

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, March 25, 2024, 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: Thomas Yourch, *Chairperson*
Tod Ruthven
Jody Binnix
Tom Lay

Board Members Excused: Kelly Cochrane

Staff Present:
Ron Brand, Town of Farmington Director of Development
Dan Delpriore, Code Enforcement Officer, Town of Farmington

Applicants Present:
James Fowler, 6176 Hunters Drive, Farmington, NY 14425
Jared Hirt, Esq., Evans Fox LLP, 100 Meridian Centre Blvd., Suite 300, Rochester, NY 14618 **R**
Griffin Weigel, Conifer LLC, 1000 University Avenue, Suite 500, Rochester, N.Y, 14607

Resident Present:
Greg Coon, 6250 Pheasants Crossing, Farmington NY 14425

R – participated remotely from Office via ZOOM

1. MEETING OPENING:

The March 25, 2024, meeting of the Zoning Board of Appeals was called to order at 7:00 p.m. by Mr. Yourch.

The Pledge of Allegiance was recited.

Mr. Yourch said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on January 22, 2024.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom.

2. APPROVAL OF MINUTES OF FEBRUARY 26, 2024:

■ A motion was made by MR. RUTHVEN seconded by MS. BINNIX, that the minutes of the FEBRUARY 26, 2024, meeting be approved.

Motion carried.

3. LEGAL NOTICES:

The following Legal Notices were published in the *Canandaigua Daily Messenger* newspaper on Sunday, March 17, 2024:

ZB #0301-24, FOWLER FAMILY TRUST, 6176 HUNTERS DRIVE, FARMINGTON, NEW YORK 14425:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to create a third lot, to be known as Lot R5-C, that would have a minimum lot width of twenty-two (22) feet. The Town Code requires a minimum lot width of 125 feet. The proposed lot would be part of a proposed re-subdivision of Lot # R5-A with tax ID #29.13-1-5.100 and Lot #R5-B with tax ID #29.13-1-5.200 of the Pheasants Crossing Subdivision. These three (3) proposed lots would be located along the west side of Pheasants Crossing and within the Pheasants Crossing Subdivision Tract. All lots are zoned RS-25 Residential Suburban.

ZB #0302-24, EVAN VAN EPPS c/o BRICKWOOD MANAGEMENT, 25 SILVERLIGHT WAY, ROCHESTER, NEW YORK 14624:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-1, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating the need for an area variance for a proposed front setback of twenty-two (22) feet for proposed Building E. The Town Code requires a minimum front setback of seventy (70) feet. The property is located on the north side of Pintail Crossing west of Red Fern Drive and is zoned RMF Residential Multiple Family.

ZB #0303-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-1, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating a proposed front setback of two (2) feet for the existing building #8. The Town Code requires a minimum front setback of seventy (70) feet. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0304-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-2, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating a proposed rear setback of thirty-one (31) feet for the existing building #8. The Town Code requires a minimum rear setback of forty (40) feet. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0305-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-2, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating a proposed side setback of thirty-one (31) feet for the existing building #8. The Town Code requires a minimum rear setback of forty (40) feet. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0306-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-K, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating proposed front and side yard parking for all the existing buildings. The Town Code requires all open parking lots be located in the rear yard portion of the lot. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0307-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article V, Section 37-4-c, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating proposed three (3) feet buffer for parking for the existing building #7. The Town Code requires all open parking areas for five or more vehicles that adjoins a residential area have a planted buffer strip at least ten (10) feet wide shall be provided between the parking area and the adjoining residential area. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

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

By order of:
Thomas Yourch, Chairperson
Zoning Board of Appeals
TOWN OF FARMINGTON

4. CONTINUED PUBLIC HEARING:

Mr. Yourch announced that the following application was withdrawn by the applicant after the notice of continuation, but before tonight's meeting, and because of the withdrawal, there is no continued public hearing since there is no longer an application.

ZB #0301-23, FOWLER FAMILY TRUST, 6176 HUNTERS DRIVE, FARMINGTON, NEW YORK 14425: (WITHDRAWN BY APPLICANT'S ATTORNEY ON FEBRUARY 21, 2024.)

5. PUBLIC HEARINGS:

ZB #0301-24, FOWLER FAMILY TRUST, 6176 HUNTERS DRIVE, FARMINGTON, NEW YORK 14425.

The applicant is requesting an area variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to create a third lot, to be known as Lot R5-C, that would have a minimum lot width of twenty-two (22) feet. The Town Code requires a minimum lot width of 125 feet. The proposed lot would be part of a proposed re-subdivision of Lot # R5-A with tax ID #29.13-1-5.100 and Lot #R5-B with tax ID #29.13-1-5.200 of the Pheasants Crossing Subdivision. These three (3) proposed lots would be located along the west side of Pheasants Crossing and within the Pheasants Crossing Subdivision Tract. All lots are zoned RS-25 Residential Suburban.

Mr. Yourch opened the public hearing on the above application.

Jared Hirt presented the above application. Mr. Hirt said there are a total of three proposed resolutions we are seeking tonight. We are looking for the ZBA to approve the appointment of the Planning Board to be designated as the lead agency. We are looking for a resolution allowing the Farmington Planning Board to provide a written recommendation to the request area variance. We understand that this is new a public hearing, but we are still waiting for comments from the county. As I understand it, which are due tomorrow. So, we would ask that the public hearing be adjourned and continued.

Mr. Yourch then asked for staff comments.

Mr. Brand said that Mr. Hirt has identified the actions before this board tonight. The resubmission of a new application is subject to the same process that was followed previously [ZB #0301-23, withdrawn]. The Planning Board has classified this as an Unlisted Action, initiated this coordinated review and declared their intent to be the lead agency. The one resolution tonight is for you to agree with that request to be lead agency. The Planning Board intends to designate themselves as lead agency at their April 3rd meeting. Then they will direct staff to prepare drafts, for the parts two and three of the Full Environmental Assessment Form (FEAF) for their review and acceptance at their meeting on April 17th.

Assuming this occurs then they would be able to make a SEQR determination of significance upon the Town Actions and give you [the Zoning Board of Appeals] a recommendation requested. Then you should be good to go for your next meeting on April 22nd. With the continuation of this public hearing. Town staff is ready to answer any questions that you have for us.

Mr. Yourch then asked Mr. Delpriore for comment, he concurred with Mr. Brand.

Mr. Yourch asked for public comment from those attending in the meeting room as well as online. At this time Mr. Greg Coon came forward and said that he lives at the lot adjacent to where all of this is happening. I would voice the same concerns that I have voiced before. I think that the entire neighborhood has the same thought that by dividing these two lots into three lots it will change the layout of the neighborhood and have some effect on how the neighborhood is, our property values and everything that we've already talked about before. The requested 22-foot-wide front lot width, I believe, was considered a flagpole lot, and this may be changing it from a flagpole lot, which was part of the problem before. It's not really changing anything. If you grant this request, you will have a 22-foot-wide front lot at the highway right-of-way. I believe, I am assuming, this is for a driveway. I haven't seen any pictures. A driveway going to the third lot, it's still a small lot divided by two lots. The other two lots up top should be significantly smaller than the lots that are already in the neighborhood. If they decide to put houses on those lots it's going to push those houses closer to A, my house and B, our neighbors house on the other side, plus

affect the house directly across the street in regard to what they look over and see. It will change the layout of the neighborhood and will have some effect on our values.

Mr. Yourch again asked if there was anyone else in the meeting room wanting to speak on this application. Hearing none, he then asked if there was anyone on-line who wished to speak on this application. Hearing none, he then turned to Mr. Brand for comment.

Mr. Brand asked Mr. Yourch to confirm with the Applicant's Attorney that he has had an opportunity to review the draft resolutions and if there are any concerns at this time. Mr. Hirt confirmed that he reviewed the draft resolutions that and has no concerns at this time. Hearing no further comments Mr. Yourch then closes the public hearing for ZB #0301-24.

6. BOARD BUSINESS—DELIBERATIONS AND DECISION

■ A motion was made by MR. RUTHVEN seconded by MR. LAY, to accept the following three (3) draft resolutions for this application.

FILE: ZB #0301-24

APPLICANT: Fowler Family Trust, 6176 Hunters Drive,
Farmington, New York 14425

ACTION: REQUEST TO THE TOWN OF FARMINGTON PLANNING BOARD
TO PROVIDE A WRITTEN RECOMMENDATION CONCERNING
THE REQUESTED AREA VARIANCE FOR PROPOSED LOT #R5-C
OF THE FOWLER FAMILY TRUST RE-SUBDIVISION

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has received a new application for an area variance related to the above referenced Action; and

Whereas, the Board has the right under the provisions of Article 16, Section 277. 6. of New York State Town Law to request from the Planning Board a written recommendation concerning the proposed variance under review by this Board.

Now, therefore, be it resolved that the Board does hereby make this request that the Planning Board provide a written recommendation concerning the proposed variance once a determination of significance has been made under the State's Environmental Quality Review Regulations by the designated lead agency.

Be it further resolved that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicant, the Applicant’s Engineer, the Applicant’s Attorney and the Town Director of Planning and Development.

The above resolution was offered by MR. RUTHVEN and seconded by MR. LAY at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, March 25, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

- Kelly Cochran - Excused
- Tod Ruthven - Aye
- Tom Lay - Aye
- Jody Binnix - Aye
- Tom Yourch - Aye

Motion Adopted.

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of March 25, 2024.

Paula Ruthven, Clerk of the Zoning Board of Appeals

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
ZB #0301-24**

FILE: ZB #0301-24

APPLICANT: Fowler Family Trust, 6176 Hunters Drive, Farmington, NY 14425

ACTION: Resolution agreeing with Planning Board being designated Lead Agency under the provisions of the State Environmental Quality Review Act (SEQRA) for the above-described applications.

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board) has received a Project Notification Review Letter (PNRL) dated March 18, 2024, from the Town Director of Planning and Development on behalf of the Town of Farmington Planning Board (hereinafter referred to as Planning Board) related to the above applications for Preliminary Re-subdivision Plat Approval and Preliminary Site Plan Approval involving the granting of area variances, by the Zoning Board; and

Whereas, the Board has given its’ consideration to this request.

Now, therefore, be it resolved that the Zoning Board does hereby take action to agree with the Planning Board’s request to be designated lead agency for making the required determination of significance upon the proposed action under the SEQRA Regulations.

Be it further resolved that the Zoning Board does hereby authorize the Chairperson to complete, sign and return the PNRL Response Form.

Be it further resolved that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicant, the Applicant’s Engineer, the Applicant’s Attorney and the Town Director of Planning and Development.

The above resolution was offered by Mr. Ruthven and seconded by Mr. Lay at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, March 25, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

- Kelly Cochran - Excused
- Tod Ruthven - Aye
- Tom Lay - Aye
- Jody Binnix - Aye
- Tom Yourch - Aye

Motion - Adopted

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of March 25, 2024.

Paula Ruthven, Clerk of the Zoning Board of Appeals

TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
ZB #0301-24

FILE: ZB #0301-24

APPLICANT: Fowler Family Trust, 6176 Hunters Drive,
Farmington, New York 14425

ACTION: ADJOURNMENT AND CONTINUATION OF THE PUBLIC
HEARING UPON THE REQUESTED AREA VARIANCE FOR
PROPOSED LOT #R5-C OF THE FOWLER FAMILY TRUST
RE-SUBDIVISION

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has tonight opened the public hearing on this application which was received on February 22, 2024, from the Town Planning Board (hereinafter referred to as the Planning Board), the designated lead agency under SEQR, for making the required determination of significance upon the proposed amended Re-Subdivision Plat of Lots #R5-A and #R5-B, of the Fowler Family Trust Application (PB #0702-23); and the granting of an area variance for proposed Lot R5-C (ZBA #0301-24); and

Whereas, the Planning Board is now reviewing an amended Preliminary Re-Subdivision Plat proposing Lots R5-A, R5-B and R5-C for the Fowler Family Trust property, which action changed the previously requested thirty foot (30 ft.) Front Lot Line dimension for Lot R5-C to twenty-two feet (22 ft.); and

Whereas, the Planning Board continues to be the designated Lead Agency for the proposed amended Action referenced above herein; and

Whereas, the Board may not take any action on the pending area variance for proposed Lot R5-C until the Planning Board has, as the designated lead agency, made a determination of significance on the classified Unlisted Action under the provisions of the State Environmental Quality Review Act (SEQRA).

Now, therefore, be it resolved, that the Board again confirms that no decision may be made by this Board, as an involved agency defined under the State's Environmental Quality Review Act (SEQRA), until a determination of significance thereon has been made.

Be it further resolved that the Board does hereby move to table further deliberations upon the above referenced Action and adjourns the public hearing to be continued on Monday evening April 22, 2024, starting at 7:00 p.m., to again provide time for the Planning Board, to comply with SEQRA.

Be it finally resolved that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicant, the Applicant's Attorney,

the Applicant’s Engineer, the Town Code Enforcement Officer, the Attorney to the Town, and the Town Director of Planning and Development.

The above resolution was offered by MR RUTHVEN and seconded by MR. LAY at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, March 25, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

Kelly Cochran	-	Excused
Tod Ruthven	-	Aye
Tom Lay	-	Aye
Jody Binnix	-	Aye
Tom Yourch	-	Aye

Motion – Adopted and public hearing continued to Monday, April 22, 2024.

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of March 25, 2024.

Paula Ruthven, Clerk of the Zoning Board of Appeals

Mr. Yourch stated that the resolutions have been accepted and the public hearing is to continue to the April 22, 2024, meeting.

Mr. Yourch then opened the public hearings on the following six (6) applications.

ZB #0302-24, EVAN VAN EPPS c/o BRICKWOOD MANAGEMENT, 25 SILVER-LIGHT WAY, ROCHESTER, NEW YORK 14624:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-1, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating the need for an area variance for a proposed front setback of twenty-two (22) feet for proposed Building E. The Town Code requires a minimum front setback of seventy (70) feet. The property is located on the north side of Pintail Crossing west of Red Fern Drive and is zoned RMF Residential Multiple Family.

ZB #0303-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-1, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating a proposed front setback of two (2) feet for the existing building #8. The Town Code requires a minimum front setback of seventy (70) feet. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0304-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-2, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating a proposed rear setback of thirty-one (31) feet for the existing building #8. The Town Code requires a minimum rear setback of forty (40) feet. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0305-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-G-2, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating a proposed side setback of thirty-one (31) feet for the existing building #8. The Town Code requires a minimum rear setback of forty (40) feet. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0306-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article VI, Section 79-K, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating proposed front and side yard parking for all the existing buildings. The Town Code requires all open parking lots be located in the rear yard portion of the lot. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

ZB #0307-24, PINTAIL CROSSING LLC, 1000 UNIVERSITY AVENUE SUITE 500, ROCHESTER, NEW YORK 14607:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Article V, Section 37-4-c, of the Farmington Town Code. The Town of Farmington has requested Pintail Crossing become a Town dedicated road creating proposed three (3) feet buffer for parking for the existing building #7. The Town Code requires all open parking areas for five or more vehicles that adjoins a residential area have a planted buffer strip at least ten (10) feet wide shall be provided between the parking area and the adjoining residential area. The property is located at 5792 Pintail Crossing and is zoned RMF Residential Multiple Family.

Mr. Yurch then asked if there was anyone in the meeting room wishing to speak on these six (6) related public hearings.

Mr. Griffin Wiegel, from Conifer Realty [Pintail Crossing, LLC] was present and said that he thought Matt Tomlinson of Marathon engineering was supposed to speak on this.

Mr. Delpriore said that he recently spoke with Matt Tomlinson, and he could provide an update so that the board could make a decision on this. There are two applicants involved with this action. One of them is Conifer [Pintail Crossing, LLC] and the other is Brickwood Management. Conifer owns all of the properties currently located at the southern end of Quentonshire and Pintail Crossing [a private drive]. If this project goes through, the Town is going to change the Quentonshire street name to Pintail Crossing. Pintail Crossing will then begin at the intersection with County Road 41 and connect to the intersection of Runningbrook Drive and Red Fern Drive.

Mr. Delpriore said that there is a proposed subdivision of the two Conifer parcels. One is to divide the current buildings, [the Pintail Crossing Apartment Complex] from the other part of what was originally to become phase two of that project. Conifer was going to be building the remainder of their original project, however, it didn't secure funding, so Brickwood Management has now entered into an agreement with Conifer to finish this project with approximately 40 Townhomes. Those units would extend to the intersection of Running Brook and Redfern Drive. He noted that would fit with the character of the neighborhoods and would enable the movement of traffic through this area. He further noted that by doing so we are presented with two options. They can continue as a public road through a private road and then back to a public road which would require no variances. However, the town has requested to make this a public road. The need for a public road is created by the structural condition with the infrastructure concerning the Wood Drive bridge. He noted the existing bridge is coming out and will be replaced. We [the Town] are well aware that the bridge needs to be replaced in the near future, so we have requested this to be a public road. Changing it to a public road will create the need for variances because the existing buildings don't meet the setbacks required from a public road. We have worked with the applicant, as we do with every applicant, to try to get the minimum number of

variances. The first application had a need for fourteen or fifteen variances and after staff review we were able to get those down to six. This action will follow the same process that we just did with the other subdivision [Fowler Family Trust], so we are looking for the Planning Board to be established as lead agency, provide this board with written recommendation and adjourn and continue these six (6) public hearings. At this point Dan Delpriore asked Ron Brand to continue.

Mr. Brand said that Conifer/Pintail, LLC is willing to have the road changed from a private drive to public road provided the variances are granted to ensure that the current structures [Phase One Pintail Crossing Apartment Project] do not become non-conforming structures. Their hope is also to safeguard any future property transactions from any issues that could result from not resolving these issues now. The Town board feels that it is important to have a public road here as opposed to a private road for two reasons. One is on-going maintenance, including snow/ice removal. Another is to keep this area open for school buses and fire access as well.

Mr. Brand then continued noting that the other part of this action involves a site plan for a townhome project that Brookwood Management is planning. They [Brookwood] need area variances because of the larger right-of-way width for a public road versus a private road. He noted that Dan had mentioned that this process is exactly like the previous application. It is an unlisted action that involves approval from two boards, The Planning board and the Zoning Board of appeals. A coordinated review has been requested by the planning board as they did for the previous one [Fowler Family Trust]. You have the three draft resolutions which are almost identical. To move things along to the planning board and to have them provide recommendations upon these requested variances. Hopefully this provides enough details to move this along to your next meeting, at which time you will have a formal presentation.

Mr. Brand noted that he may have confused Mr. Tomlinson recently by telling him he wouldn't needed to attend the next planning board meeting because he had previously introduced this Project to that board. Mr. Delpriore then verified that he and Ron Brand had both reviewed the draft resolutions with the engineer.

Mr. Yourch then asks for any further comments or questions from the public, both in the meeting room and on-line, for this application. Mt Yourch specifically addressed Griffin Weigel from Conifer, who stated that he had no comment. Mr. Yourch, then confirmed with Griffin that he understood the resolutions and the matter that we were talking about, and Mr. Griffin Weigel confirmed that he understood.

Mr. Yourch then asked for questions or comments from the members of the board.

Ms. Binnix asked Mr. Delpriore about ZB#0303-24, regarding the two feet setback for the existing apartment building #8 wondering if it would be enough for snow removal from the proposed Town road. She drove over to view the area and it appears the door is right there.

Mr. Delpriore answered her letting her know that at this point it has been determined to be enough, the difference being that it has been privately maintained. Our highway superintendent has looked at it and has acknowledged that it is tight but doable. Given these narrower roads the Town is prepared to use one of their smaller trucks.

Mr. Brand noted that another thing that is involved here is the site plan for the Townhomes will be providing streetlights and sidewalks connecting to the intersection of Running brook/Redfern Drive with County Road 41. When this comes back there will be a formal presentation that will review each of the requested area variances.

Tom Lay shared that this was also his concern regarding the 2-foot setback.

Mr. Yourch asked if there were any additional comments on these applications. Hearing none, he moved to accept the following six (6) draft resolutions for Files ZB #0302-24 through ZB #0307-24, that had been prepared, distributed and posted on the Town's website.

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
PB #0201-24 and ZB #0302-24 through ZB #0307-24**

FILES: ZB #0302-24 through ZB #0307-24

APPLICANTS: Evan VanEpps, c/o Brickwood Management
25 Silverlight Way, Rochester, New York 14624
and
Pintail Crossing LLC
1000 University Avenue, Suite 500
Rochester, New York 14607

ACTION: Resolution agreeing with Planning Board being designated Lead Agency under the provisions of the State Environmental Quality Review Act (SEQRA) for the above-described applications.

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board) has received a Project Notification Review Letter (PNRL) dated March 18, 2024, from the Town Director of Planning and Development on behalf of the Town of Farmington Planning Board (hereinafter referred to as Planning Board) related to the above applications for Preliminary Re-subdivision Plat Approval and Preliminary Site Plan Approval involving the granting of area variances, by the Zoning Board; and

Whereas, the Board has given its’ consideration to this request.

Now, therefore, be it resolved that the Zoning Board does hereby take action to agree with the Planning Board’s request to be designated lead agency for making the required determination of significance upon the proposed action under the SEQRA Regulations.

Be it further resolved that the Zoning Board does hereby authorize the Chairperson to complete, sign and return the PNRL Response Form.

Be it further resolved that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicant, the Applicant’s Engineer, the Applicant’s Attorney and the Town Director of Planning and Development.

The above resolution was offered by Mr. Ruthven and seconded by Mr. Lay at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, March 25, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

- Kelly Cochran - Excused
- Tod Ruthven - Aye
- Tom Lay - Aye
- Jody Binnix - Aye
- Tom Yourch - Aye

Motion – Adopted.

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of March 25, 2024.

Paula Ruthven, Clerk of the Zoning Board of Appeals

**TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
FILE PB #0201-24**

FILES: ZB #0302-24 through #0307-24

APPLICANTS: Evan VanEpps, c/o Brickwood Management
25 Silverlight Way, Rochester, New York 14624
and
Pintail Crossing LLC
1000 University Avenue, Suite 500
Rochester, New York 14607

ACTION: Request to the Town of Farmington Planning Board to provide a written recommendation upon the requested area variances for the proposed Creekwood Extension Brickwood Management Townhouse Project.

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has received applications for area variances related to the above referenced Action; and

Whereas, the Board has the right under the provisions of Article 16, Section 277. 6. of New York State Town Law, to request from the Planning Board a written recommendation concerning the proposed variance under review by this Board.

Now, therefore, be it resolved that the Board does hereby make this request that the Planning Board provide a written recommendation concerning the proposed area variances once a determination of significance has been made under the State’s Environmental Quality Review (SEQR) Regulations by the designated lead agency.

Be it further resolved that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicants, the Applicants Engineer, and the Town Director of Planning and Development.

The above resolution was offered by Mr. Ruthven and seconded by Mr. Lay, at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, March 25, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

- Kelly Cochran - Excused
- Tod Ruthven - Aye
- Tom Lay - Aye
- Jody Binnix - Aye
- Tom Yourch - Aye

Motion - Adopted.

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of March 25, 2024.

Paula Ruthven, Clerk of the Zoning Board of Appeals

FILES: ZB #0302-24 through ZB #0307-24

APPLICANTS: Evan VanEpps, c/o Brickwood Management
25 Silverlight Way, Rochester, New York 14624
and
Pintail Crossing, LLC
1000 University Avenue, Suite 500
Rochester, New York 14624

ACTIONS: ADJOURNMENT AND CONTINUATION OF THE PUBLIC
HEARINGS FOR THE ABOVE REFERENCED AREA
VARIANCES FOR THE PROPOSED PRELIMINARY SITE
PLAN FOR THE CREEKWOOD EXTENSION BRICKWOOD
MANAGEMENT TOWNHOUSE PROJECT

Whereas, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has tonight opened the public hearings on the above referenced applications which was received on February 18, 2024, from the Town Planning Board (hereinafter referred to as the Planning Board); and

Whereas, the Planning Board has declared their intent to be designated the lead agency under SEQR, for making the required determination of significance upon the above referenced Actions (File PB #0201-24 and Files ZB #0302-24 through ZB #0307-24) for the Preliminary Site Plan for the Creekwood Extension Brickwood Management Townhouse Project; and

Whereas, the Board has given consideration to the Planning Board being designated the Lead Agency for the above referenced Action classified as an Unlisted Action under 6NYCRR Part 617, a part of article 8 of the New York State Environmental Conservation Law; and

Whereas, the Board may not take any action on the pending area variances for the above referenced Actions until the Planning Board has been designated the lead agency and has made a determination of significance on the classified Unlisted Action.

Now, therefore, be it resolved, that the Board confirms that no decision may be made by this Board, as an involved agency defined under the State’s Environmental Quality Review Act (SEQRA), until a determination of significance thereon has been made.

Be it further resolved that the Board does hereby move to table further deliberations upon the above referenced Action and adjourns the public hearing to be continued on Monday evening April 22, 2024, to again provide time for the Planning Board, to comply with SEQRA.

Be it finally resolved that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Applicants, the Applicants Engineer, the Town Code Enforcement Officer, and the Town Director of Planning and Development.

The above resolution was offered by Mr. Ruthven and seconded by Mr. Lay, at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, March 25, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

Kelly Cochran	-	Excused
Tod Ruthven	-	Aye
Tom Lay	-	Aye
Jody Binnix	-	Aye
Tom Yourch	-	Aye

Motion – Adopted and public hearings continued to Monday, April 22, 2024.

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of March 25, 2024.

Paula Ruthven, Clerk of the Zoning Board of Appeals

7. OTHER BOARD MATTERS:

None

8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION:

None

9. DIRECTOR OF DEVELOPMENT UPDATE:

- Still waiting for the State DOT to give us the go ahead from Albany to award the contract for the sidewalk project. Spring Holidays/school recess has delayed progress. Hopefully we’ll be underway next month to approve that project.
- Dan and I met with the AG Advisory committee last Thursday and introduced a new draft local law that does have different setbacks for porches and decks. They are not uniform because the district is not uniform the front setback for two of the districts are greater than two of the districts and to have the front setbacks the same results in a really large front porch. We had to separate them, so far, the only districts that we have had any front set back issues have been with the R7.2 and the R7110 so we don’t think that that is an issue. Now having said that all of this is together in the draft local law.

That means if the Ag advisory committee is not ready within the next couple of months, to move forward with those regulations for Farmland protection we are just going to pull it out and just deal with the changes to the town code that you've asked for and we've discovered, no longer subject to town approvals such as the outdoor wood fires which the DEC has taken control of. There are definitions in there and a whole list of things that we are proposing. We are proposing to change the designation of the A-80 Agricultural District to an RA80 Rural Agricultural District to be more consistent with the rural residential district, with the Suburban residential and all of those classifications. The A-80 district was created as best we can find, back in 1965. After all of these years it is time to bring them up to the 21st century and have a slight change that reflects the area. The next AG Advisory committee meeting is April 18th and we will know more then. We will know whether they stay in, or we pull them out and go on about our business with the other changes that we have discovered that we need. There are other things in the code that were never caught. Those things that have been replaced by the state. The storm water program the schedules in there that no longer apply. Those are the things that we are working on along with other projects. The Town Board will have their public hearing on the Whitestone Incentive rezoning we will see where that goes. There is some division between the Town Board right now. Tom Lay asked if that was the old Waterpark property. Ron confirmed that it was that property. The funding went away for that original project, so the plan is needing to be addressed because it is no longer viable for the uses that were allowed. Nobody is building water parks these days. As a result, we recommend that whatever goes in there should be comprehensive, it should be a total project and not a piece meal. We will just see where it goes.

Mr. Yurch asked for clarification regarding the proposed name change for the A-80 Agricultural District to RA Rural Agricultural District. Mr. Brand noted that the change is more consistent with the titles for the other districts [RR-80 Rural Residential District, etc.]. Mr. Brand next answered a question about the overlay district and what is going to change. He noted that this overlay approach is based upon the premise of that the only resource that the town needs to protect is viable agricultural soils. These regulations aren't going to do anything to fund farming, it isn't going to do anything to make it [farming] profitable, but it is going to preserve what is necessary to sustain that land use. Protecting those natural soil resources is protecting something that we cannot renew. To protect that natural resource we have created a hybrid solution with guidelines for reviewing residential and other forms of non-agricultural development when they reach the third lot. In other words, you get a request to divide an existing parcel and it gets subdivided into two lots. The next request to subdivide will trigger the APOD Agricultural Protection Overlay District and necessitate cluster subdivision per New York State Town Law. At that point, the Planning board will work in concert with the Ag Advisory Committee to follow the adopted guidelines and try to relocate those development sites for residents' keeping away from the prime and unique classified soils that are used for farming. Whether the land involved is owned by farmers or it involves land being rented to farmers, all of this land is used in calculating the Ag value exemption that the property owner receives on their taxes. As soon as you start taking the class one through four class soils, the higher-class soils, you start affecting your tax exemption. The irony in all of this is that if you don't preserve those [higher

class soils] you are not going to get the exemption that you have been accustomed to. Then people are not going to want more rent to lease the land to farmers for the rates that they have been charging but no longer will be receiving due to the loss of these benefits. It is a catch twenty-two situation. It [the APOD regulations] is something that we think is unique, we [the Ag Committee and Town Staff] have done a lot of research on from across the state. We want to approach this in a way that nobody else has approached. Just like nobody else has approached regulation of solar farms in the way that we have and that seems to be quite successful. We will see where it all goes.

10. CODE ENFORCEMENT OFFICER UPDATE:

- Paula Ruthven appointed to Clerk of the Board of Position
- Sarah Mitchell resigned from the Town of Farmington to take a position in the Town of Gorham.
- A new secretary for the Building Department has been hired with a start date of April 9, 2024
- Working out the details for a plan to provide you with electronic files.
- Next meeting April 22, 2024

11. TRAINING OPPORTUNITIES:

■ 2024 Municipal Bootcamp Trainings:

A free annual program to provide certification credits to newly elected officials, planning and zoning boards, and municipal officials presented by Hancock Estabrook and MRB Group.

Thursday, April 25, 2024, 6:00 p.m.–7:00 p.m.

Session 4: Environmentally Speaking: The Nuts and Bolts of SEQR

Thursday, May 23, 2024, 6:00 p.m.–7:00 p.m.

Session 5: A History Lesson: Challenges and Opportunities with Historic Properties

Thursday, June 27, 2024, 6:00 p.m.–7:00 p.m.

Session 6: Putting the Home in Hometown: Strategies for Attracting Housing Investment to Your Community

Thursday, July 25, 2024, 6:00 p.m.–7:00 p.m.

Session 7: From Big to Small: Translating Comprehensive Plans into Land Use Regulations

Thursday, September 26, 2024, 6:00 p.m.–7:00 p.m.

Session 8: Under the Tent: Open Meetings, Record Keeping, and Engaging the Public in Community Development

Thursday, October 24, 2024, 6:00 p.m.–7:00 p.m.

Session 9: Short, But Not Too Short: How Short-Term Rentals Are Changing the Development and Regulatory Landscape

Thursday, December 19, 2024, 6:00 p.m.–7:00 p.m.

Session 10: Santa’s Nice and Naughty List: The Best and Worst of 2024

Questions and registration:

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

■ New York Planning Federation Recorded Webinars:

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

■ 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, April 22, 2024, at 7:00 p.m. both in-person at the Farmington Town Hall, 1000 County Road 8, and via ZOOM.

13. ADJOURNMENT:

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

Motion carried by voice vote. The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

_____ L.S.

Paula Ruthven
Clerk of the Zoning Board of Appeals