FURTHER RESOLVED that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Superintendent and the Accountant I.

Resolution No. _____ of 2023

THE TOWN OF FARMINGTON TOWN BOARD

Roll Call Vote

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

The following was presented

By _____

Sec'd by _____

Date of Adoption: October 10, 2023

RE: Approval of a request for the final release of funds (Release #2) from the Letter of Credit, Loomis Road Mini-warehouse Project, in the total amount of \$ 44,069.00.

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 October 4, 2023, recommending the Town Board take action to approve the request for the final release of funds (Release #2) from the above referenced Letter of Credit; and

WHEREAS, the Planning Board's recommendation is based upon their review and acceptance of the recommendations received from the Town Construction Inspector, Town Department Heads and the Town's Engineers, and the signed Town Surety Release Forms (G-1.1) and (G-2.0); and

WHEREAS, the total amount of this letter of credit is \$ 67,779.60; and

WHEREAS, with this final release of funds, in the total amount of \$ 44,069.00, there will be a zero balance in the Letter of Credit; and

WHEREAS, the Town Clerk has reviewed this requested final release of funds finding the amounts contained therein to be accurate.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the Planning Board's recommendation and approves the final release of funds (Release #2) from the Letter of Credit for the above referenced project, in the total amount of \$ 44,069.00.

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to sign and date Form G-2.0, Town Letter of Credit Partial Release Form.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to provide tomorrow, by U.S. Mailing, a certified copy of this resolution to: John Watson, Loomis Hidden Treasures, LLC, 36 Pebble Creek Lane, Pittsford, New York 14534; and Gregg McMahon, P.E., McMahon/LaRue Associates, 822 Holt Road, Webster, New York 14580.

BE IT FINALLY RESOLVED that certified copies of this resolution are also to be provided to the Town Highway & Parks Superintendent, the Town Water & Sewer Superintendent, the Town Code Enforcement Officer, the Town Director of Planning and Development, the Town Construction Inspector and the Town Engineers.

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 Peter Ingalsbe				
Councilman Steven Holtz				
Councilman Michael Casale				
Councilman Ronald Herendeen				
Councilman Nathan Bowerman				

**RESOLUTION AUTHORIZING THE ADVERTISEMENT TO BID FOR THE
WWTP PRIMARY DIGESTER #2 CLEANING**

WHEREAS, the removal of sludge, rags and debris is needed in the primary digester #2 at the WWTP and this project was appropriated in the 2023 adopted budget, 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 the bidding schedule for the primary digester #2 with a bid opening at the Town Hall on November 3, 2023 at 2 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk has the Advertisement to Bid published in the local newspaper and forwards the copies of this Resolution to the Water and Sewer department, Bill Davis and Mark Bailey of MRB Group, and the Accountant I.

Resolution No. _____ of 2023

THE TOWN OF FARMINGTON TOWN BOARD

Roll Call Vote

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

The following was presented

By _____

Sec'd by _____

Date of Adoption: October 10, 2023

RESOLUTION AUTHORIZING THE TOWN JUSTICES TO APPLY FOR A JUSTICE COURT ACTION PLAN GRANT

WHEREAS, the Town of Farmington Court has asked for the Town Board's support in obtaining a Justice Court Action Plan grant to help maintain its level of efficiency and

WHEREAS, the Justices are looking to add and or update office equipment as follows:

2 Concrete security barrier planters for front door entry point	\$1758.71
Legal size criminal file folders	\$320.00
Binders (4) for judicial financial records storage	\$64.49
2 sets monthly tabs for judicial financial records storage binders	\$9.58
Record retention storage boxes	\$72.99
2 Judicial Robes	\$358.00
4 boxes Legal-size hanging file folders	\$119.96
4 boxes Letter-size hanging file folders	\$103.96
Security station sandwich board sign	\$212.69
Replacement wireless podium microphone	\$650.00
2 replacement wireless bodypack microphones	\$298.00

The total we are seeking from the state grant is \$3,968.38

WHEREAS, the total being sought is \$3,968.38; now therefore be it

RESOLVED that the Board of the Town of Farmington hereby authorizes the Farmington Town Court Justices to apply for a JCAP grant in the 2023-2024 grant cycle up to \$3,968.38; and be it

FURTHER RESOLVED that the Town Board authorizes Town Supervisor Peter Ingalsbe to sign the attached application, and be it

FINALLY RESOLVED that the Town Clerk provide a copy of this resolution to the Town Court and the Accountant I.

Resolution No. _____ of 2023

**THE TOWN OF FARMINGTON
TOWN BOARD**

Roll Call Vote

Names Ayes Nays Abstain Absent

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

The following was presented

By _____

Sec'd by _____

Date of Adoption _____

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR SEPTEMBER 2023

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 September 2023 to the Town Supervisor on October 3, 2023, and

WHEREAS, the Town Supervisor approved and executed the Monthly Report of the Supervisor for September 2023 on October 3, 2023,

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 September 2023, and be it further

RESOLVED that the Town Clerk give a copy of this resolution to 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: October 10, 2023

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

RE: Resolution accepting a proposal to provide Geographic Information System (GIS) services and related assistance to the Town of Farmington Environmental Conservation Board (ECB), as part of said Board’s Open Space Index Report and authorizing the Town Supervisor to sign an agreement with Lu Engineers in an amount not to exceed \$3,840.00 for said professional services.

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has been notified by the Town Director of Planning and Development of a proposal from Lu Engineers, dated September 20, 2023, to provide GIS services involving preparation of GIS maps as part of the Town of Farmington Open Space Index; and

WHEREAS, the Town Board finds that the Chairperson of the Town of Farmington Environmental Conservation Board has reviewed said proposal and finds it to be accurate describing the mapping services to be provided; and

WHEREAS, the Town Board finds that among the duties and responsibilities identified within Chapter 9, Article III, of the Farmington Town Code, entitled Environmental Conservation Board, includes maintaining the Town of Farmington Open Space Index; and

WHEREAS, the Town Board further finds that the ECB members have been working diligently during this past year preparing the Update to the 2013 Edition of the Town of Farmington Open Space Index; and

WHEREAS, the Town Board finally finds the Lu Engineers has the electronic files from the 2013 Edition of said Index and is committed to providing said GIS services in a timely manner.

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board, based upon the above findings, does hereby accept the professional services identified in the Lu Engineers, September 20, 2023 proposal to the Town to provide GIS Services requested for completing the mapping of the Open Space Index; and authorizes the Town Supervisor to enter into agreement for said services specified and in a dollar amount not to exceed \$3,840.00, by signing the said Lu Engineers proposal.

BE IT FURTHER RESOLVED THAT funds for these services are provided and available within the Town’s Engineering Services Account Line.

BE IT FURTHER RESOLVED THAT once said agreement has been signed by the Town Supervisor it is to become an attachment to this resolution.

BE IT FINALLY RESOLVED THAT, the Town Clerk is hereby instructed to provide a certified copy of this resolution and the signed agreement, to: Gregory L. Andrus, P.G., Group Leader, Lu Engineers, 280 East Broad Street, Suite 170, Rochester, New York 14604; Kim Boyd, Chairperson, Town Environmental Conservation Board; Ronald Brand, Town Director of Planning and Development; and Jeannine Marciano, Town Accountant 1.

Resolution No. ____ of 2023

THE TOWN OF FARMINGTON TOWN BOARD

Roll Call Vote

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

The following was presented

By _____

Sec'd by _____

Date of Adoption: October 10, 2023

RE: Resolution accepting a proposal to provide professional planning services to the Town preparing and administering a town-wide Community Survey on Park & Recreational Needs & Wants, a part of the 2024 Edition, Town of Farmington Parks & Recreation Master Plan; and authorizing the Town Supervisor to sign said agreement in an amount not to exceed \$3,600.00 for said professional services.

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has been notified by the Town Director of Planning and Development of a proposal from Susan R. Charland, AICP, Charland Strategies, LLC, dated September 21, 2023, to provide professional planning services for the community survey about future parks and recreation/services in the Town of Farmington, as part of the above referenced 2024 Edition of the Town of Farmington Parks & Recreation Master Plan; and

WHEREAS, the Town Board finds that the Chairperson of the Town of Farmington Recreation Advisory Board has reviewed said proposal and finds it to be accurate describing the professional services to be provided; and

WHEREAS, the Town Board finds that among the duties and responsibilities identified within Chapter 9, Article IV, of the Farmington Town Code, entitled Recreation Advisory Board (RAB), includes investigate and determine the needs and interests of the community for recreational facilities and programs; and

WHEREAS, the Town Board further finds that the RAB members have been working diligently during this past year providing programs to meet the community's recreational needs; and

WHEREAS, the Town Board further finds the update to the 2018 Edition of the Town of Farmington Parks & Recreation Master Plan, is an identified implementation action contained in the 2021 Edition of the Town of Farmington Comprehensive Plan; and

WHEREAS, the Town Board finally finds that Susan Charland, AICP, is a Town resident who was involved with preparing the community survey of residents, a part of the most recent update to the above referenced 2021 Plan Edition.

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board, based upon the above findings, does hereby accept the professional services identified in Susan R. Charland's September 21, 2023 proposal to the Town for providing assistance preparing and administering the survey of community residents for determining the needs and interests of the community for recreational facilities and programs, to be part of the 2023 Edition of the Town of

Farmington Parks & Recreation Master Plan; and hereby authorizes the Town Supervisor to enter into agreement for said services specified and in a dollar amount not to exceed \$3,600.00, by signing the said proposal from Charland Strategies, LLC.

BE IT FURTHER RESOLVED THAT funds for these services are provided and available within the Town's Planning Services Account Line.

BE IT FURTHER RESOLVED THAT once said agreement has been signed by the Town Supervisor it is to become an attachment to this resolution.

BE IT FINALLY RESOLVED THAT, the Town Clerk is hereby instructed to provide a certified copy of this resolution and the signed agreement, to: Susan R. Charland, AICP, Charland Strategies, LLC, 327 Cline Road, Victor, New York 14564; Julie LaRue, Chairperson, Town Recreation Advisory Board; Ronald Brand, Town Director of Planning and Development; and Jeannine Marciano, Town Accountant 1.

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 Peter Ingalsbe				
Councilman Steven Holtz				
Councilman Michael Casale				
Councilman Ronald Herendeen				
Councilman Nathan Bowerman				

10/3/2023

**GARRETT HEUSLER SUCSESFUL COMPLETION OF
PROBATIONARY PERIOD**

WHEREAS, Garrett Heusler was hired by the Highway/Parks Superintendent in the spring of 2023, with a start date of April 11, 2023 and on October 11, 2023 will successfully complete the required six-month probationary period, and

WHEREAS, Garrett Heusler employed in the Highway Department 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 Garrett has displayed satisfactory job duties, now therefore be it

RESOLVED that the Town Board hereby grants Garrett Heusler a \$.50 per hour wage increase rate to be effective beginning with Payroll # 22 (October 15, 2023), 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 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 Peter Ingalsbe				
Councilman Steven Holtz				
Councilman Michael Casale				
Councilman Nathan Bowerman				
Councilman Ronald Herendeen				

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

WHEREAS, connection fees were incurred in the Auburn Meadow lighting district,

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

From: SL1-599 Appropriated Fund Balance \$2,200
To: SL1-5182.521 Auburn Meadows Connection \$2,200

BE IT 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

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 Ronald Herendeen				
Councilman Nathan Bowerman				

10/05/23

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
GENERAL REPAIRS – PERSONAL SERVICES – DA-5110.1**

WHEREAS, a budget transfer for the Highway Department is needed to fund DA-5110.1 General Repairs PS, after a light winter at the beginning of 2023, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Highway/Parks Department hereby authorizes the following budget amendments:

From: DA-5110.11 HWY – GEN REP- PS – SEASONAL \$ 4,989.50
To: DA-5110.1 HWY – GENERAL REPAIRS - PS \$ 4,989.50

From: DA-5142.1 HWY – SNOW REMOVAL - PS \$ 65,000
To: DA-5110.1 HWY – GENERAL REPAIRS - PS \$ 65,000

BE IT FURTHER RESOLVED that the Accountant I transfers money from the above-mentioned accounts, and

BE IT FINALLY RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Accountant I and the Highway/Parks Superintendent.

Resolution No. _____ of 2023

**THE TOWN OF FARMINGTON
TOWN BOARD**

Roll Call Vote

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

The following was presented

By _____

Sec'd by _____

Date of Adoption:

RESOLUTION SETTING A PUBLIC HEARING FOR THE 2024 TOWN BUDGET

WHEREAS, the Farmington Town Board has completed the budget workshops and has filed the 2024 Preliminary Budget with the Town Clerk, therefore be it

RESOLVED, the Farmington Town Board sets the Public Hearing for the 2024 Town Budget for October 24, 2023, at 7:01 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425, and further be it

RESOLVED, that the Town Clerk submit legal notice to the Daily Messenger.

RESOLVED, that the Town Clerk provide copies of this resolution to the Accountant I and the Confidential Secretary.

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 Peter Ingalsbe				
Councilman Michael Casale				
Councilman Steven Holtz				
Councilman Ronald Herendeen				
Councilman Nathan Bowerman				

**RESOLUTION SETTING A PUBLIC HEARING FOR THE 2024 FIRE CONTRACTS:
FARMINGTON AND MANCHESTER**

WHEREAS, the Town Board has met with the Farmington and Manchester Fire Departments to discuss the 2024 budget, and

WHEREAS, the contracts expire on December 31, 2023, therefore be it

RESOLVED, the Farmington Town Board sets the Public Hearing for the 2024 Fire Contracts for October 24th, at 7:02 p.m. at the Farmington Town Hall, and further be it

RESOLVED, that the Town Clerk post the Notice of Public Hearing in the Daily Messenger, and further be it

RESOLVED, that the Town Clerk forward a copy of this resolution to the Farmington, and Manchester Fire Departments, Supervisor's Office and the Accountant I.

Resolution No. ____ of 2023

THE TOWN OF FARMINGTON TOWN BOARD

Roll Call Vote

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

The following was presented

By _____

Sec'd by _____

Date of Adoption: October 10, 2023

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.

**RESOLUTION AUTHORIZING ACCEPTANCE OF AN EASEMENT AND TWO
STORMWATER MAINTENANCE AGREEMENTS**

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with Swetman Properties, LLC ("Owner # 1") regarding the Town's obtaining a Stormwater Management Facility Easement and a Stormwater Maintenance Agreement and has also engaged in discussions with Corporate Drive 6B LLC ("Owner # 2") regarding the Town's obtaining a Stormwater Management Facility Easement and a Stormwater Maintenance Agreement over portions of their respective properties on 1127 Corporate Drive, as shown on maps prepared by BME Associates dated April 29, 2020; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that said Owner # 1 grant to the Town the easement and agreement over said land of said Owner # 1; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that said Owner # 2 grant to the Town the easement and agreement over said land of said Owner # 2; and

WHEREAS, said easement and agreement have been offered by Owner # 1 to the Town of Farmington; and

WHEREAS, said easement and agreement have been offered by Owner # 2 to the Town of Farmington; and

WHEREAS, the Town Board of the Town of Farmington is desirous of accepting said offered easements and agreements on behalf of said 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 Easement attached hereto as Exhibit 1 from Owner # 1 and Owner # 2 in accordance with the terms and conditions contained in said instrument 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 Owner # 1 and Owner # 2, and be it further

RESOLVED, that the Town Board of the Town of Farmington does hereby accept the agreements attached hereto as Exhibit 2 from Owner # 1 and Owner # 2 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 Owner # 1 and Owner # 2; 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