

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, January 22, 2024 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
Kelly Cochrane
Tom Lay
Tod Ruthven

Staff Present:
Ron Brand, Town of Farmington Director of Development
Cadin Lloyd, Code Enforcement Officer, Town of Farmington

Applicant’s Present:
James Fowler, 6176 Hunters Drive, Farmington
Jeremy Brown, 405 County Road 8, Farmington

1. MEETING OPENING

The January 22, 2024, meeting of the Zoning Board of Appeals was called to order at 7:00 p.m. by Mr. Yourch.

The Pledge of Allegiance was recited.

Review and approval of the 2024 Rules of Procedure

Mr. Yourch confirmed that prior to the meeting the clerk provided the board members and Town staff with the draft 2024 Rules of Procedure.

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

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
2024 RULES OF PROCEDURE**

ADOPTED—January 22, 2024

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 2024; 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 2024 Rules of Procedure as amended per this document appended to the minutes of the meeting of Zoning Board of Appeals on January 22, 2024:

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

Motion carried.

Mr. Yourch said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on January 22, 2024.

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

2. APPROVAL OF MINUTES OF DECEMBER 18, 2023

■ A motion was made by MS. BINNIX seconded by MR. LAY, that the minutes of the DECEMBER 18, 2023, meeting be approved.

Motion carried.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, January 14, 2024:

ZB #0101-24, JEREMY BROWN, 405 COUNTY ROAD 8, FARMINGTON, NEW YORK 14425: The applicant is requesting an area variance to the provisions contained within Chapter 165, Article V, Section 58A, of the Farmington Town Code. The applicant wishes to erect a 40-foot-wide x 40-foot-long pole barn with open air lean-to located in the front yard portion of the lot. The Town Code requires all accessory structures in any zoning district to be located in the rear yard portion of a lot having a principal structure. The property is zoned A-80 Agricultural District and is located at 405 County Road 8, in the Town of Farmington.

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. CONTINUED PUBLIC HEARING

ZB 0301-23 FOWLER FAMILY TRUST, 6176 HUNTERS DRIVE, FARMINGTON, NEW YORK, 14425:

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.

Mr. Yourch continued the public hearing for the above application and asked if there was anyone who would like to speak on behalf of the application.

Mr. Fowler said I think everything has been supplied to the Planning Board except for the long form environmental study, which will be supplied this week. That's the update.

Mr. Yourch then asks for comments from the Board. Hearing none he adjourns the public hearing on ZB #0301-23 to a specific time and date to be established in the resolution below.

■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the reading of the following Adjournment and Continuation of Public Hearing resolution be waived, and that the resolution be approved:

**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, New York 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 tonight continued the public hearing on this application which was continued from the Board's meeting held on Monday, November 27, 2023, to allow the Applicant time to provide information requested from the Town Planning Board (hereinafter referred to as the Planning Board), the designated lead agency under SEQR, for making the required determination of significance upon the proposed Re-Subdivision of Lots #R5A and #R5B, of the Fowler Family Trust Applications (PB #0703-23 and ZBA #0301-23); and

Whereas, the Planning Board, on Wednesday, January 17, 2024, received additional information relating to the original re-subdivision application (PB #0703-23) determined that the Applicant's previously submitted proposed three-lot preliminary re-subdivision plat, proposing Lots R5-A, R5-B and R5-C on the Fowler Family Trust property, has been modified, as per the revised plat submitted with the packet of additional information, to change the dimensions of proposed Lots R5-A, R5-B and R5-C and that the Board's review and determination will be on the modified plat only; and

Whereas, the Planning Board has previously continued the public hearing upon the three-lot preliminary re-subdivision plat to Wednesday evening, February 7, 2024, where the additional information will be entered into the public record; and

Whereas, the Planning Board is the designated Lead Agency for the proposed Action referenced above herein; and

Whereas, the Board may not take any action until the Planning Board has determined that there is adequate information provided to allow for the referral to the Ontario County Planning Board, under the provisions of the New York State General Municipal Law, Sections

239-l and -n, for its review at the March 6, 2024, meeting; and to direct the Town Clerk to submit a referral to the Victor Town Clerk, under the provisions of Section 239-nn of the New York State General Municipal Law. and

Whereas, the Board further understands that additional amendments to the Application (PB #0702-23) were requested including a new application for a variance to the Front Lot Width for Lot R5-C because of the amended Preliminary Re-Subdivision Plat map; and

Whereas, the Board, at this time, is not in receipt of the information that is to be provided to the Planning Board at their meeting on February 7, 2023.

Now, therefore, be it resolved, that the Board again confirms that no decision may be made by this Board, as an involved agency defined under the State’s Environmental Quality Review Act (SEQRA), until a complete application has been received by the designated lead agency and a determination of significance thereon has been made.

Be it further 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 March 25, 2024, starting at 7:00 p.m., to again provide time for the Applicant to submit a complete Application to the Planning Board, for its review and acceptance as being a complete Application.

Be it further resolved that the Board does hereby declare its intent to close the public hearing upon this Action at its meeting on Monday, March 25, 2024, if the applicant by that date has not provided the Planning Board with the requested additional information, including a new application that reflects the Lot Frontages for the three lots under their consideration; and to deny without prejudice the present requested area variance for Lot R5-C, on the grounds that the Applicant has failed to provide required information for the Board to take action upon.

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, the Applicant’s Attorney, the Applicant’s Engineer, the Town Code Enforcement Officer, the Attorney to the Town, and the Town Director of Planning and Development.

The above resolution was offered by MR. RUTHVEN and seconded by MS. COCHRANE at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, January 22, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

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

Motion carried.

ZB #1201-23, ROBERT CLARK, 13 HOLLISTER STREET, DUNDEE, NEW YORK 14837:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect an 8-foot-wide x 10-foot-long porch/deck to be attached to the front of a residence, with a proposed front setback of thirty (30) feet. The Town Code requires a minimum front setback of forty (40) feet. The property is located at 1739 Beechwood Drive and is zoned R-1-10 Residential Single Family.

Ms. Binnix states that she does live on Beechwood Drive, but her property is not directly adjacent to this property and that she has no conflict of interest in making a decision tonight upon this application.

Mr. Yourch continued the public hearing on the above application. Since there was no one in attendance at the Town Hall he asked if there was anyone online who would like to speak on behalf of the application. Hearing none he asked the Board how they would like to proceed with this application.

Mr. Brand said the issue here is the Rules of Procedures say... “should an applicant not be present when his or her application is called then the application should be moved to the end of the public hearing,” [which the Board agreed verbally to do]. Mr. Brand then went on to quote... “Should an applicant not appear before the Board on the night of public hearing, then the Board shall table and continue the public hearing to the next scheduled meeting.” Which you did before, which is tonight. Mr. Brand, then went on to quote... “the Board shall direct the Zoning Officer to provide written notification to the applicant of the date and time for the Board’s next public meeting and request his or her presence. Failure by the applicant to appear at the next scheduled public hearing may result in the Board taking action to deny without prejudice.” Mr. Brand, then asked the Board, if you are going to continue the public hearing you need to have some good reason other than the fact that the applicant never shows. So, it's your call. He noted that the Board must treat every application the same and if somebody doesn't show twice you have to wonder how interested are they really in getting their variance?

Mr. Lay says what is our reason to continue?

Mr. Yourch said if the weather was bad, or something like that, we could extend for that. To my knowledge that is not an issue.

Ms. Cochrane asked the Clerk of the Board, you spoke to him?

Ms. Mitchell said yes, I spoke to Robert Clark this morning on the phone.

Mr. Yourch said and when was that?

Ms. Mitchell said this morning.

Mr. Yourch said and he knew to be here tonight by 7pm?

Ms. Mitchell said yes.

Mr. Brand said and he previously was mailed a copy of the resolution from your December 18th meeting continuing it [the public hearing] to tonight with instructions that if there were any questions to contact him, and I have received no contact from the applicant.

Ms. Binnix said if we deny without prejudice he just has to apply within a year?

Mr. Yourch said he can't for a year.

Mr. Brand said in accordance with the provisions of 165- 97C of the Town Code... “the Board shall refuse to hold further hearings on the same or substantially similar application for appeal by the applicant for a period of one year except and unless the board shall find and determine supplied in the request for rehearing.”

Ms. Binnix said I think they have a temporary deck out there right now. They have done a lot of work to the house because it was neglected for a long time. Maybe our reason can be that we give them one more shot to get more of a permanent structure on the front of the house if we want to extend it.

Mr. Yourch said right, we just need a good reason to extend it. Tom what are your thoughts?

Mr. Lay said that Jody does have a good point that if you want to make the temporary a more permanent structure so if you want, we can use that.

Mr. Yourch said is the house abandoned?

Ms. Binnix said no people are living there. They were there when I drove by tonight. They were there last time too.

Mr. Lay said aesthetically is it an eye sore?

Ms. Binnix said they are fixing it up. It has gotten better. They have done a lot of work to the yard amongst other improvements.

Mr. Lay said with Ron's point I agree that we have to put guidelines and be the same across the board.

Mr. Ruthven said I say just table it and continue to the next meeting. That is my opinion. One year is one year and it's a long time.

Ms. Binnix said I think it was concrete steps before and they were falling apart so I think they put up a temporary deck that's not very big. I say that could be our reason to get a more permanent structure.

Mr. Brand said I will put together a more formal letter saying that you were continued to the February 26, 2024, meeting and make him aware of the provisions in the Town Code.

Mr. Yourch said so in the spirit of them upgrading the house is there a motion to continue the public hearing to the February 26, 2024 meeting with the stipulation that that will be their last chance?

■ A motion was made by MR. RUTHVEN, seconded by MR. LAY, that the public hearing be adjourn and continued to the February 26, 2024, meeting and request the applicant be in attendance to present their application. All present voted aye.

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
CONTINUATION**

ZB #1201-23

**APPLICANT: Robert Clark
13 Hollister Street
Dundee, New York 14837**

ACTION: Request an Area Variance to erect a 8-foot-wide by 10-foot-long open porch/deck addition to the existing single-family dwelling that is to be located in the front yard portion of the lot located at 1739 Beechwood Drive, Farmington, New York 14425.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has tonight again opened the public hearing upon the above referenced Action that was continued from December 18, 2023; and

WHEREAS, the Applicant was again not present to provide testimony to the Board; and

WHEREAS, the Applicant, earlier in the day today, had informed the Clerk of the Board that he would be attending in person tonight's public hearing; and

WHEREAS, there was no public in attendance or online to speak for or against this Action; and

WHEREAS, the Board’s adopted 2024 Rules of Procedure requires the Applicant to be present at the public hearing or the Board shall adjourn the public hearing and continue it to the next scheduled meeting of the Board.

NOW THEREFORE BE IT RESOLVED that the Board does hereby move to table any further discussion upon this Action, adjourns this public hearing and continues the public hearing to 7:00 p.m. on Monday, February 26, 2024.

BE IT FURTHER RESOLVED that in accordance with the adopted Rules of Procedure, the Board hereby gives notice that failure by the Applicant to appear before the Board at this next scheduled meeting, to participate in the continued public hearing, **will** result in the Board taking action to deny without prejudice the requested Action.

BE IT FURTHER RESOLVED that the Board does hereby give further notice that once an Action is denied, the Board [in accordance with the provisions contained in §165-97 C. of the Town Code] shall refuse to hold further hearings on the same or substantially similar application for appeal by the Applicant, his successors or assigns for a period of one year, except and unless the Board shall find and determine from the information supplied in the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a re-consideration is justified. Such rehearing may be granted only upon receipt of new information, a completely new application and upon the favorable vote of a majority of the Board plus one.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide a certified copy of the resolution to the Applicant, the property owner, the Code Enforcement Officer, and file a certified copy in the property file.

The above resolution was offered by MR. RUTHVEN and seconded by MR. LAY at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, January 22, 2024. Following discussion, the following roll call vote was recorded:

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

Motion carried.

5. PUBLIC HEARING

ZB #0101-24, JEREMY BROWN, 405 COUNTY ROAD 8, FARMINGTON, NEW YORK 14425:

The applicant is requesting an area variance to the provisions contained within Chapter

165, Article V, Section 58A, of the Farmington Town Code. The applicant wishes to erect a 40-foot-wide x 40-foot-long pole barn with open air lean-to located in the front yard portion of the lot. The Town Code requires all accessory structures in any zoning district to be located in the rear yard portion of a lot having a principal structure. The property is zoned A-80 Agricultural District and is located at 405 County Road 8, in the Town of Farmington.

Mr. Yurch opened the public hearing on the above application.

Jeremy Brown presented the above application. He said you laid it out in the publication that you sent me for the most part. The rest of my property is a hill so the only flat spots that I have are in the front north corner of the property. I think what we found here, the way you guys see it, is that if I were able to get it up with the plane of the house then I would have mostly a flat area to work off of. That works for me if that is okay with everyone else. It doesn't change much on my end.

Mr. Yurch then asks for staff comments.

Mr. Brand said I have drafted two resolutions for the Board's consideration. One is a Type II Action under SEQR and the other is a modification to move the pole barn out of the front yard to the side yard. It will still need a variance, but it doesn't impact the land as much as putting it in the rear yard, which is the justification for granting the minimum relief. It is well buffered with no nearby homes. Mr. Brown's house is closer to the road than any other nearby homes.

Mr. Yurch then asked for any public comments from anyone present or online.

Mr. Binnix said I just have a question regarding the size, is it 40x30 or 40x40?

Mr. Brown said 40x30 is the interior portion and then there is an outside lean-to which is not enclosed.

Mr. Yurch then asks for any further comments or questions for this application. Hearing none he then closes the public hearing for ZB #0101-24.

6. BOARD BUSINESS—DELIBERATIONS AND DECISION

ZB #1101-23

**Jeremy Brown
405 County Road 8
Farmington, N.Y. 14425**

Area Variance

■ A motion was made by MR. RUTHVEN, seconded by MS. BINNIX, 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
Area Variance – Front Yard Setback – Accessory Structure
SEQR Classification**

ZBA #0101-24

Applicant: Jeremy Brown, 405 County Road 8, Farmington, New York 14425

Action: Area variance to erect a 1200 square foot pole barn with an attached 400 square foot open lean-to structure that is to be located in the front yard portion of the lot located at 405 County Road 8, Farmington, New York 14425.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has received an application submitted by the above referenced Applicant, to construct an Accessory Structure to be located within the Front Yard Area of the property; and

WHEREAS, the Board has reviewed the latest published lists of Type I and Type II Actions contained within 6NYCRR, Parts 617.4 and 617.5 of article 8 of the New York State Environmental Conservation Law (ECL), for classifying the above referenced Action under the State Environmental Quality Review Act (SEQRA).

NOW, THEREFORE, BE IT RESOLVED that the Board finds the proposed Action involves construction of a free-standing Accessory Structure, located on an approved lot having a single-family dwelling, is in connection with other actions listed in Part 617.5 of SEQRA.

BE IT FURTHER RESOLVED that the Board does hereby classify the above referenced Action as being a Type II Action under the provisions contained in Part 617.5 (9), (12) and (16) of article 8 of the ECL, thereby satisfying the procedural requirements under SEQRA.

BE IT FURTHER RESOLVED that Type II Actions, under SEQRA, have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the ECL.

BE IT FINALLY RESOLVED that a certified copy of this resolution be placed in the file for this application and a certified a certified copy provided to the Town Code Enforcement Officer and the Applicant.

The above resolution was offered by MR. RUTHVEN and seconded by MS. COCHRANE at a regular scheduled meeting of the Zoning Board of Appeals held on Monday, January 22, 2024. After discussion, the following roll call vote was recorded:

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

Motion carried.

■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the reading of the complete Area Variance 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
AREA VARIANCE FINDINGS AND DECISION**

APPLICANT: Jeremy Brown 405 County Road 8 Farmington, NY 14425	File: ZB #0101-24 Zoning District: A-80 Agricultural Published Legal Notice on: January 14, 2024 County Planning Action on: N/A County Referral #: N/A Public Hearing held on: January 22, 2024
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Property Location: 405 County Road 8, Farmington, New York 14425

Property Owner: Jeremy Brown

Applicable Section of Town Code: Chapter 165, Section 58 A.

Requirement for Which Variances are Requested: The applicant is requesting an area variance to allow a 1200 square-foot pole barn with an attached 400 square-foot open lean-to addition that is to be located within the Front Yard portion of property. The Town Code, Chapter 165, Section 58 A. requires all Accessory Structures in any zoning district to be located in the Rear Yard portion of lot having a Principal Structure.

State Environmental Quality Review Determination: The granting of an Area Variance for an accessory structure is classified as a Type II Action under Part 617.5 (c) (9), (12) and (16) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse

impact upon the environment or are otherwise precluded from further environmental review under article 8 of the State Environmental Conservation Law (ECL).

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

FACTORS CONSIDERED AND BOARD FINDINGS

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

Yes No

Reasons: The Zoning Board of Appeals (hereinafter referred to as the Board) finds that the character of this neighborhood is predominantly rural/agricultural lands with most of the nearby single-family residential dwellings (Principal Structures) having larger Front Setbacks from along the highway than on the subject property. The Board further finds that most of the lots within this neighborhood do have Accessory Structures, however, it appears the majority of these are not located within the Front Yard portions of their lots. The Board further finds that the proposed location for the Accessory Structure appears to be based upon proximity to the existing circular driveway on the property.

The Board further finds that in this instance, the proposed Accessory Structure would be located almost entirely within the Front Yard portion of the subject parcel. The Board further finds that on the subject property there is slightly more topography change in ground elevations located within the Rear Yard portion of the site than within the Front or Side Yard portions. The Board further finds that there appears to be sufficient area located within the Side Yard portion of the site that could accommodate the proposed Accessory Structure.

The Board further finds that there is an established buffer area to the north of the proposed location for the Accessory Structure and located primarily within the Side Yard portion consisting of dense plantings, which for most of the year provide a positive visual barrier from the adjacent property. The Board further finds that to the south, there are no nearby principal structures fronting near the highway. The Board further finds that to the west, across County Road 8 from the site, there is primarily active farmland with nearby related structures to the north of the subject site. The Accessory Structures on this property appear to be not within the Front Yard portion of that property.

The Board further finds that with these existing natural buffers granting an area variance to allow the proposed Accessory Structure to instead be located within the Side Yard portion of the site diminishes the visual impact upon the Principal Structure, from along the public highway, to a greater extent than that associated with locating the Accessory Structure almost entirely within the Front Yard portion of the property.

The Board, based upon these findings, determines that the granting of the requested Area Variance to allow the proposed Accessory Structure to be located almost entirely within

the Front Yard portion of the property would create a more undesirable change in the character of the neighborhood; or create a detriment to nearby properties than relocating the Accessory Structure to within the Side Yard portion of the property.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance. Yes No

Reasons: The Board finds the footprint of the Principal Structure on the property is 1520 square feet based upon Town Assessment records. The Board further finds that the footprint of the proposed Accessory Structure would be 1600 square feet which includes the lean-to addition.

The Board further finds that there is an area located behind the Front Yard portion of the property and within the Side Yard portion of the property that could accommodate the proposed Accessory Structure without encroaching into the slightly steeper portions of the property that are located within the Rear Yard portion.

The Board further finds that relocating the Accessory Structure to the Side Yard portion of the lot would still necessitate granting an area variance, however, granting an area variance for the proposed Accessory Structure to be constructed entirely within the Side Yard portion of the site is considered to be granting the minimum relief necessary to granting an area variance to permit the placement of the Accessory Structure to be located almost entirely within the Front Yard portion of the site.

The Board, based upon these findings, determines that the benefit to the applicant can be achieved by a feasible alternative to the requested area variance.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the proposed encroachment into the Front Yard Setback involves a variance of one hundred percent (100%) from that required by Town Code. The Board has consistently found that a variance involving fifty percent (50%) or more is a substantial variance.

4. Whether the proposed variance will have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district. Yes No

Reasons: The Board has considered the criteria for determining significance, as set forth in Section 617.7 of the SEQRA Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL). The Board finds that Type II Actions listed within the ECL have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

5. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the Area Variance. Yes No

Reasons: The Board finds that in this instance the alleged difficulty is self-created as there is a viable alternative to granting an area variance of one hundred percent (100%) to enable the construction of the proposed Accessory Structure (the pole barn that is 1200 square feet, the lean-to that is 400 square feet), that is nearly the size of the Principal Structure (1520 square feet), to be placed within the Front Yard portion of the Lot. The Board further finds that the Applicant has not successfully demonstrated that placing the proposed Accessory Structure in the Side Yard portion of the property is not a viable alternative.

The Board, based upon these findings determines that the difficulty for the Applicant's complying with the Front Yard provisions in Chapter 165 can be achieved with the granting of an area variance to the Side Yard setback requirement. The Board further finds that the relief being requested is not felt to be the minimum relief necessary. Therefore, based upon these findings, the Board determines the alleged difficulty is self-created.

DETERMINATION OF THE ZONING BOARD OF APPEALS BASED UPON THE ABOVE FACTORS

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following decision:

That the benefit to the applicant does not outweigh detriment to the community or neighborhood; and, therefore, the requested area variance to erect the proposed Accessory Structure within the Front Yard portion of the Lot is MODIFIED with the following conditions:

1. The proposed pole barn and the lean-to addition shall be constructed entirely within the Side Yard portion of the property and north of the Principal Structure.
2. The proposed pole barn and the lean-to addition shall be constructed in accordance with an approved Building Permit to be issued by the Town Code Enforcement Officer.
3. The size of the proposed pole barn and the lean-to addition shall be as stated in the application packets.
4. The lean-to addition to the proposed pole barn shall not be enclosed.
5. Neither the pole barn or the lean-to addition shall be used as habitable space.
6. The materials to be used for the exterior of the pole barn and the exterior of the lean-to addition are to match to the extent practical, and to the exterior of the existing Principal Structure, including color.
7. All site lighting associated with the proposed pole barn and the lean-to addition shall comply with the lighting standards contained in Chapter 165 of the Town Code.

- 8. All inspections shall be performed and accepted by Town Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

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, January 22, 2024. Following discussion, the following roll call vote was recorded:

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

Motion carried.

7. OTHER BOARD MATTERS

None

8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

9. DIRECTOR OF DEVELOPMENT UPDATE

- The Town Board is scheduled to amend Chapter 126 of the Town Code. That chapter is the Rules and Regulations for Onsite Wastewater Treatment Systems.
- We are working on some new regulations for an overlay zoning district for the ag areas within the Town.
- The contract for the sidewalks notice has been published and is out for bid. They would like to award that next month. The substantially completion date is October 31, 2024.
- The final contract documents for the water tank and transmission are being reviewed.
- He received a call from the attorney for Farmington Market Center project.
- We think the Griffith building may be sold and we think it may be coming down.

10. CODE ENFORCEMENT OFFICER UPDATE

- Next Meeting will be February 26, 2024

- 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

■ **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>

12. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will be held on Monday, February 26, 2024, 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 MR. RUTHVEN, that the meeting be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

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