

Town of Farmington

1000 County Road 8
Farmington, New York 14425

ZONING BOARD OF APPEALS - DRAFT

Established July 15, 1957

Monday, November 24, 2025, 7:00 p.m.

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*
Ralph Bocchino
Kelly Cochran
Tom Lay
Matthew DeMarco

Staff Present:
Ron Brand, Director of Planning and Development
Paula Ruthven, Zoning Officer, Town of Farmington

Applicants Present:
Chad Krossber, 21 Foster Street, Canandaigua, NY 14424
Doug Payne, 1523 County Road 8, Farmington, NY 14425

Others Present:
Adrian Bellis, 5540 Holtz Road, Farmington, NY 14425
Andrew Spittal, 1498 County Road 8, Farmington, NY 14425
Mike Krossber – Remote
Jim Krossber - Remote

1. MEETING OPENING

The November 24, 2025, 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 27, 2025.

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

Mr. Yourch introduced the members of the Zoning Board of Appeals and Town Staff members, including new Clerk of the Board, Elizabeth Klingenberg.

2. Approval of Minutes of October 27, 2025, Zoning Board of Appeals Meeting.

A motion was made by MS. COCHRANE seconded by MR. BOCCHINO, that the October 27, 2025, meeting minutes be approved as written. With no additional discussion, Ayes were unanimous.

Motion carried.

3. LEGAL NOTICE

Chairman Yourch attested to the publishing of the legal notices, on November 18, 2025, and the posting of property for:

ZB# 2025-1001, Krossber Enterprises, LLC, 5984 State Route 96, Farmington, NY 14425, for an area variance for not constructing a portion of public sidewalk along the west side of Hook Road;

ZB# 2025-1101, Douglas Payne, 1523 County Road 8, Farmington, New York, 14425, for an area variance for a front setback of an existing building located on Tax Map Account 42.00-1-41.000, located along the east side of County Road 8, between Shortsville Road and the Canandaigua/Farmington Town Line Road;

ZB# 2025-1102, Douglas Payne, 1523 County Road 8, Farmington, New York, 14425, for an area variance for a front setback of an existing building located on Tax Map Account 42.00-1-39.000, located along the west side of County Road 8, between County Road 41 and the Canandaigua/Farmington Town Line Road.

4. CONTINUED PUBLIC HEARINGS: (0)

Mr. Yourch stated that there were no continued public hearings.

5. PUBLIC HEARINGS

ZB 2025-1001, Krossber Enterprises, LLC, 5984 State Rt 96 Farmington, New York 14425, for an area variance. This action involves the Real Property Tax Map Account number 29.11-1-19.110. The applicant is requesting an area variance to the provisions of

the Farmington Town Code, Section 165-34 J. (3) (g) [6], for not constructing a public sidewalk across the property's frontage along the west side of Hook Road. The property is located north of the intersection of State Route 96 and Hook Road. The property is zoned GB General Business, MTOD Major Thoroughfare Overlay District and MSOD Main Street Overlay District.

Chairman Yourch opened the public hearing at 7:12pm.

Mr. Chad Krossber, 21 Foster Street, Mr. Mike Krossber (Remote), and Mr. Jim Krossber (Remote) were present to speak on behalf of the application.

There were no comments from the public at this time.

There were no additional comments from Zoning Board of Appeals members at this time.

There were no additional staff comments at this time.

Ms. Cochrane made a motion to close the public hearing at 7:16pm. Mr. Bocchino seconded the motion. A voice vote of the five members unanimously voted to close this public hearing. Motion carried.

ZB# 2025-1101, Douglas Payne, 1523 County Road 8, Farmington, New York 14425, for an area variance. This action involves Tax Map Account 42.00-1-41.000. The applicant is requesting an area variance, to allow relief from the Town Code requirement §165 Attachment 1, Schedule I, for relief from the 60-foot minimum front setback requirement for an existing principal structure in the A-80, Agriculture District. The existing structure is located 45.5-feet from the front property line. The property is located at 1523 County Road 8, Farmington, New York 14425.

Chairman Yourch opened the public hearing at 7:17pm.

Mr. Douglas Payne, 1523 County Road 8, was present to speak on behalf of the application.

Mr. Payne explained that he is seeking to subdivide approximately 10-acres of land from the parcel. However, as the house setback does not conform to current code, an area variance is first required.

Mr. Payne confirmed that he had received the draft resolutions for SEQR and approval with conditions.

There were no comments from the public at this time.

There were no additional comments from Zoning Board of Appeals members at this time.

There were no additional staff comments at this time.

Mr. Lay made a motion to close the public hearing at 7:18pm. Ms. Cochrane seconded the motion. A voice vote of the five members unanimously voted to close this public hearing. Motion carried.

ZB# 2025-1102, Douglas Payne, 1523 County Road 8, Farmington, New York 14425, for an area variance. This action involves Tax Map Account 42.00-1-39.000. The applicant is requesting an area variance, to allow relief from the Town Code requirement §165 Attachment 1, Schedule I, for relief from the 60-foot minimum front setback requirement for an existing principal structure in the RR-80 Rural/Residential District. The existing structure is located 51.9-feet from the front property line. The property is located at 1576 County Road 8, Farmington, New York 14425.

Chairman Yourch opened the public hearing at 7:19pm.

Mr. Douglas Payne, 1523 County Road 8, was present to speak on behalf of the application.

Mr. Payne explained that he is seeking to subdivide approximately 10-acres of land from the parcel. However, as the house setback does not conform to current code, an area variance is first required.

Mr. Payne confirmed that he had received the draft resolutions for SEQR and approval with conditions.

Resident Andrew Spittal was present and voiced his support of the area variance.

There were no additional comments from the public at this time.

There were no additional comments from Zoning Board of Appeals members at this time.

There were no additional staff comments at this time.

Ms. Cochrane made a motion to close the public hearing at 7:20pm. Mr. Lay seconded the motion. A voice vote of the five members unanimously voted to close this public hearing. Motion carried.

6. BOARD BUSINESS—DELIBERATIONS AND DECISION

ZB 2025-1001 Krossber Enterprises, LLC Area Variance

Mr. DeMarco made a motion to waive the reading of the SEQR submitted by the Town Staff and accept as presented. Mr. Lay seconded the motion. A voice vote of the five members unanimously voted to pass the motion.

Motion carried. Full Resolution in Appendix I.

Ms. Cochrane made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Bocchino seconded the motion.

Chairman Yurch read the Determination as follows:

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

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance which exempts this property owner from having to install a section of public sidewalk across the Hook Road frontage is APPROVED with the following conditions:

1. The Final Site Plan Drawing [PB#2505-1002] is to contain a note that identifies this Application, including the file number listed above, the date of this resolution and the decision that a sidewalk across the Hook Road frontage does not contribute to the completion of a pedestrian network in this area; and, therefore, is not required to be installed.
2. The Applicant is to obtain Final Site Plan Approval, meet all conditions of approval and receive a Building Permit from the Town Code Enforcement Officer

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

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

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

After reading the above conditions, a roll call vote of the five members unanimously voted to pass the motion.

Motion carried. Full Resolution in Appendix II.

ZB 2025-1101**Douglas Payne****Area Variance**

Ms. Cochran made a motion to waive the reading of the SEQR submitted by the Town Staff and accept as presented. Mr. DeMarco seconded the motion. A voice vote of the five members unanimously voted to pass the motion.

Motion carried. Full Resolution in Appendix III.

Mr. Bocchino made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Lay seconded the motion.

Chairman Yurch read the Determination as follows:

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

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 14.5 feet from the minimum 60 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for this property [Tax Map 42.00-1-41.000] shall be 45.5 feet from the existing right-of-way of Ontario County Road 8.
2. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

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

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

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

After reading the above conditions, a roll call vote of the five members unanimously voted to pass the motion.

Motion carried. Full Resolution in Appendix IV.

ZB 2025-1102**Douglas Payne****Area Variance**

Mr. DeMarco made a motion to waive the reading of the SEQR submitted by the Town Staff and accept as presented. Mr. Bocchino seconded the motion. A voice vote of the five members unanimously voted to pass the motion. **Motion carried. Full Resolution in Appendix V.**

Ms. Cochrane made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Lay seconded the motion.

Chairman Yurch read the Determination as follows:

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

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 8.1 feet from the minimum 60 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for this property [Tax Map Account #42.00-1-39.000] shall be 51.9 feet from the existing right-of-way of Ontario County Road 8.
2. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

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

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

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

After reading the above conditions, a roll call vote of the five members unanimously voted to pass the motion.

Motion carried. Full Resolution in Appendix VI.

7. OTHER BOARD MATTERS (1):

(1) Project Notification Review Letter/SEQR Project Notification – Fairdale Meadows

Mr. Brand stated that at the Planning Board meeting on October 19, 2025, the subdivision application for Fairdale Meadows was determined to be an unlisted action subject to coordinated review by different agencies. The Planning Board is proposing being lead agency on SEQR, and this would provide the Zoning Board of Appeals the opportunity to ask questions and waive being lead agency for SEQR.

Mr. Brand further explained that there will be several lots that will require area variances and that applications for those will likely be submitted for the December 2025 Zoning Board of Appeals meeting.

After review of the materials presented, **Mr. Lay made a motion that the Planning Board be the lead agency for SEQR on the Fairdale Meadows project. Mr. DeMarco seconded the motion. A roll call vote of the five members unanimously voted to pass the motion. Motion carried.**

8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION - None

9. DIRECTOR OF DEVELOPMENT UPDATE –

Mr. Brand stated that two solar applications are coming to the Town. One will be presented at the December 4, 2025, PRC meeting, with specific questions on if the proposed access road suffices requirements or if it will need to change to meet town standards and industrial width. The second is the FISH Farm Solar panel project on Mount Payne, likely before the Planning Board sometime in December.

Mr. Brand further updated that Bridges for Brain Injury has submitted updated drawings, and Krossber Enterprises, LLC is going before the Planning Board for a final application determination of completeness. Preliminary maps have been signed.

10. ZONING & CODE ENFORCEMENT DATE

Ms. Ruthven stated that next month's meeting will include the 2026 meeting schedule and review the rules of procedure. The Building Department is navigating some staffing changes.

11. NEXT MEETING

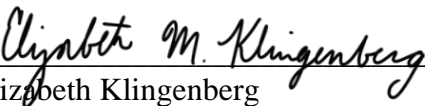
The next regular meeting of the Zoning Board of Appeals will be on December 22, 2025

12. ADJOURNMENT

A motion was made by MR. DEMARCO, seconded by MR. LAY, that the meeting be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

 _____ L. S.
Elizabeth Klingenberg
Clerk of the Zoning Board of Appeals

APPENDIX I

TOWN OF FARMINGTON ZONING BOARD of APPEALS RESOLUTION AREA VARIANCE DETERMINATION

File: ZB #2025-1001

Applicant: Krossber Enterprises, LLC, 5984 State Route 96, Farmington, New York 14425

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting an area variance to allow relief from a Town Code requirement [Chapter 165, Article IV, Section 34 J. (3) (g) [6]] that requires sidewalks are to be provided along Town highways within the mapped MTOD Major Thoroughfare Overlay District that connect to, contribute to, the completion of a pedestrian network in the area. The applicant is proposing not to construct a sidewalk across the Hook Road frontage of their property [Tax Map Accounts 29.11-1-19.110]. The property is located along the west side of Hook Road, north of the intersection with State Route 96 and is zoned GB General Business, MSOD Main Street Overlay District and MTOD Major Thoroughfare Overlay District.

Whereas the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Parts 617.4 and 617.5 of 6 NYCRR Part 617, the State's Environmental Quality Review Act (SEQRA) Regulations; and

Whereas the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

Whereas the Zoning Board of Appeals must classify the proposed Action under consideration.

Now, therefore, be it resolved that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of a single area variance to not require the installation of sidewalk across the property's frontage along Hook Road required by the above referenced section of Chapter 165 of the Farmington Town Code, is classified as a Type II Action [§617.5 (c) (9)].

Be it further resolved that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's Environmental Conservation Law, article 8.

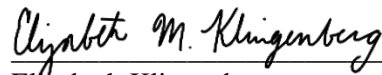
Be it finally resolved that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, or mike@krossberpools.com; the Applicant's Engineers, Brennan Marks, P.E., Marks Engineering, 4303 New York State Route 5, Canandaigua, New York 14424, or bmmarks@marksengineering.com.

The above resolution was offered by Matthew Demarco and seconded by Tom Lay at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, November 24, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochrane	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the November 24, 2025, Zoning Board of Appeals Meeting.



Elizabeth Klingenberg,
Clerk of the Zoning Board of Appeals

APPENDIX II

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

APPLICANT: Mike Krossber
5984 State Route 96
Farmington, N.Y. 14425

File: ZB #2025-1001
Zoning Districts: GB General Business, MSOD &
MTOD Overlay Districts
Published Legal Notice on: 11/18/2025
County Planning Action on: 11/12/2025
County Referral #: 202-2505
Public Hearing held on: November 24, 2025

Property Location: 5984 State Route 96, Farmington, New York 14425

Property Owner: Krossber Enterprises, LLC. 5984 State Route 96, Farmington, N.Y. 14425

Applicable Section of Town Code: Chapter 165, Article IV, Section 34 J. (3) (g) [6]

Requirement for Which Variance is Requested: The applicant is requesting an area variance to allow relief from the requirement that sidewalks are to be provided along all sites fronting along state and county highways and other Town highways within the mapped MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District that connect to, or contribute to, the completion of a pedestrian network in the area.

State Environmental Quality Review Determination: The granting of an area variance for an accessory structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (9) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board, Referral No. 202-2025, dated November 12, 2025, classified the referral a Class 1, without any comments.

FACTORS CONSIDERED AND BOARD FINDINGS

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

Yes No

Reasons: The Zoning Board of Appeals (hereinafter referred to as the Board) finds that the character of this neighborhood is a mix of commercial, residential and public [fire station #2] uses, on lots fronting along the north side of State Route 96 and along both sides of Hook Road north of State Route 96. The Board further finds the proposed expansion of the Krossber Pools & Spa site development does have public sidewalks across the State Route 96 frontage. The Board further finds that there is a portion of the Krossber Property that fronts along the west side of Hook Road, north of the intersection of State Route 96 and Hook Road. The Board further finds that there is a vacant parcel of land located between the Hook Road frontage and said intersection. The Board further finds that the adopted Town of Farmington Sidewalk/Trail/Bike Lane Master Plan Map does not identify the need for constructing a sidewalk along the west side of Hook Road north of State Route 96. The Board further finds that there is public sidewalk located along the east side of Hook Road, north of State Route 96. The Board further finds that upon completing tonight's public hearing that there are no public concerns with the applicant not constructing a section of public sidewalk across their Hook Road frontage. The Board, based upon these findings determines that not constructing a segment of sidewalk that does not connect to, or contribute to, the completion of a pedestrian network in this area will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

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

Reasons: The Board finds the provisions of §165-34 J. (3) (g) [6] requires the installation of public sidewalks on sites fronting along state, county and/or town highways within the mapped MTOD Major Thoroughfare Overlay District and the MSOD Main Street Overlay District that either connect to or contribute to, the completion of a pedestrian network in the area. The Board further finds that when the MTOD regulations were created, as part of a joint effort sponsored by the New York State Department of Transportation (DOT) with the Towns of Canandaigua and Farmington, as part of the DOT's State Route 332 Major Highway Improvement Project, that regulations necessitated sidewalks along the Major State, County and Town Highways in both municipalities. The Board further finds that in the Town of Farmington, a decision was made by the Town Board to only provide public sidewalks along one side of Hook Road, the east side, and began such a pedestrian network with a State Grant Award for the installation of public sidewalk between the intersection of State Route 96 and Belmont Drive. The Board further finds that requiring sidewalks to be constructed on the short segment of the Krossbers' property along the west side of Hook Road, would not connect to, or contribute to the completion of a pedestrian network in the area by the MTOD regulations. The Board further finds that the Town of Farmington Sidewalk/Trail Connection/Bike Lane Master Plan, does not identify extending sidewalks to the intersection of State Route 96 along the west side of Hook Road. The Board based upon these findings determines the applicant cannot achieve a feasible alternative to the requested area variance.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the requested area variance, for not requiring the installation of sidewalks at this time, across both the property's Hook Road frontage, involves granting a variance

of one hundred percent (100%) from that otherwise required by the 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 that the alleged difficulty is not self-created, as the Board finds based upon the Town Board’s adoption of the Town of Farmington Sidewalk/Trail Connection/Bike Lane Master Plan Map, that constructing a section of public sidewalk across the property’s Hook Road frontage will not contribute to completing the envisioned pedestrian network in the area. The Board further finds that the applicant is following all required steps in seeking a variance to the provisions of Chapter 165 of the Town of Farmington Town Code.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town’s restriction, 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 allowing the redevelopment of this site and the applicant’s continuing business services to our residents.

**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 determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance which exempts this property owner from having to install a section of public sidewalk across the Hook Road frontage is APPROVED with the following conditions:

- 1. The Final Site Plan Drawing [PB#2505-1002] is to contain a note that identifies this Application, including the file number listed above, the date of this resolution and the decision that a sidewalk across the Hook Road frontage does not contribute to the

completion of a pedestrian network in this area; and, therefore, is not required to be installed.

2. The Applicant is to obtain Final Site Plan Approval, meet all conditions of approval and received a Building Permit from the Town Code Enforcement Officer.

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

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

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

The above resolution was offered by Kelly Cochran and seconded by Ralph Bocchino at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, November 24, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Farmington Zoning Board of Appeals Meeting for November 24, 2025.

Elizabeth M. Klingenberg L.S.
 Elizabeth Klingenberg,
 Clerk of the Zoning Board of Appeals

APPENDIX III

TOWN OF FARMINGTON ZONING BOARD of APPEALS RESOLUTION AREA VARIANCE DETERMINATION

File: ZB #2025-1101

Applicant: Douglas Payne, 1523 County Road 8, Farmington, New York 14425

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from a Town Code requirement [Chapter 165, Attachment 1, Schedule 1] that requires a 60-foot minimum front setback for a structure that is located in the A-80 Agricultural District. The Applicant's existing structure located at 1523 County Road 8, Tax Map Account 42.00-1-41.000, is 45.5 feet setback from the Front Lot Line.

Whereas the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Parts 617.4 and 617.5 of 6 NYCRR Part 617, of the State's Environmental Conservation Law (ECL); and

Whereas the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

Whereas the Zoning Board of Appeals must classify the proposed Action under consideration.

Now, therefore, be it resolved that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual setback and lot line variances and adjustments [§617.5 (c) (16)] and the granting of an area variance for a single-family residence [§617.5 (c) (17)] that are classified Type II Actions.

Be it further resolved that the Zoning Board of Appeals does hereby classify the proposed Action identified above herein as being a Type II Action.

Be it further resolved that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

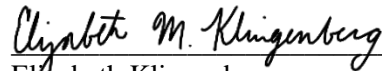
Be it finally resolved that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, or ds Payne@countrymax.com; the Applicant's Engineers, Brennan Marks, P.E., Marks Engineering, 4303 New York State Route 5, Canandaigua, New York 14424, or marks@marksengineering.com.

The above resolution was offered by Kelly Cochrane and seconded by Matthew Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, November 24, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochrane	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the November 24, 2025, Zoning Board of Appeals Meeting.



Elizabeth Klingenberg,
Clerk of the Zoning Board of Appeals

APPENDIX IV

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

APPLICANT: Douglas Payne
1523 County Road 8
Farmington, N.Y. 14425

File: ZB #2025-1101
Zoning Districts: A-80 Agricultural
Published Legal Notice on: 11/18/2025
County Planning Action on: Exempt
County Referral #: N.A.
Public Hearing held on: November 24, 2025

Property Location: 1523 County Road 8, Farmington, New York 14425

Property Owner: The Estate of George E. Payne, 1475 County Road 8, Farmington, NY 14425

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

Requirement for Which Variance is Requested: The applicant is requesting an area variance to allow relief from the minimum front setback requirement of 60 feet in the A-80 Agricultural District. The Applicant is requesting an area variance for a pre-existing building that is setback 45.5 feet from the Front Lot Line. The property is located at 1523 County Road 8 and is zoned A-80 Agricultural.

State Environmental Quality Review Determination: The granting of an area variance for an accessory structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (16) and (17) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The granting of a single area variance is classified as Exempt from a Referral in the Ontario County Planning Board By-Laws.

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 active farmland with a few single-family dwellings

fronting along County Road 8. The Board further finds that the subject building was constructed prior to the enactment of the A-80 zoning regulations. The Board further finds that there are no known plans for changing the footprint of the building. The Board further finds that the building is occupied and that the building has been maintained in good condition. The Board further finds that there are no complaints in the Town's property file. The Board, based upon these findings determines that granting the requested relief will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

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

Reasons: The Board finds that the building was constructed prior to the adoption of Chapter 165 of the Code of the Town of Farmington. The Board further finds that the building is a pre-existing non-conforming building. The Board further finds that a pre-existing non-conforming building may continue to exist but shall not be enlarged or expanded upon. The Board further finds that at this time there are no known plans to enlarge or expand the building. The Board further understands that the property owner is aware of the need for building permits for any enlargement or expansion of the building and such action is dependent upon a building that complies with the provisions of Chapter 165 of the Code of the Town of Farmington. The Board further understands that with granting relief to the minimum front setback requirement, the building would then comply with the provisions of Chapter 165 and would then be eligible for enlargement or expansion in accordance with a reduced front setback dimension. The Board based upon these findings determines the applicant cannot achieve a feasible alternative to the requested area variance.

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

Reasons: The Board finds that the requested area variance of 14.5 feet involves granting a variance of seven point six percent (7.6%) from that otherwise required by the 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 that the alleged difficulty is not self-created, as the Board finds the building was constructed prior to the enactment of the Town Zoning Ordinance in 1965, which is now known as Chapter 165 of the Code of the Town of Farmington. The Board further finds that the applicant is following all required steps in seeking a variance to the provisions of Chapter 165 of the Town of Farmington Town Code.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning restriction 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 allowing any further development of this site.

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 determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 14.5 feet from the minimum 60 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for this property [Tax Map 42.00-1-41.000] shall be 45.5 feet from the existing right-of-way of Ontario County Road 8.
2. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

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

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

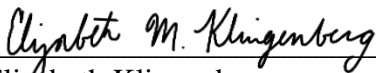
BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant's engineer.

The above resolution was offered by Ralph Bocchino and seconded by Tom Lay at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, November 24, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Farmington Zoning Board of Appeals Meeting for November 24, 2025.

 _____ L.S.
Elizabeth Klingenberg,
Clerk of the Zoning Board of Appeals

APPENDIX V**TOWN OF FARMINGTON
ZONING BOARD of APPEALS RESOLUTION
AREA VARIANCE DETERMINATION**

File: ZB #2025-1102

Applicant: Douglas Payne, 1523 County Road 8, Farmington, New York 14425

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from a Town Code requirement [Chapter 165, Attachment 1, Schedule 1] that requires a 60-foot minimum front setback for a structure that is located in the A-80 Agricultural District. The Applicant's existing structure located at 1576 County Road 8, Tax Map Account 42.00-1-39.000, is 51.9 feet setback from the Front Lot Line.

Whereas the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Parts 617.4 and 617.5 of 6 NYCRR Part 617, of the State's Environmental Conservation Law (ECL); and

Whereas the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

Whereas the Zoning Board of Appeals must classify the proposed Action under consideration.

Now, therefore, be it resolved that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual setback and lot line variances and adjustments [§617.5 (c) (16)] and the granting of an area variance for a single-family residence [§617.5 (c) (17)] that are classified Type II Actions.

Be it further resolved that the Zoning Board of Appeals does hereby classify the proposed Action identified above herein as being a Type II Action.

Be it further resolved that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

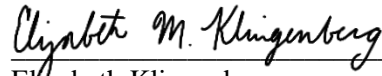
Be it finally resolved that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, or dspayne@countrymax.com; the Applicant's Engineers, Brennan Marks, P.E., Marks Engineering, 4303 New York State Route 5, Canandaigua, New York 14424, or bmmarks@marksengineering.com.

The above resolution was offered by Matthew Demarco and seconded by Ralph Bocchino at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, November 24, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochrane	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the November 24, 2025, Zoning Board of Appeals Meeting.



Elizabeth Klingenberg,
Clerk of the Zoning Board of Appeals

APPENDIX VI

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

APPLICANT: Douglas Payne
1523 County Road 8
Farmington, N.Y. 14425

File: ZB #2025-1102
Zoning Districts: RR-80 Rural Residential
Published Legal Notice on: 11/18/2025
County Planning Action on: Exempt
County Referral #: N.A.
Public Hearing held on: November 24, 2025

Property Location: 1576 County Road 8, Farmington, New York 14425

Property Owner: The Estate of George E. & Avis P. Payne, 1475 County Road 8, Farmington, NY 14425

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

Requirement for Which Variance is Requested: The applicant is requesting an area variance to allow relief from the minimum front setback requirement of 60 feet in the RR-80 Rural Residential District. The Applicant is requesting an area variance for a pre-existing building that is setback 51.9 feet from the Front Lot Line. The property is located at 1576 County Road 8 and is zoned RR-80 Rural Residential.

State Environmental Quality Review Determination: The granting of an area variance for an accessory structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (16) and (17) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The granting of a single area variance is classified as Exempt from a Referral in the Ontario County Planning Board By-Laws.

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 active farmland with a few single-family dwellings fronting along County Road 8. The Board further finds that the subject building was constructed prior to the enactment of the RR-80 zoning regulations. The Board further finds that there are no known plans for changing the footprint of the building. The Board further finds that the building is occupied and that the building has been maintained in good condition. The Board further finds that there are no complaints in the Town's property file. The Board, based upon these findings determines that granting the requested relief will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

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

Reasons: The Board finds that the building was constructed prior to the adoption of Chapter 165 of the Code of the Town of Farmington. The Board further finds that the building is a pre-existing non-conforming building. The Board further finds that a pre-existing non-conforming building may continue to exist but shall not be enlarged or expanded upon. The Board further finds that at this time there are no known plans to enlarge or expand the building. The Board further understands that the property owner is aware of the need for building permits for any enlargement or expansion of the building and such action is dependent upon a building that complies with the provisions of Chapter 165 of the Code of the Town of Farmington. The Board further understands that with granting relief to the minimum front setback requirement, the building would then comply with the provisions of Chapter 165, and that it would then be eligible for enlargement or expansion in accordance with a reduced front setback dimension. The Board based upon these findings determines the applicant cannot achieve a feasible alternative to the requested area variance.

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

Reasons: The Board finds that the requested area variance of 8.1 feet involves granting a variance of thirteen point five percent (13.5%) from that otherwise required by the 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 that the alleged difficulty is not self-created, as the Board finds the building was constructed prior to the enactment of the Town Zoning Ordinance in 1965, which is now known as Chapter 165 of the Code of the Town of Farmington. The Board further finds that the applicant is following all required steps in seeking a variance to the provisions of Chapter 165 of the Town of Farmington Town Code.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town’s zoning restriction 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 allowing any further development of this site.

**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 determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 8.1 feet from the minimum 60 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for this property [Tax Map Account #42.00-1-39.000] shall be 51.9 feet from the existing right-of-way of Ontario County Road 8.
2. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

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

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Rortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

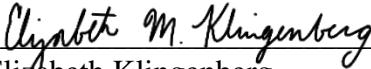
BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant’s engineer.

The above resolution was offered by Kelly Cochran and seconded by Tom Lay at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, November 24, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Farmington Zoning Board of Appeals Meeting for November 24, 2025.



Elizabeth Klingenberg, L.S.
Clerk of the Zoning Board of Appeals