

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, September 27, 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

Staff Present:

John Weidenborner, Town of Farmington Zoning Officer
Dan Delpriore, Town of Farmington Code Enforcement Officer
Ron Brand, Town of Farmington Director of Development

Staff Via Zoom:

Ed Hemminger, Town of Farmington Planning Board Chairperson

Applicant’s Present:

Jerry Goldman, Woods Oviatt Gilman LLP
Matt Tomlinson, Marathon Engineering
Jim Stathopoulos, Farmington Commons
Jim Columbo, Skylight Signs
Kevin Bragg, Chrisanntha Construction Corporation

Applicant Via Zoom:

Robert Marchenese, Auto Wash

Others Present:

None

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 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. 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 AUGUST 23, 2021

■ A motion was made by MR. YOURCH seconded by MR. RUTHVEN, that the minutes of the August 23, 2021, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, September 19, 2021:

ZB #0901-21: SKYLIGHT SIGNS 60 INDUSTRIAL PARK CIRCLE, ROCHESTER, N.Y. 14624:

Request an Area Variance in accordance with Chapter 165, Article V, Section 45 A. (2) of the Farmington Town Code. The applicant wishes to erect a sixty-one (61) square foot freestanding commercial speech sign having twenty-eight (28) square feet of it being a moving/motion message signage. The Town Code prohibits signs with messages that move or simulate motion in any zoning district. The property is located at 6214 State Route 96 and is located within the GB General Business District, the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District.

ZB #0902-21: T. BENE PROPERTIES LLC 5801 COUNTY ROAD 41, FARMINGTON, N.Y. 14425:

Request an Area Variance to the provisions within Chapter 165, Schedule 1, Attachment 1 of the Farmington Town Code. The applicant wishes to obtain an area variance for a pre-existing non-conforming structure to remain on a parcel of land that has a Front Setback of thirty (30) feet from the Front Lot line to Quentonshire Drive. The site is zoned PD Planned

Development and MTOD Major Thoroughfare Overlay District. The PD Planned Development District requires a minimum Front Setback of eighty (80) feet from the Front Lot line. The property address is 5801 County Road 41 with existing access to the structure from Quentonshire Drive.

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. CONTINUED PUBLIC HEARING

ZB #0701-21: G & A DEVELOPMENT and CONSTRUCTION, by WOODS OVIATT GILMAN LLP. 1900 BAUSCH AND LOMB PLACE, ROCHESTER, N.Y. 14604:

Request an Area Variance in accordance with Chapter 165. A. Schedule 1. Attachment 1 of the Farmington Town Code. The applicant wishes to erect a structure on proposed Lot #R-2 of the drawing entitled “Preliminary Site Plans for PROPOSED FINANCIAL INSTITUTION FARMINGTON COMMONS PLAZA,” with a proposed side setback of 18.6 feet. The Town Code requires a minimum Side Yard setback of thirty (30) feet from the property line. The property is located at 1298 State Route 332 and is zoned GB General Business, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District.

Jerry Goldman, from Woods Oviatt Gilman, Jim Stathopoulos from G&A Development, and Matt Tomlinson from Marathon Engineering are all present to speak on behalf of this application. Mr. Goldman states that the Board has received the full application packet, the initial draft resolution, a revised draft resolution from Town Staff, as well as a supplemental letter of intent last week and he verified that all Board Members received a copy of the letter. Mr. Goldman states that the overall project is to essentially make room for a Credit Union to be located on the frontage of Route 332. The far south end of the Farmington Commons is the Aldi Building and the Burger King Building that already exist. To the North end is the Farmington Commons Plaza Building. The space between along the frontage of Route 332 is going to be occupied by a Credit Union. It is a difficult challenge to be able to get them into that space. To get them onto this site will be a nice complimentary use of the site. It will not generate a whole lot of traffic. The application has been reviewed with State Department of Transportation and there’s nothing that needed to be addressed in regard to this due to the nature of the use. They have been working with Town Staff and the Planning Board for a number of months on this project. Mr. Goldman states that when they were last at the Planning Board, they presented a design of the Building and the site which would require three variances. The potential tenant, the Credit Union, required a separate subdivided lot on the site and because of that the design required

three variances. One of the variances was granted last month by the Zoning Board of Appeals for the 280-a variance. This variance was because they were not going to access directly onto Route 332. The entrance will be shared by Aldi, Burger King, and the Plaza. The second variance was because the initial design showed the building location only eighty feet from the road to essentially line up with the plaza building. In discussions with the Planning Board, they learned that the Planning Board did not like that variance, so therefore they redesigned the plan and moved the building back to meet Town Code requirements. At last month's Zoning Board of Appeals meeting the applicant withdrew that application. The variance that is left is for the side setback for the canopy of the building. Because they had to have a subdivided lot and because the Credit Union has limited them to a one-acre lot they had this configuration. The Credit Union also required them to design for three drive through lanes, which even as they were going through the Planning Board process it was deemed to be a good thing because it would lessen the amount of stacking. The lanes are for "ITM's" not "ATM's" which allows people to conduct limited business on those particular sites. As they pointed out in the letter that was sent out on September 20, 2021, Mr. Goldman noted a number of dimensions for the Board to take a look at. The Town setback requires a thirty-foot setback from the property line. The edge of the canopy to that property line is 18.6 feet. In addition, the actual measured distance to distance to the Burger King building from the edge of the canopy to the edge of the Burger King building is about eighty-nine feet to the actual building to building between the Credit Union and the Burger King building is about 132 feet. Typically, setbacks are established to create some separation between uses so they aren't close together. They are depicting with this that they are not too close together and that they have good distance separation with good planning and good design. This application was reviewed by the County Planning Board as required by General Municipal Law 239-n and County Planning recommended approval of the variance. In addition, the Town Planning Board, at their meeting, reviewed the Site Plan and they specifically requested their input relative to it and is provided in their letter as well. The Town Planning Board had recommended approval of the variance. The draft resolution, in front of you now, is very well crafted in terms of the structure and does review all the legal standards which are necessary to look at as part of an area variance application. If you turn to the third page of that recommendation the major standard is bold in the middle of the page and is a balancing of the benefit to the applicant as opposing detriment to the community or neighborhood. They established the benefit to the applicant 1: They have a Credit Union which is why we've come here. They do not have a lot of flexibility with them because they have some demands relative to their site and relative to what is necessary for them to move this forward. The benefit to us is really to design a site that which the engineers have determined is a properly designed site as well. One thing that you don't see anywhere in the resolution or elsewhere is anything which talks about the detriment to the community or neighborhood because in fact there really isn't a detriment to the community or neighborhood as a result of this particular variance given the distance separations and everything else. There are considerations which the Board is supposed to take a look at. That starts on the first page of the five questions if you will. They are in agreement with the draft resolution and really is a Town Staff recommendation on this one. They are in agreement that questions one, three, and four that this will not create and undesirable change of the neighborhood or district, they agree the variance is not substantial, and they

agree the variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The real source of not necessarily being in line with Town Staff is that the benefit sought by the applicant can be achieved by a feasible alternative to the requested variance. Note feasible because it is a very important consideration. The suggestions which have been made as part of the draft resolution is that they can move the property line over. If they move the property line further to the east, they are increasing the acreage and the Credit Union has said that they will not live with that or acknowledge that. The second, is because they have said and have been told by the Credit Union that they are only going to have two “ITM” lanes in place at this time then why don’t they just not get approval for the side setback for the third and then come in later. The Credit Union will not sign the lease without it, so they have an issue with regard to feasibility. But even if they do not agree with that, this is a balancing test. This is not an absolute you must prove that the benefit cannot be achieved by an alternative. They have three of the five that they agree on and this one they do not agree on. As a result, the fifth one which is self-creation also comes into play. Mr. Goldman would be hard pressed having done this as long as he has to point to almost any variance that doesn’t have some element of self-creation. Whenever someone is coming in for a variance could they do something else sure they could, but it is not an overriding consideration. Unlike Use Variances where you have self-creation you are done. You have to prove there is no self-creation. Here is clearly an element of this balancing test and even the State Law and resolution says that the consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance because basically the State Law and local code want to make sure that is something you think about but not necessarily something you dwell on. First of all, it is not a substantial variance, and staff agrees with that, because the distance is eighteen feet (18) opposed to thirty feet (30). It is not anything monstrous. The building is also far from the setback itself it is just the canopy due to the interpretation which has been made by the Town to measure the setback from the canopy. It is too much nuance to try to challenge that except to say that they think that they have essentially established all that is necessary for the variance itself. They do know that this will be subject to Subdivision and Site Plan approval by the Town Planning Board. They do anticipate that any approval would condition upon that and upon a plan which is similar to this dealing with lengths in terms of setback. With that Mr. Goldman, Mr. Tomlinson and Mr. Stathopoulos would be happy to answer any questions with regard to the Site Plan or Variances.

Mr. Marshall then asks the Board if they have any questions. Hearing none, he then asks for staff questions. Hearing none, Mr. Marshall asks if anyone in attendance wished to speak for or against this application, or to ask questions.

Hearing none. Mr. Marshall then closed the Public Hearing on this application

4. NEW PUBLIC HEARINGS

ZB #0901-21: SKYLIGHT SIGNS 60 INDUSTRIAL PARK CIRCLE, ROCHESTER, N.Y. 14624:

Request an Area Variance in accordance with Chapter 165, Article V, Section 45 A. (2)

of the Farmington Town Code. The applicant wishes to erect a sixty-one (61) square foot freestanding commercial speech sign having twenty-eight (28) square feet of it being a moving/motion message signage. The Town Code prohibits signs with messages that move or simulate motion in any zoning district. The property is located at 6214 State Route 96 and is located within the GB General Business District, the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District.

Mr. Marshall opened the Public Hearing on this application.

Jim Columbo, Skylight Signs, and Robert Marchenese, Auto Wash, presented the application. Mr. Columbo states that there is an illuminated cabinet sign, previously approved, on its way to that site with an eight-inch square pole. The cabinet sign will be associated with the new digital sign if approved with the total square footage of both being sixty-one square feet. The customer is aware of all the variance needs and requests for the sign. Mr. Columbo and Mr. Marchenese will be happy to answer any questions at this time.

Mr. Marshall then asks for questions from the Board.

Mr. Ruthven questions if the sign will be flashing.

Mr. Columbo states no and they will follow whatever is in the code. All watch fire signs have to stay on 24/7, meaning they have to run however they can be blacked out. Farmington says the sign has to be blacked out overnight. Time and temperature are aloud overnight only and that is what will be displayed.

Mr. Marshall asks if the sign itself will change during the day.

Mr. Columbo states that they were told that the sign can be changed once a day and they understand those rules and regulations. He states that Skylight Signs has installed a few signs within the Town, and he believes they are all following the rules.

Mr. Marshall then asks if the Board has any further questions. Hearing none he asks for questions or comments from staff.

Mr. Delpriore adds that he does agree with Mr. Columbo they have installed a few signs within the Town, and they are well aware of the rules and those rules are being followed.

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

Mr. Brand adds that there was a County Planning referral and asks Mr. Weidenborner to read that into the public hearing.

Mr. Weidenborner reads the following:

*“Final classification is a Class1. Findings: Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character. **Final***

Recommendation: *The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.*”

Mr. Weidenborner then states that is new for them, usually the County automatically recommends denial.

Mr. Brand states for the record that Mr. Marchenese has received Site Plan Approval from the Planning Board and he is contributing to the main street corridor. He is also contributing sidewalks along Mertensia Road. They are putting together a great package with this site the adjacent Meyers RV and Maddie’s Power Sports and the corridor is starting to take shape.

Mr. Columbo asks the distance from the proposed sign to the Town line. He suggests that the sign could reflect a “Welcome to Farmington” message. He then thanks the Board for the opportunity and their time.

Mr. Marshall then closes the public hearing.

ZB #0902-21: T. BENE PROPERTIES LLC 5801 COUNTY ROAD 41, FARMINGTON, N.Y. 14425:

Request an Area Variance to the provisions within Chapter 165, Schedule 1, Attachment 1 of the Farmington Town Code. The applicant wishes to obtain an area variance for a pre-existing non-conforming structure to remain on a parcel of land that has a Front Setback of thirty (30) feet from the Front Lot line to Quentonshire Drive. The site is zoned PD Planned Development and MTOD Major Thoroughfare Overlay District. The PD Planned Development District requires a minimum Front Setback of eighty (80) feet from the Front Lot line. The property address is 5801 County Road 41 with existing access to the structure from Quentonshire Drive.

Mr. Marshall opened the Public Hearing on this application.

Kevin Bragg, Chrisantha Construction, is present to speak on behalf of this application. They are working with VR Foods, who are the property owners, to do a Subdivision to build a new medical office building behind for Gerstner Medical. Town Staff informed them that they will require an area variance for the setback for the VR Foods building because it was pre-existing non-conforming after Quentonshire was built. The new building will comply with the required setbacks.

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 when the original Buffalo Supply building was constructed that was a driveway that served Buffalo Supply and the business across the street. When Pintail was constructed, the road was required to be constructed to Town standards. In doing so, that moved the right of way closer to the building creating the hardship for the applicant.

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

Hearing none. Mr. Marshall then closed the Public Hearing on this application.

5. BOARD BUSINESS—DELIBERATIONS AND DECISION

Mr. Marshall states that he disagrees with the draft resolution written for ZB #0701-21. He adds that he does not think there is that much detriment with 18.4 feet that is not enough to block something like this from coming in. He says that's just his two cents. He states that he will take a motion for the draft resolution that is front of the board or...

Mr. Hemminger, Chairperson for the Planning Board, states that he would like to make a few comments. He first would like to apologize to both the applicant and to the members of the Zoning Board of Appeals because there seems to be a misunderstanding. The misunderstanding is that the Planning Board recommended approval of the side setback. The Planning Board does not recommend approvals to the ZBA the Planning Board provides feedback. The feedback they provided for the side setback was basically saying they did not care whether the application was approved or disapproved. The Planning Board did not recommend approval or disapproval. The ZBA has the full authority here, obviously, and he did not want there to be a misunderstanding that the Planning Board has somehow attempted to overstep their bounce recommending the approval.

Mr. Marshall thanks Mr. Hemminger for his comments.

Mr. Marshall then asks the Board if they would like to move the resolution as written or if they disagree with it, as he does, then they can approve the variance with conditions.

Mr. Yurch asks if the resolution is moved if they have to vote on it.

Mr. Marshall states if the resolution is moved as typed then a vote is required and then asks if anyone would like to move the resolution.

Mr. Yurch then asks what Mr. Marshall's recommendation is.

Mr. Marshall recommends that they do not do the resolution written by Ron Brand and then approve the variance with conditions.

Mr. Attardi asks with what conditions.

Mr. Marshall lists the following conditions:

1. The area variance for Lot #R-2 of the above referenced subdivision is granted and shall take effect upon the filing of said Lot in the Ontario County Clerk's Office.

2. The Applicant is to obtain, from the Town Planning Board, Final Subdivision Plat Approval for Lot #R-2 of the above referenced subdivision. There is to be a note added to the Final Plat Map identifying this resolution and its conditions of approval.
3. There shall be a four-foot-high visual barrier installed, either natural or manmade, along the South property line between the Burger King Restaurant and the Proposed Credit Union Site. Said barrier is to commence at the front of the proposed Credit Union Site and extend North to the rear property line. This barrier shall be so designed as to prevent automobile head lights from either site trespassing onto adjacent property, causing glare to motorists on both properties and minimize the drifting of snow from the Burger King Site onto the proposed Credit Union Site.
4. All site lighting associated with the drive-up teller service for the proposed Credit Union Site shall comply with Town Code and New York State ATM Safety Act requirements and to be approved by the Planning Board.

Mr. Marshall states again that it is up to the Board.

Ms. Attardi then makes a motion to approve the area variance with conditions and that motion is seconded by Mr. Ruthven.

Mr. Marshall then asks the applicant if they understand the conditions as read.

Mr. Goldman states that site lighting is something that is regulated by government.

Mr. Tomlinson adds that his understanding is that Town Code limits light spill across property lines. They are part of a larger plaza, so it is very common for that light spill to cross over the property lines. They are required, with any other financial institution, to comply with the New York State ATM Safety Act. One of the conditions states that the lighting need to comply with Town Code, Mr. Tomlinson requests the condition refer to the NYS ATM Safety Act instead but would not want it to cause an issue with further development of the site if the language was conflicting.

Mr. Brand adds that Mr. Tomlinson is correct.

Mr. Marshall then asks if the condition listed Town Code and the NYS ATM Safety Act for the site lighting requirement if the Board and the applicant agreed to the change.

The Board and the applicant were in agreement.

Mr. Marshall then states that he has a motion and a second and asks for any questions or comments.

Mr. Brand then states that their motion is to approve with the finding that the benefit to the applicant outweighs and detriment.

Mr. Marshall then asks if then that would approve the variance.

Mr. Brand stated yes if you get more than three votes.

Mr. Marshall then asks for any further comments or questions before they vote.

Hearing none. Mr. Marshall proceeds to the resolutions.

ZB #0701-21	G&A Development & Construction Woods Oviatt Gilman LLP 1900 Bausch and Lomb Place Rochester, N.Y. 14604	Area Variance
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■ A motion was made by MS. ATTARDI 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 #0701-21

**APPLICANT: G & A Development and Construction by Woods Oviatt Gilman LLP
1900 Bausch and Lomb Pl, Rochester, NY 143604**

ACTION: Request an Area Variance in accordance with Chapter 165. A. Schedule 1. Attachment 1 of the Farmington Town Code. The applicant wishes to erect a structure (an overhang for three drive-up automated teller stations) on proposed Lot #R-2 of the drawing entitled “Preliminary Site Plans for PROPOSED FINANCIAL INSTITUTION FARMINGTON COMMONS PLAZA,” with a proposed side setback of 18.6 feet. The Town Code requires a minimum side setback of 30 feet. The property is located at 1298 State Route 332 and is zoned GB General Business, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District.

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 New York 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) of the State Environmental Quality Review (SEQR) Regulations.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby classify the proposed Action as a Type II Action as is further classified 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 as these actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8, of the State of New York.

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.

The above resolution was offered by MS. ATTARDI and seconded by MR. RUTHVEN at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, September 27, 2021. Following discussion, the following roll call vote was recorded:

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

■ A motion was made by MS. ATTARDI, seconded by MR. RUTHVEN, 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**

APPLICANT: G & A DEVELOPMENT AND CONSTRUCTION	File: ZB #0701-21
By WOODS OVIATT GILMAN LLP	Zoning District: GB & MTOD
1900 BAUSCH AND LOMB PL	Published Legal Notice: August 15, 2021
Rochester, N.Y. 14604	County Planning Action: August 14, 2021
	County Referral #: 147.1 - 2021
	Public Hearing held on: August 23, 2021 and continued to September 27, 2021

Property Location: 1298 State Route 332 Farmington, New York 14425

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

Requirement for Which Variance is Requested: Request an Area Variance in accordance with Chapter 165. A. Schedule 1. Attachment 1 of the Farmington Town Code. The applicant wishes to erect a structure, a proposed credit union with up to three (3) drive-through automated teller stations with a canopy roof

overhang, on proposed Lot #R-2 of the drawing entitled “Preliminary Site Plans for PROPOSED FINANCIAL INSTITUTION FARMINGTON COMMONS PLAZA,” the proposed roof over-hang is to be located 18.6 feet from the south side lot line. The Town Code requires a minimum side setback of 30 feet for any portion of a proposed structure. The property is located at 1298 State Route 332 and is zoned GB General Business, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District.

State Environmental Quality Review Determination: The granting of a side setback area variance for the construction of an 1,680-square-foot accessory structure, the canopy roof over hang structure for the three (3) proposed drive-through automated teller stations 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 the State Environmental Conservation Law, Article 8.

County Planning Referral Recommendation: The County Planning Board recommends to retain referrals 147-2021, 147.1-2021 and 147.2-2021 as class 2 and return them to the local board with comments and recommendation of approval. Referral 147.1-2021 is for the proposed area variance for a Side Yard Setback.

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 character of the neighborhood is predominantly commercial land use. The Board further finds that there is at least one other nearby commercial site with similar drive-through type services (Taco Bell restaurant) that has been granted a side setback area variance for a portion of their structure’s overhang for the drive-through window service. The Board further finds that the Side Setback is required because the overhang of the roof is for covering three (3) proposed automated tellers and that it is proposed to be located 18.6 feet from the adjacent south property line with the Burger King restaurant. The Board further finds that with adequate screening between the proposed drive-through for the credit union’s proposed three (3) drive-through service lanes and the adjacent on-site parking for the Burger King restaurant that the requested area variance will not produce an undesirable change in the character of the neighborhood or 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 Applicant is seeking a re-subdivision of this lot from the remaining lands owned by the Applicant. The Board further finds that at the present time there is no intended development of the remaining land (Lot #R-1), merely a concept of how it may be developed in the future. The result of said proposed re-subdivision is a lot being created having a lot width which meets existing zoning district dimensions but requires granting the requested area variance to allow the canopy roof structure to be built at this time for up to three (3) drive-through automated teller stations. The Board finds that the Applicant has stated that the current credit

union proposal involves only two (2) drive-through automated teller stations and that this requested area variance would allow a third drive-through automated teller station to be provided when, and if, the need arises. The Board further finds that it is more economical for the Applicant to construct a third drive-through automated teller station cover at this time than to do it at a later date should the need arise. The Board further finds that relocating the proposed north lot line of Lot #R-2 a distance of 11.4 feet would also enable shifting the proposed building 11.4 feet to the north which would eliminate the need for this side setback variance of 18.6 feet. The Board also finds that the Applicant has failed to provide justification why, when stating a future need might exist for a third drive-through automated teller station, shifting the lot lines at this time for proposed Lot #R-2 is not a feasible alternative to granting the requested variance.

3. Whether the requested variance is substantial. ___ Yes X No

Reasons: The Board finds that the requested encroachment into the side yard setback of 11.4 feet involves a requested reduction in the side setback requirement of thirty-eight percent (38%). 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 X 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 applicant is proposing the re-subdivision of this lot and at the same time is requesting a side setback area variance from the south property line to enable a structure to be placed upon this lot that is not adequately designed for the lot’s intended use within the GB General Business District dimensional requirements. The Board finds that the Applicant, by seeking the requested zoning relief, is asking the Town to allow a lot to be created which will not have adequate space for the known site development. The Board, based upon these findings determines that the requested area variance is self-created.

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

NOW, THEREFORE, BE IT RESOLVED that the Board determines that:

The benefit to the applicant does outweigh the detriment to the community or neighborhood; and, therefore, the requested area variance to erect a structure 18.6 feet from the side lot line instead of the required 30 feet from the side lot line is *Approved* with following conditions:

1. The area variance for Lot #R-2 of the above referenced subdivision is granted and shall take effect upon the filing of said Lot in the Ontario County Clerk’s Office.
2. The Applicant is to obtain, from the Town Planning Board, Final Subdivision Plat Approval for Lot #R-2 of the above referenced subdivision. There is to be a note added to the Final Plat Map identifying this resolution and its conditions of approval.
3. There shall be a four-foot-high visual barrier installed, either natural or manmade, along the South property line between the Burger King Restaurant and the Proposed Credit Union Site. Said barrier is to commence at the front of the proposed Credit Union Site and extend North to the rear property line. This barrier shall be so designed as to prevent automobile head lights from either site trespassing onto adjacent property, causing glare to motorists on both properties and minimize the drifting of snow from the Burger King Site onto the proposed Credit Union Site.
4. All site lighting associated with the drive-up teller service for the proposed Credit Union Site shall comply with Town Code and New York State ATM Safety Act requirements and to be approved by the Planning Board.

BE IT FURTHER RESOLVED that the Board in making this Determination concludes that by otherwise granting the requested relief from the side setback requirement it would not be granting the minimum relief necessary, as the Board has determined that there is no known practical difficulty in the record why re-subdividing the proposed Lot #R-2 could not be accomplished in a manner to accommodate the proposed development of said lot without granting the requested relief.

BE IT FURTHER 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 MS. ATTARDI and seconded by MR. RUTHVEN at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, September 27, 2021. Following discussion, the following roll call vote was recorded:

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

Motion carried.

ZB #0901-21

**SKYLIGHT SIGNS
60 Industrial Park Circle
Rochester, N.Y. 14624**

Area Variance

■ A motion was made by MS. ATTARDI 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 #0901-21

APPLICANT: SKYLIGHT SIGNS, 60 INDUSTRIAL PARK CIRCLE, ROCHESTER, N.Y. 14624 on behalf of Robert Marchenese, P.O. Box 451, Canandaigua, New York 14424

ACTION: Request an Area Variance in accordance with Chapter 165, Article V, Section 45 A. (2) of the Farmington Town Code. The applicant wishes to erect a sixty-one (61) square foot freestanding commercial speech sign having twenty-eight (28) square feet of it being a moving/motion message signage. The Town Code prohibits signs with messages that move or simulate motion in any zoning district. The property is located at 6214 State Route 96 and is located within the GB General Business District, the MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has reviewed the criteria, under Part 617.5 (c) (16), article 8 of the New York State Environmental Conservation Law (ECL), the State’s Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby classify the proposed Action as a Type II Action as is defined 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 as these actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the ECL.

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.

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, September 27, 2021. Following discussion, the following roll call vote was recorded:

Jill Attardi	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
Jeremy Marshall	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**

APPLICANT: Skylight Signs 60 Industrial Park Cir. Rochester, N.Y. 14625	File: ZB #0901-21 Zoning District: GB & MTOD Published Legal Notice on: September 19, 2021 County Planning Action on: September 8, 2021 County Referral #: 186-2021 Public Hearing held on: September 27, 2021
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Property Location: 6214 State Route 96, Farmington, New York 14425

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

Requirement for Which Variances are Requested: The applicant wishes to erect a sixty-one (61) square foot freestanding commercial speech sign with twenty-eight (28) square feet of it being a moving/motion message signage. This portion of the above describe sign is defined as a Moving Sign, a sign which moves or simulates motion. Moving Signs, except for time-and-temperature signs, are prohibited by Section 165, Article V, Section 45. A. of the Town Code.

State Environmental Quality Review Determination: The granting of an Area Variance to is classified as a Type II Action under Part 617.5 (c) 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 the New York State Environmental Conservation Law, article 8.

County Planning Referral Recommendation: The Ontario County Planning Board (hereinafter referred to as CPB) has reviewed Referral #186-2021 at their meeting on September 8, 2021. The

CPB classified this referral as a Class 1 (no county wide, or intermunicipal concern) and made a final recommendation as follows...“The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.”

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 character of this area is predominantly commercial sites fronting along both sides of New York State Route 96. The Board further finds that the site lies along the defined Main Street Corridor and that the Applicant is committed to contributing pedestrian walkways, streetlights, and landscaping in accordance with the recently adopted MSOD Main Street Overlay District. The Board further finds that there are other sites located within the MTOD, MSOD and GB Districts that have been granted area variances to allow the placement of electronic changeable copy commercial speech signs. The Board further finds that these other sites provide fast food, gasoline/convenient type facilities, an antique mall, religious services, a ice cream shop/beauty parlor, a self-storage warehouse service and a volunteer fire station, to name a few. The Board further finds that the proposed sign will not have flashing lights, animated or moving parts such as messages being scrolled across the sign face thereby creating unnecessary distraction to passing motorists.

The Board, based upon these findings, determines that the proposed area variance to allow an electronic Changeable Copy Commercial Speech Sign, as part of the proposed Commercial Speech Sign, will not produce an undesirable change in the character of the neighborhood or will not become 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 could install a larger sized Commercial Speech Sign without chaining copy or moving messages. The Board further finds that in doing so, the Applicant would then likely be seeking numerous promotional commercial speech signs that would be less aesthetically pleasing than the proposed changeable copy or message moving sign. The Board further finds that having the applicant place temporary signs along the highways rights-of-way as has done by the Applicant previously in Auto Wash locations in other municipalities is not consistent with the regulations contained in the recently adopted MSOD Regulations. The board further finds that having the applicant purchase separate temporary display signs for identifying all sales and promotions would not be as readily identifiable to on-coming motorists approaching the nearby intersection (State Route 96 & Mertensia Road) as will be the proposed changeable copy portion of the proposed Commercial Speech Sign. The board further finds that the proposed sign will continue to function as a business identification sign while providing improved visibility to motorists, both local residents and tourists, along the heavily traveled New York State Route 96. The Board further finds that signage, such the proposed sign, that serves to alert motorists traveling

along the roadway and within business locations contributes to the safe turning movements of motorists at intersections, which in turn, contributes to the safety of the traveling public. The Board determines that while there may be feasible alternatives to the requested variance, such as numerous temporary promotional signs, such alternatives would not be as beneficial to the traveling public and would not be feasible as the more permanent proposed sign associated with the granting of the requested area variance for the changeable copy/moving message portion.

3. Whether the requested variance is substantial. Yes ___ No

Reasons: The Board finds that the proposed size of the requested commercial speech sign will be sixty-one (61) square feet in total sign area, of which twenty-eight (28) square feet will be used for the changeable copy/moving sign area. The Board further finds that the maximum size sign allowed by Town Code is 64 square feet in total sign area. The Board, therefore, finds that the requested Commercial Speech Sign size does not involve a variance to the sign size allowed in the Town Code. However, the Board further finds that the granting of the requested area variance to allow a Moving Sign involves the granting of an area variance of one hundred percent (100%) as Changeable Copy/Moving Signs are not permitted by the Town Code. The Board has consistently found that a requested area variance involving an increase is non-conformity of more than fifty percent (50%) 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, under separate resolution, made a finding that the proposed Action is classified as a Type II Action under Section 617.5 (c) (16) of article 8, of the New York State Environmental Conservation Law (ECL). Type II Actions have been determined in the ECL as not having 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 could install a Commercial Speech Sign identifying the business and in accordance with the provisions of the Town Code. The Board also finds that another alternative might involve placing promotional signs across the frontage of the property that would conform to the requirements of the Town Code. The Board, based upon these findings determines that the alleged difficulty associated with the proposed sign is a self-created hardship.

**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 outweighs any known detriment(s) to the neighborhood, or community and, therefore, the requested area variance is **Approved with the following conditions:**

1. The maximum size of the proposed Commercial Speech Sign shall be 61 square feet in total sign area, with a maximum sign area for the changeable copy portion of the sign being limited to 28 square feet.
2. Maximum height of the freestanding sign shall be fifteen (15) feet above existing grade as per town code.
3. The changeable copy portion of the Commercial Speech Sign shall not provide any simulated motion, including flashing, blinking, animated, or rotation signs. The exception to this changeable copy portion of the Commercial Speech Sign is for the proposed time-and-temperature.
4. The area variance is granted with the condition that the Applicant agrees to maintaining such Commercial Speech Sign in accordance with these limitations. Failure to do so, could result in the area variance being made null and void.
5. The Top cabinet sign shall be internally illuminated and the lighting intensity of both signs is to comply with the Town Lighting Standards contained in Chapter 165 of the Town Code; and
6. The proposed electronic Changeable Copy Sign is to operate on a timer and is to only display date and time during dark night-time periods when the business is closed; and
7. There shall be landscaping located around the base of the sign pole in accordance with the Final Site Plan Approval granted by the Planning Board. 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 31, 2022.

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 by granting the minimum relief deemed necessary.

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. YOURCH and seconded by MS. ATTARDI at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, September 27, 2020. Following discussion, the following roll call vote was recorded:

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

Motion carried.

ZB #0902-21	GERSTNER MEDICAL	Area Variance
	1175 Pittsford-Victor Road Suite 140	
	Pittsford, N.Y. 14534	

■ 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 CLASSIFICATION – TYPE II**

PB #0902-21

APPLICANT: Gerstner Medical, 1175 Pittsford-Victor Road, Suite 140, Pittsford, New York 14534

ACTION: SEQR Classification – Area Variance (Front Yard Setback) Approval for Lots #1, T. Bene Properties, identified as Tax Map Account #29.00-2-23.142, located at the south east corner of the intersection of County Road 41 and Quentonshire Drive.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has at tonight’s public hearing opened and received testimony upon the above referenced Action; and

WHEREAS, the Board has reviewed the criteria in Part 617.5 (c) (16) of the State Environmental Quality Review (SEQR) Regulations for determining the Classification associated with the above referenced Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby Classify the above referenced Action as being a Type II Action under the provisions of Part 617.5 (c) (16) of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law.

BE IT FURTHER RESOLVED THAT Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under article 8 of the New York State Environmental Conservation Law (the State’s SEQR Regulations).

BE IT FINALLY RESOLVED THAT the Board by Classifying the above referenced Action as being a Type II Action has satisfied the procedural requirements under the State’s SEQR Regulations and directs a copy of this classification be placed in the project file.

The above resolution was offered by MR. YOURCH and seconded by MR. RUTHVEN at a regularly scheduled meeting of the Planning Board held on Wednesday, September 27, 2021. Following discussion, the following roll call vote was recorded:

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

Motion carried.

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, 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**

APPLICANT: T. Bene Properties 5801 County Road 41 Farmington, N.Y. 14425	File: ZB #0902-21 Zoning District: PD & MTOD Published Legal Notice on: September 19, 2021 County Planning Action on: September 8, 2021 County Referral #: 181-2021 Public Hearing held on: September 27, 2021
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Property Location: 5801 County Road 41, Farmington, New York 14425

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

Requirement for Which Variances are Requested: The applicant wishes to obtain an area variance for a pre-existing structure to remain on a parcel of land (proposed Lot #1, T. Bene Properties, LLC, Subdivision) that has a Front Setback of thirty (30) feet from the Front Lot line along Quentonshire Drive. The site is zoned PD Planned Development and MTOD Major Thoroughfare Overlay District. The PD Planned Development District requires a minimum Front Setback for a building of eighty (80) feet from the Front Lot line. The property address is 5801 County Road 41. The site’s existing access to the structure is from Quentonshire Drive.

State Environmental Quality Review Determination: The granting of an Area Variance 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 the New York State Environmental Conservation Law, article 8.

County Planning Referral Recommendation: The Ontario County Planning Board (hereinafter referred to as County Board) has reviewed Referral #181-2021 at their meeting on September 8, 2021. The County Board classified this referral as a Class 1 Action, an action having no county-wide or inter-municipal concerns. The Board motion was to return to the local board with comments. However, there are no comments contained in the September 8, 2021 meeting minutes.

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 character of this area consists primarily of individual industrial sites fronting along County Road 41 and one industrial site, located across Quentonshire Drive from the subject parcel. The Board further find that this site fronts along Quentonshire Drive and along County Road 41. The Board further finds that access to this site is from Quentonshire Drive. The Board further finds that when this site was developed, Quentonshire Drive was a private drive which recently was improved and dedicated to the Town as a Town Highway. The Board further finds that the site was developed years ago as a Limited Industrial site located within a PD Planned Development District. The Board further finds that this site is a pre-existing site and that the requested Front Yard setback variance is requested as the result of the recent re-construction of Quentonshire Drive, which is now a town dedicated roadway having a right-of-way width located thirty (30) feet from the existing building. The Board further finds that there is one other site, with existing buildings, located within this PD Planned Development District that has similar Front Yard setbacks.

The Board, based upon these findings, determines that granting the proposed area variance (Front Yard Setback) to allow the existing structure to remain at thirty (30) feet, instead of the required eighty (80) foot setback will not produce an undesirable change in the character of the neighborhood and will not become 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 based upon its review of the existing site layout and the proposed two lot subdivision pending before the Planning Board finds that the only variance needed is for the requested Front Yard Setback from Quentonshire Drive. The Board, based upon this finding,

determines given the existing conditions on the site that there is no feasible alternative to the requested variance.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the current Front Yard Setback to the existing building is 30 feet instead of the 80 feet required by Town Code. The Board further finds that granting the requested variance involves granting an area variance of 37.5% from that required by the Town Code. The Board has consistently found that a requested area variance involving an increase greater than fifty percent (50%) of what is required by Town Code to be a substantial variance. Based upon these findings the Board determines that the requested variance is not 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 SEQR Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) (16) of article 8 of the New York State Environmental Conservation Law (ECL). The Board, based upon this classification, determines that Type II Actions will not have a significant adverse impact upon the environment and are not subject to further review under the ECL and thereby 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 board of appeals but shall not necessarily preclude the granting of the Area Variance. Yes No

Reasons: The Board finds that the alleged difficulty was not self-created. The Board finds that the alleged difficulty was created when the Town Board accepted dedication of Quentonshire Drive as a Town Highway having a right-of-way width of thirty feet (30ft) from the existing building.

**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 outweighs any known detriment(s) to the neighborhood, or community and, therefore, the requested area variance is **Approved with the following conditions:**

1. The applicant is to obtain Final Subdivision Plat Approval from the Town Planning Board for the proposed Lot #1 of the T. Bene Properties, LLC Project. Failure to obtain said approval shall make this requested area variance null and void.

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has granted the minimum relief deemed necessary and, therefore, 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 a copy hereof be provided to the applicant and to the Town Planning Board.

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, September 27, 2020. Following discussion, the following roll call vote was recorded:

Jill Attardi	Aye
Jeremy Marshall	Aye
Tod Ruthven	Aye
Thomas Yourch	Aye
One vacant position	—

Motion carried

6. OTHER BOARD MATTERS

7. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

8. DIRECTOR OF PLANNING AND DEVELOPMENT UPDATE

- Sidewalk Grant will be submitted tomorrow. The Town is asking for \$1.7 Million in grant money to construct approximately 17,000 lineal feet of sidewalks.
- The Sidewalk Master Plan Map has been adopted.
- Planning to adopt the 2021 Comprehensive Plan next month.
- Still experiencing development activities in the Town.
- Compliments the Board on making the right decision with approving the variance for G&A Development. Mr. Weidenborner did a great job putting together the conditions which he was asked to do last week just in case.
- Interested candidate for open ZBA Member position.

9. ZONING OFFICER UPDATE

- Next Meeting will be October 25, 2021.
- Open Clerk of the Board of Position

10. CODE ENFORCEMENT OFFICER UPDATE

- Town is very busy with development
- PRC Agenda is out with many Pre-Construction Meetings taking place

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

(315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group

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, October 25, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8.

13. ADJOURNMENT

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the meeting be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

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