

**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 September 28, 2009.

**Zoning Board of Appeals Members**

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

**Also Present**

Floyd Kofahl	-Excused	-Code Enforcement Officer
Ron Brand	-Excused	-Director of Development
Verna Cowley	-1098 County Road #8, Farmington, NY 14425	
Jim & Judy Tolbert	-1244 County Road #8, Farmington, NY 14425	
Bert Crofton	-Crofton Associates, 111 Marsh Road, Pittsford, NY 14534	
Elmer & Linda Buwalda	-1104 County Road #8, Farmington, NY 14425	
Ed Conover	-1098 County Road #8, Farmington, NY 14425	
Larry & Jennie Potter	-1108 County Road #8, Farmington, NY 14425	
Mae Robinson	-1625 Route 332, Farmington, NY 14425	
Walter Deck	-1625 Route 332, Farmington, NY 14425	
Samantha Vitalone	-5782 Allen Padgham Road, Farmington, NY 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**

Leslie O'Malley made a motion to accept the August 24, 2009 meeting minutes and the motion was seconded by Chris Dunfey . A voice vote was taken and the motion was passed with three (3) Ayes. Raymond Ward and Gary Scribner abstained since they were not in attendance at the meeting.

**.BOARD BUSINESS:**

**Albert Crofton  
111 Marsh Road  
Pittsford, NY 14534**

**#ZB0901-09**

**Area Variance**

**The applicant is requesting an area variance to Chapter 165, Article V, Section 43. B. (1) of the Farmington Town Code. The applicant wishes to erect a second wall mounted sign on the exterior wall of an existing office building. The sign requested is 34-inches by 85-inches in size. The Town Code allows one identification sign on a parcel of land. The property is the Farmbrook Office Park, located at 1625 State Route 332 and is zoned GB General Business District.**

Edward Hemminger read the legal notice for #ZB 0901-09 that was published in the Daily Messenger on September 21, 2009 requesting an area variance.

Bert Crofton, owner of the property, stated that Dr. Deck wants the people going north on Route 332 to be able to see the sign. It is a good location because there is a stop light there and people will see the sign and know there is a dentist practicing in the building. The existing sign lists the tenants but does not have any visual impact on Route 332.

Dr. Deck stated that we are having problems with people knowing where we are at and being able to identify the building.

Gary Scribner asked if the picture in our packet shows the sign to scale and Bert replied that it did.

Edward Hemminger stated that he had talked to Ron Brand and Floyd Kofahl and said their concerns are:

1. the county disapproved the application which means we have to have a majority plus 1 to approve it, and
2. the small sign could be moved forward with a true pylon sign showing all the tenants and it could be 15' high. They feel there is a better way to advertise the business in a different location which may be seen by people going in both directions.

Bert Crofton replied that his concerns are that there is less space to move the sign forward than it looks like on the drawing and for economic reasons it would be substantially more expensive for a 15' sign.

Gary Scribner asked what the occupancy rate was and Bert Crofton replied 50%.

Chris Dunfey said that he does not have a problem with the sign.

Leslie O'Malley stated that she does not feel comfortable approving this without staff being present. Although she does understand the dentist's reasons, if the Board is acting on an application and no staff are present, it creates a problem.

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 to close the Public Hearing. There were five (5) Ayes. The Public Hearing was closed at 7:20 pm.

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

After discussion of the factors to be considered the Board felt there should be a discussion next month with staff to hear more from Ron Brand about the pylon sign. The Board will defer decision until the October 26, 2009 meeting when we have staff to assist us with our analysis of the application.

#### **Public Comments:**

There were no Public Comments.

**BOARD BUSINESS:**

**Mr. & Mrs. James Tolbert**  
**1244 County Road 8**  
**Farmington, NY 14425**

**#ZB0902-09**

**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 32 foot by 32 foot pole barn to be used as a 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 1244 County Road 8 and is zoned RS-25, Residential Suburban District.**

Edward Hemminger read the legal notice for #ZB 0902-09 that was published in the Daily Messenger on September 21, 2009 requesting an area variance.

Judy Tolbert stated that their driveway comes off County Road 8 and they want to put the pole barn on the end near the house.

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 Leslie O'Malley to close the Public Hearing. There were five (5) Ayes. The Public Hearing was closed at 7:25 pm.

**AREA VARIANCE FINDINGS & DECISION**

Edward Hemminger made a motion to waive the reading of the SEQR Resolution and Leslie O'Malley seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the SEQR Resolution and Chris Dunfey 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, the requested variance is 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. Gary Scribner made a motion to accept the Findings and to approve of the requested variance. Raymond Ward seconded the motion. All present voted Aye.

**Public Comments:**

There were no Public Comments.

**BOARD BUSINESS:**

**Verna Cowley  
1098 County Road 8  
Farmington, NY 14425**

**#ZB0903-09**

**Area Variance**

**The applicant is requesting an area variance to Chapter 165, Article V, Section 55 of the Farmington Town Code. The applicant wishes to keep and house one horse on a total of two and one-half acres of land. The Town Code requires a minimum of five acres of land on a residential premises for the keeping of animals. The property is located at 1098 County Road 8 and is zoned RS-25, Residential Suburban District.**

**Verna Cowley**

**#ZB0904-09**

**Area Variance**

**The applicant is requesting an area variance to Chapter 165, Article IV, Section 20. C. (1) of the Farmington Town Code. The applicant wishes to use an existing barn to border animals 42 feet from the south property line. The Town Code requires a minimum setback of 100 feet from a property line. The property is located at 1098 County Road 8 and is zoned RS-25, Residential Suburban District.**

**Verna Cowley**

**#ZB0905-09**

**Area Variance**

**The applicant is requesting an area variance to Chapter 165, Article IV, Section 20. C. (1) of the Farmington Town Code. The applicant wishes to use an existing barn to border animals 55 feet from the north property line. The Town Code requires a minimum setback of 100 feet from a property line. The property is located at 1098 County Road 8 and is zoned RS-25, Residential Suburban District.**

Edward Hemminger read the legal notice for #ZB 0903-09, #ZB 0904-09, and #ZB 0905-09 that was published in the Daily Messenger on September 21, 2009 requesting the area variances.

Verna Cowley stated that she is requesting a variance to put a pony on her property. Her father bought the pony for her granddaughter and he recently passed away. He had kept the pony on his property and she now needs to put the pony on her land. She showed the Board a new map with the land purchased from her neighbor which now gives her 2 ½ acres.

The following neighbors were present and said they supported Verna Cowley: Larry and Jennie Potter, Samantha Vitalone, Elmer and Linda Buwalda, and Ed Conover.

Chris Dunfey stated that the Board may want to put a condition on accepting the variance that there can only be one horse housed on the property.

Gary Scribner stated that he feels Chris Dunfey's condition that it be limited to one pony be included in any approval and also asked how the waste would be disposed of.

Verna Cowley replied that she would compost right now and that she could also spread. If it becomes overwhelming she would do whatever is necessary.

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 close the Public Hearing. There were five (5) Ayes. The Public Hearing was closed at 7:35 pm.

**AREA VARIANCE FINDINGS & DECISION FOR #ZB 0903-09**

Leslie O'Malley made a motion to waive the reading of the SEQR Resolutions and Edward Hemminger seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the SEQR Resolutions 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 to the neighborhood or detriment to nearby properties, that the relief sought could not be achieved by a feasible alternative, the requested variance is 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 with the condition that only one horse be housed on the property and that there be provisions for the removal of animal waste. Gary Scribner made a motion to accept the Findings and to approve the requested variance. Leslie O'Malley seconded the motion. All present voted Aye.

**Public Comments:**

There were no Public Comments.

**AREA VARIANCE FINDINGS & DECISION FOR #ZB 0904-09**

Leslie O'Malley made a motion to waive the reading of the SEQR Resolutions and Edward Hemminger seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the SEQR Resolutions 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, the requested variance is 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. Raymond Ward made a motion to accept the Findings and to approve the requested variance. Gary Scribner seconded the motion. All present voted Aye.

**Public Comments:**

There were no Public Comments.

**AREA VARIANCE FINDINGS & DECISION FOR #ZB 0905-09**

Leslie O'Malley made a motion to waive the reading of the SEQR Resolutions and Edward Hemminger seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the SEQR Resolutions 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 to 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. Edward Hemminger made a motion to accept the Findings and to approve the requested variance. Leslie O'Malley seconded the motion. All present voted Aye.

**Public Comments:**

There were no Public Comments.

**BOARD BUSINESS:**

**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 asked at the June 22, 2009 Town Meeting for us to postpone his request for an area variance and to put it on the agenda for the August 24, 2009 Town Meeting but we have not received a letter of withdrawal or any phone call from him asking to postpone it.

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 Leslie O'Malley and seconded by Raymond Ward to close the Public Hearing. There were five (5) Ayes. The Public Hearing was closed at 7:38 pm.

**FINDINGS & DECISION**

The Board agreed to request that staff create a resolution to deny without prejudice.

**Other Board Matters:**

a. Rules and Procedures for 2009 were accepted by the Board. The resolution was offered by Edward Hemminger and seconded by Leslie O'Malley.

**Director of Development Update:**

None.

**Code Enforcement Officer Update:**

Floyd Kofahl's comments as told to the Board by Edward Hemminger:  
Park Place Restaurant will be 600' bigger than the old building but will be extended in the rear.  
Aldi's is scheduled to be open the second week in November.  
Seratoga Crossings has installed the first footers.  
The Senior Living Center on Route 332 is expected to have an October ground breaking.

**Next Meeting:**

The next Zoning Board of Appeals meeting will be held on October 26, 2009.

Edward Hemminger made a motion to adjourn the meeting at 8:10 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.