

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, June 24, 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
Nancy Purdy
Thomas Yourch

Board Member Excused: Jeremy Marshall

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

Applicants Present:
Karen Brake, 1840 Magog Road, Macedon, N.Y. 14502
Donald Johnson, 355 Hook Road, Farmington, N.Y. 14425
Lucas and Laura Marsh, 6059 Holly Lane, Farmington, N.Y. 14425

In Attendance:
Linda Brake, 233 Marlette Drive, Farmington, N.Y. 14425
Kathy and Terry Burke, 6065 Holly Lane, Farmington, N.Y. 14445
James E. Crane, 1380 County Road 28, Shortsville, N.Y. 14548
Cindy and Peter Ingalsbe, 151 Galvin Court, Farmington, N.Y. 14425
Suzette [?], 1350 Hathaway Drive, Farmington, N.Y. 14425
Terry Washington

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 MAY 20, 2019

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the minutes of the May 20, 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, June 16, 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 Public Hearings will be held by and before the Zoning Board of Appeals of the Town of Farmington on the 24th day of June, 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, to consider the following applications:

ZB #0601-19: DONALD JOHNSON, 355 HOOK ROAD, FARMINGTON, N.Y. 14425: Request to renew a Temporary Use Permit in accordance with Chapter 165, Article VII, Section 91 of the Town of Farmington Codes. The applicant wishes to operate a food cart within the west portion of the Country Max Store, located at the southwest corner of the intersection of County Road 41 and Beaver Creek Road at 5930 County Road 41. The property is zoned GB General Business.

ZB #0602-19: KAREN BRAKE, ON BEHALF OF THE FARMINGTON CHAMBER OF COMMERCE, FARMINGTON, N.Y.: Request a Temporary Use Permit in accordance with Chapter 165, Article VII, Section 91 of the Town of Farmington Codes. The applicant wishes to operate a farmers market, one day a week, commencing in early July and ending on September 27, 2019, on a portion of the property known as the Farmington Country Plaza site. The property is zoned GB General Business.

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

Timothy Delucia, Chairperson, Zoning Board of Appeals

4. CONTINUED PUBLIC HEARINGS

**ZB #0902-18 Delaware River Solar LLC Area Variance
33 Irving Place
New York, N.Y. 10003**

The applicant is requesting an Area Variance to Chapter 165, Section V, Section 65.3 F. of the Town of Farmington Codes. The applicant wishes to erect solar panels having a setback of 20 feet from along the south property line on proposed Lot 2 of the Delaware River Solar LLC Solar Energy Facility Site Plan, dated July 3, 2018. The Town Code requires a minimum rear setback of 160 feet. The property is located at 466 Yellow Mills Road and is zoned A-80 Agricultural district.

**ZB #0903-18 Delaware River Solar LLC Area Variance
33 Irving Place
New York, N.Y. 10003**

The applicant is requesting an Area Variance to Chapter 165, Section V, Section 65.3 F. of the Town of Farmington Codes. The applicant wishes to erect solar panels having a setback of 20 feet from along the south property line on proposed Lot 3 of the Delaware River Solar LLC Solar Energy Facility Site Plan, dated July 3, 2018. The Town Code requires a minimum rear setback of 160 feet. The property is located at 466 Yellow Mills Road and is zoned A-80 Agricultural district.

**ZB #0904-18 Delaware River Solar LLC Area Variance
33 Irving Place
New York, N.Y. 10003**

The applicant is requesting an Area Variance to Chapter 165, Section V, Section 65.3 F. of the Town of Farmington Codes. The applicant wishes to erect solar panels having a setback of 20 feet from along the north property line on proposed Lot 3 of the Delaware River Solar LLC Solar Energy Facility Site Plan, dated July 3, 2018. The Town Code requires a minimum front setback of 180 feet. The property is located at 466 Yellow Mills Road and is zoned A-80 Agricultural district.

**ZB #0905-18 Delaware River Solar LLC Area Variance
33 Irving Place
New York, N.Y. 10003**

The applicant is requesting an Area Variance to Chapter 165, Section V, Section 65.3 F. of the Town of Farmington Codes. The applicant wishes to erect solar panels having a setback of 20 feet from along the north property line on proposed Lot 4 of the Delaware River Solar LLC Solar Energy Facility Site Plan, dated July 3, 2018. The Town Code requires a minimum front setback of 180 feet. The property is located at 466 Yellow Mills Road and is zoned A-80 Agricultural district.

This project was discussed at the Project Review Committee (PRC) meetings on August 3, 2018, and September 7, 2018.

Mr. DeLucia reconvened the Public Hearings on ZB #0902-18, ZB #0903-18, ZB #0904-18 and ZB #0905-18 which were opened by the Zoning Board of Appeals on September 24, 2018; and which were continued on November 26, 2018; December 17, 2018; January 28, 2019; April 22, 2019; and May 20, 2019.

(The Public Hearings on the Preliminary Four-Lot Subdivision, Preliminary Site Plan and Special Use Permit applications were opened by the Planning Board on November 7, 2018, and were continued on December 5, 2018; January 16, 2019; April 17, 2019; May 15, 2019; and June 5, 2019. The Public Hearings before the Planning Board will reconvene on July 17, 2019.)

There were no representatives of the applicant in attendance this evening.

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

There were no comments or questions on these applications from those in attendance.

5. CONTINUED DELIBERATION

ZB #0501-19	Lucas Marsh 6059 Holly Lane Farmington, N.Y. 14425	Area Variance
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The applicant is requesting an Area Variance to Article V, Chapter 165-58B to the Town of Farmington Codes. The applicant wishes to erect an accessory structure of 384 square feet (a maximum of 200 square feet is allowed). The property is located at 6059 Holly Lane and zoned RS-25 and A-80 Districts.

Lucas and Laura Marsh attended the meeting.

Mr. DeLucia said that the Public Hearing on this application was closed on May 20, 2019.

6. NEW PUBLIC HEARING

**ZB #0601-19 Donald Johnson Renewal of Temporary Use Permit
355 Hook Road
Farmington, N.Y. 14425**

The applicant is requesting the renewal of a Temporary Use Permit in accordance with Chapter 165, Article VII, Section 91 of the Town of Farmington Codes. The applicant wishes to operate a food cart within the west portion of the Country Max Store, located at the southwest corner of the intersection of County Road 41 and Beaver Creek Road at 5930 County Road 41. The property is zoned GB General Business.

The Zoning Board of Appeals approved the applicant's Temporary Use Permit on June 20, 2017 (ZB #0604-17). The board determined this action to be a Type II Action in accordance with the State Environmental Quality Review (SEQR) regulations.

Mr. Johnson presented this application.

He said that there have been no changes in the operation of his food cart in the past two years and that he would like to continue operations in the same manner with the renewal of his permit.

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

Mr. Brand said that the Mr. Johnson's food cart had been relocated on the Country Max property earlier this year at the request of the Town Water and Sewer Superintendent to accommodate water line improvements in the vicinity of County Road 41. Mr. Brand said that operation of the food cart and the new location have been reviewed and approved by the Planning Board. He said that the new location is working well.

Mr. Brand said that a resolution has been prepared for board consideration this evening to approve Mr. Johnson's Temporary Use Permit for a five-year period from 2019 through 2024.

Mr. Delpriore said that there have been no issues and no complaints about Mr. Johnson's operation in the two years in which he has operated the food cart at this location.

Mr. DeLucia then asked if there were any further comments on this application.

There were no further comments or questions from those in attendance.

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

7. NEW PUBLIC HEARING

ZB #0602-19 **Karen Brake** **Temporary Use Permit**
on behalf of the
Farmington Chamber of Commerce
c/o 1840 Magog Road
Macedon, N.Y. 14502

The applicant is requesting a Temporary Use Permit in accordance with Chapter 165, Article VII, Section 91 of the Farmington Town Codes. The applicant wishes to operate a farmers market, one day a week, commencing in early July and ending on September 27, 2019, on a portion of the property known as the Farmington Country Plaza site. The property is zoned GB General Business.

Ms. Brake presented this application. Several members of the Farmington Chamber of Commerce also attended.

Ms. Brake said that she and the Chamber members have been working with the Town staff on this project. She said that the farmers market also been reviewed by the Ontario County Planning Board (County Referral #119.1-2019, local determination).

Mr. Brand said that a draft resolution to approve the Temporary Use Permit with conditions has been prepared for board consideration this evening. He said that the Planning Board is expected to concurrently consider the applicant's Preliminary Site Plan and Final Site Plan applications on July 2, 2019. Mr. Brand said that the farmers market could open as early as July 5, 2019, if the Zoning Board of Appeals and the Planning Board approve their respective portions of the project.

A correction was noted on the Temporary Use Permit draft resolution. The starting time was corrected to 3:00 p.m. (Page 1).

Mr. Brand said that Site Plan approval by the Planning Board is a standard condition of approval for a Temporary Use Permit for a first-time applicant. He said that the Temporary Use Permit would be approved for a two-year period during which time the Code Enforcement Officer will determine if there are any issues with the operation. He said that the Temporary Use Permit could then be renewed for an additional five years or if standards for the operation of farmers markets are adopted by the Town Board.

Mr. Delpriore said that the application was submitted to the Ontario County Planning Board and was returned with no County comments. He said that the property has been properly posted, that he spoke with the adjacent property owners, and that they are in support of the application.

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

There were no comments or questions on these applications from those in attendance.

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

8. BOARD BUSINESS—DELIBERATIONS AND DECISIONS

ZB #0902-18	Delaware River Solar	Area Variance
ZB #0903-18	Delaware River Solar	Area Variance
ZB #0904-18	Delaware River Solar	Area Variance
ZB #0905-18	Delaware River Solar	Area Variance

■ A motion was made by MR. YOURCH, seconded by MS. ATTARDI, that the reading of the following resolution be waived and that the resolution be approved as submitted by the Town staff:

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

Files: **ZB #0902-18 Area Variance**
 ZB #0903-18 Area Variance
 ZB #0904-18 Area Variance
 ZB #0905-18 Area Variance

APPLICANT: **Delaware River Solar LLC, c/o Peter Dolgos, 33 Irving Place,**
 New York, NY 10003, on behalf of Roger and Carol Smith,
 4790 Fox Road, Palmyra, N.Y. 14522, owners of property at
 466 Yellow Mills Road

ACTION: **Area Variances—Continuation of Public Hearings**

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has received applications for four area variances (Files ZB #0902-18, ZB #0903-18, ZB #0904-18 and ZB #0905-18) to enable the proposed subdivision of land that is required for the operation of a proposed solar farm, with a proposed total of three solar panel arrays, one array to be located upon each of the three proposed lots, comprising a total of approximately 37.5 acres of land, a part of Tax Map #010.000-01-037.131, which contains a total of 135.4 acres of land; and

WHEREAS, the subdivision of land is a prerequisite for the applicant to comply with the New York State Energy Research and Development Authority (NYSERDA) restrictions for the maximum level of energy being generated by an operating solar energy farm on a parcel of land; and

WHEREAS, the actions to grant a total of four area variances—two front setback and two rear setback variances—are part of the procedural requirements for the construction

and operation of the proposed solar power farm on the above referenced three proposed parcels of land; and

WHEREAS, on September 24, 2018, the Board classified these actions as being Type I Actions under the requirements of Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Board, after having classified these actions as Type I Actions, directed that a coordinated review be conducted with Involved and Interested Agencies; and

WHEREAS, the Board on Monday, September 24, 2018, declared its intent not to be designated the Lead Agency for these Actions; and

WHEREAS, Board, on Monday, September 24, 2018, opened the Public Hearings upon these Actions and received testimony from the public; and

WHEREAS, the Planning Board, on Wednesday, November 7, 2018, did by resolution, designate itself the Lead Agency for making the determination of significance upon the Action; and

WHEREAS, the Planning Board in their resolution dated June 5, 2019, moved to table any further discussion upon the requested Actions; and has continued the SEQRA deliberations upon the requested Area Variances, Special Use Permit, Preliminary Subdivision Plat and Preliminary Site Plan approvals to July 17, 2019; and

WHEREAS, in accordance with the procedures established by the State Environmental Quality Review Act (SEQRA), the Board may not make a decision upon any part of the proposed Action until the Lead Agency has made a determination of significance.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby move to continue the Public Hearing upon these requested Area Variances to their July 22, 2019, meeting.

BE IT FINALLY RESOLVED THAT the Board does hereby direct a copy of this resolution be provided to the Town Planning Board, the Applicant, the landowners and one copy placed in the Town Project File on this Application.

Jill Attardi	Aye
Timothy DeLucia	Aye
Jeremy Marshall	Excused
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

ZB #0501-19**Lucas Marsh****Area Variance**

Mr. DeLucia read into the record of the meeting the text of the following e-mail received from Town Attorney Jeffrey D. Graff, Esq., on May 21, 2019, following the denial of the Zoning Board of Appeals draft resolution on May 20, 2019:

“As I understand the motion by the ZBA for the Marsh appeal, it was moved and seconded to deny the Area Variance. It that was the motion, then an “Aye” vote approved the resolution to deny the Area Variance and a “No” vote voted against the resolution to deny the Area Variance. As the final vote was four “No” votes and one “Aye” vote, the resolution to deny the Area Variance was NOT approved

“A vote to NOT DENY (a double negative) is not the same as a vote to approve the Area Variance. NYS Town Law Section 267-a 13 (b) states in part, “if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within 62 days after the close of the Public Hearing on this matter, the appeal is denied.

“You have told me that the Public Hearing on this appeal was held and closed on May 20, 2019. Therefore, if the ZBA has not passed a vote to approve this Area Variance (and assuming it has not denied the Area Variance) by July 22, 2019 (62 days ends on Sunday, July 21, 2019, so the ZBA has one additional business day to approve an Area Variance), this application is automatically denied.

“Note that NYS Town Law requires the ZBA, in the granting of an Area Variance, to grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. Therefore, if the ZBA is not inclined to grant the specific variance requested, it is permitted to grant a lesser variance that meets this requirement.”

Jeffrey D. Graff, Esq.
Riley & Graff, LLP, Clifton Springs, N.Y.

Mr. DeLucia then read aloud a portion of the following complete resolution:

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

APPLICANT: Lucas Marsh
6059 Holly Lane
Farmington, N.Y. 14425

ZB #0501-19
Zoning District: RS-25 Residential-Suburban
Published Legal Notice on: May 12, 2019
County Planning Action: Not Applicable
County Referral #: Not Applicable
Public Hearing held on: May 20, 2019

Property Location: 6059 Holly Lane, Farmington, N.Y. 14425

Applicable Section of Town Code: Chapter 165, Article V, Section 58. B.

Requirement for Which Variance is Requested: The applicant wishes to have the Zoning Board of Appeals (hereinafter referred to as Board) hold a new Public Hearing upon the original request to erect a single story accessory structure—a storage shed—having a total area of 384 square feet. The Town Code requires a maximum total area of 200 square feet for an accessory structure in the RS-25 Residential Suburban District. The Town Code, Section 165-97 C. further requires the Board to refuse to hold further hearings on the same or substantially similar application for appeal by the same applicant, his successors or assigns for a period of one year, except and unless the Board shall find and determine from the information supplied in the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing may be granted only upon the favorable vote of a majority of the Board plus one.

State Environmental Quality Review Determination: The granting of a request for a rehearing of an Area Variance is classified as a Type II Action under Part 617.5 (c) (9) as being a Type II Action in that it involves: (9) construction of an accessory structure (a storage shed) involving more than 200 square feet in area, which is not allowed by Town Code. 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: This action lies outside the jurisdictional review area of Ontario County Planning Board, as otherwise provided for under the provisions of Section 239-1 &-m of the New York State General Municipal Law. Therefore, no referral was made to the Ontario County Planning Board.

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 Zoning Board of Appeals (hereinafter referred to as Board) finds that it has, at their May 20, 2019, meeting, agreed to consideration of holding a rehearing of the applicant’s original request for an area variance; and did request the applicant to provide documentation that would enable the Board to determine that granting the requested variance would be granting the minimum variance necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The Board further finds that it has considered the applicant’s June 16, 2019, letter and accompanying documentation; and the testimony given at tonight’s public meeting upon this request. The Board having reviewed this information now finds that the applicant has identified that he still desires an accessory structure—a storage building, having a total area of 384 square feet. The Board further finds that the applicant has identified a number of area variances for accessory structures (e.g., a pavilion, a 1,920-square-foot private garage on an RS-25 lot, a 4,590-square-foot pole barn in a GB General Business District and a second story for an accessory structure) had been previously granted and/or denied by the Town Zoning Board of Appeals. The Board further finds that only one of these area variances (ZB #0601-11) involves land that is also located in the RS-25 Residential-Suburban District, the same zoning district as the applicant’s land. The Board finds that ZB #0601-11 involved a request for an area variance of an increase in non-conformance by 240% and was approved by the board with conditions. The Board, based upon this new information, does not find from the information provided that there is justification for a rehearing of this original requested area variance.

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, based upon its review of tonight’s public record, that the applicant has identified what he would like to construct to meet his needs but has failed to provide documentation how the proposed 384-square-foot accessory structure does indeed provide the minimum relief necessary to accomplish the storage of personal items that are currently located on the property.

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

Reasons: The Board has consistently held that granting a variance in excess of a 50% increase in nonconformity is a substantial variance.

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

Reasons: The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQR Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of the New York State Environmental Conservation Law (ECL), Article 8. The Board finds that Type II Actions

have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

5. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the Area Variance. **X** Yes ___ No

Reasons: The Board finds that the 200-square-foot restriction for accessory structures in the RS-25 District existed prior to the development of the lots in this neighborhood. The Board also finds that there has not been any other area variances granted for an accessory structure in this zoning district/neighborhood, which exceeds the 50% threshold identified in Question #3 above herein.

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

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

The Board, based upon its review of the record on this application, finds that the applicant has failed to provide information that identifies there are changed conditions relating to the Board’s reconsideration of the original area variance. Therefore, the Board determines that it cannot schedule a rehearing upon the original area variance request.

The Board further finds that there is no substantial justification for the Board to grant such a large variance. Without such justification the Board finds that granting the requested area variance would not be the minimum relief deemed necessary to protect the character of the neighborhood, or the health, safety, or general welfare of the community.

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

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

Mr. DeLucia then asked for board and Town staff discussion of the resolution.

Mr. Delpriore said that Mr. Marsh submitted a letter to the Town dated June 16, 2019, in which Mr. Marsh cited four examples of Area Variances which had been approved by the Zoning Board of Appeals in the past.

Mr. Delpriore said that Mr. Marsh’s reference to a 1,000-square-foot accessory structure pavilion, a portion of which was to be enclosed and used for storage, was located on a much larger lot than Mr. Marsh’s lot and in a different zoning district (General Business)

than Mr. Marsh's property (*see* ZB #0602-11, Farmington Canine Center Inc., 1296 Beaver Creek Road).

Mr. Delpriore said that Mr. Marsh's reference to a 1,920-square-foot private garage was also located on a much larger lot than Mr. Marsh's lot (*see* ZB #0601-11, Clair Martin, 98 Hook Road).

Mr. Delpriore said that Mr. Marsh's reference to two 4,590-square-foot accessory structures (storage buildings) (*see* ZB #1202-13, Finger Lakes Racing Association, 5757 State Route 96) is not comparable to Mr. Marsh's lot because the property on State Route 96 is located in the General Business Zoning District.

He also said that the reference to a 100 percent variance for a second story on a structure on Mertensia Road was actually a 40 percent variance because it was not a full second story (1,200-square-foot first floor, 480-square-foot second story) and that the property on Mertensia Road was located in a different zoning district (Residential Multi Family RMF) than Mr. Marsh's property.

Mr. Delpriore said that he requested that his staff travel through Mr. Marsh's neighborhood to see every accessory structure. He said that none of Mr. Marsh's neighbors had been granted a variance exceeding 50 percent of the Town Code requirement for accessory structures.

Mr. Delpriore said that three neighbors signed a petition in support of Mr. Marsh's application and that a fourth neighbor—who lives directly next to Mr. Marsh and closest to the property line where Mr. Marsh's proposed shed would be located, and who would look right out at the shed—submitted a letter to the Town in opposition to the application. Mr. Delpriore said that these neighbors are not in favor of the variance. Mr. Delpriore said that these neighbors were in attendance at the meeting this evening. He read aloud the last sentence of their letter to the Town, as follows: "Our property rights should be upheld, just as zoning laws are upheld. The variance seems extreme to ask any neighbor, considering the size of our lots."

Mr. Delpriore said that the Zoning Board of Appeals had tasked the Town staff at the last meeting to work with the applicant. He said that the staff has had multiple meetings with Mr. Marsh in person, by telephone and via e-mail. He said that Mr. Marsh also spoke for approximately a half-hour with Supervisor Ingalsbe by telephone. He said that Supervisor Ingalsbe discussed with Mr. Marsh his [Supervisor Ingalsbe's] experience as chairperson of the Zoning Board of Appeals in the past, and how an application above a 50 percent variance would have to be substantial and require a great deal of proof to be approved.

Mr. Delpriore said that with all this information that was provided to Mr. Marsh, he has still come back to the Zoning Board of Appeals this evening with the same application that had been considered in May for an accessory structure (storage shed) of 384 square feet when the Town Code requires a maximum area of 200 square feet.

Mr. Brand clarified that the Public Hearing on Mr. Marsh’s application had been closed at the May 20, 2019, meeting and that Mr. Marsh is now asking the board to schedule a second Public Hearing on a similar application. He said that the board is charged by the Town Code that an application must be stayed for one year if the board determines that there are no significant changes to the application.

Mr. DeLucia then read aloud the Determination of the Zoning Board of Appeals from the draft resolution (as published above in its entirety).

There were no further comments on this application from Town staff. There were no questions or comments from members of the Zoning Board of Appeals.

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

Jill Attardi	Aye
Timothy DeLucia	Aye
Jeremy Marshall	Excused
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

ZB #0601-19 Donald Johnson Renewal of Temporary Use Permit

■ A motion was made by MS. PURDY, seconded by MS. ATTARI, that the reading of the following resolution be waived and that the resolution be approved as submitted by Town staff:

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

ZB #0601-19

APPLICANT: Donald Johnson, 355 Hook Road, Farmington, N.Y. 14425

ACTION: Temporary Use Permit to operate a food cart within the west portion of the Country Max Store, located at the northwest corner of the intersection of County Road 41 and Beaver Creek Road.

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has determined the above referenced Action to be a Type II Action under Section 617.5 (c) (1), (3) and (7) of the State Environmental Quality Review (SEQR) Regulations; and,

WHEREAS, the Action involves the temporary use of land, located within the west portion of the Country Max Store, located at the southwest corner of County Road 41 and Beaver Creek Road; and

WHEREAS, 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	Excused
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

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

**TOWN OF FARMINGTON
 ZONING BOARD OF APPEALS
 TEMPORARY USE PERMIT FINDINGS AND DECISION**

APPLICANT: Donald Johnson 355 Hook Road Farmington, N.Y. 14425	File: ZB #0601-19 Zoning District: GB General Business Published Legal Notice on: June 16, 2019 County Planning Action on: June 12, 2019 County Referral #: 93.1-2017 Public Hearing held on: June 24, 2019
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Property Location: 5930 County Road 41, Farmington, N.Y. 14425

Applicable Section of Town Code: Chapter 165, Article VII, Section 91

Requirement for Which Variance is Requested: The applicant wishes to provide a food service trailer on property located at 5930 County Road 41.

State Environmental Quality Review Determination: A Temporary Use Permit to provide a food service trailer is classified as a Type II Action under Part 617.5 (15) 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 has previously reviewed the original application for a Temporary Use Permit (File 93.1-2017) recommending local determination. The renewal of a permit that has no changes from the previous application is an exempt action according to the Ontario County Planning Board By-Laws. No County Planning Referral is required for this Temporary Use Permit Renewal.

In accordance with the provisions contained in Chapter 165, Section 91 of the Farmington Town Code, this application for a five- (5-) year renewal of a Temporary Use Permit and is based upon the following Findings by Zoning Board of Appeals:

Test: No Temporary Use Permit will be granted without a clear understanding of the nature of the permit, the time period covered by the permit and a detailed listing of the conditions of approval. The following findings must be made by the Zoning Board of Appeals on any Temporary Use Permit:

- (1) The temporary use will be in harmony with the general purposes and intent of Chapter 165, Section 38 of the Farmington Town Code, taking into account the location and size of the proposed use, the nature and intensity of the operation involved in or connected with the proposed use and the size and location of the site in relation to adjacent sites and uses.

Proof: The Zoning Board of Appeals (hereinafter referred to as Board) finds, based upon testimony given tonight in the Public Hearing record, that the purpose of the proposed Temporary Use Permit is to allow the use of a food trailer to be located upon only the existing overflow parking area for the Farmington Country Max Store. This overflow parking area is located at the west end of the Country Max Property. The food trailer will remain on the site each day commencing on May 1, 2019 through November 30, 2019; and then again commencing on April 1, 2020 through November 30, 2020; then again commencing on April 1, 2021 through November 30, 2021; then again on April 1, 2022 through November 30, 2022; then again on April 1, 2023 through November 30, 2023; then again on April 1, 2024 through November 30, 2024. The hours of operation are to be 6:30 a.m. until 2:30 p.m., Monday through Saturday. The food trailer will not provide curb service to any vehicle along either side of County Road 41. The food trailer will be kept clean at all times and there shall be no litter on the property resulting from the operation. There shall be a food receptacle located in close proximity to the food trailer and no food may be left over night in the receptacle. The food trailer operation shall not offer alcoholic beverages.

The Board further finds that the applicant has identified only one employee besides the applicant, to operate the food service at this location. The Board further finds that the applicant intends to have only one commercial speech sign located on the property other than on the side of the food trailer. The Board further determines that the applicant is aware of the limitations contained in the Town Code for the granting and renewal of a Temporary Use Permit which in this instance will terminate on November 30, 2024. Prior to that date the applicant will need to inform the Town of his intentions to continue to op-

erate the food trailer at this location. The Town, in turn, will then need to create Special Use Permit criteria for food trailers to be located within any GB General Business District.

The Board further finds that no site plan renewal is required for this continued Temporary Use Permit unless there is further change to the approved site plan on file with the Town Development Office.

- (2) The proposed temporary use will not tend to depreciate the value of adjacent properties.

Proof: The Zoning Board of Appeals finds that the character of the neighborhood is commercial with large volumes of passing motorists. The Board further finds that the applicant intends to maintain the appearance of the food trailer and this western portion of the Country Max Site. The Board further finds that the applicant has an agreement with the Country Max Property Owner to operate the food trailer outside the County Road 41 right-of-way and to have customers use only the eleven (11) over flow parking spaces.

The Board, based upon these findings, concludes that the proposed temporary use will not tend to depreciate the value of adjacent properties. On the contrary, the Board finds that said temporary use will provide an opportunity to enhance the agricultural sector of the Town and County.

- (3) The proposed temporary use will not create a hazard to health, safety or general welfare.

Proof: The Zoning Board of Appeals finds that the proposed use with the findings identified above herein will not create a hazard to health, safety or general welfare of the community. The Board further finds that granting the Temporary Use Permit with conditions will enable the Town to evaluate the temporary operations associated with the proposed Temporary Use Permit, thereby allowing the Town opportunity to establish rules and regulations for creating a Special Use Permit for this type of land use within the developing area of the community. Such action, it is felt, should promote and sustain the viability of the commercial land use operations within the community and county.

Based upon the above findings, the Zoning Board of Appeals hereby makes the following decision:

- The request for the Temporary Use Permit is hereby granted.
- The request for the Temporary Use Permit is hereby granted with the following conditions set forth below.
- The request for the Temporary Use Permit is hereby denied.

The Zoning Board of Appeals hereby grants approval of the requested Temporary Use Permit with the following conditions:

1. The Temporary Use Permit is hereby granted for a period of five (5) years that is to commence on Tuesday, June 25, 2019, and will automatically terminate on November 30, 2024.
2. All New York State Health Department Permits are to be displayed on the food trailer and a copy thereof filed with this project file in the Town Building Department.
3. The Temporary Use Permit is not transferrable to another party.
4. The Temporary Use Permit does enable the applicant to hire employees directly related to food cart operations.
5. The site is to be kept free of pot holes and standing water by using crushed stone materials acceptable to the property owner and the Town.
6. All over flow parking spaces to be used in conjunction with the food trailer operation are to be dust free surface.
7. Outdoor seating area is to be provided in its current location at the time of permit renewal.
8. The Temporary Use Permit is hereby granted with the understanding that the applicant will not need to obtain Site Plan Approval from the Town Planning Board unless there is further change to the site layout during the permit time period.
9. The Temporary Use Permit is hereby granted with the condition that the findings contained above herein by the Zoning Board of Appeals are hereby made conditions of approval for the proposed Temporary Use Permit.
10. The Temporary Use Permit is hereby granted to the applicant for the sole purpose of operating a seasonal food trailer within the established west portion of the Farmington Country Max Site located at the northwest corner of County Road 41 and Beaver Creek Road.
11. One directional sandwich board sign to be located along the northern right-of-way boundary for County Road 41, between the western driveway entrance to the Country Max Store and the Adjacent gasoline/convenience store shall be permitted. Said sign is to be removed from along the shoulder of the County highway at the end of each day of operation and stored inside the food trailer.
12. At the end of the seasonal operation, December 1st of each year, the food trailer is to be removed from the site.

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
Timothy DeLucia	Aye
Jeremy Marshall	Excused
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

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

**TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
TEMPORARY USE PERMIT FINDINGS AND DECISION**

APPLICANT: Farmington Chamber of Commerce c/o Karen Brake 1840 Magog Road Macedon, N.Y. 14502	File: ZB #0602-19 Zoning District: GB General Business Published Legal Notice on: June 16, 2019 County Planning Action on: June 12, 2019 County Referral #: 119.1-2019 Public Hearing held on: June 24, 2019
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Property Location: 1560 New York State Route 332, Farmington, N.Y. 14425

Applicable Section of Town Code: Chapter 165, Article VII, Section 91

Requirement for Which Variance is Requested: The applicant wishes to have a farmers market operation, each Friday afternoon between the hours of 3:00 p.m. and 7:00 p.m., during the period June 1, 2019 through September 28, 2019; and May 22, 2020 through September 25, 2020 to be located upon a portion of the Farmington Country Plaza Site, 1560 New York State Route 332.

State Environmental Quality Review Determination: A Temporary Use Permit to provide a food service trailer is classified as a Type II Action under Part 617.5 (15) 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 has reviewed this Temporary Use Permit application at their June 12, 2019, meeting and recommended local determination (County File 119.1-2019).

In accordance with the provisions contained in Chapter 165, Section 91 of the Farmington Town Code, this application for a two- (2-) year Temporary Use Permit and is based upon the following Findings by Zoning Board of Appeals:

Test: No Temporary Use Permit will be granted without a clear understanding of the nature of the permit, the time period covered by the permit and a detailed listing of the conditions of approval. The following findings must be made by the Zoning Board of Appeals on any Temporary Use Permit:

- (1) The temporary use will be in harmony with the general purposes and intent of Chapter 165, Section 38 of the Farmington Town Code, taking into account the location and size of the proposed use, the nature and intensity of the operation involved in or connected with the proposed use and the size and location of the site in relation to adjacent sites and uses.

Proof: The Zoning Board of Appeals (hereinafter referred to as Board) finds, based upon testimony given tonight in the Public Hearing record, that the purpose of the proposed Temporary Use Permit is to allow for the seasonal operation of a farmers market, commencing on July 5, 2019 and ending on Friday, September 28, 2019; then continuing on Friday, June 5, 2020 and ending on Friday, September 25, 2020. The Board further finds that the applicant has permission from the property owner (Mr. Robert Laviano, Farmington Country Plaza) to use portions of the plaza site for up to 15 tents; on-site parking; trash control; restroom to be provided by the Applicant; and a sandwich board sign to be placed along the Route 332 frontage only on the day of operation. The Board further understands that there will be no permanent structure placed on the property as part of this Temporary Use Permit. The Board further understands that no parking space(s) will be used for the farmers market which are located on the Prosecco Restaurant portion of the site. The Board further understands that the applicant will be responsible for not allowing any vehicles to temporarily park along the Route 332 shoulder in front of the farmers market. The Board further understands that at the close of each day's operation the tents are to be removed from the site; all litter is to be picked-up and deposited in approved containers; this portion of the site will be kept clean at all times and there shall be no litter on the property resulting from the operation.

The Board further finds that the applicant, on behalf of the Farmington Chamber of Commerce, is the party responsible to administer the farm market operations and the control of the site during the two year period specified above herein. Any change in this understanding shall be brought to the attention of the Town Code Enforcement Officer for follow-up action as may be deemed appropriate. The Board further determines that the applicant is aware of the limitations contained in the Town Code for the granting and renewal of a Temporary Use Permit which in this instance will terminate on September 25, 2020. Prior to that date the applicant will need to inform the Town of any intentions to continue to operate the seasonal farmers market at this location. The Town, in turn, will then need to consider acting upon a renewal of the Temporary Use Permit for a specified period of time up to five (5) years commencing on June 4, 2021 and ending on September 26, 2026.

The Board further finds that site plan approval from the Town Planning Board is to be required for this Temporary Use Permit.

- (2) The proposed temporary use will not tend to depreciate the value of adjacent properties.

Proof: The Zoning Board of Appeals finds that the character of the neighborhood is commercial with large volumes of passing motorists. The Board further finds that the applicant intends to maintain the appearance of the farmers market and this western portion of the Farmington Country Plaza Site. The Board further finds that the applicant has an agreement with the Property Owner to operate the farmers market outside the right-of-way of New York State Route 332; and to have customers use only the designated on-site parking spaces. The Board further understands that separate on-site parking area has been agreed to by the property owner and shown on the yet to be approved final site plan by the Planning Board.

The Board, based upon these findings, concludes that the proposed temporary use will not tend to depreciate the value of adjacent properties. On the contrary, the Board finds that said temporary use will provide an opportunity to enhance the agricultural sector of the Town and County.

- (3) The proposed temporary use will not create a hazard to health, safety or general welfare.

Proof: The Zoning Board of Appeals finds that the proposed use with the findings identified above herein will not create a hazard to health, safety or general welfare of the community. The Board further finds that granting the Temporary Use Permit with conditions will enable the Town to evaluate the temporary operations associated with the proposed Temporary Use Permit, thereby allowing the Town opportunity to establish rules and regulations for creating a Special Use Permit for this type of land use within the develop-

ing area of the community. Such action, it is felt, should promote and sustain the viability of the commercial land use operations within the community and county.

Based upon the above findings, the Zoning Board of Appeals hereby makes the following decision:

- The request for the Temporary Use Permit is hereby granted.
- The request for the Temporary Use Permit is hereby granted with the following conditions set forth below.
- The request for the Temporary Use Permit is hereby denied.

The Zoning Board of Appeals hereby grants approval of the requested Temporary Use Permit with the following conditions:

1. The Temporary Use Permit is hereby granted for a period of two (2) years that is to commence on Friday, July 5, 2019, and will automatically terminate on September 25, 2020.
2. The farmers market shall only operate on Friday afternoons during the specified period and between the hours of 3:00 p.m. and 7:00 p.m. each Friday.
3. The Temporary Use Permit shall continue during the 2020 season, again on Friday afternoons from Friday, May 22, 2020 to Friday, September 25, 2020.
4. The Temporary Use Permit is not transferrable to another party.
5. The Temporary Use Permit does enable the applicant to hire employees directly related to farmers market operations.
6. The site is to be kept free of all debris and litter in a manner acceptable to the property owner and the Town.
7. All over flow parking spaces to be used in conjunction with the food trailer operation are to be dust-free surface.
8. The Temporary Use Permit is hereby granted with the understanding that the applicant will need to obtain Site Plan Approval from the Town Planning Board.
9. The Temporary Use Permit is hereby granted with the condition that the findings contained above herein by the Zoning Board of Appeals are hereby made conditions of approval for the proposed Temporary Use Permit.

- 10. The Temporary Use Permit is hereby granted to the applicant for the sole purpose of operating a seasonal farmers market within the established portion(s) of the Farmington Country Plaza Site located at the at 1560 New York State Route 332.
- 11. One directional sandwich board sign to be located along the west side of the right-of-way boundary for New York State Route 332, adjacent to and in front of the farm market operation shall be permitted. Said sign is to be removed from along the shoulder of the State highway at the end of each farmers market day of operation.
- 12. At the end of the seasonal operation, all evidence of the farmers market operation is to be removed from the site.

The Temporary Use Permit is hereby issued to Karen Brake, on behalf of the Farmington Chamber of Commerce, and is not transferable to a second party.

Upon the expiration of the requested Temporary Use Permit, the temporary use shall immediately cease and all equipment, supplies and materials relating to this permit shall be removed from the site and the site shall be returned to a condition acceptable to the Town Code Enforcement Official.

Following the reading of the resolution by Mr. DeLucia, Mr. Brand suggested that the dates for 2020 be revised to begin the farmers market prior to the Memorial Day weekend. It was the consensus of Ms. Brake and other members of the Chamber of Commerce who were in attendance to accept this suggestion. They extended appreciation to Mr. Brand for thinking of this. (The resolution that appears above includes the revised dates of operation of the farmers market from Friday, May 22, 2020 to Friday, September 25, 2020.)

■ A motion was made by MS. ATTARDI, seconded by MS. PURDY, that the preceding resolution be approved as amended.

Jill Attardi	Aye
Timothy DeLucia	Aye
Jeremy Marshall	Excused
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

9. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

Mr. Marsh (6059 Holly Lane) said that the process for submitting his Area Variance application had been difficult. He said that he and Ms. Marsh did not know the procedure

and that he was unaware that he would have to wait one year to apply for a similar variance [if an Area Variance application is denied].

Mr. Marsh then provided the following comments for the record of the meeting:

“I’ve obtained most of my information from the two variance applications I just gave you (ZB #0601-11 and ZB #0602-11).

“First, the new resolution written for my application tonight says the ZB #0601-11 variance was denied. According to the minutes, it appears this variance was granted. The structure was built and is just around the corner from our house. I’ve seen it in person. This structure exceeds the maximum limit of 800 square feet for garages by about 2.5x. Again, I’m only asking for a structure that is less than half of that maximum, except with a wood floor. Regardless of if you call it a shed, pole barn, garage or whatever, the building at 98 Hook Road is exactly five times the size of what I’m asking to build, and its two stories tall, but it was granted.

“In the resolution for this variance, it justifies proof one by comparing the surrounding land, the nearby farms and existing structures. It says most nearby lots are less than one acre. It lists two-car garages that are well under the 800-square-foot limit and then says no other lots in the immediate area have detached garages. I’ve done the similar by showing there is a 2,600-square-foot pole barn directly behind us and a farm with cow pastures, barns and silos sharing lot lines with many of our neighbors. The enormous garage at 98 Hook Road was allowed to be built even though you could argue it’s somewhat out of place compared to its neighbors, but I’m only asking to build a relatively small shed and I am being denied.

“Finally, and probably most importantly when consider the effect on the character of our neighborhood, I’d like to read a quote from the 98 Hook Road resolution: Quote: ‘The board finds that although the proposed private garage will be almost twice the size of the existing detached single-family residential dwelling unit is located on the site, the total maximum building coverage will be well within the twenty-five percent (25%) allowed for the RS-25 District, and, therefore, WILL NOT BE CREATING AN UNDESIRABLE CHANGE in the character of the neighborhood, or a detriment to nearby properties.’ Unquote. Our lot coverage will be—with our entire house and the proposed shed (house + garage+ = 1,345 square feet and 384 square feet for the shed)—1,725 square feet of a 15,000 square foot lot, or about 11.5% of our .344 acres. After reading that, I see no reason a claim can be made that my proposed shed should fail proof one and be a detriment to our neighborhood.

“Also for ZB #0601-11 at 98 Hook Road, for proof two, the only reason given that there was no feasible alternative, was the applicant gave, quote:

“testimony” that he attempted and failed to purchase additional land to bring his property up to one acre. No other reasons were given and no alternatives were suggested.

“I’ve already mentioned in my second letter the only alternatives we have are: one, spending \$4,000 which is the average of the quotes I received for a concrete floor, OR two, erect multiple smaller sheds. Now, I’ll read from the resolution of ZB #0602-11 at 1296 Beaver Creek Road, formerly Farmington Canine Center, but now Finger Lakes Pet Resort (this is in regards to a 1000-square-foot pavilion where the same 200-square-foot limit applies), quote: ‘The board finds that one accessory structure of the size requested would have less of an impact upon the character of the neighborhood than could otherwise be achieved by five separate accessory structures being located on the site, with each structure having a total of 200 square feet.’ Unquote. I agree with this quote, and I have no plans to pay for a concrete floor, leaving me with only the undesirable option of erecting multiple smaller sheds.

“I also want to point out the references I provided for variances from General Business lots are being dismissed because they are not AS-25 lots. The variance request I just quoted from for the 1,000-square-foot pavilion also says in the approved resolution (this is not a direct quote but it’s very close): ‘The board further finds that the Town Code uniformly restricts the size of accessory structures regardless of the lot size or zoning district.’ AND then the Town staff also goes on to say in the minutes of this same application, quote: ‘ . . . this is an accessory structure and the Town zoning requirements APPLY TO ALL whether it is on a multi-family lot or an R-7.2 lot or farmland,’ unquote, and then obviously in this case a GB lot. So regardless of the zoning, if they are held to the same Town Code, they should be treated equally. If not true, then I would interpret that as businesses are getting preferential treatment for variances over homeowners.

“So yes, while I am requesting a significant variance, I have cited variances applications that were granted and much large, 500% for the pavilion, and I won’t get into the one for the Finger Lakes race track. It was for ZB #1202-13 I referenced in my second letter. I have the minutes here for that one, too, but it says it is for two buildings, each being 4,590 square feet, but still limited to 800 square feet by Town Code.”

Mr. Burke (6065 Holly Lane) said that he had a pristine backyard and a wheat field behind him when he moved here [to Farmington] 40 years ago. He said that since then progress came—beautiful homes, big lots—new developments are now behind his home and his neighbor decided to build a huge pole barn. He said that he inquired about that. Once the lot size and everything were explained to him, Mr. Burke said that it seemed that the lot would accommodate that. Mr. Burke said that the neighbor did a nice job with the pole barn. He said that the neighbor puts his antique cars in there.

Mr. Burke said that once again we are losing “our everything” and the reason why he moved to Farmington and Pumpkin Hook. It was pristine back there.

Mr. Burke said that now on the east side of his home, he finds out that Lucas [Mr. Marsh] wants to build an almost-400-square-foot [shed]. Mr. Burke said that his lot and that Mr. Marsh’s lot will not accommodate a building of that size. Mr. Burke said that he would be looking out at the structure from about 80 percent of the windows in his home. Mr. Burke said that he had the same number of kids [as Mr. Marsh] and did not have a problem [with storage].

Mr. Burke said that the size of the shed seems very excessive to him and that 15 feet high is huge in his eyes. He said that he believes that this [the proposed shed] will affect everything about his family’s happiness. He said that he feels he is getting boxed in.

Mr. Burke said that he would not even like a 300-square-foot shed (50 percent variance).

Mr. Marsh asked if he required Town permission to build an 800-square-foot garage and as many small sheds as he needs. Mr. Delpriore said that a building permit would be required. Mr. Marsh asked if he could build as many small sheds as he wants. Mr. Weidenborner said that the Town Code permits two accessory structures on one lot, regardless of what they are.

A woman asked if Mr. Marsh could have two accessory structures and a garage. Mr. Weidenborner said that no more than two accessory structures are permitted on one lot. He said that other factors which also are considered are lot coverage and building coverage.

There were no further public comments or questions this evening.

10. OTHER BOARD MATTERS

Director of Development and Planning:

Mr. Brand said an application is expected from Lyons National Bank. He said that the bank is proposing to renovate the Hathaway House on the northwest corner of State Route 332 and County Road 41 for a bank branch. He said that it is the bank’s intention to retain the existing historical house that will be augmented with an additional structure in designed in a farm-like agricultural motif for office space and drive-through tellers. He said that the bank will seek a setback variance from the Zoning Board of Appeals. The application will be considered at the Project Review Committee meeting to be held on June 28, 2019.

Code Enforcement Officer:

Mr. Delpriore said that the operators of the Pond's Edge Venue on Brownsville Road are expected to submit an application for a revision in the operation of this enterprise.

11. NEXT MEETING DATE

The next regular meeting of the Zoning Board of Appeals will be held on Monday, July 22, 2019, in the Farmington Town Hall, 1000 County Road 8, commencing at 7:00 p.m.

Mr. Brand said that the location of the meeting may change depending upon a Planning Board determination of significance on July 17, 2019, upon the environmental record for the four pending area variances for the Delaware River Solar application.

He said that if it is determined that the July Zoning Board of Appeals meeting will require a larger meeting room, the meeting will be moved to the Town Highway Facility, 985 Hook Road, Farmington, N.Y. 14425. Public notices of any change in meeting location will be published in the Town's Official Newspaper, posted upon the Town Hall Bulletin Board and posted upon the Town's official website.

12. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:00 p.m.

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

Respectfully submitted,

John M. Robortella

Clerk of the Zoning Board of Appeals

L.S.