TOWN OF FARMINGTON
ZONING BOARD OF APPEALS MEETING MINUTES

APPROVED MINUTES

The following minutes are a written summary of the main points that were made and the actions taken at the Town of Farmington Zoning Board of Appeals meeting held on December 20, 2010.

Zoning Board of Appeals Members

Edward Hemminger --Chairman
Leslie O'Malley
Chris Dunfey
Gary Scribner

Board Officers

Floyd Kofahl --Excused
Ron Brand --Director of Development

Also Present

Anthony Valenti ---Anthony's Apex Auto, Inc.
Mr. Valenti's son

Open Meeting

Edward Hemminger called the meeting to order at 7:00 pm.

Approval of Minutes

Gary Scribner made a motion to accept the November 22, 2010 meeting minutes and the motion was seconded by Leslie O'Malley. A voice vote was taken and the motion was passed with four (4) Ayes.

BOARD BUSINESS:

MARY BENSON-HARTMAN #ZB 1101-10 USE VARIANCE
82 Hook Road
Farmington, N.Y. 14425

The applicant is requesting a use variance to the provisions of Chapter 165, Article VI, Section 20, of the Farmington Town Code. The applicant wishes to construct a 600 square foot addition to an existing dwelling that is to be used for an in-law apartment. The application is for an independent (or second) dwelling unit on a parcel of land. The Town Code allows for one principal dwelling per parcel of land. The property is located at 82 Hook Road and is zoned RS-25 Residential/Suburban District.

Edward Hemminger stated that this is a continued Public Hearing.

Chairman Hemminger stated a letter was received from Mary Benson-Hartman requesting the withdrawal of the Use Variance application.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Gary Scribner and seconded by Chris Dunfey to close the Public Hearing at 7:03 pm at the December 20, 2010 meeting. There were four (4) Ayes.

Public Comments:

There were no Public Comments.

USE VARIANCE FINDINGS & DECISION

Edward Hemminger made a motion to accept the withdrawal letter from Mary Benson-Hartman and Leslie O'Malley seconded the motion. All present voted Aye.

ANTHONY VALENTI **#ZB 1102-10** **AREA VARIANCE**
6146 NYS Route 96
Farmington, N.Y. 14425

The applicant is requesting an area variance to the provisions of Chapter 165, Article V, Section 43. B. (2) c. of the Farmington Town Code. The applicant wishes to erect an additional commercial speech ground sign identifying an individual business. The property is located at 6146 New York State Route 96 and is zoned GB General Business.

Edward Hemminger stated that this is a continuation of the Public Hearing.

Ron Brand stated that he has drafted for the Board's consideration a Resolution to Override the County Planning Board's recommendation of denial and citing limitations to the business for motorist and wanting to maintain the safety of the traveling public and ~~s~~ cited these reasons for overriding the County. Ron also explained that he has drafted for the Board's consideration a Resolution to approve the sign~~s~~ requested with conditions.

Chairman Hemminger announced that this is a Public Hearing and asked if there is anyone present who wishes to speak for or against this application. No one responded. A motion was made by Chris Dunfey and seconded by Edward Hemminger to close the Public Hearing at 7:08 pm at the December 20, 2010 meeting. There were four (4) Ayes.

Public Comments:

There were no Public Comments.

AREA VARIANCE FINDINGS & DECISION

Chris Dunfey made a motion to waive the reading of the SEQR Type II Resolution and Gary Scribner seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the SEQR Type II Resolution and Leslie O'Malley seconded the motion. All present voted Aye.

Gary Scribner made a motion to accept the Resolution to Override the County Planning Board as presented and Edward Hemminger seconded the motion. All present voted Aye.

After discussion of the factors to be considered the Board felt there would not be an undesirable change of the neighborhood or detriment to nearby properties, that the relief sought could not be achieved by a feasible alternative, that the requested variance is substantial, that the requested variance would not have an adverse impact upon the physical or environmental conditions in the neighborhood, that the alleged difficulty was not self-created.

After discussing the Area Variance Findings, the Board voted unanimously to approve the Area Variance with the following conditions:

1. The approval is for a free-standing commercial speech sign to be erected that is in accordance with the Sign Site Plan approval granted by the Town Planning Board.
2. The applicant is to maintain the sign in a good condition.
3. The lighting of the sign shall comply with the provisions in the Town Code, Chapter 165.
4. The landscaping around the base of the free-standing sign shall be maintained.
5. There shall be no sandwich board signs allowed to be displayed advertising the used automobile service being offered.
6. Any violation(s) of these conditions of approval shall null and void the area variance granted for this application.

Reason: The Zoning Board of Appeals further finds that an area variance to the requirements of Chapter 165, Article V, Section 43. B. (2) (c) of the Farmington Town Code should be granted in order to properly identify the location of the service being offered (used automobile sales) to the public from along the adjacent public way (State Route 96). The Board further finds that the area variance being granted is the minimum relief necessary.

Other Board Matters:

1. The Board set the meeting dates for 2011 to be the forth Monday of each month except for the month of December the meeting will be on the third Monday, December nineteenth.

2. A copy of the 2011 Rules of Procedures was emailed to each Board member for editing and for adoption at the January 24, 2011 meeting.

Director of Development Update:

None

Code Enforcement Officer Update:

None

Next Meeting:

The next Zoning Board of Appeals meeting will be held on January 24, 2011. Edward Hemminger made a motion to adjourn the meeting at 7:15 pm. Leslie O'Malley seconded the motion. The motion was passed with a voice vote of four (4) ayes.

Minutes were respectfully submitted by Patricia Eddy, Clerk of the Board.