

**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 June 27, 2016.

**Zoning Board of Appeals Members**

Ann Vu	Chair	Excused
Timothy DeLucia		Present
Cyril Opett		Excused
Nancy Purdy		Present
James Russell		Present

**Town Staff Members**

Jim Morse	Code Enforcement Officer
-----------	--------------------------

**Also Present**

Kristy Swanson	847 Hook Road, Farmington
Brian Schultz	847 Hook Road, Farmington
Andrew Hintenach	92 Pulteney Street, Geneva

**Open Meeting**

Tim DeLucia, Acting Chairperson, called the meeting to order at 7:10 pm. He explained the emergency evacuation procedures and that they would follow the adopted Zoning Board of Appeals rules of procedures for all public meetings.

**Approval of Minutes**

James Russell made a motion to accept the April 11, 2016 meeting minutes and Nancy Purdy seconded the motion. A voice vote was taken and the motion was passed with three (3) Ayes.

**BOARD BUSINESS:**

Tim DeLucia stated that the Legal Notice was published in the town's official newspaper the Daily Messenger for tonight's Public Hearings. He also attests to the posting of the agenda on the Town's website and on the Bulletin Board located at the Town Hall. Copies of the legal notices and tonight's agenda are on the sign-in table.

**NEW BUSINESS:**

**ZB 0601-16**

**KRISTY SWANSON**

**AREA VARIANCE**

Request an area variance to Chapter 165, Article V, Section 58. A. of the Town of Farmington Codes. The applicant wishes to erect an accessory structure, a 40 foot by 60 foot detached private garage, to be located within the front yard portion of the lot. The Town Code requires accessory structures to be located in the rear yard portion of a lot. The property is located at 847 Hook Road and zoned RR-80 Rural Residential District.

Tim DeLucia declares the public hearing open.

Andrew Hintenach, Kristy Swanson and Brian Shultz are present to speak on behalf of the above application. Mr. Hintenach starts by explaining, on a map, the lay out of the applicant's property and shows where the applicant would like to erect the proposed accessory structure. He explains that currently the proposed accessory structure will be a detached garage however, with planned future upgrades to the property the garage will eventually be attached to the principal structure. The proposed accessory structure will be designed to match the siding and shutters of the future upgrades to the principal structure. The proposed location of the accessory structure is due to leach field location and lower wet ground in the rear portion of the lot.

Mr. DeLucia then asks for questions or comments from the staff.

James Morse, Code Enforcement Officer, explains that there is a tremendous buffer between the rear yards of the properties fronting along Hook Road and the front yard portion of the subject site. He has no objections with the location of the proposed accessory structure. He adds that it meets all code requirements.

Mr. DeLucia then asks for any questions or comments from the Board, staff or the public for the applicant.

Hearing no response he then closes the Public Hearing.

**Area Variance and Findings**

**ZB 0601-16**

**Kristy Swanson**

**SEQR Resolution - Type II Action**

**Action: Area Variance, to locate a detached private garage in the Font Yard setback from the property line instead of the Rear Yard setback required by Town Code. The property is located at 847 Hook Road.**

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has determined the above referenced Action to be a Type II Action under Section 617.5 ( c ) (10) of the State Environmental Quality Review (SEQR) Regulations; and,

WHEREAS, the Action involves the granting of an individual setback for locating an Accessory Residential Structure, a detached private garage, within the Front Yard portion of an existing residential Lot; and

WHEREAS, 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 Jim Russell and seconded by Nancy Purdy at a regularly scheduled Zoning Board of Appeals Meeting held on Monday, June 27, 2016. Following discussion, a roll call vote was recorded:

Jim Russell	-- Aye
Nancy Purdy	-- Aye
Cyril Opett	-- Excused
Tim DeLucia	-- Aye
Ann Vu	-- Excused

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

Applicant: **Kristy Swanson**  
**847 Hook Road**  
**Farmington, NY 14425**

File: **ZB # 0601-16**  
Zoning District: **RR-80 Rural Residential**  
Published Legal Notice on: **6/19/16**  
County Planning Action on: **N.A.**  
County Referral #: **N.A.**  
Public Hearing held on: **6/27/2016**

Property Location: **847 Hook Road, Farmington, New York.**

Applicable Section of Town Code: **Chapter 165, Article V, Section 62. B.**

Requirement for which Variance is requested: **The applicant wishes to construct a detached private garage, an Accessory Structure, in the Front Yard portion of the Lot. The Town Code requires Accessory Structures to be located in the Rear Yard portion of Lots.**

State Environmental Quality Review Determination: **The granting of an area variance to enable the construction of an accessory residential structure (a private garage) upon an approved building Lot is classified as a Type II Action under Part 617.5 ( c ) (10) 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 Environmental Conservation Law, article 8.**

**County Planning Referral Recommendation: A referral to the Ontario County Planning Board is not required under the provisions of Section 239-1 of the New York State General Municipal Law.**

#### FACTORS CONSIDERED & 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   **X**   No

**Reason: The Board finds that the character of the neighborhood is predominantly single family dwellings located along the Town highway and adjacent active agricultural lands. The Board further finds that the subject Lot contains a total of 14 acres of land and this Lot size is much larger than the 80,000 square foot minimum lot size required for the RR-80 Rural Residential District. The Board further finds that the Principal Structure is set back from the highway at a much greater distance than adjacent sites and that there is a dense buffer of trees and vegetation separating the Principal Structure from adjacent residential sites. The Board further finds that the Code defines the Rear Yard portion of a Lot as that portion opposite the street access to the Lot. The Board further finds that the Front Yard of a Lot is defined as a yard extending between the Side Lot Lines across the front of a lot adjoining a public street and the Front Building Line. The Board further finds that: the portion of the Lot where the applicant proposes to place the accessory structure is on the northern side of the Lot; the proposed private garage would not be visible from along Hook Road; and that there is in excess of 85 feet between the proposed private garage and the nearest adjacent property line. The Board further finds that the Rear Yard portion of the subject Lot contains the existing on-site waste water treatment system and a 28 foot diameter above ground pool, making the placement of the proposed private garage, in the rear yard portion of the Lot, difficult and accessibility to such a location difficult.**

**The Board, following testimony presented at tonight's public hearing, further finds that there is known practical difficulty associated with placing the proposed private garage in the Rear Yard portion of the Lot. The Board, based upon these findings, determines that there will not likely be an undesirable change in the character of the neighborhood resulting from the granting of an Area Variance. The Board further finds that compliance with the Town's Site Lighting Regulations will eliminate spillage of lighting from**

**the proposed private garage onto adjacent properties and the public highway.**

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

**Reason: The Board finds that there is no feasible alternative location identified by the Applicants, that is behind the Front Setback of the Principal Structure and that the private garage could only be placed in this location subject to the granting of the requested Area Variance. The Board further finds that although the Rear Yard portion of the Lot contains adequate open area where the proposed private garage could be placed, these areas are constrained by the on-site waste water treatment system location, an existing Accessory Structure located along the south property boundary, an above ground pool and the need to construct a driveway to such Rear Yard portion of the Lot that would be much greater than the proposed solution. The Board, based upon these findings determines that granting the requested Area Variance, to place the proposed private garage in the location shown on the drawings submitted with this Application, would be granting the minimum relief necessary to enable the placement of the proposed private garage upon the Lot in a manner that is more readily accessible to the Applicants.**

3. Whether the requested variance is substantial. Yes  No

**Reason: The Board finds that the requested Area Variance is to allow the placement of a detached private garage within the Front Yard portion of the Lot is a variance involving a one hundred percent (100%) reduction in the dimensional requirement in the Town Code. The Board has consistently found that a variance request that is fifty percent (50%) or greater of what is otherwise required by the Code is a substantial variance request.**

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

**Reason: The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQR Regulations, the information contained on Part I of the Short Environmental Assessment Form and has determined that the proposed Action is a Type II Action. The Board, in making this Determination, in accordance with the provisions of the New York State Environmental Conservation Law, article 8, has determined granting an area variance will not have an adverse effect or impact upon the physical environmental conditions in the neighborhood or district.**

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. **X** Yes No

**Reason: The Board finds that the applicant's proposed location for the Accessory Structure upon the Lot is a self-created hardship. The Board further finds, based upon its' review of the submitted documents and maps for this Application that there is known practical difficulties associated with locating the proposed private garage within the Rear Yard portion of the Lot. The Board determines that locating the proposed private garage to a portion of the Lot where such an Accessory Structure would be permitted would create an unnecessary hardship upon the Applicant's ability to use the detached private garage without incurring significant increase in the construction costs associated with an alternative driveway. Therefore, the Board determines that granting the requested Area Variance, for placing the proposed detached private garage, in the location shown, is granting the minimum relief necessary.**

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

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

- X That the benefit to the applicant DOES outweigh the detriment to the health, safety and welfare of the Neighborhood or Community and, therefore, the requested Area Variance is GRANTED WITH THE FOLLOWING CONDITIONS:**

1. The Zoning Board of Appeals does hereby grant an Area Variance from the Town Code requirements for a private detached garage structure, to be located in the Front Yard portion of the subject Lot and only in the location shown on the submitted site sketch drawing. By granting this Area Variance the applicant will be allowed to place the proposed detached 40 by 60 foot private garage a distance of approximately twenty four (24) feet from the Front Building Line of the Principal Structure and a distance of eighty five (85) feet from the Front Lot Line and approximately 500+/- feet from the Rear Lot Property Lines for Lot #12 as depicted upon the documents on file for this Area Variance. These dimensions are to be placed upon the sketch plan and noted by the Applicants prior to the submission of a Building Permit application.
2. Any lighting of the proposed detached private garage shall comply with the lighting standards contained in Chapter 165 of the Town Code. No light illumination shall be permitted to extend beyond the property boundary and onto adjacent properties, or the public highway.

3. The exterior of the Principal Structure is to be changed within the next five (5) years, from today, to match the materials and color of the proposed private garage to the extent practical.
4. There shall be no outdoor storage of vehicles, boats, building materials, or other materials between the proposed detached private garage and the Rear Lot Lines of the adjacent parcels.
5. The Applicant is to obtain a Building Permit from the Town Code Enforcement Officer for the construction of the proposed detached private garage in accordance with the conditions of approval for this Area Variance and the State's Uniform 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 by granting the minimum relief necessary.**

**BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action.**

**The above Resolution was offered by Nancy Purdy and seconded by Jim Russell at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, June 27, 2016. Following discussion, the following roll call vote was recorded:**

<b>Jim Russell</b>	<b>- Aye</b>
<b>Cyril Opett</b>	<b>- Excused</b>
<b>Nancy Purdy</b>	<b>- Aye</b>
<b>Tim DeLucia</b>	<b>- Aye</b>
<b>Ann Vu</b>	<b>- Excused</b>

The applicant agrees to all the above conditions.

**Public Comments – open forum**

None

**Other Board Matters:**

The Board Members present decided to table the discussion about the amendment to the Rules of Procedure until a full board was present.

**Code Enforcement Update:**

FedEx has received their temporary Certificate of Occupancy so they can move their office equipment into the building. They are looking to open mid-July but are adamant about not releasing the date due to union protests. The improvements to Collett Road and State Route 332 looks like work should be completed by the end of the week. They are working on a lighting issue pertaining to FedEx. The Building and Code office have been receiving complaints about the lighting located on the side of the FedEx building. They have asked them to submit a lighting change with potential shielding of the lighting.

Hickory Rise Section II is moving forward.

Monarch Manor is moving slowly with not many changes currently.

Estates at Beaver Creek will be starting Section IV and this is the final connection between them and Auburn Meadows. They have been notified that Ryan Homes will be the builder of Section IV.

Collett Woods Phase III has been granted their final approval work will be starting soon.

**Next Meeting:**

The next Zoning Board of Appeals meeting will be held on July 18, 2016. A motion was made to adjourn the meeting at 7:40pm and was passed with a voice vote of three (3) Ayes.

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