

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS

Established July 15, 1957

Monday, December 18, 2023, 7:00 p.m.

MINUTES—Approved

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Farmington Zoning Board of Appeals. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is made in accordance with the Zoning Board of Appeals adopted Rules of Procedure. The audio recording is retained for four months.

Board Members Present: Thomas Yourch, *Chairperson*
Jody Binnix
Kelly Cochrane
Tom Lay
Tod Ruthven

Staff Present:
Ron Brand, Town of Farmington Director of Development
Augie Gordner, Code Enforcement Officer/Fire Marshal, Town of Farmington

Applicant's Present:

No one present at the Town Hall or virtually.

WORKSHOP SESSION

The Workshop Session was called to order at 6:01 p.m. by Mr. Yourch. The following Public Notice was published in the December 6, 2023, edition of the Daily Messenger and posted upon the Town Website and upon the Town Clerk's Bulletin Board:

PLEASE TAKE NOTICE that the Town of Farmington Zoning Board of Appeals will be holding a Workshop Meeting to discuss the Board's 2024 Rules of Procedures, on Monday evening, December 18, 2023, commencing at 6:00 p.m. and ending at 6:55 p.m., in the Main Meeting room at the Farmington Town Hall, 1000 County Road 8, Farmington, New York. This meeting of the Zoning Board of Appeals is open to the public.

Mr. Gordner reminded the Board that this workshop was scheduled to discuss the 2024 Rules of Procedures and that no pending applications currently in front of this Board are to be discussed. The Board members then discussed the draft 2024 Rules of Procedures. During the discussion it was agreed upon to make the following updates:

#1. Order of Business: updates were made to letter m, letter n, letter o, letter p, letter s, letter x, and letter z.

#4. Public Hearings: paragraph #3 added an update to say the Chair may then recognize a person wishing to speak again on the application. Only new information will be entertained by the Chair. The Chair reserves the right to interrupt a person who is not providing new information.

#18. Acting Chair: it was agreed that Tod Ruthven would be Acting Chairperson in the absence of the Chairperson and Jody Binnix would be Acting Chairperson in the event that Tod Ruthven is not available.

#21. Submittal Dates: approval of the 2024 Zoning Board of Appeals submittal dates and meeting dates as drafted by the Code Enforcement Officer.

#28. New Information Received: title updated to New Information Received During Public Hearing.

The Board requested all updates be made prior to the next scheduled meeting, January 22, 2024, so they could be reviewed and potentially approved at that time.

Ms. Mitchell said to Mr. Yourch it is now 6:55 and we need to wrap up this workshop so we can get the audio system ready for the 7:00 meeting.

Ms. Cochrane made a motion to end the workshop at 6:55pm and the motion was seconded by Ms. Binnix. Motion carried by voice vote and the workshop was adjourned at 6:55pm.

ZONING BOARD OF APPEALS MEETING

1. MEETING OPENING

The December 18, 2023, meeting of the Zoning Board of Appeals was called to order at 7:00 p.m. by Mr. Yourch.

The Pledge of Allegiance was recited.

Mr. Yourch said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on February 27, 2023.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom.

2. APPROVAL OF MINUTES OF NOVEMBER 27, 2023

■ A motion was made by MS. COCHRANE seconded by MR. LAY, that the minutes of the NOVEMBER 27, 2023, meeting be approved.

Motion carried.

3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, December 10, 2023:

ZB #1201-23, ROBERT CLARK, 13 HOLLISTER STREET, DUNDEE, NEW YORK 14837: The applicant is requesting an area variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect an 8-foot-wide x 10-foot-long porch/deck to be attached to the front of a residence, with a proposed front setback of thirty (30) feet. The Town Code requires a minimum front setback of forty (40) feet. The property is located at 1739 Beechwood Drive and is zoned R-1-10 Residential Single Family.

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

By order of:
Thomas Yourch, Chairperson
Zoning Board of Appeals
TOWN OF FARMINGTON

4. PUBLIC HEARING

ZB #1201-23, ROBERT CLARK, 13 HOLLISTER STREET, DUNDEE, NEW YORK 14837:

The applicant is requesting an area variance to the provisions contained within Chapter 165, Schedule 1, Attachment 1, of the Farmington Town Code. The applicant wishes to erect an 8-foot-wide x 10-foot-long porch/deck to be attached to the front of a residence, with a proposed front setback of thirty (30) feet. The Town Code requires a minimum front setback of forty (40) feet. The property is located at 1739 Beechwood Drive and is zoned R-1-10 Residential Single Family.

Mr. Yourch opened the public hearing on the above application. Since there was no public in attendance at the Town Hall he asked if there was anyone online who would like to speak on behalf of the application.

Mr. Gordner confirmed that there was no one in attendance online for the meeting.

Mr. Ruthven then made a motion to adjourn and continue the public hearing to the January 22, 2024, meeting and request the applicant be in attendance to present their application, the motion was seconded by Ms. Binnix, all present voted aye.

5. BOARD BUSINESS—DELIBERATIONS AND DECISION

ZB #1201-23

**Robert Clark
13 Hollister Street
Dundee, N.Y. 14837**

Area Variance

**FARMINGTON ZONING BOARD OF APPEALS RESOLUTION
CONTINUATION**

ZB #1201-23

**APPLICANT: Robert Clark
13 Hollister Street
Dundee, New York 14837**

ACTION: Request an Area Variance to erect a 8-foot-wide by 10-foot-long open porch/deck addition to the existing single-family dwelling that is to be located in the front yard portion of the lot located at 1739 Beechwood Drive, Farmington, New York 14425.

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

WHEREAS, the Applicant was not present to provide testimony to the Board; and

WHEREAS, there was no public in attendance or online to speak for or against this Action; and

WHEREAS, the Board’s adopted 2023 Rules of Procedure requires the Applicant to be present at the public hearing or the Board shall adjourn the public hearing and continue it to the next scheduled meeting of the Board.

NOW THEREFORE BE IT RESOLVED that the Board does hereby move to table any further discussion upon this Action, adjourns this public hearing and continues the public hearing to 7:00 p.m. on Monday, January 22, 2024.

BE IT FURTHER RESOLVED that in accordance with the adopted Rules of Procedure, the Board gives notice that failure by the Applicant to appear before the Board at this next scheduled meeting to participate in the continued public hearing may result in the Board taking action to deny without prejudice the requested Action.

BE IT FURTHER RESOLVED that the Board does hereby give notice that once an Action is denied, the Board [in accordance with the provisions contained in §165-97 C. of the Town Code] shall refuse to hold further hearings on the same or substantially similar application for appeal by the 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 receipt of new information, a completely new application and upon the favorable vote of a majority of the Board plus one.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide a certified copy of the resolution to the Applicant, the property owner, the Code Enforcement Officer and file a certified copy in the property file.

The above resolution was offered by MR. RUTHVEN and seconded by MS. BINNIX at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 18, 2023. Following discussion, the following roll call vote was recorded:

| | |
|---------------|-----|
| Kelly Cochran | Aye |
| Tod Ruthven | Aye |
| Thomas Yourch | Aye |
| Jody Binnix | Aye |
| Tom Lay | Aye |

Motion carried.

6. OTHER BOARD MATTERS

None

7. PUBLIC COMMENTS—OPEN FORUM DISCUSSION

None

8. DIRECTOR OF DEVELOPMENT UPDATE

- We received updated information from Jared Hirt, the new attorney for the Fowler Family Trust application. He has requested a meeting with him and Dan to present the new information.

10. CODE ENFORCEMENT OFFICER UPDATE

- Next Meeting will be January 22, 2024
- Open Clerk of the Board of Position

11. TRAINING OPPORTUNITIES

■ **New York Planning Federation Recorded Webinars:**

For information: (518) 512-5270 or nypf@nypf.org

■ **General Code e-Code**

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

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

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:
<https://www.co.ontario.ny.us/192/Training>

12. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will be held on Monday, January 22, 2024 at 7:00 p.m. both in-person at the Farmington Town Hall, 1000 County Road 8, and on ZOOM.

13. ADJOURNMENT

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

Motion carried by voice vote. The meeting was adjourned at 7:09 p.m.

Respectfully submitted,

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