

Town of Farmington

1000 County Road 8
Farmington, New York 14425

PLANNING BOARD
Wednesday, December 7, 2022 • 7:00 p.m.

MINUTES—APPROVED

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

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

R = *Attended via remote video conference.*

Board Members Present

Edward Hemminger, *Chairperson*
Adrian Bellis
Timothy DeLucia
Aaron Sweeney
Douglas Viets

Staff Present:

Lance S. Brabant, CPESC, Town of Farmington Engineer, MRB Group D.P.C
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer
Tim Ford, Town of Farmington Highway Superintendent

Attending:

Ralph Baranes, Skylight Signs Inc., 60 Industrial Park Circle, Rochester, N.Y. 14624
David Capps, 768 Hook Road, Farmington, N.Y. 1445
Ahmed El-Halaby, Farmington Family and Implant Dentistry, 1484 State Route 332,
Farmington, N.Y. 14425
Don Giroux, 1602 Cornfield Circle, Farmington, N.Y. 14425
Tim Hannan, 676-B Crowley Road, Farmington, N.Y. 14425
Chief Phil Robinson, Farmington Volunteer Fire Association

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Chairperson Edward Hemminger. Mr. Hemminger said the meeting would be conducted according to the Rules of Procedure approved by the Planning Board on February 2, 2022.

2. APPROVAL OF MINUTES

■ A motion was made by MR. DELUCIA, seconded by MR. BELLIS, that the minutes of the November 2, 2022, meeting be approved.

Motion carried by voice vote. Mr. Hemminger abstained due to his absence from the meeting on November 2, 2022.

3. LEGAL NOTICE

None.

4. NEW FINAL SIGN SITE PLAN

PB #1101-22 New Final Sign Site Plan Application

Name: Ralph Baranes, Skylight Signs, 60 Industrial Park Circle, Rochester, N.Y. 14624; representing Ahmed El-Halaby, owner of property at 1484 State Route 332

Location: Farmington Family and Implant Dentistry, 1464 State Route 332

Zoning District: GB General Business

Request: Final Sign Site Plan approval to erect a monument sign approximately 29 total square feet in size.

The Planning Board approved the Preliminary Sign Site Plan for this project with conditions on August 17, 2022 (PB #0803-22).

Dr. El-Halaby presented this application. Mr. Baranes (Skylight Signs) also attended.

Dr. El-Halaby submitted a landscaping plan with a signature line for the Planning Board Chairperson and the application file number. He also submitted an electronic file of the plan.

Dr. El-Halaby said that he contacted a number of local nurseries for lists of shrubs and plants which could be selected for planting around the sign. He said that he identified the plants from references in the Major Thoroughfare Overlay District (MTOD) and the Main Street Overlay District (MSOD) criteria. He said that Bristol's Garden Center (7454 State Route 96, Victor, N.Y. 14564) is able to provide one of the identified species from the "Deciduous Shrubs" list but would not be able to provide another.

Dr. El-Halaby asked if it would be possible to make the second selection from the "Herbaceous Perennials" list. He suggested the selection of Catmint which he said is technically a herbaceous perennial and that he believes it falls under the "Herbaceous Perennials" umbrella.

Mr. Viets said that Catmint is okay but expressed concern about the maintenance this plant would require. He said that Catmint will flower and that the flowers would die off, which would require pruning in June. Mr. Viets said that Catmint would appear to be overgrown if it is not cut back. Dr. El-Halaby said that he is not tied to this selection. Mr. Viets said that the plant will grow back and will reflower after pruning.

Mr. Viets said that Daylilies, which are hardy, are another option [for planting around the sign].

Dr. El-Halaby asked if he would have to return to the Planning Board if a selected species is not available. Mr. Hemminger said that an alternate selection can be reviewed and approved by Mr. Viets. Mr. Viets said that Daylilies should be available but that Coneflower (a common name of several genera of flowering plants in the families of *Asteraceae* and *Proteaceae*) is another option. He said that there are a number of options that would meet the 18-inch-height size.

Mr. Viets discussed the spacing of the plantings from the sign. He said that the nursery would be able to provide planting instructions on the correct spacing.

Mr. Hemminger said that the draft resolution has been written in such a way that any changes of species should be submitted to the Town staff. He said that the staff will then review the change with Mr. Viets and that he [Mr. Hemminger] would then sign the plans.

Dr. El-Halaby asked about the removal of the Project Notification Sign which has been displayed on the property. Mr. Delpriore said that the Project Notification Sign will be removed as soon as the Planning Board approves the project.

Mr. Bellis said that he is okay with the plantings as discussed this evening, and that he is also okay with having Mr. Viets approve any changes [if a selected species is not available].

Mr. Hemminger said that the dimensions of the planting bed around the sign are to be included on the landscaping plan.

Following discussion, it was the consensus of the board and Dr. El-Halaby that a three-foot planting bed border will be maintained around the sign. Mr. Hemminger said that this will be added to the draft approval resolution.

Mr. Hemminger asked Dr. El-Halaby if he agrees with the conditions of Final Sign Site Plan approval as amended. Dr. El-Halaby said yes.

Mr. Brand asked if a Public Safety Sign has been installed on the property. Dr. El-Halaby said yes.

Dr. El-Halaby asked about the removal of the Project Notification Sign. Mr. Delpriore said that the Town staff will arrange for its removal and pick up.

There were no additional comments or questions on this application this evening.

■ A motion was made by MR. BELLIS, seconded by MR. SWEENEY, that the reading of the following resolution be waived, and that the resolution be approved as amended (with new Condition #6):

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
FINAL SIGN SITE PLAN, 1484 STATE ROUTE 332
APPROVAL WITH CONDITIONS**

PB #1101-22

APPLICANT: Farmington Family and Implant Dentistry, 1484 State Route 332, Farmington, N.Y. 14425

ACTION: Final Sign Site Plan approval to place a 29-square-foot commercial speech monument sign on the above referenced property.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board), has granted Preliminary Sign Site Plan approval with conditions (File PB #0803-22, on August 17, 2022);

WHEREAS, the Planning Board has reviewed those conditions of approval and compared them to the information submitted with this application for Final Sign Site Plan approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve the Final Sign Site Plan application with the following conditions:

1. A Public Safety Sign is to be installed at the driveway along State Route 332 prior to the Planning Board Chairperson signing the Final Sign Site Plan drawings; and

2. A Landscaping Plan and Planting Schedule is to be prepared with the assistance of Planning Board Member Douglas Viets. Said Plan and Planting Schedule are either to use those species listed in the MTOD/MSOD Guidelines entitled “2022 Major Thoroughfare Overlay District (MTOD) and Main Street Overlay District (MSOD) Site Design Guidelines” or be based upon the acceptance of Mr. Viets of any alternative species. The Landscaping Plan is to clearly identify the property, the Planning Board’s File Number listed above herein, and provide a signature line for the Planning Board Chairperson.
3. No Building Permit for the placement of the proposed Commercial Speech Monument Sign is to be issued by the Code Enforcement Officer until the Planning Board Chairperson has signed the Landscaping Plan and Planting Schedule, along with the Final Sign Site Plan drawing.
4. All approved plantings are to be installed on or before May 30, 2023. Once installed, all plantings are to be maintained by the applicant.
5. No Certificate of Compliance is to be issued by the CEO for the proposed monument sign until all the above conditions of Final Sign Site Plan approval have been provided.
6. A three-foot diameter landscape planting bed will be maintained around the sign.

BE IT FURTHER RESOLVED that the Town’s Public Notification Sign is to remain on the site until the Final Sign Site Plan approval has been acted upon by the Planning Board Chairperson.

BE IT FINALLY RESOLVED that a certified copy of this resolution be provided to the applicant, the applicant’s sign maker and the Town Code Enforcement Officer.

The following vote on the above motion was recorded in the meeting minutes:

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

Motion carried.

5. NEW PRELIMINARY SITE PLAN

PB #0601-22 New Preliminary Site Plan Application

Name: David and Angela Capps, 768 Hook Road, Farmington, N.Y. 14425

- Location:** 768 Hook Road
- Zoning District:** A-80 Agricultural District
- Request:** Preliminary Site Plan approval to erect a 2,250-square-foot single-story single-family residence with an attached 2,700-square-foot barn with loft.

Prior to the meeting, Mr. Capps provided the following Letter of Intent:

“About 2008, we started building to make Farmington our permanent home and raise our four boys. Having a family background in farming, going back several generations, we appreciate the history of Farmington and we desire to honor that past.

“The family farm offers food sustainability and self reliance, characteristic of historic Farmington family farms, through diversified and balanced vegetation and animals. Whereas modern industrialized farms often concentrate on single products, historic farms, like those in Farmington, had a variety of plants and animals with beneficial interactions. We have bee hives, plants, chickens, ducks, goats, cats, and a dog that benefit us and each other.

“Our southern facing design shows a contemporary family farm home. The greenhouse can not only grow plants over the winter, but also provide passive heat to the building. The attached barn supports the farming operation. The solar provides electric for operations and the battery backup provides electric backup and potential localized grid stability. The family farm home presented reflects the historic past of Farmington with updated architecture and functionality possible with today's technology.”

—*David Capps, May 9, 2022*

Mr. Capps presented this application.

He asked about Condition #4 in the draft resolution which has been prepared for the board's consideration this evening, which requires that “. . . the applicant's architect is to work with the Town Engineer, MRB Group, to show on the Final Site Plan drawing how the surface water will flow away from the house.”

Mr. Capps said that some engineering companies get paid to overcomplicate things and that the previous company with whom he worked delayed the project significantly. Mr. Capps said that the building site is well drained soil on a gentle slope which goes toward the back [of the lot]. He said that the location will provide excellent drainage the way it is now. Mr. Capps said that the contour lines are shown on the existing plan which depict the drainage flowing away from the house. He said that they have worked with Mr. [August] Gordner in the Building Department on the plan and that he [Mr. Capps] hopes that the

requested clarification [on the surface water drainage] could be handled easily by Mr. Gordner or the Building Department. Mr. Hemminger said that this will be discussed this evening.

Mr. Brand said that two draft resolutions have been prepared for the board's consideration this evening, i.e., a State Environmental Quality Review (SEQR) classification resolution (Type II Action) and a resolution for approval of the Preliminary Site Plan with conditions.

Mr. Delpriore acknowledged that Mr. Gordner in the Building Department has been working with Mr. Capps on this application, and that there has been a great deal of discussion regarding the Town Code requirements. He said that the request in draft Condition #4 for the applicant's engineer or architect to work with the Town engineer is a standard procedure for a site plan with a proposed single-family residence. Mr. Delpriore said that this should be a quick review by the Town engineer and that a referral to the Town engineer is made when the Town staff is concerned about drainage.

Mr. Ford said that the driveway entrance off Hook Road is not acceptable at this time. Mr. Capps said that he realizes this and that this is temporary. He said that #2 crusher and asphalt will ultimately be installed. Mr. Ford said that the current condition of the driveway entrance does not look good for this. Mr. Capps said that this will be compacted and will meet the Town specification. Mr. Ford requested that there must be compliance with the Town site design criteria for this paving. Mr. Hemminger suggested that Mr. Capps follow the Town standard [for the driveway entrance]. Otherwise, he said, this work would have to be re-done.

Mr. Brabant said that this application was just referred to MRB Group today and that the plans depict 10-foot contours when the Town checklist requires two-foot contours. He said that the Town requires MRB Group to verify the location of the roof gutters and outflows away from the foundation. He also said that MRB Group will verify the topography to show that it will not impact the applicants' lot or other properties.

Mr. Hemminger asked if two-foot contours are to be shown on the Final Site Plan. Mr. Delpriore said that this will be one of the conditions on the Final Site Plan. Mr. Capps said that he believes that the Town requirement is 10-foot contours. He said that the lot is huge and that the soil drains well. Mr. Brabant suggested that the footer drains be shown on the plans and that several spot elevations in between the 10-foot contours also be added. Mr. Capps said that water will drain away from the house and that everything else is downhill.

Mr. Brabant requested that the plans should indicate that the water will flow away from the house. He said that MRB Group will have to verify this and that the drainage will comply with the Town criteria. He also requested that Mr. Capps add notes to the plan and should provide as much information as he can [on the plans].

Mr. Hemminger again said that the referral of plans to the Town engineer is standard procedure for the Building Department and the Planning Board.

Mr. Brabant said that he will not begin his review of the plans until Mr. Capps submits the updated plans as discussed this evening [regarding contours and drainage information].

Mr. Sweeney asked about a notation on the plans regarding an expansion of the leach field. Mr. Capps confirmed that this is just an expansion of the leach field.

Mr. Bellis asked about the depiction of lofts on the drawing. Mr. Capps said that these lofts will be used for storage in the barn.

Mr. Bellis asked if windows or doors will be installed on the front of the greenhouse. Mr. Capps said that these will be large single doors.

Mr. Brand asked when the septic system was installed. Mr. Capps said that the septic system was installed approximately two years ago, and that it is recent. Mr. Brand asked if it has been designed for hydroponic greenhouse operations. Mr. Capps said that no aquaponics are planned. He said that the septic system was designed for the bathroom and for the future expansion of the house, and that no hydroponics or anything from the greenhouse will flow into the septic system. Mr. Capps said that rainwater works better.

There were no additional comments or questions on this application this evening.

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the reading of the following resolution be waived, and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DAVID AND ANGELA CAPPS PRELIMINARY SITE PLAN—SEQR CLASSIFICATION**

PB #0601-22

**APPLICANTS: David and Angela Capps, 768 Hook Road,
Farmington, N.Y. 14425**

**ACTION: SEQR Classification for Preliminary Site Plan approval to
construct a single-family dwelling connecting to a barn and to
a greenhouse, and related site improvements on land located
along the west side of Hook Road, north of Curran Road and
south of Yahn Road.**

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has reviewed the provisions of Parts 617.4 and 617.5 of 6 NYCRR Part 617, the State's Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

WHEREAS, the Planning Board has must classify the proposed Action under consideration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby determine the proposed Action identified above herein involves the construction of a single-family residence on an approved lot including the provision of necessary utility connections and the installation of drinking water and a septic system [§617.5 (c) (11) and (13)].

BE IT FURTHER RESOLVED that said Action is classified under the State’s SEQR Regulations as being a Type II Action.

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

BE IT FINALLY RESOLVED that the Planning Board directs the filing of this classification with the project file and requests copies be provided to the Applicant and the Applicant’s Architect.

The following vote on the above motion was recorded in the meeting minutes:

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

Motion carried.

■ A motion was made by MR. VIETS, seconded by MR. SWEENEY, that the reading of the following resolution be waived, and that the resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON PLANNING BOARD RESOLUTION
DAVID AND ANGELA CAPPS PRELIMINARY SITE PLAN—APPROVED WITH CONDITIONS**

PB #0601-22

**APPLICANTS: David and Angela Capps, 768 Hook Road,
Farmington, N.Y. 14425**

ACTION: Preliminary Site Plan approval to construct a single-family dwelling connecting to a barn and to a greenhouse, and related site improvements on land located along the west side of Hook Road, north of Curran Road and south of Yahn Road.

WHEREAS, the Town of Farmington Planning Board (hereinafter referred to as Planning Board) has by previous resolution classified said Action as being a Type II Action under the State’s SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the Applicant’s presentation made at tonight’s meeting, as well as the Town Staff comments.

NOW, THEREFORE, BE IT RESOLVED that Planning Board does hereby approve the application for Preliminary Site Plan with the following conditions:

1. There is a drainage easement that runs across the back (western) property line that is to be shown on the Final Site Plan drawing.
2. The width and length of the driveway is to be delineated on the Final Site Plan drawing.
3. The Tax Map Identification Number for Lot #1 is to be shown on the Final Site Plan drawing.
4. The applicant’s Architect is to work with the Town Engineer, MRB Group, to show on the Final Site Plan drawing how the surface water will flow away from the house.
5. The Final Site Plan drawing is to show the connection to the septic tank from the existing and proposed buildings.
6. The Preliminary Site Plan drawing references an existing one-inch CTS 250 psi water service for Lot #2. This service is fed from the water main along the south side of Hook Road and continues to a meter pit on the north side of Hook Road. The location of the existing meter pit needs to be shown on the Final Site Plan drawing and a note added that states all new connections are to be made after the outlet of the meter pit.
7. The Preliminary Site Plan drawing shows an existing water service connected to the proposed house/barn/greenhouse and appears to reference. . . “water to house and then existing.” This note is to be clarified on the Final Site Plan drawing and is to include a description of how all connections will be made.
8. The above referenced meter pit is to be either Ford or Mueller brand and noted on the Final Site Plan drawing.
9. The proposed greenhouse requires a Reduced Pressure Zone (RPZ) backflow prevention device.
10. The Final Site Plan drawing is to show the driveway being constructed as per the Town’s Site Design Report, Appendix H-4.0. This driveway does not require a culvert pipe, but will require 1.5 inches of asphalt binder and one inch of top asphalt installed a distance of ten feet in length starting from the edge of Hook Road

pavement, with the required 12 inches of stone base (e.g., #2 crusher run) replacing the existing driveway base material.

11. The Final Site Plan is to delineate the mapped Area of Special Flood Hazard along with a notation referencing the source of the mapped floodplain. Either FEMA Q3 floodplain or the FEMA FIRM Zone A, Map No. 361288, Panel #004B, dated September 30, 1983, whichever source is now in effect and the date it became in effect. Finally, the remaining area of the site which is located outside the mapped Area of Special Flood Hazard, is to be labeled on the final site plan drawing as being a mapped Zone C, Area of Minimal Flood Hazard [per Chapter 87, Section 87-13. D. (4) of the Farmington Town Code].
12. The Final Site Plan drawing is to have a note added that reads as follows . . . “No Building Permit for Development of this site shall be issued or allowed within 100 feet of said approved delineated boundary.”
13. The Final Site Plan drawing is to identify the amount of water being used to operate the proposed greenhouse. Then an analysis of the adequacy of the existing NYS Standard Septic System shown on the preliminary site plan drawing can be determined. It will also need to be determined if the existing system identified that it would be used as part of the aquaponics operation.
14. The size of the electric generating power of the proposed roof-mounted solar system needs to be identified on the final site plan drawing and a determination made if it is in compliance with the Town Code Solar regulations.
15. The Final Site Plan drawing is to show any internal connections between the single-family dwelling, the barn and the greenhouse to enable of determination of compliance with the New York State Uniform Building and Construction Code and the State’s Uniform Energy Conservation Construction Code.
16. The Final Site Plan drawing is to show any site lighting, including illumination patterns, to determine compliance with the lighting standards contained in Chapter 165 of the Town Code.
17. The Final Site Plan drawing is to show a sidewalk connecting to the proposed single-family dwelling (east elevation) to the proposed on-site parking area.

BE IT FURTHER RESOLVED that once all revisions have been made to the Preliminary Site Plan drawings as required by the Conditions of Approval listed above herein, the Applicant’s Engineer is to submit one electric copy of all drawings showing revision dates and titles, along with one paper set for the Town Code Enforcement Officer’s review and acceptance. Once the amended Preliminary Site Plan drawings have been signed, the electronic version will be returned to the Applicant’s Engineer. Then an application for Final Site Plan approval shall be submitted for placement on a future Planning Board meeting agenda.

BE IT FURTHER RESOLVED that Preliminary Site Plan approval is valid for a period of 180 days from today and shall automatically expire unless signed drawings have been completed within this period.

BE IT FINALLY RESOLVED that the Board directs that this resolution is to be filed with each of the Applicant, the Applicant’s Engineer, Town Staff and a Certified Copy placed in the Town’s Property File.

The following vote on the above motion was recorded in the meeting minutes:

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

Motion carried.

6. BOARD ACTIONS

A. 2023 application and meeting dates schedule:

Mr. Delpriore submitted hard copies of the application and meeting dates schedule for 2023. Included on this schedule are:

- Project application submittal dates
- Letter of Credit release submittal dates
- Ontario County Planning Board submittal dates
- Town Project Review Committee dates
- Farmington Planning Board meeting dates

Mr. Delpriore said that the proposed schedule has been shared with the Town Board members who had no issues with it. He said that the only possible amendments may be changes in the meeting dates of the Ontario County Planning Board which have not yet been finalized.

It was the consensus of the Planning Board that there are no issues with the proposed schedule

■ A motion was made by MR. VIETS, seconded by MR. DELUCIA, that the 2023 Application and Meeting Dates Schedule be approved as submitted by the Town staff.

Motion carried by voice vote.

(See p. 20 of the minutes for the 2023 schedule.)

B. Report to Town Operations: 2022 Report on Comprehensive Plan Implementation Actions for 2023:

Mr. Brand continued the discussion of the 2021 Edition of the *Town of Farmington Comprehensive Plan*, Chapter 5, Page 8 of 11, which identifies that the Town Board’s Operations Committee, with assistance from the Town Planning Board, will prepare a report to be accepted by the Town Board at each year’s organizational meeting. The report provides a summary of the implementation actions underway and identifies those to be undertaken during the coming year.

(See Planning Board minutes, November 2, 2022, pp. 24–30, for the complete preliminary draft of this report.)

On behalf of the Planning Board, Mr. Hemminger acknowledged receipt of the draft report. There were no amendments proposed by the board.

■ A motion was made by MR. SWEENEY, seconded by MR. BELLIS, that the draft *2022 Report on Comprehensive Plan Implementation Actions for 2023* be approved as submitted by the Town staff.

Motion carried by voice vote.

C. Discussion on Town Board Presentation: “A Request for Chickens in Residential Areas”:

On October 25, 2022, the Town Board received a PowerPoint presentation on “A Request for Chickens in Residential Areas” by Steve and Pam Heltemes, of 1605 Clovertrail Drive.

The Town Board had requested that the Planning Board consider making a recommendation on how to proceed with the residents’ request. Mr. Brand introduced this topic at the Planning Board meeting on November 2, 2022, and followed up with a written report to the Planning Board on November 3, 2022, a copy of which is appended to the minutes of this meeting (*see* p. 21–28 of the minutes).

Mr. Delpriore said that the current Town Code permits the keeping of chickens on parcels of a minimum of five acres subject to approval of a Special Use Permit by the Planning Board.

Mr. Brand said that various municipalities have addressed this issue in a number of ways such as adopting a section of their town codes regarding the keeping of animals. He also said that a Special Use Permit runs with the land and that a future property

owner may not wish to keep chickens even though he or she would be entitled to do so under an existing Special Use Permit.

Mr. Brand said that a Special Use Permit requires a Public Hearing and notice would be provided to a number of property owners, that the applicant's property must be posted regarding the hearing, and that the Town Code Enforcement Officer would make an inspection of the property.

Mr. Brand said that additional issues may include the attraction of natural predators into the neighborhoods by the chickens and the removal of the elimination of the animal waste from the properties.

Mr. Brand acknowledged receipt of comments on this topic from the Town Zoning Board of Appeals.

He also said that the presentation by Mr. Heltemes to the Town Board involved the code of the Town of Perinton, portions of which are not compatible with the existing Farmington Town Code.

Mr. Bellis said that he viewed the Town Board presentation by Mr. Heltemes. Mr. Bellis expressed concern about the attraction of coyotes and other natural predators to the chickens which may open a big problem for a subdivision neighborhood. He said that some Farmington residents now have the opportunity to keep chickens if their parcel is five acres or larger.

Mr. Sweeney said that there already is a problem with small game in that neighborhood and that the addition of chickens in the neighborhood would only add to the wildlife issues.

Mr. Viets said that the size of the lots [upon which chickens would be permitted] is a concern for him. He said that a playground set is used periodically [by a family] but that a chicken coop is used constantly. He also expressed concern about animal waste and the impact upon next-door and nearby neighbors. Mr. Viets said that some owners of chickens may do a good job but that others may not, especially in dealing with the animal waste. He said that the Town would have no control [over the keeping of chickens] without the approval of a Special Use Permit.

Mr. Viets said that natural predators also are a concern to him. He said that he has friends who have had chickens and that critters got into the cage and decimated the flock. Mr. Viets said that he did not see where the keeping of chickens fits in a residential neighborhood with quarter-acre lots.

Mr. Hemminger agreed with these comments. He said that a fox recently ran across his front yard and that there are already coyotes and raccoons in his neighborhood. He also said that the handling of the animal waste would be an issue.

Mr. DeLucia agreed with the comments, as well. He said that he supports the current Town Code as it relates to the keeping of chickens [upon a five-acre parcel subject to a Special Use Permit].

Mr. Bellis said that he does not wish to create a pest or rodent problem [in a residential neighborhood].

Mr. Hemminger said that it would be up to the Town Board to consider a reduction from requiring a five-acre parcel to two or three acres, but that he certainly could not support having chickens on a parcel of less than one acre.

Based upon this evening's discussion, Mr. Brand said that he will compose a draft recommendation on this topic for Planning Board review and approval prior to submission to the Town Board.

7. OPEN DISCUSSION

Director of Development and Planning:

- Mr. Brand said that the Delaware River Solar project on the southwest corner of Fox Road and Yellow Mills Road will be ready to generate electricity by the end of the month. He said that there have been no comments from residents during construction of the facility. Mr. Brand said that Project Manager Dan Compitello has been on the site. Mr. Hemminger asked if there have been any motor vehicle accidents at the intersection of Fox Road and Yellow Mills Road. Mr. Brand said that there have been no accidents of which the Town is aware.

Mr. Delpriore said that some of the trees which have been planted on the site are in rough shape and that some of them are scheduled for replacement in the spring. He said that he has walked the site, that 10 of the trees will be replaced this fall, and that the balance will be replaced in the spring. Mr. Delpriore said that this is the agreement which he has worked out with the applicant.

- The Town staff has been working with the fire chief on a petition and notification to New York State to amend the Uniform Code to remove the size restriction for the installation of sprinklers in commercial and industrial buildings. The amendment will remove the difficulties in the current enforcement procedures.
- Sidewalk survey crews have been working on Mertensia Road to begin data collection for the 2021–2022 Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program grant which was approved earlier this year. The TAP-CMAQ Program is a Federal Highway Administration Program which provides reimbursement of up to 75 percent of project-related costs for non-motorized transportation improvements, with the remaining 25 percent to be provided by the Town. The grant will fund the construction of

approximately 17,000 lineal feet of sidewalks and the construction of a pedestrian bridge across Beaver Creek along the south side of County Road 41. The total grant estimate is \$2,214,000. The TAP-CMAQ is a matching grant. The Federal share will be 75 percent (\$1,771,200). The Town share will be 25 percent (\$553,500).

- The Power Incentive Zoning Project application has been referred to the Ontario County Planning Board for review and comment. Canandaigua Development Company LLC proposes the rezoning of property on the north side of State Route 96, east of Fairdale Glen Townhomes, and west of County Road 8, from Limited Industrial (LI) and Residential–Suburban (RS-25) to Incentive Zoning for the construction of a 216-lot single-family for-sale subdivision on ±145.8 acres and General Business and Limited Industrial uses on ±29.1 acres located along State Route 96.
- The Town Project Review Committee was informed by the property owner last week that the GLN Farmington Realty site (Lefrois Development project) on the south side of State Route 96 (east of the Tops Supermarket Plaza and west of the Farmington Commons/Auto Zone Plaza) will become a cow pasture. Mr. Delpriore said that the Town Supervisor informed the property owner that this parcel is not zoned for use as a cow pasture.
- The new access drive has been installed at the Farmington Commons Plaza. Mr. Brand said that the access drive has a choke point which slows motor vehicle traffic. He said that this confirms that the design is successful for traffic calming.

Code Enforcement Officer:

Mr. Delpriore acknowledged the Town staff's time and effort on the petition to New York State regarding the sprinkler amendments to the Uniform Code. He said that the Town Board adopted the local law for this on November 22, 2022, and that the staff now has 30 days to petition the State for approval.

Mr. Delpriore said that an application has been received by the Zoning Board of Appeals for a front setback variance for the construction of a new home by Bernard Button, owner of property at 191 Ellsworth Road. Mr. Delpriore said that a fire destroyed Mr. Button's former single-family home at this location and that Mr. Button would like to construct a new home and to establish new connections to the existing septic tank and well pump. The fire-damaged home had a front setback of 27 feet from Ellsworth Road versus the 60-foot setback as required by the Town Code. Rafael Barreto of Marathon Engineering said in a letter to the Town dated October 24, 2022, that the variance will not be apparent to the casual observer and will have no negative impact upon the character of the neighborhood. Mr. Delpriore said that a Site Plan application is expected to be on the Planning Board agenda on December 21, 2022.

Mr. Delpriore also requested that the board and Town staff begin their review of the current version of the Planning Board Rules of Procedure. It was noted that the clerk provided the 2022 version of the Rules of Procedure to the board several days ago.

Highway and Parks Superintendent:

Mr. Ford said that the Town Highway Department crews are ready for the winter snow-plowing season.

Town Engineer:

Mr. Brabant said that MRB Group is awaiting additional information from the Town staff regarding the update to the Site Design criteria. Mr. Delpriore said that most of the amendments will be submitted by the Water and Sewer Department. He said that several additional amendments are expected from the Building Department and from the Highway Department.

Board Members' Comments:

Mr. Bellis asked about the status of the Electric Car Corner application (6162 State Route 96). The Preliminary Site Plan (PB #0901-22), the Special Use Permit for Sales of New and Used Vehicles (PB #0902-22) and the Special Use Permit for Vehicle Maintenance Shop (PB #0903-22) were approved by the Planning Board on October 5, 2022. Mr. Delpriore said that there was a delay in the submission of the revised Preliminary Site Plan which did not meet all Town requirements. He said that the revised plans were delivered to the Building Department today (December 7, 2022) and that he anticipates that the Final Site Plan may be on the Planning Board agenda on January 4, 2023.

Mr. Bellis asked about the status of a possible 90-day extension of the Farmbrook Subdivision Preliminary Re-Subdivision Plat, Section 7A, which was approved by the Planning Board on June 15, 2022 (PB #0501-22). Mr. Delpriore said that this plat has been signed and that an extension is not necessary.

Mr. Bellis asked about the status of the CountryMax construction project at the southwest corner of Collett Road and Hook Road. The Final Site Plan was approved by the Planning Board on October 6, 2021 (PB #0602-19). A Letter of Credit in the amount of \$417,376.60 was approved by the Planning Board on April 20, 2022. Mr. Delpriore said that construction is proceeding slowly on the site, but is moving along.

Mr. Bellis also asked about the status of construction at A Safe Place Storage, 6025 Denny Drive. The Final Site Plan was approved by the Planning Board on July 6, 2022 (PB #0703-22). A Letter of Credit in the amount of \$305,294.91 was approved by the Planning Board on August 3, 2022. Mr. Delpriore said that the concrete slab must be installed prior to the

construction of the building. Mr. Hemminger asked if the applicant understands that a great deal of the work on the site must be completed prior to the issuing of a Certificate of Occupancy. Mr. Delpriore said that the applicant understands that the building, the additional structure pads and the road extension must be completed prior to the issuing of the Certificate of Occupancy.

8. PUBLIC COMMENTS

None.

9. TRAINING OPPORTUNITIES

■ 2022 Municipal Bootcamp:

Hancock Estabrook and MRB Group are offering a free annual training program to assist local governments, municipal officials, and planning and zoning boards. The program will include 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program in the series will be provided remotely on the fourth Thursday of each month with subject matter experts from MRB Group and knowledgeable attorneys from Hancock Estabrook LLP. Topics will be ively, useful and—potentially as important—qualify for the education requirements for members of planning boards and zoning boards of appeal.

Remaining session in 2022:

Thursday, December 22, 2022, 6:00 p.m. to 7:00 p.m.

Santa's Nice and Naughty List: The Best and Worst of 2022

Select this link for the 2022 Municipal Bootcamp information page. RSVP and registration tab are at the bottom of the website page.

<https://www.hancocklaw.com/events/the-2022-municipal-bootcamp/>

■ New York Planning Federation Recorded Webinars:

For information: (518) 512-5270 or nypf@nypf.org

The Essentials of Planning and Zoning:

Introduction to Planning, Zoning and Land Use

Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan

Understanding and Applying SEQRA (NY State Environmental Quality Review Act)

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

Meeting Process and Communication:

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

Working with Elected Officials and Understanding Everyone's Role in Planning

The Open Meetings Law for Zoning and Planning Boards, Part 2

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

10. ADJOURNMENT

■ A motion was made by MR. VIETS, seconded by MR. BELLIS, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:50 p.m.

The next regular meeting of the Planning Board will be held on Wednesday, December 21, 2022, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, N.Y. 14425, and also via remote video conference.

Following the meeting, the clerk locked the front doors to the Town Hall.

Respectfully submitted,

John M. Robortella, Clerk of the Board

L.S.

	A	B	C	D	E
	Project Application Submittal	LOC Release Submittal	County Meeting Submittal	PRC Date	Planning Board
1	Deadline 12:00 pm	Deadline 12:00 pm	Deadline 12:00 pm		Meeting 7:00 p.m.
2	December 8, 2022	December 30, 2022	December 28, 2022	January 5, 2023	January 4, 2023
3	January 12, 2023	January 13, 2023	January 25, 2023	February 2, 2023	January 18, 2023
4	February 9, 2023	February 24, 2023	February 22, 2023	March 2, 2023	February 1, 2023
5	March 9, 2023	March 10, 2023	February 22, 2023	March 2, 2023	February 15, 2023
6	April 13, 2023	March 31, 2023	March 29, 2023	April 6, 2023	March 1, 2023
7	May 11, 2023	April 14, 2023	March 29, 2023	April 6, 2023	April 5, 2023
8	June 8, 2023	April 28, 2023	April 26, 2023	May 4, 2023	April 19, 2023
9	July 13, 2023	May 12, 2023	April 26, 2023	May 4, 2023	May 3, 2023
10	August 10, 2023	May 27, 2022	May 24, 2023	June 1, 2023	May 17, 2023
11	September 7, 2023	June 16, 2023	May 24, 2023	June 1, 2023	June 7, 2023
12	October 12, 2023	June 30, 2023	June 28, 2023	July 6, 2023	June 21, 2023
13	November 9, 2023	July 14, 2023	June 28, 2023	July 6, 2023	July 5, 2023
14	December 7, 2023	July 28, 2023	July 26, 2023	August 3, 2023	July 19, 2023
15		August 11, 2023	July 26, 2023	August 3, 2023	August 2, 2023
16		September 1, 2023	August 30, 2023	September 7, 2023	August 16, 2023
17		September 15, 2023	August 30, 2023	September 7, 2023	August 6, 2023
18		September 29, 2023	September 27, 2023	October 5, 2023	September 20, 2023
19		October 13, 2023	September 27, 2023	October 5, 2023	October 4, 2023
20		October 27, 2023	October 25, 2023	November 2, 2023	October 18, 2023
21		November 9, 2023	October 25, 2023	November 2, 2023	November 1, 2023
22		December 1, 2023	November 29, 2023	December 7, 2023	November 15, 2023
23		December 15, 2023	November 29, 2023	December 7, 2023	December 6, 2023
24		December 28, 2023	December 27, 2023	January 4, 2024	December 20, 2023
25		January 12, 2024	December 27, 2023	December 27, 2023	January 3, 2024
26					January 17, 2024
27					
28					

2023 Farmington Application and Meeting Dates Schedule

TOWN OF FARMINGTON



TO: Town Planning Board
 FROM: Ron Brand, Director of Planning & Development **Ronald L. Brand**
 DATE: November 3, 2022
 RE: Keeping of chickens on lots within the Town of Farmington

At last night’s Planning Board meeting, the Board asked for a research report on the municipal codes that are referenced in the presentation made by Steve Heltemes, at the Town Board meeting on Tuesday, October 25, 2022. Below are the results of my review of these regulations. I did not review the City of New York’s Code.

Subject Parcel Requesting Chickens - 1605 Clovertrail Drive - Tax Map Account No. 41.14-1-26.000

The site is identified within a Section 278 Cluster Development. The underlying Zoning is RR-80 Rural Residential. §165-19 RR-80 Rural Residential, section C., (9) allows Domestic pet shelters, subject to the provisions of §165-55. [see referenced section excerpts below]. The site is located within The Estates @ Beaver Creek.

TOWN OF FARMINGTON CODE Animals are found in two places §49 Animals and §165 Zoning Law

§49 Animals – this chapter only addresses dogs.

§165 Zoning Law
 §165-10 Definitions.

ANIMAL, DOMESTIC

An animal kept primarily for a person’s company or entertainment; examples include but are not limited to dog, cat, rabbit, guinea pig, hamster, and goldfish and excludes all farm animals.

ANIMAL, FARM

Animals raised as part of an agricultural activity to produce commodities such as meat, eggs, milk, fur, leather and wool. Examples include but are not limited to horses, cattle, swine, poultry, sheep, goats and excludes all domestic animals.

Since the presenter at the Town Board Meeting on September 25, 2022, stated intent to have these chickens for the production of eggs for their personal use would this be a farm animal as defined above?

§165-55 Keeping of Animals.

- A. Five (5) acre minimum lot size required for the keeping of domestic animals. All secure outdoor areas shall be enclosed and located within either the side or rear yard portions of the lot and not closer than five (5) feet to side and/or rear property lines.

Other municipal codes cited in the presentation to the Town Board included:

TOWN OF CANANDAIGUA CODE § 79-17 through § 79-19 Keeping of chickens.

Note: this is not part of the Town Zoning Law. It is listed under Part II: General Legislation.

§79-19 Keeping of chickens.

Unless otherwise prohibited, on any residential site in any residential district except within the MR Multiple-Residence District and a PUD Planned Unit Development District, up to five female chickens may be kept for personal use on a residential site, except that chickens raised for meat and roosters are not allowed. [Note: MH Manufactured Home District (Chapter 134) apparently allow the keeping of chickens.]

Town of East Bloomfield Zoning—Chapter 135

§ 135-74 Keeping of animals.

The Town Planning Board may approve a special use permit for the keeping, breeding and raising of animals on a parcel of land containing less than five acres in the AR-2 Agricultural Rural Residential District and the RR-1 Rural Residential District; provided, further, that the following standards and provisions are maintained:

- A. There shall be provided an enclosed structure for the animal.
- B. There shall be no outdoor storage of feed.
- C. There shall be a fence enclosed area sized to provide adequate exercise area for the animal.
- D. There shall be no piling of manure within 100 feet of any lot line, water supply system or watercourse.
[Amended 8-22-2016 by L.L. No. 2-2016]
- E. Each application for a special use permit shall be accompanied with a sketch plan showing buildings on the site, exercise area, manure storage, water supplies and watercourses; and

similar structures and features on adjacent properties when they are located within 100 feet of the property line.

- F. The breeding and raising of animals may be permitted when so requested and specified in the special use permit application and subject further to the applicant's ability to demonstrate that each of the items specified above can be accomplished on the subject site in a manner so as not to adversely affect the health, safety and general welfare of the residents of adjacent properties or the animals.

Town of Manchester § 325-51 Animals, poultry and bees.

[Note: These regulations are found within Part II: General Legislation/Zoning of the Town Code.]

§ 325-51 Animals, poultry and bees.

- A. In any residential district zoned R-2 and R-1 or commercial district, no lot may be used or occupied and no structure may be erected, maintained or used for the raising, harboring or housing of bees, pigeons, swine, goats, rabbits, rodents, cows, horses, poultry, foxes, mink, skunks or any fur-bearing animals or for the raising of dogs or cats in kennels unless the application is made to the Planning Board, subject to terms and conditions as may be appropriate in the particular case and in conformity with the following general provisions. The Planning Board may consider, where it is material to each case and among the other relevant factors, any danger to the neighboring property of noise or offensive emission of odors or fumes, any detriment to the health, safety, morals or the general welfare of the community and whether such use is appropriate to the particular location.
- B. A special use permit is required for single-family residential properties within an A-1 Agricultural District for the keeping of more than one large animal or more than four small animals. The following restrictions shall be required:
- (1) Stabling of livestock or storage of manure or other material creating dust or odors shall not be permitted within 150 feet of any other residential structure or property line.
 - (2) The housing and fencing of any animal(s) shall be located in the rear yard of the property.
 - (3) Storage and disposal of waste shall be provided so the same shall not constitute a nuisance or potential health hazard to the public.
 - (4) Appropriate shelter shall be provided for large and small animals.
 - (5) The lot on which said animal(s) are kept shall have a minimum area of one acre for the principal building and an additional 32,000 square feet for each large animal and an additional 10,000 square feet for small animals.

- (6) The Planning Board may also require screening and/or fencing for any buildings or structures located on the premises or for any corrals, runs, tracks or other open areas used by horses so that there is minimal impact on adjacent property owners. All such buildings, structures, corrals, runs, tracks, or other areas shall be maintained in a neat and clean manner.
- (7) Commercial stables or riding academies shall have a minimum lot size of 20 acres.
 - (a) Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Town Planning Board.
 - (b) Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.
 - (c) Exterior loudspeakers shall be prohibited on the premises so as to minimize potential nuisances to adjacent properties.

VILLAGE OF SHORTSVILLE

Note: a universal search of the term chickens found nothing.

§ 95-40.5 Animals, poultry and bees.

In any residential district, no lot may be used or occupied and no structure may be erected, maintained or used for the raising, harboring or housing of bees, pigeons, swine, goats, rabbits, cows, horses, poultry, foxes, mink, skunks, or any fur-bearing animals or for the raising of dogs or cats in kennels, unless an application is made to the Zoning Board of Appeals, subject to such terms and conditions as may be appropriate in the particular case and in conformity with the following general provision: The Zoning Board of Appeals may consider, where it is material in each case and among the other relevant factors, any danger to the neighboring property of noise or offensive emission of odors or fumes, any detriment to the health, safety, morals or the general welfare of the community and whether such use is appropriate to the particular location.

TOWN OF PERINTON

Chapter 78 Animals—This chapter of the Perinton Town Code only regulates dogs.

Chapter 208 Zoning—A universal search for chickens did not identify any listing in this Chapter.

According to the Town of Perinton’s application requirements for the keeping of bees, chickens and other non-customary household pets on non-farm properties, the Town of Perinton requires the property owner to obtain a Special Use Permit from the Zoning Board of Appeals [§208-54 is entitled “Special permits.”]

§ 208-23 Keeping of Animals—No animals shall be housed or kept on any nonfarm residential premises, except customary household pets, or animals that have been approved by special permit from the Zoning Board of Appeals in accordance with §208-54. Such animals shall be housed in such a manner as not to create an annoyance to surrounding properties. Dogs housed on said premises are subject to the Dog Control Ordinance of the Town of Perinton [Chapter 78].

§ 208-54 Special permits. A. Purpose. Special permit uses are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration and special impact to determine, against fixed prescribed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the need and benefit against the local impact and effect.

The Town of Perinton [§ 208-54 D.] contains standards for special permits. Before granting approval to any special permit use, the approving board shall determine whether the proposed special use will, among other things, satisfy the following considerations. The Standards for special permits lists 12 standards considerations, the power point only identifies 4. [Note: the standards listed apply to the keeping of bees, chickens & other animals [that are not specified]. The General Requirements listed on the Town’s Keeping of Bees, Chickens & Other Animals Form for chickens:

1. Properties are limited to six female chickens on the premises at any given time.
2. Roosters are not permitted.
3. Chickens must be provided with an enclosed shelter/coop with additional fencing around the perimeter to ensure the chickens stay within the property. Said shelter must be located in the rear yard and set back 30 feet from adjacent property lines.

The Town of Perinton Application Form states . . . “The Zoning Board has the right to modify these requirements as they see fit based on the merits of each individual application.” [Note: this appears to be delegating legislative authority to the Zoning Board of Appeals which the courts frown upon.]

[Note: there doesn’t seem to be any provisions in any of the zoning districts allowing for the Keeping of Bees, Chickens & Other Animals as special permitted uses.] There is, however, a reference on the Keeping of Bees, Chickens & Other Animals Application Form to the need for a Special Use Permit from the Zoning Board of Appeals.

§ 208-54 C. Effect of permit. Specifies that . . . “unless the approving board specifies a different period, a special use permit shall be valid for a period of one year.” “Failure to maintain or continue to a use which has been granted a special permit for a period of one year shall render such permit void.” [Note: not sure what kind of tracking problems this has created.]

**Other Municipal Codes where there have been controversies over the keeping of chickens.
Note: these are not part of the presentation made to the Town Board.**

TOWN OF PARMA General Code site—enter Ecode 360 enter chickens to review the public comments. A universal search of chickens in the Zoning Law found nothing.

Chapter 9 Animals only addresses dogs.

Universal search did not find any reference to chickens in Zoning Law, Chapter 165.

VILLAGE OF SCOTTSVILLE Article III Farm Animals § 54-26 Domesticated chickens.

§ 54-26 Domesticated chickens.

Domesticated chickens shall be allowed in the Village of Scottsville by special permit granted by the Village Board. The minimum parcel size to allow domesticated chickens shall be 1/2 acre, and shall be limited to single-family dwellings only. Property improved by two-family or multifamily residences shall not be permitted to harbor chickens. In any application before the Village Board, the following special regulations shall be instituted by the Village Board:

- A. Roosters are not permitted within the corporate limits of the Village of Scottsville;
- B. Hens must be kept in an enclosure or fenced-in area at all times. During daylight hours, hens may be allowed outside of their coop in a securely fenced yard if supervised. Hens shall be secured within the coop during nighttime hours.
- C. It shall be prohibited to raise chickens for commercial purposes within the corporate limits of the Village of Scottsville.
- D. Processing of animals for personal consumption within public view is prohibited within the Village limits.
- E. Hen coops and pens must be in a rear yard and maintained in an attractive fashion. All coop plan elevations must be submitted to the Village Board.
- F. Enclosures must be clean, dry, and odor free, and kept in a neat and sanitary condition at all times.
- G. All hen coops and pens must be enclosed on all sides, including the top, using predator-proof wire.
- H. It shall be unlawful for any single-family dwelling to keep more than six hens within the corporate limits of the Village.
[Amended 12-11-2018 by L.L. No. 3-2018]

- I. No person shall allow his or her hens to run at large within the corporate limits of the Village.
- J. Noncompliance with any of the above will result in revocation of the permit and removal of all chickens and associated structures within 30 days.

§ 54-27 Application for permit; fees.

- A. The application for a permit shall be submitted to the Village of Scottsville and will be reviewed at the regular monthly meeting of the Village Board. The application will be accompanied by a map showing the:
 - (1) Complete description of the enclosure;
 - (2) Measurements of the placement of the enclosure from the front side and rear lot lines of the parcel shall be 12 feet minimum; and
 - (3) Notification to all adjoining property owners of the application.
- B. The applicant should submit the application fee of \$100 to the Village of Scottsville with the application.

§ 54-28 Penalties for offenses.

Any person who shall violate any provision of this article shall, upon conviction, be subject to the penalties set forth in Chapter **I**, General Provisions, Article **III**, General Penalty.

§ 54-29 Enforcement.

This chapter shall be enforced by the Code Enforcement Officer.

§ 54-30 Continuation of nonconforming domesticated chickens.

- A. Any lawful possession of domesticated chickens in existence at the time of the effective date of this chapter may be continued except as otherwise provided in this article.
- B. A nonconforming structure used to house domesticated chickens shall not be enlarged or extended.
- C. A nonconforming structure will be considered abandoned if the harboring of domesticated chickens has been discontinued for a period of 90 days.

§ 54-31 Repealer.

Section 170-16A(7) of the Code of the Village of Scottsville is hereby repealed upon filing of this article. [Note: §170 is the Zoning Law. §16 is Reserved]

§ 54-32 **When effective.**

This article shall be effective upon filing with the Secretary of State.

Finally, the power point presentation referenced above states . . . “In my research, it was suggested I put together a draft ordinance for your review. I have done that and have attached it for your review.” Upon checking further, with Town Staff, no one was able to provide a draft ordinance.

RLB:btb

- c: Farmington Town Board
- Farmington Code Enforcement Officer
- Farmington Zoning Officer
- Farmington Fire Marshal