

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, April 27, 2020, 7:00 p.m.**

**MINUTES—APPROVED**

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*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.*

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The Zoning Board of Appeals meeting that had been scheduled on Monday, March 23, 2020, was cancelled due to the conditions in New York State that were created by the Coronavirus (COVID-19) pandemic and by the directives issued by the New York State Governor, the Ontario County Administrator and the Town of Farmington Supervisor.

The Zoning Board of Appeals meeting this evening was held in compliance with New York State Governor Andrew M. Cuomo's Executive Order No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, dated March 12, 2020, subsection as follows:

**Suspension of law allowing the attendance of meetings telephonically or other similar service:**

Article 7 of the Public Officers Law, to the extent necessary to permit an public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

The meeting was conducted via telephone conference audio format.

The Public Notice of the format of the meeting, the agenda, the draft resolutions, the dial-in telephone number and the conference call identification number were posted upon the Town website and upon the Town Hall entrance doors. The Public Notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper on April 19, 2020.

This meeting was conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 24, 2020, with the following revisions per the above reference to the Governor's Executive Order:

- All applications will be introduced by the Zoning of Appeals Chairperson.
- The Zoning Board of Appeals Chairperson will ask for comments from the Town staff.
- The Zoning Board of Appeals Chairperson will ask for comments from the Planning Board.
- The applicant(s) will provide responses where needed at the direction of the Zoning Board of Appeals Chairperson.
- The Zoning Board of Appeals members will vote upon the application(s).
- Public comments will be received by the Zoning Board of Appeals Chairperson only during the Public Comment agenda item.
- The meeting will be recorded and later fully transcribed by the Clerk of the Board.

**Board Members Present:** Jeremy Marshall, *Chairperson*  
**via Telephone Conference:** Jill Attardi  
 Aaron Sweeney  
 Thomas Yourch  
 One vacant position

**Staff Present via Telephone Conference:**  
 Ronald L. Brand, Town of Farmington Director of Development and Planning  
 Dan Delpriore, Town of Farmington Code Enforcement Officer

**Others Present via Telephone Conference:**  
 Several unidentified listeners

## 1. MEETING OPENING

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

Mr. Marshall said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 23, 2020, as amended above.

## 2. APPROVAL OF MINUTES OF FEBRUARY 24, 2020

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the minutes of the February 24, 2020, meeting be approved.

Motion carried by voice vote.

## 3. LEGAL NOTICE

Mr. Marshall attested that the following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper (the Town's official newspaper) on Sunday, March 15, 2019, that it was posted upon the Town of Farmington website ([www.townofarmington-ny.com](http://www.townofarmington-ny.com)), and that it was posted upon the Town Clerk's bulletin board in the foyer of the Town Hall:

### LEGAL NOTICE

**NOTICE IS HEREBY GIVEN** that Public Hearings will be held by and before the Zoning Board of Appeals of the Town of Farmington on the 23rd day of March 2020 commencing at 7:00 p.m. Eastern Daylight Saving Time at the Farmington Town Hall, 1000 County Road 8 in the Town of Farmington, Ontario County, New York 14425 to consider the following applications:

**ZB #0302-20: MARK DIMARTINO, D.D.S., 1375 HATHAWAY DRIVE, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 43 B.1 (a) of the Farmington Town Code. The applicant wishes to erect an additional seventy-two (72) square-foot building mounted sign on the south side façade of the building. The Town Code allows no more than one building mounted identification sign. The property is located at 1375 Hathaway Drive and is zoned GB General Business.

**ZB #0303-20: MARK DIMARTINO, D.D.S., 1375 HATHAWAY DRIVE, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 43 B.1 (a) of the Farmington Town Code. The applicant wishes to erect an additional seventy-two (72) square-foot building mounted sign on the north side façade of the building. The Town Code allows no more than one building mounted identification sign. The property is located at 1375 Hathaway Drive 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.

Jeremy Marshall, Chairperson  
Zoning Board of Appeals

*Clerk's Note: Because of the cancellation of the Zoning Board of Appeals meeting on March 23, 2020, these applications will be scheduled to a date to be determined. A new Legal Notice will be published in advance of the rescheduled meeting date.*

#### 4. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, April 19, 2020:

##### LEGAL NOTICE

##### **Farmington Zoning Board of Appeals Telephonic Meeting Notice April 27, 2020, Public Meeting**

In accordance with the provisions contained in New York State Governor Andrew M. Cuomo's Executive Order #202.1, issued on March 12, 2020; and Executive Order #202.15, dated April 10, 2020; the Town of Farmington Zoning Board of Appeals will be conducting a telephonic public meeting on Monday, April 27, 2020, commencing at 7:00 p.m. Eastern Daylight Savings Time.

Please take notice that this is a public meeting to only conduct administrative business of the Board. It is NOT being held to take action upon any previously continued Public Hearings or any pending applications requiring a Public Hearing first to allow such applications to be acted upon. Finally, please take notice that this meeting is NOT being held at the Farmington Town Hall.

The agenda for this meeting, along with instructions for the public to follow when joining in the teleconference public meeting are contained below herein. This agenda and notice will be: posted on the Town's website [www.townoffarmingtonny.com](http://www.townoffarmingtonny.com); posted on the Town Hall Bulletin Board; and notices will be sent either electronic or via U.S. Mail to the applicants. In addition, public notices will be posted on the Town Hall public entrances commencing on Monday, April 20, 2020.

The Zoning Board of Appeals will be conducting the following administrative actions at this meeting:

1. Roll call of members and Town staff participating in the meeting and reading of instructions by the board's Chairperson for conducting the meeting.
2. Roll call vote for acceptance of the February 24, 2020, draft Zoning Board of Appeals meeting minutes and directing the filing thereof with the Town Clerk; and
3. Resolutions to continue the following applications to a future date and time, and provide for new Public Hearings Legal Notices thereof for:

- a. ZB #0201-20, a pending Temporary Use Permit application by Joyce Pimm to keep chickens on a nonfarm residential premise containing less than five acres in size, located at 501 Hook Road.
- b. ZB #0202-20, a pending Area Variance application by Cobblestone Arts Center to erect an eleven-and-one-half (11.5) square-foot freestanding commercial speech sign with moving/motion message signage on property located at 1622 State Route 332.
- c. ZB #0302-20 and ZB #0303-20, Dr. DiMarino, D.D.S., for two (2) Area Variance applications to erect two (2) additional seventy-two (72) square-foot building mounted commercial speech signs to be placed on the north and south side facades of the structure located at 1375 Hathaway Drive.

In accordance with the New York State Committee on Open Government guidelines for conducting a telephonic meeting, as referenced above by the Governor's Executive Orders, the Town provides the following contact information to be used by the public to connect into this meeting:

To dial in by phone: 1-646-307-1990, Conference ID #935-915-647#

Please use the # key to permit connection to occur. Once connected, please place your phone on mute to reduce background noises and please refrain from speaking except during Public Comment time listed on the meeting agenda. All persons speaking during Public Comment time will be required to give their names and addresses for the record.

This public notice ordered by the Chairperson of the Town of Farmington Zoning Board of Appeals on Monday, April 13, 2020.

## 5. ADMINISTRATIVE ACTIONS

**A. ZB #0201-20                      Joyce Pimm                      Temporary Use Permit**  
**501 Hook Road**  
**Farmington, N.Y. 14425**

The Public Hearing on this application was opened on February 24, 2020, and continued to March 23, 2020. The meeting on March 23, 2020, was cancelled due to the coronavirus (COVID-19) pandemic.

■ A motion was made by MS. ATTARDI, seconded by MR. YOURCH, that the reading of the following complete resolution be waived and that the Chairperson read the resolved actions.

Motion carried by voice vote. The Chairperson read the resolved actions from the following complete resolution.

■ A motion was made by MR. SWEENEY, seconded by MS. ATTARDI, that the following complete resolution be approved as submitted by the Town staff:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION**

**JOYCE PIMM, 501 HOOK ROAD**

**RECALL RESOLUTION DATED FEBRUARY 24, 2020, FOR CONTINUING THE PUBLIC HEARING ON A TEMPORARY USE PERMIT; TO CONTINUE THE PUBLIC HEARING TO AN UNSPECIFIED FUTURE DATE AND TIME; AND PROVIDING FOR PUBLIC NOTICE THEREOF**

**ZB #0201-20**

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

**ACTION: Temporary Use Permit to keep chickens on the property that are being used as emotional support animals for residents of the property**

**WHEREAS**, the Planning Board (hereinafter referred to as Board) had previously made publicly known, as evidenced in the approved meeting minutes of the February 24, 2020, Board meeting, that the Public Hearing upon the proposed Temporary Use Permit application referenced above (and hereinafter referred to as Action) was to have been continued at the March 23, 2020, Board meeting; and

**WHEREAS**, since the February 24, 2020, board meeting, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised that there remains uncertainty in the Executive Orders issued by the Governor’s Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

**WHEREAS**, there has not been issued by the Governor’s Office any Executive Orders that specify how the temporarily amended provisions of the State’s Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

**WHEREAS**, the Town’s Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to recall the above referenced February 24, 2020, Zoning Board of Appeals resolution.



**RECALL RESOLUTION DATED FEBRUARY 24, 2020, FOR CONTINUING THE PUBLIC HEARING ON AN AREA VARIANCE; TO CONTINUE THE PUBLIC HEARING TO AN UNSPECIFIED FUTURE DATE AND TIME; AND PROVIDING FOR PUBLIC NOTICE THEREOF**

**ZB #0202-20**

**APPLICANT:** Cobblestone Arts Center, 1622 State Route 332, Farmington, N.Y. 14425

**ACTION:** Area Variance to erect a 39½-square-foot freestanding commercial speech sign with 11½ square feet of it being electronic changeable copy commercial speech with moving/motion messages

**WHEREAS**, the Planning Board (hereinafter referred to as Board) had previously made publicly known, as evidenced in the approved meeting minutes of the February 24, 2020, Board meeting, that the Public Hearing upon the proposed Area Variance application referenced above (and hereinafter referred to as Action) was to have been continued at the March 23, 2020, Board meeting; and

**WHEREAS**, since the February 24, 2020, board meeting, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised that there remains uncertainty in the Executive Orders issued by the Governor’s Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

**WHEREAS**, there has not been issued by the Governor’s Office any Executive Orders that specify how the temporarily amended provisions of the State’s Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

**WHEREAS**, the Town’s Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to recall the above referenced February 24, 2020, Zoning Board of Appeals resolution.

**BE IT FURTHER RESOLVED** that the Board does hereby move to continue indefinitely the Public Hearing upon the above referenced Action to a future date and time to coincide with a revised Executive Order from the Governor’s Office



sign on the south façade of the building and that ZB #0303-20 is for an application for a sign on the north façade of the building.

■ A motion was made by MS. ATTARDI, seconded by MR. YOURCH, that the following two (2) resolutions be blocked for concurrent action, that the reading of the complete resolutions be waived, that the Chairperson read the resolved actions, and that the following two (2) complete resolutions be approved as submitted by the Town staff:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION**

**MARK DIMARTINO, D.D.S., 1375 HATHAWAY DRIVE**

**RECALL PUBLISHED LEGAL NOTICE DATED MARCH 15, 2020, FOR SCHEDULING A PUBLIC HEARING ON AN AREA VARIANCE; TO CONTINUE THE PUBLIC HEARING TO AN UNSPECIFIED FUTURE DATE AND TIME; AND PROVIDING FOR PUBLIC NOTICE THEREOF**

**ZB #0302-20**

**APPLICANT: Mark DiMartino, D.D.S., 1375 Hathaway Drive,  
Farmington, N.Y. 14425**

**ACTION: Area Variance to erect an additional 72-square-foot  
building-mounted sign on the south side façade of the  
building.**

**WHEREAS**, the Zoning Board of Appeals (hereinafter referred to as Board) had previously made publicly known in a Legal Notice published in the *Canandaigua Daily Messenger* newspaper on March 15, 2020, the scheduling of a Public Hearing upon the proposed Area Variance application referenced above (and hereinafter referred to as Action) that was to have been held at the March 23, 2020, Board meeting; and

**WHEREAS**, the Board's March 23, 2020 meeting was canceled in compliance with the New York State Governor's Executive Order prohibiting public gatherings; and

**WHEREAS**, since the publication of the Legal Notice on March 15, 2020, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised that there remains uncertainty in the Executive Orders issued by the Governor's Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

**WHEREAS**, there has not been issued by the Governor's Office any Executive Orders that specify how the temporarily amended provisions of the State's Open

Meetings Law apply to other provisions in the various sections of New York State Town Law; and

**WHEREAS**, the Town’s Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to recall the above scheduling of the Public Hearing upon this Action.

**BE IT FURTHER RESOLVED** that the Board does hereby move to continue indefinitely the Public Hearing upon the above referenced Action to a future date and time to coincide with a revised Executive Order from the Governor’s Office regarding the return to public assembly and the return to the provisions contained in the original State Open Meetings Law.

**BE IT FURTHER RESOLVED** that the Board does hereby give notice that until such time, then a new legal notice will be published, posted on the Town Hall Bulletin Board and upon the Town’s website, [www.townoffarmingtonny.com](http://www.townoffarmingtonny.com) pertaining to the scheduling of the above referenced Public Hearing continuation.

**BE IT FINALLY FURTHER RESOLVED** that the Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the applicant.

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION**

**MARK DiMARTINO, D.D.S., 1375 HATHAWAY DRIVE**

**RECALL PUBLISHED LEGAL NOTICE DATED MARCH 15, 2020, FOR SCHEDULING A PUBLIC HEARING ON AN AREA VARIANCE; TO CONTINUE THE PUBLIC HEARING TO AN UNSPECIFIED FUTURE DATE AND TIME; AND PROVIDING FOR PUBLIC NOTICE THEREOF**

**ZB #0303-20**

**APPLICANT: Mark DiMartino, D.D.S., 1375 Hathaway Drive, Farmington, N.Y. 14425**

**ACTION: Area Variance to erect an additional 72-square-foot building-mounted sign on the north side façade of the building.**

**WHEREAS**, the Zoning Board of Appeals (hereinafter referred to as Board) had previously made publicly known in a Legal Notice published in the *Canandaigua Daily Messenger* newspaper on March 15, 2020, the scheduling of a Public Hearing upon the proposed Area Variance application referenced above (and hereinafter referred to as Action) that was to have been held at the March 23, 2020, Board meeting; and

**WHEREAS**, the Board's March 23, 2020 meeting was canceled in compliance with the New York State Governor's Executive Order prohibiting public gatherings; and

**WHEREAS**, since the publication of the Legal Notice on March 15, 2020, the Town Attorney, in consultation with the NYS Committee on Open Government, has advised that there remains uncertainty in the Executive Orders issued by the Governor's Office relative to the procedures required for conducting public hearings during the current coronavirus (COVID-19) Pandemic; and

**WHEREAS**, there has not been issued by the Governor's Office any Executive Orders that specify how the temporarily amended provisions of the State's Open Meetings Law apply to other provisions in the various sections of New York State Town Law; and

**WHEREAS**, the Town's Attorney has issued caution for the various town boards conducting Public Hearings during the Pandemic Period, without more information being provided from the State of New York, when such Public Hearings are not necessary to the essential functions of the Town or to further an essential service.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby move to recall the above scheduling of the Public Hearing upon this Action.

**BE IT FURTHER RESOLVED** that the Board does hereby move to continue indefinitely the Public Hearing upon the above referenced Action to a future date and time to coincide with a revised Executive Order from the Governor's Office regarding the return to public assembly and the return to the provisions contained in the original State Open Meetings Law.

**BE IT FURTHER RESOLVED** that the Board does hereby give notice that until such time, then a new legal notice will be published, posted on the Town Hall Bulletin Board and upon the Town's website, [www.townoffarmingtonny.com](http://www.townoffarmingtonny.com) pertaining to the scheduling of the above referenced Public Hearing continuation.

**BE IT FINALLY FURTHER RESOLVED** that the Board does hereby instruct the Clerk of the Board to provide by U.S. Mailing, a certified copy of this resolution to the applicant.

Jill Attardi	Aye
Jeremy Marshall	Aye
Aaron Sweeney	Aye
Thomas Yourch	Aye
One vacant board position	—

Motion carried.

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

Mr. Marshall asked if anyone participating in the telephone meeting wished to speak to the board or to make comments. There were no requests.

## **7. DIRECTOR OF DEVELOPMENT UPDATE**

Mr. Brand confirmed that the agenda, the draft resolutions, the conference call telephone number and meeting identification number were posted upon the Town website prior to the meeting (*see* pp. 4–5, above). He also noted that tonight’s agenda has been running on the computer screen and that each of the resolutions acted upon tonight were also displayed for public review during the meeting. He said that the Town has made every effort to inform the public of the format of the meeting and the administrative actions that were on this evening’s agenda.

## **8. CODE ENFORCEMENT OFFICER UPDATE**

Mr. Delpriore said that board members should contact the Development Office if hard copies of applications and other materials are needed. He said that otherwise the materials would continue to be provided to board members via digital format.

Mr. Delpriore also said that the next meeting of the Zoning Board of Appeals has been tentatively scheduled for Monday, May 18, 2020. Mr. Delpriore and Mr. Marshall suggested that this tentative date remain on the schedule in the event that New York State Governor Andrew Cuomo issues an Executive Order to permit the resumption of in-person Town Hall meetings.

## **9. BOARD MEMBERS’ COMMENTS**

None.

## 10. TRAINING OPPORTUNITIES

### **New York State Department of State Division of Local Government Services Spring 2020 Webinar Series:**

*April 29, 2020*

Public Meetings and Hearings  
3:00 p.m.–4:30 p.m.  
1.5 hours training credit

*May 13, 2020*

Land Use Moratoria  
3:00 p.m.–4:30 p.m.  
1.5 hours training credit

*May 27, 2020*

Comprehensive Planning  
3:00 p.m.–5:00 p.m.  
2 hours training credit

*June 10, 2020*

Blight: Strategies and Tools for Local Governments  
3:00 p.m. to 5:00 p.m.  
2 hours training credit

Information:

<http://www.dos.ny.gov/lg/lut/index.html>

### **Future Training Opportunities Online**

Ontario County Planning Department website now lists upcoming training:  
<https://www.co.ontario.ny.us/192/Training>

## 11. NEXT WORKSHOP SESSION AND MEETING DATE

The next regular meeting of the Zoning Board of Appeals may be held (if needed) on Monday, May 18, 2020, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8 (or via remote audio conference, format to be determined).

## 12. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

\_\_\_\_\_  
John M. Robortella L.S.  
Clerk of the Zoning Board of Appeals