

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, September 28, 2020, 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*  
Jill Attardi  
Tod Ruthven  
Thomas Yourch

**Board Member Excused:** Aaron Sweeney

**Staff Present:**  
Ronald L. Brand, Town of Farmington Director of Development and Planning  
Sarah Mitchell, Town of Farmington Development Office Administrator  
John Weidenborner, Town of Farmington Zoning Officer

**Applicants Present:**  
Dan Crowley, Farmington United Methodist Church, 5925 County Road 41,  
Farmington, N.Y. 14425  
Graham Marcus, Maddie’s Motorsports, 6226 State Route 96, Farmington, N.Y. 14425

**Town Board Appointment to the Zoning Board of Appeals:**

At the Farmington Town Board meeting on August 25, 2020, TOD RUTHVEN was appointed to the Zoning Board of Appeals (Town Board Resolution #297-2020) to serve the remainder of the unexpired term of Timothy DeLucia, who resigned on December 31, 2019, upon his appointment to the Planning Board. Mr. Ruthven took his Oath of Office on August 28, 2020.

Mr. Ruthven took his place upon the Zoning Board of Appeals.

### Zoning Board of Appeals Members and Terms of Office:

Tod Ruthven*	Appointed 8/25/2020	Term expires December 31, 2020
Jill Attardi**	Appointed 5/14/2019	Term expires December 31, 2021
Aaron Sweeney***	Appointed 2020	Term expires December 31, 2022
Thomas Yourch	Appointed 2019	Term expires December 31, 2023
Jeremy Marshall	Appointed 2020	Term expires December 31, 2024

*\*Filling the unexpired term of Timothy DeLucia who resigned on December 31, 2019*

*\*\*Filling the unexpired term of Cyril Opett who resigned in May 2019*

*\*\*\*Filling the unexpired term of Nancy Purdy who resigned in November 2019*

### WORKSHOP SESSION

The Workshop Session was called to order at 6:30 p.m. by Mr. Marshall. He said that the Legal Notice that was published and posted for this evening's meeting identified this Workshop Session commencing at 6:30 p.m. and ending at 7:00 p.m.

Mr. Brand reviewed the three applications on this evening's agenda, each of which are applications for commercial speech ground mounted business identification signs. The Ontario County Planning Board recommended denial without prejudice of each of the applications.

He also discussed the State Route 96 Street Scape Corridor initiative and the proposed guidelines for commercial speech signs along State Route 96. He said that in order to avoid one sign hiding (or blocking) another sign, the Town is considering a spacing of 150 feet between signs with emphasis upon placing the signs in close proximity to the locations of business driveways.

Mr. Weidenborner reviewed the photographs of the proposed sign locations for the applications which were distributed to board members prior to the meeting.

Board members discussed the similarities and differences of these applications with other recent sign applications in this area of the Town (Mattiaccio Orthodontics, 1393 Hathaway Drive; and Mark DiMartino, D.D.S., 1375 Hathaway Drive).

Mr. Brand said that he and the Town staff discussed the Maddie's Motorsports applications with Graham Marcus (the owner of Maddie's Motorsports) earlier today and that Mr. Marcus will pursue an alternate solution to one of the two Area Variance applications that he has submitted. Mr. Brand said that a draft resolution has been submitted for the board's consideration this evening to continue one of the Maddie's Motorsports applications (ZB #0902-20) to the meeting on October 26, 2020, to provide time for Mr. Marcus to discuss his alternate sign with the Town staff.

The board and the Town staff also discussed the Farmington United Methodist Church application for a second ground-mounted sign on the church property at the southeast corner of State Route 332 and County Road 41. Ms. Attardi asked about having a church "entrance and exit" sign at the County Road 41 driveway. Mr. Weidenborner said that the church could place an "entrance and

exit” sign on the existing fence at this driveway. If the Town Code Enforcement Officer were to determine that the church is not a commercial entity, only then could they also place its logo on the sign.

Mr. Brand discussed Canandaigua National Bank’s plans to no longer consider a separate free-standing bank on the Farmington Market Center property on State Route 96. He said that the bank has instead decided to remodel the current branch facility which is located in the west portion of the Tops Supermarket structure.

Mr. Brand also reported that the Town Board adopted a policy and the procedures for remote attendance at meetings by members of all Town boards and committees. He said that the policy is now in effect and that the Zoning Board of Appeals members may wish to incorporate the policy into the board’s Rules of Procedures when they are readopted in 2021.

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

## **1. MEETING OPENING**

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

The Pledge of Allegiance was recited.

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

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

## **2. APPROVAL OF MINUTES OF AUGUST 24, 2020**

■ A motion was made by MS. ATTARDI, seconded by MR. YOURCH, that the minutes of the August 24, 2020, meeting be approved.

Motion carried by voice vote. Mr. Ruthven abstained because he had not yet been appointed to the Zoning Board of Appeals at the meeting on August 24, 2020.

### 3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, September 20, 2020:

#### LEGAL NOTICE

**NOTICE IS HEREBY GIVEN** that Public Hearings will be held by and before the Zoning Board of Appeals of the Town of Farmington on the 28th day of September, 2020 commencing at 7:00 p.m., Eastern Daylight Savings Time, at the Farmington Town Hall, 1000 County Road #8, in the Town of Farmington, Ontario County, New York 14425 to consider the following applications:

**ZB #0803-20: FARMINGTON UNITED METHODIST CHURCH, 5925 COUNTY ROAD 41, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 43 of the Farmington Town Code. The applicant wishes to erect a second two-sided ground business-identification sign on the premises. The Town Code only allows for one two-sided ground business-identification sign on a premise.

**ZB #0901-20: GRAHAM MARCUS, 6226 STATE ROUTE 96, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 43 of the Farmington Town Code. The applicant wishes to erect a 120 square-foot two-sided ground business-identification sign on the premises. The maximum total sign area allowed by Town Code is 64 square feet.

**ZB #0902-20: GRAHAM MARCUS, 6226 STATE ROUTE 96, FARMINGTON, N.Y. 14425:** Request an Area Variance in accordance with Chapter 165, Article V, Section 45 of the Farmington Town Code. The applicant wishes to erect a two-sided ground business-identification sign with 50% of total sign area being used to display a product, trade name or logo. Per Town Code no more than 10% of the area of such sign may be used to display the brand name of any product(s) or commodities actually sold on the premises.

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

**FURTHER NOTICE IS HEREBY GIVEN** the said Zoning Board of Appeals will meet at 6:30 p.m. Eastern Daylight Savings Time, on Monday, September 28th, at 6:30 p.m. at the Farmington Town Hall, to conduct a workshop session. This workshop meeting is open to the public, however, there will not be any public comment period.

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

#### 4. NEW PUBLIC HEARINGS

**ZB #0803-20                      Farmington United Methodist Church      Area Variance  
5925 County Road 41  
Farmington, N.Y. 14425**

The applicant is requesting an Area Variance in accordance with Chapter 165, Article V, Section 43 of the Farmington Town Code. The applicant wishes to erect a second two-sided ground business identification sign on the premises. The Town Code only allows for one two-sided ground business identification sign on a premise. The property is zoned RB Restricted Business.

Mr. Marshall opened the Public Hearing on this application

Dan Crowley presented this application on behalf of Pastor Jeff Long of the Farmington United Methodist Church.

Mr. Crowley said that the church would like to install a second ground identification sign at the driveway to the church which is located along the south side of County Road 41 (near the intersection with Beaver Creek Road) to make it easier for church members and others to locate this driveway.

He said that this request is being made because—for as long as he has been attending the church—the congregation has been preparing Thanksgiving dinners which typically are distributed from 3:00 p.m. until dark [on Thanksgiving Day]. Mr. Crowley said that the distribution of the dinner distribution time may extend until 10:00 p.m. or 11:00 p.m. and that he and a deputy sheriff often have to direct traffic [at the church driveway on County Road 41]. He said that this is one of the reasons for the request [for a second ground identification sign].

Mr. Crowley also said that the church is aware of the new housing development across the road (Hathaway's Corners on the southwest corner of State Route 332 and County Road 41) and that a sign at the church driveway would provide a better means of identification for new people to find the church.

Mr. Crowley referred to a photograph of the design of the sign that had been submitted to the board. He said that vendor in Victor, N.Y., has been selected to design the sign.

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

There was no request to speak from the one other applicant at the meeting this evening.

Mr. Yourch asked if the church had considered installing an “entrance and exit” sign on the existing fence along the church driveway. Mr. Crowley said that this would be considered if the Area Variance application were to be denied. He said that the church is open to anything to try and make the church entrance driveway more visible to the public for the

reasons that he has discussed this evening.

Mr. Marshall asked if there were any further comments or questions on this application.

There were no further comments or questions on this application this evening.

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

<b>ZB #0901-20</b>	<b>Graham Marcus Maddie’s Motorsports 6226 State Route 96 Farmington, N.Y. 14425</b>	<b>Area Variance</b>
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The applicant is requesting an Area Variance in accordance with Chapter 165, Article V, Section 43 of the Farmington Town Code. The applicant wishes to erect a 120-square-foot two-sided ground business identification sign on the premises. The maximum total sign area allowed by Town Code is 64 square feet. The property is zoned GB General Business and falls within the Major Thoroughfare Overlay District (MTOD).

<b>ZB #0902-20</b>	<b>Graham Marcus Maddie’s Motorsports 6226 State Route 96 Farmington, N.Y. 14425</b>	<b>Area Variance</b>
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The applicant is requesting an Area Variance in accordance with Chapter 165, Article V, Section 45 of the Farmington Town Code. The applicant wishes to erect a two-sided ground business identification sign with 50 percent of total sign area being used to display a product, trade name or logo. Per Town Code no more than 10 percent of the area of such sign may be used to display the brand name of any product(s) or commodities actually sold on the premises. The property is zoned GB General Business and falls with the Major Thoroughfare Overlay District (MTOD).

Mr. Marshall opened the Public Hearings on ZB #0901-20 and ZB #0902-20 concurrently.

Mr. Marcus (the owner of Maddie’s Motorsports) presented these applications.

He said that he purchased the property approximately two years ago from the previous owner who operated a similar motorsports sales business on the site. Mr. Marcus said that he has been in the process of renovating the existing structure, constructing an addition and improving the outside of the property to have it as aesthetically pleasing as the interior.

He said that he is seeking an Area Variance to maintain the franchise agreements with the manufacturers whose products he carries to have their logos either on a building-mounted sign or on a street sign. Mr. Marcus said that he is requesting to update the existing street

sign to include these manufacturers' logos by reconstructing the frame of the existing sign and break up the image with six panels with Maddie's Motorsports at the top of the sign and five manufacturers' logos below it. He said that the new sign would not be any taller or wider [than the existing sign] and would just run vertically to the ground.

Mr. Marcus said that the sign would be lit from the inside and would serve as a clean identifier for Maddie's Motorsports and the manufacturers. He said that the area would not change; that the location, width and height of the sign would not change; and that the sign would just run vertically into the ground.

Mr. Marshall asked if anyone in attendance wished to speak for or against this application. There were no other residents or applicants in attendance.

Mr. Ruthven asked if other avenues have been considered. Mr. Marcus said that the issue is with the Town Code-required setback and road frontage. He said that this is a very narrow lot and that the property would be cluttered if a number of smaller signs were to be installed. He said that the plan presented this evening would provide a sign that would be easy to see and that would not be obtrusive. Mr. Marcus also said that the other business signs around his property are taller and that the proposed sign would not block the views of these other business signs in the vicinity. He said that he is trying to create an aesthetically pleasing sign that fits the area. He also said that it is difficult to have his business name and five other manufacturers' logos on one sign due to the existing Town Code.

Mr. Marshall said that the Ontario County Planning Board (OCPB) recommended denial of both applications. He said that a super majority of the Zoning Board of Appeals (majority + one) would be required to override the OCPB recommendation.

Mr. Marshall suggested that the Public Hearing on ZB #0902-20 be continued to the next meeting to provide Mr. Marcus with time to meet with the Town staff on an alternate design of the site. Mr. Marcus had no objections. He then presented the board with a sketch of a proposed alternate sign (*see* Attachment #1 to the minutes, p. 22). Mr. Marshall said that the sketch could not be considered this evening but would be entered into the record of the meeting. He also requested that Mr. Marcus arrange to meet with the Town staff prior to the next meeting to review the alternate sign. Mr. Marcus said that he would do so.

There were no further comments or questions on this application this evening.

Mr. Marshall then closed the Public Hearing on ZB #0901-20.

The Public Hearing on ZB #0902-20 remains open.

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

**ZB #0803-20**

**Farmington United Methodist Church**

**Area Variance**



■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the State Environmental Quality Review (SEQR) resolution for ZB #0803-20 be waived. Motion carried by voice vote. The reading of the SEQR resolution for ZB #0803-20 was waived.

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the following SEQR resolution for ZB #0803-20 be approved as submitted by the Town staff:

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

**ZB #0803-20**

**APPLICANT: Farmington United Methodist Church, 5925 County Road 41, Farmington, N.Y. 14425**

**ACTION: Area Variance to erect a second two-sided ground business identification sign on the premises**

**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) 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.

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

Motion carried.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the complete Findings and Decision resolution for ZB #0803-20 be waived and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.



Motion carried by voice vote.

Mr. Marshall then read aloud the determination of the Zoning Board of Appeals from the following complete resolution for ZB #0803-20:

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

**APPLICANT:** Farmington United  
Methodist Church  
5925 County Road 41  
Farmington, N.Y. 14425

**File:** ZB #0803-20  
**Zoning District:** RB Restricted  
Business  
**Published Legal Notice on:**  
September 20, 2020  
**County Planning Action on:**  
September 8, 2020  
**County Referral #:** 145-2020  
**Public Hearing held on:**  
September 28, 2020

**Property Location:** 5925 County Road 41, Farmington, N.Y. 14425

**Applicable Section of Town Code:** Chapter 165, Article V, Section 43.

**Requirement for Which Variances are Requested:** The applicant wishes to erect a second commercial speech sign, a twenty-nine (29) square foot, a ground mounted, two-sided business-identification sign on the premises located at 5925 County Road 41. The Town Code allows for one two-sided, ground mounted, business-identification sign on a premise located in the RB Restricted Business District.

**State Environmental Quality Review Determination:** The granting of an Area Variance is classified as a Type II Action under Part 617.5 (c) (16) and (18) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under Environmental Conservation Law, Article 8.

**County Planning Referral Recommendation:** The Ontario County Planning Board (hereinafter referred to as County Board) has reviewed Referral #145-2020, at their September 8, 2020, meeting. The County Board's referral recommendation is denial.

**FACTORS CONSIDERED AND BOARD FINDINGS**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

Yes     No

**Reasons:** The Zoning Board of Appeals (hereinafter referred to as Board) finds that allowing the proposed second sign would be a detriment to nearby properties that border along both sides of this portion of County Road 41 by adding unnecessary commercial speech signage intended to detract the attention of motorists traveling through this developing and congested area. The Board further finds that the applicant recently received approval of an area variance for a commercial speech sign which was placed on a portion of the site's frontage along the heavily traveled New York State Route 332. The Board further finds that in granting its' approval for the first area variance for that free-standing (ground mounted) business-identification sign that it was granting the minimum relief necessary which was agreed-to by the applicant. The Board further finds that when the required Public Safety Sign (a street identification number sign) is installed, there is no known need for a second free-standing (ground mounted) business-identification sign which would duplicate the street address displayed on the required Public Safety Sign.

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 there are other feasible alternatives available to the applicant for advertising their business entrance that do not require the granting of an area variance. The Board finds that, in this instance, the applicant can install the required public safety sign at the County Road 41 driveway entrance to the church site.

3. Whether the requested variance is substantial.     Yes     No

**Reasons:** The Board finds the requested area variance to be a substantial variance request. The Board further finds that the Town Code restricts the number of commercial speech signs allowed upon a property. The Town Code allows one (1) free-standing (ground mounted) business -identification sign on a parcel of land. The applicant is requesting a second commercial speech (ground mounted) business-identification sign. The Board further finds that granting the area variance being requested by the applicant is a variance involving a one hundred percent (100%) increase from what is otherwise allowed by Code. The Board has consistently found that an area variance in excess of fifty percent (50%) of what is allowed by Town Code to be a substantial variance request.

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

**Reasons:** The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 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 considered to be self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the Area Variance.    **X** Yes    \_\_\_ No

**Reasons:** The Board finds that the alleged difficulty is self-created based upon the above finding that the applicant recently chose placing a free-standing (ground mounted) business- identification sign on the New York State Route 332 frontage of the church’s property instead of at the driveway entrance to the property which is located on County Road 41.

**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, determines that the benefit to the applicant does not outweigh the detriment to the community or neighborhood; and, therefore, the requested area variance to erect a second free-standing (ground mounted) commercial speech sign is denied.

**NOW, THEREFORE, BE IT RESOLVED** that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

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

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

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

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

Motion carried 3 to 1.

**ZB #0901-20                      Graham Marcus                      Area Variance  
   Maddie’s Motorsports**

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the State Environmental Quality Review (SEQR) resolution for ZB #0901-20 be waived.

Motion carried by voice vote. The reading of the SEQR resolution for ZB #0901-20 was waived.

■ A motion was made by MR. YOURCH, seconded by MR. RUTHVEN, that the following SEQR resolution for ZB #0901-20 be approved as submitted by the Town staff:

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

**ZB #0901-20**

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

**ACTION:                              Area Variance to erect a 120-square-foot two-sided ground  
   business identification sign on the premises**

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

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

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

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

**BE IT FINALLY RESOLVED THAT** the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Thomas Yourch      Aye

Motion carried.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the complete Findings and Decision resolution for ZB #0901-20 be waived and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.

Motion carried by voice vote.

Mr. Marshall then read aloud the determination of the Zoning Board of Appeals from the following complete resolution for ZB #0901-20:

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

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

**File:** ZB #0901-20  
**Zoning District:** GB General Business and  
MTOD  
**Published Legal Notice on:**  
September 20, 2020  
**County Planning Action on:**  
September 9, 2020  
**County Referral #:** 147-2020  
**Public Hearing held on:**  
September 28, 2020

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

**Applicable Section of Town Code:** Chapter 165, Article V, Section 43.

**Requirement for Which Variances are Requested:** The applicant wishes to erect a 120-square-foot two-sided ground-mounted commercial speech business identification sign on the premises. The maximum total sign area allowed by the Town Code is 64 square feet. The property is zoned GB General Business and falls within the Major Thoroughfare Overlay District (MTOD).

**State Environmental Quality Review Determination:** The granting of an Area Variance is classified as a Type II Action under Part 617.5 (c) (16) and (18) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under Environmental Conservation Law, article 8.

**County Planning Referral Recommendation:** The Ontario County Planning Board (hereinafter referred to as County Board) has reviewed Referral #147-2020, at their September 9, 2020, meeting. The County Board’s referral recommendation is denial.

**FACTORS CONSIDERED AND BOARD FINDINGS**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

X Yes      \_\_\_ No

**Reasons:** The Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) finds that State Route 96, in this area, is posted for 45 miles per hour and is a two lane highway. The Board further finds that this area consists of a number a commercial sites providing services to the traveling public. The Board further finds that the proposed commercial speech sign is sized for almost twice the maximum size allowed by Town Code. The Board further finds that there are no sight restrictions for motorists traveling along this highway to the property which would somewhat help justify the need for a larger sized sign. The Board further finds that the majority of signs along this highway corridor have been built to Town Code requirements.

The Board further finds that this site lies within the defined Town of Farmington State Route 96 Main Street Corridor and that new sign regulations are being developed at this time, however, they are not yet in effect. The Board further understands that the Town’s intent is to create separate sign size requirements for this corridor which are different from the sign sizes required in the General Business District located along the more heavily traveled State Route 332, where the minimum front setbacks for buildings are 100 feet from the edge of a much wider highway right-of-way than exists along State Route 96 within the defined Main Street Corridor. The Board further understands and supports the Town’s ongoing efforts to create a Main Street Corridor setting with appropriate sidewalks, site landscaping, and signage designed to fit within such a corridor.

The Board, based upon these findings determines that granting the requested area variance, to allow a commercial speech sign having a total of 120 square feet in area, instead of the maximum 64 square feet in area, would establish an undesirable change in the desired character of this Main Street Corridor and would be contrary to the character the Town is attempting to develop.

The Board further determines that granting the requested relief from the Town Code, when it has been found to be a request without merit, would not be granting the minimum relief necessary and would thus, be a detriment to adjacent properties that continue to exist with commercial speech signage in accordance with the Town Code requirements.

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

**Reasons:** The Board finds that the applicant can reduce the size of the proposed logos to be contained on the proposed sign to fit within a sixty-four (64) square foot sign size that is allowed by Town Code. The Board further finds that there is no known minimum size logo sign required in any of the documents submitted with this requested area variance. The Board further understands that when any over-sized logo sign is denied by the local municipality that proof of such denial is required to be submitted. The Board further finds that there is no documentation submitted with the application that provides the size that the proposed sign logos would be, if designed to Town standards. The Board therefore finds that there is a feasible alternative to the requested variance size.

3. Whether the requested variance is substantial.     Yes     No

**Reasons:** The Board finds that the requested variance involves an increase in the permitted sign size from the sixty-four (64) square feet allowed by Town Code to one hundred twenty (120) square feet. The Board finds that this involves an increase of fifty-six (56) square feet in sign area; and would require granting a variance of eighty-seven and one-half percent (87.5%). The Board has consistently found that granting a variance greater than fifty percent (50%) of what is allowed by Town Code to be a substantial variance request.

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

**Reasons:** The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 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 applicant has not provided sufficient documentation to prove there is any practical difficulty with his compliance with the sign size requirements contained in the Town Code. Based upon this finding, the Board determines that any alleged difficulty is self-created.



**DETERMINATION OF THE ZONING BOARD OF APPEALS**

**BASED UPON THE BOARD’S FINDINGS UPON THE ABOVE FACTORS**, the Board determines that the benefit to the applicant does not outweigh the detriment to the community and, therefore, the requested area variance is denied.

**NOW, THEREFORE, BE IT RESOLVED** that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

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

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

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

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

Motion carried.

<b>ZB #0902-20</b>	<b>Graham Marcus</b>	<b>Area Variance</b>
	<b>Maddie’s Motorsports</b>	

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the State Environmental Quality Review (SEQR) resolution for ZB #0902-20 be waived.

Motion carried by voice vote. The reading of the SEQR resolution for ZB #0902-20 was waived.

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the following SEQR resolution for ZB #0902-20 be approved as submitted by the Town staff:

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

**ZB #0902-20**

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

**ACTION: Area Variance to allow more than ten percent (10%) of the total sign area of a Commercial Speech Sign to be used for products, trade names, or logos.**

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

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

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

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

**BE IT FINALLY RESOLVED THAT** the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the Town file upon this Action.

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

Motion carried.

Mr. Marshall then read aloud the following resolution:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION  
CONTINUATION OF PUBLIC HEARING**

**ZB #0902-20**

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

**ACTION: Sign Application for an Area Variance—  
Continuation of Public Hearing**

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has received an application for an Area Variance (File ZB #0902-20) from Graham Marcus, Maddie’s Motorsports, for permission to erect a two-sided free-standing ground-mounted, Commercial Speech, business identification sign, with fifty percent (50%) of the proposed total sign area being used to display a product, trade name or logo; and

**WHEREAS**, the Town Code restricts the total area for such commercial speech sign display to not more than ten percent (10%) of the total sign area of such sign; and

**WHEREAS**, a Public Hearing upon the proposed Area Variance was opened by the Board on September 28, 2020, at which testimony from the Applicant and the public was received; and

**WHEREAS**, the Applicant after talking today with town staff would like additional time to consider further amending his application prior to the Board making a decision.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby take action to approve continuation of the Public Hearing upon this requested Area Variance to their meeting on Monday, October 26, 2020.

**BE IT FURTHER RESOLVED**, that the Applicant is directed to consult with town staff during the coming weeks to resolve any amendments to this pending application.

**BE IT FINALLY RESOLVED** that a copy of this resolution is to be provided to: the Applicant; the Town Code Enforcement Officer; the Town Zoning Officer; and the Town Director of Planning and Development.

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

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

Motion carried.

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

None.

## 7. DIRECTOR OF PLANNING AND DEVELOPMENT UPDATE

Mr. Brand said that the Farmington Zoning Board of Appeals (ZBA) has been identified as an Involved Agency in the State Environmental Quality Review (SEQR) 30-day public review and comment period for the GLN Farmington Realty Project (LeFrois Development Project) proposed for the south side of State Route 96 east of the Farmington Market Center and west of the State Route 332/State Route 96 intersection.

He said that the applicant has identified the need for at least three (3) front setback Area Variances from the ZBA. Mr. Brand therefore recommended that the ZBA defer designation of the SEQR Lead Agency status to the Planning Board for this application due to site plan considerations.

■ **CONSENSUS:** It was the consensus of the ZBA to defer designation of the SEQR Lead Agency status to the Planning Board. The Chairperson of the ZBA is to sign the SEQR Response Form and return it to the Director of Planning and Development on or before Friday, October 2, 2020.

## 8. ZONING OFFICER UPDATE

Mr. Weidenborner said that the ZBA will meet on October 26, 2020, to reconvene the Public Hearing on ZB #0902-20 (Maddie's Motorsports Area Variance application) and to consider two new applications.

## 9. BOARD MEMBERS' COMMENTS

None.

## 10. TRAINING OPPORTUNITIES

■ **American Planning Association:**

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

■ **New York Association of Towns Virtual Training:**

Tuesday, September 29, 2020

10:00 a.m. to 11:00 a.m.

The Ups and Downs of Town Budgets

Wednesday, October 7, 2020

10:00 a.m. to 11:00 a.m.

Ask the Attorneys

Tuesday, October 20, 2020

10:00 a.m. to 11:00 a.m.

Roles and Responsibilities of the Town Board and Highway Superintendent

Free to Association of Towns members. Registration required, [www.nytowns.org](http://www.nytowns.org).

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

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

**Wednesday, October 7, 2020**, from 2:00 p.m. to 4:00 p.m.

SEQR Basics and New Regulations, NYSDOS/Southern Tier West

Registration Link: <https://meetny.webex.com/meetny/k2/j.php?MTID=t7c3348217f3e45c95f92947589181fec>

<https://meetny.webex.com/meetny/k2/j.php?MTID=t7c3348217f3e45c95f92947589181fec>

**Wednesday, October 21, 2020**, from 2:00 p.m. to 4:00 p.m.

Affordable Housing NYS DOS/Southern Tier West

Registration Link: <https://meetny.webex.com/meetny/k2/j.php?MTID=t7c3348217f3e45c95f92947589181fec>

<https://meetny.webex.com/meetny/k2/j.php?MTID=t7c3348217f3e45c95f92947589181fec>

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

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

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

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

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

Sign Regulation NYS DOS/Southern Tier West

Registration link will be posted here when available.

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

**Thursday, November 12, 2020**, Time TBA

Floodplain Regulations for Local Review Boards, NYSDOS/Dutchess County

Registration link will be posted here when available.

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

■ **General Code e-Code**

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

Information:

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

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

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

**11. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Monday, October 26, 2020, at 6:30 p.m. (Workshop Session if needed) and at 7:00 p.m. (Regular Meeting) at the Farmington Town Hall, 1000 County Road 8.

**12. ADJOURNMENT**

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

Motion carried by voice vote.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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

**Attachment #1:**

ZB #0902-20: Maddie’s Motorsports Revised Sign



**Maddie's Motor Sports**  
 6226 Route 96  
 Farmington, NY 14425  
 Street Sign version #3

Proposed Sign:

8' x 8'      64 ft<sup>2</sup> Total

Dealership logo	27.50ft <sup>2</sup>	(3'8"x7'6")	55%	55%
Indian Motorcycle	3.75 ft <sup>2</sup>	(1'x3'9")	7.5%	
Polaris	3.75 ft <sup>2</sup>	(1'x3'9")	7.5%	
CF Moto	3.75 ft <sup>2</sup>	(1'x3'9")	7.5%	45%
KTM	3.75 ft <sup>2</sup>	(1'x3'9")	7.5%	
Husqvarna	3.75 ft <sup>2</sup>	(1'x3'9")	7.5%	
(1) Open Slot for Future Additions line	3.75 ft <sup>2</sup>	(1'x3'9")	7.5%	
	<u>50 ft<sup>2</sup></u>			