

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, July 25, 2022, 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  
Kelly Cochrane

**Board Member Excused:** Jody Binnix

**Staff Present:**  
John Weidenborner, Town of Farmington Zoning Officer

**Applicant’s Present:**  
John Hotto, Landtech 1105 Ridgeway Avenue, Rochester  
Edward Samoel, 321 Pittsford Palmyra Road, Macedon

**Others Present:** Dave Bowe and Bob Bowe, Bowe Farms, 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 March 28, 2022.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom. The safety measures were implemented in accordance with the Governor's relevant Executive Orders regarding the COVID-19 pandemic. A sign-in sheet was not used to avoid contact with pens, pencils and papers. The names of those attending tonight's meeting is available for public tracing should it be deemed necessary. Hand sanitizers were available throughout the building. Public access was restricted to the lobby, the main meeting room, and the public restrooms.

## 2. APPROVAL OF MINUTES OF JUNE 27, 2022

■ A motion was made by MS. COCHRANE seconded by MR. RUTHVEN, that the minutes of the JUNE 27, 2022, meeting be approved.

Motion carried.

## 3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, July 17, 2022:

### **ZB #0701-22, ALLISON RICKER, 200 HOOK RD, FARMINGTON, NEW YORK 14425:**

Request an Area Variance to the provisions contained within Chapter 165, Article V, Section 55 B. of the Town of Farmington Code. The applicant wishes to keep farm animals (chickens) on premises with less than 5 acres of land and located within the RS-25 Residential Suburban Zoning District. Per Town Code farm animals shall be allowed on land located within the A-80 Agricultural District and the RR-80 Rural Residential District and no farm animals shall be housed or kept within an outdoor area on any premises of less than five acres. The subject lot contains a total of 3.45 acres of land located at 200 Hook Rd and is zoned RS-25 Residential Suburban.

### **ZB #0702-22, JOHN HOTTO, 1105 RIDGEWAY AVENUE, ROCHESTER, NEW YORK 14615:**

Request an Area Variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect a structure (warehouse) with a proposed front setback of thirty (30) feet. The Town Code requires a minimum front setback of seventy-five (75) feet. The property is located along the south side of Loomis Road, between State Route 332 and Plastermill Road and is Zoned GB-General Business.

**ZB #0703-22, JOHN HOTTO, 1105 RIDGEWAY AVENUE, ROCHESTER, NEW YORK 14615:**

Request an Area Variance to the provisions contained within Chapter 165, Article IV, Section 34 G. (3), of the Farmington Town Code. The applicant wishes to erect a structure (warehouse) with a proposed setback from State Route 332 of fifty (50) feet. The Town Code requires a minimum setback from State Route 332 of one hundred (100) feet. The property is located along the south side of Loomis Road, between State Route 332 and Plastermill Road and is Zoned GB-General Business.

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

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

**4. PUBLIC HEARING****ZB #0701-22, ALLISON RICKER, 200 HOOK RD, FARMINGTON, NEW YORK 14425:**

Request an Area Variance to the provisions contained within Chapter 165, Article V, Section 55 B. of the Town of Farmington Code. The applicant wishes to keep farm animals (chickens) on premises containing less than 5 acres of land and located within the RS-25 Residential Suburban Zoning District. Per Town Code farm animals shall be allowed on land located within the A-80 Agricultural District and the RR-80 Rural Residential District and no farm animals shall be housed or kept within an outdoor area on any premises of less than five acres. The subject lot contains a total of 3.45 acres of land located at 200 Hook Road.

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. Weidenborner states that he does not see the applicant in attendance at either location. He suggests to the Board that they may want to table further deliberations at this time and to continue this application to allow the applicant to be present at the Board's meeting next month.

Mr. Yourch asks for a motion to table and to continue the public hearing to the next scheduled meeting.

Mr. Ruthven makes a motion, and it is seconded by Ms. Cochrane. A roll call vote was taken, and the motion was carried.

Mr. Yurch then notes that the public hearing for ZB #0701-22 will be continued to the August 22<sup>nd</sup> meeting.

**ZB #0702-22, JOHN HOTTO, 1105 RIDGEWAY AVENUE, ROCHESTER, NEW YORK 14615:**

Request an Area Variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect a structure (warehouse) with a proposed front setback of thirty (30) feet. The Town Code requires a minimum front setback of seventy-five (75) feet. The property is located along the south side of Loomis Road, between State Route 332 and Plastermill Road and is Zoned GB-General Business.

**ZB #0703-22, JOHN HOTTO, 1105 RIDGEWAY AVENUE, ROCHESTER, NEW YORK 14615:**

Request an Area Variance to the provisions contained within Chapter 165, Article IV, Section 34 G. (3), of the Farmington Town Code. The applicant wishes to erect a structure (warehouse) with a proposed setback from State Route 332 of fifty (50) feet. The Town Code requires a minimum setback from State Route 332 of one hundred (100) feet. The property is located along the south side of Loomis Road, between State Route 332 and Plastermill Road and is Zoned GB-General Business.

Mr. Yurch opens the public hearing for the above applications.

John Hotto from Landtech Surveying and Engineering presented the applications to the board. He represents Edward Samoel the developer of this property. They are seeking setback variances for the front yard along State Route 332 and Loomis Road. Apparently, the setback requirement is 100 feet from State Route 332 and seventy-five feet from Loomis Road. They are requesting an area variance of a fifty-foot setback instead of 100 off of Route 332 and thirty feet instead of seventy-five off of Loomis Road. The developer is proposing two 10,000 square foot flex space warehouse type buildings. Each building will have ten units of 1,000 square feet generally. If they complied with the 100-foot setback and the seventy-five-foot setback they would not be able to make the feasible site plan, so they are asking for variances. The site is about 2.5 acres. They will be providing stormwater management and parking for the tenants using the space. It will be quite secluded. They have been advised to put in overhead doors on the front of the building to make it even more secluded and private and to make it more compatible with the surrounding area.

Mr. Yurch then asks for staff comments.

Mr. Weidenborner states that as the applicant has stated there are some very unique factors with this property. The biggest one is when the state expanded State Route 332, they created a gigantic right-of-way on that corner creating a lot of unique factors with this property. Doing the math and the research it does appear they will meet the minimum setback

from roadways but because of the amount of right-of-way they took they will not meet it from the property line. They are setback minimal distances that most other properties will have to meet in the Town.

Mr. Hotto adds that as Mr. Weidenborner has mentioned it is a unique situation with the state taking so much land. The property got kind of scrunched between three rights-of-way and they got boxed in pretty tight. Everything will be fully contained within the building with no outdoor storage. There will be security systems, lighting, lawncare maintenance and stormwater management. They will not need to disturb too much of the site because it is pretty flat, and it drains towards Plastermill Road.

Mr. Yourch then asks for public comments. Hearing none he asks for comments from the Board.

Hearing none. Mr. Yourch closes the public hearings for ZB #0702-22 and ZB #0703-22.

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

<b>ZB #0701-22</b>	<b>Allison Ricker 200 Hook Road Farmington, N.Y. 14425</b>	<b>Area Variance</b>
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■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the Public Hearing remained open and continued until August 22, 2022.

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
CONTINUATION**

**ZB #0701-22**

**APPLICANT:** Allison Ricker  
200 Hook Road  
Farmington, NY 14425

**ACTION:** Request an Area Variance to the provisions contained within Chapter 165, Article V, Section 55 B. of the Town of Farmington Code. The Town Code prohibits the keeping of farm animals on any parcel having less than 5 acres of land. The parcel is located within the RS-25 Residential Suburban Zoning District. The subject lot contains a total of 3.45 acres of land located at 200 Hook Road.

**WHEREAS,** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has tonight opened a public hearing upon the above referenced Action; and

**WHEREAS,** the Board, in accordance with the adopted Town of Farmington Zoning Board of Appeals 2022 Rules of Procedure, may not act upon an application when an applicant (or a

designated agent) does not appear before the Board on the night of the public meeting, then Board shall table the application and continue the Public Hearing to the next scheduled meeting of the Board.

**NOW THEREFORE BE IT RESOLVED** that the Board does hereby table further discussion upon the above referenced Action.

**BE IT FURTHER RESOLVED** that the Board does hereby continue its’ deliberations upon the above reference area variance to its’ next scheduled meeting on Monday, August 22, 2022.

**BE IT FURTHER RESOLVED** that the Board directs the Clerk of the Board to provide notice to the Applicant, on behalf of the Town Code Enforcement Officer, that the above referenced Applicant is given proper notice to appear on the above referenced date.

**BE IT FURTHER RESOLVED** that the Board does hereby give notice that failure by the Applicant (or a designated agent) to appear before the Board may result in the Board’s taking action to deny, without prejudice, the requested area variance.

**BE IT FINALLY RESOLVED** that the Applicant is hereby given notice that in the event the Board denies an Application, then in accordance with the provisions in §165-97. C. of the Farmington Town Code, the Board shall refuse to hold further hearings on the same or substantially similar application for appeal for a period of one year.

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 25, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
Jody Binnix	Excused

Motion carried.

<b>ZB #0702-22</b>	<b>John Hotto</b>	<b>Area Variance</b>
	<b>1105 Ridgeway Avenue</b>	
	<b>Rochester, N.Y. 14615</b>	

■ 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 #0702-22**

**APPLICANT: ZB #0702-22, JOHN HOTTO, 1105 RIDGEWAY AVENUE, ROCHESTER, NEW YORK 14615:**

**ACTION: Request an Area Variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect a structure (a warehouse) with a proposed front setback of thirty (30) feet from the rights-of-way at the intersection of State Route 332 and Loomis Road. The Town Code requires a minimum front setback of seventy-five (75) feet from Loomis Road. The property is located along the east side of State Route 332 and south side of Loomis Road, and between State Route 332 and Plastermill Road. The property is Zoned GB-General Business and MTOD Major Thoroughfare Overlay District.**

**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 New York State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

**WHEREAS,** the Board finds that the granting of an area variance is classified as a Type II Action under Part 617.5 (c) (16) of the State Environmental Quality Review (SEQR) Regulations.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board does hereby classify the proposed Action as a Type II Action as is further classified under Section 617.5 (c) (16) of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Type II Actions are not subject to further review under Part 617 as these actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8, of the State of New York.

**BE IT FINALLY 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 25, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Jody Binnix	Excused
Tod Ruthven	Aye
Thomas 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:** JOHN HOTTO  
1105 Ridgeway Avenue  
Rochester, N.Y. 14604

**File:** ZB #0702-22  
**Zoning District:** GB & MTOD  
**Published Legal Notice:** July 17, 2022  
**County Planning Action:** July 13, 2022  
**County Referral #:** 131 - 2022  
**Public Hearing held on:** July 25, 2022

**Property Location:** 00 Loomis Road, Farmington, New York 14425 (located along the south side of Loomis Road, between State Route 332 and Plastermill Road).

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

**Requirement for Which Variances are Requested:** Request an Area Variance in accordance with Chapter 165. Schedule 1, Attachment 1 of the Farmington Town Code. The applicant wishes to erect a structure (a warehouse) with a proposed front setback from the right-of-way for the intersection of State Route 332 and Loomis Road of thirty (30) feet. The Town Code requires a minimum front setback of seventy (75) feet front setback from Loomis Road. The property is located at 00 Loomis Rd and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

**State Environmental Quality Review Determination:** The granting of an Area Variance for a structure is classified as a Type II Action under Part 617.5 (c) 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 Environmental Conservation Law, Article 8

**County Planning Referral Recommendation:** The County Planning Board makes no recommendation but provided the following comments:

- 1. Is 50’ setback sufficient to maintain undisturbed wooded buffer along SR 332?
- 2. Does the plan preserve any on-site woods?

**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 Board) finds that the character of the neighborhood is predominantly commercial and industrial types of land use. The Board also finds that there are other warehouse type structures located within this area of the town. The Board further finds that the reason for this request is due to the acquired additional rights-of-way from this property that was determined necessary for the construction of the intersection of State Route 332 with Loomis Road, a Town highway. The Board further finds that this taking was necessary to provide adequate lines of sight for motorists on both highways at this intersection.

The Board further finds that there will be no driveway access to State Route 332 or Loomis Road, from this subject site, due to the previous State taking of access and due to the driveway spacing criteria contained within Section 165 of the Farmington Town Code. The Board further finds that access to this property will be provided only by an existing easement upon the adjacent Park and Ride Lot located adjacent to and to the south of the subject property.

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 is no other feasible alternative for the applicant to enable the proposed development of this property without granting an area variance from the front setback requirement from the intersection of State Route 332 and Loomis Road. The Board, based upon this finding, 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 front yard setback involves the granting of an area variance of sixty percent (60%) from what is otherwise required. 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 given consideration to 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 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.

X  Yes      \_\_\_ No

**Reasons:** The board finds that the applicant is proposing a front setback from the State Route 332 and Loomis Road intersection right-of-way as part of a pending site plan proposal from the Town Planning Board. The Board further finds that the applicant could redesign the site with smaller buildings thus reducing if not eliminating the variance they are applying for. The Board further finds that it is only the northwest corner of the westerly building that involves the need for the requested front setback variance and that the northern portions of both proposed buildings do not involve a need for an area variance, as these structures are proposed greater than seventy-five feet (75ft) from the Loomis Road right-of-way.

**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 benefit to the applicant DOES outweigh the detriment to the community or neighborhood; and, therefore, the requested area variance to erect a structure fifty feet (50ft) from the rights-of-way of the intersection of State Route 332 and Loomis Road, instead of the required one hundred feet (100ft) is Approved with the following condition:**

- 1. The Applicant is to obtain from the Town Planning Board, Final Site Plan Approval for the proposed “Hunt’s Park Warehouse Project” located on Lot B of the Ontario Properties, Inc., Re-Subdivision Plat.**

**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, July 25, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Jody Binnix	Excused
Tod Ruthven	Aye
Thomas Yourch	Aye

Motion carried.

**ZB #0703-22**

**John Hotto  
1105 Ridgeway Avenue  
Rochester, N.Y. 14615**

**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 #0703-22**

**APPLICANT: ZB #0703-22, JOHN HOTTO, 1105 RIDGEWAY AVENUE, ROCHESTER, NEW YORK 14615:**

**ACTION: Request an Area Variance to the provisions contained within Chapter 165, Article IV, Section 34 G. (3), of the Farmington Town Code. The applicant wishes to erect a structure (warehouse) with a proposed setback from State Route 332 of fifty (50) feet. The Town Code requires a minimum setback from State Route 332 of one hundred (100) feet. The property is located along the south side of Loomis Road, between State Route 332 and Plastermill Road and is Zoned GB-General Business.**

**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 New York State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

**WHEREAS**, the Board finds that the granting of an area variance is classified as a Type II Action under Part 617.5 (c) (16) of the State Environmental Quality Review (SEQR) Regulations.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board does hereby classify the proposed Action as a Type II Action as is further classified under Section 617.5 (c) (16) of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Type II Actions are not subject to further review under Part 617 as these actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8, of the State of New York.

**BE IT FINALLY 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 25, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Jody Binnix	Excused
Tod Ruthven	Aye
Thomas 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.

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

**APPLICANT:** JOHN HOTTO  
1105 Ridgeway Avenue  
Rochester, N.Y. 14604

**File:** ZB #0703-22  
**Zoning District:** GB & MTOD  
**Published Legal Notice:** July 17, 2022  
**County Planning Action:** July 13, 2022  
**County Referral #:** 132 - 2022  
**Public Hearing held on:** July 25, 2022

**Property Location:** 00 Loomis Rd, Farmington, New York 14425 (located along the south side of Loomis Road, between State Route 332 and Plastermill Road)

**Applicable Section of Town Code:** Chapter 165 34 (G)(3)

**Requirement for Which Variances are Requested:** Request an Area Variance in accordance with Chapter 165-34. G. (3) of the Farmington Town Code. The applicant wishes to erect a structure (warehouse) with a proposed front setback from State Route 332 of 50 feet. The Town Code requires a minimum front setback of 100 feet from State Route 332. The property is located at 00 Loomis Road and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

**State Environmental Quality Review Determination:** The granting of an Area Variance for a structure is classified as a Type II Action under Part 617.5 (c) 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.

**County Planning Referral Recommendation:** The County Planning Board makes no recommendation but provided the following comments:

1. Is 50' setback sufficient to maintain undisturbed wooded buffer along SR 332?
2. Does the plan preserve any on-site woods?

## 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 Board) finds that the character of the neighborhood is predominantly commercial and industrial types of land use. The Board also finds that there are other warehouse structures located within this area of the town. The Board further finds that the reason for this request is the result of the New York State DOT reconstruction of State Route 332 when they acquired a portion of this property for that project, resulting in approximately eight-eight (88) feet from the edge of pavement for the north bound lanes to the applicant's client's property line for the new right-of-way. A right-of-way width that was determined necessary to allow for the change in road elevations associated with the construction of the Route 332 bridge over Plastermill Road and the Ontario County Railroad property. The Board further finds that approving this action will result in placing the nearest edge (the northwest corner of the proposed property) approximately eighty-nine (89) feet from the nearest north bound travel lane of State Route 332. The Board further finds that the nearest portion of the proposed structure (the northwest corner of a proposed building) will be 138 feet from the nearest north bound travel lane of State Route 332. The Board further finds that there is a significant change in elevation between the north bound travel lanes and the foundation of the proposed building on this site which when combined with the trees that will remain within the State's rights-of-way and upon a portion of the subject site will mitigate any visual impact associated with the requested setback distance.

The Board further finds that granting the requested area variance would allow for the proposed development of a portion of this site which would be the only site to be developed within the area located along the south side of Loomis Road and between State Route 332 and Plastermill Road. The Board further finds that in this area along the north side of Loomis Road is vacant land. The Board further finds that land adjacent to the south of the property has been developed for a Park and Ride Lot. The Board further finds that access to this site is restricted by the driveway spacing criteria in Chapter 165 of the Town Code to the adjacent Park and Ride Lot; and, that there will be no other access driveways to State Route 332, Loomis Road, or Plastermill Road from this site.

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 feasible alternatives to the requested area variance given the existing natural and man-made constraints affecting development of this property. 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 front yard setback involves a variance of fifty percent (50%) to that required by the Town Code. The Board has consistently found that granting a variance involving relief of 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 given consideration to the criteria for determining significance, as set forth in Sections 617.5 of the SEQR 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 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 applicant is proposing this setback as part of a site plan proposal. The Board further finds that the applicant could redesign the site with smaller buildings thus reducing if not eliminating the variance they are applying for. The Board, based upon these findings, determines that 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, determines:

**The benefit to the applicant DOES outweigh the detriment to the community or neighborhood; and, therefore, the requested area variance to erect a structure having a setback of fifty feet (50ft) from NY State Route 332 instead of the required one hundred feet (100ft) is **Approved** with the following condition:**

1. **The Applicant is to obtain from the Town Planning Board, Final Site Plan Approval for the “Hunt’s Park Warehouse Project,” to be located upon Lot B of the Ontario Properties, Inc., Re-Subdivision Plat.**

**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 and to the Town of Farmington Planning Board.

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 25, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Jody Binnix	Excused
Tod Ruthven	Aye
Thomas Yourch	Aye

Motion carried.

## 7. OTHER BOARD MATTERS

None

## 8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

## 9. ZONING OFFICER UPDATE

- Next Meeting will be August 22, 2022, one continuation from tonight and one new application
- Open Clerk of the Board of Position
- Open Board Member Position

## 10. TRAINING OPPORTUNITIES

### ■ 2022 Municipal Bootcamp:

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

Remaining sessions in 2022:

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

What Not to Say and What Really Not to Do: Avoiding Sexual Harassment

***Thursday, October 27, 2022, 6:00 p.m. to 7:00 p.m.***

A History Lesson: Managing Projects with Historic Significance

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

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

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

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

**■ New York Planning Federation Recorded Webinars:**

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

***The Essentials of Planning and Zoning:***

Introduction to Planning, Zoning and Land Use

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

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

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

***Meeting Process and Communication:***

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

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

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

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

**■ General Code e-Code**

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

Information:

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

**■ Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

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

**12. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, August 22, 2022, 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 7:18 p.m.

Respectfully submitted,

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