

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, October 25, 2021, 7:00 p.m.**

**MINUTES—Approved**

*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*  
Thomas Yourch  
Jill Attardi  
Tod Ruthven  
Jody Binnix

**Staff Present:**

John Weidenborner, Town of Farmington Zoning Officer  
Ron Brand, Town of Farmington Director of Development

**Staff Via Zoom:**

Dan Delpriore, Town of Farmington Code Enforcement Officer  
Adrian Bellis, Town of Farmington Planning Board Member

**Applicant’s Present:**

Tim Loughlin 640 County Road 8, Farmington  
Scott Harter P.E. 7172 Victor-Pittsford Road, Victor  
Jeffrey & Maryann Wachob 164 Bittersweet Drive, Farmington

**Others Present:**

Chris Wade 670 County Road 8, Farmington  
Jim Loughlin 646 County Road 8, Farmington  
Zachary Marshall 6053 Amber Drive, Farmington

**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 January 25, 2021, as amended above.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom. The safety measures were implemented in accordance with the Governor's relevant Executive Orders regarding the COVID-19 pandemic. 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. Hand sanitizers were available throughout the building. Public access was restricted to the lobby, the main meeting room, and the public restrooms.

## 2. **APPROVAL OF MINUTES OF SEPTEMBER 27, 2021**

■ A motion was made by MR. YOURCH seconded by MR. RUTHVEN, that the minutes of the September 27, 2021, meeting be approved.

Motion carried by voice vote with MS. BINNIX abstaining.

## 3. **LEGAL NOTICE**

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, October 17, 2021:

**ZB #1001-21: JEFFERY & MARYANN WACHOB 164 BITTERSWEET DRIVE FARMINGTON, N.Y. 14425:** Request an Area Variance to Chapter 165, Attachment 1, Schedule 1, of the Farmington Town Code. The applicant wishes to erect a six foot long by twenty-four foot wide (6' x 24' 144 sq ft) attached porch to the front of the residence, with a proposed front setback of 44 feet. The Town Code requires a minimum front setback of 50 feet. The property is zoned RS-25 Residential Suburban.

**ZB #1002-21: SCOTT A. HARTER P.E. 7172 VICTOR-PITTSFORD ROAD VICTOR, NY 14564:**

Request an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant's client wishes to erect a 3,456 square-foot accessory structure (a barn) in the front yard portion of their lot located at 640 County Road 8 in the Town of Farmington. The Town Code requires all accessory structures to be located within the rear yard portion of the lot. The property is zoned A-80 Agricultural.

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

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

## TOWN OF FARMINGTON

**4. NEW PUBLIC HEARINGS**

**ZB #1001-21: JEFFERY & MARYANN WACHOB 164 BITTERSWEET DRIVE FARMINGTON, N.Y. 14425:** Request an Area Variance to Chapter 165, Attachment 1, Schedule 1, of the Farmington Town Code. The applicant wishes to erect a six foot long by twenty-four foot wide (6' x 24' 144 sq ft) attached porch to the front of the residence, with a proposed front setback of 44 feet. The Town Code requires a minimum front setback of 50 feet. The property is zoned RS-25 Residential Suburban.

Mr. Marshall opened the Public Hearing on this application.

Jeffrey and Maryann Wachob presented the above application. Mr. Wachob explains that the porch will add aesthetic appeal to the home and will allow for a covered entranceway to the house. The porch is never meant to be a dwelling or an extension of the dwelling as far as occupied space. It will be an open porch with a cover attached to the existing roof.

Mr. Marshall then asks if anyone else would like to speak for or against this application.

Hearing none. Mr. Marshall then asks for questions or comments from the board.

Hearing none. Mr. Marshall then asks for comments from Town Staff.

Mr. Brand states that they have drafted two resolutions for the board's consideration. The first resolution is for SEQR classifying the application as a Type II Action and the second resolution is an approval with conditions.

Mr. Marshall then closes the public hearing.

**ZB #1002-21: SCOTT A. HARTER P.E. 7172 VICTOR-PITTSFORD ROAD VICTOR, NY 14564:**

Request an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant's client wishes to erect a 3,456 square-foot accessory structure (a barn) in the front yard portion of their lot located at 640 County Road 8 in the Town of Farmington. The Town Code requires all accessory structures to be located within the rear yard portion of the lot. The property is zoned A-80 Agricultural.

Mr. Marshall opened the Public Hearing on this application.

Scott Harter presented the above application. He is here to present to the board various forms of information including a number of aerial photographs for display. His understanding, doing this type of work for many years, this variance is specifically intended to create uniformity. It is also most noticeable when you get into a more organized neighborhood such as the Ryan Home's in the Victor/Farmington Area. Being a Victor resident and being a member of their Zoning Board of Appeals and now currently a member of their

Planning Board they see a variety of homes in the agricultural areas in Victor that have qualified for variances just like this. When you get out into the rural areas the uniformity aspect of this variance or this requirement doesn't really seem to be so much at hand, or at least it is the way it's perceived by some of the board's that he has been on and have appeared before. What he wanted to present to the board tonight is the neighborhood as we see it from Picometre. He submitted several photographs ranging from 2001 to 2009 before the project at 640 County Road 8 was ever constructed. If you see in the photograph's the home was constructed where a barn was located once upon a time. The barn was put there presumably by a farmer because it was one of the up most locations to put a structure. The home went in and as a result of putting in the home application there was a lot of excavation that occurred. The point they are trying to make tonight is that if they put the barn in a location that qualifies to meet the code requirement, they are going to go up that hill as well and the contours, submitted in a recent drawing, show that will be the case. As a result, you will see additional excavation just like you see there in the area if you will hollowed out, for lack of a better description, by the house has occurred as it sets. It is effective most optimal is it fits the site better to situate the barn at the approximate location they have identified. Yes, it is technically in the front yard of the lot and is what triggers the reason for all of us to be here tonight. It is a better fit topographically and in terms of a practical difficulty, can the barn be placed in the rear yard yes it could, however it will involve a lot more excavation and effort and it would practically be more difficult to put it in the rear yard. It fits better exactly where it is, and you can see the proposed location of the barn is in alignment with Chris Wade's property to the south. Chris, who will speak in a little while, will probably identify his visual impact, if you will, on how the proposed location is a mitigating factor for that. They acknowledge all the things that have come out by code that this is not compliant with code. He is here to suggest that the proposed location is a better location.

Mr. Harter then reviews the street view photo submitted showing where Chris's barns are located and where the proposed location of the Loughlin barn will be located in a higher elevation and will be more visible and noticeable from the street. Treating this from a visible impact standpoint and agreeing with the neighborhood as they are doing is a better way to handle this situation. Strict adherence to the code is not going to give the applicant or neighborhood a look and the project they really want. Mr. Harter agrees with what the Code Officer has done in terms of drafting up the regulations, but this is just a situation where common sense is really the underlying factor. It makes sense to put the barn in this location. It's an agreement with the immediate neighbor to the south who has done almost the exact the same thing. They have taken a look at some of the correspondences that have come in via email and some that have been shared with them today. There are some neighbors that don't like it and there are some neighbors that do like it. He submits that the neighbor that is most important is the neighbor to the south and he will submit that his property is the defining property and really does represent the neighborhood and is almost identical in shape and size.

Mr. Marshall then asks if anyone else would like to speak for or against this application.

Chris Wade from County Road 8 in Farmington states that he owns 40 acres to the south and west of Tim and Kelly Loughlin. He has lived there for twenty-nine years. He states that the view from his backyard if Tim follows the code will really affect the view from his property. If the barn is put in a location that follows code it will obstruct his view from his porch. If a barn is put there he will be unable to see his own property. He states because of the woods line his barns are unable to be seen from the road. One of the reasons Tim chose that location was because he was agreeable with it. Mr. Wade states that he feels that it is the best spot on the property for the barn and the best spot for himself as well. He states that he is in favor of the board approving the application.

Mr. Marshall then asks if anyone else would like to speak for or against this application.

Tim Loughlin, the owner of the property that Mr. Harter is here representing, thanks the board for their time tonight. Mr. Loughlin explains that he is trying to balance the effects on the environment. They had to do a lot of excavation to put the house in the location that it is and had to go under DEC review for it. Scott put together a drainage system for the backyard for the house that is very complex. It is a series of pipes underground that was an awful amount of money when the house was built. He states that he does not want to disturb that land any further. They have done a lot of work making things flow correctly and trying to be a good neighbor. He and Chris have discussed the proposed location for the barn and if that is the best location for Chris and it certainly feels like the best location for his family. It will give them easier access. If they have to follow code, they will need to add at least 200 feet of driveway verse 60 feet with the proposed location. They will be extending their turn around into a flat field and behind that flat field it starts to rise. If they were to follow code, then it will block Chris's view and it will create a lot more excavation shaping the land and things like that.

Mr. Ruthven asks Mr. Weidenborner how much further the barn would need to be moved back to meet code.

Mr. Weidenborner states that code requires the barn to be behind the rear plane of the house.

Mr. Harter then refers the board to the drawing that was submitted for their review with the red line.

Ms. Attardi then asks if this is a 100% request.

Mr. Weidenborner states it is a 100% because the proposed location of the barn is entirely in the front and side yards. If the barn was to slide back further into the rear yard, then the percentage would decrease.

Ms. Harter then reviews the submitted map with the board describing where the redline is in regard to both Mr. Wade and Mr. Loughlin's properties. Mr. Harter also explains to the board that Mr. Loughlin would like to move the proposed pole barn twenty more feet forward due to the contours on the property.

Ms. Attardi then clarifies that they would like to move the barn twenty more feet into the front yard.

Mr. Harter states yes because of the topography. Mr. Harter then reviews the map in more detail with the board members in regard to the contours of the property.

Mr. Marshall then asks if anyone else would like to speak for or against this application.

Jim Loughlin from County Road 8 in Farmington states that his property is directly in front of the proposed project. He states that he has no issues with the proposed location of the barn. He states that when he looks out the back of his house, he sees Chris's beautifully maintained property and he can see his two barns. He hopes that in the future he can look out and see his son's barn as well. Aesthetically he feels this is the best location for the barn and he lives right in front of it.

Mr. Marshall then asks if anyone else would like to speak for or against this application.

Ms. Binnix says that they had mentioned a drainage issue and questions if this would disrupt the drainage system they currently have by moving the barn to the back of the property and if they have looked into how that is going to influence your current system.

Mr. Harter states that they have not done a site plan relative to the barn. Just looking at the size of the barn comparing it with the size of the house it is a large barn. The barn like the house has a flat first floor so anytime you try to put a flat first floor on a sloping site you end up cutting and filling typically. He states that he does not know at this point whether there will be disturbance to the existing system that was put in. He doesn't think they have really gotten that far in their design. This was the first stop along the way. If the variance is approved, they would be happy to share the site plan that they plan on doing. He says he doesn't believe that it is required by the Town of Farmington that they submit a site plan, but they are going to do one anyway for the sake of doing it right and also making sure they have good drainage control. As to whether they impact the existing drainage that is there now, which is a large deep stone filled drain that follows the total slope around the house, he can't say with 100% certainty. They would try to avoid that if they possibly could. The proposed location does that.

Mr. Yourch asks even if the barn is moved twenty feet east.

Mr. Harter states the further east they go the easier it agrees with the topography of the site.

Mr. Marshall then asks for questions or comments from the Board.

Hearing none, he then asks for questions or comments from Town Staff.

Mr. Brand states that there was a lot of information presented tonight that was not part of the packet. They had previously asked for identifying what these difficulties would be

putting the barn in the rear yard where code requires it to be. What was drafted was based on the information that they were given. The resolution for denial was because there was not any justification shown for granting relief. If the board feels that granting the relief would help mitigate the visual qualities of that area and it would help with the drainage issues and slope stabilization and things of this nature, then the board would want to have a resolution drafted that would have some conditions attached to it. Mr. Harter is correct that there is not a requirement for a site plan approval by the Planning Board. There would be to the Town's advantage having a detailed design of where on the property they were proposing to put this and what the cut and fill would be of disturbance, so we know we are not impacting the existing drainage around the house. Then we will know that we are not adversely impacting drainage on any adjacent properties. As the applicant's engineer tonight stated they haven't done that. If there is going to be a different location from what we were given and based on discussions that were had over the weekend, then his recommendation to the board tonight would be to continue the public hearing and ask for that detailed information to be presented to the board along with perhaps an engineer's report from the Town.

Mr. Marshall then asks for comments from Mr. Weidenborner.

Mr. Weidenborner states that Code Officer Delpriore would like to speak.

Mr. Delpriore states that he would like to go back in history a bit as he was the residential Code Officer when this house was built. Mr. Delpriore then refers to the submitted elevation drawing which shows an existing barn at the turnaround of the driveway. That barn was required to come down when the house was built. The applicant was told about that and there were many conversations with the home builder in regards to this. To see the application come back in front of the Town with a similar location to something that went through Planning and was slated to be removed suggests to the board that they should take caution in approving a structure back in a location that another board required to be removed. If anyone has questions regarding those conditions, he will be happy to answer those at this time.

Mr. Marshall asks why the barn was required to come down.

Mr. Delpriore states because the barn was not in an approved locations based on where they wanted to build their house. You have to remember when the application went in front of the Planning Board that is the location, they chose to build their house and because of that the barn needed to come down.

Ms. Attardi verifies if it was because it was in the front yard.

Mr. Delpriore says correct.

Mr. Harter then questions if there wasn't another issue associated with the barn because the Town of Farmington does not allow a barn structure solely on a piece of property without a residence to go along with it.

Mr. Delpriore states that is not true an agricultural lot can have a barn without a principal structure, but since we have a principal structure put on that lot now the location of the barn would be an accessory structure and that would have to be located in the back yard as we are addressing tonight.

Mr. Harter says with respect to the original barn that was out there that they have shown on the submitted photographs this barn is going about maybe fifty or sixty feet further south from where that barn was located.

Mr. Delpriore states that he understands that but again both barns are located in the front yard where, when the applicant built the house, he was told that would not be allowed per Town Code and now again he is in the same situation of being told it wasn't allowed per code. He states that the Planning Board when approving the house made sure to recognize that barn in the front.

Mr. Marshall then recommends to the board to continue the Public Hearing because, as Ron said, a lot of new information was given today including letters for and against the project. The presentation was great with a lot of new information. Mr. Marshall states that as a Zoning Board they have to grant the minimal relief and there is enough room in the back yard for a barn but there are other mitigating circumstances around it. He continues the Public Hearing so the applicant can meet with staff to see if there is any relief we can give here.

Mr. Harter states that they would be happy to submit a mini site plan showing where they are proposing the barn that they believe it is in the best location and in agreement with the neighbor, so they have a little more information. As Ron might know when we get into these types of projects they typically start out with a variance and then depending on how things go from the variance they tend to go with a site plan. This is one of those projects where the site plan directly relates to the variance and could help justify the variance. The updated site plan will help to show if everything is still the same in that area or if changes have happened for example where is the drain exit point. It was shown on the design plan, but he is unsure of where it ended up in the construction process.

Mr. Marshall states any additional information you can provide the board it will be helpful.

Mr. Harter states that he thinks it will also show a better area from the standpoint of excavation with referring to the terminology of practical difficulty. As he mentioned to the Zoning Officer you can put the building up there but is it practically difficult, which it is because you have to lay into the hillside to make that thing fit. Depending on your definition of practical difficulty and interpretation whether you think the mitigation of being closer to the tree row and being closer to the existing barns that are already in place it's a balance. That is exactly what the five criteria are a balance. The balance says this is the best location not only from balancing all the environmental factors, the neighborhood factors, but also just from the commonsense factor.



Mr. Yurch requests that the updated drawings show the topography.

Mr. Harter says yes.

Ms. Attardi asks if the barn could be any smaller.

Mr. Loughlin states he has three children, both him and his father both like to restore old cars and he has a tractor, a plow truck, four wheelers that are all stored outside. They were hoping to have something that was big enough to fit everything.

Ms. Attardi asks if the structure will have a concrete floor in it.

Mr. Loughlin states not at first. Eventually in maybe a year or two they may put in a concrete floor, but it is not planned for initially.

Ms. Binnix asks when the house was built.

Mr. Loughlin states that they moved into their house in November of 2018 however the Planning Board process started in 2017. He says that the barn Dan referred to was in front of the house. He explains that people always say they picked that spot but when you keep going up his land where his house is it was the flattest spot.

Mr. Marshall then asks for any further questions from the board.

Hearing none. He then asks for questions from Mr. Brand.

Mr. Brand states that we just heard he wanted the barn big enough to put all his toys in it. He would expect the Zoning Board of Appeals to place a condition that there will be no outside storage allowed. Secondly, this building was put in without a fire pull off lane for the fire trucks which is a requirement now in Town Code. So, they are going to have to show that design of the pull off area. Thirdly, when we talk about a mini site plan, we want a plan that basically the Town Engineer can look at and determine where the flows are and what issues are concerned. He states that he has not heard anything tonight about how they are going to get a driveway across the drainpipe for the house. There is a good deal of work to be done in a short period of time. He suggests that the applicant reach out to the Code Officer to find out what the deadline to submit updates will be. Also suggests setting up a meeting with Town Staff.

Mr. Harter also suggests to the board to come out and visit the site. He also adds that if any of the board members would like to go out and actually meet with Tim to contact the Building Department to have them set that up and Tim can show them the proposed location.

Mr. Marshall then states that Public Hearing will be continued on this application.

## **5. BOARD BUSINESS—DELIBERATIONS AND DECISION**

**ZB #1001-21                      Jeffrey & Maryann Wachob                      Area Variance**  
**164 Bittersweet Drive**  
**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 #1001-21**

**APPLICANT:                      JEFFREY WACHOB**  
**164 BITTERSWEET DRIVE,**  
**FARMINGTON, NEW YORK 14425**

**ACTION:                              Area Variance to erect a 24’ x 6’ porch to be attached on the front of**  
**the residence, creating a proposed front setback of 44 feet.**

**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,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (11) (12) and (16) of the SEQR Regulations.

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

**NOW, THEREFORE, BE IT 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.

The above resolution was offered by MR. YOURCH and seconded by MR. RUTHVEN at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, October 25, 2021. Following discussion, the following roll call vote was recorded:

Jill Attardi	Aye
Jeremy Marshall	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
Jody Binnix	Aye
Motion carried.	

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the complete Area Variance Permit Findings and Decision resolution be waived, and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.

Motion carried by voice vote.

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

<b>APPLICANT:</b> Jeffrey Wachob 164 Bittersweet Drive Farmington, N.Y. 14425	<b>File:</b> ZB #1001-21 <b>Zoning District:</b> RS-25 Residential Suburban <b>Published Legal Notice on:</b> October 17, 2021 <b>County Planning Action on:</b> N/A <b>County Referral #:</b> N/A <b>Public Hearing held on:</b> October 25, 2021
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**Property Location:** 164 Bittersweet Drive, Farmington, New York 14425

**Applicable Section of Town Code:** Chapter 165A, Schedule 1, Attachment 1.

**Requirement for Which Variances are Requested:** The applicant wishes to erect a 24-foot x 6-foot porch to be attached to the front of the residence, with a proposed front setback of 44 feet. The Town Code requires a minimum front setback of fifty (50) feet in the RS-25 residential suburban district.

**State Environmental Quality Review Determination:** The granting of an Area Variance for an a 160-square-foot accessory structure, a porch, is classified as a Type II Action under Part 617.5 (c) (11) (12) and (16) of the New York 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 (Item B.1).

**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 the Board) finds that the character of this neighborhood is predominantly single-family detached dwellings. The Board further finds that there are other single-family dwellings in the neighborhood which have similar front porches that have been added on to. The Board, based upon these findings, determines that the granting of the requested Area Variance will not create an undesirable change in the character of the neighborhood; or create 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 there are no other options available to install a porch attached to the front of the residence without requiring a front setback variance. Therefore, based upon this finding, the Board determines that the benefit to the applicant cannot 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 encroachment of six feet into the front yard setback involves granting a variance of twelve percent (12%) from that 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.  Yes  No

**Reasons:** The Board finds that the alleged difficulty is self-created due to the applicant's choice of wanting to attach a porch, of the size proposed, to the front of their existing single-family dwelling.

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

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

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to erect a front porch forty-four (44) feet from the front lot line instead of the required fifty (50) foot setback is **APPROVED** with the following conditions:**

1. **The porch is to comply with all other state and local building and construction codes.**

- 2. **The porch addition is to match, to the extent practical, the exterior treatment of the existing structure.**
- 3. **Any light fixture to be installed as part of the proposed porch addition shall comply with the Town’s Dark Sky lighting regulations contained in Chapter 165 of the Town Code.**
- 4. **A Building Permit shall be acquired by the applicant prior to the start of construction.**
- 5. **At no time in the future shall the porch become conditioned space, or become an enclosed addition to the single-family dwelling.**

**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.

The above resolution was offered by MR. YOURCH and seconded by MS. ATTARDI at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, October 25, 2021. Following discussion, the following roll call vote was recorded:

Jill Attardi	Aye
Jeremy Marshall	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
Jody Binnix	Aye

Motion carried.

<b>ZB #1002-21</b>	<b>Scott Harter P.E. 7172 Victor-Pittsford Road Victor, N.Y. 14564</b>	<b>Area Variance</b>
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■ A motion was made by MR. RUTHVEN, seconded by MS. BINNIX, that the Public Hearing remained open and continued until November 22, 2022.

Motion carried by voice vote.

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
CONTINUATION**

**ZB #1002-21**

**APPLICANT: Scott A. Harter P.E.  
7172 Victor-Pittsford Road**

**Victor, NY 14564**

**ACTION: Request an Area Variance in accordance with Chapter 165, Article V, Section 58 of the Farmington Town Code. The applicant’s client wishes to erect a 3,456 square-foot accessory structure (a barn) in the front yard portion of their lot located at 640 County Road 8 in the Town of Farmington. The Town Code requires all accessory structures to be located within the rear yard portion of the lot.**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has tonight opened a public hearing upon the above referenced Action; and

**WHEREAS**, the board has decided the application be tabled until the November 22, 2021 Zoning Board of Appeals meeting to allow the applicant to provide more information to the board.

**NOW THEREFORE BE IT RESOLVED** that the Board tables further discussion upon the above referenced Action; and

**BE IT FURTHER RESOLVED** that the public hearing upon the proposed area variance is hereby continued to the Zoning Board of Appeals scheduled meeting on Monday, November 22, 2021.

The above resolution was offered by MR. RUTHVEN and seconded by MS. BINNIX at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, October 25, 2021. Following discussion, the following roll call vote was recorded:

Jill Attardi	Aye
Tod Ruthven	Aye
Jeremy Marshall	Aye
Thomas Yourch	Aye
Jody Binnix	Aye

Motion carried.

**6. OTHER BOARD MATTERS**

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

**8. DIRECTOR OF PLANNING AND DEVELOPMENT UPDATE**

- A previous applicant from Estate Drive expressed thanks to him in regard to the denial of their variance application and it turns out they are very pleased by the way their project turned out by following the code.
- Application before the board tonight was not provided enough information and the location is still unclear at this point.
- Permission has been given by the Town Supervisor to give one hour of training credit to go through the court decision for the Delaware River Solar Project

- Thursday, October 28, 2021, will be the Public Hearing for the Comprehensive Plan. It is the first of three required public hearings. The Comprehensive Plan contains 10 years of planning for the Town.

## 9. ZONING OFFICER UPDATE

- Next Meeting will be November 22, 2021.
- Open Clerk of the Board of Position
- Once a Zoning Board Application is submitted the applicant is granting access to their property for the Zoning Board Members to visit the property as well as Town Staff. Please keep in mind no more than two Zoning Board members can be there at a time. If you do not feel comfortable going by yourself you can call the office and schedule a time for Town Staff to go with you.

## 10. CODE ENFORCEMENT OFFICER UPDATE

- No Update

## 11. TRAINING OPPORTUNITIES

### 2021 Municipal Bootcamp

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program will be provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MRB Group.

Thursday, October 28, 2021, 6:00 p.m. to 7:00 p.m.  
Session 9: Well, Aren't You Special?

Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.  
Session 10: All the Right Forms in All the Right Places

### Questions to:

Wendy A. Marsh, Partner, Hancock Estabrook  
[wmarsh@hancocklaw.com](mailto:wmarsh@hancocklaw.com)  
(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group  
[matt.horn@mrbgroup.com](mailto:matt.horn@mrbgroup.com)  
(315) 220-0740

### Registration link:

<https://register.gotowebinar.com/rt/4608077833213548299>

**12. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, November 22, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8.

**13. ADJOURNMENT**

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

Motion carried by voice vote. The meeting was adjourned at 7:49 p.m.

Respectfully submitted,

\_\_\_\_\_  
Sarah Mitchell L.S.  
Clerk *Pro Tem* of the Zoning Board of Appeals