

**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 July 27, 2009.

**Zoning Board of Appeals Members**

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

**Also Present**

Floyd Kofahl                                -Code Enforcement Officer  
Ron Brand                                    -Director of Development  
Mr. & Mrs. Thomas Monnat            -5089 State Route 96, Shortsville, N.Y. 14548

**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 abstained since she was not in attendance at the meeting.

**BOARD BUSINESS:**

**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 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 allows an Accessory Structure to be placed on a Lot where a principal structure exists. The property is located on the north side of Rushmore Road, west of 4650 Rushmore Road and zoned A-80 Agricultural 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 plans on having more of a green house for the little pines he is growing along with other things, but we have not received his letter yet for a withdrawal of the use variance or his application 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 Edward Hemminger and seconded by Gary Scribner to keep the Public Hearing open to the August 24, 2009 meeting. There were five (5) Ayes.

**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 Kannapel had submitted a letter at the June 22, 2009 meeting requesting that his request for an area variance be held over for the August 24, 2009 meeting which was granted at the June 22, 2009 meeting. The Zoning Board of Appeals took no action upon this application.

**Farmington Storage LLC.  
45 East Avenue  
Rochester, NY 14604**

**#ZB 0501-09**

**Area Variance**

**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 and a side yard setback of 15 feet. The Town Code requires a minimum front setback of 100 feet and a side yard setback of 30 feet. The property is located at 6299 State Route 96 and is zoned GB General Business and is 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 July 20, 2009 requesting both area variances.

Gary Scribner questioned the fact that this area variance has the same Application File Number as the June 22, 2009 meeting request for an area variance for a front setback of 75.3 feet.

Floyd Kofahl stated that this is just a clarification because the application for last month was for both area variances but the side setback variance wasn't included in the legal notice.

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 Edward Hemminger to close the Public Hearing at the July 27, 2009 meeting. There were five (5) Ayes. The Public Hearing was closed at 7:07 pm.

**AREA VARIANCE FINDINGS & DECISION**

Edward Hemminger moved to waive the reading of the SEQR Resolution noting that the motion to accept the SEQR Resolution had been satisfied by the Zoning Board of Appeals at the June 22, 2009 meeting. Motion was seconded by Gary Scribner and by voice vote all Board members agreed.

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, but that the alleged difficulty was self-created.

After discussing the variance, the Board approved the Area Variance Findings and Decision. Leslie O'Malley made a motion to accept the Findings and to approve of the requested side yard setback variance. Gary Scribner seconded the motion. All present voted Aye.

**Public Comments:**

There were no Public Comments.

**Mr. & Mrs. Thomas Monnat**  
**5089 State Route 96**  
**Shortsville, N.Y. 14548**

**#ZB 0701-09**

**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 12 foot by 24 foot storage building containing a total of 288 square feet, to be located in the Side 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 5089 State Route 96 and is zoned A-80 Agricultural District.**

Edward Hemminger read the legal notice for #ZB 0701-09 that was published in the Daily Messenger on July 20, 2009 requesting an area variance.

Thomas Monnat stated that the driveway drops off from Route 96 into a low lying natural drainage area (a natural swale) and then there is a fairly steep hill located in this portion of the Lot. Therefore, the shed has to be placed on the Lot in the manner proposed so as not to affect the natural drainage swale on the Lot.

Floyd Kofahl told the Board that putting the shed directly behind the house in the backyard does not lend itself to the location. On the far east side there is an area where you could put it directly behind the house however, the access would have to come across the septic in the front, or he would have to come way down by the road not being able to get another road cut for an accessory structure off the driveway and then come up at a strange angle with the driveway to get over to it. From a feasibility standpoint Floyd Kofahl recommended this alternative

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 to close the Public Hearing at the July 27, 2009 meeting. There were five (5) Ayes. The Public Hearing was closed at 7:15 pm.

### **AREA VARIANCE FINDINGS & DECISION**

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

Leslie O'Malley made a motion to accept the SEQR Resolution and Raymond Ward seconded the motion. All present voted Aye.

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, that the requested variance would not have an adverse impact upon the physical or environmental conditions in the neighborhood, and that the alleged difficulty was self-created.

After discussing the variance, the Board moved to accept the Area Variance Findings and Decision. Gary Scribner made a motion to approve the application and Edward Hemminger seconded the motion. All present voted Aye.

### **Public Comments:**

There were no Public Comments.

### **Other Board Matters:**

- a. Edward Hemminger will e-mail the 'Rules and Procedures' to the Board members.
- b.

### **Director of Development Update:**

Ron Brand stated that there were 870 surveys returned out of 1200 that were sent out. The survey results were from community residents relating to the Parks and Recreation Comprehensive Plan.

### **Code Enforcement Officer Update:**

Floyd Kofahl stated that Alde's is in the process of being built, KFC will stay open, the Chinese Restaurant building is being sold, and we are waiting for the building permit application for the Park Place Restaurant.

### **Next Meeting:**

The next Zoning Board of Appeals meeting will be held on August 24, 2009.

Gary Scribner made a motion to adjourn the meeting at 7:30 pm. Leslie O'Malley seconded the motion. The motion was passed with a voice vote of five (5) ayes.

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