

**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 March 23, 2015.

Zoning Board of Appeals Members

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

Town Staff Members

Also Present

Open Meeting

Ann Vu called the meeting to order at 7:00 pm.

Approval of Minutes

BOARD BUSINESS:

Ann stated that the Legal Notices were published in the town’s official newspaper the Daily Messenger on Monday, March 16, 2015.

CONTINUED BUSINESS:

ZB 0202-15

Skylight Signs, Inc.

Resolution Over-ride County Planning Board Referral Recommendation # 15-2015

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has conducted a public hearing at their February 23, 2015 Meeting upon an application by Skylight Signs, Inc., for an area variance to erect a second building mounted sign upon the west elevation of the Farmington Commons Plaza building, located at 6081 New York State Route 96; and

WHEREAS, the Board having received testimony at said public hearing, including the Ontario County Planning Board's referral #15 of 2015, which recommends denial of the requested area variance; and

WHEREAS, the Board understands that it is required to adopt a resolution, by a majority plus one vote of the entire membership of the Board, in order to override the County Planning Board's recommendation made under the provisions of Sections 239-l and -m of the New York State General Municipal Law; and

WHEREAS, it is the Board's desire to approve the requested area variance based upon its findings and decision rendered on Monday, February 23, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that while the County Planning Board has long taken an interest in supporting local efforts to limit excessive signage along primary travel corridors for tourists visiting Ontario County, its' blanket denials of every area variance for commercial speech signs fails to provide appropriate justification for denying signage that is intended to inform visitors of the commercial services located along primary travel corridors, while at the same time, promoting the safety of the traveling public.

BE IT FURTHER RESOLVED that the Board finds that the County Planning Board in its' finding that any area variance for commercial speech signage is excessive, is acting contradictory to the enabling powers set forth in New York State Town Law, that reserves this authority to the local zoning board of appeals for the granting of an area variance.

BE IT FURTHER RESOLVED that the Board takes exception to the County Planning Board's declared assumption that all local legislators have adopted adequate standards for signage that allows for business identification signs that are sufficient to safely direct customers onto the specified site in that there has never been any municipal code adopted that could possibly anticipate sufficient controls for all commercial speech signage and settings.

BE IT FURTHER RESOLVED that the Board takes exception to the County Planning Board's position that any proposed commercial speech sign requiring an area variance is excessive, in that such a narrowly defined position fails to acknowledge circumstances where an area variance might be justified in promoting the safety of the traveling public by providing adequate reaction time for the safe exiting from along the primary travel corridors for tourists, who after all may not be familiar with a particular service location.

BE IT FURTHER RESOLVED that the Board has determined that the County Planning Board's blanket determination that any area variance is excessive signage which in turn has a negative impact upon community character, fails to cite any official county development policy as expressed through comprehensive plans, or regulatory measures.

BE IT FINALLY RESOLVED that the Board has determined that such a blanket unofficial county development policy fails to meet the stated intent of the purpose of referrals to the County Planning Agency for bringing pertinent inter-community and county-wide zoning considerations to the attention of agencies having jurisdiction by rendering recommendations that fail to include inter-community and county-wide considerations set forth in Section 239-1 of the New York State General Municipal Law.

BASED UPON THESE FINDINGS, the Board does hereby take action to override the Ontario County Planning Board’s referral #15 of 2015, a recommendation for denial of the Sterling Optical building mounted commercial speech sign variance.

The above resolution was offered by Ann Vu and seconded by Timothy DeLucia at a meeting of the Town of Farmington Zoning Board of Appeals held on Monday, March 23, 2015. The following roll call vote was taken and recorded in the minutes of said Board meeting:

Cyril Opett, Jr.	-	Aye
Timothy DeLuca	-	Aye
Wesley Pettee	-	Aye
Ann Vu	-	Aye

Public Comments – open forum

None

Other Board Matters:

Ann Vu explains that Jeff Graff, Town Attorney, will be holding a training session for the Zoning Board of Appeals members in the near future. The training session will include information about SEQR.

Ann Vu will submit the Report of the Board to the Town Supervisor.

Code Enforcement Update:

None

Director of Development Update:

None

Next Meeting:

The next Zoning Board of Appeals meeting will be held on April 27, 2014. A motion was made to adjourn the meeting at 7:20 pm and was passed with a voice vote of four (4) Ayes.

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