

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, September 26, 2022, 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:** Thomas Yourch, *Chairperson*  
Tod Ruthven  
Jody Binnix  
Kelly Cochran  
Tom Lay

**Staff Present:**  
John Weidenborner, Town of Farmington Zoning Officer  
Ron Brand, Town of Farmington Director of Development

**Applicant’s Present:**  
Philip Mandrino, 1696 New Michigan Road, Farmington

**Others Present:**  
None

**Virtually via Zoom:**  
None

**1. MEETING OPENING**

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

The Pledge of Allegiance was recited.

Mr. Yourch said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on March 28, 2022.

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. 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 JULY 25, 2022, and AUGUST 22, 2022

■ A motion was made by MS. COCHRANE seconded by MR. RUTHVEN, that the minutes of the JULY 25, 2022, meeting be approved with MS. BINNIX and MR. LAY abstaining.

Motion carried.

■ A motion was made by MR. RUTHVEN seconded by MS. BINNIX, that the minutes of the AUGUST 22, 2022, meeting be approved with MS. COCHRANE and MR. LAY abstaining.

Motion carried.

## 3. LEGAL NOTICE

The following Legal Notice was published in the *Canandaigua Daily Messenger* newspaper on Sunday, September 18, 2022:

**ZB #0901-22, PHILIP MANDRINO, 1696 NEW MICHIGAN ROAD, FARMINGTON, NEW YORK 14425:** The applicant wishes to construct a 2,560 square foot accessory structure, a pole barn forty (40) feet by sixty-four (64) feet in size, that would extend into the side yard portion of the lot. The Town Code requires accessory structures to be located only within the rear yard portion of the lot.

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

By order of:  
Thomas Yourch, Chairperson  
Zoning Board of Appeals  
TOWN OF FARMINGTON

## 4. PUBLIC HEARING

**ZB #0901-22, PHILIP MANDRINO, 1696 NEW MICHIGAN ROAD, FARMINGTON, NEW YORK 14425:**

The applicant wishes to construct a 2,560 square foot accessory structure, a pole barn forty (40) feet by sixty-four (64) feet in size, that would extend into the side yard portion of the lot. The Town Code requires accessory structures to be located only within the rear yard portion of the lot.

Mr. Yourch opens the public hearing on this application and asks if there is anyone in attendance, either in person or online, that wishes to speak on behalf of this application.

Mr. Mandrino presented the above application. He said the reason for putting the pole barn in the proposed location is because the lot is very wet to the North and to the West due to the culvert that goes under New Michigan Road. When we get a lot of rain the field can flood so he would like to keep the pole barn high and dry. His goal is to have the elevation of this building to be above New Michigan Road. He would also like to back his trailer into the new barn so if the new building was in line with the existing building, he would be unable to do that. He would like both South facing doors to be accessible.

Mr. Yourch then asked for questions and comments from Town Staff.

Mr. Brand states that two resolutions have been drafted for the boards consideration one is the Type II SEQR resolution and the other is a resolution to approve with the standard conditions we put on accessory structures.

Mr. Weidenborner said that he had nothing further to add.

Mr. Yourch then asks if there were any public comments.

Hearing none. He asks for questions or comments from the board.

Hearing none. Mr. Yourch closes the public hearings for ZB #0901-22.

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

<b>ZB #0901-22</b>	<b>Philip Mandrino 1696 New Michigan Road Farmington, N.Y. 14425</b>	<b>Area Variance</b>
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■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, 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 #0901-22**

**APPLICANT: PHILIP MANDRINO**

**1696 NEW MICHIGAN ROAD,  
FARMINGTON, NEW YORK 14425**

**ACTION:** Area Variance to construct an accessory structure, a 2,560 square foot pole barn, forty (40) feet by sixty-four (64) feet in size, a portion of which would be located 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,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board finds that the Action is classified a Type II Action under Section 617.5 (c) (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. RUTHVEN and seconded by MS. COCHRANE at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, September 26, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Jody Binnix	Aye
Tod Ruthven	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion carried.

■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the reading of the complete Area Variance 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**

**APPLICANT:** Phil Mandrino

**File:** ZB #0901-22

1696 New Michigan Rd  
Farmington, N.Y. 14425

**Zoning District:** RR-80 Rural Residential  
**Published Legal Notice on:** Sept 18, 2022  
**County Planning Action on:** N/A Exempt  
**County Referral #:** N/A  
**Public Hearing held on:** Sept 26, 2022

**Property Location:** 1696 NEW MICHIGAN ROAD FARMINGTON, NY 14425

**Applicable Section of Town Code:** Chapter 165, Article V, Section 57. A.

**Requirement for Which Variances are Requested:** The applicant wishes to construct an accessory structure, a 2,560 square foot pole barn, forty (40) feet by sixty-four (64) feet in size, a portion of which would be located in the Side Yard portion of the lot. The Town Code requires accessory structures to be located only within the rear yard portion of the lot.

**State Environmental Quality Review Determination:** The granting of an Area Variance for an accessory structure is classified as a Type II Action under Part 617.5 (c) (16) 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 article 8 of the State Environmental Conservation Law (ECL).

**County Planning Referral Recommendation:** N/A. This matter is classified an Exempt Action by the Ontario County Planning Board Bylaws – Referrals to be Eliminated.

**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 that the proposed accessory structure is to be constructed on land located within a RR-80 Rural Residential zoning district. The Board further finds that in this area of the Town there are a number of single-family dwellings on large lots that have accessory structures similar in size to the one being proposed by the applicant. The Board further finds that the lot and the area of the lot where the applicant is proposing the new accessory structure (A Pole Barn) is surrounded by actively farmed land. The Board further finds that based on the topography of the lot placing the requested structure in a fully approved location would require the applicant to purchase fill and regrade his lot which would create a financial hardship on the applicant as well as possibly creating drainage issues upon the adjacent farmlands. 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 that the applicant can purchase fill material and regrade this portion of the lot to allow the structure to be built in an approved location.

3. Whether the requested variance is substantial.     Yes     No

**Reasons:** The Board finds most of the proposed accessory structure will be located within the rear yard portion of the lot, and that only thirty-seven percent (37%) of the proposed structure will be located within the side yard portion of the lot. 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 considered the criteria for determining significance, as set forth in Section 617.7 of the State Environmental Quality Review (SEQR) Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL). Type II Actions have been determined not to have a significant adverse impact upon the environment and no further review is required. The Board finds that in making this classification it has 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 Zoning Board of appeals, but shall not necessarily preclude the granting of the Area Variance.     Yes     No

**Reasons:** The Board finds that there have been no recent changes to the RR-80 District Regulations regarding accessory structures. The Board further finds that the alleged difficulty was self-created due to the Applicant's choice in placement of the accessory structure on the lot. The Board finds that any accessory structure this size that he would locate upon the site would likely necessitate the need for an area 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 Board based upon its review of the record on this application 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 an accessory structure extending into the side yard portion of the lot is **APPROVED** with the following conditions:**

1. **The accessory structure is to match, to the extent practical, the exterior treatment of the existing structures.**
2. **Any light fixture to be installed as part of the proposed structure shall comply with the Town's Dark Sky lighting regulations contained in Chapter 165 of the Town Code.**

**3. A Building Permit shall be acquired by the applicant prior to the start of construction.**

**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.

The above resolution was offered by MR. RUTHVEN and seconded by MS. COCHRANE at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, September 26, 2022. Following discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Jody Binnix	Aye
Tod Ruthven	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion carried.

**6. OTHER BOARD MATTERS**

Mr. Yourch welcomed new member Mr. Lay to the board.

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

None

**8. DIRECTOR OF DEVELOPMENT UPDATE**

- The Planning Board received an application for the Electric Car Corner. They purchased the old Create-A-Scape site on Route 96. They want to develop that site primarily for sales and service of electric vehicles and hybrids. The site will also have charging stations that NYSEERDA will be funding. As far as we understand NYSEERDA helps finance the cost and the owner will charge a fee to use the charging station and if the car sits longer then the charging period a penalty will be applied.
- The Town Board has a continued public hearing tomorrow night for the Farmington Market Center Project and once again the traffic study is not complete. We are hoping to get it next week so the project can move forward.
- We have not received any new Planning Board or Zoning Board applications for the month of October.

- We are still awaiting the application for the incentive zoning project on Route 96 by the Racetrack that would include 216 single family units.

## 10. ZONING OFFICER UPDATE

- Next Meeting will tentatively be November 28, 2022
- Open Clerk of the Board of Position

## 11. TRAINING OPPORTUNITIES

### ■ 2022 Municipal Bootcamp:

Hancock Estabrook and MRB Group are offering a free annual training program to assist local governments, municipal officials, and planning and zoning boards. The program will include 10 hours of remote training designed to provide a comprehensive education that encompasses all aspects of municipal governance. Each program in the series will be provided remotely on the fourth Thursday of each month with subject matter experts from MRB Group and knowledgeable attorneys from Hancock Estabrook LLP. Topics will be lively, useful and—potentially as important—qualify for the education requirements for members of planning boards and zoning boards of appeal.

Remaining sessions in 2022:

*Thursday, October 27, 2022, 6:00 p.m. to 7:00 p.m.*

A History Lesson: Managing Projects with Historic Significance

*Thursday, December 22, 2022, 6:00 p.m. to 7:00 p.m.*

Santa’s Nice and Naughty List: The Best and Worst of 2022

*Select this link for the 2022 Municipal Bootcamp information page. RSVP and registration tab are at the bottom of the website page.*

<https://www.hancocklaw.com/events/the-2022-municipal-bootcamp/>

### ■ New York Planning Federation Recorded Webinars:

For information: (518) 512-5270 or nypf@nypf.org

#### *The Essentials of Planning and Zoning:*

Introduction to Planning, Zoning and Land Use

Everything You’ve Ever Wanted to Know About Preparing a Comprehensive Plan

Understanding and Applying SEQRA (NY State Environmental Quality Review Act)

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

#### *Meeting Process and Communication:*

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards



Engaging Diverse Communities and Dealing with Difficult People  
 Working with Elected Officials and Understanding Everyone’s Role in Planning  
 The Open Meetings Law for Zoning and Planning Boards, Part 2  
 Working with Developers to Foster Investment in the Community  
 Communication, the Media and Social Media  
 Open Government and Planning and Zoning Decision Making

■ **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>

**12. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will tentatively be held on Monday, November 28, 2022, at 7:00 p.m. both in-person at the Farmington Town Hall, 1000 County Road 8, and on ZOOM.

**13. ADJOURNMENT**

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

Motion carried by voice vote. The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

\_\_\_\_\_ L.S.

Sarah Mitchell  
 Clerk *Pro Tem* of the Zoning Board of Appeals