

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, January 27, 2020, 7:00 p.m.

MINUTES—APPROVED

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Zoning Board of Appeals. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Zoning Board of Appeals adopted Rules of Procedure. The audio recording is retained for four months.

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

Staff Present:
John Weidenborner, Town of Farmington Zoning Officer

Applicants Present:
None

Residents Present:
None

Town Board Appointments to the Zoning Board of Appeals:

At the Organizational Meeting on January 7, 2020, the Town Board reappointed JEREMY MARSHALL to serve on the Zoning Board of Appeals for a five-year term to expire on December 31, 2024; and appointed AARON SWEENEY to serve on the Zoning Board of Appeals to fill the remainder of a vacant position to expire on December 31, 2022.

Also at the Organizational Meeting, the Town Board appointed JEREMY MARSHALL to serve as Chairperson of the Zoning Board of Appeals for a one-year term to expire on December 31, 2020.

Mr. Marshall and Mr. Sweeney took their places upon the Zoning Board of Appeals.

Zoning Board of Appeals Members and Terms of Office:

Vacant position*		Term expires December 31, 2020
Jill Attardi**	Appointed 5/14/2019	Term expires December 31, 2021
Aaron Sweeney***	Appointed 2020	Term expires December 31, 2022
Thomas Yourch	Appointed 2019	Term expires December 31, 2023
Jeremy Marshall	Appointed 2020	Term expires December 31, 2024

*Vacant position is the unexpired term of Timothy DeLucia who joined the Planning Board in 2020.
 **Filling the unexpired term of Cyril Opett who resigned in May 2019.
 ***Filling the unexpired term of Nancy Purdy who resigned in November 2019.

1. MEETING OPENING

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

With everyone in attendance familiar with the members of the Zoning Board of Appeals and the Town staff, and with Town Hall emergency procedures, Mr. Marshall omitted these this evening.

Mr. Marshall said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 25, 2019.

2. APPROVAL OF MINUTES OF DECEMBER 23, 2019

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the minutes of the December 23, 2019, meeting be approved.

Motion carried by voice vote. Mr. Sweeney abstained.

3. LEGAL NOTICE

None.

4. PUBLIC HEARINGS

None.

5. 2020 RULES OF PROCEDURE

Mr. Marshall led a discussion of proposed amendments to the Rules of Procedure.

Mr. Weidenborner said that the current procedure of receiving one draft resolution (of approval, or of denial) of an application often creates confusion for the applicants who have the impression that the Board's decision on an application has made prior to the board meeting. He said that the Town staff receives telephone calls and e-mails from applicants immediately upon the posting of the draft resolutions on the Town website asking about how the decision has been made (especially for draft resolutions of denial) when the applicants have not yet had the opportunity to speak before the board at a Public Hearing. He said that this creates a situation where some applicants come to a board meeting in anger.

He suggested that two draft resolutions be submitted prior to a board meeting, i.e., one draft resolution of approval for consideration by the board, and one draft resolution that will provide the rationale for the denial of the application for consideration by the board. He suggested that the intent of this is to have the Town staff provide the facts of the application, based upon the Town Code, to enable the board to consider all relevant information prior to reaching a decision.

Mr. Marshall said that this suggestion removes the perception that the Town staff—and not the board—is making the decisions on applications. He said that this suggestion places the responsibility directly upon the members of the board to consider all of the relevant facts and the Town Code, and then to make the decision.

Mr. Weidenborner said that the board speaks for the Town and its citizens.

Mr. Weidenborner also suggested that the board may wish to hold a Workshop Session a half-hour prior to each regularly-scheduled board meeting for the purpose of reviewing the applications and to discuss the relevant section(s) of the Town Code that pertain to the application(s).

Mr. Marshall discussed compliance with the State's Open Meetings Law. He said that a public meeting must be called when a quorum of the board (three or more members) speak about board business or a specific application. Mr. Marshall said that it is not a violation of the Open Meetings Laws for board members to contact the Town staff via e-mail or by telephone on a one-to-one. He said that it would not be mandatory for board members to attend a Workshop Session but that the Session would provide a more informal opportunity to review applications and ask questions of the Town staff.

He said that Workshop Sessions would be open to the public and that public notification would be provided in the same manner as a regularly-scheduled meeting. However, Mr. Marshall noted that no questions or comments from the public would be taken until the Public Hearing is officially opened in the subsequent meeting.

Mr. Weidenborner said that the Workshop Sessions could be scheduled on a case-by-case basis depending upon the complexity of a particular application.

Mr. Marshall said that board members may communicate one-on-one via e-mail with one another or the Town staff, but that electronic means cannot be used to circumvent the Open Meetings Laws. Board members should not use the “reply all” e-mail function.

He suggested that the board and the Town staff consider establishing a Workshop Sessions prior to each board meeting to avoid having to re-advertise the sessions each time one is needed. He said that he would be at the Town Hall at 6:30 p.m. on meeting nights and that a Workshop Session may not be required prior to every board meeting.

Mr. Yourch asked about the relevant sections of the Town Code that pertain to applications. Mr. Weidenborner said that the Town staff will include the relevant Town Code citations in the board packets and may be able to attach a photocopy of the Town Code section. He also noted that the Town Code may be searched on the website.

Mr. Sweeney asked when the proposed amendments to the Rules of Procedure would take effect. Mr. Marshall said that the proposed amendments would become effective upon the adoption of the Rules of Procedure by the board. He requested that the clerk provide the draft text of the amendments to him, and that he will then forward the draft to the board and to the Town staff for review and comment.

6. BOARD MEMBERS’ COMMENTS

Mr. Sweeney asked about the vacancy on the board. Mr. Marshall requested that those interested in serving should contact or write to Supervisor Ingalsbe to express their interest.

Mr. Marshall asked about e-mails that he has received from the Building Department regarding violations notices that have been issued. Mr. Weidenborner said that a new on-line violations tracking system is being tested by the Town staff and that eventually the chairperson of each board and the Town department heads will be able to review, approve and sign these notices online. He said that no action by Mr. Marshall is required at this time.

Mr. Marshall noted that the Rules of Procedure require that the chairperson appoint a vice chairperson of the board.

■ Mr. Marshall then appointed THOMAS YOURCH to serve as Vice Chairperson of the Zoning Board of Appeals for 2020. The members of the board concurred with this appointment.

7. ZONING OFFICER UPDATE

Mr. Weidenborner said that a meeting of the board on February 24, 2020, will be required for consideration of the application of a Hook Road resident for an Area Variance to keep chickens on her single-family lot of fewer than five acres. The chicken coop would be located less than 100 feet from the property lines. He said that the applicant has submitted documentation that the chickens are considered emotional support animals and that the provisions of the Fair Housing Act must be considered. (The Fair Housing Act prohibits discrimination on the basis of disability in all types of housing transactions.) Mr. Weidenborner said that the Fair Housing Act covers zoning regulations and the use of service animals. He suggested that board members review the provisions of the Fair Housing Act and that this could be a good topic for a Workshop Session prior to the February meeting. He said that the Building Department will provide information to the board and that board members are welcome to stop in to the Building Department to meet with him to review the application and the relevant sections of the Fair Housing Act.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that a Workshop Session of the Zoning Board of Appeals be scheduled for Monday, February 24, 2020, at 6:30 p.m. at the Town Hall.

Motion carried by voice vote.

8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None.

8. TRAINING OPPORTUNITIES

82nd Annual New York Planning Federation Conference

April 19–April 21, 2019

The Sagamore Resort, Bolton Landing, N.Y.

For information and updates: www.nypf.org, (585) 512-5270

Future Training Opportunities Online

Ontario County Planning Department website now lists upcoming training:

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

10. NEXT WORKSHOP SESSION AND MEETING DATE

A Workshop Session of the Zoning Board of Appeals will be held on Monday, February 24, 2020, at 6:30 p.m. at the Farmington Town Hall, 1000 County Road 8.

The next regular meeting of the Zoning Board of Appeals will follow the Workshop Session at 7:00 p.m. on Monday, February 24, 2020.

11. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:35 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