Town of Farmington

1000 County Road 8

Farmington, New York 14425

**Zoning Board of Appeals**

*Established July 15, 1957*

**Monday, July 22, 2024, 7:00 p.m.**

**MINUTES—Draft**

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*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*

Kelly Cochrane

Tod Ruthven

Tom Lay

**Board Members Excused:** Jody Binnix

**Staff Present:**

Ron Brand, Town of Farmington Director of Development

Cadin Lloyd, Code Enforcement Officer, Town of Farmington

Carol Marvel Building & Development Secretary

**Applicant’s Present:**

James Fowler 6176 Hunters Dr Farmington, NY 14425

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**1. MEETING OPENING**

The July 22, 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. Yourchsaid 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 JUNE 24, 2024**

A motion was made by MS. COCHRANE seconded by MR. LAY, that the minutes of the June 24, 2024, meeting be approved.

Motion carried.

**3. LEGAL NOTICE**

There was no legal notice published for tonight’s agenda: ZB #0301-24 Fowler Family Trust, as this public hearing was continued to tonight’s meeting from the June 24, 2024, meeting. There also is no new application for tonight’s meeting that would have otherwise required publishing, posting, and giving public notice thereof.

**4. CONTINUED PUBLIC HEARING**

**ZB #0301-24, FOWLER FAMILY TRUST, 6176 HUNTERS DRIVE, FARMINGTON, NEW YORK 14425:**

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 create a third lot, to be known as Lot R5-C, that would have a minimum lot width of twenty- two (22) feet. The Town Code requires a minimum lot width of 125 feet. The proposed lot would be part of a proposed re-subdivision of Lot # R5-A with tax ID #29.13-1-5.100 and Lot #R5-B with tax ID #29.13-1-5.200 of the Pheasants Crossing Subdivision. These three (3) proposed lots would be located along the west side of Pheasants Crossing and within the Pheasants Crossing Subdivision Tract. All lots are zoned RS-25 Residential Suburban.

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

Mr. Yourch asked if there was anyone in person or online to speak about the above-mentioned application.

Mr. Fowler said the only thing that has changed since our last meeting was since our last meeting it was brought up that we were unsure if the federal standards for soils were accurate, and it was suggested that we take some soil samples to determine if the standards were correct and we have done so. A letter has been issued to the town indicating that the soil is as indicated by the federal government correct. The town is now going through SEQR, and we will hear more about that at our next planning board meeting.

Mr. Brand said the Planning Board did receive a revised soils report from Jim Baker, P.E., Foundation Design Inc., which substantiated the findings of the soil borings from the site in proximity to where the proposed structure would be for Lot C. Mr. Baker determined that the site could be developed with appropriate measures to protect the slopes and the soil. The Planning Board, at their July 17th meeting, had continued the public hearing and directed the town staff to prepare parts two and three of the environmental assessment and a draft resolution for making a determination of significance which will be acted on at the August 7th Planning Board meeting. Once that is acted upon then the planning board has been asked to provide you [the ZBA] with a recommendation on the requested area variance, and that would be something that you would receive at your August meeting. The Resolution that you have tonight is hopefully the last continuation of the Area variance application. It would be up to whether the planning board determines when they make their finding under SEQR. You have received a copy of the planning board resolution which spells out everything that I just stated for the record. It is now your obligation to continue this public hearing at your August 26th meeting.

Mr. Yourch asked if there were any other public comments in the room or anyone online desiring to speak? There were no other public comments.

Mr. Yourch asked if there were any comments from the Board.

Mr. Yourch stated that we have a draft resolution for adjournment and continuation of the public hearing to August 26, 2024. He asked Mr. Fowler if he had read the draft and if there were any objections to it.

Mr. Fowler stated that he had no objections and that his attorney had no objections to the draft resolution.

TOWN OF FARMINGTON ZONING BOARD OF APPEALS RESOLUTION ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE PROPOSED GRANTING OF AN AREA VARIANCE FOR PROPOSED LOT #R5-C TO ALLOW FOR THE CREATION OF A PROPOSED THREE-LOT PRELIMINARY RE-SUBDIVISION PLAT FOR THE FOWLER FAMILY TRUST

ZB #0301-24

APPLICANT: Fowler Family Trust, 6176 Hunters Drive, Farmington, New York 14425

ACTION: ADJOURNMENT AND CONTINUATION OF THE PUBLIC HEARING UPON THE REQUESTED AREA VARIANCE FOR PROPOSED LOT #R5-C OF THE FOWLER FAMILY TRUST RE-SUBDIVISION

**Whereas,** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has tonight continued the public hearing on this application from their June 24, 2024, meeting to allow time for requested information, an amended soil’s report from James Baker, P.E., President, Foundation Design, P.C., for proposed Lot #R5-C to be provided to the Town Planning Board (hereinafter referred to as the Planning Board); and

**Whereas,** the Planning Board is the designated lead agency under SEQR, for making the required determination of significance upon the proposed amended Re-Subdivision Plat of Lots #R5-A and #R5-B, of the Fowler Family Trust Application (PB #0702-23); and the granting of an area variance for proposed Lot R5-C (ZB #0301-24); and

**Whereas,** the Board since their adjournment and continuation of this public hearing on Monday June 24, 2024, has received from the Clerk of the Planning Board, on Friday July 19, 2024, a copy of Mr. Baker’s July 3, 2024, soil’s report and a certified copy of a resolution dated July 17, 2024, accepting the findings contained in Mr. Baker’s report and accepting the finding that with proper considerations a single-family dwelling could be constructed on the area identified on proposed Lot #R5-C; and

**Whereas,** the Planning Board resolution requests Town Staff to prepare Parts 2 & 3 of the Full Environmental Assessments Forms and a draft resolution setting forth the anticipated impacts likely to result from grant the proposed Action for their review and consideration at their meeting on Wednesday, August 7, 2024; and

**Whereas,** the Planning Board continues to be the designated Lead Agency under SEQR for the proposed amended Action referenced above herein; and

**Whereas,** the Board may not take any action on the pending area variance for proposed Lot R5-C until the Planning Board, as the designated Lead Agency, has made a determination of significance on the classified Unlisted Action under the provisions of the State Environmental Quality Review Act (SEQRA).

**Now, therefore, be it resolved,** that the Board again confirms thatno decision may be made by this Board, as an involved agency defined under the State’s Environmental Quality Review Act (SEQRA), until a determination of significance thereon has been made by the designated Lead Agency.

**Be it further resolved** that the Board does hereby reaffirm its’ request previously made, for a recommendation from the Planning Board as part of the coordinated review process under the State’s Environmental Quality Review Act (SEQRA); and

**Be it further resolved** that the Board requests said recommendation, from Planning Board, within thirty (30) days of the Planning Board’s completion of the environmental record upon the above-described Action; and

**Be it further resolved** that the Board does hereby move to table further deliberations upon the above referenced Action and adjourns the public hearing to be continued on Monday evening August 26, 2024, starting at 7:00 p.m., to again provide time for the Planning Board, to comply with SEQRA.

**Be it finally resolved** that the Board having made this decision does hereby instruct the Clerk of the Board to provided notice hereof to the Planning Board, the Clerk of the Planning Board, the Applicant, the Applicant’s Attorney, the Applicant’s Surveyor, the Town Code Enforcement Officer, the Attorney to the Town, and the Town Director of Planning and Development.

The above resolution was offered by Mr. Ruthven and seconded by Mr. Lay at a regular scheduled meeting of the Farmington Zoning Board of Appeals on Monday, July 22, 2024. After Board discussion, the following roll call vote was taken and recorded in the official minutes of the Zoning Board of Appeals for this date.

Kelly Cochrane - Aye

Tod Ruthven - Aye

Tom Lay - Aye

Jody Binnix - Excused

Tom Yourch - Aye

Motion - Carried

I, Paula Ruthven, Clerk of the Zoning Board of Appeals, do hereby certify the accuracy of the above resolution, to its being acted upon as referenced above herein and to it being recorded in the Board’s meeting minutes of July 22, 2024.

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Paula Ruthven, Clerk of the Zoning Board of Appeals

**5. PUBLIC HEARINGS:**

The is no new public hearing scheduled for this meeting.

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

**ZB #0301-24 James Fowler Area Variance**

**6176 Hunters Dr**

**Farmington, New York 14425**

#ZB0301-24 has adjourned the public hearing and continued it to August 26, 2024.

**7. OTHER BOARD MATTERS**

None

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

None

**9. DIRECTOR OF DEVELOPMENT UPDATE**

* Work continues on the sidewalks, and we are still waiting for the design of the pedestrian/bicycle bridge crossing of Beaver Creek. Today they brought in the big hammer [pile driver], and it will be a bit noisy over there for a few days. Once we get the design and it is reviewed by our engineers and the state engineers and approved, then we can order the bridge to be built, we will not be able to make the October 31st deadline. The contractor has had their a firm back out of the proposal to provide them the design so we will get the bridge when it comes and then lift it into place. In the meantime, there will be a little gap in the sidewalk on County Road 41. Finally, I noticed last Sunday evening that there were quite a few people walking on the stone base for the sidewalk, so they are anxious for it to get this sidewalk done.
* They also have started sidewalk work over on Route 96 by Maggie’s power sports. They have also started work on the east side of Mertensia Road, north of Route 96. We are waiting for Hynes Concrete Contractors and the scheduling of concrete delivery which is sometimes challenging as everyone knows. We are moving along, and we are getting there, and it will be a good project once it is done. Once completed, that will set us up for doing phase II of the second phase.
* I am working on the update to the Town’s Parks and Recreation Master Plan. The Update Committee had their first meeting on July 1st, and will meet next on August 5th, those meetings are all on YouTube.
* Finally, we are working on the drafting of legislation for the Whitestone Incentive Zoning Project on Route 332 and County Road 41.
* We still have not received the Preliminary Subdivision/Site Plan drawings for the Farmington Marketplace.
* The Solar project proposal [Commercial Drive] was able to reach an agreement with the adjacent property owner [Jonathan Orpin, New Energy Works] for a land swap that allows for the shift of the proposed road alignment further away from the property line, and leaves more natural open area. This seems to have pleased a lot of people that were in attendance at the Planning Board’s July 17th public hearing.

**10. CODE ENFORCEMENT OFFICER UPDATE**

* We have had a lot of residents asking what is going on with the sidewalks and they all seem to be happy to be able to walk around town on these sidewalks.
* We are getting busier with building permits with it being summer.

**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, 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](http://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, August 26, 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. LAY, that the meet­ing be adjourned.

Motion carried by voice vote. The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

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Paula Ruthven

Clerk of the Zoning Board of Appeals