

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

## **ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, October 26, 2020, 7:00 p.m.**

### **MINUTES—DRAFT #1—SUBJECT TO CHANGE**

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*The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Zoning Board of Appeals. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Zoning Board of Appeals adopted Rules of Procedure. The audio recording is retained for four months.*

#### **Board Members Present:**

Jeremy Marshall, *Chairperson*  
Jill Attardi  
Tod Ruthven  
Aaron Sweeney  
Thomas Yourch

#### **Staff Present:**

Ronald L. Brand, Town of Farmington Director of Development and Planning  
Dan Delpriore, Town of Farmington Code Enforcement Officer  
Sarah Mitchell, Town of Farmington Development Office Administrator  
John Weidenborner, Town of Farmington Zoning Officer

#### **Applicants Present:**

Fred J. Bonhag, 1 Quoin Crescent, Victor, N.Y. 14564  
Jeff Krogstad, 1752 Payne Road, Farmington, N.Y. 14425  
Andrew Lindow, 140 County Road 8, Farmington, N.Y. 14425  
Graham Marcus, Maddie's Motorsports, 6226 State Route 96, Farmington, N.Y. 14425

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### **WORKSHOP SESSION**

The Workshop Session was called to order at 6:30 p.m. by Mr. Brand on behalf of Mr. Marshall who had notified the board that he would be delayed in arriving. Mr. Brand said that the Legal Notice that was published and posted for this evening's meeting identified this Workshop Session commencing at 6:30 p.m. and ending at 7:00 p.m.

Prior to the meeting, Mr. Weidenborner and Mr. Brand provided board members with a descriptive aerial photograph and written material regarding a prospective application for the construction of a new home at 1118 County Road 8, for which several Area Variances may be required.

Mr. Brand said that the thrust of the review of this prospective application is to indicate to board members that with any application the first proposal which is submitted by an applicant may not be the best solution for a project. He said that under the law the Zoning Board of Appeals (ZBA) must grant only the minimum relief necessary for a variance to be approved. In the prospective application under discussion this evening, Mr. Brand said that the issue is with the location of the new home which has been proposed to be constructed north of the existing home on the property. Previously, the dwelling was proposed on the opposite end of the property and location behind another dwelling which is located on a separate parcel of land. With this revision, there is a need for a permanent easement for the installation of a septic system, a portion of which would be located in the middle of a horse pasture and on a separate parcel.

Mr. Brand said that in this instance Town staff have been working with the applicants and their engineer to explain the role of the ZBA to grant a variance that would not be subject to challenge. He said that the Town staff and the ZBA must always determine if there is an alternate location for a building or structure that would involve granting the minimum variance determined by the board to be necessary to grant relief. Mr. Brand said that otherwise the granting of unnecessary or excessive variances could undermine the Town Code, may create problems with neighbors, and may present inconsistencies if other property owners have been denied similar variances in the past.

He also reminded the board that variances are not granted to an individual, but are granted and run with the land. The consequences of granting a variance may affect future applications and future owners of the property. Mr. Brand said that the ZBA must remain consistent [in their decisions].

In the example being discussed tonight, Mr. Brand said that the applicant has already revised the plans to eliminate the need for one variance and the changes have lessened the impact of two others.

On other matters, Mr. Delpriore said that later during the meeting he will request a 30-day extension to one of the board's previous conditions of approval of a Temporary Use Permit for Joyce Pimm (501 Hook Road, ZB #0201-20, July 27, 2020). He said that the ZBA's approval of Ms. Pimm's Temporary Use Permit included a condition that she obtain site plan approval from the Planning Board within 90 days [of the date of the conditional approval of the Temporary Use Permit] to allow the continued use of a portion of her property for the keeping of chickens as emotional support animals for residents of her property.

Mr. Delpriore said that the 90-day time deadline is approaching and that although Ms. Pimm presented her site plan application to the Planning Board on October 21, 2020, the Planning Board determined that the application was not complete and that additional information is required. Mr. Delpriore said that Ms. Pimm met with Mr. Weidenborner today and that she is working toward the preparation of a complete application.

There were no further comments or questions at the Workshop Session.

The Workshop Session ended at 7:00 p.m.

## **1. MEETING OPENING**

The meeting was called to order at 7:00 p.m. by Mr. Marshall.

The Pledge of Allegiance was recited.

Mr. Marshall said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 23, 2020, as amended above.

This meeting was held in person at the Farmington Town Hall. The safety measures were implemented in accordance with the Governor's relevant Executive Orders regarding the COVID-19 pandemic. Board members, Town staff and residents who were in attendance at the Town Hall remained at separated distances of at least six feet and used facemasks at distances of less than six feet. A sign-in sheet was not used to avoid contact with pens, pencils and papers. The names of those attending tonight's meeting is available for public tracing should it be deemed necessary. Temperature checks were conducted by Town staff at the entrance to the Town Hall. Hand sanitizers were available throughout the building. Guidelines and safety measures were posted on the meeting room door and in the lobby of the Town Hall. Separate entrance and exit locations were used. Public access was restricted to the lobby, the main meeting room and the public restrooms.

## **2. APPROVAL OF MINUTES OF SEPTEMBER 28, 2020**

■ A motion was made by MR. YOURCH, seconded by MR. SWEENEY, that the minutes of the September 28, 2020, meeting be approved.

Motion carried by voice vote. Mr. Sweeney abstained due to his absence from the meeting on September 28, 2020.

## **3. LEGAL NOTICE**

The following Legal Notice was published in the *Canandaigua Daily Messenger* newspaper on Sunday, October 18, 2020:

### **LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** that Public Hearings will be held by and before the Zoning Board of Appeals of the Town of Farmington on the 26th day of October 2020 commencing at 7:00 p.m., Eastern Daylight Savings Time, at the Farmington Town Hall, 1000 County

Road 8, in the Town of Farmington, Ontario County, New York 14425 to consider the following applications:

**ZB #1001-20: JEFF KROGSTAD, 1752 PAYNE ROAD, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant wishes to erect a 1,680-square-foot accessory structure (a barn) in the side yard portion of his lot. The Town Code requires all accessory structures, in any district, to be located in the rear yard portion of the lot. The property is located at 1752 Payne Road and is zoned A-80 Agricultural District.

**ZB #1002-20, ANDREW LINDOW, 140 COUNTY ROAD #8, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant wishes to keep a 160-square-foot accessory structure (a shed) he erected in the side yard portion of his lot. The Town Code requires all accessory structures, in any district, to be located in the rear yard portion of the lot. The property is located at 140 County Road 8 and is zoned A-80 District.

**SAID BOARD OF APPEALS WILL MEET** at said time and place to hear all persons in support of, or having objections to, such matters.

**FURTHER NOTICE IS HEREBY GIVEN** the said Zoning Board of Appeals will meet at 6:30 p.m. Eastern Daylight Savings Time, on Monday, October 26, 2020, at 6:30 p.m. at the Farmington Town Hall, to conduct a workshop session. This workshop meeting is open to the public, however, there will not be any public comment period.

By order of:  
Jeremy Marshall, Chairperson  
Zoning Board of Appeals

#### 4. CONTINUED PUBLIC HEARING

<b>ZB #0902.1-20</b>	<b>Graham Marcus</b>	<b>Area Variance</b>
	<b>Maddie's Motorsports</b>	
	<b>6226 State Route 96</b>	
	<b>Farmington, N.Y. 14425</b>	

The applicant is requesting an Area Variance in accordance with Chapter 165, Article V, Section 45 of the Farmington Town Code. The applicant wishes to erect a two-sided ground business identification sign with 37.9% percent of total sign area being used to display a product, trade name or logo. Per Town Code no more than 10% of the area of such sign may be used to display the brand name of any product(s) or commodities actually sold on the premises. The property is zoned GB General Business and falls with the Major Thoroughfare Overlay District (MTOD).

The Public Hearing on this application was opened on September 28, 2020, and was con-

tinued to the meeting this evening.

Mr. Marcus (the owner of Maddie’s Motorsports) presented this application.

He said that modifications have been made to his original application (ZB #0902-20) following last month’s decision by the board to lay over any action and allow time for discussions with the Town staff to make sure that the application would comply with the future State Route 96 streetscape corridor initiatives, and to further reduce the square footage of the corporate trade names and logos on the sign as much as possible. He said that the revisions have been made to the sign and that now his business name and street address number are shown on the sign as the prominent portion of the sign.

Mr. Marcus also said that he has agreed to provide a landscaping plan in an oval pattern around the base of the sign and that he has also agreed to provide four streetscape lighting fixtures and poles that will be spaced every 40 feet apart beginning at the west property boundary and extending to the east property boundary along the north side of State Route 96 (*see* Area Variance Conditions of Approval). The lighting fixtures will provide additional safety for pedestrians on the existing sidewalk across the frontage of the site.

Mr. Brand extended thanks to Mr. Marcus for his time to meet with the Town staff which resulted in a good compromise for the ZBA to be able to grant the minimum relief for this application and to eliminate the need for a second Area Variance. Mr. Brand said that the Town also appreciates the efforts of Mr. Marcus to participate in the community, and thereby be a part of this community, by including the Town’s pending State Route 96 Main Streetscape initiatives in the design of his project.

Mr. Marcus requested that his original application (ZB #0902-20) be withdrawn and that the ZBA consider the revised application discussed this evening (ZB #0902.1-20).

Mr. Marshall asked if anyone in attendance wished to speak for or against this application, or to ask questions.

There were no comments or questions from those in attendance.

There were no further comments or questions on this application this evening from the board or the Town staff.

Mr. Marshall then closed the Public Hearing on this application.

## 5. NEW PUBLIC HEARING

**ZB #1001-20**

**Jeff Krogstad  
1752 Payne Road  
Farmington, N.Y. 14425**

**Area Variance**

The applicant is requesting an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant wishes to erect a 1,680-square-foot accessory structure (a barn) in the side yard portion of his lot. The Town Code requires all accessory structures, in any district, to be located in the rear yard portion of the lot. The property is zoned A-80.

Mr. Marshall opened the Public Hearing on this application.

Mr. Krogstad presented this application. He reviewed the following material that was presented with his original submission:

The proposed project is to erect an equipment storage barn for the storage of primarily agricultural use equipment and trailers. The reason for the Area Variance stems from the site layout being heavily wooded surroundings along with natural layout, allowing for water runoff from both the new structure and the existing structures. Another major obstacle that is being overcome by the location of the new structure is avoiding the existing buried underground communication wires (phone lines, fiber optic cable). The fiber optic cable becomes a little bit of a hot topic due to covid. [I] have two young children—one school age. This becomes her only lifeline to learning (she is forced to remote learn this school year, due to the pandemic). Also to consider is [the] septic system that is located to the north side of the residential dwelling that butts up to the wood line.

When considering my application for this Area Variance, the building will be only 20 feet ahead of the back plane of the residential structure when viewed in relationship of the road, still leaving it 10 feet behind the front plane of the home. The new structure will not be able to be seen from Payne Road due to my driveway being the length it is.

Mr. Krogstad said that his father's farm is located next door and that his father's herd of thoroughbreds is dwindling. Mr. Krogstad said that his father's farm may be sold and that he [Mr. Krogstad] would like to be able to store all of his equipment—that sits outside right now—in the new barn.

He said that his existing barn does not have a high ceiling, that the barn is only 24 feet deep, and not it is not large enough for a truck. He said that the existing barn was built as a location for the installation of the an RG&E meter.

Mr. Krogstad said that he has already ordered the trusses for the new barn and that when he came into the Town Hall for a building permit he was told that an Area Variance was required.

He said that the relocation of the barn to comply with the Town Code would require 10 extra dump-truck loads of stone and that the new barn would have to be tucked behind the existing barn. Mr. Krogstad said that there is not much pitch in the land for stormwater

runoff and that he selected the location of the new barn to make use of the pitch from the front yard and the natural slope. He said that he would lose all the natural pitch [of the land] if the new barn were to be relocated around the back corner [of the property].

Mr. Weidenborner said that the proposed location of the new barn is entirely in front of the house and would not comply with the Town Code. He said that the Town staff has reviewed the property and determined that there are other locations on the property upon which the new barn could be placed, or the existing barn could be expanded.

Mr. Krogstad said that an addition to the existing barn is not an option because of the utility connections [which are attached to the existing barn].

In response to the findings in the draft Area Variance resolution that had been prepared by the Town staff for the board's consideration this evening, Mr. Krogstad submitted six photographs of other properties on Payne Road (1119 Payne Road, 1564 Payne Road and 1780 Payne Road at the corner of Shortsville Road and Payne Road; photos attached to the minutes, *see* Appendix 1). He said that each of these properties are in the A-80 Zoning District, that some of the structures are less than three years old, and that all of them have accessory structures which are located in the side- or front-yard portions of the lots.

Mr. Weidenborner said that several of these structures appear to have been there for a considerable length of time and that the Town has no permits [for their construction]. Mr. Brand said that one of the pictures shows an accessory structure in the side yard portion of a site near Collett Road, and that those property owners came before the ZBA and were granted an Area Variance due to the topography of site. He said that in this case there was no alternate location for the property owner to place the accessory structure. Mr. Brand also said that he saw a barn shown on one of the photos that is located along the north side of Canandaigua–Farmington Town Line Road and which has been there for some time. Mr. Krogstad said that this is his father's barn.

Ms. Attardi asked about the underground utility cables. She asked if the cables could be relocated to enable Mr. Krogstad to slide the new barn behind the front plane of the house. Mr. Krogstad said that there would be a cost for the relocation of the underground cables. He said that the services are in working order and that he would incur a considerable cost to move the cables at his request.

Mr. Krogstad also said again that extra dump-truck loads of stone would be required [if the new barn were to be relocated to an alternate site on the property].

Mr. Brand said that prior to the issuing of any building permits, Mr. Krogstad would have to agree to install a minimum driveway pavement of 10 feet back from the edge of the travel lane from Payne Road, as required in Section 2.05 B (3) of the adopted Town of Farmington Site Design and Development Criteria. In the event that a building permit is issued between November 1st of a calendar year and May 1st of the following calendar year, the applicant shall have until May 31st of the following year to have the driveway



pavement installed. Mr. Brand referred to this requirement in the draft Area Variance Determination resolution.

Mr. Sweeney asked about the south side of existing barn with the electric transformer and the north side of the existing barn with the propane tank, and their relations to the property boundaries. Mr. Krogstad said that survey stakes were never placed to mark the exact property boundaries. Mr. Sweeney asked if the new barn could be relocated on the property if there could be a more definitive answer regarding the lot lines. He asked about relocating the new barn directly behind the existing barn. Mr. Krogstad said that this is the area of the most natural pitch [of the land] and is the lowest point on the property. He said that he has two leach fields in this area and that they are stepped down in tiers. He said that anything on the north side of the house is pitched.

Mr. Krogstad also provided written responses to several other draft resolution questions, as follows:

**Question #2: Whether the benefit sought by the application can be achieved by a feasible alternative to the requested variance?**

Mr. Krogstad's response: Attached is a survey that's a few years old. It shows where my residence is located in the southwest quadrant of the lot. Out of the 8.6 acres [that] I own, 6.5 of them are considered either ahead of the space located beside my residence. Of the leftover, two-thirds of the three acres is heavily wooded. A large percentage of the acreage behind my house (to the west) has a natural slope that channels water away from my residence and septic system, along with being covered by thick tree growth, pictured in the attached photos. The aerial photos you've viewed might not show additions of a garden or a recent attached garage. They also might not show buried communication fiber optic cable and phone lines, or the natural pitch of the land. Locating a new structure to the north of my residence is just not possible. The septic system is located on that side of the structure and it would create a major hardship if an additional driveway had to be added.

**Question #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.**

Mr. Krogstad's response: When I purchased the lot from my parents, it was 100 percent wooded. I cleared the site myself and over the course of several years, I had hollowed out enough land on the high spot of the lot to build a house. Where I proposed to put my building was the most beneficial for my family and less of a financial burden. Currently, if I was able to go forward where I would like my barn, I'm not going to have to cut down several large trees or install several hundreds of square feet of additional driveway. Attached is my build lot survey that's a few years old, and pictures that



currently show my building lot and what is viewable from the road. Only after you walk down my driveway 150 feet or so is my front and side yard even then viewable. In the background, the large tree growth that's mentioned.

Mr. Marshall asked if anyone in attendance wished to speak for or against this application, or to ask questions.

There were no comments or questions from those in attendance.

There were no further comments or questions on this application this evening from the board or the Town staff.

Mr. Marshall then closed the Public Hearing on this application.

## 6. NEW PUBLIC HEARING

**ZB #1002-20**

**Andrew Lindow  
140 County Road 8  
Farmington, N.Y. 14425**

**Area Variance**

The applicant is requesting an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant has erected a 160-square-foot accessory structure (a shed) in the side yard portion of his lot. The applicant requests to keep the structure in its side-yard location. The Town Code requires all accessory structures, in any district, to be located in the rear yard portion of the lot. The property is zoned A-80.

Mr. Marshall opened the Public Hearing on this application.

Mr. Lindow and Mr. Bonhag (his nephew) presented this application.

Mr. Lindow said that he called the Development Office in June to ask for information on installing a shed on his property. He said that he returned the paperwork, that he came into the Town Hall and received a building permit, and that he built the shed. Mr. Lindow said that when a Code Enforcement Officer came out to make an inspection, he was told that the shed was built in the wrong place [on his property].

Mr. Lindow said that he has cancer and that he built the shed next to his house for convenience of access to the snowblower [and other equipment]. He said that the Code Enforcement Officer told him that the shed cannot be in the front-yard portion of the lot and that he would have to apply for an Area Variance in order to keep the shed in its current location.

Mr. Weidenborner said that due to the Covid-19 pandemic the Town offices were closed to in-person visits when Mr. Lindow applied for the building permit. He said that the application was handled by text and voice messages. He said that there was not really the opportunity to have [in-person] conversations and that the location of the shed that Mr. Lindow depicted on his application was in an allowed location on the property.

Mr. Lindow then presented a copy of the original application to the board.

Mr. Ruthven asked about the Town application and inspection process. Mr. Weidenborner said that the Town staff could not have a face-to-face conversation with Mr. Lindow [at the time of the application] and that the approval of the building permit was based upon the location of the shed that Mr. Lindow depicted upon his application.

Mr. Delpriore said that a Town Code Enforcement Officer reviewed the application and signed off on it, based upon the location of the shed that was depicted upon the application. He said that every project requiring a building permit is reviewed and that there are always onsite inspections. If, during an on-site inspection, evidence comes up that there may have been an error, then the applicant is advised of the need to either obtain a variance or relocate the structure to an allowed portion of the site. He said that, in this instance, the applications are reviewed beforehand and that there are inspections along the way. Mr. Delpriore said that the Code Enforcement Officer caught the error at the time of inspection.

Mr. Lindow said that he built the shed on the property. He said that there was reference on the paperwork [regarding the location] and that he put it where he thought it should be.

Mr. Ruthven asked if the shed can be moved. Mr. Lindow said that a contractor would have to come out and look at it. He said that he would have put the shed in another place but that he was never told this.

Mr. Weidenborner said that contractors have moved sheds [in other neighborhoods when the sheds have been determined to be in the wrong place].

Mr. Lindow said that he installed stones [for a base] and built the shed on 4x4's.

Mr. Delpriore said that even the sheds that are built on location are on 4x4's or 6x6's, and can be moved. He said that sheds that cannot be moved are classified as a garage and usually have a concrete floor. He said that Mr. Lindow's shed could mostly likely be dragged [to another location on the property].

Ms. Attardi asked how many feet the shed would have to be moved [to comply with the Town Code]. Mr. Weidenborner said that it would have to be moved roughly five feet to 10 feet to be even with the rear portion of the house. Mr. Lindow said that the size of the shed is 10 feet x 16 feet and is set back two feet from the front of the house.

Mr. Bonhag said that he helped his uncle build the shed. He said that you [the board] cannot fault [Mr. Lindow] after he put in the time and effort [to build the shed]. He said that Mr.

Lindow has cancer and that it would not be easy for him to move the shed into his backyard. Mr. Bonhag said that he can understand if it was a mistake but that the shed was built based upon what was approved [by the Town] and that should be no question to get the variance.

Mr. Weidenborner said that the shed is not in the approved location based upon the document originally submitted by Mr. Lindow.

Mr. Weidenborner then reviewed the document with Mr. Bonhag. Mr. Weidenborner said that this [document] is what the Town staff was going on.

Ms. Attardi asked how the location of the shed was identified on the document. Mr. Lindow said that he put an “X” on the plan.

Mr. Marshall asked if anyone in attendance wished to speak for or against this application, or to ask questions.

There were no comments or questions from those in attendance.

There were no further comments or questions on this application this evening from the board or the Town staff.

Mr. Marshall then closed the Public Hearing on this application.

**7. BOARD BUSINESS—DELIBERATIONS AND DECISIONS**

<b>ZB #0902.1-20</b>	<b>Graham Marcus Maddie’s Motorsports 6226 State Route 96 Farmington, N.Y. 14425</b>	<b>Area Variance</b>
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The State Environmental Quality Review (SEQR) classification for this application was approved at the meeting on September 28, 2020.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the application for ZB #0902-20 Area Variance for Maddie’s Motorsports, be recalled due to withdrawal by the applicant, per the discussion during this evening’s continued Public Hearing.

Jill Attardi	Aye
Jeremy Marshall	Aye
Tod Ruthven	Aye
Aaron Sweeney	Aye
Thomas Yourch	Aye

Motion carried.

ZB #0902-20 Area Variance for Maddie’s Motorsports was recalled.

Mr. Marshall asked Mr. Marcus if he has reviewed the proposed resolution and if he agrees with the conditions contained therein. Mr. Markus said that he has reviewed and accepts the conditions of approval contained in the draft resolution.

Mr. Brand reminded the board that the Ontario County Planning Board has recommended denial of any sign requiring a variance that is located along one of the major highway corridors in the County. He also noted that it requires a majority plus one vote of the entire board membership to override the County’s recommendation of denial. Finally, he noted that a copy of this resolution must be returned to the County.

The clerk then read aloud the conditions of approval from the following complete resolution:

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

**APPLICANT:** Maddie’s Motorsports  
c/o Graham Marcus  
6226 State Route 96  
Farmington, N.Y. 14425

**File:** ZB #0902.1-20  
**Zoning District:** GB General 6226  
Business and MTOD  
**Published Legal Notice on:**  
September 20, 2020  
**County Planning Action on:**  
September 9, 2020  
**County Referral #:** 147-2020  
**Public Hearings held on:**  
September 28, 2020 and  
October 26, 2020

**Property Location:** 6226 State Route 96 Farmington, N.Y. 14425

**Applicable Section of Town Code:** Chapter 165, Article V, Section 45.

**Requirement for Which Variances are Requested:** The applicant wishes to erect a two-sided free-standing (ground-mounted) sixty-four (64) square foot Commercial Speech business identification sign, with fifty-seven and six tenths percent (57.6%) of the proposed total sign area being used to display the dealership’s logo (Maddie’s Motorsports and Street Identification Number) and forty-two and four tenths percent (42.4%) to display a total of five (5) product, trade name or logo. The Town Code restricts the total area for such display to no more than ten percent (10%) of the total sign area of such sign. The property is zoned GB General Business and lies within the Major Thoroughfare Overlay District (MTOD).

This is an amended application to the one previously filed with the Town and identified as ZB # 0902-20. The Zoning Board of Appeals has continued its deliberation upon that

application pending their decision upon this amended area variance application. The applicant at tonight's Public Hearing withdrew the original Area Variance application (File #ZB 0902-20).

**State Environmental Quality Review Determination:** The granting of an Area Variance to is classified as a Type II Action under Part 617.5 (c) (16) and (18) 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:** The Ontario County Planning Board (hereinafter referred to as County Board) has reviewed Referral #147.1-2020, at their September 9, 2020, meeting. The County Board's referral recommendation is denial.

## **FACTORS CONSIDERED AND 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

**Reasons:** The Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) finds that the amended sign design has significantly reduced the overall sign size area bringing the sign now under consideration to a total of sixty-four (64) square feet which is within Town Code requirements. Thus the Board finds that one of the two originally requested area variances is no longer necessary.

The Board further finds that the proposed amended commercial speech sign contains five (5) product logos that now occupy 42.4% of the total sign area which is significantly smaller than the original sign that involves product logos that are five times larger than the name of the business shown on the sign.

The Board further finds that the revised sign emphasizes the name of the business and street address by having this portion of the sign occupy 57.6% of the total sign area, or a majority of the sign area.

The Board further finds that the majority of the Commercial Speech signs located along this highway corridor have been built to Town Code requirements with the emphasis placed upon identifying the business name and street address.

The Board further finds that this site lies within the defined Town of Farmington State Route 96 Main Street Corridor and that new sign regulations are being developed at this time, however, they are not yet in effect. The Board further understands that the Town's intent is to create separate sign regulations and sign size requirements for this corridor which are different from the sign regulations and sign sizes required in the General Business District located along the more heavily traveled State Route 332, where the minimum

front setbacks for buildings are 100 feet from the edge of a much wider highway right-of-way than exists along State Route 96 within the defined Main Street Corridor. The Board further understands and supports the Town's ongoing efforts to create a Main Street Corridor setting with appropriate sidewalks, site landscaping, and signage designed to fit within such a corridor.

The Board, based upon these findings determines that granting the requested area variance, to allow the proposed commercial speech sign to have up to five product logos displayed that occupy the above referenced percentage of the sign area while only displaying the names of the product, or the product logo, provides a sign message that is legible and contains minimal information to in turn enable the traveling motorist to read and comprehend in much less time than what was associated with the original the business identification sign. This reduction in distracted motorists time establishes a safer and thus more desired character of this Main Street Corridor and, therefore, would not be contrary to the character of the Main Street Corridor that the Town is attempting to develop.

The Board further determines that granting the requested relief from the Town Code, that is associated with the amended sign, would be granting the minimum relief necessary and would thus, not be a detriment to adjacent properties.

Finally, the Board finds that the major emphasis of the amended Commercial Speech Sign is to identify the business name and street address; and is no longer placing emphasis upon those products being provided at this location. The Board further finds that the primary purpose for Commercial Speech Signs is to identify the name of the business to motorists traveling along the highways.

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

**Reasons:** The Board finds that the applicant has now provided a meaningful alternative to the sign design from what was originally being proposed (File #ZB 0902-20); and that this amended sign design involves a smaller percentage of an area variance increase now being requested. The Board finds that the proposed sign area for the product logos is now 42.4% of the total sign area which is still a variance increase in size of thirty-two and four tenths percentage (32.4%) from the ten percent (10%) currently allowed by Town Code, but is significantly less than the original seventy-three percent (73%) variance increase associated with the original logo sign size.

3. Whether the requested variance is substantial.        \_\_\_ Yes     No

**Reasons:** The Board finds that the application now identifies a requested area variance to display product logos which involves a 32.4% increase in the percentage allowed by Town Code. The Board has consistently found that granting a variance greater than fifty percent (50%) of what is allowed by Town Code to be 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

**Reasons:** The Board has given consideration to the criteria for determining significance, as set forth in Section 617.5 of the SEQR Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) (16) and (18) of the New York State Environmental Conservation Law (ECL), article 8. The Board finds that Type II Actions have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

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.  Yes  No

**Reasons:** The Board finds that the applicant is proposing a Commercial Speech Sign with product names/logos which occupy a greater percentage of the total sign area than is allowed by Town Code. The Board further finds that although the amended Commercial Speech Sign still necessitates the granting of an area variance, the Board finds that the business owner is required to provide product identification as part of agreements with the five producers of the products being offered on this site. Based upon these findings the Board has no alternative but to find that the alleged difficulty was self-created.

## **DETERMINATION OF THE ZONING BOARD OF APPEALS**

**BASED UPON THE BOARD'S FINDINGS UPON THE ABOVE FACTORS,** the Town of Farmington Zoning Board of Appeals determines that the benefit to the applicant does outweigh the detriment to the neighborhood or the community, and, therefore, the Area Variance is granted with the following conditions:

1. Prior to issuing the Sign Permit all Conditions of Final Site Plan granted by the Planning Board are to be complied with including limiting the display of products to that area approved by the Planning Board. All other display areas currently in existence are to be removed and all landscaping. If the applicant desires to amend the Final Site Plan previously approved by the Planning Board then a new application is to be made to the Town Development Office.
2. Maximum size of the amended sign shall not to exceed 64 square feet in total sign area.
3. Maximum height of the amended freestanding sign shall be fifteen (15) feet above existing grade.
4. The property's Street Number, 6226, is to be enlarged four (4) times and placed centered underneath the Maddie's Motorsports message.



5. The amended sign shall be internally illuminated and shall operate on a timer to coincide with the published hours of business operation. When the business is closed, then the sign illumination is to be turned off.
6. There shall be a planting located around the base of the sign pole that shall have a minimum square footage of ten (10) feet in width by ten (10) feet in depth for a total of one hundred (100) square feet in area. The planting schedule for this area is to be provided to and accepted by the Town Code Enforcement Officer prior to the issuance of the sign permit. All plantings are to be installed not later than May 1, 2021.
7. There shall be a total of eight (8) Calamagrostis acut Karl Foerster plants spaced equally apart across the front area of the Display Vehicles Parking Area shown on the Final Site Plan for Maddie’s Power Sports.
8. A total of four (4) Streetscape Light Fixtures and Poles, height fifteen (15) feet, spaced approximately every 40 feet apart beginning at the west property boundary and extending to the other property boundary along the north side of State Route 96. [Note: property has 150 feet of frontage]
9. The light poles are to be Eaton UTLD Traditionaire LED Downlit, or equivalent.
10. Light Poles and Fixtures shall have a black finish.
11. All light panels are to have refractive lenses, timer and/or photocell controls and shall be of a maximum of 30 watts per fixture. (*See* streetlight detail H-15.0 Town of Farmington Site Design and Development Criteria).

**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.

**BE IT FURTHER RESOLVED** that the Board directs a copy of this Resolution be sent to the Ontario County Planning Board in accordance with the provisions set forth in Sections 239 –l and –m of the New York State General Municipal Law.

**BE IT FINALLY RESOLVED** that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the preceding resolution be approved.

Jill Attardi	Aye
Jeremy Marshall	Aye
Tod Ruthven	Aye
Aaron Sweeney	Aye

Thomas Yourch           Aye

Motion carried.

**ZB #1001-20                   Jeff Krogstad                                   Area Variance**  
**1752 Payne Road**  
**Farmington, N.Y. 14425**

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION**  
**SEQR RESOLUTION—TYPE II ACTION**

**ZB #1001-20**

**APPLICANT:                   Jeff Krogstad, 1752 Payne Road, Farmington, N.Y. 14425**

**ACTION:                       Area Variance to erect a 1,680-square-foot accessory structure (a barn) in the side yard portion of the lot.**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

**WHEREAS**, the Board finds that the granting of an area variance is classified as a Type II Action under Part 617.5 (c) (16) and (18) of Article 8 of the New York State Environmental Conservation Law.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board does hereby classify the proposed Action as a Type II Action under Section 617.5 (c) of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Type II Actions are not subject to further review under Part 617.

**BE IT FINALLY 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.

Jill Attardi               Aye  
Jeremy Marshall       Aye  
Tod Ruthven            Aye  
Aaron Sweeney         Aye

Thomas Yourch      Aye

Motion carried.

The clerk then read aloud the determination from the following complete resolution:

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

<b>APPLICANT:</b>	Jeffery Krogstad 1752 Payne Rd Farmington, N.Y. 14425	<b>File:</b> ZB #1001-20 <b>Zoning District:</b> A-80 Agricultural <b>Published Legal Notice on:</b> October 18, 2020 <b>County Planning Action on:</b> N/A <b>County Referral #:</b> N/A <b>Public Hearing held on:</b> October 26, 2020
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**Property Location:** 1752 Payne Rd, Farmington, New York 14425

**Applicable Section of Town Code:** Chapter 165, Article V, Section 58

**Requirement for Which Variances are Requested:** The applicant wishes to erect a 1,680 square-foot accessory structure (a barn for the storage of equipment) in the side yard portion of his lot. The Town Code requires all accessory structures, in any district, to be located in the rear yard portion of the lot.

**State Environmental Quality Review Determination:** The granting of an Area Variance for an a 1,680-square-foot accessory structure is classified as a Type II Action under Part 617.5 (15) 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:** N/A. Exempt Action by Ontario County Planning Board Bylaws.

**FACTORS CONSIDERED AND 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.  
**X** Yes      \_\_\_ No

**Reasons:** The Zoning Board of Appeals (hereinafter referred to as Board) finds the neighboring properties are all zoned A-80 Agricultural. The Board further finds that the character of this neighborhood is predominantly single-family sites fronting along both sides of Payne Road. The Board further finds that there is no record of any building permits in the neighborhood that have been issued for an accessory structure in the side yard portion of the lot. The Board further finds that it has consistently denied application requests elsewhere to place accessory structures in the front and side yard portions of residential lots within the A-80 District where, as in this instance, there is no proof of a practical difficulty complying with the Town Code requirements.

The Board further finds that it is a requirement of New York State Town Law (Section 267. B. (c) to grant the minimum variance deemed necessary and adequate and at the same time preserve and protect the character of the neighborhood. The Board, based upon these findings, determines that the applicant has failed to prove the existence of any practical difficulty in complying with the zoning district requirements. The Board finally finds that granting the requested relief without such documentation would contribute to an undesirable change being produced in the character of the neighborhood or would likely be a detriment to nearby properties.

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

**Reasons:** The Board finds that the property contains a total of approximately 9 acres of land which, based upon an aerial photo of the lot identifies a number of alternative locations for this accessory structure (a barn) to be placed while meeting the Town of Farmington zoning requirements. The Board based upon this finding determines that the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance.

3. Whether the requested variance is substantial.       Yes      \_\_\_ No

**Reasons:** The Board finds that the requested placement of the accessory structure in the side yard setback portion of the lot would require granting a 100% variance to what is otherwise required by Town Code. The Board has consistently found that a variance involving fifty percent (50%) or more is a substantial variance.

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

**Reasons:** The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQR Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of the New York State Environmental Conservation Law (ECL), Article 8. The Board finds that Type II Actions have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

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

**Reasons:** The Board finds that the alleged difficulty is self-created in that it is the applicant’s choice where he is requesting to locate the accessory structure (a barn) on the property. The board finds that by relocating the accessory structure to other available locations on the property, where allowed by Town Code, will provide the applicant the storage structure he is requesting without the need for a variance.

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

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

The benefit to the applicant does not outweigh the detriment to the community or neighborhood; and, therefore, the requested area variance to erect an Accessory Structure (a barn) in the applicant’s side yard portion of the lot is denied.

**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.

**BE IT FURTHER RESOLVED** that when a Building Permit is issued for the proposed accessory structure to be placed upon this lot, the property owner shall be required to install a minimum driveway pavement of ten (10) feet back from the edge of the travel land for Payne Road, as required in Section 2.05.B. 3. of the adopted Town of Farmington Site Design and Development Criteria. In the event that a Building Permit is issued between November 1st of a calendar year and May 1st of the following calendar year, the applicant shall have until May 31st of the following calendar year to have the driveway pavement installed.

**BE IT FINALLY RESOLVED** that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the preceding resolution be approved.

Jill Attardi	Aye
Jeremy Marshall	Aye
Tod Ruthven	Aye
Aaron Sweeney	Aye
Thomas Yourch	Aye

Motion carried.

**ZB #1002-20**

**Andrew Lindow  
140 County Road 8  
Farmington, N.Y. 14425**

**Area Variance**

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived and that the resolution be approved as submitted by the Town staff:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
SEQR RESOLUTION—TYPE II ACTION**

**ZB #1002-20**

**APPLICANT: Andrew Lindow, 140 County Road #8, Farmington, N.Y. 14425**

**ACTION: Area Variance to keep a 160 square-foot accessory structure (a storage shed) that has been erected within the side yard portion of the lot.**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action; and,

**WHEREAS**, the Board finds that the granting of an area variance is classified as a Type II Action under Part 617.5 (c) (16) and (18) of Article 8 of the New York State Environmental Conservation Law.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board does hereby classify the proposed Action as a Type II Action under Section 617.5 (c) of the SEQR Regulations.

**BE IT FURTHER RESOLVED THAT** Type II Actions are not subject to further review under Part 617.

**BE IT FINALLY 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.

- Jill Attardi            Aye
- Jeremy Marshall      Aye
- Tod Ruthven          Aye
- Aaron Sweeney        Aye
- Thomas Yourch        Aye

Motion carried.

The clerk then read aloud the determination from the following complete resolution:

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

**APPLICANT:** Andrew Lindow  
140 County Road 8  
Farmington, N.Y. 14425

**File:** ZB #1002-20  
**Zoning District:** A-80 Agricultural District  
**Published Legal Notice on:**  
October 18, 2020  
**County Planning Action on:**  
Not applicable  
**County Referral #:** Not applicable  
**Public Hearing held on:**  
October 26, 2020

**Property Location:** 140 County Road 8, Farmington, N.Y. 14425

**Applicable Section of Town Code:** Chapter 165, Article V, Section 58

**Requirement for Which Variances are Requested:** The applicant wishes to keep a 160-square-foot accessory structure (a shed) he erected in the side yard portion of his lot. The Town Code requires all accessory structures, in any district, to be located in the rear yard portion of the lot. The property is located at 140 County Road 8 and is zoned A-80 Agricultural District.

**State Environmental Quality Review Determination:** The granting of an Area Variance to is classified as a Type II Action under Part 617.5 (c) (16) and (18) 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:** The Ontario County Planning Board By-laws identify all area variances that are a single item and unrelated to a site plan, subdivision or multiple variance requests are exempt from review.

**FACTORS CONSIDERED AND 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      No

**Reasons:** The Zoning Board of Appeals (hereinafter referred to as Board) finds the neighboring properties are all zoned A-80 Agricultural. The Board further finds that the character



of the neighborhood is predominantly rural residential sites fronting along County Road 8 and extensive active and passive farmlands. The Board further finds that the applicant has chosen to place the accessory structure in a location that is different from that identified on the Building Permit Application. The Board further finds that there is no record of any building permits issued in the neighborhood for an accessory structure in the side yard portion of the lot. The Board further finds that it has consistently denied application requests elsewhere to place accessory structures in the front and/or side yard portions of residential lots within the A-80 District, where, as in this instance, there is no proof of a practical difficulty complying with the Town Code requirements.

The Board further finds that it is a requirement of New York State Town Law (Section 267. B. (c) to grant the minimum variance deemed necessary and adequate and at the same time preserve and protect the character of the neighborhood. The Board, based upon these findings, determines that the applicant has failed to prove the existence of any practical difficulty in complying with the zoning district requirements. The Board finally finds that granting the requested relief without such documentation would contribute to an undesirable change being produced in the character of the neighborhood or would likely be a detriment to nearby properties.

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

**Reasons:** The Board finds, that the property contains a total of 1.4 acres of land which provides plenty of other locations for this accessory structure (a shed) to be placed while meeting the zoning requirements of the Town of Farmington Town Code. The Board further finds that if the applicant had placed the accessory structure in the location identified on the approved building permit, a variance would not be necessary. The Board based upon this finding determines that the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance.

3. Whether the requested variance is substantial.       Yes    \_\_\_ No

**Reasons:** The Board finds that the requested placement of the accessory structure in the side yard setback portion of the lot would require granting a 100% variance to what is otherwise required by Town Code. The Board has consistently found that a variance involving fifty percent (50%) or more is a substantial variance

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

**Reasons:** The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQRA Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of the New York State Environmental Conservation Law (ECL), Article 8. The Board finds that Type II Actions have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

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

**Reasons:** The Board finds that the alleged difficulty is self-created due to the applicant installing the accessory structure in a location other the one identified on the approved building permit application. The board finds that by relocating the accessory structure to the approved location on the property the requested Area Variance will not be 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:

The benefit to the applicant does not outweigh the detriment to the community or neighborhood; and, therefore, the requested area variance to erect an Accessory Structure (shed) in the applicant’s side yard is denied.

**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.

**BE IT FINALLY RESOLVED** that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the preceding resolution be approved.

Jill Attardi	Aye
Tod Ruthven	Aye
Jeremy Marshall	No
Aaron Sweeney	Aye
Thomas Yourch	No

Motion carried 3 to 2.

**8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION**

Mr. Lindow said that he was not told about the location of placing his shed in the paperwork that he received from the Town. Mr. Marshall suggested that he contact the Development Office to discuss a solution.

Mr. Krogstad said that he has already paid \$30,000 for building materials for his new barn. He asked about selecting a more favorable spot on his lot. Mr. Brand said that he would

not have to return to the Zoning Board of Appeals if he selected a location on his lot that would comply with the Town Code. Mr. Marshall suggested that Mr. Krogstad meet with the Town Development Office staff to discuss an alternate location on his lot.

## **9. BOARD BUSINESS**

As a follow-up to his comments during the Workshop Session of the board earlier this evening, Mr. Delpriore requested on behalf of Joyce Pimm (501 Hook Road) a 30-day extension of the condition of her Temporary Use Permit (approved by the Zoning Board of Appeals on July 27, 2020, ZB #0201-20) to provide additional time for her to meet the requirements of the Planning Board for site plan approval (for the keeping of chickens as emotional support animals on her property).

There were no objections to this request from members of the board.

■ A motion was made by MR. SWEENEY, seconded by MS. ATTARDI, that ZB #0201-20 Temporary Use Permit, Joyce Pimm, 501 Hook Road, be recalled and amended with the following revision to Condition #8:

Per Town Code 165-91, E. the Temporary Use permit shall be subject to Site Plan approval being granted by the Planning Board on or before November 24, 2020. If Final Site Plan approval is not obtained within 30 days of this date (October 26, 2020) and no later than November 24, 2020, the Temporary Use Permit granted with conditions by the Zoning Board of Appeals, on July 27, 2020, shall be made null and void. At such time all chickens must be removed from the property.

Jill Attardi	Aye
Tod Ruthven	Aye
Jeremy Marshall	Aye
Aaron Sweeney	Aye
Thomas Yourch	Aye

Motion carried.

## **10. DIRECTOR OF PLANNING AND DEVELOPMENT UPDATE**

Mr. Brand said that the Comprehensive Plan Update Committee met on October 20, 2020, to review the revisions to Chapter 2 (sections on agriculture and the Town cemeteries) and the 18 maps that will appear in the plan update. He said that the Committee is now considering the restrictions for public gatherings and social distancing under the pandemic restrictions for holding a Public Information Meeting upon the draft Plan update. A large turnout could be expected for the meeting.

Mr. Brand also said that the Town staff is in the process of amending the conditions of the Town Board's Incentive Zoning approval of the Auburn Meadows Subdivision to allow for accessory structures on patio lots. He said that criteria must be established for the uniformity of setbacks on all the lots in this subdivision, including the patio lots. A local law will be considered prior to the issuing of building permits for those residents who wish to have accessory structures on their lots.

## 11. ZONING OFFICER UPDATE

Mr. Weidenborner said that an application has been received for the next meeting of the Zoning Board of Appeals to be held on November 23, 2020.

He also reported that he has been working with Ms. Pimm regarding her revised site plan application for the keeping of chickens as emotional support animals on her property on Hook Road.

Mr. Delpriore said that the Town's procedures regarding the pandemic are in place and working well. He said that plans also have been prepared if the health department guidelines are changed and if meetings must return to virtual-only format. He said that several Town boards and committees continue to hold hybrid virtual and in-person meetings, and that the Town could resume all virtual sessions if so ordered by the County and the State.

## 12. TRAINING OPPORTUNITIES

### ■ American Planning Association:

<https://www.youtube.com/user/PlanningWebcast/videos>

### ■ NYS Department of State Local Government Training Calendar posted here:

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**Thursday, October 29, 2020**, from 3:00 p.m. to 4:40 p.m.

Floodplain Regulations for Local Review Boards, NYSDOS/Black River Watershed Conference

Registration link: [https://us02web.zoom.us/webinar/register/WN\\_gs1eENq4RHyLTR1\\_X4b\\_Mw](https://us02web.zoom.us/webinar/register/WN_gs1eENq4RHyLTR1_X4b_Mw)

**Wednesday, November 4, 2020**, from 2:00 p.m. to 4:00 p.m.

Sign Regulation NYS DOS/Southern Tier West

Registration link will be posted here when available.

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**Thursday, November 12, 2020, Time TBA**  
 Floodplain Regulations for Local Review Boards, NYSDOS/Dutchess County  
 Registration link will be posted here when available.  
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

**13. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, November 23, 2020, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8. Mr. Marshall said that a Workshop Session will not be necessary.

**14. ADJOURNMENT**

■ A motion was made by MR. SWEENEY, seconded by MS. ATTARDI, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

\_\_\_\_\_ L.S.  
 John M. Robortella  
 Clerk of the Zoning Board of Appeals



ZB #1001-20, Jeff Krogstad  
Photo of 1752 Payne Road



ZB #1001-20, Jeff Krogstad  
Photo of 1752 Payne Road





ZB #1001-20, Jeff Krogstad  
Photo of 1119 Payne Road



ZB #1001-20, Jeff Krogstad  
Photo of 1564 Payne Road

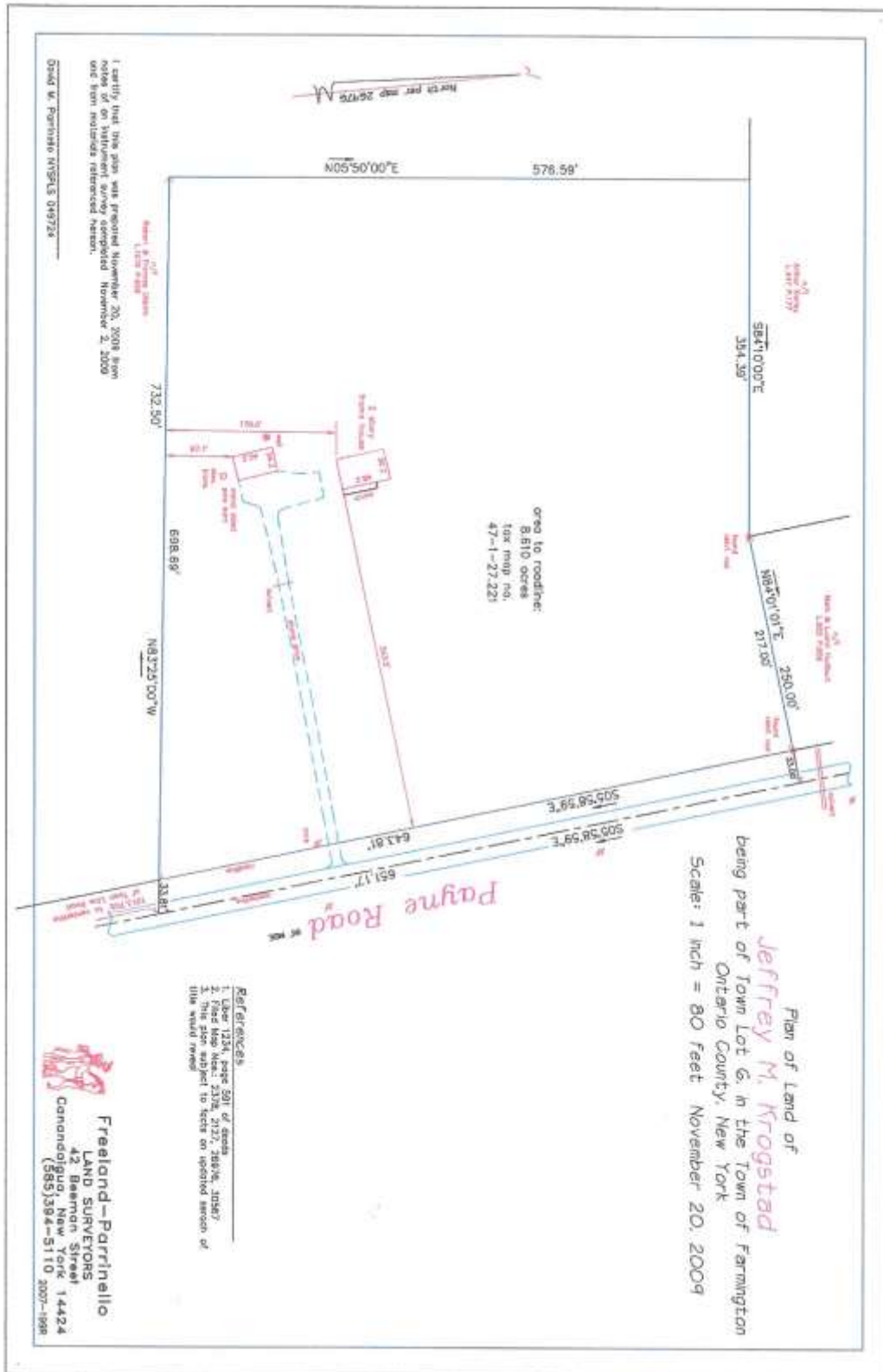


ZB #1001-20, Jeff Krogstad  
Photo of 1780 Payne Road





ZB #1001-20, Jeff Krogstad  
Photo of Shortsville/Payne Road



ZB #1001-20, Jeff Krogstad, Property Survey, 1752 Payne Road