

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, August 28, 2023 • 7:00 p.m.**

**MINUTES—APPROVED**

*The 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 Zoning Board of Appeals. 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 Zoning Board of Appeals adopted Rules of Procedure. The audio recording is retained for four months.*

**Board Members Present:** Thomas Yourch, *Chairperson*  
Jody Binnix  
Tom Lay  
Tod Ruthven

**Board Member Excused:** Kelly Cochrane

**Staff Present:**  
Ronald L. Brand, Town of Farmington Director of Development  
Dan Delpriore, Code Enforcement Officer, Town of Farmington

**Applicant Present:**  
James Fowler 6176 Hunters Drive, Farmington

**1. MEETING OPENING**

The meeting was called to order at 7:00 p.m. by Mr. Yourch.

The Pledge of Allegiance was recited.

Mr. Yourch said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 27, 2023.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom.

**2. APPROVAL OF MINUTES OF JULY 24, 2023**

■ A motion was made by MS. BINNIX, seconded by MR. RUTHVEN, that the minutes of the July 24, 2023, meeting be approved.

Motion carried by voice vote.

**3. LEGAL NOTICE**

None.

**4. CONTINUED PUBLIC HEARING**

<b>ZB #0301-23</b>	<b>Fowler Family Trust 6176 Hunters Drive Farmington, N.Y. 14425</b>	<b>Area Variance</b>
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The applicant is requesting an Area Variance to the provisions contained in Chapter 165, Attachment 1, Schedule 1 of the Farmington Town Code. The applicant wishes to create a third lot that would have a minimum lot width of thirty (30) feet. The Town Code requires a minimum lot width of one hundred and twenty-five (125) feet. The proposed lot would be parts of a proposed re-subdivision of the Lot #R-5A with Tax ID #29.13-1-5.100, and Lot #R-5B with Tax ID #29.13-1-5.200 of the Pheasants Crossing Subdivision. These three (3) proposed lots would be located along the west side of Pheasants Crossing and within the Pheasants Crossing Subdivision Tract. All lots are zoned RS-25 Residential Suburban.

The Public Hearing on this application was opened on July 24, 2023.

On July 24, 2023, the Zoning Board of Appeals (ZBA) took the following actions on this application:

- The ZBA agreed with the Farmington Planning Board’s declared intent to be designated as the Lead Agency for making the required determination of significance upon the above referenced Action under the State Environmental Quality Review (SEQR) regulations.
- The ZBA requested that the Farmington Planning Board provide a written recommendation to the ZBA concerning the proposed Area Variance once a determination of significance under the SEQR regulations has been by the Planning Board acting as the designated Lead Agency.
- The ZBA continued the Area Variance application to the meeting this evening (August 28, 2023).

At the Planning Board meeting on August 2, 2023, the Planning Board designated itself as the Lead Agency under SEQR for making the determination of significance on this application.

As of this evening (August 28, 2023), the Planning Board has not yet made the determination of significance under the SEQR regulations on this application. The Planning Board's consideration of the application has been continued to September 6, 2023.

Mr. Yourch reconvened the Public Hearing on the Area Variance application.

Mr. Fowler attended the meeting.

Mr. Delpriore said that he and Mr. Brand met with the chairperson of the Planning Board who informed them that additional information had not been submitted to the Planning Board and therefore the Planning Board cannot yet provide a written recommendation to the ZBA as requested regarding the Area Variance application.

Mr. Brand said that the issue is that deadlines were missed [by the applicant] for the submission of additional information [in order for the Planning Board to determine that the application is complete]. Mr. Brand said that the Planning Board may be able to determine that the application is complete at the Planning Board meeting on October 4, 2023, if the applicant provides the requested additional information in September [to provide time for the Planning Board to review the additional information].

Mr. Brand said that the application must be referred to the Ontario County Planning Board (OCPB) for review following the Planning Board's determination that the application is complete. He said that the referral could be made to the OCPB in time for its meeting in November 2023, and if so, then the complete application and the Planning Board's report and recommendation on the Area Variance could be ready for the ZBA meeting to be held on November 27, 2023.

Mr. Yourch then asked Mr. Fowler in the meeting room if he wished to speak about the application, or to ask questions. Mr. Fowler had no comments or questions.

There were no attendees on the remote video conference.

Board members had no objections to the continuation of this application to the meeting on November 27, 2023.

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

■ A motion was made by MR. RUTHVEN, seconded by MS. BINNIX, that the reading of the following resolution be waived and that the resolution be approved as amended with the continuation date of November 27, 2023:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE PROPOSED  
GRANTING OF AN AREA VARIANCE FOR PROPOSED LOT #R5-C TO ALLOW FOR THE  
CREATION OF A PROPOSED THREE-LOT PRELIMINARY RE-SUBDIVISION PLAT FOR THE  
FOWLER FAMILY TRUST**

**ZB #0301-23**

**APPLICANT: Fowler Family Trust, 6176 Hunters Drive,  
Farmington, N.Y. 14425**

**ACTION: Adjournment and continuation of the Public Hearing  
upon the requested Area Variance for Proposed Lot  
#R5-C of the Fowler Family Trust Re-Subdivision.**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has received an application for an Area Variance related to the above referenced Action; and

**WHEREAS**, the Board has tonight reopened the continued Public Hearing upon the above referenced Action and received testimony that will be entered into the Public Hearing record; and

**WHEREAS**, the Board has, since its meeting on July 24, 2023, been informed by the Town of Farmington Planning Board that it has been designated as the Lead Agency, under the provisions of the State Environmental Quality Review Act (SEQRA), and has requested additional information be provided by the Applicant to enable said Board to determine receipt of a complete application; and

**WHEREAS**, no decision may be made by this Board, as an Involved Agency defined under SEQRA, until a complete application has been received and a determination of significance made, by the designated Lead Agency, upon the granting of the requested area variance and preliminary re-subdivision plat approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to table further deliberations upon the above referenced Action and adjourns the Public Hearing to be continued on Monday evening November 27, 2023, starting at 7:00 p.m.

**BE IT FINALLY RESOLVED** that the Board, having made this decision, does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicant and the Town Director of Planning and Development.

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

Jody Binnix	Aye
Kelly Cochran	Excused
Thomas Lay	Aye

Tod Ruthven                      Aye  
 Thomas Yourch                  Aye

Motion carried.

## 6.     **OTHER BOARD MATTERS**

None.

## 7.     **PUBLIC COMMENTS—OPEN FORUM DISCUSSION**

None

## 8.     **DIRECTOR OF DEVELOPMENT UPDATE**

Mr. Brand said that the Town staff is now working on amendments to Chapter 9 of the Town Code (regarding the duties and responsibilities of the Zoning Board of Appeals) and on amendments to address the 35-foot setback issue in the Town Code. He said that these amendments are expected to be submitted to the Town Board in September and to be referred to the Ontario County Planning Board in early October, following which the Town Board is expected to conduct a Public Hearing on the amendments on October 24, 2023.

## 9.     **CODE ENFORCEMENT OFFICER UPDATE**

Mr. Delpriore also discussed the work on the Town Code amendments.

He said that Sarah Mitchell continues to serve as the Clerk of the Zoning Board of Appeals *pro tem* until a new clerk is hired. Mr. Delpriore also said that the open position of Town Zoning Officer has been filled.

Mr. Delpriore said that no applications have been received for the next meeting of the ZBA to be held on September 25, 2023. He asked if the board wished to cancel this meeting. Following discussion, it was the consensus of the board members that the ZBA meeting of September 25th be cancelled.

Mr. Delpriore also said that Ms. Mitchell recently provided training opportunities information to board members via email.

## 10.    **TRAINING OPPORTUNITIES**

■ **New York Planning Federation Recorded Webinars:**  
 For information: (518) 512-5270 or [nypf@nypf.org](mailto:nypf@nypf.org)

■ **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>

■ **4th Thursday 2023 Monthly Municipal Boot Camp Program  
Presented by MRB Group, and Hancock and Estabrook**

<https://register.gotowebinar.com/register/5013248983683015766>

Thursday, September 28, 2023, 6 p.m. to 7 p.m.: Transforming Former Industrial Properties  
Thursday, October 26, 2023, 6 p.m. to 7 p.m.: Preventing Sexual Harassment  
Thursday, December 14, 2023, 6 p.m. to 7 p.m.: Case Studies: Good and Bad of 2022

**11. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, October 23, 2023, at 7:00 p.m. both in-person at the Farmington Town Hall, 1000 County Road 8, and via remote video conference.

**12. ADJOURNMENT**

■ A motion was made by MR. RUTHVEN, seconded by MR. LAY, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

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John M. Robortella L.S.  
Clerk *Pro Tem* of the Zoning Board of Appeals