

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, February 25, 2019, 7:00 p.m.

MINUTES—APPROVED

The following 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: Timothy DeLucia, *Chairperson*
Jeremy Marshall
Cyril Opett
Nancy Purdy
Thomas Yourch

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
Dan Delpriore, Town of Farmington Code Enforcement Officer
Jamie Kincaid, Town of Farmington Fire Marshal

Applicants Present:
Ryan Del Re, Create A Scape Enterprise LLC, 6162 State Route 96, Farmington, N.Y. 14425
Matthew Guche, Ontario Mall Antiques, 1740 State Route 332, Farmington, N.Y. 14425

Residents Present:
Tom Allen, 1608 Clovertrail Drive, Farmington, N.Y. 14425
John Giunta, 210 West Avenue, Canandaigua, N.Y. 14424
Dan Penna, Dealer at Ontario Mall Antiques, 1749 State Route 332, Farmington, N.Y. 14425
Diane [?], 1740 State Route 332, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. DeLucia introduced the Zoning Board of Appeals members, explained the emergen-

cy evacuation procedures, and noted that copies of the evening's agenda were available at the door.

Mr. DeLucia said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on March 19, 2018.

2. APPROVAL OF MINUTES OF JANUARY 28, 2019

■ A motion was made by MR. YOURCH, seconded by MR. OPETT, that the minutes of the January 28, 2019, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

Mr. DeLucia attested that the following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper (the Town's official newspaper) on Sunday, February 17, 2019, that it was posted upon the Town of Farmington website (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 the Zoning Board of Appeals of the Town of Farmington, 1000 County Road 8, Ontario County, New York, will hold Public Hearings on the 25th day of February 2019, commencing at 7:00 p.m., for the purpose of considering the applications of:

ZB #0201-19: CREATE A SCAPE ENTERPRISE LLC, 6162 NYS ROUTE 96, FARMINGTON, N.Y. 14425: Request an area variance to Article V, Chapter 165-43 B 1 (c) to the Town of Farmington Codes. The applicant wishes to erect a 20-foot high two-sided ground business identification sign (a maximum height of 15 feet is required). The property is located at 6162 NYS Route 96 and zoned General Business District.

ZB #0202-19: CREATE A SCAPE ENTERPRISE LLC, 6162 NYS ROUTE 96, FARMINGTON, N.Y. 14425: Request an area variance to Article V, Chapter 165-43 B 1 (c) to the Town of Farmington Codes. The applicant wishes to erect a two-sided ground business-identification sign of 300 square feet (a maximum of 64 square feet is allowed). The property is located at 6162 NYS Route 96 and zoned General Business District.

ZB #0203-19: MATTHEW GUCHE, ONTARIO MALL ANTIQUES, 1740 NYS ROUTE 332, FARMINGTON, N.Y. 14425: Request an area variance to Article V, Chapter 165-41 A 2 and 6 to the Town of Farmington Codes. The applicant wishes to

erect a changeable copy commercial speech sign. The property is located at 1740 NYS Route 332 and zoned General Business District.

ALL PARTIES IN INTEREST and citizens will be given an opportunity to be heard in respect to such application. Persons may appear in person or by agent.

Timothy Delucia, Chairperson, Zoning Board of Appeals

4. NEW PUBLIC HEARINGS

ZB #0201-19	Create A Scape Enterprise LLC 6162 State Route 96 Farmington, N.Y. 14425	Area Variance
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The applicant is requesting an Area Variance to Article V, Chapter 165-43 B 1 (c) to the Town of Farmington Codes. The applicant wishes to erect a 20-foot-high two-sided ground business identification sign (a maximum height of 15 feet is required). The property is located at 6162 State Route 96 and zoned General Business District.

ZB #0202-19	Create A Scape Enterprise LLC 6162 State Route 96 Farmington, N.Y. 14425	Area Variance
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The applicant is requesting an Area Variance to Article V, Chapter 165-43 B 1 (c) to the Town of Farmington Codes. The applicant wishes to erect a two-sided ground business identification sign of 300 square feet (a maximum of 64 square feet is allowed). The property is located at 6162 State Route 96 and zoned General Business District.

Mr. DeLucia concurrently opened the Public Hearings on ZB #0201-19 and ZB #0202-19.

Mr. Del Re presented these applications.

He said that he has an issue in the understanding of the true definition of a sign. Mr. Del Re said that he had discussed these applications with Mr. Morse (the former Town Code Enforcement Officer). He said that Mr. Morse gave the impression that the defining factor of the sign was the logo (i.e., the name of the business) and not the structure to which the sign is affixed.

Mr. Del Re asked about the actual definition of a sign. He asked if a sign is defined as the sign itself, or if the structure is also considered to be part of the sign for Town Code calculations.

Mr. Del Re acknowledged receipt of the Town staff draft resolutions which recommended denial of the Area Variances and which indicated that the Area Variance for the 300-square-foot sign would be 469 percent greater than what is allowed by the Town Code. Mr. Del Re said that he reviewed the sizes of other signs in the vicinity of his business and that some of them exceed the 64-square-foot Town Code maximum.

Mr. Brand said that the Town staff could provide Mr. Del Re with a Zoning Interpretation of this issue, but that the interpretation would not be available at this meeting tonight.

Mr. Delpriore said that some of the concerns of these applications involve the business logo which is part of the sign, and with other parts of the sign that could be interpreted as advertisements for the company's work.

Mr. Del Re said that the Tops supermarket sign—which is located directly across State Route 96 from Create A Scape—is approximately 25 feet in height. He said that the area of the actual Tops sign is 64 square feet but that the sign exceeds the dimensions as required in the Town Code if the entire structure is considered to be part of the sign.

Mr. DeLucia said that the Tops supermarket sign was erected prior to the current provisions of the Town Code. He said that the Tops property is now under site review for new development, that he understands Mr. Del Re's comparison, but that the existing Tops sign was installed prior to the adoption of the current Town Code sign regulations.

Mr. Del Re said that he did not propose his new sign based upon the signs of other businesses. He said that his proposed new business sign was designed specifically for his business on State Route 96. He said that the most important point of the sign the actual logo, i.e., the text and font.

He said that the large letter "A" in the logo extends above and below the words "Create" and "Scape" and that the new sign must be 20 feet in height to properly display the complete phrase "Create A Scape." Otherwise, he said, the logo would have to be reduced in size to fit within the framework of the sign. Mr. Del Re said that to do so would place his business at a disadvantage with other businesses in the vicinity whose company names would be larger on their signs.

Mr. Del Re said that another justification for the Area Variance applications is that his property has less road frontage than other businesses in his vicinity on State Route 96 and that his building sits two-thirds of the way back from the road.

He said that he would like to know the actual definition of a sign as provided by the Town Code and whether the structure to which the sign is affixed is considered part of the sign for Town Code calculations.

Mr. DeLucia said that the board is willing to continue the applications until the next meeting to provide time for Mr. Del Re to meet with Town staff to discuss alternative

plans that would adhere to the Town Code or to propose applications which would require less relief from the Town Code maximum height and size.

Mr. DeLucia asked the Town staff if they would be agreeable to this. The Town staff expressed agreement.

Mr. Brand asked Mr. Del Re if he was formally requesting a Zoning Interpretation regarding the definition of a sign. Mr. Del Re said yes. Mr. Brand said that the staff will provide a response to Mr. Del Re's request.

Mr. Brand also discussed the Ontario County Planning Board's recommendation of denial of the applications. He said that this would require a super majority of the Zoning Board of Appeals (majority plus one) to override the County's recommendation. Mr. Brand also noted that in the past the Zoning Board of Appeals has disallowed signs of this size or smaller along major highways. He said that the Town staff will review Mr. Del Re's justification for the sign and will provide a Zoning Interpretation, which Mr. Del Re could appeal to the Zoning Board of Appeals if he so chooses.

Mr. Del Re said that his conversations with Mr. Morse regarding the conceptual design of the sign were rather promising. He said that Mr. Morse visited the business, reviewed the conceptual design and scaling, said that the sign would fit into the Town's master plan and that the Town would want to have it [the sign]. Mr. Del Re said that he found value in the sign not just for his company but also for the community, and that he was expecting a totally different outcome [to the Area Variance applications] than the draft resolutions this evening which recommend denial.

He said that he reviewed the Ontario County Planning Board's comments and that he is having a hard time trying to understand how a sign of this caliber would be considered a detriment to other properties in the area and how the sign could possibly affect the community in a bad way. He said that he is having a hard time trying to figure that out.

Mr. Del Re presented a large color photograph taken from the westbound travel lane on State Route 96. He said that his business sign would pose no visibility issues for adjacent properties in terms of height and width if it is installed as proposed. He also said that the sign would not be easily visible from the eastbound travel lane of State Route 96.

Mr. Del Re requested that the board keep in mind that there are more variables than just having a large sign. He asked for the same advantage as other businesses around his him. Mr. Del Re said that he was not expecting this result but that he is willing to work with the Town.

Mr. DeLucia asked if anyone in attendance wishes to speak for or against these applications, or ask questions. There were no comments or questions from those in attendance.

Mr. DeLucia said that the board will leave open the Public Hearings on these applications for another month to provide time for the Town staff to prepare a Zoning Interpretation

on Mr. Del Re's questions and to provide time for Mr. Del Re to meet with Town staff to revise the applications to better comply with the Ontario County Planning Board concerns and the requirements of the Town Code.

There were no further comments or questions on these applications this evening.

ZB #0203-19

**Matthew Guche
Ontario Mall Antiques
1740 State Route 332
Farmington, N.Y. 14425**

Area Variance

The applicant is requesting an Area Variance to Article V, Chapter 165-41 A 2 and 6 to the Town of Farmington Codes. The applicant wishes to erect a changeable copy commercial speech sign. The property is located at 1740 State Route 332 and zoned General Business District.

Mr. DeLucia opened the Public Hearing on this application.

Mr. Guche presented this application.

He provided the following information:

- He has owned the Ontario Mall Antiques for more than 25 years. Farmington is growing with homes and businesses and he would like to continue to be part of the Town for another 25 years.
- A sign with fresh paint, a new logo and a digital message board is proposed. The size of the sign and the structure will remain the same as the existing sign which is now cracked, faded and dilapidated. Photographs of the existing sign and the proposed sign were presented.
- During sales events at the Mall, staff must manually replace the "1000 Dealers" section of the sign with a "Sale" section. This cannot be done in winter when the sign freezes.
- A marketing professional reviewed the business and recommended that the existing sign be replaced to better attract customers. Many customers frequently drive by the Mall. When they do stop in, they usually will return and will bring their friends and family.
- The Mall attracts the best antique dealers in the northeast United States. Mr. Guche said that he would like to show the Mall's best from the outside, as well. He said that that it appears that the Mall is having a garage sale from the poor condition of the existing sign.

- Fifteen staff members are employed at the Mall. The business has generated approximately \$700,000 in sales taxes for Ontario County. Many customers are tourists. The Mall is the largest antique mall in New York State.
- Ninety percent of the Mall's social media followers are from outside Ontario County; 94 percent are from outside the Town of Farmington. The Mall averages approximately 32,000 invoices per year from sales. Mall customers often visit other shops and businesses in the Town and in the County, as well.

Mr. Guche said that highway safety will not be impacted by the sign. He said that it will not compromise sight distances, that the structure of the sign will not change, and that the illuminated digital board will display one message with no flashing or scrolling words or images. He described the illuminated message board as being similar to a gas-station lighted price sign which changes occasionally. Mr. Guche said that the sign would be safer for motorists by avoiding the changeable copy and scrolling messaging on signs such as on State Route 96 at Finger Lakes Gaming and Racetrack or on State Route 332 at the Cobblestone Arts Center.

Mr. Guche said that he is confident that the sign will be beneficial for the Town and the Mall. He said that he does not have the funds to spend in comparison to a large corporation and that the new sign will cost in the thousands of dollars. Mr. Guche said that he believes in the dealers who lease space in the Mall, and that the growth of the Town is an integral part of the Mall's success.

Mr. Brand said that three draft resolutions have been provided for the board's consideration this evening, i.e., a State Environmental Quality Review (SEQR) review classifying the application as a Type II Action; a resolution to override the Ontario County Planning Board's recommendation of denial of the application; and a recommendation to approve the Area Variance with conditions.

Mr. Brand said that the conditions of approval include obtaining Final Sign Site Plan approval from the Planning Board; compliance with the light intensity requirements of the Town Code; operation of the illuminated image on a timer and to remain off during dark night-time periods when the Mall is closed; no animated, flashing or moving parts; preparation of a landscape plan to be approved by the Planning Board around the base of the sign; and seal coating and restriping of the parking lot no later than May 31, 2019, to conform to the Town's double-line striping requirements.

Mr. Delpriore said that the Town staff worked with Mr. Brand on the conditions of approval. He said that animation or scrolling of text of images on the digital portion of the sign is strictly prohibited by the Town Code. He said that the use of the digital portion will be safer for the Mall employees by avoiding the manual changing of the sign along State Route 332.

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

Mr. Penna said that he has been a dealer at the Mall for approximately 25 years. He endorsed Mr. Guche’s application. Mr. Penna said that he has built up an extensive client base over the years and that his clients are from South Carolina, Virginia, Pennsylvania, India and Hawaii, among other locations. He said that they when they come to Farmington they also make purchases at other businesses and restaurants, and that this additional trade is coming to the Town because of the Mall. Mr. Penna said that customers need a good way to find the Mall and that new sign would enhance their ability to do so.

Mr. Giunta said that he is an employee at the Canandaigua VA Crisis Line. He said that he has been a dealer at the Mall for the past three years and that he is also a part-time employee there. Mr. Giunta said that customers have come from as far as Texas to find the unique treasures for sale at the Mall. He encouraged the board to approve the variance to enable the Mall to be on parity with Finger Lakes Gaming and Racetrack at which attendance has declined while attendance at the Mall has increased.

Mr. Giunta said that the median which divides State Route 332 may make it difficult for some customers to locate the Mall. He requested that the board consider each of the factors which he and the others have discussed and to approve the variance to put the Mall in parity with Finger Lakes Gaming and Racetrack. Mr. Giunta said that the Mall is a growing business and that Mr. Guche is going to be in business here for a long time. Mr. Giunta said that he hopes to work for Mr. Guche for 15 to 20 years to supplement his income following his retirement from the VA.

There were no further comments or questions on this application this evening.

Mr. DeLucia then closed the Public Hearing on this application.

5. BOARD BUSINESS—DELIBERATIONS AND DECISION

ZB #0201-19	Create A Scape Enterprise LLC	Area Variance
ZB #0202-19	Create A Scape Enterprise LLC	Area Variance

■ A motion was made by MS. PURDY, seconded by OPETT, that the following resolution be approved:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
CONTINUATION OF PUBLIC HEARINGS**

FILES: **ZB #0201-19 Area Variance**
 ZB #0202-19 Area Variance

APPLICANT: **Create A Scape Enterprise LLC, c/o Ryan Del Re,**
 6162 State Route 96, Farmington, New York 14425

ACTION: **Area Variances—Continuation of Public Hearings**

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has received applications for two Area Variances (Files ZB #0201-19 and ZB #0202-19) from Create A Scape Enterprise LLC. The applicant wishes to erect a 20-foot-high two-sided ground business identification sign (the Town Code requires a maximum height of 15 feet) and a two-sided ground business identification sign of 300 square feet (the Town Code requires a maximum of 64 square feet); and

WHEREAS, Public Hearings on the proposed Area Variances were opened by the Board on February 25, 2019, at which testimony from the applicant was received; and

WHEREAS, the applicant requested the preparation of a Zoning Interpretation by the Code Enforcement Officer of the Town of Farmington regarding the definition of a sign and whether a structure upon which a business identification sign is mounted is considered to be part of the sign for the calculation of size and height determinations as required by the Town Code.

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Code Enforcement Officer to provide the applicant with the requested Zoning Determination and to meet with the applicant to further review the applications.

BE IT FINALLY RESOLVED that the Board does hereby continue the Public Hearings upon these requested Area Variances to their meeting on Monday, March 25, 2019.

Timothy DeLucia	Aye
Jeremy Marshall	Aye
Nancy Purdy	Aye
Cyril Opett	Aye
Thomas Yourch	Aye

Motion carried.

ZB #0203-19	Matthew Guche	Area Variance
	Ontario Mall Antiques	

Mr. DeLucia asked Mr. Guche if he received the following three resolutions in draft format prior to the meeting, if he understood the resolutions and if he agreed with the conditions of approval. Mr. Guche said that he received the resolutions in draft format prior to the meeting, that he understood the resolutions and that he agreed with the conditions of approval.

■ A motion was made by MR. MARSHALL, seconded by MR. YOURCH, that the readings of the following three resolutions be waived, that the resolutions be blocked for concurrent action, and that the resolutions be approved as submitted by the Town staff:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
SEQR RESOLUTION—TYPE II ACTION**

ZB #0203-19

APPLICANT: Matthew Guche, Ontario Mall Antiques, 1740 State Route 332, Farmington, N.Y. 14425

ACTION: Area Variance to Chapter 165, Article V, Section 41 A 2 and 6, to erect a changeable copy commercial speech sign at 1740 State Route 332.

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; and,

WHEREAS, the Board finds the Action is identified in Section 617.5 (c) (2), (9) and (18) as being a Type II Action in that it involves: (2) replacement of a structure, in kind, on the same site; (9) construction of an accessory structure (a commercial speech sign) involving less than 4,000 square feet in area; and (18) reuse of a commercial structure (the commercial speech sign) where the commercial use (Antique Mall) is a permitted use under existing zoning law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) 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.

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
RESOLUTION TO OVERRIDE ONTARIO COUNTY PLANNING BOARD RECOMMENDATION**

APPLICANT: Matthew Guche
Ontario Mall Antiques
1740 State Route 332
Farmington, N.Y. 14425

File: ZB #0203-19
Zoning District: General Business District
Published Legal Notice on:
February 17, 2019
County Planning Action on:
February 13, 2019
County Referral #: 30-2019
Public Hearing held on: February 25, 2019

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has reviewed the Public Hearing record on the above referenced application for an Area Variance to replace a manual Changeable-Copy freestanding commercial speech sign with an electronic Changeable-Copy freestanding commercial speech sign, of the same size, to identify “The Ontario Mall Antiques,” on property located at 1740 State Route 332; and

WHEREAS, the Board has also reviewed the Ontario County Planning Board Referral #30-2019 (hereinafter referred to as County Referral) that recommends denial of the requested Area Variance; and

WHEREAS, the Board has determined that the County’s recommendation is classified as an AR2 Administrative Review Class 2; and

WHEREAS, the County Referral finds:

(1) The proposed sign is on land along a corridor identified by the County Planning Board as being a primary travel corridor for tourists visiting Ontario County. The Board finds that tourists visiting Ontario County need commercial speech signage that adequately identifies a service to our tourists, and that the proposed commercial speech sign will provide this safety feature.

(2) Protection of Community character along these corridors is an issue of countywide importance. The Board agrees with this finding which serves in part as the basis for this over-ride. The Board finds that the community character is enhanced with modern, up-to-date signage that adequately identifies the sites and services being offered.

(3) Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site. The Board finds in this instance that the proposed Area Variance will enable the applicant the opportunity to overcome a practical difficulty preventing improved signage, which in turn will enable our residents and tourists to be safely directed onto the specified site.

(4) It is the position of the County Planning Board that the proposed signage is excessive. The Board, having reviewed the record on this application finds that the proposed signage involves a variance of ten percent (10%) and has determined by the Board in this request such a variance is deemed not to be excessive.

(5) Excessive signage has a negative impact on community character. The Board finds that in addition to this request not being excessive, the sign will have a positive impact upon the character of this commercial corridor of the community. The Board, based upon these findings, concludes the referral fails to provide any pertinent intercommunity or countywide zoning considerations as required under the provisions of the New York State General Municipal Law; and

WHEREAS, the Board understands that to override the County’s recommendation, it must be by at least a majority plus one vote of its entire membership.

NOW, THEREFORE, BE IT DETERMINED BY the Board that it is in the best interests of the community and the traveling public to grant the requested Area Variance so as to enhance the identification of this regional facility located upon the subject property along the heavily traveled State Route 332.

BE IT FURTHER RESOLVED that the Board does hereby take action to override the County Planning Board’s Administrative Review Referral (30-2019) Recommendation of Denial on ZB File #0203-19 for the following reasons:

1. The freestanding commercial speech sign has been determined by the Board to provide enhanced announcement to motorists traveling in both directions along the heavily traveled New York State Route 332, thereby providing improved stopping time and stopping distance for travelers seeking the services that are located upon the subject site.
2. The Board finds that the replacement of the freestanding commercial speech sign for “Ontario Antiques Mall” does not compromise the line of sight for motorists to any adjacent freestanding commercial speech sign.
3. The Board finds that such sign is not excessive, it is indeed a replacement in-kind and that its design and message will not unnecessarily detract the attention of motorists traveling along the highway; and, therefore, feels that the granting of this Area Variance will be consistent with the Board’s policy of maintaining the safety of the travelling public along this primary travel corridor identified by the County.

BE IT FINALLY RESOLVED that the Board directs the Clerk of the Board to file a copy of this resolution, within 30 days from tonight, with the Ontario County Planning Board in the manner provided for by the provisions of the New York State General Municipal Law.

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

APPLICANT: Matthew Guche
Ontario Mall Antiques
1740 State Route 332
Farmington, N.Y. 14425

File: ZB #0203-19
Zoning District: General Business District
Published Legal Notice on:
February 17, 2019
County Planning Action on:
February 13, 2019
County Referral #: 30-2019

Public Hearing held on:
February 25, 2019

Property Location: 1740 State Route 332, Farmington, N.Y. 14425

Applicable Section of Town Code: Chapter 165, Article V, Chapter 165-41 A 2 and 6

Requirement for Which Variance is Requested: The applicant wishes to replace a freestanding commercial speech sign, that has a manual changeable copy message identified as a Copy-Change Sign, with a freestanding commercial speech Copy-Change Sign that would have an electronic Copy-Changeable Sign message and which would be larger in sign area than allowed by the Town Code.

State Environmental Quality Review Determination: The granting of an Area Variance to replace an existing sign is in this instance classified as a Type II Action under Part 617.5 (c) (2), (9) and (18) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Act not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under the provisions of Article 8 of the New York State Environmental Conservation Law.

County Planning Referral Recommendation: This Action was reviewed by the Ontario County Planning Board, at their meeting on February 13, 2019; and was assigned Referral No. 30-2019. The Board determined this request to be a Class AR2 (Administrative Review) which resulted in a recommendation of Denial.

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 the character of this area is predominantly commercial sites fronting along both sides of New York State Route 332. The Board further finds that there are a number of sites located along the Route 332 Corridor that have recently converted their changeable copy type message signs from manual to electronic copy commercial speech signs. The Board further finds that these other sites provide fast food, gasoline/convenient type facilities and self-storage warehouse services. The Board further finds that the existing freestanding commercial speech sign has a manual form of messaging which the applicant is requesting be replaced with an electronic form of messaging. The Board further finds that the existing sign is defined as a Copy-Change Sign as defined in Chapter 165, Article II, Section 10 of the Town Code. The Board further finds that the proposed sign is defined as a Copy-Change Sign. The Board further finds that the proposed sign is also defined as an Illuminated Sign. The Board also finds that the proposed sign is not a Representational

Sign as defined in the above referenced section of the Town Code. The Board further finds that the proposed sign will not have flashing lights, animated or moving parts such as messages being scrolled across the sign face.

The Board, based upon these findings, determines that the proposed area variance to allow a manual Copy-Change Sign to be replaced with an electronic Copy-Change Sign will not produce an undesirable change in the character of the neighborhood or will not become 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 that the applicant's intent is to replace an outdated freestanding commercial speech sign that has an existing manual Copy-Sign Change, which is becoming in a state of deterioration, in order for said sign to continue to function as a site identification sign having improved visibility to motorists, both local residents and tourists, along the heavily traveled New York State Route 332. The Board further finds that the proposed sign will be more aesthetically pleasing than the existing sign thereby convening to passing motorists an active antique mall operation. The Board further finds that the proposed sign will also be easier to maintain than would a new manual sign and will not be as susceptible to deterioration caused by the elements of nature. The Board further finds that replacing the existing manual Copy-Change Sign with similar materials will eventually start deteriorating over time in a manner that could be avoided by installing a more permanent sign having material such as that associated with the proposed electronic Copy-Change Sign.

The Board, based upon these findings, determines that the proposed area variance to allow a manual Copy-Change Sign to be replaced with an electronic Copy-Change Sign cannot be achieved by a feasible alternative to the requested sign.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the proposed replacement sign will be 71.1 square feet in total sign area. The Board further finds that the maximum size sign allowed by Town Code is 64 square feet in total sign area. The Board further finds that the requested sign Area Variance involves a variance to allow an increase of ten percent (10%) above what is the maximum size allowed in the Town Code. The Board has consistently found that a variance less than fifty percent (50%) of what is otherwise required by the Town Code is not a substantial variance.

The Board, based upon these findings, determines that the proposed area variance to allow a Change-Copy Sign having a total sign area of 71.1 square feet is not 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 SEQOR 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. Yes No

Reasons: The Board finds that the applicant could replace the existing sign with a sign that would conform to the requirements of the Town Code and that there is no known alleged difficulty associated with the sign replacement which would not be 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, finds:

That the benefit to the applicant outweighs any known detriment(s) to the neighborhood or community and, therefore, the requested Area Variance is approved with the following conditions:

1. The applicant is to obtain Final Sign Site Plan approval from the Town Planning Board which is to be based in part by the conditions set forth herein; and
2. The proposed electronic Copy-Change Sign lighting intensity is to comply with the Town Lighting Standards contained in Chapter 165 of the Town Code; and
3. The proposed electronic Copy-Change Sign is to operate on a timer and is to remain off during dark night time periods when the Mall is closed; and
4. The proposed electronic Copy-Change Sign is not to have any animated, flashing or moving parts such as messages being scrolled across the sign face; and
5. The applicant is to also install the Public Safety Signage for this site in accordance with the provisions contained in: Chapter 165, Article V, Section 41. A. (11) of the Town Code; and Appendix G-9.0, Public Safety Sign Detail, a part of the adopted Town of Farmington Site Design and Development Criteria; and

- 6. The applicant is to prepare a landscaping plan around the base of the proposed sign to be accepted by the Town Planning Board; and
- 7. The applicant is to seal coat the existing parking lot this year, not later than May 31, 2019, and re-stripe the parking spaces to conform to the double-line striping requirements set forth in Chapter 165 of the Town Code.

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.

Timothy DeLucia	Aye
Jeremy Marshall	Aye
Cyril Opett	Aye
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

7. ADOPTION OF 2019 RULES OF PROCEDURE

Mr. DeLucia acknowledged that the draft 2019 Rules of Procedure were provided to board members and Town staff by Mr. Brand prior to this evening’s meeting, and that suggested amendments were provided by Mr. Brand at the meeting on January 28, 2019. He asked if there were any additional amendments, questions or comments. There were no additional amendments, questions or comments from the board or Town staff.

■ A motion was made by MR. MARSHALL, seconded by MS. PURDY that 2019 Rules of Procedure be adopted as amended:

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
2019 RULES OF PROCEDURE**

ADOPTED—February 25, 2019

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has given consideration to the need to adopt Rules of Procedure for conducting the business of the Board during the calendar year 2019; and

WHEREAS, the Board has determined that such Rules of Procedure are in the best interests of the Town; and

WHEREAS, the Board determines the action to adopt Rules of Procedure is a Type II Action, under Part 617.5 (c) (20) of the State Environmental Quality Review (SEQR) Regulations, in that it involves routine agency administration, not including new programs or major re-ordering of priorities that may affect the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following Rules of Procedure:

1. Order of Business

At each Board Meeting, the following order of business shall be:

- a. Call to Order, Pledge of Allegiance and Introduction of Board Members and Town Staff.
- b. Information about Emergency Exits and Evacuation Procedures.
- c. Reference to Sign-in Sheet and request that everyone in attendance sign in.
- d. Review and approval of previous Zoning Board Meeting Minutes.
- e. References to Legal Notices—their availability at the meeting and attesting to the date(s) of publication. Posting of property, posting of Legal Notice on bulletin board at Town Hall, and attesting that Legal Notices were made available in compliance with the provisions of New York State Town Law.
- f. The Chair shall open each Public Hearing or public meeting on a matter being considered by the Board.
- g. The Chair shall ask the Code Enforcement Officer to explain the matter(s) before the Board, to include the section of the Town Code for which relief is being sought.
- h. The Chair shall recognize the applicant(s) and ask for testimony concerning the matter that is before the Board.
- i. All Public Hearings will be conducted and, upon resolution of the Board, each Public Hearing will either be closed or continued. If continued, the Public Hearing will be continued to a specific date and time. If no specific date and time is decided upon, a new public notice shall be required. If closed, the Board shall have up to 62 days from the date of closing the Public Hearing to take action upon said application.
- j. The order of the meeting agenda will be first to conduct any continued Public Hearing(s) before hearing any new applications.

- k. If there are no continued Public Hearings, then the Board shall follow the order shown upon the public meeting agenda sheet.
- l. Should an applicant (or a designated agent) not be present when his or her application is called, then the application shall be moved to the end of the Public Hearing(s).
- m. Should an applicant (or a designated agent) not appear before the Board on the night of the public meeting, then the Board shall table the application and continue the Public Hearing to the next scheduled meeting of the Board. In addition, the Board shall direct the Code Enforcement Officer to provide written notification to the applicant of the date and time for the Board's next public meeting and request his or her attendance.
- n. A Public Hearing upon an application may be continued by the Board for a longer period of time based upon an applicant's written request setting forth the reasons for such an extended time period.
- o. Failure by the applicant to appear before the Board at the next scheduled Public Hearing and/or meeting may result in the Board taking action to deny without prejudice the requested application. In such an event, the applicant shall make a new application and pay a new fee for said application.
- p. Only the Town Board may waive an application fee. Any document(s) submitted, either by an applicant, his or her agent, or any person present at the convened Public Hearing, after the opening of the Public Hearing, may result in a tabling of the application and an automatic continuation of the Public Hearing to the next scheduled public meeting. This will enable both the Board members and the general public an opportunity to review the newly submitted material.
- q. Following the close of (or the continuation of) a Public Hearing listed upon the public meeting agenda, the Board will then continue on to the next application listed upon the meeting agenda before making their findings and determination(s).
- r. All persons desiring to speak at a Public Hearing (or a public meeting) may be allowed to speak either during a Public Hearing, or during the public comment time listed upon the public meeting agenda. In no event may a person direct any question to an applicant, or any town Staff member. All matters to be discussed by the public shall be directed to the Chair of the Zoning Board of Appeals. The Chair is the only one who may recognize someone in attendance at the meeting.
- s. Once a Public Hearing has been closed, there shall be no discussion between the members of the Board, an applicant or a member of the public who is in attendance. Any point of concern identified during a Public Hearing that may require clarification will be directed by the Chair to Staff to obtain the information from

the applicant. Staff will be directed to provide said information in writing to the Board either at, or prior to, the next public meeting.

- t. The Board will follow the guidelines set forth in the attached model forms for making its findings and determinations upon use variances, area variances, temporary use permits and/or interpretations.
- u. Following the Board's decisions upon the applications under consideration, the Board will then enter into public comment time. Public comment time is an open forum for discussion of any matter pertaining to the Board that is not listed upon the Board's meeting agenda. Persons wishing to speak on a particular subject are encouraged to submit a written request to the Chair of the Board one week prior to the Board Meeting. All written requests will be addressed first by the Board. In the event a question is raised from the floor, the Chair of the Board reserves the right to have Staff review the matter and make a written report to the Board and to the public prior to the next Board meeting.
- v. Following the public comment forum, the Zoning Board will address Other Board Matters that have been brought to their attention by either Board Members or Town Staff.
- w. Following Other Board Matters, the Board will hear reports from the Director of Planning and Development and/or the Code Enforcement Officer.
- x. Following the completion of all of the items listed upon the Board's Meeting Agenda, the Board will give notice of the next tentative meeting date of the Board subject to receipt of application(s). If there are no new applications to be heard, the Chair shall notify the Development Office that the next tentative meeting will be canceled. Notices to this effect shall be published in the Town's Official Newspaper, posted on the Bulletin Board at the Town Hall and posted on the Town Website.
- y. Following the above, the Chair of the Board will then entertain a motion to adjourn the meeting.

2. Official Decision Forms to be Used by the Zoning Board of Appeals

The Board does hereby adopt and make part of these rules of procedure the attached forms as the Official Forms for Making Findings and Decisions upon Use Variances, Area Variances and Temporary Use Permits. Copies of these documents may be obtained from the Town Development Office or viewed on-line at the Town of Farmington's website www.townoffarmingtonny.com. At the time of adoption of these Rules of Procedure, there is no Guideline or Official Form for the Board to use to hear an appeal to an interpretation made by the Code Enforcement Officer.

3. Legal Notices and Meeting Agendas

Copies of all Legal Notices shall be available in the Town Development Office and the Town Clerk's Office not later than five (5) business days prior to the day of the scheduled meeting. In addition, a copy of the legal notice(s) for each meeting shall be posted on the Official Bulletin Board located at the Town Hall and on the Town's Official website www.townoffarmington-ny.com. Draft meeting agendas will be prepared by the Town Code Enforcement Officer, in consultation with the Director of Planning and Development, for acceptance by the Board Chairperson. On or before the Friday prior to the Board Meeting, Board Members and the Clerk of the Board shall be notified of the availability of the Meeting Agenda along with the packets of information. Copies of the Meeting Agenda, draft resolutions and Legal Notices shall be available for the public in the meeting room by 6:45 p.m. on the day of the scheduled meeting.

4. Public Hearings

All Public Hearings shall commence with the Chair reading the application under consideration by the Board. Then the Chair will call upon the applicant (or his or her agent) to make a formal presentation to the Board. As a matter of policy, the Board will not take action until the applicant or agent has attended the Public Hearing and made a presentation to the Board. If the applicant is not the owner of the property for which the application is made, the applicant must have the owner certify in writing (or attest in public at the meeting) that there are no objections to the application being made on his or her behalf.

Next, Town Staff will be given the opportunity to discuss the application. The Code Enforcement Officer (CEO) will report whether or not the property has been properly posted and whether or not a County Planning Referral has been received. The CEO shall identify the County Referral Number, the Class of Action as determined by the County and their recommendation. This information shall also be placed upon the Official Decision Form referenced above herein. The Board shall identify the Type of Action under review, as first defined in the State Environmental Quality Review (SEQR) Regulations.

Once this information has been entered into the Public Hearing record, the Board Chair will open the meeting to the public. After first providing their names and addresses for the record, all persons speaking shall address the Chair. The Chair may, in turn, redirect the question or concern to another person. In no event, shall the public have the right to demand an answer to a specific question from a member of the Board or Town Staff. The Chair may limit the time each person can speak on a pending application. Once the Chair has determined that everyone has had an opportunity for input, the Chair may recognize a person wishing to speak again on the application.

In the event a petition or other written documentation is submitted as evidence, the material shall be given to the Board's Chair. Upon review by the Chair, the Clerk of the Board shall be instructed to make copies thereof and to distribute them to all Board Members, Town Staff and the Applicant, within three business days of the date of the Public Hear-

ing. When this occurs, the Board shall continue the Public Hearing to the next regularly scheduled Board meeting, or establish a time, date and location for the continuation of the Public Hearing. Such action will afford anyone present an opportunity to see new information previously not within the public files. Any application for which a Public Hearing is continued requires the applicant to continue to post the Public Notification Sign on the subject property until such time as the Public Hearing has been closed.

All Public Hearings will either be closed or, when appropriate, adjourned until the next scheduled Board Meeting. The Board reserves the right to schedule an additional (or special) public meeting to hear comments at a continued Public Hearing. All public meetings shall be held in accordance with the timeline established in the various sections of the New York State Town Law.

After Town Staff and the public have commented on the application, the Board members shall have the opportunity to discuss the application. The Chair shall recognize each member present and request any comment on the pending application.

5. Motions, When in Order

When a question is under debate/discussion, no motion shall be received except a motion to amend the question, to put the question to a vote, to adjourn it to a day certain, to lay it on the table, to commit to Staff or legal counsel, or a motion to adjourn the Board.

6. Resolutions, Draft Copies

When draft resolutions have been prepared by Town Staff for the Board to review and consider at their public meeting and, when copies of said draft resolutions have first been provided to the Board members, then such documents shall also be made available electronically to the applicant when possible provided they have submitted an e-mail address as part of the application process. In addition, upon request thereof, draft resolutions shall be made available to the public pursuant to Article Six, Section 103 of the Public Officers law, to the extent determined practicable as determined by the Board prior to the meeting during which the record will be discussed. In addition, every effort shall be made to post such records upon the Town website www.townoffarmingtonny.com. All draft resolutions shall be shadow marked with the word “Draft” across each page of the resolution.

7. Voting

The members of the Board shall be eligible to vote upon the Board meeting minutes only when they were present for the meeting. When a Board member was not in attendance at the Public Hearing, it should be noted in the record that the member has read the Public Hearing record and feels that he or she is prepared to make an informed decision upon the application.

The members of the Board shall, at the outset of any application, give public notice of their financial or other private interests in any project that is pending before the Board.

Where such disclosure is made, the Board Member shall comply with Article 18 or any amendments thereto of the General Municipal Law, Relating to Conflicts of Interest as well as the Code of Ethics of the Town of Farmington, contained in Chapter 17 of the Farmington Town Code. In all matters voted upon by the Board, there must be a majority of the entire membership of the Board voting the same way in order for an action to be approved or modified. Failure of the Board to reach a majority vote on an application results in the application being automatically denied. All Board Members must record their action by a voice vote taken upon any resolution and duly recorded in the Minutes.

8. Votes, When Recorded

The ayes and nays upon a question shall be taken and entered into the minutes of the public record. All votes taken shall be taken by roll call vote of the entire Board membership. Board Members may abstain from voting. When a Board Member exercises this right, it is not necessary for the Board Member to state their reason(s) for abstaining unless there is disclosure of a conflict of interest associated with any application.

The Board may waive the requirement to read into the public record the standard resolutions for all Type 2 Actions under SEQR. When so approved, the Board must still take action to accept a Type 2 Determination of Significance upon such a resolution by a voice vote.

9. County Planning Recommendations and Board Voting Requirements

In the instance where there is an Ontario County Planning Referral made under the provisions of Section 239-1 of the New York State General Municipal Law and the County Planning Board recommends modification or denial of an application, the Board, in order to override the County's recommendation, must have a majority plus one vote of the entire membership of the Board (or 4 of the 5 board members voting the same way). Said action must be based upon a separate resolution setting forth the reasons for the Board's intent to override the Ontario County Planning recommendation. All Board Members must record their action by a roll call vote taken upon such matters.

Failure by the Board to override the County's recommendation and approve the application by a majority plus one vote of the entire board results in a denial of the application. In the event the Board does override the County's recommendation, the Board shall by separate resolution set forth its reasons for overriding the County and must file a copy of said resolution with the County within the time frame prescribed in the General Municipal Law.

For any application referred to Ontario County Planning, a certified copy of the final action taken shall be filed by the Clerk of the Board within thirty (30) days after final action is taken.

10. Privilege of the Floor

Any person, upon request made during Public Comment Time on the meeting agenda, may address the Board upon a matter of public concern. The time allotted for addressing the Board shall be limited by the Chair depending upon specific circumstances. In no instance shall the Privilege of the Floor be used to make additional comments on an application pending before the Board.

11. Public Notification

Public notice shall be given in the manner prescribed by New York State Town Law and the posting requirements set forth in the Farmington Town Code. In addition, public notice shall be given by posting the notice upon the Town's website www.townoffarmingtonny.com at least five (5) business days prior to said meeting.

When an application has been continued by the Board, the posting of the Public Notification Sign shall continue to be displayed upon the subject site.

All applications that are to appear before the Board shall require the posting of the Public Notification Sign on the subject site. Failure to post the Public Notification Sign shall result in the Board taking action to continue its deliberation until the next public meeting date of the Board so as to provide public notification of a pending application.

12. Decision Notification

Within five (5) business days of the Board's decision having been made upon an application, the Clerk of the Board shall file a certified copy of said decision with the Town Clerk and provide copies thereof to the applicant and the Town Development Office.

13. Draft Meeting Minutes

The Board Members shall be mailed electronically draft meeting minutes within ten (10) business days of the date of the subject meeting.

14. Corrections to Draft Meeting Minutes

The Board Members shall, whenever possible, notify the Clerk of the Board of all corrections to the Meeting Minutes prior to the date of the next Board meeting. Any suggested corrections will be sent to all Board members at the same as notification to the Board Clerk.

15. Approved Meeting Minutes

The Board, after having reviewed the Draft Meeting Minutes, will (as part of the public meeting record) take action to accept the Minutes either with or without corrections.

Once the Minutes have been accepted, the Clerk of the Board shall file certified copies with the Town Clerk's Office and the Development Office within five (5) business days.

16. Recordings of Board Meetings

Recordings of the proceedings of the Board meetings shall be maintained by the Clerk of the Board for a period of four (4) months after the transcription and approval of the Minutes and proceedings by the Board. When requested by the Chair of the Board, said tapes shall be maintained by the Clerk of the Board of a period of time specified by said Chair. Currently, this period is one year.

17. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in the New York State Town Law and the Farmington Town Code. In addition to these responsibilities, all Board Members will attempt to visit each site prior to the Public Hearing. All Board Members shall also be familiar with the provisions of the Town Code pertaining to the application. All Board Members shall follow the criteria listed in New York State Town Law when acting upon an application. Whenever relief is granted by the Board, it shall be the minimum relief deemed necessary.

18. Acting Chair

The Board shall appoint an Acting Chair in the event the Board Chair will be absent at a meeting. For 2019, any duly sworn board member may substitute for Board Chair.

19. Training

Board Members shall attend annual training per requirements established by the Farmington Town Board. Currently, the training requirements are as follows:

1. Pursuant to the provisions of New York State Town Law, Sections 267 and 271, all Planning Board and Zoning Board of Appeals members, as well as any alternate members and the Town's representative on the Ontario County Planning Board, shall be required to complete at least:
 - a. Twelve (12) hours of suitable training during the first full calendar year of their term of office; or
 - b. Nine (9) hours of suitable training during the remaining nine months, of the first full calendar year, of their term of office; or
 - c. Six (6) hours of suitable training during the remaining six months, of the first full calendar year, of their term of office; or

- d. Four (4) hours of suitable training during the remaining three months, of the first full calendar year, of their term of office; and then
 - e. Eight (8) hours of suitable training, each year, for the remaining term of office.
2. The authority to determine suitable training is hereby established by the Town Board and shall consist of training seminars, conferences or courses sponsored by the Ontario County Planning Department, the Monroe County Planning Department, the New York State Department of State, the New York Planning Federation, the Genesee/Finger Lakes Regional Planning Council, the New York State Department of Environmental Conservation, the New York State Department of Health, the New York State Association of Towns, the New York State Department of Transportation, the U.S. Army Corps of Engineers, or any other group or organization, first approved by the Town Board.
 3. The training requirement may be satisfied by educational activities substantially devoted to planning, zoning, or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending fully accredited New York State colleges; 4) reading journal articles or books; or 5) any other educational activities considered acceptable by the Town Board. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
 4. A record of annual completion of training shall be maintained by the Chairpersons of the Town Planning Board and the Town Zoning Board of Appeals and copies of all Certificates of Attendance shall be provided to the Town Board (send to the Confidential Secretary to the Supervisor, who will provide copies in Town Board Correspondence) and Town Clerk, on or before December 31st of each calendar year. Eligibility for reappointment to these Boards shall be conditioned upon completion of the minimum number of hours for training prior to the end of each calendar year.
 5. After the first full year of appointment, suitable training in excess of eight (8) hours per calendar year may be accumulated and carried over into the succeeding calendar year, with the maximum of four (4) hours being credited in the succeeding calendar year for the purpose of satisfying these training requirements. In no event shall excess training be accumulated and carried over into any additional year of the member's remaining term of office.
 6. Suitable training for the Town's representative on the Ontario County Planning Board shall be the minimum established by the County and shall be in addition to the eight (8) hours of annual training mandated for Town Planning Board and Town Zoning Board of Appeals members specified above herein.

7. Suitable training, up to a maximum total of twelve (12) hours, for the person that is identified by the Town Board who is to be appointed to serve either on the Town Planning Board, or the Town Zoning Board of Appeals, may be accumulated during a maximum period of up to twelve (12) months prior to appointment, on either Board, by the Town Board. In the event said person receives less than the maximum of twelve (12) hours, then the total number of hours of suitable training received during the twelve (12) month period prior to appointment may be combined with additional suitable training received during the first year of appointment, up to a maximum of twelve (12) hours, to satisfy the first full calendar year's requirement for training.
8. The respective Chairpersons of the Planning Board and Zoning Board of Appeals shall not exceed the budgeted contractual lines in their respective budgets in paying for the training (when required) without the expressed approval of the Town Board with a budget amendment approved by the Town Board.

20. Annual Summary Report

The Chair of the Zoning Board of Appeals shall provide to the Town Board an annual summary report describing the ZBA's conformance to training requirements, significant matters under review during the prior calendar year, key personnel changes, and plans for the coming year. This report shall be submitted to the Town Supervisor not later than first Town Board meeting following the first ZBA meeting of the following year.

21. Amendments

These Rules of Procedure may be amended from time to time by the Board upon resolution to amend.

22. Filing of Rules of Procedure

All adopted Rules of Procedure shall be filed with the Town Clerk's Office and the Town Development Office, posted on the Town website and made available for public inspection upon demand.

23. Effective Date

All adopted Rules of Procedure shall become effective upon their filing in the Office of the Farmington Town Clerk.

24. Distribution

Certified copies of the Board Rules of Procedure shall be filed by the Clerk of the Board with the members of the Zoning Board of Appeals, the Town Clerk, the Town Board, the Town Attorney, the Town Code Enforcement Officers, the Town Development Office

Administrator and the Town Director of Planning and Development. An electronic copy shall be provided to all the ZBA members.

25. Conflict with New York State Town Law or Farmington Town Code

If any of these Rules of Procedure conflict with New York State Town Law, or any section of the Farmington Town Code, the text of said Law or Code shall take precedence and that (those) portion(s) of these Rules of Procedure shall be amended accordingly. In any event, only the portion(s) found to be in conflict shall be amended with the remainder of the rules retaining their effectiveness.

26. New Information Received

In the event an applicant submits new information pertaining to a matter under consideration by the Board, and provided the Board has not closed the Public Hearing record, said Board may consider such new information provided the public has been provided the opportunity to review and comment upon the new information. However, once the Board has closed the Public Hearing, no new information may be received or considered by the Board when rendering its decision.

27. Rehearing/Reconsideration of Actions

The Board may not reconsider or recall a decision made upon an application. A new application may be considered by the Board as the result of a majority plus one vote of the Board and based upon the findings set forth in Chapter 165, Section 97.C of the Farmington Town Code.

BE IT FINALLY RESOLVED that the Board does hereby direct the Clerk of the Board to file certified copies of these Rules of Procedure along with the above referenced attachments hereto with all persons listed in #24 above as well as to cause the placement of these Rules of Procedure with the attachments on the Town's Official Website.

Following discussion thereon, the following voice vote was taken and recorded:

Timothy DeLucia	Aye
Jeremy Marshall	Aye
Cyril Opett	Aye
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

9. OTHER BOARD MATTERS

None

10. CODE ENFORCEMENT OFFICER UPDATE

Mr. Delpriore said that he and Mr. Kincaid are continuing to meet the workload in the Building Department following the departure of Mr. Morse earlier this month. He said that several additional applications for the Zoning Board of Appeals are expected to be received in the next month or two and that the staff will revisit the Create A Scape interpretation and provide information to Mr. Del Re.

Mr. Kincaid said that he is handling the commercial projects and applications, and that Mr. Delpriore is handling the residential projects and applications.

11. DIRECTOR OF DEVELOPMENT

Mr. Brand reported that an e-mail was received today from Daniel Compitello, Project Manager, Delaware River Solar, regarding the status of the company’s Notice of Intent submission to the New York State Department of Agriculture and Markets (DAGM). In the e-mail, Mr. Compitello said that Delaware River Solar is now able to coordinate directly with DAGM regarding the solar project proposed for Yellow Mills Road. Mr. Brand said that he requested an update from DAGM and was told that it may take approximately 60 days to 75 days from today for DAGM to complete its review of the Farmington application. Mr. Brand said that he will continue to keep the members of the Zoning Board of Appeals and the Planning Board updated on the status of the application.

12. NEXT MEETING DATE

The next regular meeting of the Zoning Board of Appeals will be held on Monday, March 25, 2019, in the Farmington Town Hall, 1000 County Road 8, commencing at 7:00 p.m.

13. TRAINING OPPORTUNITY

**Genesee–Finger Lakes Regional Planning Council
Spring 2019 Regional Local Government Workshop**

May 17, 2019

Information: dave.zorn@gflrpc.org

14. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:50 p.m.

Following the meeting, the clerk locked the front entrance doors to the Town Hall.

Respectfully submitted,

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