

*Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

**ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, February 26, 2024 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  
Tod Ruthven

**Board Members Excused:** Tom Lay

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

**Applicant’s Present:**  
Robert Clark, 13 Hollister Street, Dundee  
Kirk Brickwood, The Vinyl Outlet, 3570 Broadway Street, Cheektowaga

**1. MEETING OPENING**

The February 26, 2024, 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 January 22, 2024.

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

## 2. APPROVAL OF MINUTES OF JANUARY 22, 2024

■ A motion was made by MS. COCHRANE seconded by MR. RUTHVEN, that the minutes of the JANUARY 22, 2024, meeting be approved.

Motion carried.

## 3. LEGAL NOTICE

The following Legal Notice was published in the Canandaigua *Daily Messenger* newspaper on Sunday, February 18, 2024:

**ZB #0201-24, THE VINYL OUTLET C/O KIRK BRICKWOOD, 3570 BROADWAY STREET, CHEEKTOWAGA, NEW YORK 14227:** 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 12-foot-long porch/deck to be attached to the front of a residence, with a proposed front setback of thirty-eight (38) feet. The Town Code requires a minimum front setback of forty (40) feet. The property is located at 1197 Belmont 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. CONTINUED 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.

Ms. Binnix states that she does live on Beechwood Drive, but her property is not directly adjacent to this property and that she has no conflict of interest in making a decision tonight upon this application.

Mr. Yourch continued the public hearing on the above application.

Robert Clark presented the above application. He said that he is helping out his cousins

who bought the house about a year ago. When they bought the house, the concrete steps were partially demolished, and the place was a disaster. I immediately tore it out so nobody would get hurt. They had another entrance to the house. What I want to do is build an 8x10 total [front porch deck] and the last four feet would be a 4x4 pad with steps down to the actual driveway. So, the deck itself is going to be 8x6 with a four-foot landing before the stairs.

Mr. Yurch then asks for staff comments.

Mr. Brand said I have drafted two resolutions for the Board's consideration. One is a Type II Action under SEQR and the other is a resolution to approve with conditions.

Mr. Yurch then asked for comments from the public or from anyone online.

Mr. Gordner said that there is no one online.

Mr. Yurch then asked for questions from the board. Hearing none he closes the public hearing on ZB #1201-23.

## 5. PUBLIC HEARING

### **ZB #0201-24, THE VINYL OUTLET C/O KIRK BRICKWOOD, 3570 BROADWAY STREET, CHEEKTOWAGA, NEW YORK 14227:**

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 12-foot-long porch/deck to be attached to the front of a residence, with a proposed front setback of thirty-eight (38) feet. The Town Code requires a minimum front setback of forty (40) feet. The property is located at 1197 Belmont Drive and is zoned R-1-10 Residential Single Family.

Mr. Yurch opened the public hearing on the above application.

Kirk Brickwood presented the above application. He said they have a concrete stoop there that they want to bring up to level for safety reasons because he [the property owner] is having a hard time stepping down to it. They [the contractor] will be attaching rails and extending the deck to 8x12 making it encroach two feet more than it should. This is mostly for safety reasons for him [the property owner] so they can add railings to get up and down on the deck. It is going to be built with treated vinyl rails and decking.

Mr. Yurch then asks for staff comments.

Mr. Brand said I have drafted two resolutions for the Board's consideration. One is a Type II Action under SEQR and the other is a resolution to approve with conditions.

Mr. Yurch then asked for any public comments from anyone present or online.

Mr. Gordner said that there is still no one online.

Mr. Yourch then asks for comments from the board.

Mr. Binnix said Ron are you thinking of redrafting the Town Code for this section of the zoning code?

Mr. Brand said yes, it is right behind the Ag. Protection Overlay District which is next month.

Mr. Yourch then asks for any further comments or questions for this application. Hearing none he then closes the public hearing for ZB #0201-24.

**6. BOARD BUSINESS—DELIBERATIONS AND DECISION**

<b>ZB #1201-23</b>	<b>Robert Clark 13 Hollister Street Dundee, N.Y. 14837</b>	<b>Area Variance</b>
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■ A motion was made by MR. RUTHVEN, seconded by MS. BINNIX, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived, and that the resolution be approved as submitted by the Town staff:

**Farmington Zoning Board of Appeals Resolution  
Area Variance – Front Setback  
SEQR Classification**

**ZBA #1201-23**

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

**Action: 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 Board) has received an application submitted by the above referenced Applicant, to construct a deck/porch addition that is to be located in the front yard portion of the lot at 1739 Beechwood Drive; and

**WHEREAS**, the Board has reviewed the latest published lists of Type I and Type II Actions contained within Parts 617.4 and 617.5 of article 8 of the New York State Environmental Conservation Law (ECL), for classifying the class of the above referenced Action under the State Environmental Quality Review Act (SEQRA).

**NOW, THEREFORE, BE IT RESOLVED** that the Board finds the proposed Action involves construction of an addition to an approved single-family dwelling is in connection with other actions listed in Part 617.5 of SEQRA.

**BE IT FURTHER RESOLVED** that the Board does hereby classify the above referenced Action as being a Type II Action under the provisions contained in Part 617.5 (9), (12) and (16) of article 8 of the New York State Environmental Conservation Law (ECL) thereby satisfying the procedural requirements under SEQRA.

**BE IT FURTHER RESOLVED** that Type II Actions, under SEQRA, have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the ECL.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be placed in the file for this application and a certified a certified copy provided to the Town Code Enforcement Officer and the Applicant.

The above resolution was offered by MR. RUTHVEN and seconded by MS. BINNIX at a regular scheduled meeting of the Zoning Board of Appeals held on Monday, February 26, 2024. After discussion, the following roll call vote was recorded:

- Kelly Cochran - Aye
- Tod Ruthven - Aye
- Tom Lay - Excused
- Jody Binnix - Aye
- Tom Yourch - Aye

Motion carried.

■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the reading of the complete Area Variance Findings and Decision resolution be waived, and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.

Motion carried by voice vote.

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

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

**File:** ZB #1201-23  
**Zoning District:** R-1-10 Residential  
**Published Legal Notice on:** December 10, 2023  
**County Planning Action on:** N/A

**County Referral #:** N/A  
**Public Hearing held on:** December 18, 2023 and  
January 22, 2024

**Property Location:** 1739 Beechwood Drive, Farmington, New York 14425

**Property Owner:** Mackenzie Dallimore, 1739 Beechwood Drive, Farmington, New York  
14425

**Applicable Section of Town Code:** Chapter 165, Schedule 1, Attachment 1,

**Requirement for Which Variances are Requested:** The applicant is requesting an area variance to allow an 8-foot-wide by 10-foot-long porch/deck to be attached to the front of the residence that would have a Front Setback of thirty (30) feet. The Town Code, Chapter 165, requires a minimum Front Setback of forty (40) feet in the R-1-10 Residential District.

**State Environmental Quality Review Determination:** The granting of an Area Variance for an accessory structure is classified as a Type II Action under Part 617.5 (c) (9), (12) and (16) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under article 8 of the State Environmental Conservation Law (ECL).

**County Planning Referral Recommendation:** N/A. Exempt Action by Ontario County Planning Board Bylaws.

**FACTORS CONSIDERED AND BOARD FINDINGS**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.  
 Yes      No

**Reasons:** The Zoning Board of Appeals (hereinafter referred to as the Board) finds that the character of this neighborhood is predominantly single-family residential sites fronting along Beechwood Drive and is located within the Farmington Grove Neighborhood. The Board further finds that most of the lots within this neighborhood are 10,000 square feet in size. The Board further finds that most of the lots along Beechwood Drive do not have porch/deck additions. The Board further finds that there are other properties within the neighborhood which have similar deck/porch additions permitted by the granting an area variance to the Front Yard Setback requirements in this zoning district. The Board further finds that in this instance, the existing principal structure (the dwelling) is setback forty (40) feet from the Front Lot Line, the minimum setback allowed in the R-1-10 Residential District. The Board further finds that there is a substantial change in elevations between the driveway and the front door entrance to the principal structure and that the new owner (Mackenzie Dallimore) has replace the previous steps for safety purposes.

The Board, based upon these findings, determines that the granting of the requested Area Variance will not create an undesirable change in the character of the neighborhood; or create a detriment to nearby properties.

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

**Reasons:** The Board finds the existing single-family dwelling has a Front Setback of forty (40) feet, which is the minimum Front Setback for a structure in the R-1-10 Residential District. The Board further finds that the front entrance to the principal structure would need a variance for any addition attached thereto. The Board also finds that this site has a substantial change in grade between the driveway and the front door and that new stairs have been constructed providing for entrance to the structure. The Board also finds that the former one-car garage has been converted and is now being used as an entrance and as part of the occupied space for the structure. The Board further finds that all personal vehicles are parked outside upon the driveway. The Board further finds that the proposed area variance involves minimal site disturbance. The Board further finds that placing the proposed porch/deck addition to the structure in the location shown is the most feasible alternative. The Board, based upon these findings, determines that the benefit to the applicant cannot be achieved by a feasible alternative to the requested area variance.

3. Whether the requested variance is substantial.     \_\_\_ Yes      X  No

**Reasons:** The Board finds that the proposed encroachment into the Front Yard Setback involves a variance of twenty-five percent (25%) from that required by Town Code. The Board has consistently found that a variance involving fifty percent (50%) or more 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      X  No

**Reasons:** The Board has considered the criteria for determining significance, as set forth in Section 617.7 of the SEQRA Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL). The Board finds that Type II Actions listed within the ECL 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      X  No

**Reasons:** The Board finds, as noted above herein, that in this instance the alleged difficulty was not self-created, as an area variance would be necessary to allow for the construction of any porch/deck addition to the existing principal structure and that said addition could only be placed within the Front Yard portion of the Lot. The Board further finds that the

Applicant has followed all steps required in seeking approval for the proposed addition. The Board, based upon these findings determines that the difficulty for the Applicant's complying with the Front Setback provisions in Chapter 165 cannot be achieved without some form of relief. The Board further finds that the relief being requested is felt to be the minimum relief necessary for improving the front access to the structure. Therefore, based upon these findings, the Board determines the alleged difficulty is not 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, makes the following decision:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to erect an 8-foot-wide by 10-foot-long porch/deck addition attached to the existing dwelling and having a Front Setback of thirty (30)-feet within the Front Yard portion of the Lot is APPROVED with the following conditions:**

1. The proposed porch/deck addition shall be constructed and attached to the front portion of the existing structure in accordance with an approved Building Permit to be issued by the Town Code Enforcement Officer.
2. The porch/deck addition is for an open-air structure only. Said addition shall not be enclosed or used as habitable space.
3. The materials to be used for the porch/deck addition are to match, to the extent practical, the exterior of the existing structure.
4. All site lighting associated with the proposed porch/deck addition shall comply with the lighting standards contained in Chapter 165 of the Town Code.
5. All inspections shall be performed and accepted by Town Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.

**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.

The above resolution was offered by MR. RUTHVEN and seconded by MS. COCHRANE at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, February 26, 2024. Following discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Tod Ruthven	Aye
Jody Binnix	Aye
Tom Lay	Excused
Thomas Yourch	Aye

Motion carried.

<b>ZB #0201-24</b>	<b>The Vinyl Outlet c/o Kirk Brickwood 3570 Broadway Street Cheektowaga, N.Y. 14227</b>	<b>Area Variance</b>
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■ A motion was made by MR. RUTHVEN, seconded by MS. BINNIX, that the reading of the following State Environmental Quality Review (SEQR) resolution be waived, and that the resolution be approved as submitted by the Town staff:

**Farmington Zoning Board of Appeals Resolution  
Area Variance – Front Setback  
SEQR Classification**

**ZBA #0201-24**

**Applicant:** The Vinyl Outlet, c/o Kirk Brickwood, 3570 Broadway Street, Cheektowaga, New York 14227

**Action:** Area variance to erect a 8-foot-wide by 12-foot-long open porch/deck addition to the front entrance to the existing single-family dwelling within the front yard portion of the lot located at 1197 Belmont Drive, Farmington, New York 14425.

**WHEREAS**, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has received an application submitted by the above referenced Applicant, to construct a deck/porch addition that is to be located in the front yard setback of the lot at 1197 Belmont Drive; and

**WHEREAS**, the Board has reviewed the latest published lists of Type I and Type II Actions contained within Parts 617.4 and 617.5 of article 8 of the New York State Environmental Conservation Law (ECL), for classifying the class of the above referenced Action under the State Environmental Quality Review Act (SEQRA).

**NOW, THEREFORE, BE IT RESOLVED** that the Board finds the proposed Action involves construction of an addition to an approved single-family dwelling is in connection with other actions listed in Part 617.5 of SEQRA.

**BE IT FURTHER RESOLVED** that the Board does hereby classify the above referenced Action as being a Type II Action under the provisions contained in Part 617.5 (9), (12) and (16) of article 8 of the New York State Environmental Conservation Law (ECL) thereby satisfying the procedural requirements under SEQRA.

**BE IT FURTHER RESOLVED** that Type II Actions, under SEQRA, have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the ECL.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be placed in the file for this application and a certified a certified copy provided to the Town Code Enforcement Officer and the Applicant.

The above resolution was offered by MR. RUTHVEN and seconded by MS. BINNIX at a regular scheduled meeting of the Zoning Board of Appeals held on Monday, February 26, 2024. After discussion, the following roll call vote was recorded:

- Kelly Cochrane - Aye
- Tod Ruthven - Aye
- Tom Lay - Excused
- Jody Binnix - Aye
- Tom Yourch - Aye

Motion carried.

■ A motion was made by MR. RUTHVEN, seconded by MS. COCHRANE, that the reading of the complete Area Variance Findings and Decision resolution be waived, and that the Chairperson read aloud the Determination of the Zoning Board of Appeals.

Motion carried by voice vote.

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

<b>APPLICANT:</b> The Vinyl Outlet c/o Kirk Brickwood 3570 Broadway Street Cheektowaga, NY 14227	<b>File:</b> ZB #0201-24 <b>Zoning District:</b> R-1-10 Residential <b>Published Legal Notice on:</b> Feb. 18, 2024 <b>County Planning Action on:</b> N/A <b>County Referral #:</b> N/A <b>Public Hearing held on:</b> February 26, 2024
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**Property Location:** 1197 Belmont Drive, Farmington, New York 14425  
**Property Owner:** Michael Diriezeno, 1197 Belmont Drive, Farmington, New York 14425

**Applicable Section of Town Code:** Chapter 165, Schedule 1, Attachment 1,

**Requirement for Which Variances are Requested:** The applicant is requesting an area variance to allow an 8-foot-wide by 12-foot-long porch/deck to be attached to the front of the residence that would have a Front Setback of thirty-eight (38) feet. The Town Code, Chapter 165, requires a minimum Front Setback of forty (40) feet in the R-1-10 Residential District.

**State Environmental Quality Review Determination:** The granting of an Area Variance for an accessory structure is classified as a Type II Action under Part 617.5 (c) (9), (12) and (16) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under article 8 of the State Environmental Conservation Law (ECL).

**County Planning Referral Recommendation:** N/A. Exempt Action by Ontario County Planning Board Bylaws.

## **FACTORS CONSIDERED AND BOARD FINDINGS**

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

Yes      No

**Reasons:** The Zoning Board of Appeals (hereinafter referred to as the Board) finds that the character of this neighborhood is predominantly single-family residential sites fronting along Belmont Drive and Bridle Path Lane located within the Belmont Estates Neighborhood. The Board further finds that there is only one other lot located on Belmont Drive, at the opposite end of the project site, that has a porch/deck addition, all other lots along Belmont Drive have the original concrete/brick sidewalk and patio located at their front doorways. The Board further finds that there is a wood porch/deck that has been attached to the rear portion of the single-family dwelling. The Board further finds that in this instance, the existing principal structure (the dwelling) is located forty-five. seven zero (45.70) feet from the Front Lot Line. The Board further finds that the minimum front setback allowed in the R-1-10 Residential District is forty (40) feet.

The Board further finds that the proposed porch/deck addition will be screened from view from the adjacent dwelling-unit to the west of the subject parcel. The Board further finds that based upon the information provided as part of this area variance application that the porch/deck addition will be attached to front of the principal structure replacing the concrete stoop and a portion of the sidewalk. The Board further finds that the design information complements the principal structure to the greatest extent practical.

The Board, based upon these findings, determines that the granting of the requested Area Variance will not create an undesirable change in the character of the neighborhood; or create a detriment to nearby properties.

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

**Reasons:** The Board finds the Front Setback of the existing single-family dwelling is forty-five point seven (45.70) feet, which would allow a 5.7-foot-wide porch/deck addition without creating the need for granting a variance. The Board further finds that a 5.7-foot-wide porch/deck is not a standard size and that there would be an additional charge to design such a structure. The Board further finds that the requested eight-foot (8 ft.) width of the porch/deck addition to the principal structure would need a variance of two-point-three-feet (2.3 ft.) for the proposed addition.

The Board further finds that the proposed area variance involves minimal site disturbance. The Board further finds that placing the proposed porch/deck addition to the structure in the location shown is the most feasible alternative. The Board, based upon these findings, determines that the benefit to the applicant cannot be achieved by a feasible alternative to the requested area variance.

3. Whether the requested variance is substantial.  Yes  No

**Reasons:** The Board finds that the proposed encroachment into the Front Yard Setback involves a variance of five and three-quarters percent (5.75%) from that required by Town Code. The Board has consistently found that a variance involving fifty percent (50%) or more 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 considered the criteria for determining significance, as set forth in Section 617.7 of the SEQRA Regulations. The Board finds that the proposed Action is classified as a Type II Action under Section 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL). The Board finds that Type II Actions listed within the ECL 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, as noted above herein, that in this instance the alleged difficulty is self-created, as an area variance would be necessary to allow for the construction of the proposed porch/deck addition to the existing principal structure. The Board further finds that the Applicant has followed all steps required in seeking approval for the proposed addition. The Board, based upon these findings determines that the difficulty for the Applicant's complying with the Front Setback provisions in Chapter 165 cannot be achieved

without some form of relief. The Board further finds that the relief being requested is felt to be the minimum relief necessary for improving the front access to the structure.

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

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following decision:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to erect an 8-foot-wide by 12-foot-long porch/deck addition attached to the front entrance for the existing dwelling and having a Front Setback of thirty-seven point three-feet (37.3 feet) within the Front Yard portion of the Lot is APPROVED with the following conditions:**

1. The proposed porch/deck addition shall be constructed and attached to the front portion of the existing structure in accordance with an approved Building Permit to be issued by the Town Code Enforcement Officer.
2. The porch/deck addition is for an open-air structure only. Said addition shall not be enclosed or used as habitable space.
3. The materials to be used for the porch/deck addition are to match, to the extent practical, the exterior of the existing structure.
4. All site lighting associated with the proposed porch/deck addition shall comply with the lighting standards contained in Chapter 165 of the Town Code.
5. All inspections shall be performed and accepted by Town Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.

**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 the property owner.

The above resolution was offered by MR. RUTHVEN and seconded by MS. COCHRANE at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, February 26, 2024. Following discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Tod Ruthven	Aye

Jody Binnix	Aye
Tom Lay	Excused
Thomas Yourch	Aye

Motion carried.

**7. OTHER BOARD MATTERS**

None

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

None

**9. DIRECTOR OF DEVELOPMENT UPDATE**

- Opened the bids for the sidewalk project. There were five bidders and only one of those bidders were within the guidelines of the monies we have in the grant. The others were way over. We have been reviewing the qualifications and talking to people so tomorrow we may be ready to make an award for the project.
- The Whitestone Incentive Zoning Project will be in front of the Town Board tomorrow night. They have provided us some additional amenities to be reviewed by the Town Board members. Currently they have proposed to install sidewalk all the way from County Road 41 down to Farmbrook as well as sidewalks throughout the project.
- There is an application pending for the Phase 2 portion of Creekwood Townhomes and that involves making Pintail Crossing a Town dedicated road which creates a need for some needed variances for setbacks. The reason for the Town’s desire to make Quentonshire/Pintail Crossing a dedicated road is because the Wood Drive bridge is going to be replaced. Without that dedicated road that leaves only the one entrance into and out of Running Brook/Wood Drive neighborhoods which would be at Farmbrook Drive and Route 332.
- The Town Board did rezone the Farmington Market Center Project. That will be coming before the Planning Board in the near future for the next phase.
- The Ag Advisory Committee will be receiving a draft local law for amending the provisions in Chapter 165 of the Town Code dealing with Agricultural Protection Overlay Districts.
- We have a larger building being proposed within the Union Crossing/Black Wood Park Site over on County Road 41 next to Mini Tec. It’s a 200,000 square foot building initially with space for and additional 100,000 square feet.
- Paddock Landing Project on Route 96 received Preliminary Overall Site Plan and Sub-division approval, so they should be coming in with final drawings for the first phase of that project.
- State DOT is doing a study of the intersections from Parkside Drive all the way to the thruway to synchronize those intersections.
- The Griffith Building has been sold.

## 10. CODE ENFORCEMENT OFFICER UPDATE

- Next Meeting will be March 25, 2024
- Open Clerk of the Board of Position

## 11. TRAINING OPPORTUNITIES

### ■ 2024 Municipal Bootcamp Trainings:

A free annual program to provide certification credits to newly elected officials, planning and zoning boards, and municipal officials presented by Hancock Estabrook and MRB Group.

#### **Thursday, March 28, 2024, 6:00 p.m.–7:00 p.m.**

Session 3: Zoning Board Basics: Roles of the Zoning Board in Community Development

#### **Thursday, April 25, 2024, 6:00 p.m.–7:00 p.m.**

Session 4: Environmentally Speaking: The Nuts and Bolts of SEQR

#### **Thursday, May 23, 2024, 6:00 p.m.–7:00 p.m.**

Session 5: A History Lesson: Challenges and Opportunities with Historic Properties

#### **Thursday, June 27, 2024, 6:00 p.m.–7:00 p.m.**

Session 6: Putting the Home in Hometown: Strategies for Attracting Housing Investment to Your Community

#### **Thursday, July 25, 2024, 6:00 p.m.–7:00 p.m.**

Session 7: From Big to Small: Translating Comprehensive Plans into Land Use Regulations

#### **Thursday, September 26, 2024, 6:00 p.m.–7:00 p.m.**

Session 8: Under the Tent: Open Meetings, Record Keeping, and Engaging the Public in Community Development

#### **Thursday, October 24, 2024, 6:00 p.m.–7:00 p.m.**

Session 9: Short, But Not Too Short: How Short-Term Rentals Are Changing the Development and Regulatory Landscape

#### **Thursday, December 19, 2024, 6:00 p.m.–7:00 p.m.**

Session 10: Santa's Nice and Naughty List: The Best and Worst of 2024

Questions and registration:

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

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

For information: (518) 512-5270 or [nypf@nypf.org](mailto: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, March 25, 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 MS. BINNIX, that the meeting be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

\_\_\_\_\_ L.S.

Sarah Mitchell

Clerk *Pro Tem* of the Zoning Board of Appeals