

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, November 27, 2017, 7:00 p.m.

MINUTES—APPROVED

The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington Zoning Board of Appeals meeting.

Board Members Present: Timothy DeLucia, *Chairperson*
Jeremy Marshall
Cyril Opett
Nancy Purdy
Thomas Yourch

Staff Present:
Ronald L. Brand, Town of Farmington Director of Development and Planning
James Morse, Town of Farmington Code Enforcement Officer

Applicants Present:
Kip Finley, P.E., Director of Development, Indus Hospitality Group, 950 Panorama Trail South, Rochester, N.Y. 14625
Paul Priggon, 705 Farmington Road, Macedon, N.Y. 14502
James Russell, 216 Huckleberry Road, Farmington, N.Y. 14425
Matt Tomlinson, P.E., Marathon Engineering, 39 Cascade Drive, Rochester, N.Y. 14614

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 staff, explained the emergency evacuation procedures, and noted that copies of the evening’s agenda were available at the door.

Mr. DeLucia said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 29, 2017.

2. APPROVAL OF MINUTES OF OCTOBER 23, 2017

■ A motion was made by MR. OPETT, seconded by MR. YOURCH, that the minutes of the October 23, 2017, 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, November 19, 2017, 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 27th day of November 2017 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 #0701-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to Chapter 165, Article V, Section 37 A. (11) to the Town of Farmington Codes. The applicant wishes to provide a total of 140 parking spaces for a proposed Taco Bell Restaurant (to be located on Lot #2) and a proposed 60-room Microtel Hotel (to be located on Lot #3) of the drawing entitled "1301 Route 332 Lot Combination Subdivision Filed Map #32716." The Town Code requires a minimum of 191 parking spaces for these two proposed land uses. The property is located at 1301 NYS Route 332 and is zoned GB General Business District and MTOD Major Thoroughfare Overlay District.

ZB #0702-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes a variance for a side setback of 22 feet for a proposed Taco Bell Restaurant to be constructed upon Lot #2 of the drawing entitled "1301 Route 332 Lot Combination Subdivision Filed Map #32716." The Town Code requires a minimum side yard setback of 30 feet. The property is located at 1301 NYS Route 332 and is zoned GB General Business District and MTOD Major Thoroughfare Overlay District.

ZB #0703-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes a variance for lot width of 15 feet for a proposed Taco Bell Restaurant to be constructed upon Lot

#2 of the drawing entitled “1301 Route 332 Lot Combination Subdivision Filed Map #32716.” The property is located at 1301 NYS Route 332 and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

ZB #0704-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes a variance for a front setback of 20 feet from a proposed access road for a proposed Taco Bell Restaurant to be constructed upon Lot #2 of the drawing entitled “1301 Route 332 Lot Combination Subdivision Filed Map #32716.” The property is located at 1301 NYS Route 332 and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

ZB #0705-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to New York State Town Law, Section 280-a. The applicant wishes to obtain a building permit for a proposed Taco Bell Restaurant to be placed upon a parcel of land, Lot #2 of the drawing entitled “1301 Route 332 Lot Combination Subdivision Filed Map #32716,” without direct access to a public street. The property is located at 1301 NYS Route 332 and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

ZB #0706-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes a variance for a lot width of 15 feet for the construction of a proposed Microtel Hotel to be placed upon a parcel of land, Lot #3 of the drawing entitled “1301 Route 332 Lot Combination Subdivision Filed Map #32716.” The Town Code requires a minimum lot width of 150 feet. The property is located at 1301 NYS Route 332 and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

ZB #0707-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes a variance for a front setback of 30 feet for the construction of a proposed Microtel Hotel to be placed upon a parcel of land, Lot #3 of the drawing entitled “1301 Route 332 Lot Combination Subdivision Map #32716.” The Town Code requires a minimum front setback of 50 feet. The property is located at 1301 NYS Route 332 and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

ZB #0708-17: INDUS HOSPITALITY GROUP, 950 PANORAMA TRAIL S., ROCHESTER, N.Y. 14625: Request an Area Variance to New York State Town Law, Section 280-a. The applicant wishes to obtain a building permit for a proposed Microtel Hotel to be placed upon a parcel of land, Lot #3 of the drawing entitled “1301 Route 332 Lot Combination Subdivision Filed Map #32716,” without direct access to a public street. The property is located at 1301 NYS Route 332 and is zoned GB General Business and MTOD Major Thoroughfare Overlay District.

ZB #1101-17: PAUL PRIGGON, 705 FARMINGTON ROAD, MACEDON, N.Y. 14502: Request an Area Variance to Chapter 165, Article V, Section 58 A. to the Town of Farmington Codes. The applicant wishes to construct an accessory structure upon vacant land. The property is located five feet south of property at 705 Farmington Road and is zoned RS-25 Residential-Suburban District.

ZB #1102-17: PAUL PRIGGON, 705 FARMINGTON ROAD, MACEDON, N.Y. 14502: Request an Area Variance to Chapter 165, Article V, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes to construct an accessory structure with a zero feet side setback from the north property line. The Town Code requires a minimum side setback of 15 feet. The property is located five feet south of property at 705 Farmington Road and is zoned RS-25 Residential-Suburban District.

ZB #1103-17: PAUL PRIGGON, 705 FARMINGTON ROAD, MACEDON, N.Y. 14502: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes to construct an accessory structure 32 feet from the front property line. The Town Code requires a minimum front setback of 50 feet. The property is located five feet south of property at 705 Farmington Road and is zoned RS-25 Residential-Suburban District.

ZB #1104-17: JAMES RUSSELL, 216 HUCKLEBERRY ROAD, FARMINGTON, N.Y. 14425: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes approval for a lot line adjustment creating a non-conforming lot having a total of 21,780 square feet in lot area. The Town Code requires a minimum lot area of 25,000 square feet in the RS-25 Residential-Suburban District. The property is located at 216 Huckleberry Road.

ZB #1105-17: JAMES RUSSELL, 216 HUCKLEBERRY ROAD, FARMINGTON, N.Y. 14425: Request an Area Variance to Chapter 165, Article IV, Section 35 A., Schedule I to the Town of Farmington Codes. The applicant wishes approval for a lot line adjustment creating a non-conforming lot having a total of 21,780 square feet in lot area. The Town Code requires a minimum lot area of 25,000 square feet in the RS-25 Residential-Suburban District. The property is located at 219 Bowerman Road.

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

Tim DeLucia, Chairperson
Zoning Board of Appeals
Town of Farmington

4. PUBLIC HEARINGS

Mr. DeLucia concurrently declared the Public Hearings open on ZB #0701-17 through ZB #0708-17, as follows:

ZB #0701-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to Article V, Chapter 165–37–11 to the Town of Farmington Codes. The applicant wishes 140 parking spaces (a minimum of 191 spaces are required). The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0702-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for a side setback of 22 (a minimum of 30 feet is required). The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0703-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to Article V, Chapter 165–35 to the Town of Farmington Codes. The applicant wishes a variance for lot width of 15 feet (a minimum of 150 is required). The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0704-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for a front setback of 20 feet (a minimum of 50 feet is required). The property is located at Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0705-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to New York State Town Law 280a. The applicant wishes to create a parcel without direct access to a mapped street. The property is located at proposed Lot #2, 1301 NYS Route 332 and zoned General Business District.

ZB #0706-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for lot width of 15 feet (a minimum of 150 is required). The property is located at proposed Lot #3, 1301 NYS Route 332 and zoned General Business District.

ZB #0707-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to Article IV, Chapter 165–35A to the Town of Farmington Codes. The applicant wishes a variance for a front setback of 30 feet (a minimum of 50 is required). The property is located at proposed Lot #3, NYS Route 332 and zoned General Business District.

ZB #0708-17 Indus Hospitality Group Area Variance
950 Panorama Trail S.
Rochester, N.Y. 14625

The applicant is requesting an Area Variance to New York State Town Law 280a. The applicant wishes to create a parcel without direct access to a mapped street. The property is located at proposed Lot #3, 1301 NYS Route 332 and zoned General Business District.

Mr. Tomlinson presented these applications. Mr. Finley also attended.

Mr. Tomlinson explained that Indus Hospitality Group (Indus) proposes the construction of a 2,500-square-foot Taco Bell Restaurant, with drive-through window service, in 2018 and a three-story Microtel Hotel which is to be constructed several years later. Both projects will be located on two separate parcels of land located on the east side of State Route 332, south of State Route 96 and west of Beaver Creek Road in the vicinity of the existing KFC Restaurant, which Indus also owns and operates.

He said that the applicant proposes to subdivide the land into three separate parcels, i.e., one parcel each for the existing KFC Restaurant, the proposed Taco Bell Restaurant and the proposed Microtel Hotel. He said that having three separate parcels would provide benefits to the applicant and to the Town with the planned dedication of a water main which would avoid having private fire hydrants on the parcels. He said that the applicant

and the Town staff arrived at the proposed three-lot configuration following discussions and recent presentations at Project Review Committee meetings.

Mr. Tomlinson said that several of the Area Variance applications are being driven by the location of the property within the Major Thoroughfare Overlay District (MTOD) and the structures' setbacks from the interior common access driveways and widths.

He discussed ZB #0701-17 concerning a variance to reduce the number of parking spaces from the minimum of 191 required by the Town Code to 140 parking spaces. Mr. Tomlinson said that Indus has gained a great deal of experience regarding the number of required parking spaces from similar projects which the company owns and operates. He said that the proposed number of spaces (140) are more than the number needed, that the peak hours for the restaurants and the hotel would not conflict, and that the use of common interior driveways and parking areas would provide for excess parking spaces across the three separate parcels of land.

Mr. Tomlinson said that the project was presented to the Ontario County Planning Board (OCPB) which issued a recommendation in support of the Site Plan, the Area Variance applications and the Special Use Permit for the hotel.

Mr. DeLucia then read aloud the descriptions of the eight Area Variance applications.

Mr. Brand said that the applications have been discussed with the Town's Project Review Committee and that the New York State Department of Transportation has recommended traffic design changes to the existing driveway which include having one access point into the parcels instead of four access points. He also said that the location of the development is precarious and will require that the various boards and agencies to take a hard look at its impacts.

Mr. Brand said that the State Environmental Quality Review (SEQR) has not yet been satisfied. Therefore, the issue before the Zoning Board of Appeals (ZBA) this evening is not to analyze and debate the variance applications this evening. He said that the ZBA must first establish the actions as being an Unlisted Action and initiate the SEQR 30-day coordinated review process. He also noted that the Planning Board should be designated as the Lead Agency for making the SEQR determination of significance upon this Unlisted Action and that the board should establish a coordinated review with other Involved Agencies. This is because of the Site Plan considerations and the Special Use Permit applications which will come before the Planning Board at its meeting on December 6, 2017.

Mr. Brand recommended that the ZBA take action this evening to establish the 30-day SEQR public review period and to continue its deliberations on the Area Variance application. He identified the SEQR Involved Agencies and Interested Agencies and explained that packets of materials—which include the traffic impact study, the drainage study, the wetlands delineation, the State Historic Preservation Office review, and the Site Plans—are ready for distribution to these agencies.

Mr. Brand said that taken individually each Area Variance application is a Type II Action under SEQR, but that cumulatively the applications rise to a SEQR Unlisted Action. He has recommended a coordinated review by the Involved and Interested Agencies to avoid potential litigation for not having thoroughly considered all of the impacts of the development upon the environment.

Mr. Marshall asked how 911 emergency calls and emergency responses would be made when two of the Area Variance applications concern the creation of parcels without direct access to a mapped street. Mr. Brand said that there is no prohibition on the naming of a private drive which could be entered into the 911 emergency dispatching system. Mr. Tomlinson said that the internal road names would be presented to the county’s 911 center for approval and would have a street address associated with them. He said that this would be an additional benefit to having three separate parcels for the three structures.

Mr. Finley said that none of the parcels would be landlocked.

Mr. Yourch asked about the responsibility for snow removal on the internal private roads. Mr. Tomlinson said that snow removal and other maintenance would be shared among the three Indus parcels and the adjacent Dunkin’ Donuts property.

There were no other comments or questions on these applications this evening.

Mr. DeLucia announced that the Public Hearings would remain open and would be continued to January 15, 2018.

• • •

Mr. DeLucia concurrently declared the Public Hearings open on ZB #1101-17 through ZB #1103-17, as follows:

ZB #1101-17	Paul Priggon 705 Farmington Road Macedon, N.Y. 14502	Area Variance
--------------------	---	----------------------

The applicant is requesting an Area Variance to Article V, Chapter 165–58 to the Town of Farmington Codes. The applicant wishes to construct an Accessory Structure on vacant land. The property is located five feet south of 705 Farmington Road and zoned RS-25 District.

ZB #01102-17	Paul Priggon 705 Farmington Road Macedon, N.Y. 14502	Area Variance
---------------------	---	----------------------

The applicant is requesting an Area Variance to Article IV, Chapter 165–35 to the Town of Farmington Codes. The applicant wishes to construct an Accessory Structure 0 feet

from the north side property line (a minimum of 15 feet is required). The property is located five feet south of 705 Farmington Road and zoned RS-25 District.

ZB #1103-17 Paul Priggon Area Variance
705 Farmington Road
Macedon, N.Y. 14502

The applicant is requesting an Area Variance to Article IV, Chapter 165–35 to the Town of Farmington Codes. The applicant wishes to construct an Accessory Structure 32 feet from the front property line (a minimum of 50 feet is required). The property is located five feet south of 705 Farmington Road and zoned RS-25 District.

Mr. Priggon presented these applications.

He explained that the applications involve a small pie-shaped wedge of land which extends from the Town of Macedon into the Town of Farmington. He said that he made his initial presentation for an Area Variance to the Town of Macedon Zoning Board of Appeals (ZBA) which has continued consideration of the application until December.

Mr. Priggon said that he is in the process of preparing alternatives to his original application to the Macedon ZBA and that these alternatives will not involve encroachment into the Town of Farmington. Therefore, he said that the Farmington portion of the property would remain untouched. He said that the alternatives would provide the application to more easily conform to the Macedon town codes.

Mr. Brand asked Mr. Priggon if he was then withdrawing his three applications from consideration by the Farmington ZBA. Mr. Priggon confirmed that he is withdrawing his three applications from the Farmington ZBA.

There were no further comments or questions on these applications this evening.

Mr. DeLucia then closed the Public Hearing on these applications.

• • •

Mr. DeLucia concurrently declared the Public Hearings open on ZB #1104-17 through ZB #1105-17, as follows:

ZB #1104-17 James Russell Area Variance
216 Huckleberry Road
Farmington, N.Y. 14425

The applicant is requesting an Area Variance to Article IV, Chapter 165–35 to the Town of Farmington Codes. The applicant wishes approval for a lot line adjustment plan of lands creating a non-conforming lot size (a minimum of 25,000 square feet is required). The property is located at 216 Huckleberry Road and zoned RS-25 District.

ZB #1105-17 James Russell Area Variance
216 Huckleberry Road
Farmington, N.Y. 14425

The applicant is requesting an Area Variance to Article IV, Chapter 165–35 to the Town of Farmington Codes. The applicant wishes approval for a lot line adjustment of lands creating a non-conforming lot size (a minimum of 25,000 square feet is required). The property is located at 219 Bowerman Road and zoned RS-25 District.

Mr. Russell presented these applications.

He explained that his storage shed and a portion of his security fence for his swimming pool have been identified on a survey as being partially located on an adjacent property at 219 Bowerman Road. He said that he and his neighbor have agreed to a lot-line adjustment to avoid Mr. Russell from having to remove and relocate the shed and a security fence. With the proposed adjustment of the common property boundary line, each property will have a total of 21,780 square feet in area.

Mr. Brand said that no new tax map parcels would be created by the lot-line adjustment. He said that the property line is simply being shifted so that the existing shed and security fence can remain on one parcel as opposed to being split by a property line. He said that Area Variances applications have been submitted because the Town Code requires a minimum lot size of 25,000 square feet in this Zoning District. Mr. Brand said that the parcels have been in existence for a number of years and that it remains a curiosity as to how building permits were issued for these undersized parcels in the past.

Mr. Brand said that he has prepared draft resolutions for the board’s consideration this evening for both the SEQR determinations and for approval of the Area Variance applications.

There were no further comments or questions on these applications this evening.

Mr. DeLucia then closed the Public Hearing on these applications.

5. BOARD BUSINESS—DELIBERATIONS AND DECISIONS

ZB #0701-17	Indus Hospitality Group	Area Variance
ZB #0702-17	Indus Hospitality Group	Area Variance
ZB #0703-17	Indus Hospitality Group	Area Variance
ZB #0704-17	Indus Hospitality Group	Area Variance
ZB #0705-17	Indus Hospitality Group	Area Variance
ZB #0706-17	Indus Hospitality Group	Area Variance

ZB #0707-17	Indus Hospitality Group	Area Variance
ZB #0708-17	Indus Hospitality Group	Area Variance

Mr. DeLucia read aloud the following resolution:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
SEQR RESOLUTION—UNLISTED ACTION**

- ZB #0701-17**
- ZB #0702-17**
- ZB #0703-17**
- ZB #0704-17**
- ZB #0705-17**
- ZB #0706-17**
- ZB #0707-17**
- ZB #0708-17**

APPLICANT: Indus Hospitality Group, 950 Panorama Trail S., Rochester, N.Y. 14625

ACTION: Area Variances to Chapter 165, to permit site plan approval, subdivision plat approval and the issuance of special use permit by the Town Planning Board for a proposed Taco Bell Restaurant (to be located on proposed Lot #2) and a proposed 60-room Microtel (to be located on proposed Lot #3) of the drawing entitled “1301 Route 332 Lot Combination Subdivision Filed Map #32716;” all of which are currently located upon property at 1301 New York State Route 332

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has reviewed the criteria, under Parts 617.4 and 617.5 of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review (SEQR) Regulations, for determining the Classification associated with the above referenced Actions; and,

WHEREAS, the Board finds the Actions are not identified as being either a Type I or Type II Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Board finds that the Actions are classified as Unlisted Actions under the SEQR Regulations.

BE IT FURTHER RESOLVED THAT the Board finds that there are other Involved and/or Interested Agencies, identified within the SEQR Regulations, thereby requiring a coordinated review of said Actions; and there is also the need to establish a lead agency for making the required determination of significance upon said Actions.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs the Town Director of Planning and Development to prepare a Project Notification Review Letter (PNRL) to be sent to the following identified Involved Agencies: the New York State Department of Transportation, Region 4 Office; the New York State Department of Environmental Conservation, Avon Regional Office; the New York State Department of Health, Geneva Regional Office; the Town of Farmington Water and Sewer Superintendent; and the Town of Farmington Planning Board.

BE IT FURTHER RESOLVED THAT the Director of Planning and Development is also to provide copies to the following Interested Agencies: the New York State Office of Parks, Recreation and Historic Preservation; the Ontario County Planning Board; the Town of Farmington Conservation Board; and the Farmington Town Clerk.

BE IT FURTHER RESOLVED THAT the Board further establishes a 30-day public review and comment period upon the proposed Actions is to commence on Tuesday, November 28, 2017, and to end at noon on Friday, December 29, 2017.

BE IT FURTHER RESOLVED THAT the Board further requests that a lead agency be established among the identified Involved Agencies during the public review and comment period established herein.

BE IT FURTHER RESOLVED THAT the Board does hereby table any further consideration upon the requested area variances and continues the public hearings thereon to Monday, January 15, 2018.

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

Timothy DeLucia	Aye
Jeremy Marshall	Aye
Cyril Opett	Aye
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

ZB #1101-17	Paul Priggon	Area Variance
ZB #1102-17	Paul Priggon	Area Variance
ZB #1103-17	Paul Priggon	Area Variance

■ A motion was made by MR. MARSHALL, seconded by MS. PURDY, that the following resolution be approved:

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
RESOLUTION CONFIRMING WITHDRAWAL OF APPLICATIONS**

ZB #1101-17

ZB #1102-17

ZB #1103-17

APPLICANT: Paul Priggon, 705 Farmington Road, Macedon, N.Y. 14502

ACTION: Area Variances to construct an accessory structure on a vacant parcel of land on property located five feet south of 705 Farmington Road

WHEREAS, the applicant has made applications to the Farmington Zoning Board of Appeals for three (3) Area Variances for the purpose of constructing an accessory structure on a vacant parcel of land located five feet south of 705 Farmington Road; and

WHEREAS, the applications were referred to the Ontario County Planning Board on November 8, 2017 (Referrals #213-2017) and returned to the Zoning Board of Appeals without comment; and

WHEREAS, Public Hearings on the three (3) applications were opened concurrently on November 27, 2017; and

WHEREAS, the applicant appeared before the Zoning Board of Appeals and explained that alternative plans are under consideration and pending by the Town of Macedon Zoning Board of Appeals; and

WHEREAS, the applicant announced at the concurrent Public Hearings on November 27, 2017, that the portion of the property which is located in the Town of Farmington will not be affected by the alternate plans; and

WHEREAS, the applicant announced at the concurrent Public Hearings on November 27, 2017, that he is withdrawing his three (3) Area Variance applications under consideration by the Farmington Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED that this resolution confirms the applicant’s withdrawal of the three (3) Area Variance applications as announced by the applicant at the concurrent Public Hearings on November 27, 2017; and

BE IT FURTHER RESOLVED that the chairperson of the Farmington Zoning Board of Appeals closed the Public Hearings on these applications on November 27, 2017; and

BE IT FURTHER RESOLVED that the Farmington Zoning Board of Appeals, therefore, determines that no action is necessary at this time upon the three (3) Area Variance applications; and

BE IT FURTHER RESOLVED that the Zoning Board of Appeals considers the applications withdrawn and closed; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Town of Macedon Zoning Board of Appeals.

Timothy DeLucia	Aye
Jeremy Marshall	Aye
Cyril Opett	Aye
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

ZB #1104-17	James Russell	Area Variance
ZB #1105-17	James Russell	Area Variance

■ A motion was made by MR. MARSHALL, seconded by MR. YOURCH, that the readings of the State Environmental Quality Review (SEQR) resolutions on these applications be waived.

Motion carried by voice vote. The readings of the SEQR resolutions on these applications were waived.

■ A motion was made by MR. OPETT, seconded by MS. PURDY, that the following SEQR resolutions on these applications be approved:

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

ZB #1104-17

APPLICANT: James Russell, 216 Huckleberry Road, Farmington, N.Y. 14425

ACTION: Area Variance to Chapter 165, Article IV, Section 35 for a lot line adjustment creating a non-conforming lot having a total of 21,780 square feet in lot area on property located at 216 Huckleberry 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) (10) and (13) of the SEQR Regulations.

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.

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

ZB #1105-17

APPLICANT: James Russell, 216 Huckleberry Road, Farmington, N.Y. 14425

ACTION: Area Variance to Chapter 165, Article IV, Section 35 for a lot line adjustment creating a non-conforming lot having a total of 21,780 square feet in lot area on property located at 219 Bowerman 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) (10) and (13) of the SEQR Regulations.

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.

Timothy DeLucia Aye
Jeremy Marshall Aye
Cyril Opett Aye

Nancy Purdy Aye
 Thomas Yourch Aye

Motion carried.

Mr. DeLucia then read aloud portions of the Area Variance Findings and Decision resolutions for ZB #1104-17 and ZB #1105-17, i.e., the requirement for which the variance is requested, Board Finding #3 and the Determination of the Zoning Board of Appeals.

■ A motion was made by MR. MARSHALL, seconded by MS. PURDY, that the Area Variance Findings and Decision resolutions for ZB #1104-17 and ZB #1105-17 be combined for concurrent action and that the following resolutions be approved:

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

APPLICANT: James Russell
 216 Huckleberry Road
 Farmington, N.Y. 14425

File: ZB #1104-17
Zoning District: RS-25
Published Legal Notice on:
 November 19, 2017
County Planning Action: Not Applicable
County Referral #: Not Applicable
Public Hearing: November 27, 2017

Property Location: 216 Huckleberry Road, Farmington, New York 14425

Applicable Section of Town Code: Chapter 165, Article IV, Section 35.A., Schedule I.

Requirement for Which Variance is Requested: The applicant wishes to adjust the property boundary line between his property located at 216 Huckleberry Road (Tax Map Account #001.19-1-032.000) and the adjacent property located at 219 Bowerman Road (Tax Map Account #001.19-1-81.000), to correct an error made in installing a swimming pool and fence upon his property. In doing so, both properties were determined to be pre-existing non-conforming (under sized) lots with each lot having less than the 25,000-square-foot minimum lot area as required by the RS-25 Residential-Suburban District. With the adjustment of the common property line boundary between the two lots, each lot will have a total of 21,780 square feet.

State Environmental Quality Review Determination: The granting of an Area Variance to the minimum lot size for a single-family residence on an approved lot is classified as a Type II Action under Part 617.5 (c) (7) 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 pre-

cluded from further environmental review under Environmental Conservation Law, Article 8.

County Planning Referral Recommendation: This property and the adjacent property along Bowerman Road do not lie within the affected jurisdictional area specified in Section 239-1 of the New York State General Municipal Law which would have otherwise required a referral to the Ontario County Planning Board. Therefore, there is no County Planning Referral Recommendation.

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 Board finds that the granting of the requested area variance is necessary to allow the re-subdivision of land between the two above identified Tax Map Parcels to occur. The Board finds that both property owners are in agreement with the proposed adjustment to the common property boundary line between their two lots. The Board also finds the effect of filing the lot line adjustment map for the re-subdivision of these two parcels will create neither an undesirable change in the character of the neighborhood nor will it be a detriment to nearby properties. The Board finds that there will be no change in permitted land use for either site, no increase in the density of either site, no new area variances are being created by this action, and there will be no adverse impacts upon the environment.

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 only alternative to correct the error made installing the swimming pool, frame shed and security fence would involve the removal of the fence from the adjacent Murphy Property and relocating both the frame shed and security fence onto their property. The Board finds that this alternative does not appear to be feasible. The Board further finds that granting the requested area variance will not create any new non-conforming setbacks on either property. In addition, the Board finds that granting of the requested area variance documents compliance of both of the properties under the existing zoning district.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that granting the requested area variance for Tax Map #001.19-1-32.000 involves an increase of nine percent (9.0%) in the total lot area thereby making the total area of said lot to be 0.436 acres. The Board also finds the requested variance reduces the degree of non-conformity of this lot and that this variance request is substantially less than fifty percent (50%) of what is otherwise required by Town Code.

The Board has consistently found that granting an area variance less than 50% of what otherwise is required by Town Code to not be 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. Yes No

Reasons: The Board finds that the alleged difficulty was 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:

The area variance being requested is the minimum relief deemed necessary; and

The benefit to the applicant does outweigh any detriment to the neighborhood or community and, therefore, APPROVES of the requested area variance.

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 and to the adjacent identified property owner having the common property boundary line.

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

APPLICANT: James Russell
216 Huckleberry Road
Farmington, N.Y. 14425

File: ZB #1105-17
Zoning District: RS-25
Published Legal Notice on:
November 19, 2017
County Planning Action: Not Applicable

County Referral #: Not Applicable
Public Hearing: November 27, 2017

Property Location: 219 Bowerman Road, Farmington, New York 14425

Applicable Section of Town Code: Chapter 165, Article IV, Section 35. A., Schedule I.
Requirement for Which Variance is Requested: The applicants, Judith L. Russell and James E. Russell, III, (the owners of Tax Map Account # 001.19-1-32.000) located at 216 Huckleberry Road, wish to acquire an additional 1,957 square feet (or 0.045 acres) of land from their neighbors, William R. and Kathleen M. Murphy (the owners of Tax Map Account #001-19-1-81.000) located at 219 Bowerman Road. The purpose for acquiring the land is to enable the applicants to avoid the removal and relocation of a frame shed and security fence from what has been determined by survey to be upon land owned by the Murphy’s. With the proposed adjustment of the common property boundary line between the Russell’s and the Murphy’s, each lot will have a total of 21,780 square feet in area. The minimum lot size in this zoning district is 25,000 square feet.

State Environmental Quality Review Determination: The granting of an Area Variance to the minimum lot size for a single-family residence on an approved lot is classified as a Type II Action under Part 617.5 (c) (7) 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: This property and the adjacent property along Huckleberry Road do not lie within the affected jurisdictional area specified in Section 239-1 of the New York State General Municipal Law which would have otherwise required a referral to the Ontario County Planning Board. Therefore, there is no County Planning Referral Recommendation.

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 Board finds that the granting of the requested area variance is necessary to allow the re-subdivision of land between the two above identified Tax Map Parcels to occur. The Board finds that both property owners are in agreement with the proposed adjustment to the common property boundary line between their two lots. The Board also finds the effect of filing the lot line adjustment map for the re-subdivision of these two parcels will create neither an undesirable change in the character of the neighborhood nor will it be a detriment to nearby properties. The Board finds that there will be no change in permitted land use for either site, no increase in the density of either site, no new area

variances are being created by this action, and there will be no adverse impacts upon the environment.

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

Reasons: The Board finds that the only alternative to correct the error made installing the swimming pool, frame shed and security fence would involve the removal of the fence from the adjacent Murphy property and relocating both the frame shed and security fence onto the Russells property. The Board finds that this alternative does not appear to be feasible. The Board further finds that granting the requested area variance will not create any new non-conforming setbacks on either property. In addition, the Board finds that granting of the requested area variance documents compliance of both of the properties under the existing zoning district.

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

Reasons: The Board finds that granting the requested area variance for Tax Map #001.19-1-81.000 involves a decrease of eight point nine percent (8.9%) in the total lot area thereby making the total area of said lot to be 0.500 acres. The Board also finds that while the requested variance increases the degree of non-conformity of this lot, that this variance request is substantially less than fifty percent (50%) of what is otherwise required by Town Code. The Board has consistently found that granting an area variance less than 50% of what otherwise is required by Town Code to not be a substantial variance.

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

Reasons: The Board has given consideration to the criteria for determining significance, as set forth in Section 617.7 of the SEQR Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of the New York State Environmental Conservation Law (ECL), Article 8. The Board finds that Type II Actions have been determined not to have a significant adverse impact upon the environment and has thereby satisfied the procedural requirements of the ECL.

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

Reasons: The Board finds that the alleged difficulty was 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:

The area variance being requested is the minimum relief deemed necessary; and

The benefit to the applicant does outweigh any detriment to the neighborhood or community and, therefore, APPROVES of the requested area variance.

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 and to the adjacent identified property owner having the common property boundary line.

Timothy DeLucia	Aye
Jeremy Marshall	Aye
Cyril Opett	Aye
Nancy Purdy	Aye
Thomas Yourch	Aye

Motion carried.

6. CODE ENFORCEMENT OFFICER REPORT

Mr. Morse distributed the following 2018 schedule of meetings of the Zoning Board of Appeals. The dates of the May 2018 and December 2018 meetings are to be determined due to the Memorial Day and Christmas Eve holidays on the fourth Mondays of the months.

Zoning Board of Appeals 2018

Dates and Submittal Deadlines

Submittal Deadline 3:00 p.m.	Meeting 7:00 p.m.
December 18, 2017	January 8, 2018
January 29, 2018	February 26, 2018
February 26, 2018	March 26, 2018
March 26, 2018	April 23, 2018
<i>April to be determined</i>	<i>May to be determined</i>
May 29, 2018	June 25, 2018
June 25, 2018	July 23, 2018
July 30, 2018	August 27, 2018
August 27, 2018	September 24, 2018
September 24, 2018	October 22, 2018

October 29, 2018
November to be determined

November 26, 2018
December to be determined

Submittal and meeting dates will change due to County referral.

Application will not be put on the agenda if any of the pertinent items or information is missing.

7. DIRECTOR OF DEVELOPMENT AND PLANNING

Mr. Brand discussed the following topics:

- Planning Board member Ed Hemminger will conduct a session of the Ontario County Planning Board training program at the county training facility in Hope-well, N.Y., on Wednesday, November 29, 2017. Board members are encouraged to attend. Training credit will be awarded. Mr. Hemminger will discuss the Plan-ning Board's expectations and requirements of applicants as part of the approval process. He will use the Collett Woods Phase 3 project as an example.
- The ribbon-cutting and dedication of the renovated and enlarged Farmington Town Hall will be held on Tuesday, December 5, 2017, at 4:00 p.m.

8. NEXT MEETING DATE

If necessary, the next regular meeting of the Zoning Board of Appeals will be held on Monday, December 18, 2017, in the Farmington Town Hall, 1000 County Road 8, com-mencing at 7:00 p.m.

9. ADJOURNMENT

■ A motion was made by MS. PURDY, seconded by MR. OPETT, 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,

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