

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS MEETING MINUTES**

Approved MINUTES

The following minutes are a written summary of the main points that were made and the actions taken at the Town of Farmington Zoning Board of Appeals meeting held on February 23, 2015.

Zoning Board of Appeals Members

Ann Vu	Chair	Present
Wesley Pettee		Present
Cyril Opett		Present
Tim DeLucia		Present

Town Staff Members

Ron Brand	Director of Development
Floyd Kofahl	Code Enforcement Officer

Also Present

Anthony Guadagno Jr.	4462 Latting Road Farmington
Terry Johnson	Sterling Optical
Jim Columbo	Skylight Signs
Tonia Holmes	Sterling Optical

Open Meeting

Ann Vu called the meeting to order at 7:00 pm. She explained the emergency evacuation procedures and rules of procedures of the meeting.

Approval of Minutes

Cyril Opett made a motion to accept the December 22, 2014 meeting minutes and Timothy DeLucia seconded the motion. A voice vote was taken and the motion was passed with four (4) Ayes. Wesley Pettee made a motion to accept the January 26, 2015 meeting minutes and Cyril Opett seconded the motion. A voice vote was taken and the motion was passed with three (3) Ayes with Ann Vu abstaining.

BOARD BUSINESS:

Ann Vu attests that the legal notices were published for tonight’s meeting in the Town’s Official Newspaper, the Daily Messenger on Monday, February 16, 2015. The Chair also

attests that tonight's meeting notice has been posted upon the Town's website and the Town Hall Bulletin Board. Copies of the agenda are available upon the sign-in table.

NEW BUSINESS:

ZB 0201-15

Anthony Guadagno Jr.

Area Variance

Applicant is requesting an area variance to the provisions of Chapter 165, Article V. Section 58. A. of the Farmington Town Code. The Applicant desires to erect a detached garage that would be located within the Side Yard Setback of the Lot. The Town Code requires Accessory Structures, the detached garage, to be located in the Rear Yard portion of the Lot. The property is located at 4462 Latting Road and is zoned A-80 Agricultural District.

Ann Vu declares the Public Hearing open.

Anthony Guadagno Jr. is present to speak on behalf of the above application. Mr. Guadagno explains that he would like to have a garage constructed on his property. He states that the only location on his property that the garage can be constructed is on the eastside detached from his house. Located behind his house on the eastside is his septic system and on both the east and west side of the house there is a grade issue. Also located in the back of the house on the west side are a rock and floral garden as well as a retaining wall with a walk out patio. The proposed garage will be constructed detached from the house at the same distance from the road as the house on the east side. The applicant then approached the Board and went over pictures that he had taken of his property to show the proposed location of the garage.

Ann Vu then asks for questions or comments from the public, hearing no response she then asks for comments from staff.

Floyd Kofahl, Code Enforcement Officer, explains that the issue is that the Town Code requires accessory structures to be located in the back rear portion of the house. He explains that if the proposed location of the garage was shifted back the structure would be located too close to the septic tank. Mr. Kofahl feels that the proposed location of the garage is an appropriate area and as stated the furthest point of the proposed structure will not be any closer to the road than the furthest point of the house so it still is declared as side yard. Mr. Kofahl adds that the Board has issued a similar variance to a resident further down the road.

Ron Brand, Director of Development, informs the Board that he has drafted and posted upon the town's website two Resolutions for them to review. One of which is a SEQR Resolution-Type II Action.

Ann Vu then asks the applicant if the LP tank and well are still located in the front of the house.

Mr. Guadagno confirms the locations.

Ann Vu then asks for any further questions or comments from the Board, staff or the public for the applicant.

Timothy DeLucia then makes a motion to close the public hearing and was seconded by Ann Vu. A voice vote was taken and the motion was passed with four (4) Ayes.

ZB 0202-15

Skylight Signs, Inc.

Area Variance

Applicant is requesting an area variance to the provisions of Chapter 165, Article V. Section 43. B. (1) (a) of the Farmington Town Code. The Applicant desires to erect a second building mounted commercial speech business identification sign upon the west side of the Farmington Commons Plaza building. The Town Code restricts such business identification signage to one sign per business to be erected upon the building. The property is located at 6081 New York State Route 96 and is zoned GB General Business District.

Ann Vu declares the Public Hearing open.

Terry Johnson, from Sterling Optical, and Jim Columbo, from Skylight Signs, are both present to speak on behalf of the above application. Mr. Johnson explains that Sterling Optical has been in business for about twelve (12) years at the Farmington Commons Plaza. He explains that Sterling Optical wanted to have a sign on both sides of the building but was not finically feasible when they first opened. He adds that the business is now established and they have reached the point where they can afford to have a matching sign located on the side of the building. He feels that it would make their store more visible on the corner. Mr. Johnson also explains that the store does have two entrances and with the additional sign there will be a sign located over each entrance. Mr. Columbo then approaches the Board and explains on the drawing where the current and proposed sign will be located. Mr. Columbo adds that the proposed sign will be all LED and low voltage.

Ann Vu then asks for questions or comments from the public, hearing no response she then asks for comments from staff.

Floyd Kofahl explains that Town Code allows for one sign for each business located in the plaza. He adds that there is a dedicated pylon sign that was originally for CVS and is now dedicated to Auto Zone. He explains that there is no directory sign located in the front of the building.

Ron Brand explains that this referral was required to be sent to the County Planning Board. They have reviewed the referral and sent back a recommendation of denial which is a standard protocol for any variance for a sign along the highways in the county. Mr. Brand explains that in order for the Zoning Board of Appeals to override the county's recommendation for denial the application would need all four (4) Board Members to vote in the affirmative, this is due to the Zoning Board of Appeals currently have a vacancy. Mr. Brand explains that this is an Unlisted Action because it is a proposed

accessory for non-residential use. Mr. Brand informs the Board that he has drafted and posted upon the town's website two Resolutions for them to review. One of which is a SEQR Resolution-Unlisted Action.

Ann Vu adds that in order for the Zoning Board of Appeals to approve a County override it requires a super majority and all four (4) members would need to vote in the affirmative due to the current vacancy on the Board.

Tonia Holmes, from Sterling Optical, adds that there have been a lot of trees planted on both sides of the plaza which makes some of the signs less noticeable. She adds that the proposed location of the sign will help see Sterling Optical when traveling down State Route 96.

Ann Vu then asks for any further questions or comments from the Board, staff or the public for the applicant.

Wesley Pettee then makes a motion to close the public hearing and was seconded by Timothy DeLucia. A voice vote was taken and the motion was passed with four (4) Ayes.

Area Variance and Findings ZB 0201-15 Anthony Guadagno Jr.

Wesley Pettee made a motion to waive the reading of the SEQR Type II Resolution and was seconded by Cyril Opett. All present voted Aye. Cyril Opett made a motion to accept the SEQR Resolution and was seconded by Ann Vu. All present voted Aye.

After discussion of the factors to be considered the Board felt that there would not be an undesirable change of the neighborhood or detriment to nearby properties, that the benefit sought cannot be achieved by a feasible alternative, that the requested variance is substantial, the affected variance would not have an impact upon physical or environmental conditions in the neighborhood, and the alleged difficulty was self-created.

After discussing the variance, the Board took formal action to accept the Area Variance Findings and made a Decision to approve with the following conditions:

1. The applicant is to apply for and obtain a Building Permit for the proposed 936 square foot accessory structure that is to be located on the site within the Side Yard portion identified on the submitted sketches. In no instance is the proposed accessory structure to be located within the Front Yard portion of the site.
2. A condition of this area variance shall be that prior to issuing a Building Permit, the Code Enforcement Officer shall reviewed a detailed delineation of the setback dimensions for the existing Principal Structure and the proposed Accessory Structure from the south property line. These dimensions are to be retained on a sketch plan drawing that is to be made a part of the file for this property.

3. A condition of this area variance is that the proposed structure will meet all Front Yard setback dimensions and that the Side Yard setback dimensions for the proposed Accessory Structure shall not encroach closer than 100 feet to the adjacent property to the east of the site. The area variance hereby granted with conditions does not apply to any other setback variances that may become necessary based upon the Code Enforcement Officer’s review of the more detailed drawing identified in Condition #2 above.
4. A condition of this area variance is that the siding for the proposed structure shall be made known to the Code Enforcement Officer prior to the issuance of any Building Permit and that said siding is to complement the siding and color of the siding on the existing principal structure.
5. A condition of this area variance is that the accessory structure may not be used as a dwelling unit.
6. A condition of this area variance is that any lighting that is to be associated with the proposed structure shall be compliant with the Town’s Lighting Regulations in Chapter 165 of the Town Code.
7. A condition of this area variance is that there shall be a landscaping buffer (ie: several shrubs) area installed and maintained along the south/southeast side of the proposed accessory structure, at a distance equal to the length of the proposed building before a Certificate of Occupancy is issued.

The applicant agrees to all the above conditions.

Timothy DeLucia then made a motion to approve the application and was seconded by Cyril Opett. The following roll call vote was recorded:

Tim DeLucia	Aye
Wesley Pettee	Aye
Cyril Opett	Aye
Ann Vu	Aye

Area Variance and Findings ZB 0202-15 Skylight Signs, Inc.

SEQR Resolution – Unlisted Action

Applicant: Skylight Signs, Inc., Area Variance, to erect a second commercial speech building mounted sign upon the west side of the building located at 6081 New York State Route 96.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has determined the above referenced Action involves the granting of an area variance to enable the erection of a second commercial speech building mounted

sign to be placed upon the west façade of the Farmington Plaza located at 6081 New York State Route 96; and

WHEREAS, said Action is classified as neither a Type I or a Type II Action under Section 617.5 of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby determine the granting of the above referenced area variance to be an Unlisted Action under Section 617.5 of the SEQR Regulations.

BE IT FURTHER RESOLVED THAT the Board in making this Determination has reviewed Part 1 of the Short Environmental Assessment Form (EAF) prepared by the Applicant and Part 2 of the Short EAF prepared by the Town's Director of Planning and Development upon this Action.

BE IT FURTHER RESOLVED THAT the Board does hereby accept Part 2 of the Short EAF as being an accurate evaluation of the anticipated impacts associated with the proposed building mounted sign.

BE IT FINALLY RESOLVED THAT the Board does hereby make a determination of non-significance upon this Action and directs the Chairperson to sign and date the Part 2 Form.

The above Resolution was offered by Timothy DeLucia and seconded by Wesley Pettee at a Zoning Board of Appeals Meeting held on Monday, February 23, 2015. Following discussion, this roll call vote was recorded:

Timothy DeLucia	--	Aye
Wesley Pettee	--	Aye
Cyril Opett	--	Aye
Ann Vu	--	Aye

After discussion of the factors to be considered the Board felt that there would not be an undesirable change of the neighborhood, however, they did find that the proposed sign would be a detriment to nearby properties, that the benefit sought can be achieved by a feasible alternative, that the requested variance is substantial, the affected variance would not have an impact upon physical or environmental conditions in the neighborhood, and the alleged difficulty was self-created.

Timothy DeLucia asked staff if they received any complaints from other businesses in the plaza. Mr. Brand stated that he did not know of any.

After discussing the variance, the Board took formal action to accept the Area Variance Findings and made a Decision to approve with the following condition:

1. The sign is not to exceed thirty three (33) square feet, as submitted, and remain compliant with existing total square feet allowed by Town Code.

The applicant agrees to the above condition.

Timothy DeLucia then made a motion to approve the application and was seconded by Cyril Opett. The following roll call vote was recorded:

Tim DeLucia	Aye
Wesley Pettee	Aye
Cyril Opett	Aye
Ann Vu	Aye

Public Comments – open forum

None

Other Board Matters:

- A. A motion was made by Cyril Opett to accept the 2015 Rules of Procedure and was seconded by Timothy DeLucia. All present voted Aye. A copy of the 2015 Rules of Procedure is on file in the Town Clerk’s Office.
- B. The Zoning Board of Appeals has no objection to the Town of Farmington Planning Board assuming Lead Agency status for the FedEx Package Distribution Center and Offices. The copy of the signed response form is on file in the Town Clerk’s Office.
- C. The Next Zoning Board of Appeals meeting will be held on Monday, March 16, 2015 instead of Monday, March 23, 2015 to accommodate an application for site plan approval with the Planning Board for FedEx.

Director of Development Update:

In February the Planning Board established a coordinated review of the FedEx project which will end on March 9, 2015. The first opportunity the Planning Board will have to deal with SEQR will be at their meeting on March 18, 2015. At that point in time if there are no major concerns then they will make a determination based on evidence. Currently one of the major obstacles is how FedEx is going to deal with the washing of the vehicles and how the sewer facilities will accommodate that. Another obstacle is the lowering of Collett Road and how the Town Highway Superintendent will look at that and is requesting more details.

He will be drafting a separate resolution to override the County Planning Board’s recommendation of denial, send it to the Attorney for the Town and then forward a copy

onto the members of the Zoning Board of Appeals to act upon when they meet at the March 16th meeting that was agreed-to tonight.

He will be distributing information regarding the Association of Towns Conference that he attended. He will be holding a training session for the Board Members to use towards their required training hours.

Code Enforcement Update:

TCS broke ground next to Thompson Medical. There will be Public Hearing at the Town Board Meeting on Tuesday, February 24, 2015 for Simmons Rockwell and Monarch Manor.

Next Meeting:

The next Zoning Board of Appeals meeting will be held on March 16, 2015. A motion was made to adjourn the meeting at 8:10pm and was passed with a voice vote of four (4) Ayes.

Minutes were respectfully submitted by Sarah Mitchell, Clerk of the Board.