

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, July 24, 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:
Dan Delpriore, Code Enforcement Officer, Town of Farmington
Ron Brand, Town of Farmington Director of Development

Applicant’s Present:
Dory Pullano 5737 Dalton Drive, Farmington
Jim Fowler 6176 Hunters Drive, Farmington

Others Present:
Patrick Dispenza, Pheasants Crossing, Farmington
Calvin Nicols, Dalton 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 JUNE 26, 2023

■ A motion was made by MS. COCHRANE seconded by MS. BINNIX, that the minutes of the JUNE 26, 2023, meeting be approved.

Motion carried.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, July 16, 2023:

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.

ZB #0701-23, DORY PULLANO, 5737 DALTON DRIVE, FARMINGTON, NEW YORK 14425: 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 22-foot-long deck to be attached to the front of a residence, with a proposed front setback of twenty-eight (28) feet. The Town Code requires a minimum front setback of thirty-five (35) feet. The property is zoned R-7.2 Planned Subdivision District.

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 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 opened the public hearing for the above application and read the following into the record:

The ZBA has received notification dated July 21, 2023, from the Town Director of Planning and Development, made on behalf of the Town Planning Board under the State's SEQR provisions. The Town Planning Board, at their meeting on Wednesday, July 19th, has reviewed Parts 617.4 & 617.5 of the State's Environmental Quality Review Regulations and has classified the subject of tonight's public hearing before this Board as being part of an Unlisted Action under SEQR. The two parts of an application for Preliminary Re-subdivision Plat Approval, that is also subject to this Board's approval of the above referenced area variance. The Planning Board has also determined this classified Unlisted Action is subject to a coordinated review, under SEQR, with the ZBA. The Planning Board has also, at their meeting last Wednesday night, declared their intent to be designated the lead agency, under SEQR, for making a determination of significance and has given notice thereof to the ZBA. The ZBA is obligated to either agree with their declaration, or object thereto. The ZBA has been asked to respond to this notification and the declaration of intent by Wednesday, August 2, 2023. A draft resolution has been prepared for the ZBA's acceptance and acting upon following the adjournment of tonight's public hearing. The draft resolution agrees with the Planning Board's declared intent and asks for a report and recommendation be provided on the pending area variance. Until SEQR has been complied with by a designated lead agency the ZBA may not act upon the pending area variance. Therefore, this public hearing tonight, will be adjourned and continued to August 28th at 7:00 p.m. If a determination has not been made by that date and time, the ZBA will re-open the public hearing, take any additional testimony and then adjourn and continue it to September 25th at 7:00 p.m. Now, with this overview of the SEQR process, I ask the applicant, the applicant's attorney or the applicant's engineer to make their presentation which will then be followed by Staff comments, then comments from those attending in-person and those attending remotely via ZOOM. Following this, I will ask for comments from members of the ZBA. Then the ZBA will, by adopting the above referenced resolution, adjourn the public hearing and any further discussion thereon until Monday, August 28, 2023, at 7:00 p.m., here in this meeting room.

Mr. Yourch then asks who was present to speak on behalf of this application.

Mr. Fowler said I guess you are going to have to let me know what you want me to speak about.

Mr. Yourch said whatever you like about it in regard to this public hearing.

Mr. Fowler said I have no negative comments about what you have talked about tonight and you can proceed as you discussed.

Mr. Franco said variances as you know and as we have presented here does not change the character of the area. It's really the only way that the property can be used at this point. The setback is not something that hasn't been done before. The flag lot issue is raised in the application, and it really doesn't give us any other options with the property if we can't get this done. I mean, I guess I'm here to kind of address your concerns with the application more so than, I mean I understand you guys have read it and I don't have to educate you on it. So myself and Mr. Fowler are here to answer your questions. Obviously, the application speaks for itself. If you want technical stuff, we can answer that, but I don't want to waste your time with just reading the application to you. Obviously, it doesn't really, like I said, this isn't a radical variance here, this is just to allow him to subdivide and use the property. Otherwise, we don't have anything else to do with it. It doesn't harm the neighborhood, so we're certainly open to addressing any concerns that the Town may have. If there are no specific questions then obviously, we will rely on our application.

Ms. Binnix said I have a question. If we were to approve the third lot my concern is that we would be setting ourselves up to approve further variances.

Mr. Franco said I don't necessarily think that is true because we would still have to be similarly situated fact set to say that oh now you have to approve every single variance of this kind, so I think under the law the Town has the discretion to address each fact set individually. I think it's important to note that again that the property is being used in compliance with the zoning it's just a matter of the setback which there is no negative effect on the Town. So even if there were other applications of this kind, I guess we would submit it would be worth considering and not necessarily be harmful or denied because the variance is not substantial.

Ms. Binnix said you are not talking about the setback you are talking about the minimum lot width.

Mr. Franco said again same argument, same point. Again, it's not going to change the neighborhood there's no discernible issue with it other than obviously with respect to the code we want to be in compliance and again he's used a lot he's exhausted the rest of the of the lot so that this situation is kind of you know the only way that he can use the land.

Mr. Brand said can we stick to the adopted Rules of Procedure that you referenced at the beginning of the meeting? So, if the applicant is done with the presentation, then it goes to

staff, the public and then the Board.

Mr. Yourch said so with that said, staff comments.

Mr. Brand said, to the applicant, are you done?

Mr. Franco said again I would emphasize, as far as precedence goes, the standards are clear, each lot is examined individually.

Mr. Yourch said comments from the staff.

Mr. Brand said you did a great job of giving an overview of the SEQR process that's involved with this Unlisted Action. I have prepared for you those three draft resolutions referenced in your overview and I remind you to sign the SEQR response form and send it back to the Planning Board by their meeting on August 2nd to allow this application to continue. The only thing I want to just add is that previously there was an application before this Board for an area variance which was determined to be not proper and that was given a deadline which they complied with, and that previous application is no longer something under consideration. We have replaced it with this one and the maps, I believe.

Mr. Delpriore said I think Ron summed it up well. Again, we are looking at SEQR tonight and giving a response back to the Planning Board.

Mr. Yourch then asked for any public comments from people who are present in the room.

Mr. Dispenza said I just wanted to state for the record that there were a number of people in this neighborhood that attended the Planning Board meeting the other night when we resubmitted all the signatures of the neighborhood that are against this project. Most everybody that lives on Pheasants Crossing is against this project, I wanted to mention that. I also will refute what the attorney is saying about creating a thirty-foot [wide] lot in this neighborhood, it does affect what the neighborhood looks like, so I did want to mention that. As far as moving this on to the Planning Board under SEQR that really, I guess is procedural, so there wouldn't be any objection to that. If I understand correctly after they go through the environmental impact study then it will be turned back to the Zoning Board, correct?

Mr. Yourch said they will give their review to the Planning Board.

Mr. Dispenza said and you'll have to review the variance.

Mr. Yourch said then we get a recommendation from the Planning Board.

Mr. Dispenza said okay, thank you.

Mr. Yourch said do I have that right?

Mr. Brand said you got it right.

Mr. Yourch said okay, anything else from the public in the room?

Mr. Nichols said I reside at 5728 Dalton Drive in the Farmbrook development. I got a couple questions about the lot, which they want thirty feet, now I don't know if they're going to put a building on that, but as I understand in every community there is a ten foot or less causeway, that is, nothing can be built on or occupied within ten feet from the property line as I understand it. A thirty-foot lot if you take up ten feet away at each side that leaves twenty feet to do a building. So, I need to have that question cleared up. I don't know what the depth or what the structure would be if it was constructed, but I think that the Town and correct me if I'm wrong from the Code Enforcement Officer it needs to be constructed thirty-five feet from the road.

Mr. Delpriore said the application that is in front of this Board makes it a flag lot, so the lot would open back up and it would be a buildable lot that point. The flag part would only be access to the lot to where it opens back up to the normal width.

Mr. Nicols said okay, thank you.

Mr. Yourch then asks if there were any further questions or comments from the public present. Hearing none he asks if there is anyone on Zoom who has any questions or comments.

Mr. Delpriore said there is no one on Zoom tonight.

Mr. Yourch then asks for comments from the Board. Hearing none he continues the public hearing on ZB #0301-23.

ZB #0701-23, DORY PULLANO, 5737 DALTON DRIVE, FARMINGTON, NEW YORK 14425:

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 22-foot-long deck to be attached to the front of a residence, with a proposed front setback of twenty-eight (28) feet. The Town Code requires a minimum front setback of thirty-five (35) feet. The property is zoned R-7.2 Planned Subdivision District.

Dory Pullano said basically what I want to do, I don't think it's actually eight feet out, but it's the same width out that I already have. What I already have has to be replaced no matter what because it is rotting out and for the safety of my mother who lives with me, I need to do something. But I wanted to extend it all the way to the end of my house to make my property look better and make things better for my mother. I have gone through Farmbrook and there is a lot of places that have what I'm looking at and I just want to improve my home and make it safe for my mom. She cannot go in and out of my front door anymore,

it's not safe. I need something done and I know that has to be totally ripped out, and I know I can't rip that out right now.

Mr. Yurch then asks for staff comments.

Mr. Brand said I drafted two resolutions, one for SEQR and the other resolution approving the variance with conditions.

Mr. Delpriore said the applicant is right on with this. She does have an existing porch. Even if she didn't have an existing porch, the porch isn't compliant with our setbacks. You guys have seen this kind of situation multiple times. It's definitely a discussion point that we are going to take to the Town Board and probably work on it in the winter months trying to get this evaluated. She is right she is going to make it a little bit bigger, but it's not encroaching any more than what her current porch is encroaching the setback.

Mr. Yurch then asks for questions or comments from the public.

Mr. Nichols said I have a question, basically this is going to be a ramp and a platform for a disabled person to be able to navigate a wheelchair up to the front door.

Ms. Pullano said no my porch is rotted out and I need to replace what's existing, and I want to extend it out to the edge of my house. Instead of having a garden I just want the whole front as a porch.

Mr. Yurch said sir, you have to direct your questions to the Board. Do you have any other questions?

Mr. Nichols said no, that was basically my question was about the structure that is planned.

Mr. Yurch said alright., anything else?

Mr. Nichols said no, that should cover it.

Mr. Yurch said since there is no one on Zoom, Board members comments? Hearing none he then asks for any further comments or questions for this application. Again, hearing none he then closes the public hearing.

5. BOARD BUSINESS—DELIBERATIONS AND DECISION

ZB #0701-23

**Dory Pullano
5737 Dalton Drive
Farmington, N.Y. 14425**

Area Variance

■ 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 #0701-23

**APPLICANT: DORY PULLANO
5737 DALTON DRIVE,
FARMINGTON, NEW YORK 14425**

ACTION: Area Variance to erect an 8 foot wide x 22 foot long deck to be attached on the front of the residence, creating a proposed front setback of 28-feet.

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 associated with 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) (12) 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, July 24, 2023. Following discussion, the following roll call vote was recorded:

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

Motion carried.

■ A motion was made by MR. RUTHVEN, seconded by MR. LAY, 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.

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS AND DECISION**

APPLICANT: Dory Pullano
5737 Dalton Drive
Farmington, N.Y. 14425
File: ZB #0701-23
Zoning District: R-7.2 Planned Subdivision
Published Legal Notice on: July 16, 2023
County Planning Action on: N/A
County Referral #: N/A
Public Hearing held on: July 24, 2023

Property Location: 5737 Dalton Drive, Farmington, New York 14425

Applicable Section of Town Code: Chapter 165A, Schedule 1, Attachment 1.

Requirement for Which Variances are Requested: The applicant wishes to erect an eight-foot-wide (8 foot) by twenty-eight-foot-long (28 foot) deck, to be attached to the front of the residence located at the above address, with a proposed front setback of twenty-eight (28) feet. The Town Code requires a minimum front setback of thirty-five (35) feet in the R-7.2 Planned Subdivision District.

State Environmental Quality Review Determination: The granting of an Area Variance for an a 100-square-foot accessory structure is classified as a Type II Action under Part 617.5 (c) (12) 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 single-family dwellings. The Board further finds that there are other properties in the district having single-family dwellings which have had similar variances granted for front yard setbacks to accommodate the construction of decks and porches. The Board finds that the proposed deck is in keeping with the

character of the neighborhood noting there are other structures in the area with decks and/or porches that have been granted an area variance to the front setback. The Board further finds that town staff is currently working on a code amendment to allow decks and porches within the first 10ft of the front setback on residential lots. The Board, based upon these findings, determines that the granting of the requested Area Variance will not create an undesirable change in the character of the neighborhood; or create a detriment to nearby properties.

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 there are no other options available to install a deck attached to the front of the residence without requiring a variance from this setback. Therefore, based upon these findings, the Board determines that the benefit to the applicant cannot be achieved by a feasible alternative.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the requested encroachment into the front yard setback involves a variance of twenty percent (20%) 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 finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of the New York State Environmental Conservation Law (ECL), Article 8. The Board finds that Type II Actions 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 the alleged difficulty is self-created due to the applicant’s choice of wanting to attach a deck on to the front of the residence.

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

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

The Board based upon its review of the record on this application finds that the benefit to the applicant does outweigh any known detriment to the community or

neighborhood; and, therefore, the requested area variance to erect a deck twenty-eight feet (28.0) from the front lot line instead of the required thirty-five (35) foot front setback is **APPROVED** with the following conditions:

1. The deck is to match, to the extent practical, the exterior treatment of the existing structure.
2. The deck addition shall not be enclosed.
3. Any light fixture to be installed as part of the proposed deck shall comply with the Town’s Dark Sky lighting regulations contained in Chapter 165 of the Town Code.
4. A Building Permit shall be acquired by the applicant prior to the start of construction.

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 thereof be provided to the applicant.

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, July 24, 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.

ZB #0301-23

**The Fowler Family Trust Area Variance
6176 Hunters Drive
Farmington, N.Y. 14425**

■ A motion was made by MS. BINNIX, seconded by MR. RUTHVEN, that the reading of the following State Environmental Quality Review (SEQR) reply to Lead Agency designation resolution be waived, and that the resolution be approved:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS
SEQR RESOLUTION
AGREEING TO THE PLANNING BOARD'S REQUEST
TO BE DESIGNATED LEAD AGENCY**

PB #0301-23

APPLICANT: Fowler Family Trust, 6176 Hunters Drive,
Farmington, New York 14425

ACTION: SEQR response to Town Planning Board's declaration of intent to be designated lead agency for making the Determination of Significance, Preliminary Three Lot Re-Subdivision Plat Approval for Tax Map Accounts Number 29.13-1-5.100 containing a total of 7.9 acres of land and Number 29.13-1-5.200 containing a total of 4.2 acres into three (3) proposed lots (Lot R5-A, 6.437 acres), (Lot R5-B, 2.212 acres) and (Lot R5-C, 3.442 acres). All three (3) proposed Lots will remain as non-approved building lots requiring site plan approval before any Building Permits may be issued.

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has received the above referenced Action; and

Whereas, the Board has received from the Town Director of Planning and Development a Project Notification Review Letter, dated July 21, 2023, informing the Board of the Planning Board's classification of the above referenced Action as being an Unlisted Action subject to a coordinated review with the Zoning Board of Appeals; and

Whereas, the Board has given consideration to the Planning Board's declared intent to be designated as the lead agency, under the provisions of Part 617 NYCRR, article 8 of the New York State Environmental Conservation Law (the State's SEQR Regulations); and

Whereas, the Board has at tonight's meeting reviewed the classification made by the Town Planning Board for the Action being reviewed within the provisions of Part 617 NYCRR, of article 8 of the New York State Environmental Conservation Law (the State's SEQR Regulations).

Now, therefore, be it resolved that the Board does hereby agree with the Planning Board's declared intent to be designated as the lead agency for making the required determination of significance upon the above referenced Action.

Be it further 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 above resolution was offered by MS. BINNIX and seconded by MR. RUTHVEN at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, July

24, 2023. 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 #0301-23	The Fowler Family Trust 6176 Hunters Drive Farmington, N.Y. 14425	Area Variance
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■ A motion was made by MS. COCHRANE, seconded by MR. RUTHVEN, that the reading of the following Request to Planning Board for a Report and Recommendation resolution be waived, and that the resolution be approved:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
REQUEST TO THE TOWN PLANNING BOARD
FOR A WRITTEN RECOMMENDATION CONCERNING
THE PROPOSED GRANTING OF AN AREA VARIANCE
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: REQUEST TO THE TOWN OF FARMINGTON PLAN-
NING BOARD TO PROVIDE A WRITTEN RECOM-
MENDATION CONCERNING 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 Board) has received an application for an area variance related to the above referenced Action; and

Whereas, the Board has the right under the provisions of Article 16, Section 277. 6. of New York State Town Law to request from the Planning Board a written recommendation concerning the proposed variance under review by this Board.

Now, therefore, be it resolved that the Board does hereby make this request that the Planning Board provide a written recommendation concerning the proposed variance once a determination of significance has been made under the State’s Environmental Quality Review Regulations by the designated lead agency.

Be it further 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 above resolution was offered by MS. COCHRANE and seconded by MR. RUTHVEN at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, July 24, 2023. 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 #0301-23	The Fowler Family Trust 6176 Hunters Drive Farmington, N.Y. 14425	Area Variance
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■ A motion was made by MS. BINNIX, seconded by MR. RUTHVEN, 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 Board) has received an application for an area variance related to the above referenced Action; and

Whereas, the Board has also received and reviewed the Project Notification Review Letter dated July 21, 2023, from the Town Director of Planning and Development, on behalf of the Town Planning Board, relating to this requested area variance for Lot #R5-C of the Fowler Family Trust; and

Whereas, the Board is identified as an involved agency under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

Whereas, the Board, by separate resolution, has tonight by separate resolution agreed with the Town Planning Board’s declared intent to be designated as the lead agency for the coordinated review of said Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

Whereas, the Board has tonight opened a public hearing upon the above referenced Action and received testimony that will be entered into the public hearing record; and

Whereas, no decision may be made by this Board, as an involved agency defined under SEQR, until a lead agency has been established and a determination of significance made 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 August 28, 2023, starting at 7:00 p.m. Eastern Daylight Savings Time.

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 above resolution was offered by MS. BINNIX and seconded by MR. RUTHVEN at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, July 24, 2023. 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.

6. OTHER BOARD MATTERS

None

7. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

8. DIRECTOR OF DEVELOPMENT UPDATE

- Three concept plans were presented at PRC on July 6, 2023. One of the projects is a solar farm north of New Energy Works south of US Lumber on Commercial Drive. The second project is a concept to develop the land between 332 and Beaver Creek south of KFC and all the way down to the mini storage facility. That land is owned by AP Plumbing and was part of the Mercier Incentive Re-Zoning. The third project is a concept for the old waterpark site on 332. They are proposing a climate-controlled self-storage building, 300+ apartment units, commercial buildings and a hotel.
- Today we received an amendment from DiFelice to change the commercial buildings along the eastside of the southern segment of Commercial Drive reducing the number of buildings by one.

9. CODE ENFORCEMENT OFFICER UPDATE

- Next Meeting will be August 28, 2023
- Open Clerk of the Board of Position
- Open Zoning Inspector Position
-

10. 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>

**■ 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, August 28, 2023, at 7:00 p.m. both in-person at the Farmington Town Hall, 1000 County Road 8, and on ZOOM.

12. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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