

**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 January 26, 2009.

Zoning Board of Appeals Members

Edward Hemminger -- Chairman
Leslie O'Malley
Raymond Ward
Chris Dunfey
Gary Scribner – Acting Chairman

Also Present

Floyd Kofahl		-Code Enforcement Officer
Ron Brand	-Excused	-Director of Development
Edward Freeman		-Passero Associates
Dave Kavanagh		-Ryan Homes
Cheryl Fowler		-317 Stonefield Lane, Farmington, New York, 14425

Open Meeting

Edward Hemminger called the meeting to order at 7:00 pm. He explained the emergency evacuation procedures and rules of procedures of the meeting and stated that copies of the evening's agenda and legal notices were available on the table by the door. He then asked those present to sign in if they had not already done so.

Approval of Minutes

Gary Scribner made a motion to accept the 11/24/2008 meeting minutes and the motion was seconded by Chris Dunfey. A voice vote was taken and the motion was passed with three (3) Ayes. Raymond Ward and Edward Hemminger abstained since they were not present at that meeting.

A motion was made by Gary Scriber and seconded by Chris Dunfey to close the Public Hearing on Patricia Eddy's applications from the 11/24/08 meeting. A voice vote was taken and the motion was passed with three (3) Ayes. Raymond Ward and Edward Hemminger abstained since they were not present at that meeting.

BOARD BUSINESS:

ZB 0101-09	Passero Associates	Area Variance
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Ed Hemminger read the legal notice for ZB 0101-09 that was published in the Daily Messenger on January 19, 2009 asking for a 1.1 foot setback.

Edward Freeman stated his reason why an area variance should be granted. He said the front stakes had been removed by someone but proposed a procedure to prevent any future violations. In the future their Engineer would review any revised plans to make sure no violations exist.

Floyd Kofahl stated that the town became aware of the violation in December and gave Ryan Homes the option of either fixing the violation or applying for a variance. Floyd's concern is the history of a subcontractor's violations causing many stop work orders that were issued this past year and many ongoing

problems. He stated that Ryan Homes is good in resolving the issues but they need to stop them from happening in the beginning. Floyd said the solution Ryan Homes is proposing to implement to prevent future violations is good.

David Kavanagh said they have had issues of violations in the past with following things properly in the field but that he and his project manager would make sure things were done correctly in the future.

Cheryl Fowler stated that she and her husband had been unaware of any violation until December.

A motion was made by Gary Scribner and seconded by Leslie O'Malley to close the Public Hearing at the 01/26/2009 meeting. There were five (5) Ayes. The Public Hearing was closed at 7:13 pm.

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

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

AREA VARIANCE FINDINGS & DECISION

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, the requested variance would not have an adverse impact in the neighborhood, but that the alleged difficulty was self-created.

After discussing the variance, the Board approved the Area Variance Findings and Decision with the understanding that in the future the Board may not be as lenient because of repeated violations in the past. Leslie O'Malley made a motion to approve the application and Gary Scribner seconded the motion. All present voted Aye.

Public Comments:

There were no Public Comments.

Other Board Matters:

Introduction of new Board member, Raymond Ward, and discussion of training classes for ZBA.

Director of Development Update:

None.

Code Enforcement Officer Update:

Floyd Kofahl stated that at the next meeting the Board will discuss correcting a 2003 Resolution which had an incorrect code section (G instead of H).

Next Meeting:

The next Zoning Board of Appeals meeting will be held on February 23, 2009.

Leslie O'Malley made a motion to adjourn the meeting at 7:31 pm. Chris Dunfey 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.