

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, December 23, 2019, 7:00 p.m.

MINUTES—APPROVED

The following 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: Timothy DeLucia, *Chairperson*
Jill Attardi
Jeremy Marshall
Thomas Yourch
One vacant position

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
John Weidenborner, Town of Farmington Zoning Officer

Applicants Present:
Gregory W. McMahon, P.E., McMahon LaRue Associates PC, 822 Holt Road,
Webster, N.Y. 14580
Robert Miglioratti, Owner/Developer, RAMSS LLC, 728 East Avenue, Brockport, N.Y. 14420

Residents Present:
James Allen, 6028 Loomis Road, Farmington, N.Y. 14425
Charlene Henecke, 6018 Loomis Road, Farmington, N.Y. 14425
Jennifer LaRoche, 6028 Loomis Road, Farmington, N.Y. 14425

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. After the Pledge of Allegiance was recited, Mr. DeLucia introduced the Zoning Board of Appeals members and explained the emergency evacuation procedures.

Mr. DeLucia said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 25, 2019.

2. APPROVAL OF MINUTES OF NOVEMBER 25, 2019

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the minutes of the November 25, 2019, meeting be approved.

Motion carried by voice vote.

3. LEGAL NOTICE

Mr. DeLucia attested that the following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper (the Town’s official newspaper) on Sunday, December 15, 2019, that it was posted upon the Town of Farmington website (www.townofarmington-ny.com), and that it was posted upon the Town Clerk’s bulletin board in the foyer of the Town Hall:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by and before the Zoning Board of Appeals of the Town of Farmington on the 23rd day of December 2019, commencing at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, in the Town of Farmington, Ontario County, New York 14425 to consider the following application:

ZB #1201-19: RAMSS LLC, 728 East Avenue, Brockport, N.Y. 14420: Request an Area Variance in accordance with Chapter 165A, Schedule 1, Attachment 1 of the Farmington Town Code. The applicant wishes to erect three (3) self-storage buildings totaling 13,200 square feet with two (2) of the 4,000-square-foot buildings having a proposed rear setback of ten (10) feet and Town Code requires a minimum rear setback of thirty (30) feet in the district. The property is located on Loomis Road and is zoned GI General Industrial.

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

Tim DeLucia, Chairperson, Zoning Board of Appeals

4. CONTINUED PUBLIC HEARING

ZB #1102-19	Steven Nardozzi 620 Park Avenue, Suite 135 Rochester, N.Y. 14607	Temporary Use Permit
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The applicant is requesting a Temporary Use Permit in accordance with Chapter 165, Article IV, Section 18 of the Farmington Town Code. The applicant wishes to operate a residential construction, excavation and demolition company as well as use the property as storage of the equipment used for their day-to-day operations. The Town Code prohibits this use in the A-80 Agricultural District. The property is located at 5409 State Route 96 and is zoned A-80 Agricultural.

Mr. DeLucia reconvened the Public Hearing on this application that had been opened on November 26, 2019.

Mr. Weidenborner reported that the applicant had a 30-day period of time to close on the purchase of the property. He said that the applicant did not purchase the property and notified the Town that he wished to withdraw the application for a Temporary Use Permit.

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

Ms. Henecke (6018 Loomis Road) asked about the details of this application. Mr. DeLucia read aloud the Legal Notice regarding the application and the address of the property (*see* text of the Legal Notice, above).

Mr. DeLucia asked if there were any further comments or questions on this application evening. There were no further comments or questions.

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

4. NEW PUBLIC HEARING

ZB #1201-19	RAMSS LLC	Area Variance
	728 East Avenue	
	Brockport, N.Y. 14420	

The applicant is requesting an Area Variance in accordance with Chapter 165A, Schedule 1, Attachment 1 of the Farmington Town Code. The applicant wishes to erect three (3) self-storage buildings totaling 13,200 square feet with two (2) of the 4,000-square-foot buildings having a proposed rear setback of ten (10) feet and Town Code requires a minimum rear setback of thirty (30) feet in the district. The property is located on Loomis Road and is zoned GI General Industrial.

Mr. McMahon (McMahon LaRue Associates PC) presented this application. Mr. Migloriatti also attended.

Mr. McMahon displayed an aerial photograph of the property and the concept drawing. He said that the parcel is a pre-existing non-conforming lot in the General Industrial (GI) Zon-

ing District. The concept plan proposes a total of 13,200 square feet of self-storage space in three buildings. Each of the two 4,000-square-foot buildings are proposed to be one-sided front loaded. The third 5,200-square-foot building is proposed to be loaded on both sides.

Mr. McMahon said that the application before the Zoning Board of Appeals (ZBA) this evening is to request a 10-foot rear setback (variance of 20 feet) from the property boundary with the New York State Thruway. The Town Code requires a 30-foot rear setback. Mr. McMahon said that the reason for the Area Variance is due to the unconventional geometry of the parcel which does not lend itself to the maximum usage by the applicant.

Mr. McMahon said that the Town Code setbacks from the adjoining properties have been honored. He said that requested Area Variance from the Thruway is the least impactful option.

Mr. McMahon displayed a photograph that depicts the applicant's property from the east-bound lane of the Thruway. He said that the majority of the Thruway right of way is heavily vegetative and provide screening of the applicant's property from the Thruway. Mr. McMahon said that most of the vegetation is within the Thruway right of way and would not be disturbed by the project.

A second photograph of the applicant's property as seen from Crowley Road (on the north side of the Thruway) also was displayed. Mr. McMahon said that the height of the Thruway, the existing vegetation, and the one-story self-storage units indicate that there would be no adverse views of the applicant's property from Crowley Road.

Mr. McMahon said that the plan before the ZBA this evening is a concept plan. He said that the applicant would be required to submit Preliminary and Final Site Plan applications, and a Special Use Permit application, to the Planning Board if the Area Variance is approved this evening. He said that the details of the site plan including fencing, landscaping and stormwater mitigation, for example, would be fleshed out with the Planning Board.

Mr. McMahon said that there would be no on-site representatives. He said that users would have access into the gate of the self-storage area with a passcode. He also said that it is the applicant's intent to have low-level lighting.

Mr. Weidenborner said that it appears that a second Area Variance for lot size may be required. He said that the minimum lot size for a mini-warehouse site in the General Industrial Zoning District shall be two acres and that the applicant's site is 1.54 acres (Town Code §165.84.1 (I)). He said that this was missed by the Building Department during the review of the application.

Mr. Weidenborner also said that the applicant requires a Special Use Permit from the Planning Board for this project.

Mr. Marshall asked if approval from the New York State Department of Transportation (DOT) is required because of the proximity of the property to the Thruway. Mr. Brand said

that there will be no encroachment upon Thruway property or the right of way, and therefore no DOT permit is required.

Mr. Brand said that two draft resolutions have been provided for the board's consideration this evening, i.e., one for the State Environmental Quality Review (SEQR) determination (Type II Action) and the other for approval of the Area Variance with conditions. He said that a number of the conditions relate to site plan and Special Use Permit issues that will be determined by the Planning Board.

Mr. McMahon said that he believes that the pre-existing non-conformance relates to the lot area. He said that he is referring to the lot from an area standpoint.

Mr. Weidenborner said that the property has not been a mini-warehouse use and therefore the application is not for a pre-existing non-conforming use. He said that the property would have to conform to the two-acre lot size, as he reads the Town Code. Mr. McMahon requested that he check on this. He said that his experience is different and that he is referring to the lot area.

Mr. Weidenborner said that he will request a determination on this from Code Enforcement Officer Dan Delpriore when he returns on Monday, December 30, 2019. Mr. Brand said that a determination by the Town Attorney also may be required.

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

Ms. Henecke (6018 Loomis Road) read from Town Code §165-84.1 (M) that indicates that "the maximum area for a mini-warehouse unit shall not exceed 300 square feet." Mr. Weidenborner said that the 300 square feet refers to the space of each individual storage unit.

Ms. Henecke referred to several sections of the Town Code §165-84.1 (Mini-warehouse sites). She said that quite a lot of provisions [for mini-warehouses] are set forth in this section to which she wanted to bring the board's attention.

She specifically cited §165-84.1 (R) regarding "a six-foot-high security fence along those portions of a mini-warehouse site that do not have an exterior wall of a mini-warehouse structure facing the rear or side lot lines;" and §165-84.1 (Y) regarding a landscaped area "at least six feet in width, shall be provided around the mini-warehouse site. Said landscaped area is to be adjacent to the security fence and within the required side and rear yard portion of a mini-warehouse site All landscaping shall be identified on a site plan and is to be installed within six months of the certificate of compliance."

She said that the applicant might be in trouble to install the required landscaping and security fence because of the reduction of the rear setback [because of the approval of the rear setback Area Variance].

Ms. Henecke also discussed §165-84.1 (AA) that indicates that “all mini-warehouse sites shall provide a sidewalk connecting to a sidewalk that traverses the front of the site” and (FF) regarding “all mini-warehouse sites shall provide internal roadway circulation designed to accommodate access throughout by emergency vehicles.” She said that these [sections of the Town Code] must be attended to.

Ms. Henecke said that the real crux of the matter is that this site is too small for this application. Mr. DeLucia said that this would be addressed by the Planning Board [during the Special Use Permit and site plan applications].

Ms. Henecke said that they are nonconforming residents who live in homes adjacent to this site. She said that the zoning [to General Industrial] was changed without their approval. She said that she has lived in her home her whole life, and that it is not as if she came in and purchased her home [afterward]. Ms. Henecke said that she is victimized by the General Industrial area and, as a result of that, it is important that the people on the [ZBA] and the Town understand how they need to protect [the residents].

Ms. Henecke said that she knows that they are a nonconforming use [in the General Industrial zoning district] but they are families. She said that she has grandchildren and that this business [self-storage] will bring a lot of transient people into the area. She said that she thinks that a wall should be built to protect transients from coming onto her property. Ms. Henecke said that people have tromped through her property when they have broken down on the Thruway. She said that the fact that there is a little bit [of the Thruway right of way] does not keep people away. She said that this area is the backyard of her home.

Ms. Henecke said that the General Industrial zoning district was set up to create jobs. She said that there will be no jobs being created by this application. She said that other businesses created jobs, but that this application creates no jobs. She said that it [the application] only offers an ability for strangers to walk around and be in her space. She said that she is very fearful, that she understands that they [the residents] are not supposed to be there, but they are there, and they are people.

Mr. Allen (6028 Loomis Road) said that he agrees with Ms. Henecke. He said that he came here 10-ish years ago and purchased his home because there was no one next to him. He said that he does not wish to have his possessions stolen.

Ms. LaRoche (6028 Loomis Road), a local Realtor®, said that their side of Loomis Road is entirely residential homes except for the Finger Lakes Hotel (6108 Loomis Road). She said that Ms. Henecke is right, and that putting this [development] within an arm’s distance of their homes is an issue, especially with the setback.

Ms. LaRoche discussed the photographs displayed by Mr. McMahon which were taken when foliage was on the trees. She said that the applicant’s site will be exposed to the Thruway when there is no foliage on the trees. She said that it would be different if the applicant was proposing something in compliance with the Town Code and that this [application] is self-created. She said that she knows that the Town of Farmington wants to make money.

She said that the Town can hear from them that this application is not creating jobs. Ms. LaRoche said that the rules are here for a—reason to protect the neighborhood. She asked the board to do its job, and that's it.

Mr. DeLucia said that the only issue before the ZBA this evening is the application for the Area Variance for a reduction of the rear setback from the Thruway. He said that the board has heard comments that the Planning Board must deal with. He said that the board this evening thanks the residents for their comments and understands their concerns.

Mr. Brand also referred to Town Code §165.84.1 (M) regarding the maximum area for a mini-warehouse unit shall not exceed 300 square feet. He said that this refers to the individual area of each storage space and does not apply to the exterior of the building. He said that each storage space must have its own separate outdoor access and that the individual space is not to exceed 300 square feet.

Mr. Brand said that the applicant must apply for a Special Use Permit from the Planning Board (§165.84.1 (A)) and may require another Area Variance from the ZBA regarding the two-acre minimum lot size for mini-warehouse sites (§165-84.1 (I)). He requested that Mr. Weidenborner and Code Enforcement Officer Dan Delpriore confirm this with the Town Attorney. If a lot size Area Variance is needed, Mr. Brand said that Mr. McMahan should submit the application in time for referral to the Ontario County Planning Board meeting in January 2020. Otherwise, the consideration of the application would be delayed until the ZBA meeting at the end of February.

(Clerk's Note: Referrals to the Ontario County Planning Board for the meeting on January 8, 2020, are due on December 26, 2019.)

Mr. Brand said that he was unsure why the possible Area Variance for lot size was not noticed earlier. Mr. Weidenborner said that it was an error in the Building Department.

Mr. Brand requested that Mr. McMahan review the area of the site to be enclosed with a fence. Mr. McMahan reviewed the fenced area on the concept plan drawing. He said that the fence currently is shown to encircle the perimeter of the interior access road until it reaches the back of 6012 Loomis Road, where it will run along the back property line, and then parallel the access road to the gate along Loomis Road. He said that this route will provide plenty of room for vehicles to enter the site without stacking up onto Loomis Road. Mr. McMahan said that the applicant would certainly work with the Planning Board regarding alternate locations for the installation of the fence. He also said the location of the fence will depend upon the planting of the landscaping.

Ms. LaRoche asked about the area of the fence next to her property at 6028 Loomis Road. Mr. McMahan said that the fence in this location is proposed to be installed at the edge of the pavement of the access road.

Mr. McMahan said that no set decisions have been made regarding the location of the fence at this point. He said that he will work with the Planning Board to address this and other is-

sues, and that the Planning Board process will be a Public Hearing.

Mr. DeLucia said that these are all issues for the Planning Board.

Mr. Brand asked about the procedure for vehicles entering the storage area by driving to the gate, using a passcode card to open the gate, and then entering the secured area. He asked if customers would be in the enclosed area and if the gate would be locked. Mr. McMahon said yes.

Mr. Miglioratti said that the maximum size of the individual storage units of 300 square feet or less will restrict industrial customers from using the site. He said that the hours would probably be from 8:00 a.m. to 8:00 p.m. and that these hours can be adjusted if they prove troublesome for the neighbors. Mr. Miglioratti said that the storage units are for the convenience of local residents. He said this is part of his business model and that the project will not be designed for industrial users.

Mr. Brand asked about security monitoring devices. Ms. LaRoche asked if cameras would be pointing only at the applicant's property. Mr. Miglioratti said that the cameras would be focused on vehicle entry to match license plate numbers with the passcode to avoid having two customers using the same space. He said that he wants to make sure who is coming and going. Mr. Miglioratti said that his partner is a former police officer. Ms. LaRoche said that she wishes that he would be there 24 hours a day.

Ms. LaRoche said that Mr. Miglioratti said that the hours of operation would "probably" be 8:00 a.m. to 8:00 p.m. Mr. Miglioratti said that the business plan is to operate from 8:00 a.m. to 8:00 p.m., but that he is ready to make adjustments. He said that he wants to be a good neighbor, that neighbors can have his cell phone number, and that he is in the real-estate business and is available.

Ms. LaRoche said that there is a reason why the current zoning is in place. She asked that the Town follow [the Town Code].

Mr. DeLucia then asked if there were any further comments or questions or questions on this application this evening. There were no further comments or questions.

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

6. BOARD BUSINESS—DELIBERATIONS AND DECISIONS

ZB #1102-19

Steven Nardozzi

Temporary Use Permit

Per the discussion earlier in the meeting, Mr. DeLucia confirmed that Mr. Nardozzi has withdrawn this application and that no further action is required by the board.

ZB #1201-19 RAMSS LLC Area Variance

■ A motion was made by MR. MARSHALL, seconded by MR. YOURCH, 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 #1201-19

**APPLICANT: RAMSS, LLC, c/o Robert Miglioratti,
728 East Avenue, Brockport, N.Y. 14420**

**ACTION: Area Variance to provisions in Chapter 165, Schedule 1, of the
Farmington Town Code, to permit two self-storage buildings
with ten (10) foot rear setbacks, to be placed upon a portion of
the lot located at 6006 Loomis Road.**

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 the Action is identified in Section 617.5 (c) (16) as being a Type II Action in that it involves the granting of an individual setback. An area variance, to allow structures identified above herein to be located within the Rear Yard portion of an approved lot having necessary utilities.

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
- Timothy DeLucia Aye
- Jeremy Marshall Aye
- Thomas Yourch Aye
- One vacant position —

Motion carried.

Mr. DeLucia then read aloud the conditions of approval from the following complete resolution:

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

APPLICANT: RAMSS LLC
728 East Avenue
Brockport, N.Y. 14420

File: ZB #1201-19
Zoning District: GI General Industrial
Published Legal Notice on: Dec. 15, 2019
County Planning Action on: Dec. 11, 2019
County Referral #: 252-2019
Public Hearing held on: Dec. 23, 2019

Property Location: 6006 Loomis Road, Farmington, N.Y. 14425

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

Requirement for Which Variances are Requested: The applicant wishes to erect a total of three (3) self-storage buildings totaling 13,200 square feet in area on a parcel of land located at 6006 Loomis Road. Of the total number of buildings involved with the project, two (2) buildings are proposing a Rear Setback of ten (10) feet from the northern property line. The Town Code requires the Rear Setback for a structure in this zoning district to be thirty (30) feet. The zoning for this site and adjacent sites is GI General Industrial.

State Environmental Quality Review Determination: The granting of an Area Variance to is classified as a Type II Action under Part 617.5 (c) (16) 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 #252-2019, at their December 11, 2019, meeting. The County Board classified the referral as a Class 1, with a recommendation of approval with comments.

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 zoning for the subject parcel of land, as well as the majority of other lands in the neighborhood, is GI General Industrial. The Board further finds that there are a number of pre-existing non-conforming structures located on these adjacent parcels in the neighborhood that are developed as single family dwellings. These parcels are considered non-conforming in that the GI District does not identify residential as a permitted land use. The Board further finds that the subject parcel of land is irregular in shape and that it has only one means of access which is from Loomis Road. The Board further finds that the subject parcel is located adjacent to three (3) developed non-conforming lots and that it backs-up to the right-of-way of the New York State Thruway (I-90). The Board further finds that there is another and much larger parcel of industrial zoned land located to the west of the subject parcel of land which was previously used as a commercial excavation site (a special permitted use in the GI District). The Board further finds that the proposed use of the site would involve a relatively low number of trip generations when compared against many of the permitted principal uses in the zoning district. The Board further finds that the Applicant is proposing site development along the southern boundary of the site consistent with the set back requirements in the GI General Industrial Zoning District. The Board further finds that with proper screening of the boundary between the proposed self-storage units and the adjacent residential sites that there will not likely be any adverse effect upon the character of the neighborhood or the community.

The Board, based upon these findings, determines that the proposed area variance to allow the two (2) proposed mini-warehouse structures to be constructed as part of the overall site plan. The Board further finds that granting the setback variance from the right-of-way boundary of the New York State Thruway 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's intent is to develop this irregular shaped parcel of land with a low intensity use allowed which is permitted in the GI General Industrial District upon the granting of site plan and special use permit approvals by the Planning Board. The Board further finds that the Applicant is proposing the setback variance on that portion of the site which is furthest removed from the adjacent parcels of developed single-family dwellings fronting along Loomis Road. The Board further finds that as part of those approvals, the applicant will likely need to comply with the Town's MS4 Storm Water regulations necessitating an on-site storm water treatment facility which would be designed based upon the extent of ground disturbance to occur on the site. The Board further finds that the parcel backs up to the right-of-way of the New York State Thruway and that the rear building elevations of the two proposed single-story self-storage structures would be barely visible from two single-family dwellings and a group home located across the Thruway's right-of-way and along the north side of Crowley Road. The Board further finds that the natural topography and established ground cover, between the subject site and those nearby residential structures along Crowley Road, cre-

ates a natural buffer which during the majority of the year further screens the subject site from these homes.

The Board, based upon these findings, determines that the proposed area variance to allow the two (2) single-story self-storage buildings to be placed twenty (20) feet closer to the northern property line is more desirable than considering other setback variances from the property line with the adjacent parcels that front along the north side of Loomis Road. Therefore, the Board determines that there is no other feasible alternative to that being proposed by the Applicant.

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

Reasons: The Board finds that the proposed area variance would enable a sixty-seven percent (67%) increase of the encroachment into the required Rear Yard portion of the site. The Board has consistently found that a variance greater than fifty percent (50%) of what is otherwise required by Town Code to be a substantial variance. Therefore, the Board finds that the requested area variance is substantial.

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 SEQOR 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 could reduce the total square foot print of self-storage buildings that is being proposed to be placed upon the site. The Board further finds that reducing the foot print of building coverage on the site would create an alleged financial burden upon the applicant which the granting of the requested area variances would eliminate. The Board based upon these findings determines that the alleged difficulty is self-created.

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

1. The Board grants an area variance to enable the two (2) proposed single-story self-storage structures to be placed on the property a minimum of ten (10) feet from the north property line; and
2. The applicant is to obtain Final Site Plan approval from the Town Planning Board which is to be based in part by the conditions set forth herein; and
3. The exterior walls of these two (2) self-storage structures are to be screened from the adjacent New York State Thruway by arborvitae plantings which are to be included in a site landscaping plan to be approved by the Town Planning Board; and
4. All site lighting is to comply with the Town Lighting Standards contained in Chapter 165 of the Town Code; and
5. There shall be no outdoor storage allowed on this site; and
6. There shall be no words allowed across the north, east and west building elevations of the two proposed self-storage buildings which are the subject of these area variances; and
7. There shall also be an area of dense landscaping located on the site between the three (3) proposed self-storage buildings and related site improvements and the adjacent single-family residential sites fronting along Loomis Road; and
8. The site shall be gated with access only by customers and only during the hours of 7:00 a.m. to 10:00 p.m. daily; and
9. There shall be no over-night parking of vehicles allowed on the site; and
10. There shall be no parking of unattended vehicles allowed along the entrance to the project from Loomis Road.

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 and to the Town Planning Board.

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.

Following the reading of the conditions of approval, Mr. DeLucia asked Mr. McMahon if he received the draft resolution prior to the meeting, if he understood the resolution and if he agreed with the conditions. Mr. McMahon said that he received the draft resolution prior to the meeting, that he understood the resolution and that he agreed with the conditions.

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

Jill Attardi	Aye
Timothy DeLucia	Aye
Jeremy Marshall	Aye
Thomas Yourch	Aye
One vacant position	—

Motion carried.

7. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

Ms. Henecke asked about the hours of operation in the Area Variance Findings and Decision resolution for the self-storage application (7:00 a.m. to 10:00 p.m.). She said that they were not consistent with the hours discussed during the Public Hearing (8:00 a.m. to 8:00 p.m.). Mr. DeLucia said that the hours of operation will be established by the Planning Board.

Ms. Henecke asked about the minimum lot size of two acres as indicated in the Town Code. Mr. DeLucia said that the need for an Area Variance for a smaller lot size would be determined by the Town staff. He said that notifications will be sent and that the property would be posted if a lot-size Area Variance application is submitted.

Ms. LaRoche asked about the posting sign on the property. Mr. Weidenborner said that he will meet with Code Enforcement Officer Dan Delpriore on Monday (December 30, 2019) to determine if a lot-size Area Variance is required and that the applicant will be notified of the determination. He said that the posting sign on the property will remain up if a lot-size Area Variance is required.

Mr. Brand also said that the posting sign on the property would remain up for the Special Use Permit Public Hearing to be held by the Planning Board.

8. DIRECTOR OF DEVELOPMENT AND PLANNING

Mr. Brand reported that Mr. DeLucia and Mr. Yourch are serving on the 2020 Comprehensive Plan Update Committee.

He also noted the retirement of Mr. DeLucia as chairperson of the ZBA this evening and said that Mr. DeLucia is expected to be appointed to fill a vacancy on the Planning Board at the Town Board's annual organization meeting on January 7, 2020.

Ms. LaRoche said that she would be interested in being of service to the community. Mr. Brand suggested that she send a letter of interest to Supervisor Peter Ingalsbe. He said that there are vacancies on the ZBA and on the Agriculture Advisory Committee.

9. BOARD MEMBERS' COMMENTS

Mr. Marshall said that the Town Board is expected to fill at least one of the two open positions on the ZBA, and the position of ZBA Chairperson, at the organization meeting on January 7, 2020.

Mr. Marshall then extended the thanks and appreciation of the members of the ZBA and the community to Mr. DeLucia upon his retirement for his service and dedication to the Town as Chairperson of the ZBA.

10. TRAINING OPPORTUNITIES

Conservation Easement Workshops for Farmland Owners

Tuesdays, January 6 and 13, 2020

6:30 p.m. to 8:30 p.m.

Ontario County Safety Training Facility

2914 County Road 48, Canandaigua, N.Y. 14424

Registration link: <https://tinyurl.com/y6wadcg>

or Ontario County Planning Department, (585) 396-4455

New York State Department of State 2019–2020 Winter Webinar Series

January 8, 2020: Planning Board Overview

January 15, 2020: Zoning Board of Appeals Overview

Attend from wherever you are. A computer with speakers or a mobile device is needed.

For information: <http://www.dos.ny.gov/lg/lut/index.html>

82nd Annual New York Planning Federation Conference

April 19–April 21, 2019

The Sagamore Resort, Bolton Landing, N.Y.

For information and updates: www.nypf.org, (585) 512-5270

Future Training Opportunities Online

Ontario County Planning Department website now lists upcoming training:

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

11. NEXT MEETING DATE

The next regular meeting of the Zoning Board of Appeals will be held on Monday, January 27, 2020 (if needed), in the Farmington Town Hall, 1000 County Road 8, commencing at 7:00 p.m.

12. ADJOURNMENT

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

Motion carried by voice vote.

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

Following the meeting, the clerk locked the front entrance doors to the Town Hall.

Respectfully submitted,

L.S.

John M. Robortella
Clerk of the Zoning Board of Appeals