

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

APPLICANT: Eric Honeck
c/o The Morrano/Marc
Equity Corporation
2730 Transit Road
West Seneca, NY 14224

File: ZB #2026-0204
Zoning District: IZ Incentive Zoning
Published Legal Notice on: March 18, 2026
County Planning Action on: N.A.
County Referral #: N.A.
Public Hearing held on: March 23, 2026

Property Location: 6114 Caleb Court, Farmington, NY 14425

Property Owner: The Morrano/Marc Equity Corporation, 2730 Transit Road, West Seneca,
New York 14224

Applicable Section of Town Code: Chapter 165-34.1.

Requirement for Which Variance is Requested: The applicant is requesting an area variance to allow a Principal Structure, within the front yard portion of the above referenced property [Tax Map Account #41.01-1-93.000], having a side yard setback from the front property line on nine feet four inches (9' 4"). The Town Code, requires a minimum 10-foot side setback in the Hathaway's Corners Incentive Zoning District.

State Environmental Quality Review Determination: The granting of a single Area Variance for a setback from a lot line is classified as a Type II Action under Part 617.5 (c) (9) 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: Exempt from referral by the adopted 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 comprised of single-family dwellings fronting along both sides of Caleb Court. The Board further finds that the proposed area variance is for an existing structure to the side setback along the parcel's west property line. The Board determines that granting the

requested Area Variance for the existing Principal Structure, will not create 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 variance. Yes No

Reasons: The Board finds that it would be creating an unnecessary and undesirable hardship upon the applicant to have to correct the eight-inch error that has been made in the placement of the structure on the existing lot. The Board further finds that the eight-inch setback is not visible to the passing motorist or pedestrian. The Board, based upon these findings, determines that the benefit to the community cannot be achieved by a feasible alternative to the requested side lot line setback variance.

3. Whether the requested variance is substantial. Yes No

Reasons: The Board finds that the requested relief of 8 inches from the required 120 inches (10 feet) side yard setback involves granting a variance of six percent (6 %) from that required by Town Code. The Board has consistently found that a variance involving encroachment of 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 6 NYCRR, Part 617.7 of the SEQR Regulations. The Board finds that the proposed Action 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 Board finds that Type II Actions listed within the ECL have been determined not to have a significant adverse impact upon the environment and by making this classification has 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 self-created, as the Applicant did not construct the dwelling in accordance with established building procedures which could have discovered the error prior to constructing the Principal Structure thereby eliminating the need for the requested area variance. The Board determines that although the alleged difficulty is

self-created, that granting the requested relief would be granting the minimum area variance relief otherwise required by New York State Town Law.

**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 is GRANTED WITH THE FOLLOWING CONDITIONS:

1. **The Final Site Plan drawing for 6114 Caleb Court is to be amended identifying the 8-inch setback dimension and a note added to the drawing that this area variance has been granted, providing these conditions of approval, the ZBA file number and date of approval.**
2. **The amended Final Site Plan drawing is to be approved by the Planning Board prior to the issuance of a Certificate of Occupancy by the Town Code Enforcement Officer.**
3. **The approved amended Final Site Plan drawing is to be made part of the Town's Property File for 6114 Caleb Court.**

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Decision 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 _____ and seconded by _____ at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, March 23, 2026. After Board discussion, the following roll call vote was recorded:

Ralph Bocchino	Aye or Nay
Kelly Cochran	Aye or Nay
Matt DeMarco	Aye or Nay
Tom Lay	Aye or Nay
Thomas Yourch	Aye or Nay

Motion: _____

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals 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 for the March 23, 2026, Meeting.

L.S.

Elizabeth Klingenberg,
Clerk of the Zoning Board of Appeals

DRAFT