

the motion. All present voted Aye.

Leslie O'Malley made a motion to accept the SEQR Resolution 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 not substantial, the requested variance would not have an adverse impact upon the physical or environmental conditions in the neighborhood, and that the alleged difficulty was self-created.

After discussing the variance, the Board took formal action to approve the Area Variance Findings and Decision with the following conditions:

1. The proposed private garage shall not exceed 1,920 square feet in total area.
2. There shall not be any additional private garages allowed to be erected upon the existing subject lot unless additional land is added thereto.
3. The proposed private garage shall always be located in the rear yard portion of the lot.
4. The proposed private garage shall be located on the lot at a distance that is not closer than the rear and side yard setback dimensions for a principal structure within the RS-25 District.
5. The area variance shall remain in effect as long as there is a detached single-family residential dwelling unit that is occupied on this site. Should the existing detached single-family residential dwelling unit be removed from the site and a replacement dwelling not built, then the area variance shall terminate and the private garage shall be removed at the owner's expense within six months of such action.
6. The proposed private garage shall be used to store all items that have been stored outdoors.
7. Any "collectable" item(s) found to be stored outdoors, after the issuance of a valid Building Permit and a Certificate of Compliance for the proposed private garage, shall constitute a violation of the area variance granted herein and shall be the basis for further legal action by the Town of Farmington to have the item(s) either placed inside the private garage or removed from the lot.
8. The proposed private garage shall never be used for any retail, wholesale or business purpose.
9. The proposed private garage shall not be used for a residential dwelling unit.
10. Any lighting that may be placed upon the exterior of the accessory structure shall be compliant with the lighting provisions contained in the Town Code.
11. There shall be a turn-around area provided for on-site that is to be approved by the Town Code Enforcement Officer. Said turn-around area shall be designed and located so as to eliminate the need for the backing of vehicles onto Hook Road from the site.

Leslie O'Malley then made a motion to approve the application with the conditions set forth and Chris Dunfey seconded the motion. There were four (4) Ayes and one (1) Nay.

Public Comments:

There were no Public Comments.

BOARD BUSINESS:

ERIC EVERHART
883 Crowley Road
Farmington, NY 14425

#ZB 0703-11

USE VARIANCE

The applicant is requesting a use area variance to the provisions of Chapter 165, Article V, Section 54 of the Farmington Town Code. The applicant wishes to construct an additional principal structure (a second residence) on a parcel of land. The Town Code allows one principal structure on a parcel of land. The property is located at 883 Crowley Road and is zone

d RR-80 Rural Residential District.

Edward Hemminger announced that the Board had received a letter from Eric Everhart on August 8, 2011 withdrawing his application for a Use Variance. The Board then took action by voice vote to officially close the Public Hearing on the Use Variance (Application # ZB 0703-11). The Chairman directed that a copy of these meeting minutes be placed in the property file noting that no decision would be made upon a withdrawn application.

Public Comments:

There were no Public Comments.

Other Board Matters:

None

Director of Development Update:

None

Code Enforcement Officer Update:

None

Next Meeting:

The next Zoning Board of Appeals meeting will be held on September 26, 2011. Gary Scribner made a motion to adjourn the meeting at 7:35 pm. Leslie O'Malley seconded the motion. The motion was passed with a voice vote of five (5) ayes.

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