

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 23rd day of March, 2021, at 7:00 PM, there were:

PRESENT: Peter Ingalsbe – Supervisor
Mike Casale – Councilman
Steven Holtz – Councilman
Nate Bowerman – Councilman
Ron Herendeen – Councilman
Michelle Finley – Town Clerk

Also present in person: **Don Giroux** – Highway and Parks Superintendent, **Dan Delpriore** – Code Enforcement Officer, **Ron Brand** – Director of Planning and Development, **Adrian Bellis** – Planning Board Member, **Bill Davis** – MRB Group, and **Robin MacDonald** – Acting Water & Sewer Superintendent. **Bonnie Maute** – EAP representative and resident.

Also present by telephone/video conferencing were: **John Piper** – Consultant and Ed Hemminger – Planning Board Chairman.

PUBLIC HEARINGS- A LOCAL LAW ENTITLED “MAIN STREET OVERLAY DISTRICT (MSOD) AND OTHER AMENDMENTS TO CHAPTER 165 OF THE FARMINGTON TOWN CODE”

Supervisor Ingalsbe opened the public hearing at 7:00 p.m. The Town Clerk read the legal notice. Supervisor Ingalsbe asked Mr. Brand to give a brief synopsis. Mr. Brand stated that the town had identified in 2011 that Route 96 as the main street corridor and over the past two years they have been working on creating overlay district regulations to create a corridor setting, something different than a pass through. He added that there are 46 parcels of land along Route 96 between the Victor-Farmington Town Line and the Town House project known as Fairdale Glen. He stated that those 46 parcels will be placed in the over lay district once this legislation is approved. He stated that what is provided for is streetlights, benches, trash receptacles, and landscaping. Mr. Brand stated that Ontario County Planning has reviewed and they like it and recommended approval of it and they complimented Farmington for taking the next step to create this different vision of a state highway going through our community.

Supervisor Ingalsbe asked for record how were the property owners notified. Mr. Brand replied that the Town Clerk mailed notifications of the public hearing notice. Supervisor Ingalsbe asked if anyone wanted to speak for or against this local law. Mr. Hemminger, Planning Board Chairman, stated that the Planning Board reviewed the local law and made comments that have been incorporated into the local law and the Planning Board is in full support of this local law. Supervisor Ingalsbe asked if there was anyone else wishing to speak, hearing none, the public hearing was closed at 7:04 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Holtz** and seconded by **Councilman Bowerman**, that the minutes of the March 9, 2021, Town Board Meeting, and given to members for review, be approved. All Voting “Aye” (Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

PRIVILEGE OF THE FLOOR: BONNIE MAUTE – EAP REPRESENTATIVE

Mrs. Maute stated that she thinks Supervisor Ingalsbe misunderstood when he stated that there were 40 SAPs in the area at the last meeting and what she thinks he meant was that there were 40 therapists that ESI work with. She stated that there are only four SAPs in this area and that she is one of them. Mrs. Maute stated that she was asked to provide a scope of services and stated that the Supervisor has had that information for a long time. Supervisor Ingalsbe stated that shared all the information with the Town Board. Mrs. Maute stated that they have not raised the rates up much, maybe a quarter. She added that they pay almost \$500 per month to rent the office in Farmington and she is not sure if they should renew the lease. She added that she is very pleased with the town as a resident. She reminded the Board that they have an eight-session model, and a lot of the times will see people for even longer.

PUBLIC CONCERNS:

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

1. Regular testing and maintenance.
2. Discussed Belt press sludge.
3. Discussed Digester 3 – new seal ordered.
4. Water main breaks – one- Northwest corner of Rt. 332 and Collett Road.
5. Discussed new heater for PS-11.
6. Discussed new water main at Rt. 96 and Mertensia Road.
7. Discussed resolution on agenda.

Highway & Parks:

1. Highway- Equipment Maintenance, hauling stone for the Canandaigua-Farmington Townline Road project, roadside cleanup, Spring restoration, and CFTL Road sidewalk preparation/storm drainage.

2. Parks- building and parks maintenance, Pumpkin Hook Park swing-set completed, tennis nets are up at parks, and busy prepping ball fields.
3. Discussed one resolution on agenda.

Town Operations Committee: Councilman Casale reported:

1. Discussed various projects: DRS Solar project, Auburn Trail Grant, Hickory Rise Subdivision, Hathaways Corners, and Auburn Meadows Subdivision Project.
2. Discussed resolutions on agenda.

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

1. Discussed Ontario County Public Health – Per Mary Beer, Ontario County is #1 in percentage of population vaccinated. There will be three clinics this week, Marcy will set up times for employees who want to get vaccinated.
2. Discussed American Rescue Plan – Farmington \$1.5 million over 2 years, waiting on the Treasury Department to provide guidance on what is allowed to spend funds on.
3. Discussed DEC has approved our capital management, operation, and maintenance program and our overflow and emergency response plan.

Highway& Parks Superintendent Giroux reported:

1. Working on clearing out gutters with the Vac-All.
2. Parks working on ball fields.

Town Clerk Michelle Finley reported:

1. 95% tax collection is complete.

Water & Sewer Superintendent Robin MacDonald reported:

1. Rt. 96 and Mertensia Watermain Project Update.
2. Supervisor Ingalsbe stated that he talked with the DEC regarding authorization for the DMR forms for Robin and Mike. He talked with Mike and Mike stated that he was playing phone tag with someone and Supervisor Ingalsbe stressed the urgency to contact the guy and leave a message stating that we need that form.

Code Enforcement Officer Dan Delpriore reported:

1. MS4 Annual Report.
2. Permit numbers are increasing with the nice weather. A lot of Storm Water issues.

Supervisor Ingalsbe stated that he posted more fly over pictures of Beaver Creek Park on Facebook.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.
2. Discussed local law amendments.
3. Discussed DRS Solar – decommissioning plan received, will look it over with staff.
4. Discussed Country Max Expansion (warehouse facility) on corner of Collett Road and Hook Road.

Assessor Michelle Nicodemus reported:

1. In the process of getting the tentative roll in shape. Deadline is April 1st.
2. Processing various exemptions.
3. 2022 Reval coming up – filing documents with the State and the County.

Town Engineer Bill Davis reported:

1. Will be submitting DEC report at the end of the week for the pretreatment program.
2. Discussed manhole and Mertensia Road project, Brickyard Road Water Tank, and Chemical Bulk Storage tank.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – Myers RV, Redfield Grove Phase 2 LOC.

Zoning Board of Appeals Jeremy Marshall reported: None.**Recreation Advisory Committee Bryan Meck reported: None.****Recreation Director Mark Cain reported: None.****Ontario County Planning Board Member reported: None.****Conservation Board Chairman Hilton reported: None.****Town Historian Donna Herendeen reported: None.****Swap Shop Update: Councilman Holtz:**

Had discussions with Jane Barry and they are putting a plan together for opening the swap shop on June 5th. Working on the flow of traffic, having a five person limit, and limiting staff to two people.

Agricultural Advisory Committee Chairman Hal Adams: None.**COMMUNICATIONS:**

1. Letter to the Town Supervisor from Edward Hampston of NYS DEC. Re: POTW Facility Design, Planning and Flow Management – Annual Certification Form, Facility: Farmington (T) STP, SPDES Permit #NY0023531.
2. Wastewater Treatment Facility Design, Planning and Flow Management 2020 Annual Certification Form.
3. 2020 Land Use Monitoring Report – Survey (Genesee/Finger Lakes Regional Planning Council).
4. Letters to the Town Supervisor from Peg Charette of Main Street America Insurance. Re: Claim Number 01-01U8450S-100003; Jeffrey Burgess.
5. Letter to the Town Supervisor from Rebecca Bellard of the NYS Department of Taxation and Finance. Re: 2021 Tentative Telecommunications Ceilings – Roll Section 6.
6. Letter to Mr. James Marrano of Marrano/Marc-Equity Corporation from Michael Wheeler of the NYS DEC. Re: Open Burning Prohibitions.
7. Cornell Local Roads Program 2021-2022 Executive Budget topics.
8. Letter to the Town Supervisor from Elysia Adams of Farmington Cub Scout Pack 50. Re: Arrow of Light Ceremony.
9. Letter to the Town Supervisor from Amy Allen and Bridget Callari of Victor Cub Scout Pack 6. Re: Arrow of Light Ceremony.
10. Ontario County Board of Supervisors Resolution No. 83-2021. Re: Authorization to participate in defense of real property tax assessment challenges against the 2020 Final Assessment Roll.
11. Municipal Report of Special Franchise Activity.
12. Farmington Historical Society Renewal Certificate of Insurance.
13. Ontario County Development Annual Report – 2020.
14. Letter to the Town Clerk from Senator Pamela Helming. Re: Resolution 88-2021 “Calling on the State to Restore Video Lottery Terminal (VLT) Funding to Local Governments in the 2021-2022 Budget.”
15. Certificates of Liability Insurance from: Daniel Green Construction, LLC; Havitat for Humanity of Ontario County NY, Inc.; Syracuse Fence, Inc.; Indus Group, Inc.; Serenity Pool and Spa, LLC; Decks Unlimited of Western New York, Inc.
16. Certificate of Workers’ Compensation Insurance from: Decks Unlimited of Western New York, Inc.; Serenity Pool and Spa, LLC; Indus Group, Inc.

REPORTS & MINUTES:

1. Building Department – Inspection Schedule – February 2021.
2. Building Department – Inspection Report – February 2021.
3. Building Department – Permit Report by Type – February 2021.
4. Project Review Committee Meeting Minutes – March 5, 2021.
5. Planning Board Meeting Minutes – March 3, 2021.

ORDER OF BUSINESS:**RESOLUTION 129-2021:**

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

RESOLUTION ESTABLISHING THE PENALTY DATE FOR ALL UNPAID 2021 FIRST QUARTER ACCOUNTS LOCATED WITHIN THE CANANDAIGUA-FARMINGTON (CFWD) WATER AND VICTOR SEWER DISTRICTS

WHEREAS, payment for the 1ST Quarter 2021 CFWD water and sewer bills and Victor Sewer District sewer bills are due on Friday, April 30, 2021,

NOW THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Canandaigua-Farmington Water and Victor Sewer Districts hereby authorizes that payments must be received at the Town Clerk’s office prior to 8 am Monday May 3, including online payments. Payments with US mail postmarks as of 12:00 AM May 1, 2021 will be accepted without penalty,

FURTHER RESOLVED, a 20% late fee will be applied to the sewer portion of unpaid residential bills and the water and sewer portion of commercial bills on Monday, May 3 with no water shutoff date established for this quarter,

FURTHER RESOLVED, special payment arrangements for residential water accounts are continuing to be set up in response to payment deferral request forms received,

FULLY RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Department and the Principal Account Clerk.

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

RESOLUTION #130-2021:

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

RESOLUTION APPROVING THE MRB PROPOSAL FOR THE NYS ROUTE 332 AND 96 WATERMAIN REPLACEMENT PROJECT

WHEREAS, MRB has submitted a proposal for Professional Services for the watermain replacement at the intersection of NYS Route 332 and NYS Route 96, including Design, Bidding, Construction Administration and Construction Observation,

RESOLVED, that the Supervisor signs the proposal at an amount not to exceed \$42,100 which will be paid out of the water budget line SW1-8340.27: Route 332 and 96 waterline replacement.

FULLY RESOLVED, that the Town Clerk returns a copy of the signed proposal to MRB group and forwards a copy of the resolution and the signed proposal to the Principal Account Clerk and the Water and Sewer department.

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

RESOLUTION #131-2021:

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

RESOLUTION APPROVING THE TRANSFER OF VLT FUNDING RECEIVED MARCH 2021 TO THE PARKS BUILDING RENOVATION CAPITAL PROJECT

WHEREAS, a VLT payment of \$266,635.95 was received by the Town from NYS. The town previously received \$1,422,058.40 which represented 80% of the statutory payment in the 2020-21 enacted budget. 5% continues to be held by NYS.

RESOLVED, that the Town Board approves the transfer of these funds to the Parks Building Renovation Capital Project.

FURTHER RESOLVED, budget amendments will be performed in the general fund to reflect the additional revenue as well as the following budget in the capital project:

HR5031	Interfund Transfer	\$266,635.95	
HR1440.2	Engineering		\$50,000
HR1620.2	Building Capital Outlay		\$216,635.95

FULLY RESOLVED, that the Town Clerk forwards a copy of the resolution to the Principal Account Clerk.

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

RESOLUTION #132-2021:

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

RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT AND DIRECT THE TOWN SUPERVISOR TO SIGN AND POST THE MS4 ANNUAL REPORT TO THE TOWN WEBSITE.

WHEREAS, the Town Staff, the Town Engineer, and the Town MS4 Officer have met and reviewed the information over the reporting period for the annual MS4 report and

WHEREAS, the annual report is part of the DEC requirements of having a MS4 program and

WHEREAS, the Town Supervisor must sign and post to the Town website for public review for a minimum of 30 days before submitting to the Ontario Wayne Stormwater Coalition to be submitted as a joint report to the DEC and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington does herein approve the Town Supervisor to sign the annual MS4 report and then post for public review on the Town website for a minimum of 30 days, then forward to the Ontario Wayne Stormwater Coalition.

MAY IT BE FURTHER RESOLVED, that copies of this resolution to be submitted by the Town Clerk to Highway & Parks Superintendent, MRB Lance Brabant, the Confidential Secretary and to the Building Department.

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

RESOLUTION #133-2021:

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR FEBRUARY 2021

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

WHEREAS, the Principal Account Clerk submitted the Monthly Report of the Supervisor for February 2021 to the Town Supervisor on March 2, 2021, and

WHEREAS, the Town Supervisor approved and executed the Monthly Report of the Supervisor for February 2021 on March 2, 2021,

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 January 2021, and be it further

RESOLVED, that the Town Clerk give a copy of this resolution to the Principal Account Clerk.

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

RESOLUTION 134-2021:

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

RESOLUTION AUTHORIZING THE PENALTY FEE BE ADDED BACK TO THE POLICY FOR RESERVING THE MERTENSIA LODGE

WHEREAS, Resolution No. 146-2020, authorized the refund of the penalty fee for the Mertensia Lodge should the reservation be cancelled due to Covid restrictions, and

WHEREAS, affective March 22, 2021, the executive order that affected the number of people allowed to gather increased to 100 and the lodge maximum is 98, therefore be it

RESOLVED, the Farmington Town Board authorizes the penalty fee for cancelling a reservation date be added back into the policy when reserving the Mertensia Lodge, effective April 1, 2021, and further be it

RESOLVED, that the Town Clerk forward copies of this resolution to the Highway/Parks Superintendent and the Principal Account Clerk.

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

RESOLUTION 135-2021:

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

RESOLUTION TO ADOPT THE TOWN OF FARMINGTON OF LOCAL LAW NO. 6 OF 2021 ENTITLED MAIN STREET OVERLAY DISTRICT (MSOD) AND OFFICIAL ZONING MAP AMENDMENT

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Farmington for a public hearing to be held by said Town Board on March 23, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, to hear all interested parties upon the above referenced proposed Local Law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Farmington, on March 2, 2021 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 23, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, and all parties in attendance or all parties participating remotely were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board has given consideration to the Ontario County Planning Board's referrals No. 46-2021 and No. 46.1-2021, dated March 10, 2021 and their recommendations of approval of this Action; and

WHEREAS, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interest of the Town of Farmington to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington hereby adopts said Local Law No. 6 of 2021, entitled “MAIN STREET OVERLAY DISTRICT (MSOD) AND OFFICIAL ZONING MAP AMENDMENT,” a copy of which is attached hereto and made a part of this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Farmington, and to give due notice of the adoption of said local law to the New York State Secretary of State.

BE IT FURTHER RESOLVED, that upon receipt from the New York State Secretary of State of the filing of this local law, that a copy of said local law is to be provided to General Code Publishers along with a request for amending the Town Code Books accordingly.

BE IT FINALLY RESOLVED, that upon receipt of the filing of the above referenced local law with State’s Secretary of State, the Town Director of Planning and Development and the Town Clerk are to prepare a resolution for amending the Town’s Official Zoning Map in accordance with the provisions of Chapter 165, Article III, Section 12 of the Farmington Town Code.

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

Local Law No. 6 of the year 2021

A local law entitled: “Main Street Overlay District (MSOD) Regulations and other amendments to Chapter 165 of the Farmington Town Code.”

This local law establishes Chapter 165, Article IV, Section 34.2, of the Code of the Town of Farmington to be entitled “Main Street Overlay District;” amending Chapter 165, Article IV, Section 34. A.; G.; I. (a); J. (1) (a); K.; and M.; amending Chapter 165, Section 39. B.; amending Chapter 165, Section 43. B; deleting Chapter 165, Section 57 B. in its entirety and creating a new Section 57 B.; amending Chapter 165, Article V. Supplemental Regulations, Section 60 C. Landscaping of parking areas within the MTOD; amending Chapter 165, Article VI. Supplemental Regulations, Section 77. Motor vehicle service station, convenience store/petroleum station and petroleum station, Sub-section D.; amending Chapter 165, Article VIII, Section 99, Appointment of Planning Board, powers and duties, Section C.; amending Chapter 165, Article VIII, Section 100, Site development plan of the Code of the Town of Farmington; and Chapter 165, Article III, Establishment and Designation of Districts, Section 11, Districts enumerated; and Article III, Establishment and Designation of Districts, Section 12, Zoning Map.”

Be it enacted by the **Town Board**

Town of Farmington

as follows:

Section 1. Chapter 165, Article IV, District Regulations, Section 34.2, entitled “MSOD Main Street Overlay District,” is hereby adopted in its entirety to read as follows:

§ 165-34.2. MSOD Main Street Overlay District.

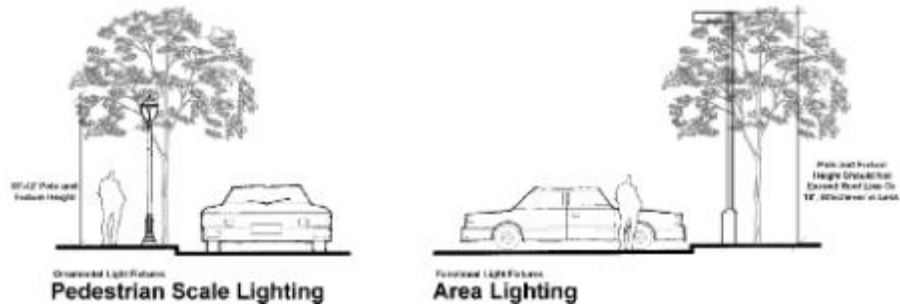
A. Intent. The MSOD Main Street Overlay District is based upon the recommendations identified in the report entitled “Street Scape Design Guidelines Route 96 Corridor,” prepared by MRB Group, D.P.C., dated May, 2021 and adopted by the Farmington Town Board, on May 25, 2021, by Town Board Resolution # ___ of 2021. State Route 96, between the Victor/Farmington Town Line on the west and extending east to the intersection of State Route 96 with Hook Road and Beaver Creek Road, and extending further east along the north side only of State Route 96 to Fairdale Glen is considered the Town’s “main street corridor” area. This area is based upon the defined Hamlet of Farmington, New York area established in cooperation with the New York State Thruway Authority and the Region 4 Office of the New York State Department of Transportation. All site development within this area shall include regulations contained in this section of the Town Code which shall be in addition to the requirements for site development: within the underlying zoning districts; and the provisions set forth below in this section which are based upon the guidelines for landscaping, building foundation plantings, building elevations, street trees, pedestrian-oriented lighting standards, signage, public transportation stops, curbing, driveway spacing, pedestrian crossings, stormwater and other elements of the streetscape including, but not limited to, uniform street light design, benches and trash receptacles. The area allows and encourages the development of mixed-use buildings: first-floor commercial use and second-floor residential use. Transportation options consist of pedestrian-friendly access along street fronts, bike lanes and access to public transit stops.

B. Delineation of MSOD Main Street Overlay District boundaries. The MSOD is hereby established as a mapped overlay zoning district. The MSOD shall be delineated upon the Town of Farmington Official Zoning Map as a separate inset delineating the defined main street area, showing those parcels in existence on the effective date of adoption of these overlay district regulations, which are delineated in Appendix B: Main Street Overlay District Map, a part of the document entitled “Town of Farmington Streetscape Design

Guidelines Route 96 Corridor,” and as may be further amended by land subdivision approved by the Town Planning Board and/or Town Board resolution to amend said Appendix, from time to time. The MSOD inset shall be clearly defined as an overlay district that is in addition to the requirements contained in Chapter 165, Article IV, District Regulations, Section 34. MTOD Major Thoroughfare Overlay District Regulations. Any parcel of land which, at the time of enactment of these regulations, contains frontage along the delineated main street corridor area, or has access to said area via a dedicated street, or shared driveway, shall be considered to be within the boundary of the MSOD.

- C. Permitted principal uses.** Permitted principal uses within the MSOD Main Street Overlay District shall be: first those allowed within the underlying zoning district and shall be subject to the appropriate principal use provisions and restrictions; and second as regulated by the driveway spacing standards contained in the MTDO Major Thoroughfare Overlay District.
- D. Permitted accessory uses.** Permitted accessory uses within the MSOD Main Street Overlay District shall be those allowed within the underlying zoning district and subject further to the accessory use provision and restrictions of that district.
- E. Special permit uses.** Uses within the MSOD Main Street Overlay District which are first allowed by special permit review and approval by the Town Planning Board shall also be special permitted by the MSOD regulations set forth herein as well as those provisions contained in Chapter 165, Article VIII, Sections 99 and 100 of the Farmington Town Code.
- F. Dimensional requirements.** Dimensional requirements within the MSOD Main Street Overlay District shall be those setbacks, lot size and lot coverage provisions of the underlying zoning district as contained in Schedule 1 of Chapter 165, Zoning Law, of the Farmington Town Code, unless otherwise specified below herein.
- G. Building Setbacks.** Building located within the MSOD Main Street Overlay District shall first be subject to the following setbacks:
- (2) Side yard: 30 feet.
 - (2) From a Town access road: 50 feet.
 - (H) From State Route 96: 70 feet from highway right-of-way.
 - (H) From County Road 8 or 41: 70 feet from highway right-of-way.
 - (5) From State Route 332: 100 feet from highway right-of-way.
 - (6) Front yard setback shall be that portion of a parcel which provides access to and from an adjacent public highway.
- H. Structure Setbacks.** Structures located within the MSOD Main Street Overlay District shall first be subject to the following setbacks:
- (2) No structure, other than an approved streetscape fixture, may be placed within a 30 foot-wide grassed and sidewalk buffer area that is to be located across the property’s frontage and as measured from the adjacent highway’s edge of pavement.
 - (2) All ground-mounted (freestanding) commercial speech business identification sign is to be located a minimum of forty-five (45) feet from the right-of-way line of the adjacent State highway or thirty (30) feet from the right-of-way line of the adjacent Town highway.
 - (3) The minimum clearance between the bottom of a ground-mounted (freestanding) commercial speech business identification sign shall be seven (7) feet above existing grade.
 - (3) The maximum height for a ground-mounted (freestanding) commercial speech business identification sign shall be twelve (12) feet above existing grade.
 - (5) No ground-mounted (freestanding) commercial speech business identification sign may be placed on top of any landscape berm located on the site.
- I. Site Lighting.**
- (1) Pedestrian-scaled area lighting of the site is required.
 - (2) Light fixture style shall be those identified in the adopted “Street Scape Design Guidelines Route 96 Corridor,” referenced above in this section. Light fixtures shall be no higher from the finished grade than 12 feet for pedestrian-scaled lighting, and no higher than the greater of 25 feet for a parking lot Areas Lighting.

- (3) The light source shall not be visible from any angle from adjacent streets or properties or the sky. Light fixtures shall be designed and installed so as not to cause illumination to spill beyond the boundaries of the site.



- (4) To provide optimum color rendition of site lighting along the Main Street Corridor all lamps are to be LED types not exceeding 4,000 K.
- (5) Area Lighting located within parking lots shall have a minimum of one-half (0.5) foot-candles and have a light uniformity ratio of 5:1 or lower in all areas, including driveways and pedestrian access routes.

J. Commercial speech signs. The following sign regulations for properties located within the MSOD Main Street Overlay District are in addition to the sign regulations contained elsewhere in §§165-38 through 165-49 of this chapter. Where any conflict between these sections arise, the more restrictive regulations shall take precedent.

- (1) The following standards for commercial speech signs associated with development occurring within the mapped MSOD Main Street Overlay District when only one (1) principal building, use or activity is proposed upon a single parcel of real property.
- [a] No more than one (1) commercial speech building-mounted business identification sign may be erected on that portion of a building's elevation as viewed by motorists traveling along State Route 96. The maximum size of said sign shall not exceed 48 square feet in sign area and shall not be located on any portion of the building's roof.
- [b] Where a building fronts along a Town highway and the side or rear elevation of the building fronts along State Route 96 then one (1) commercial speech building-mounted business identification sign may be erected on the building elevation facing the Town highway and one (1) additional building-mounted commercial speech business identification sign may be allowed on the building's elevation facing State Route 96. In this instance the maximum size of the sign facing the Town highway shall not exceed 48 square feet in sign area and the maximum size of the sign to be located on that portion of the building facing State Route 96 shall be 36 square feet in sign area. Neither of these two commercial speech business identification signs may be located on any portion of the building's roof.
- [c] Where a building fronts State Route 96 and the side or rear elevation of the building fronts along another public street then one (1) additional commercial speech building-mounted business identification sign may be erected on the building elevation facing the adjacent public highway. In this instance the maximum size of the sign facing State Route 96 shall not exceed 48 square feet in sign area and the maximum size of the sign to be attached to that portion of the building's elevation facing the adjacent public highway shall be 36 square feet in sign area. Neither of these two building-mounted commercial speech business identification signs may be located on any portion of the building's roof.
- [d] Where a building is located along a portion of three (3) or more adjacent public highways then one (1) additional building-mounted commercial speech business identification sign may be erected on the building. In this instance the maximum size of the third sign to be located on that portion of the building's elevation facing the third highway shall be 36 square feet in sign area. No portion of the third building-mounted commercial speech business identification sign may be located on any portion of the building's roof.
- [e] Commercial speech business identification signs, either building-mounted or ground-mounted, located upon properties lying within the mapped MSOD Main Street Overlay District may only contain the name of the business, the business logo and the street address number. No product advertising shall be allowed on either a building-mounted or ground-mounted commercial speech business identification sign.

- (2) The following standards for commercial speech signs are required for all associated site development occurring within the mapped MSOD Main Street Overlay District where there is more than one (1) building, use or activity proposed upon a single parcel of real property.
- [a] The principal building or use of the property shall be that building, or portion thereof, devoted to a single use which contains the largest building area on the site. There shall only be one (1) principal building located upon a single parcel of real property.
 - [b] The provisions contained in §165-43. B. (2) shall apply to this section of the Farmington Town Code, except as may be further modified below.
 - [c] Where there is more than one (1) principal building located upon a single parcel of real property within the MSOD Main Street Overlay District, such as in the case of a shopping center, plaza, office complex or other multiple commercial-use facility, industrial complex or office park and said principal building is located one hundred (100) feet from the adjacent highway right-of-way line, then the site may have one (1) double-sided ground-mounted commercial speech sign identifying only the name of the shopping center, plaza, office complex or other multiple commercial-use facility, industrial complex or office park. In this instance, the commercial speech sign may be double-sided, ground-mounted (free-standing) with up to 48 square feet in sign area and not more than fifteen (15) feet in height above existing grade.
 - [d] Ground-mounted free-standing commercial speech business identification signs for any other building(s) located on this type of setting shall be prohibited.
 - [e] Each individual business tenant that has an exterior entrance to and from a principal building may have one building-mounted commercial speech business identification sign located on the front of the building facing the adjacent public street or common parking lot. Such sign shall not exceed the sum of one square foot of sign area for each linear foot of building frontage devoted to that tenant's use. Any tenant having a second exterior entrance facing more than one public way shall be allowed a second building-mounted commercial speech business identification sign not exceeding eight (8) square feet in sign area.
 - [f] Each individual business tenant on a multiple-tenant site that has a building located in the front portion of the site and is set back from the right of-way of the State, County and Town highways listed above herein, may have a building-mounted commercial-speech business advertising sign placed on the façade(s) of the building facing any of the highways listed above herein. The maximum size of said building-mounted sign shall be forty-eight (48) square feet in sign area.
- K. Additional site plan and special use permit provisions and requirements.** The requirements contained within §§ 165-44.; 165-57. B.; 165-60. C.; 165-99. C.; and 165-100 of this chapter of the Farmington Town Code shall apply to the review and approval of any site development plan or special use permit required within either the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District.
- L. Through Lot site plan and special use permit additional provisions and requirements.** Any site development within the MSOD Main Street Overlay District that occurs on a Through Lot, as defined in Article II, Terminology, Section 10, Definitions, shall be subject further to the following requirements:
- (1) Where the front façade of a building faces an access road and site access to and from said access road is provided from this portion of the parcel, then the rear yard portion of the parcel shall be defined as that portion of the parcel located between the right-of-way line of the State Route 96 to the building's façade.
 - (2) Where the front façade of a building faces State Route 96 and site access is obtained from said State road, then the front yard portion of the parcel shall be defined as that portion of the parcel between the right-of-way line of the State Route 96 to the front façade of the building.
 - (3) Where the side façade of a building faces a portion of an access road where site access is not provided, then the side yard portion of the parcel shall be defined as that portion of the parcel between the building façade which is parallel to the access road and facing the right-of-way line of the access road.
 - (4) Where a site development plan proposes a building to be located upon a Through Lot, then the architectural treatment of the façade(s) of such a building shall be the same for both portions of the building.

- (5) Where a site development plan located on a Through Lot proposes a drive-through service window and/or an automatic banking machine service, then the design of the drive-through service window and/or banking machine service shall complement the façade of the building. In addition, whenever there is to be a drive-through service window and/or an automatic banking machine service that is/are located in close proximity to an adjacent public highway, then a densely planted landscape treatment shall be provided along the entire length of the drive-through aisle(s) that will adequately screen vehicle headlights using these on-site services from adjacent public highways. Said screening shall not exceed 48-inches in height above existing grade of the drive aisle(s).
- (6) Where site development is to be located on a Through Lot then any Commercial Speech Sign shall be permitted as a Building Mounted Commercial Speech Sign(s) and placed upon either side of the building and in accordance with the criteria contained elsewhere in this chapter of the Farmington Town Code. In addition, a single freestanding Commercial Speech Sign may be permitted on a Through Lot, but shall only be allowed within the Front Yard portion of the parcel.

M. Streetscape Design Requirements. Site development plan review and approval, as well as Special Use Permit review and approval, by the Town Planning Board for any parcel located within the delineated MSOD Main Street Overlay District, shall include the following site amenities:

- (1) A 30-foot buffer area from the edge of pavement along the Lot Width of a parcel is to be provided. Depending upon underground utilities and future highway lane widening, or turn lanes required by the New York State Department of Transportation or the Ontario County Department of Public Works, a 30-foot minimum buffer area shall be provided from the edge of the turning lane pavement along the Lot Width of a parcel.
- (2) A five-foot (5-foot) wide concrete sidewalk is to be provided across the Lot Frontage of any parcel involved with a site development, or special use permit review and approval. Sidewalks within each parcel are to connect the principal building to the main sidewalk(s) located along State Route 96, or the adjacent public highway. All sidewalks to be located within State or Ontario County rights-of-way are to be built to Town Site Design and Development Criteria Standards.
- (3) Streetlamps, described in Appendix A of the report entitled “Town of Farmington Streetscape Design Guidelines Route 96 Corridor,” which is referenced above herein, are to be installed across the frontages of properties within the MSOD. Streetlamps to be located along State Route 96, or the two County Highways (C.R. 8 and C.R. 41) shall be located wherever possible outside the right-of-way of these highways. Said streetlamps are to be placed no further apart than seventy (70) feet along the sidewalks located along adjacent public highways. Streetlamps may be located within Town highway right-of-ways, but only with approval from the Town Highway Superintendent.
- (4) Sidewalks and crosswalks that are installed at Major Street Intersections within the MSOD Main Street Overlay District, shall be in accordance with design criteria required by either the New York State Department of Transportation, or the Town Highway Superintendent, depending upon the highway jurisdiction. Major street intersections with State Route 96 are defined as the following intersections: Elizabeth Way; Mertensia Road; Mercier Boulevard; Commercial Drive and Hook Road/Beaver Creek Road. Should additional public roads be approved as part of any site development plan to intersect with State Route 96 within the MSOD, then those public highways shall be added to the above listing of Major Street Intersections and required sidewalk/crosswalk improvements made. In addition, at these Major Street Intersections, decorative street planting rails and pedestrian Area Lights are to be provided.
- (5) Streetscape furniture (e.g., benches, trash receptacles, etc.) shall be spaced apart at five hundred-(500)-foot intervals, starting at the intersection of State Routes 96 and 322 extending in two directions, both east and west, and along both sides of the State Route 96 highway. The furniture is to match the wood/steel bench design contained in Appendix A of the above referenced “Town of Farmington Streetscape Design Guidelines Route 96 Corridor.”
- (6) A separate site landscaping plan shall be provided for all site development and special use permit applications. The landscaping plan shall include a keyed Planting Schedule specifically detailing the quantity, species and size of all plant materials. Landscaping plans shall substantially conform to other landscaping existing within the MSOD Main Street Overlay District, so as to create a uniform appearance. Plant materials shall be liberally located throughout the site. Massing of multiple plants is preferable to the installation of individual plants. A successful site landscaping plan will feature a variety of types (e.g., trees, shrubs, ground covers, perennials, deciduous, evergreen, etc.) and sizes of plant materials. Native plant species shall be used in or near proposed stormwater management areas, and near environmentally sensitive areas (e.g., freshwater wetlands). Additionally, vegetated buffers between varied uses should consist primarily of native plant species such

as white pine and white spruce. The use of non-native invasive species is prohibited. These include Japanese Barberry, Norway Maple, Russian Olive and Autumn Olive.

- (7) Street tree specifications. Street trees to be installed shall have a minimum of 2½-inch caliper. Street trees to be installed along the State Route 96 frontage are to be a flowering variety tree having a height to complement the adjacent pedestrian corridor. For site specific street tree plantings guidelines, the Planning Board shall reference those guidelines contained in the above referenced “Town of Farmington Streetscape Design Guidelines,” pages 4, 5, 6 and 7.
- (8) Existing site trees. Existing trees shall be preserved wherever practical provided the trees are not diseased or abnormally subject to disease, structurally unsound or misshapen. Any site development plan or special use permit application shall detail existing trees on the parcel under consideration. No site clearing shall be permitted without Planning Board approval and filing of surety with the Town Clerk’s Office.
- (9) Berms, shrubs and groundcovers. Planted berms (not exceeding 2 feet to 3 feet in height) shall be provided within the MSOD Main Street Overlay District and planted with shrubs of sufficient height to screen parking lots and drive aisles from the street. Berms and trees are not intended to be located over Town or other private utilities. Shrubs and groundcovers shall provide visual interest in all seasons.
- (10) Water features. Unless located in a hardscape (e.g., plaza, courtyard, etc.), water features (including ponds and wet areas created as part of the site’s stormwater management system) shall be organically shaped and be sympathetic to the site’s natural topography. Such facilities should be designed to blend in with the general flow of the landscape and site grading so as not to present abrupt changes in grade, slope, or direction.
- (11) Stormwater design features. Detailed landscaping plans for stormwater management areas consistent with Design Guidelines and the New York State Stormwater Management Design Manual. Establishing a diverse range of vegetative cover types with suitable plant species for limiting the spread of nuisance and invasive species. Therefore, care shall be taken to incorporate a mixture of trees, shrubs and herbaceous species consistent with naturally occurring ponds, wetlands and streams.
- (12) Weed control fabric and mulches. Weed control fabric and mulches shall be provided as appropriate. All mulch beds within the MSOD Main Street Overlay District shall be of a natural color mulch (e.g. brown, or black only). No stone or other colors are to be provided within these areas.
- (13) Large, decorative rocks. Large, decorative rocks or aesthetically pleasing rocks are to be strategically placed within the streetscape buffer areas outside of the rights-of-way and along the walkways to help fill empty space. Clustering of landscaping shall also be considered.

- N. General access management requirements.** The regulations contained in Chapter 165, Article IV, Section 34. I. MTOD Major Thoroughfare Overlay District, also apply to the location and design of driveways and road intersection spacing within the MSOD Main Street Overlay District.
- O. Driveway and street standards.** Properties located within the MSOD Main Street Overlay District shall first be subject to the spacing standards set forth in Chapter 165, Article IV, District Regulations, Section 34. MTOD Major Thoroughfare Overlay District, sub-section J. (1) (a) (1 through 7).
- P. Classification of large development.** The regulations contained in Chapter 165, Article IV, Section 34. K., MTOD Major Thoroughfare Overlay District, also apply to the classification of large development within the MSOD Main Street Overlay District.
- Q. Land subdivision criteria.** The regulations contained in Chapter 165, Article IV, Section 34. L., MTOD Major Thoroughfare Overlay District, also apply to the proposed development of land, which involves the subdivision of land not in effect as of the effective date of the adoption of these MSOD Main Street Overlay District regulations.
- R. Incentives for land development within the MSOD.** In accordance with the provisions of § 261-b of the New York State Town Law, the Town Board, upon an application for Incentive Zoning, as provided for in Chapter 165, Article IV, Section 34.1 of the Farmington Town Code, may grant incentives to proposed development occurring within the MSOD Main Street Overlay District in accordance with the provisions contained in § 165-34.1. M.
- S. Variance standards for development within the MSOD.** The regulations contained in Chapter 165, Article IV, Section 34. N., MTOD Major Thoroughfare Overlay District, also apply to the standards for the Zoning Board of Appeals granting of variances associated with development within the MSOD Main Street Overlay District.

Section 2. Amendments to Chapter 165, Article IV, Section 34. MTOD Major Thoroughfare Overlay District, Subsections A., B., C., D., E., F., G., H., I., J., K., L., M. and N are hereby made and shall read in their entirety as follows.

§ 165-34. A. (1) is hereby amended in its entirety to read as follows:

- (6) To restrict and control site access for those parcels of land located along those portions of State Routes 96 and 332, and County Roads 8 and 41, that are located within the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District, as shown on the Town of Farmington Official Zoning Map. The Official MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District are hereby adopted in order to protect the major commitment of public funds that were used to design, construct and maintain the efficiency and safety of these major highways; to prevent the interference of uncontrolled traffic movements entering and exiting sites with the movement of traffic along these heavily traveled major highways by establishing minimum driveway spacing standards; to prevent the creation of potentially significant traffic congestion problems; to minimize vehicular and pedestrian conflict areas upon sites shown upon the drawings that comprise the Town of Farmington Official Major Thoroughfare Overlay District Map and the Town of Farmington NYS Route 96 Corridor Study, Town of Farmington, Ontario County, NY, Streetscape Standards Study Corridor Map, Appendix B of the adopted Town of Farmington Street Scape Design Guidelines Route 96 Corridor Plan. The Official Major Thoroughfare Overlay District Map is designed to identify the appropriate spacing for signalized intersections, both existing and proposed, that will maintain the flows of the heavy volumes of traffic along these major highways. The Town of Farmington Official Map is also designed to permit appropriate commercial, industrial, business and residential uses along these major highways to be compliant with an officially adopted highway map which is entitled "Official Major Thoroughfare Overlay District Map, Town of Farmington, Ontario County, New York." Said Official Map may be amended from time to time based upon a coordinated review with state, county, and Town highway officials, a County Planning Board referral and recommendation, public hearing and adoption by the Town Board of a local law amending said Official Map.

§ 165-34. G. (3) is hereby amended in its entirety to read as follows:

- (1) Side yard: 30 feet.
- (2) Setback from a Town road: 50 feet.
- (2) Setback from State Route 96, County Road 8 and County Road 41: 70 feet; and setback from State Route 332: 100 feet.

§ 165-34. I. (1) (c) General access management requirements is hereby amended in its entirety to read as follows:

- (c) Driveways shall be limited to a maximum of one curb cut per property unless a traffic impact study demonstrates, and such finding is accepted by the regulatory transportation agency, that additional curb cuts will be beneficial in minimizing traffic congestion along the highway or in improving traffic safety.

§ 165-34. J. (2) (a) and (c) Corner clearance is hereby amended in its entirety to read as follows:

- (a) Corner clearance is to be measured along the road from the center line of the driveway to the closest edge of the road determined by either the New York State Department of Transportation for State Routes 96 and 332, the Ontario County Department of Public Works for County Roads 8 and 41, and the Town of Farmington Highway Superintendent for all Town Roads within the MTOD Major Thoroughfare Overlay District.
- (c) Driveways for corner properties where this is a traffic light, either existing or planned, shall meet or exceed the minimum corner clearance requirements set forth in subsection J. (2) (b) above, unless said driveway is located within the functional boundary of an intersection as delineated on the adopted Town of Farmington Official Major Thoroughfare Overlay District Map. In those instances, said driveway is to be located based upon the results of a traffic impact statement and permit issued by the appropriate state, county or town department of transportation.

§ 165-34. J. (3) (a) Driveway location is hereby amended its entirety to read as follows:

- (a) Driveway location will be based on a site development plan which has been approved by the Town Planning Board in consultation with either the New York State Department of Transportation, the Ontario County Department of Public Works, or the Town of Farmington Highway Superintendent.

§ 165-34. J. (3) (d) Corner clearance is hereby amended in its entirety to read as follows:

- (d) The Town Zoning Board of Appeals may consider granting an area variance to allow the location of driveways at less than the minimum driveway spacing standards and corner clearance standards

§ 165-34. J. (3) (d) [4] Corner clearance is hereby established in its entirety to read as follows:

- [4] If a Traffic Impact Study has been prepared and the results thereof accepted by the regulatory transportation agency and the Town of Farmington Planning Board.

§ 165-34. J. (3) (g) Driveway location is hereby established in its entirety to read as follows:

- (g) For properties located within the mapped MTOD Major Thoroughfare Overlay District the following additional criteria shall be met:

- [1] Prior to approval of any site development plan showing direct access to either State Routes 96 and 332 or County Roads 8 and 41, the applicant and reviewing agency shall explore the potential for consolidating driveways, providing vehicular interconnections and obtaining shared access with adjoining properties.
- [2] Driveways providing direct access to State Route 332 should be limited to right-in/right-out only, except at signalized intersections or where provisions are made to allow shared access from adjoining properties to the driveway.
- [3] Driveways should only be placed along highways located within the mapped MTOD Major Thoroughfare Overlay District where adequate sight distance is provided in compliance with AASHTO, ITE, NYSDOT, OCDPW and/or Town of Farmington Highway Superintendent standards.
- [4] Where opportunities exist within the mapped MTOD Major Thoroughfare Overlay District for expansion of public transit service larger scale development projects should be designed and laid out to accommodate public transportation service and to facilitate bus access and circulation through the site as accepted by a public transit agency.
- [5] Development projects should be designed and laid out to accommodate and provide appropriate facilities for pedestrian and bicycle circulation within the site, and to provide connectivity of such facilities to adjoining properties and facilities within the rights-of-way of State Routes 96 and 332, County Highways 8 and 41, and other Town highways within the mapped MTOD Major Thoroughfare Overlay District.
- [6] Sidewalks are to be provided along all sites fronting along State and County highways and other Town highways within the mapped MTOD Major Thoroughfare Overlay District that connect to, or contribute to, the completion of a pedestrian network in the area.
- [7] To the extent practical, the installation of bike lanes and expanded shoulders should be provided along State and County highways and other Town highways within the mapped MTOD Major Thoroughfare Overlay District.

§ 165-34. K. (2) (a) (b) and (c) Classification of large development within the MTOD Major Thoroughfare Overlay District is hereby amended their entirety to read as follows:

- (2) Large developments may be required to mitigate the traffic impacts of their development. Required mitigation may include but is not limited to the construction of traffic signals, turning lanes, medians, combined and shared driveways, internal service or access roads and implementation of public transit improvements and/ or traffic demand management strategies. This requirement may be waived with:
 - (a) New York State Department of Transportation approval of proposed mitigation measures as they may require on or along State Routes 96 and 332.
 - (b) Ontario County Department of Public Works approval of proposed mitigation measures as they may require on or along County Highways 8 and 41.
 - (c) Town Highway Superintendent approval of proposed mitigation measures as may be required on or along Town Highways.

§ 165-34. M. Incentives for land development within the MTOD Major Thoroughfare Overlay District is hereby amended in its entirety to read as follows:

- M. Incentives for land development within the MTOD Major Thoroughfare Overlay District. In accordance with the provisions of §261-b of New York State Town Law and §165-34.1

of the Farmington Town Code, the Town Board, upon recommendation from the Town Planning Board, may grant zoning incentives to proposed development occurring within the MTOD area when the following conditions are found to exist:

- (1) There are site improvements to ensure the safe and efficient movement of traffic along a road and between the road and properties abutting the road which include, but are not limited to, shared driveways, cross-access driveways, access and service roads, effective internal circulation systems, inter-connected parking, separate vehicular and pedestrian systems, bike lanes and public transportation defined areas.
- (2) The Town Board, based upon a Town Planning Board recommendation which is first based upon an application for approval of a preliminary site development plan, or preliminary subdivision plat, may grant adjustments to the permissible density, area, height or open space otherwise required in the zoning district; and as further determined to be in compliance with the provisions in § 165-34, 1 of this chapter.
- (3) The Town Board, in considering such incentives may also consider accepting a cash payment in lieu of amenity to be used to pay for any off-site transportation related improvements within the mapped MTOD Major Thoroughfare Overlay District area to include, but not limited to, installation of sidewalks, delineation of bike lanes, installation of public transportation facilities, including pedestrian signals and crosswalks, and street scape improvements such as those identified in Appendix B of the adopted Town of Farmington Street Scape Design Guidelines Route 96 Corridor Plan.

Section 3. Chapter 165. Section 39. B. Compliance with sign regulations is hereby amended in its entirety to read as follows;

§ 165-39 B. Conformance required. No sign shall be permitted in the Town of Farmington except in conformity with the provisions of this section of the Town Code and §165-34.2 MSOD Main Street Overlay District.

Section 4. Chapter 165. Section 43 B. General requirements for erecting and maintaining commercial speech signs is hereby amended in its entirety to read as follows:

§ 165-43 B. Commercial and industrial uses.

- (1) The following additional sign standards shall guide the regulation of all signs associated with projects located in the Main Street Overlay District and any underlying Restricted Business, Neighborhood Business, General Business, Planned Development, Limited Industrial, General Industrial or Incentive Zoning District when only one (1) principal building, use or activity is proposed or exists on a single parcel of real property.
 - (a) Only one (1) building-mounted commercial speech business identification sign may be allowed on the façade of a building facing the adjacent public street, unless said building is adjacent to and visible from a second public street. Then in this instance a second building-mounted commercial speech business identification sign may be allowed upon the façade facing the second public street.
 - (b) The total square footage for a second building-mounted commercial speech business identification sign shall be thirty-two (32) square feet.
 - (c) In addition to a building-mounted commercial speech business identification sign, there may be erected one two-sided ground-mounted commercial speech business identification sign upon any parcel fronting along State Route 332. Said commercial speech sign shall not exceed sixty-four (64) square feet in sign area, or extend in height fifteen (15) feet one (1) inch or greater above existing grade. The edge portion of said two-sided ground-mounted business identification sign shall not be located nearer than fifteen (15) feet to a public right-of-way line. Every ground-mounted commercial speech business identification sign shall be subject to sign site plan approval granted by the Planning Board. Every ground-mounted commercial speech business identification sign shall be surrounded at its base by landscaping approved by the Planning Board. The minimum ratio of landscaping required shall be one (1) square foot of ground area for each square foot in sign copy area.

- (d) As an alternative to a building-mounted commercial speech business identification sign or a ground-mounted commercial speech business identification sign for those buildings fronting along State Route 332, there may be an awning sign erected which shall be subject to sign site plan approval by the Planning Board. Awning sign(s) shall be uniform in vertical dimension and height above existing grade. When awning signs are used on buildings located in the same structure (e.g., a commercial plaza, a strip mall, an enclosed commercial mall, office park, or industrial park, the awnings shall be uniform in vertical dimensions, lettering and height above existing grade. In addition, such awnings shall be of the same color and material.
- (2) The following standards shall guide the regulation of all commercial speech signs associated with a site located in any zoning district specified in B (1) above where more than one principal building, use or activity is proposed or exists upon a single parcel or related parcels such as in the case of a shopping center, plaza, office complex or other multiple-use facility:
 - (c) A single, double-sided ground-mounted, commercial speech sign up to forty-eight (48) square feet in sign area and not higher than fifteen (15) feet in height may be allowed which identifies the name and street address of the shopping center, plaza, office complex, or other similar activities. Said sign shall be in close proximity to the entrance/exit for the site, but in no instance shall such sign be separated greater than thirty (30) feet from such driveway on the site. Every ground-mounted commercial speech business identification sign shall be surrounded at its base by landscaping approved by the Planning Board. The minimum ratio of landscaping required shall be one (1) square foot of ground area for each square foot in sign copy area.
 - (b) All ground-mounted commercial speech identification sign(s) shall be approved by the Town Planning Board as part of a sign site plan application.
 - © Ground-mounted commercial speech business identification sign(s) identifying individual businesses or products shall be prohibited.

Section 5. Chapter 165, Section 57. Buffer areas for certain abutting properties, Sub-sections A. and B. are hereby amended in their entirety to read as follows.

§ 165-57 Buffer areas for certain abutting properties.

- A. General provisions. Where a lot in any RMF, RB, NB, GB, LI, GI, PD or IZ District abuts a lot in an A-80, RR-80, RS-25, R-1-15, R-1-10, R-7.2 or R-2 District then on said abutting property line shall have a landscape buffer area of at least 30 feet in depth as part of any site development plan approval by the Planning Board.
- B. Landscape buffer area. Existing plant material and/or landscaping within the landscape buffer area cited above herein may be counted by the Planning Board as contributing to the total buffer yard required between the two adjacent zoning districts provided further that said plant material and planting schedule are deemed acceptable by the Planning Board as part of any site development plan approval. Furthermore, there shall be provided a two (2) year surety guarantee for maintaining this buffer yard commencing at the time of issuance of either a Certificate of Occupancy, or a Certificate of Completion.

Section 6. Chapter 165, Article V. Supplemental Regulations, Section 60, Landscaping, Sub-section C. is hereby amended in its entirety to read as follows:

- C. Parking areas within the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District shall be landscaped and buffered. A reasonable reduction in the size and number of parking spaces required for a project within these two Overlay Districts shall be permitted by the Town Planning Board, as part of any site development plan review and approval, where it can be demonstrated that such a reduction will not create overflow parking problems, will not adversely impact the access roads, and that the additional space will be used for landscaping or open space areas within the site.

Section 7. Chapter 165, Article VI. Special Permit Uses, Section 77, Motor vehicle service station, convenience store/petroleum station and petroleum station, Sub-section D. is hereby amended in its' entirety to read as follows:

- D. No motor vehicle service station, convenience store/petroleum station shall be located within 1,500 feet of an existing motor vehicle service station, convenience store/petroleum station or petroleum station, or any lot for which a building permit or site plan approval has been issued for the erecting of any of these type stations on the same side of a street. If a motor vehicle service station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property. If a motor vehicle service station, convenience store or petroleum station is located at a signalized intersection, this distance shall not apply, but rather, such motor vehicle service station, convenience store or petroleum station shall comply with all applicable spacing requirements set forth in the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District regulations contained elsewhere in this chapter. There shall be a maximum of two motor vehicle service stations, convenience store/petroleum stations or petroleum stations at any intersection.

Section 8. Chapter 165, Article VIII, Section 99, Appointment of Planning Board, powers and duties, subsections A, B, and E, are hereby amended in their entirety to read as follows.

§ 165-99 Appointment of Planning Board; powers and duties.

- A. Pursuant to the provisions of the Town Law applicable thereto, the Town Board shall appoint a Planning Board consisting of the number of members and for the term of years set forth in § 271 of the Town Law. Said members are hereby vested with the powers and duties and are made subject to the limitations set forth in §§ 272, 274-A, Site Plan Review and Approval, 274-B, Approval of Special Use Permits, §§ 276, 277, 278, 279 and 280-a of the Town Law, as the same may be amended, modified or changed from time to time, or any sections subsequently adopted pertaining to the powers and duties of the Planning Board.
- B. The Planning Board shall establish rules of procedure as are required by law and the provisions of this chapter for the transaction of its business, and may amend, modify and repeal the same from time to time.
- E. Special use permits. The Town of Farmington Planning Board, in accordance with the provisions of § 274-B of New York State Town Law, is hereby given the authority to issue special use permits for those uses listed in Article VI, Special Permit Uses, of Chapter 165 and subject to the following provisions:
- (1) An application for special use permit review and approval shall be made in writing on the appropriate forms and shall be filed with the Code Enforcement Officer, who shall forward such application to the Town Planning Board. An application for special use permit review and approval shall require and be made in tandem with application for site plan review and approval for the proposed project. These two applications shall be subject to the same information submission requirements and shall follow one review and approval process as outlined in § 165-100. The application for special use permit review and approval shall be considered during the hearing on the preliminary site plan. Separate fees shall be required of the applicant in order to process the special use permit application and site plan application. Such fees shall be established by the Town Board in accordance with the provisions of § 165-102 of this chapter.
 - (2) In addition to the information submission requirements of § 165-100, the Town Planning Board may require an application for special use permit review and approval to be accompanied, in the following cases, by a transportation impact analysis, to be prepared by the applicant, and reviewed by the Town Planning Board for:
 - (b) Any development which proposes direct access to a collector or arterial road that is located outside of the boundaries of the MTOD Major Thoroughfare Overlay District or the MSOD Main Street Overlay District.
 - (b) Any development which proposes direct access to a collector or arterial road that is located on property within the boundaries of the MTOD Major Thoroughfare Overlay District, or the MSOD Main Street.
 - © Any residential development which proposes more than 25 dwelling units.
 - (b) The transportation impact analysis shall include the following:
 - (b) A description of the proposed site and the existing highway network within a one-mile radius of the site, including relationship of the site to existing and proposed access roads.
 - (b) A detailed description of road conditions and characteristics, including but not limited to grades, pavement widths and surface conditions within one-quarter mile radius of the site.

- (c) The locations of intersections, traffic signals, public transportation facilities, sidewalks, trails and bike lanes located within a one-half mile radius of the site.
 - (d) A description of existing traffic conditions, including average daily traffic volumes, design hour volumes, roadway and intersection capacities and levels of service for each road or highway impacted by the project.
 - (e) A determination of the development's anticipated transportation impact, using standard trip generation rates and accepted traffic modeling methodologies that consider effects on adjacent development and the need for access controls or additional traffic control devices.
 - (f) For development located on property within the boundaries of the MTOD Major Thoroughfare Overlay District or the Main Street Overlay District, an analysis of the project's potential transportation impacts upon proposed the future transportation system and upon proposed future access roads serving the development site.
 - (g) Existing and past development for bicycle/pedestrian levels and quality of services.
- (4) Approval by the Town Planning Board of any special use permit shall be contingent on a finding by the Board that the proposed project or development will, as applicable:
- (a) Provide adequate and safe site access for vehicles as well as bicyclists and pedestrians.
 - (b) Provide adequate site utility service, including water supply, sewage and refuse disposal, and compliance with the Town's MS4 Stormwater Management Program.
 - (c) Comply with the requirements for provision of future site access via access roads, as outlined in the Route 96/Route 332 Corridor Development Plan, as adopted and amended by the Town of Farmington, for development to be located on property within the boundaries of the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District.
 - (d) Be compatible with and enhance, to the greatest extent possible, the existing natural features of the site and surrounding area.
 - (e) Relate in an adequate and appropriate manner to and in general be compatible with the existing land use and zoning patterns in the immediate area.
 - (f) Comply, to the greatest extent possible, with the applicable site design criteria contained in the Town of Farmington Site Design and Development Criteria, and other zoning district requirements outlined in Article VI of this chapter.
- (5) Approval by the Town Planning Board of any special use permit shall be contingent on a finding by the Board, that the proposed project or development will not, as applicable:
- (h) Adversely affect the orderly development and character of the surrounding neighborhood, or the community.
 - (b) Become a nuisance to neighboring land uses as the result of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination, or other similar conditions.
 - € Create hazards or dangers to the general public or to persons in the vicinity of the project from fire, explosion, electricity, radiation, crowds, traffic congestion, parking of automobiles or other similar conditions.
 - (h) Cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts, such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water or degradation of water quality.
 - €Be incompatible with the type, extent and direction of building development and/or the creation of access roads or ingress/egress points for the site and surrounding areas, as proposed in the latest edition of the adopted Town of Farmington Comprehensive Plan or in the Route 96/Route 332 Corridor Development Plan, as adopted and amended by the Farmington Town Board.

- (f) Destroy or adversely impact significant historic and/or cultural resource sites.
 - (g) Create disjointed vehicular, bicycle, or pedestrian circulation paths or conflicts.
 - (h) Provide inadequate landscaping, screening or buffering between adjacent uses which are determined by the Planning Board to be incompatible with the proposed project.
- (6) The Town Planning Board shall review the application for special use permit approval based on the criteria and considerations listed above as well as those listed in Article VI of this Chapter. Should the applicant, based on the findings of the Board, fail to meet any one of the criteria or requirements listed above or those listed in Article VI, either because of the basic nature and design of the project or the lack of appropriate mitigating measures, then the request for approval of a special use permit shall be denied. Should the applicant, based on the findings of the Board, meet all of the criteria or requirements listed, either because of the basic nature and design of the project or the inclusion of appropriate mitigating measures, then the request for special use permit approval shall be granted. The Town Planning Board may approve an application for a special use permit, subject to appropriate conditions and/or the inclusion of mitigating measures that will ensure compliance with the criteria and requirements listed above and in Article VI of this Zoning Chapter.

Section 9. Chapter 165, Article VIII, Section 100, Site development plan, is hereby amended as follows.

§ 165-100 A. Site development plan.

A. (1) (a) Principal uses: All principal uses permitted in this chapter are subject to site development plan approval, with the only exceptions being as follows:

[c] General farming or nursery uses permitted by right on land located within the established Ontario County Consolidated Agricultural Use District #1; and

A. (1) (b) Accessory uses: Add a new sub-section [3] to read in its entirety as noted below:

[3] Building-mounted, building-integrated and ground-mounted solar photovoltaic (PV) systems designed for on-site consumption of electrical energy.

§ 165-100 C. Applications for preliminary site development plan approval.

C. Applications for preliminary site plan approval. All preliminary applications for site plan approval shall be made in writing to the Town Code Enforcement Officer (CEO), on appropriate forms, and shall include, as required by the CEO or the Town Planning Board at the sketch plan hearing, drawings, maps or other relevant documents that present the necessary information, taken from the following list (maps and drawings submitted as a part of preliminary site plan applications shall be prepared by a New York State licensed engineer, architect, landscape architect or land surveyor with exemption, and shall be certified by the seal or signature of such engineer, architect or surveyor):

(1) Preliminary site plan checklist: amend sub-section (k) to read in its entirety as noted below:

(k) For projects located on property located with the MTOD Major Thoroughfare Overlay District or the MSOD Main Street Overlay District, descriptions and locations of existing and proposed means of ingress and egress from the property to State Routes 96 or 332, including provisions for required access from the site to future access roads.

(2) § 165-100. C. (2) is hereby amended in its entirety to read as follows:

C. (2) For projects located on parcels within the MTOD Major Thoroughfare Overlay District or the MSOD Main Street Overlay District, a written statement shall be provided by the applicant, which outlines the project's conformance or nonconformance with the standards and criteria for site design within the underlying zoning district; and the design standards for site access contained within the intent and objectives of the Route 96/Route 332 Corridor Development Plan, as adopted and maintained by the Farmington Town Board.

(3) § 165-100. C. (3) is hereby amended in its entirety to read as follows:

C. (3) A letter of intent, prepared by the applicant or his designated representative or agent, shall accompany the preliminary site plan application and shall include a statement outlining the proposed project, the owner of the property and any

proposed buildings, the project builder or contractor, if known, and a proposed construction schedule. Additional information may include data on the nature and legal status of existing and proposed easements, access agreements, a description of all deed restrictions or covenants applicable to the property, principals involved in the financing of the project, and any other information deemed necessary by the Code Enforcement Officer or Town Planning Board.

§ 165-100. D. is hereby amended in its entirety to read as follows:

- D. Planning Board review of preliminary site plans located within the mapped MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District is to be based upon uniform architectural and landscaping standards that promote tourism, protect the public welfare and preserve uniform site development by requiring new construction which is located along this Gateway to the Finger Lakes corridor of our community to adhere to the provisions contained in the Town Planning Board's adopted site design guidelines and to the following provisions:

§ 165-100 D. (1) General Considerations. The following amendments are hereby made to the following sub-sections (b), (c) and (o).

- (b) For projects located on parcels within the MTOD Major Thoroughfare Overlay District or the MSOD Main Street Overlay District, the adequacy of provisions for required access to adjacent public streets and the impact of required future access changes on internal parking and vehicular circulation patterns.
- (c) The adequacy and arrangement of pedestrian and bicycle access and circulation into and through the site, including separation of pedestrian and vehicular traffic, location and design of walkways, bike lanes, sidewalks, control of pedestrian/vehicular conflicts at intersections and overall pedestrian convenience and safety within the site; the adequacy of facilities designed to assist handicapped persons using the facility.
- (o) The proposed construction schedule or phasing of the project and its relationship to overall project design; for projects located within the MTOD Major Thoroughfare Overlay District or the MSOD Main Street Overlay District, the relationship of the proposed construction schedule or phasing of the project with the establishment of future nearby access roads for site access.

§ 165-100 D. (3) General Considerations. The following amendment is hereby made to sub-section 165-100.D. (3) (1).

- (1) The Town Planning Board is hereby authorized to require, as part of site plan approval, that the exterior design of all structures, buildings and landscaping on property located within the mapped MTOD Major Thoroughfare Overlay District and the mapped MSOD Main Street Overlay District, excluding single-family detached or two-family dwellings, be made in accordance with the Town site design guidelines for State Route 332 and State Route 96.

§ 165-100 D. (4) General Considerations. The following amendment is hereby made to section 165-100 D. (4).

- (4) The Town Planning Board shall require a separate landscaping plan to be presented for all sites located within the mapped MTOD Major Thoroughfare Overlay District and the mapped MSOD Main Street Overlay District, excluding single-family detached or two-family dwellings, to be made in accordance with the adopted site design guidelines by the Town Planning Board.

§ 165-100 H. (4) Application for final detailed site plan approval. The following amendment is hereby made to section 165-100 H. (4).

- H. (4) In taking action on applications for final site plan approval, the Town Planning Board shall ensure that, to the maximum extent possible, the minimum requirements of this chapter have been met or that appropriate variances have been granted by the Town Zoning Board of Appeals. The Town Planning Board may impose additional restrictions or conditions on applications for final site plan approval beyond the general requirements of the Town Zoning Law but within the scope and authority of this section if it determines that such restrictions or conditions are necessary to ensure project conformance with generally accepted planning, engineering and design standards and criteria, to minimize the project's adverse impact on adjacent land uses, transportation network or other physical or environmental features or are directly related to the health, safety or general welfare of the community. Such additional restrictions or conditions shall be in the form of a resolution of approval, to be signed by the applicant as a condition of final site plan approval. For

projects to be located on parcels within the MTOD Major Thoroughfare Overlay District or the MSOD Main Street Overlay District, the resolution of approval shall include the statement indicating acceptance of and agreement with the requirements for provision of future access to the project site, as shown and designed in the final site plan and as outlined in the Route 96/Route 332 Corridor Development Plan, as adopted and as may be amended from time to time by the Farmington Town Board.

Section 10. Chapter 165, Article III, Establishment and Designation of Districts, Section 11, Districts enumerated, is hereby amended as follows.

§165-11 Districts enumerated.

Add MSOD Main Street Overlay District to this Section of Chapter 165.

Section 11. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 12. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION #136-2021:

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

RESOLUTION ACCEPTING A TOTAL OF FOUR (4) DRAFT LOCAL LAWS ENTITLED: "AMENDMENTS TO PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 5, OF THE FARMINGTON TOWN CODE ENTITLED APPEARANCE TICKETS;" AND "AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 165, ARTICLE II TERMINOLOGY, SECTION 10 DEFINITIONS, OF THE FARMINGTON TOWN CODE;" AND "AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 74, OF THE FARMINGTON TOWN CODE ENTITLED CONSTRUCTION CODES, UNIFORM;" AND "AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 90 OF THE FARMINGTON TOWN CODE, ILLICIT DISCHARGES AND CONNECTIONS TO STORM SEWERS;" FOR PUBLIC REVIEW AND COMMENT; AND SCHEDULING PUBLIC HEARINGS THEREON FOR TUESDAY, APRIL 27, 2021

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Director of Planning and Development (hereinafter referred to as Director of Development), final drafts dated March 26, 2021 of the above referenced local laws (hereinafter referred to as Actions); and

WHEREAS, the Town Board has reviewed the criteria contained in Parts 617.4 and 617.5 of the State Environmental Quality Review (SEQR) Regulations for classifying the above referenced Actions; and

WHEREAS, the draft local laws have been prepared by the Town Code Enforcement Officer, the Town Highway and Parks Superintendent, and the Town Clerk and reviewed by the Town Director of Development.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the final drafts of the above referenced local laws which are hereby attached to and made part of this resolution.

BE IT FURTHER RESOLVED, that the Town Board does hereby classify the above referenced proposed Actions as being a Type II Action under the following sections of Part 617.5 of the SEQR Regulations:

(20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and

(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

BE IT FURTHER RESOLVED, that Type II Actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the State Environmental Conservation Law, article 8.

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule public hearings upon said Actions listed above herein, to be held on Tuesday, April 27, 2021 commencing at 7:00 p.m. Eastern Daylight Savings time, or as soon thereafter as possible, to be held in the main meeting room of the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.

BE IT FINALLY RESOLVED, that the Town Clerk is hereby directed to publish legal notice for said public hearings in the Town's Official Newspaper, to post notice thereof on the Town's Website and on the Town Hall Bulletin Board, in accordance with the provisions of New York State Town Law.

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

RESOLUTION #137-2021:

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

RESOLUTION ACCEPTING A TOTAL OF FOUR (4) DRAFT LOCAL LAWS ENTITLED: “AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 49, ARTICLE I OF THE FARMINGTON TOWN CODE, ENTITLED DOG CONTROL LAW OF THE TOWN OF FARMINGTON;” AND “AMENDMENT TO PART II, GENERAL LEGISLATION, CHAPTER 49, ARTICLE II OF THE FARMINGTON TOWN CODE, ENTITLED DOG LICENSING;” AND “AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 138 OF THE FARMINGTON TOWN CODE, ENTITLED STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL;” AND “AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 140 OF THE FARMINGTON TOWN CODE, ENTITLED STREETS AND SIDEWALKS;” AND “AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 165 OF THE FARMINGTON TOWN CODE, ENTITLED ZONING, ARTICLE V, SECTION 165-55, KEEPING OF ANIMALS, ARTICLE V, SECTION 165-61, FENCES AND ARTICLE VI, SECTION 165-76, MOBILE HOMES AND MOBILE HOME PARKS, FOR PUBLIC REVIEW AND COMMENT; AND SCHEDULING PUBLIC HEARINGS THEREON FOR TUESDAY, APRIL 13, 2021

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Director of Planning and Development (hereinafter referred to as Director of Development), final drafts dated March 23, 2021 of the above referenced local laws (hereinafter referred to as Actions); and

WHEREAS, the Town Board has reviewed the criteria contained in Parts 617.4 and 617.5 of the State Environmental Quality Review (SEQR) Regulations for classifying the above referenced Actions; and

WHEREAS, the draft local laws have been prepared by the Town Code Enforcement Officer, the Town Highway and Parks Superintendent, and the Town Clerk and reviewed by the Town Director of Development.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the final drafts of the above referenced local laws which are hereby attached to and made part of this resolution.

BE IT FURTHER RESOLVED, that the Town Board does hereby classify the above referenced proposed Actions as being a Type II Action under the following sections of Part 617.5 of the SEQR Regulations:

(20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and

(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

BE IT FURTHER RESOLVED, that Type II Actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the State Environmental Conservation Law, article 8.

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule public hearings upon said Actions listed above herein, to be held on Tuesday, April 13, 2021 commencing at 7:00 p.m. Eastern Daylight Savings time, or as soon thereafter as possible, to be held in the main meeting room of the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.

BE IT FINALLY RESOLVED, that the Town Clerk is hereby directed to publish legal notice for said public hearings in the Town’s Official Newspaper, to post notice thereof on the Town’s Website and on the Town Hall Bulletin Board, in accordance with the provisions of New York State Town Law.

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

RESOLUTION #138-2021:

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

RESOLUTION TO REPLACE 2 VFD’s AT PS- 11 COUNTY RD.9 VICTOR NY

WHEREAS, the Victor-Farmington Sewer has seen the need to upgrade the VFD’s at PS-11, and resolution 422-2020 approved the replacement for one drive,

WHEREAS the replacement of the existing two Benshaw 50HP Packaged VFD’s with a new WEG CFW11 Packaged Units were installed, and the price includes all labor and material for a complete and tested system. and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the Acting Water and Sewer Superintendent to pay the invoice #56631 dated 12/29/20 from Colacino Industries, 126 Harrison Street Newark New York 14543 for the total cost of \$16,913.76 for both drives

BE IT FURTHER RESOLVED, that funds for said replacement parts and installation will be from encumbered 2020 funds and SS 8120.2V from the 2021 budget for the second drive, and

BE IT FURTHER RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Acting Water and Sewer Superintendent and the Principal Account Clerk.

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

RESOLUTION #139-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN EMPLOYEE ASSISTANCE PROGRAM AGREEMENT WITH ESI

WHEREAS, ESI provided the Town with an agreement for Employee Assistance Program (EAP), and

WHEREAS, ESI provided a competitive quote \$16.48 per employee using the Ontario County Shared Services pricing, now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the Town Supervisor to sign the Employee Assistance Program (EAP) Agreement, and

BE IT FURTHER RESOLVED, that copies of this resolution and original signed agreement be submitted by the Town Clerk to Confidential Secretary.

Discussion: Councilman Casale stated that the cost difference is not that much, and he thinks they should remain with EAP. He believes they are responsible and doing okay and sees no reason to change. Councilman Bowerman stated that initially it was a way to save a little bit of money but after looking at the cost breakdown per visit allowed, the towns current provider provides more services than is required, and that they should give some credit to EAP as they are a business within the town and that they are providing a good service. Councilman Bowerman stated that he appreciates Mrs. Maute coming and talking with them and that it shows how passionate she is about what she does and that she definitely changed his mind.

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

RESOLUTION #140-2021:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ONTARIO, THE VICTOR CENTRAL SCHOOL DISTRICT AND THE TOWN OF FARMINGTON

WHEREAS, the Ontario County Board of Supervisors, pursuant to Resolution No. 285-2007, established a policy and program for the County to share in the costs of defending legal challenges to real property tax assessments; and

WHEREAS, the Ontario County Board of Supervisors agree to share in the cost of defending certiorari proceedings in the Town of Farmington with Pintail Crossing, LLC, at a cost not to exceed 25% of defense costs, including professional appraisal and legal fees; and

WHEREAS, the Victor Central School District also agrees to share in the cost of defending this certiorari case and pay 25% of defense costs, including professional appraisal and legal fees

RESOLVED, the Farmington Town Board authorizes the Supervisor to sign the intermunicipal cooperation agreement and provide a copy to the Assessor, and be it further

RESOLVED, that the Town Clerk forward all three signed copies to Victor Central School with provided cover sheet.

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

RESOLUTION #141-2021:

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

RESOLUTION ACCEPTING THE PROPOSAL FROM FISHER ASSOCIATES TO PROVIDE A SCOPE OF WORK AND FEE TO COMPLETE THE DESIGN OF RECTANGULAR RAPID FLASHING BEACONS (RRFB) AT THE INTERSECTION OF THE AUBURN TRAIL AND COUNTY ROAD 41

WHEREAS, Fisher Associates has provided the Town with a Proposal to provide a scope of work and fee to complete the design of rectangular rapid flashing beacons (RRFB) at the intersection of the Auburn Trail and County Road 41 at a cost not to exceed \$9,000.00, now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the acceptance of the Proposal from Fisher Associates to provide a scope of work and fee to complete the design of rectangular rapid flashing beacons (RRFB) at the intersection of the Auburn Trail and County Road 41 at a cost not to exceed \$9,000.00, and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk, the Highway Superintendent and Emily Smith of Fisher Associates at esmith@fisherassoc.com.

Discussion: Supervisor Ingalsbe stated that he spoke with Councilman Holtz prior to the meeting and Councilman Holtz stated that the reason they need to do this is because the County Highway agrees that would be a good location for a flashing signal system, but they want a detailed design for the record before they issue the town a work permit to do the work. He added that the town had some money left in the Auburn Trail project so 75% of this will be reimbursed from the Federal and State money. Mr. Brand stated that it is also a requirement of the Federal Highway Administration that the town has this documentation in order to show that we are in compliance with their standards as well.

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

RESOLUTION #142-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN RIGHT-OF-WAY MOWING CONTRACT FOR STATE RT 332

WHEREAS, the Highway Department mows State Route 332 in the right-of-way, and

WHEREAS, State Department of Transportation has delivered the contract for the Town of Farmington for approval, and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the contract for the 2021 Season, and be it further

RESOLVED, that the Town Clerk provide a copy of this Resolution to the Principal Account Clerk and the Highway/Parks Department.

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

RESOLUTION #143-2021:

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

Abstract 6-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS

FROM: J. MARCIANO

ABSTRACT NUMBER	<u>6</u>
DATE OF BOARD MEETING	<u>3/23/2021</u>

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	126083.42	383,384,386-425,428,441,477-481
HG	MERTENSIA WATERLINE	0	
DA	HIGHWAY FUND	90,324.60	391,401,407,412,418,422,426-438,479,480
HA	AUBURN TRAIL PROJ	0	
HB	BEAVER CREEK PARK	54,639.63	385,406,416
SF	FIRE PROTECTION DISTRICT	0	
HM	FUEL STATION CAP PROJ	10,257.70	402
HN	NORTH RD CAP PROJ	0	
HP	TOWN PARK IMPROVEMENTS	0	
HQ	LED STREET LIGHTING	0	
HW	WATER TANK REPAIR	0	
HZ	TOWNLINE CAP PROJ	20,946.97	440
SD	STORM DRAINAGE	18,909.90	383,429,439,479,480
SL1	LIGHTING DISTRICT	0	
SM	SIDEWALKS	0	
SS	SEWER DISTRICT	121,414.87	384,392,400,407,413,418,420,422,423,439,442-466,473,479,480
SW1	WATER DISTRICT	45,797.96	384,392,397,400,407,413,418,420,422,423,439,442,444,451,453-455,548,463-476,479,480
TA93	LETTER OF CREDIT (CASH)	0	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	7,035.23	330,369,370
	TOTAL ABSTRACT	\$ 495,410.28	

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

TRAINING UNDER \$100: None.

DISCUSSION:

1. Troy and Banks – Supervisor Ingalsbe stated that Troy and Banks have done audits in the past for the town and they contact him regarding the cable franchise fees and to make sure the town is getting everything that it is due. They work on a reimbursable only set-up, it does not cost the town anything for them to do this. He added we would split with them 50/50. He will have a resolution for the next meeting.

EXECUTIVE SESSION:

Councilman Casale made a motion to enter into executive session at 7:46 p.m. to discuss matters leading to the employment of a Water & Sewer employee and to discuss matters regarding proposed, pending, or current litigation of an assessment challenge (Buckingham Properties v. Town of Farmington), **Councilman Bowerman** seconded the motion. The Supervisor called Michelle Nicodemus, Assessor, into the second executive session via the telephone. Motion **CARRIED**.

Councilman Casale made a motion to exit the executive session at 8:15 p.m., **Councilman Bowerman** seconded the motion. Motion **CARRIED**.

WAIVER OF THE RULE:

With no further business before the Board, **Councilman Herendeen** offered a motion to adjourn the meeting at 8:16 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk: _____