

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, April 26, 2021 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:**

Jeremy Marshall, Chairperson  
Thomas Yourch  
Jill Attardi  
Tod Ruthven  
Aaron Sweeney

**Staff Present:**

Ronald L. Brand, Town of Farmington Director of Development and Planning  
John Weidenborner, Town of Farmington Zoning Officer

**Applicant Present:**

**Others Present:**

None

**1. MEETING OPENING**

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

The Pledge of Allegiance was recited.

Mr. Marshall said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on January 25, 2021, as amended above.

This meeting was held in person at the Farmington Town Hall. The safety measures were implemented in accordance with the Governor's relevant Executive Orders regarding the COVID-19 pandemic. Board members, Town staff and residents who were in attendance at the Town Hall remained at separated distances of at least six feet and used facemasks at distances of less than six feet. 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. Temperature checks were conducted by Town staff at the entrance to the Town Hall. Hand sanitizers were available throughout the building. Guidelines and safety measures were posted on the meeting room door and in the lobby of the Town Hall. Separate entrance and exit locations were used. Public access was restricted to the lobby, the main meeting room and the public restrooms.

## 2. **APPROVAL OF MINUTES OF MARCH 22, 2021**

■ A motion was made by MR. YOURCH, seconded by MR. SWEENEY, that the minutes of the March 22, 2021, meeting be approved.

Motion carried by voice vote with one abstention by MR. MARSHALL.

## 3. **LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, April 18, 2021:

### **ZB #0401-21: Affronti Development, LLC, Union Hill, N.Y 14563:**

Request an area variance to Chapter 165, Article VI, Section 79, G. (1) of the Town of Farmington Codes. The applicant wishes to reduce the required minimum front setback from 70 feet to 35 feet for the proposed public streets (A, B, & C) within the proposed project site named "Mertensia Road Property" as shown on the submitted, but yet to be acted upon, Preliminary Site Plan dated February 2021. The property contains a total of 48.5± acres of land, zoned Residential Multiple-Family (RMF) and is also located within the Major Thoroughfare Overlay District (MTOD). The property is located at the southwest corner of Collett Road and Mertensia Road, and adjacent to the Victor/Farmington Town Line.

**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:  
Jeremy Marshall, Chairperson  
Zoning Board of Appeals  
TOWN OF FARMINGTON

#### **4. NEW PUBLIC HEARING**

##### **ZB #0401-21: Affronti Development, LLC, Union Hill, N.Y 14563:**

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Mr. Marshall opened the Public Hearing on this application.

Mr. Brand stated that Andrew Spencer, BME Associates, the Applicant’s engineering firm, in an email to Dan Delpriore, Code Enforcement Officer dated Wednesday, April 21, 2021 has informed the Town that the application has been withdrawn and there is no action required by the Zoning Board of Appeals at this time.

Mr. Marshall asked if anyone in attendance wished to speak for or against this application, or to ask questions.

Hearing none Mr. Marshall then closed the Public Hearing on this application.

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

#### **6. OTHER BOARD MATTERS**

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

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

Mr. Brand discussed the following topic:

\* County Planning Board returned the referral, for tonight’s meeting, as incomplete. The applicant has gone back to the drawing board and the Town anticipates new applications for Preliminary Subdivision, Site Plan, and perhaps some Area Variances.

\* The Comprehensive Plan has been posted on the Town website. He encouraged the Board members as residents to review the plan to see if there are items they agree with, disagree with, or maybe do not understand. Any and all feedback is appreciated.

\*The Town Board will be acting on five Local Laws at their April 27, 2021 meeting. Some of the changes include changes in definitions and terms used in the Town Code and changes from Mobile Home Parks to Manufactured Homes Dwelling Parks to get around the 1976 HUD definition of a mobile home.

\*We have received design plans for the construction of the first phase of Mercier Boulevard off of Route 96 so they can begin to start marketing sites along the south side of Route 96.

\*We are starting to address some of the concerns that we have had pertaining to large scale solar projects. We are currently under a solar moratorium that is set to end August 10, 2021. A Local Law has been drafted but will not be released until after the Judge makes his final decision on the appeal on the Delaware River Solar application. Once the draft has been released a copy will be provided to the Board members for review.

\*Trees are being planted around the ponds at Hathaway's Corners. The sidewalks have been staked out across the front of the six units on the southside of County Road 41 and on the northwest corner.

\*We continue to meet with and talk with developers who are interested in coming to Town. The latest is for a parcel of land along the east side of State Route 332, just south of Farmbrook and north of Duke of Gloucester for a mixed-use parcel containing both commercial and residential land use.

## **9. ZONING OFFICER UPDATE**

\* There will be a Zoning Board of Appeals meeting on May 24, 2021. We have received two applications. One for a Pole Barn to be located in the front yard portion of a lot and the other for an accessory structure on a mobile home lot exceeding the maximum square footage allowed.

\*There is an open position for Clerk of the Board for the Zoning Board of Appeals

\*There is also an open position in the Building Department for a part-time clerk

## **10. TRAINING OPPORTUNITIES**

### **2021 Municipal Bootcamp**

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive

education that encompasses all aspects of municipal governance. Each program will be provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MREB Group.

Thursday, May 27, 2021, 6:00 p.m. to 7:00 p.m.

Session 5: Come One, Come All to the Greatest Show on . . . well . . .

Thursday, June 24, 2021, 6:00 p.m. to 7:00 p.m.

Session 6: Planning From (At Least) Six Feet Away

Thursday, July 22, 2021, 6:00 p.m. to 7:00 p.m.

Session 7: Ask Me Anything

Thursday, September 23, 2021, 6:00 p.m. to 7:00 p.m.

Session 8: From Big to Small

Thursday, October 28, 2021, 6:00 p.m. to 7:00 p.m.

Session 9: Well, Aren't You Special?

Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.

Session 10: All the Right Forms in All the Right Places

**Questions to:**

Wendy A. Marsh, Partner, Hancock Estabrook

[wmarsh@hancocklaw.com](mailto:wmarsh@hancocklaw.com)

(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group

[matt.horn@mrbgrou.com](mailto:matt.horn@mrbgrou.com)

(315) 220-0740

**10. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, May 24, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8.

**11. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

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