

**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 22, 2009.

Zoning Board of Appeals Members

Edward Hemminger--Chairman
Leslie O'Malley--Excused
Raymond Ward
Chris Dunfey
Gary Scribner

Also Present

Floyd Kofahl	-Code Enforcement Officer
Ron Brand	-Director of Development
David Riedman	-Farmington Storage, 45 East Avenue, Rochester, N.Y. 14604
Andrew Pleninger	-119 Yellow Mills Road, Palmyra, N.Y. 14522
Tom and Jill Ausfeld	-23 Greylock Ridge, Pittsford, N.Y. 14534
Lincoln Swedrock	-BME Associates, Fairport, N.Y. 14450
Jeffrey Smith	-4981 Maxwell Road, Palmyra, N.Y. 14522
Tom Manning	-700 Weigert Road, Farmington, N.Y. 14425

Open Meeting

Edward Hemminger called the meeting to order at 7:00 pm. He explained the emergency evacuation procedures and rules of procedures of the meeting and stated that copies of the evening's agenda and legal notices were available on the table by the door. He then asked those present to sign in if they had not already done so.

Approval of Minutes

Gary Scribner made a motion to accept the June 22, 2009 meeting minutes and the motion was seconded by Raymond Ward. A voice vote was taken and the motion was passed with four (4) Ayes. Leslie O'Malley was excused.

BOARD BUSINESS:

Farmington Storage LLC. 45 East Avenue Rochester, NY 14604	#ZB 0501-09	Area Variance
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The applicant is requesting an area variance to Chapter 165, Article IV, Section 35 of the Farmington Town Code. The applicant wishes to construct a 1420 square foot addition with a front setback of 75.3 feet. The Town Code requires a minimum front setback of 100 feet. The property is located at 6299 State Route 96 and is zoned GB General Business and further regulated by the MTOD Major Thoroughfare Overlay District.

Edward Hemminger read the legal notice for #ZB 0501-09 that was published in the Daily Messenger on May 11, 2009 requesting an area variance.

David Riedman stated the proposed addition is needed because of an increase in business and would improve the appearance of the building. The addition will be for office use. No other changes are proposed.

Floyd Kofahl told the Board that in addition to this variance David would have to return for a side setback variance.

Gary Scribner asked about the amount of traffic and David replied that on average there are two customers per day and on average there are eight visitors on a weekend.

Ron Brand read the County Planning Board comments:

1. The Town is urged to require additional landscaping along State Route 96 as a condition of any variance approval.
2. Addition of water and sewer raises questions regarding the potential, in the long term, for a change in the overall use of the site.
3. The Town and applicant may want to explore options for conversion or replacement of an existing of storage unit to eliminate need for an area variance.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Gary Scribner and seconded by Chris Dunfey at 7:20 pm. to close the Public Hearing at the June 22, 2009 meeting. There were four (4) Ayes. The Public Hearing was closed at 7:20 pm.

Chris Dunfey made a motion to waive the reading of the Type II SEQR Resolution and Edward Hemminger seconded the motion. All present voted Aye.

Chris Dunfey made a motion to accept the Type II SEQR Resolution and Gary Scribner seconded the motion. All present voted Aye.

AREA VARIANCE FINDINGS & DECISION

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

After discussing the variance, the Board approved the Area Variance Findings and Decision. Gary Scribner made a motion to approve the application and Raymond Ward seconded the motion. All present voted Aye.

Public Comments:

There were no Public Comments.

Earl Johnson
226 Vienna Street
Palmyra, NY 14522

#ZB 0504-09

Use Variance

The applicant is requesting a use variance to Chapter 165, Article IV, Section 18 B of the Farmington Town Code. The Applicant wishes to construct a pavilion (24 feet by 24 feet in size and 13 feet in height) to be located on a vacant parcel of land. A pavilion is considered to be an accessory

structure. The Town Code does not allow an accessory structure to be placed on a lot where a principal structure does not exist. The property is located on the north side of Rushmore Road, west of #4650 Rushmore Road and zoned A-80 District.

Edward Hemminger read the legal notice for #ZB 0504-09 that was published in the Daily Messenger on May 11, 2009 requesting a use variance.

Floyd Kofahl stated that Earl Johnson had expressed his desire to withdraw his application for a use variance and would send a letter stating his request to withdraw.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Gary Scribner and seconded by Raymond Ward at 7:23 pm. to keep the Public Hearing open until the letter from Earl Johnson was received. All present voted Aye.

**Vance Kannapel
159 Honeysuckle Lane
Farmington, NY 14425**

#ZB 0505-09

Area Variance

The applicant is requesting an area variance to Chapter 165, Article V, Section 58. A. of the Farmington Town Code. The applicant wishes to construct an Accessory Structure (an 8 foot by 12 foot wooden storage shed) in the front yard portion of the Lot. The Town Code allows an Accessory Structure to be placed only in the rear yard portion of a Lot. The property is located at 159 Honeysuckle Lane and is zoned RS-25, Residential Suburban District.

Edward Hemminger read the legal notice for #ZB 0505-09 that was published in the Daily Messenger on May 11, 2009 requesting an area variance.

Floyd Kofahl stated that Vance had sent an e-mail requesting his application for an area variance be kept open until the August 24, 2009 Board meeting.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Gary Scribner and seconded by Raymond Ward at 7:25 pm. to keep the Public Hearing open until the Monday, August 24, 2009 meeting commencing at 7:00 p.m. at the Farmington Town Hall. All present voted Aye.

**Andrew Pleninger
119 Yellow Mills Road
Palmyra, NY 14522**

#ZB 0601-09

Area Variance

The applicant is requesting an area variance to Chapter 165, Article V, Section 58. A. of the Farmington Town Code. The applicant wishes to construct an Accessory Structure, a 48 foot by 28 foot pole barn containing a total of 1,344 square feet, to be located in the Front Yard portion of a Lot. The Town Code requires Accessory Structures to be located in the Rear Yard portion of a Lot. The property is located at 119 Yellow Mills Road and is zoned A-80 Agricultural District.

Edward Hemminger read the legal notice for #ZB 0504-09 that was published in the Daily Messenger on June 15, 2009 requesting an area variance.

Andrew Pleninger stated that they are situated on top of a drumlin so the options are limited as to where they can place this barn. We plan on storing livestock and horses so looking to the south as to location we are too close to the property line according to the code and we would have to do some excavating as well as to the north. So the environmental impact with these choices would be more significant. Behind the house, off the drumlin and the pasture below, we would have to enlarge the access road down the back of the hill and the utilities would have to come back over the hill. So on the site plan we propose, situates the barn just to the north east of the house with a driveway that loops around in front of the barn then back around to the existing driveway. This option has the least environmental impact, ease of installation cost for utilities, ease of use, and low maintenance.

Ron Brand stated that hopefully someday the Town of Farmington will not allow development on top of these natural features, drumlins. These natural features are unique to this area and should be left in their natural state.

Floyd Kofahl said looking at the topography, the other options would require some excavation which would be more detrimental than location. There are trees and buffers to hide it from the road.

Edward Hemminger stated to Andrew that he would encourage him to look at the driveway and maybe work with the fire department to make sure he creates enough of a curve there so that the fire engine can get in to work on the barn.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Chris Dunfey and seconded by Gary Scribner at 7:30 pm. to close the Public Hearing at the June 22, 2009 meeting. There were four (4) Ayes. The Public Hearing was closed at 7:30 pm.

Edward Hemminger made a motion to waive the reading of the Type II SEQR Resolution and Gary Scribner seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the Type II SEQR Resolution and Edward Hemminger seconded the motion. All present voted Aye.

AREA VARIANCE FINDINGS & DECISION

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

After discussing the variance, the Board approved the Area Variance Findings and Decision with the condition that the applicant review the driveway with the Code Enforcement Officer and the Fire Department prior to Cof O. Gary Scribner made a motion to approve the application and Chris Dunfey seconded the motion. All present voted Aye.

Public Comments:

There were no Public Comments.

**Jill Ausfeld
23 Greylock Ridge
Pittsford, NY 14534**

#ZB 0602-09

Area Variance

The applicant is requesting two area variances to Chapter 165, Article V, Section 58. A. of the Farmington Town Code. The applicant wishes to construct a new single-family dwelling on a Lot which would result in an existing Accessory Structure, a 28 foot by 40 foot (1,120 square foot) frame barn to be located in the Side Yard portion of the Lot. In addition, the applicant desires to construct a second Accessory Structure, to be used for the housing of animals, which would be located in the front yard portion of the Lot. The Town Code requires Accessory Structures to be located in the Rear Yard portion of the Lot. The property is located at 740 Weigert Road and is zoned RR-80 Rural Residential 80,000 square foot Lot size.

Edward Hemminger read the legal notice for #ZB 0602-09 that was published in the Daily Messenger on June 15, 2009 requesting the area variances.

Lincoln Swedrock from BME Associates stated that they were there to request two area variances. The single family residence needs to be built where proposed because of the septic system. Also, we are requesting a variance for a second barn structure to house animals. The driveway is to remain where it is and we have put in a pull off area that was requested by staff.

Ron Brand made the Board aware of the fact that they are getting two variances for the price of one.

Edward Hemminger asked if it was a staff issue that this was not broken out into two variances and said that we have to deal with it the way it was presented to us.

Jill Ausfeld stated that the structure that is there now is not set up for animals and is on top of the drumlin.

Floyd Kofahl said the existing barn was originally built as a work shop and with the topography it does not lend itself to livestock. Floyd stated that he appreciated where they moved the house to because of the soil and the open area in front of it where they propose to build the barn does run consistent with the neighborhood.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Gary Scribner and seconded by Chris Dunfey at 7:36 pm. to close the Public Hearing at the June 22, 2009 meeting. There were four (4) Ayes.

Raymond Ward made a motion to waive the reading of the Type II SEQR Resolution and Gary Scribner seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the Type II SEQR Resolution and Chris Dunfey seconded the motion. All present voted Aye.

AREA VARIANCE FINDINGS & DECISION

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

After discussing the variance, the Board approved the Area Variance Findings and Decision. Gary Scribner made a motion to approve the application and Raymond Ward seconded the motion. All present voted Aye.

Public Comments:

There were no Public Comments.

**Jeffrey Smith
4981 Maxwell Road
Palmyra, NY 14522**

#ZB 0603-09

Area Variance

The applicant is requesting an area variance to Chapter 165, Article V, Section 58. A. of the Farmington Town Code. The applicant wishes to construct a detached garage, an Accessory Structure, in the Side Yard portion of the Lot. The Town Code requires Accessory Structures to be located in the Rear Yard portion of the Lot. The property is located at 4981 Maxwell Road and is zoned A-80 Agricultural District.

Edward Hemminger read the legal notice for #ZB 0603-09 that was published in the Daily Messenger on June 15, 2009 requesting an area variance.

Jeffrey Smith said he recently purchased the property about 1 ½ years ago and the previous owner had to get a variance for a shed he put up without a permit. So the location of the garage I want to build will sit behind the existing shed. It works the best to put it there and to continue the driveway from the shed to the proposed garage.

Floyd Kofahl stated that even in winter it would not be visible and there are plenty of trees. It seems to be the most logical place.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Edward Hemminger and seconded by Chris Dunfey at 7:40 pm. to close the Public Hearing at the June 22, 2009 meeting. There were four (4) Ayes.

Edward Hemminger made a motion to waive the reading of the Type II SEQR Resolution and Raymond Ward seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the Type II SEQR Resolution and Chris Dunfey seconded the motion. All present voted Aye.

AREA VARIANCE FINDINGS & DECISION

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

After discussing the variance, the Board approved the Area Variances Findings and Decisions. Chris Dunfey made a motion to approve the application and Raymond Ward seconded the motions. All present voted Aye.

Public Comments:

There were no Public Comments.

Other Board Matters:

- a. Chris Dunfey completed six hours of training.

Director of Development Update:

None.

Code Enforcement Officer Update:

Floyd Kofahl said the Park Place restaurant is to be torn down and rebuilt larger. Also, Aldi's is under construction in the CVS Plaza.

Next Meeting:

The next Zoning Board of Appeals meeting will be held on July 27, 2009. Gary Scribner made a motion to adjourn the meeting at 8:10 pm. Edward Hemminger seconded the motion. The motion was passed with a voice vote of four (4) ayes. Leslie O'Malley was excused.

Minutes were respectfully submitted by Patricia Eddy, Clerk of the Board.