

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, June 27, 2022, 7:00 p.m.

MINUTES—Approved

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

Board Members Present:

Jeremy Marshall, *Chairperson*
Thomas Yourch
Tod Ruthven
Kelly Cochrane
Jody Binnix

Staff Present:

Ron Brand, Town of Farmington Director of Development
John Weidenborner, Town of Farmington Zoning Officer

Applicant’s Present:

Rory & Andrea Stave, 53 Coachlight Circle, Farmington

Others Present: Two additional residents were present but did not sign in

1. MEETING OPENING

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

The Pledge of Allegiance was recited.

Mr. Marshall said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on March 28, 2022, as amended above.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom. The safety measures were implemented in accordance with the Governor’s relevant

Executive Orders regarding the COVID-19 pandemic. A sign-in sheet was not used to avoid contact with pens, pencils and papers. The names of those attending tonight's meeting is available for public tracing should it be deemed necessary. Hand sanitizers were available throughout the building. Public access was restricted to the lobby, the main meeting room, and the public restrooms.

2. **APPROVAL OF MINUTES OF MAY 23, 2022**

■ A motion was made by MS. COCHRANE seconded by MS. BINNIX, that the minutes of the MAY 23, 2022, meeting be approved.

Motion carried.

3. **LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, June 19, 2022:

ZB #0601-22, RORY & ANDREA STAVE, 53 COACHLIGHT CIRCLE, FARMINGTON, NEW YORK 14425:

Request an Area Variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect a 9-foot 11-inch x 12-foot-long deck to be attached to the front of a residence, with a proposed front setback of 27-feet 1-inch. The Town Code requires a minimum front setback of thirty-five (35) feet. The property is zoned R-7.2 Planned Subdivision District.

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

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

4. **CONTINUED PUBLIC HEARING**

ZB #0501-22, MATTHEW FOX, 5842 TWEED TRAIL, FARMINGTON, NEW YORK 14425:

Request an Area Variance to the provisions contained within Chapter 165, Article V, Section 61 A of the Town of Farmington Codes. The applicant wishes to erect a fence six (6) feet in height to be located within the front yard portion of a lot. Per Town Code fences may be permitted that are four (4) feet or lower in height within the front yard portion of a lot. The lot is located at 5842 Tweed Trail and is zoned IZ Incentive Zoning.

Mr. Marshall continues the public hearing and asks if there is anyone present who would like to speak for or against this project.

Mr. Weidenborner states that he received an email from Mr. Fox on June 22, 2022, asking to withdraw his Zoning Board application #0501-22.

Mr. Marshall then states that with the application withdrawn by the applicant no action is required for this application and closes the public hearing.

5. PUBLIC HEARING

ZB #0601-22, RORY & ANDREA STAVE, 53 COACHLIGHT CIRCLE, FARMINGTON, NEW YORK 14425:

Request an Area Variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect a 9-foot 11-inch x 12-foot-long deck to be attached to the front of a residence, with a proposed front setback of 27-feet 1-inch. The Town Code requires a minimum front setback of thirty-five (35) feet. The property is zoned R-7.2 Planned Subdivision District.

Mr. Marshall opens the public hearing on this application.

Rory and Andrea Stave presented the above application. Mr. Stave explains that they would like to put in a set of wooden steps and a deck on the front of their house. They currently have concrete steps. In Farmbrook, he says, about a third of the houses have what they are desiring to do and to put a set of wooden steps on the front. Apparently concrete steps are considered landscaping, so they do not require a permit to put on. Currently they have concrete steps, so they are asking the Board to grant them a variance to put the wooden steps on the front of their house.

Mr. Marshall then asks for questions from the Board.

Ms. Binnix asks Mr. Brand about a comment that was mentioned at the last meeting regarding a code change review by the Town Board pertaining to porch setbacks to be revised.

Mr. Brand explains that Mr. Weidenborner, Mr. Delpriore, and himself are working on a code update. They anticipate that next month these regulation updates will be submitted to relieve some of these variance requests that we are getting in Farmbrook.

Mr. Weidenborner states that we have been receiving many of these types of applications because when these subdivisions were built the setbacks were set right at the front of the houses. Back then most people wanted rear yards now people are wanting front yards and porches. The Board has granted these in the past with those kinds of stipulations other than in the first ten feet. He says he believes the Board has approved at least two of these variances this year and a few last year in these neighborhoods.

Mr. Marshall then closes the public hearing for ZB #0601-22.

6. BOARD BUSINESS—DELIBERATIONS AND DECISION

ZB #0601-22	Rory & Andrea Stave 53 Coachlight Circle Farmington, N.Y. 14425	Area Variance
--------------------	--	----------------------

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived, and that the resolution be approved as submitted by the Town staff:

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

ZB #0601-22

**APPLICANT: RORY & ANDREA STAVE
53 COACHLIGHT CIRCLE,
FARMINGTON, NEW YORK 14425**

ACTION: Area Variance to erect a 9’ 11” x 12’ deck to be attached on the front of the residence, creating a proposed front setback of 27-foot 1-inch.

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,

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (12) 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.

The above resolution was offered by MR. YOURCH and seconded by MR. RUTHVEN at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, June 27, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochran Aye

Jody Binnix	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
Jeremy Marshall	Aye

Motion carried.

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the reading of the complete Area Variance Findings and Decision resolution be waived, and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.

Motion carried by voice vote.

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

APPLICANT: Rory & Andrea Stave 53 Coachlight Circle Farmington, N.Y. 14425	File: ZB #0601-22 Zoning District: R-7.2 Planned Subdivision Published Legal Notice on: June 19, 2022 County Planning Action on: N/A County Referral #: N/A Public Hearing held on: June 27, 2022
---	--

Property Location: 53 Coachlight Circle, Farmington, New York 14425

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

Requirement for Which Variances are Requested: The applicant wishes to erect a twelve-foot-wide (12 foot) by nine-foot eleven inch (9-foot 11-inch) long deck, to be attached to the front of the residence located at the above address, with a proposed front setback of 27-feet 1-inch. The Town Code requires a minimum front setback of thirty-five (35) feet in the R-7.2 Planned Subdivision District.

State Environmental Quality Review Determination: The granting of an Area Variance for an a 160-square-foot accessory structure is classified as a Type II Action under Part 617.5 (c) (16) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under article 8 of the State Environmental Conservation Law (ECL).

County Planning Referral Recommendation: N/A. Exempt Action by Ontario County Planning Board Bylaws.

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 the Board) finds that the character of this neighborhood is predominantly single-family dwellings. The Board further finds that there are other properties in the district having single-family dwellings which have had similar variances granted for front yard setbacks to accommodate decks. The Board finds that the deck is in keeping with the character of the neighborhood noting there are other structures in the area with front decks. The Board further finds that town staff is currently working on a code amendment to allow porches and decks within the first 10ft of the front setback on residential lots. The Board, based upon these findings, determines that the granting of the requested Area Variance will not create an undesirable change in the character of the neighborhood; or create a detriment to nearby properties.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance. Yes No

Reasons: The Board finds there are no other options available to install a deck attached to the front of the residence without requiring a variance from this setback. Therefore, based upon these findings, the Board determines that the benefit to the applicant cannot be achieved by a feasible alternative design

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the requested encroachment into the front yard setback involves a variance of twenty-three percent (23%) from that required by town code. The Board has consistently found that a variance involving fifty percent (50%) or more is a substantial variance.

4. Whether the proposed variance will have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district. Yes No

Reasons: The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQ 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 alleged difficulty is self-created due to the applicant’s choice of wanting to attach a deck on the front of the residence.

**DETERMINATION OF THE ZONING BOARD OF APPEALS
BASED UPON THE ABOVE FACTORS**

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

The Board based upon its review of the record on this application finds that the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to erect a deck thirty-one (31) feet from the front lot line instead of the required thirty-five (35) foot front setback is **APPROVED with the following conditions:**

- 1. The deck addition is to match, to the extent practical, the exterior treatment of the existing structure.**
- 2. The deck addition shall not be enclosed.**
- 3. Any light fixture to be installed as part of the proposed deck addition shall comply with the Town’s Dark Sky lighting regulations contained in Chapter 165 of the Town Code.**
- 4. A Building Permit shall be acquired by the applicant prior to the start of construction.**

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

The above resolution was offered by MR. YOURCH and seconded by MR. RUTHVEN at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, June 27, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Jody Binnix	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
Jeremy Marshall	Aye

Motion carried.

7. OTHER BOARD MATTERS

Mr. Marshall announces that this is his last Zoning Board meeting because he has accepted a County Administrators position out of state in Nebraska.

8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

9. DIRECTOR OF PLANNING AND DEVELOPMENT UPDATE

- Proud to announce that the Town was successful in their grant application to the Federal Highway Administration for sidewalk and trail connections. The total federal grant awarded was \$1,771,200.00.
- The Town continues to get input from agencies regarding the Farmington Market Center Project. There is a meeting scheduled with NYSDOT on July 14, 2022, at 10am to discuss equity funding options.
- GLN site is coming along.
- We anticipate a preconstruction meeting for the CountryMax building at the corner of Hook and Collett Roads.

10. ZONING OFFICER UPDATE

- Next Meeting will be July 25, 2022, and there will be 3 applications for review
- Open Clerk of the Board of Position

11. TRAINING OPPORTUNITIES

■ 2022 Municipal Bootcamp:

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

Remaining sessions in 2022:

Thursday, July 28, 2022, 6:00 p.m. to 7:00 p.m.

Ask Us Anything: Hot Topics in Planning, Zoning and Community Development

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

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

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

A History Lesson: Managing Projects with Historic Significance

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

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

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

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

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

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

The Essentials of Planning and Zoning:

Introduction to Planning, Zoning and Land Use
 Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan
 Understanding and Applying SEQRA (NY State Environmental Quality Review Act)
 The What, Why, and How of Site Plan Review
 Common Mistakes and Mishaps in Site Plan Review

Meeting Process and Communication:

Enhancing Transparency Effectiveness in Planning Proceedings
 Innovations and Best Practices for Planning/Zoning Boards
 Engaging Diverse Communities and Dealing with Difficult People
 Working with Elected Officials and Understanding Everyone's Role in Planning
 The Open Meetings Law for Zoning and Planning Boards, Part 2
 Working with Developers to Foster Investment in the Community
 Communication, the Media and Social Media
 Open Government and Planning and Zoning Decision Making

■ **General Code e-Code**

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

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

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

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

12. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will be held on Monday, July 25, 2022, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8.

13. ADJOURNMENT

■ A motion was made by MS. COCHRANE, seconded by MS. BINNIX, that the meeting be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:11 p.m.

Respectfully submitted,

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