

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, February 27, 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*  
Tod Ruthven  
Jody Binnix  
Kelly Cochrane  
Tom Lay

**Staff Present:**  
John Weidenborner, Town of Farmington Zoning Officer  
Ron Brand, Town of Farmington Director of Development

**Applicant’s Present:**  
None

**Others Present:**  
None

**Virtually via Zoom:**  
Joyce Pimm, 501 Hook Road, Farmington (**Applicant**)

- 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 March 28, 2022.

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

## 2. **APPROVAL OF MINUTES OF NOVEMBER 28, 2022**

■ A motion was made by MS. COCHRANE seconded by MR. LAY, that the minutes of the NOVEMBER 28, 2022, meeting be approved.

Motion carried.

## 3. **LEGAL NOTICE**

The following Legal Notice was published in the *Canandaigua Daily Messenger* newspaper on Sunday, February 19, 2023:

**ZB #0201-23, JOYCE PIMM, 501 HOOK ROAD, FARMINGTON, NEW YORK 14425:** Requesting the renewal of Temporary Use Permit in accordance with Chapter 165, Article VII, Section 91 of the Farmington Town Code. The applicant wishes to keep emotional support chickens on her nonfarm residential premise that is less than five acres in size. The Town Code requires all nonfarm animals to be kept on a premise having five acres or more in size. The property is located at 501 Hook Road and is zoned RR-80 Rural Residential.

**SAID BOARD OF APPEALS WILL MEET** at said time and place to hear all persons in support of, or having objections to, such matter.

By order of:  
Thomas Yourch, Chairperson  
Zoning Board of Appeals  
TOWN OF FARMINGTON

## 4. **PUBLIC HEARING**

**ZB #0201-23, JOYCE PIMM, 501 HOOK ROAD, FARMINGTON, NEW YORK 14425:**

Requesting the renewal of Temporary Use Permit in accordance with Chapter 165, Article VII, Section 91 of the Farmington Town Code. The applicant wishes to keep emotional support chickens on her nonfarm residential premise that is less than five acres in size. The Town Code requires all nonfarm animals to be kept on a premise having five acres or more in size. The property is located at 501 Hook Road and is zoned RR-80 Rural Residential. Mr. Yourch opens the public hearing on this application and asks if there is anyone in attendance, either in person or online, that wishes to speak on behalf of this application.

Mr. Lay states that he is a neighbor of the applicant and does not have any financial interest in this application.

Ms. Pimm presented the above application virtually via zoom. She explains that she would like to extend her temporary order to allow chickens as support animals.

Mr. Weidenborner asks if there is any other information she would like to add.

Ms. Pimm said the chickens are doing really well and the children and her daughter are doing really well. They contribute quite a bit to our family.

Mr. Brand stated that Mr. Weidenborner has provided a report to the board members.

Mr. Weidenborner said he did give the members a memo based on no complaints for the year, but now must amend that. He received a call from a neighbor two days ago to voice their concerns. He suggested that they attend this meeting or to put something in writing to the board, but they have not done either. He also suggested that if this application does get approved that the neighbor keeps the Town in the loop. They have expressed ongoing concerns, but we have not once heard from them. He expressed to them that they have to voice their concerns to us or to you as the board, but we have not gotten anything officially except the phone call. They wouldn't provide a name or an address. They only said they were a neighbor.

Ms. Cochrane asked if they said what the concerns were.

Mr. Weidenborner said they indicated that they smell them and that they do not take care of them. It was one of many complaints concerning their neighbors and wasn't just based around the chickens. Other than that, he has not received any other complaints regarding this application.

Mr. Yourch then asks if there were any public comments.

Hearing none. He asks for questions or comments from the board.

Hearing none. Mr. Yourch closes the public hearing for ZB #0201-23.

**5. BOARD BUSINESS—DELIBERATIONS AND DECISION**

<b>ZB #0201-23</b>	<b>Joyce Pimm</b> <b>501 Hook Road</b> <b>Farmington, N.Y. 14425</b>	<b>Temporary Use Permit</b>
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■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived, and that the resolution be approved as submitted by the Town staff:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
SEQR RESOLUTION—TYPE II ACTION**

**ZB #0201-23**

**APPLICANT: Joyce Pimm, 501 Hook Road, Farmington, N.Y. 14425**

**ACTION: Temporary Use Permit renewal in accordance with Town Code Chapter 165, Article VII, Section 91, to keep domestic animals [chickens] on a residential premises having less than five acres in size.**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification of the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (21) of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Type II Actions are not subject to further review under Part 617.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

The above resolution was offered by MR. RUTHVEN and seconded by MS. COCHRANE at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, February 27, 2023. Following discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Jody Binnix	Aye
Tod Ruthven	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion carried.

■ A motion was made by MR. RUTHVEN, seconded by MS. BINNIX, that the reading of the complete Temporary Use Permit Findings and Decision resolution be waived, and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.

Motion carried by voice vote.

**TOWN OF FARMINGTON  
ZONING BOARD OF APPEALS  
RENEWAL TEMPORARY USE PERMIT FINDINGS AND DECISION**

**APPLICANTS:** JOYCE PIMM

501 Hook Road  
Farmington, NY 14425

**File:** ZB #0201-23

**Zoning District:** RR-80 Rural Residential

**Published Legal Notice on:** February 19, 2023

**County Planning Action on:** N/A

**County Referral #:** N/A

**Public Hearing held:** February 27, 2023

**Property Location:** 501 Hook Rd, Farmington, NY 14425

**Applicable Sections of Town Code: Chapter 165, Article IV, Section 18. B. (1) and Chapter 165, Article V, Section 55.**

**Requirement for Which Temporary Use Permit is Requested:** The applicant wishes to renew a Temporary Use Permit, for an additional five (5) year period which will automatically expire in February 2027, to keep defined support animals [chickens] for residents of the property. The Town Code does not allow the keeping of domestic animals on any premises zoned residential having less than five (5) acres of land. The Town Code also requires all outdoor areas used for domestic animals to be secure, enclosed and located within either the side or rear yard portions of the lot and not closer than five feet to side and/or rear property lines.

**State Environmental Quality Review Determination:** The renewal of a Temporary Use Permit to allow for the continued housing of four chickens, that in this instance are being used only for and as emotional support animals for the residents of the property is classified as a Type II Action under Part 617.5 (15) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions under the SEQR Regulations have been determined not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under the State Environmental Conservation Law, article 8. The Board, under separate resolution, has documented this classification, included a copy thereof with this file and, therefore, has satisfied the procedural requirements of the State Environmental Quality Review Act (SEQRA).

**County Planning Referral Recommendation:** N/A Exempt Action by Ontario County Planning Board Bylaws.

**In accordance with the criteria contained in Chapter 165, Article VII, Section 91 of the Farmington Town Code, this application is for a five (5) year Temporary Use Permit, and is based upon the following Findings by Zoning Board of Appeals:**

*Test: No Temporary Use Permit will be granted without a clear understanding of the nature of the permit, the time period covered by the permit and a detailed listing of the conditions of approval. The following findings must be made by the Zoning Board of Appeals on any Temporary Use Permit:*

- (1) The temporary use will be in harmony with the general purposes and intent of Chapter 165, Section 91 of the Farmington Town Code, taking into account the location and size of the proposed use, the nature and intensity of the operation involved in or connected with the proposed use and the size and location of the site in relation to adjacent sites and uses.**

**Proof:** The Board finds that the property is a residential lot, located in a predominantly low-density rural residential area of the Town, fronting along a Town highway and is not being farmed. The Board further finds the site has a total Lot Area of 0.6185 acres. The Board further finds that there is one adjacent horse farm operation occurring on a larger sized lot which contains a total of 35.283 acres of land.

The Board further finds that the Town Code, Chapter 165, requires applicants seeking approval to allow the keeping of domestic animals, are to have a minimum lot size of five (5) acres of land regardless of the number or size of the animals [§165-55]. The Board further finds that the nature of the proposed use, the keeping of 4 domestic animals [chickens] have, in this instance, been documented by a medical professional as support animals to manage anxiety of the property's resident(s). The Board further finds that the continued temporary use is necessary for sustaining the documented medical condition of the residents of the property. The Board further finds that there are no documented complaints in the file from neighbors and the Town Zoning Enforcement Officer's recent inspection report finds there are no violations to the existing conditions of approval. The Board further finds that the size of the parcel of land and the location of the structure housing the four chickens on the property does not have an adverse effect upon the character of the neighborhood that cannot be controlled through the Temporary Use Permit process.

The Board further finds that the intent of Section 165-55 of the Town Code, entitled the Housing of Animals, is to control over-crowded site conditions necessary for the housing of domestic animals. The Board further finds that, in this instance where the only identified need is for emotional support animals for the residents of the property, there is not an indefinite period of time necessary which would otherwise result from the granting of an area variance. The Board further finds that the granting of an area variance would allow the applicant and future owners of this land to house a specific number of animals indefinitely; and that granting such an area variance would run with the land and not the landowner having special needs (emotional support).

- (2) The proposed temporary use will not tend to depreciate the value of adjacent properties.**

**Proof:** The Board finds this property is located in a predominantly rural residential area of the town. The Board further finds that with one exception this neighborhood does have other customary farm buildings which provide housing for larger sized animals than the ones involved with this application. The Board further finds that the subject chickens can be confined (fenced within) to the boundaries of the subject parcel; and, that chickens are not generators of large (or loud) noises unless there is a rooster present. The Board further finds that in this instance no rooster is being requested. Therefore, the Board determines that the continued temporary use of the property [chickens as support animals for the residents of the property] will not depreciate the value of adjacent properties.

**(3) The proposed temporary use will not create a hazard to health, safety or general welfare.**

Proof: The Board finds that the keeping of the requested limited number of chickens (a total of 4 chickens and no rooster) on the property has not created a hazard to health, safety or general welfare of the neighborhood, provided the applicant continues the management of the animal waste in the appropriate manner as contained in the conditions of approval below in this resolution.

**Based upon the above findings, the Zoning Board of Appeals hereby makes the following decision:**

X The request for the Temporary Use Permit is hereby granted and shall remain in effect for a period of five (5) years commencing on this day February 27, 2023, and ending on February 27, 2027, unless in the interim period the need for the emotional support animals ceases to exist. At such time all structures and animals identified with this Temporary Use Permit shall be removed from the property in accordance with Condition #2 below.

If, at the end of the five (5) year period, the applicant desires to continue to have the emotional support animals [chickens] the applicant will then need to request provisions be created by the Town for, and amendments made to, the Town Code for the continuation of housing domestic animals on a lot having less than five (5) acres of land.

\_\_\_ The request for the Temporary Use Permit is hereby denied.

**Conditions:**

1. The Temporary Use allows for up to four (4) chickens at any one time on the property during the period identified above; and said chickens are allowed to remain on the property only for the purpose to address the identified emotional support needs of the residents of the property and in accordance with the conditions established herein and shown on the approved site plan by the Planning Board.
2. If at any time during the Temporary Use Permit period identified above herein the individuals requiring the emotional support animals no longer reside at this residence then this Temporary Use Permit shall be deemed null and void and all structures used in housing said chickens along with any other structures in support of the open space needs of the chickens on the property is to be removed withing 30 days of the Code Enforcement Officer's determination.
3. No additional support chickens may be allowed on the property without first having medical documentation of need for the residents of the property and an evaluation of the special open space needs of the additional animal(s) to be accommodated for upon the property.
4. No Rooster(s) may be kept on the property.

- 5. The Chickens shall be housed in the previously approved structure and any changes in the structure or the location of the structure on the site will require an updated building permit to be applied for and approved by the building department.
- 6. At no time shall the chickens be kept in such a manner as to create a nuisance to or become an annoyance to surrounding property owners.
- 7. At no time shall there be open quantities of or containers of chicken manure or other odor- or dust-producing materials on the property that exceed the weekly pick-up of refuse from the property owner.
- 8. The Temporary Use permit shall be subject to the site plan previously approved by the Planning Board. Any changes to the site plan will require an updated site plan be submitted to and approved by the Town of Farmington Planning Board.
- 9. There shall be adequate landscaping maintained on the side and rear lot lines to adequately buffer the chicken coup and the open area associated with the chickens from the adjacent properties.
- 10. The Temporary Use Permit is not transferrable to another property owner.

**NOW, THEREFORE, BE IT RESOLVED** that the Board in making this Determination has satisfied the procedural requirements in the Town of Farmington Town Code.

**BE IT FURTHER RESOLVED** that upon the expiration of the requested Temporary Use Permit, the temporary use shall immediately cease and all equipment, supplies and chickens relating to this permit shall be removed from the site and the site shall be returned to a condition acceptable to the Town Zoning Officer and the Town Code Enforcement Officer.

**BE IT FINALLY RESOLVED** that a copy of this resolution be provided to the Applicant, a copy provided to the Planning Board and a copy filed in the property file in the Town Development Office.

The above Resolution was offered by MR. RUTHVEN and seconded by MS. BINNIX at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, February 27, 2023. Following discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Jody Binnix	Aye
Tod Ruthven	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion carried.

Mr. Weidenborner says that the resolution states that in five years in order to renew this you will have to go to the Town Board to request a code change. I would set a reminder and I would start it in a year in advance. That’s what it is going to take for the Town Board to start researching this. In four years, I would start with the Town Board if you are still requiring these chickens to get these codes adjusted.

Ms. Pimm said okay, thank you.

**6. OTHER BOARD MATTERS**

**a. Review and approval of the 2023 Rules of Procedure**

Mr. Yourch confirmed that prior to the meeting the clerk provided the board members and Town staff with the draft 2023 Rules of Procedure.

Mr. Yourch asked if there were any amendments to the 2023 Rules of Procedure. No amendments were offered.

■ A motion was made by MS. BINNIX, seconded by MS. COCHRANE, that the following resolution be approved:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
2023 RULES OF PROCEDURE**

**ADOPTED—February 27, 2023**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2023; and

**WHEREAS**, the Board has determined that such Rules of Procedure are in the best interests of the Town; and

**WHEREAS**, the Board determines the action to adopt Rules of Procedure is a Type II Action, under Part 617.5 (c) (20) of the State Environmental Quality Review (SEQR) Regulations, in that it involves routine agency administration, not including new programs or major re-ordering of priorities that may affect the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby adopt the 2023 Rules of Procedure as amended per this document appended to the minutes of the meeting of Zoning Board of Appeals on February 27, 2023:

Jody Binnix	Aye
Tom Lay	Aye
Tod Ruthven	Aye
Kelly Cochrane	Aye

Thomas Yourch                      Aye

Motion carried

## 7. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

## 8. DIRECTOR OF DEVELOPMENT UPDATE

- The Town Board closed the public hearing on the Power’s Incentive Rezoning application at their last meeting. At tomorrow’s meeting they will be classifying the action under SEQR and starting a public review and comment period.
- We still have not gotten any resolution on the GLN and Farmington Market Center traffic signal issue, we are waiting to hear on that.
- We continue to move forward on improvements downstairs, to this building, where we will be putting in new offices for the Town Construction Inspectors.

## 10. ZONING OFFICER UPDATE

- Next Meeting will be March 27, 2023
- Open Clerk of the Board of Position

## 11. 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, February 23, 2023, 6 p.m. to 7 p.m.: The Roles of Planning and Zoning Board in Development Process

Thursday, March 23, 2023, 6 p.m. to 7 p.m.: Managing Development of Solar Projects

Thursday, April 27, 2023, 6 p.m. to 7 p.m.: State Environmental Quality Review—SEQR  
 Thursday, May 25, 2023, 6 p.m. to 7 p.m.: Financing Your Future  
 Thursday, June 22, 2023, 6 p.m. to 7 p.m.: Specialized Zoning Tools  
 Thursday, July 27, 2023, 6 p.m. to 7 p.m.: Local Regulation of Cannabis  
 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

**12. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, March 27, 2023, at 7:00 p.m. both in-person at the Farmington Town Hall, 1000 County Road 8, and on ZOOM.

**13. ADJOURNMENT**

■ A motion was made by MS. COCHRANE, seconded by MS. BINNIX, that the meeting be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:16 p.m.

Respectfully submitted,

\_\_\_\_\_ L.S.  
 Sarah Mitchell  
 Clerk *Pro Tem* of the Zoning Board of Appeals