

# *Town of Farmington*

1000 County Road 8  
Farmington, New York 14425

## **ZONING BOARD OF APPEALS**

*Established July 15, 1957*

**Monday, December 22, 2025, 7:00 p.m.**

*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*  
Ralph Bocchino  
Kelly Cochran  
Tom Lay  
Matthew DeMarco

**Staff Present:**

Ron Brand, Director of Planning and Development  
Paula Ruthven, Zoning Officer, Town of Farmington

**Applicants Present:**

Marsha Sherwood, 1259 Glen Carlyn Dr, Farmington, NY 14425  
Sean Condon, 45 Hendrix Rd, West Henrietta, NY 14586  
Brian Mahoney, 290 W. Main St, Victor, NY 14564  
Rob Brenner, 290 W. Main St, Victor, NY 14564  
Kiah Bowerman, 6162 County Road 41, Farmington, NY 14425  
Jason Bowerman, 6162 County Road 41, Farmington, NY 14425

**1. MEETING OPENING**

The November 24, 2025, 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. Yourch said that the meeting would be conducted according to the Rules of Procedure approved by the Zoning Board of Appeals on January 27, 2025.

This meeting was held both in person at the Farmington Town Hall and virtually on Zoom.

Mr. Yourch introduced the members of the Zoning Board of Appeals and Town Staff members, including new Clerk of the Board, Elizabeth Klingenberg.

**2. Approval of Minutes of November 24, 2025, Zoning Board of Appeals Meeting.**

**A motion was made by MS. COCHRANE seconded by MR. LAY, that the November 24, 2025, meeting minutes be approved as written.** With no additional discussion, Ayes were unanimous.

Motion carried.

**3. LEGAL NOTICE**

Chairman Yourch attested to the publishing of the legal notices, on December 17, 2025, in the Daily Messenger, and the posting of property for the eight public hearings for tonight's meeting.

**4. CONTINUED PUBLIC HEARINGS: (0)**

Mr. Yourch stated that there were no continued public hearings.

**5. PUBLIC HEARINGS**

**ZB #2025-1103**, Kiah Bowerman, 6162 County Road 41, Farmington, New York 14425, for an area variance involving Tax Map Account 29.18-3-63.000 to allow relief from the Town Code requirement [Chapter 165, Section 58. A.] to allow construction of an Accessory Structure [a swimming pool] in the Side Yard portion of the lot. This section of the Town Code requires all Accessory Structures to be located in the Rear Yard portion of a lot. The property is zoned R-1-10, Residential Single-Family District.

Chairman Yourch opened the public hearing at 7:02pm.

Ms. Kiah Bowerman and Mr. Jason Bowerman were present to speak on behalf of the application. They explained that they are planning to put a swimming pool in the side yard area of their property. With the shape of the property and the easements for the Auburn Trail and drainage [a nearby catch drain], there is no space for a swimming pool in their back yard. They stated that they were previously approved for a six-foot privacy fence on the property, which will hide the pool from view. Neighbors have given support of the project.

There were no comments from the public at this time.

There were no additional comments from the Zoning Board of Appeals members at this time.

The Director of Planning & Development reported that two draft resolutions have been submitted for the Board's consideration. One resolution classifies the action as a Type II under the State's Environmental Quality Review (SEQR) regulations and the other is a draft resolution of findings and a decision to approve with conditions.

**Ms. Cochrane made a motion to close the public hearing at 7:05pm. Mr. Lay seconded the motion.** A voice vote of the five members unanimously voted to close this public hearing. Motion carried.

**ZB #2025-1104**, Kiah Bowerman, 6162 County Road 41, Farmington, New York 14425, for an area variance involving Tax Map Account 29.18-3-63.000 to allow relief from the Town Code requirement [§ 165 Attachment 1, Schedule 1], for a Side Yard Setback of 3.5-foot from the 10-foot minimum Side Yard Setback for an accessory structure. The property is zoned R-1-10, Residential Single-Family District.

Chairman Yourch opened the public hearing at 7:05pm.

There were no comments from the public at this time.

There were no additional comments from the Zoning Board of Appeals members at this time.

There were no staff comments at this time.

Ms. Bowerman clarified that she would not need to reapply if they end up building a smaller pool in the space.

**Mr. Bocchino made a motion to close the public hearing at 7:07pm. Mr. Demarco seconded the motion.** A voice vote of the five members unanimously voted to close this public hearing. Motion carried.

**A motion was made by MR. BOCCHINO seconded by MR. DEMARCO, that the remaining six public hearings be held simultaneously.** With no additional discussion, Ayes were unanimous.

The following six public hearings conducted simultaneously were:

**ZB #2025-1105.1**, for Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424 for an area variance involving Tax Map Account 29.11-2-74.000, Lot 1 of the proposed Fairdale Meadows Subdivision, to allow relief from the Town Code requirement [§ 165-21.G. (1)] for relief from the 35-foot minimum setback requirement from Fairdale Glen for a structure in the R-7.2 Planned Subdivision

District. The proposed Lot 1 structure is to be located on a corner lot having a Rear Yard Setback of 26-feet. The property is located at 5980 State Route 96, Farmington, New York 14425.

**ZB 2025-1105.2**, for Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424 for an area variance involving Tax Map Accounts 29.11-2-72.000 and 29.11-2-73.000, proposed Lot 17, to allow relief from the Town Code requirement [§ 165-21.G. (1)] for relief from the 30-foot minimum Rear Yard setback requirement for a structure in the R-7.2 Planned Subdivision District. The proposed Lot 17 structure has a Rear Yard setback of 23-feet. The property is located at 5980 State Route 96, Farmington, New York 14425.

**ZB 2025-1105.3**, for Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424 for an area variance involving Tax Map Account 29.11-2-72.000, proposed Lot 21, to allow relief from the Town Code requirement [§ 165-34.G. (3)] for relief from the 70-foot minimum setback to NYS-96 in an MTOD Major Thoroughfare Overlay District setback requirement for a structure in the R-7.2 Planned Subdivision District. The proposed Lot 21 structure has a setback of 60-feet. The property is located at 5980 State Route 96, Farmington, New York 14425.

**ZB 2025-1105.4**, for Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424 for an area variance involving Tax Map Account 29.11-2-72.000, proposed Lot 22, to allow relief from the Town Code requirement [§ 165-34.G. (3)] for relief from the 70-foot minimum setback to NYS-96 in an MTOD Major Thoroughfare Overlay District setback requirement for a structure in the R-7.2 Planned Subdivision District. The proposed Lot 22 structure has a setback of 29-feet. The property is located at 5980 State Route 96, Farmington, New York 14425.

**ZB 2025-1105.5**, for Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424 for an area variance involving Tax Map Accounts 29.11-2-72.000 and 29.11-2-73.000, proposed Lot 23, to allow relief from the Town Code requirement [§ 165-34.G. (3)] for relief from the 70-foot minimum setback to NYS-96 in an MTOD Major Thoroughfare Overlay District setback requirement for a structure in the R-7.2 Planned Subdivision District. The proposed Lot 23 structure has a setback of 49-feet. The property is located at 5980 State Route 96, Farmington, New York 14425.

**ZB 2025-1105.6**, for Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424 for an area variance involving Tax Map Accounts 29.11-2-75.000, proposed Lot 40, to allow relief from the Town Code requirement [§ 165-34.G. (3)] for relief from the 70-foot minimum setback to NYS-96 in an MTOD

Major Thoroughfare Overlay District setback requirement for a structure in the R-7.2 Planned Subdivision District. The proposed Lot 40 structure has a setback of 13-feet. The property is located at 5980 State Route 96, Farmington, New York 14425.

Chairman Yourch opened the public hearings at 7:07pm.

Mr. Sean Condon explained that the applicant is looking to subdivide a 12.5-acre vacant property into 40 residential lots for single family homes, with one lot of green space. Each lot will have a single-family home and driveway connection. He explained that this project was designed with in put from town staff over the last couple of months to keep the existing character of the neighborhood while providing residential lots, and while still accounting for different constraints such as zoning, lot shape, existing sewer easements, proximity to Fairdale Glen, and State Route 96.

Mr. Condon explained that they have coordinated with the New York State Department of Transportation to locate the intersection of the proposed Town Road with State Route 96 directly across from the main entrance to Finger Lakes Gaming and Racetrack. The other end of the road [east end] will connect to Fairdale Glen. There are no driveways onto State Route 96.

Mr. Condon explained that Lot 1 requires a corner yard setback for Fairdale Glen, four lots (Lots 21, 22, 23, and 40) require Mainstreet Thoroughfare Overlay District (MTOD) variances. Lot 17 requires a rear yard setback variance due to the shape of the proposed lot.

Mr. Brand stated that all lots are larger than the 7,200 square foot minimum, keeping with the R-7.2 district. He explained that sidewalks are in place along the State Route 96 frontage of the property, and that there will also be an internal sidewalk. The Planning Board is still reviewing the property for the site plan and subdivision applications. The project has been sent to the County Planning Board with no concerns received regarding variances.

Ms. Marsha Sherwood, resident of Glen Carlyn Drive, asked if the existing tree line would remain along her property. Mr. Condon stated that to the greatest extent possible, the tree line would remain. He also clarified that they would not be removing any trees located on her property.

Mr. Tom Lay asked if there would be concerns of traffic flow during peak traffic time. Mr. Condon stated that they are coordinating a traffic study with the New York State Department of Transportation. Mr. Brand stated that if there is need, a stop light would be installed at the intersection of the new town road and State Route 96, opposite the Finger Lakes driveway. At this time there is no known warrant for such a intersection improvement.

Mr. Yourch asked if there were any other comments on these applications. There

were no comments either in the meeting room or online.

**Mr. Lay made a motion to close the public hearings at 7:24pm. Ms. Cochrane seconded the motion.** A voice vote of the five members unanimously voted to close this public hearing. Motion carried.

## 6. BOARD BUSINESS—DELIBERATIONS AND DECISION

**Mr. Bocchino made a motion to block all 8 SEQR Resolutions, to waive the readings of the SEQR submitted by the Town Staff and accept as presented. Mr. Lay seconded the motion.** A voice vote of the five members unanimously voted to pass the motion.

**ZB 2025-1103**

**Kiah Bowerman**

**Area Variance**

SEQR Resolution in Appendix I.

**Ms. Cochrane made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Bocchino seconded the motion.** The motion was approved by a unanimous vote.

Chairman Yourch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 6.5 feet from the minimum 10 feet side setback requirement is APPROVED with the following conditions:

1. The Side Yard Setback for this property [Tax Map Account #29.18-3-63.000] shall be 3.5 feet from the west Side Lot Line.
2. The Applicant is to obtain a Building Permit from the Town for the proposed swimming pool.
3. There shall be landscaping installed and maintained around the proposed swimming pool that provides a visual barrier between the swimming pool and the adjacent Auburn Trail and County Road 41. This planting shall be shown on a landscaping plan prepared for or by the applicant and submitted as part of the Building Permit Application for the proposed swimming pool.

After reading the above conditions, Chairperson Yourch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix II.

**ZB 2025-1104**

**Kiah Bowerman**

**Area Variance**

SEQR Resolution in Appendix III.

**Mr. Bocchino made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Ms. Cochrane seconded the motion.**

Chairman Yourch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to allow an accessory structure in the side yard is APPROVED with the following conditions:

1. The Side Yard Setback for this property [Tax Map Account #29.18-3-63.000] shall be allowed for the construction of a proposed swimming pool to be located not closer than 3.5 feet from the west Side Lot Line.
2. The Applicant is to obtain a Building Permit from the Town for the proposed swimming pool.
3. There shall be landscaping installed and maintained around the proposed swimming pool that provides a visual barrier between the swimming pool and the adjacent Auburn Trail and County Road 41. This planting shall be shown on a landscaping plan prepared for or by the applicant and submitted as part of the Building Permit Application for the proposed swimming pool.

After reading the above conditions, Chairperson Yourch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix IV.

**ZB 2025-1105.1      Canandaigua Development Company, LLC      Area Variance**

SEQR Resolution in Appendix V.

**Mr. Bocchino made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Lay seconded the motion.**

Chairman Yurch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 9 feet from the minimum 35 feet rear yard setback requirement is APPROVED with the following conditions:

1. The Side Yard Setback for the proposed Lot #1 on a portion of this property [Tax Map Account #29.11-2-74.000] shall be 26-feet from the existing right-of-way of Fairdale Glen.
2. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
3. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

After reading the above conditions, Chairperson Yurch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix VI.

**ZB 2025-1105.2      Canandaigua Development Company, LLC      Area Variance**

SEQR Resolution in Appendix VII.

**Ms. Cochrane made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Bocchino seconded the motion.**

Chairman Yurch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 7 feet from the minimum 30-foot setback requirement is APPROVED with the following conditions:

1. The Rear Setback for the proposed principal structure to be constructed Lot #17, which is now located on a portion of these two properties [Tax Map Accounts 29.11-2-72.000 and 29.11-2-73.000] shall be 23-feet from the existing property line boundary to the north.
2. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
3. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

After reading the above conditions, Chairperson Yurch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix VIII.

**ZB 2025-1105.3      Canandaigua Development Company, LLC      Area Variance**

SEQR Resolution in Appendix IX.

**Mr. Demarco made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Ms. Cochrane seconded the motion.**

Chairman Yurch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 10 feet

from the minimum 70 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for the proposed Lot #21 on a portion of this property [Tax Map Account #29. -2-72.000] shall be 60-feet from the existing right-of-way of State Route 96.
2. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
3. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

After reading the above conditions, Chairperson Yourch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix X.

**ZB 2025-1105.4      Canandaigua Development Company, LLC      Area Variance**

SEQR Resolution in Appendix XI.

**Ms. Cochrane made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Lay seconded the motion.**

Chairman Yourch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 41 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for the proposed Lot #22 on a portion of this property [Tax Map Account #29. -2-72.000] shall be 29-feet from the existing right-of-way of State Route 96.

2. The area variance granted is only for a single-family dwelling to be located on Lot #22 that is served by a driveway located as far away as possible from the intersection with State Route 96 and it includes a side-loaded garage for the dwelling.
3. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
4. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

After reading the above conditions, Chairperson Yourch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix XII.

**ZB 2025-1105.5      Canandaigua Development Company, LLC      Area Variance**

SEQR Resolution in Appendix XIII.

**Mr. Demarco made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Mr. Lay seconded the motion.**

Chairman Yourch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 21 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for the proposed Lot #23 on a portion of this property [Tax Map Accounts #29.11-2-72.000 and #29.11-2-73.000] shall be 49 feet from the existing right-of-way of State Route 96.
2. The area variance granted is for a single-family dwelling to be located on Lot #23 as shown on the Preliminary Plat Map for the Fairdale Meadows Subdivision Tract.

3. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
4. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

After reading the above conditions, Chairperson Yourch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix XIV.

**ZB 2025-1105.6      Canandaigua Development Company, LLC      Area Variance**

SEQR Resolution in Appendix XV.

**Mr. Demarco made a motion to waive the reading of complete findings and decisions and only read the determination and to only read the decisions. Ms. Cochrane seconded the motion.**

Chairman Yourch read the Determination as follows:

The Zoning Board of Appeals, after reviewing the above five proofs, makes the following determination:

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 57 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:

1. The Front Setback for the proposed Lot #40 on a portion of this property [Tax Map Account #29.11-2-75.000] shall be 13-feet from the existing right-of-way of State Route 96.
2. The area variance granted is only for a single-family dwelling to be located on Lot #40 that is screened by a dense planting of evergreens across a portion of this Lot that is to be approved by the Planning Board as part of final site plan approval for Lot #40.
3. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file

number and date such area variance was granted by the Town Zoning Board of Appeals.

4. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

After reading the above conditions, Chairperson Yourch asked the applicants if they understood the conditions of approval and if there were any objections. Hearing none, a roll call vote to approve adoption of the resolution with conditions was recorded.

**Motion carried.** Full Resolution in Appendix XVI.

## 7. OTHER BOARD MATTERS (1):

### (1) Zoning Board of Appeals 2026 Meeting Dates and Rules of Procedure - Discussion

A motion was made by Mr. Bocchino seconded by Mr. Lay, to accept the meeting dates for 2026. With no additional discussion, Ayes were unanimous.

Motion carried.

## 8. PUBLIC COMMENTS—OPEN FORUM DISCUSSION - None

## 9. DIRECTOR OF DEVELOPMENT UPDATE –

Mr. Brand stated that the Town Board has an upcoming public hearing on Farmington Meadows on State Route 332 and County Road 41. The Town Board will also be looking at some code amendments in the coming year to address issues with accessory structures and other regulations.

## 10. ZONING & CODE ENFORCEMENT DATE

Ms. Ruthven stated that she has been comparing the Planning Board and Zoning Board of Appeals Rules of Procedure and will be sending out some edits for the Zoning Board of Appeals Rules of Procedure for Board review.

## 11. NEXT MEETING

Mr. Yourch proposed moving the Rules of Procedure discussion to the February meeting, as there is no anticipated meeting in January.

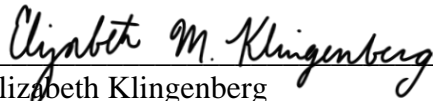
The next regular meeting of the Zoning Board of Appeals will likely be on Monday, February 23, 2026.

**12. 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 7:35 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Elizabeth Klingenberg L. S.  
Clerk of the Zoning Board of Appeals

Appendices:

- Appendix I: ZB 2025-1103 Kiah Bowerman SEQR
- Appendix II: ZB 2025-1103 Kiah Bowerman Approval with Conditions
- Appendix III: ZB 2025-1104 Kiah Bowerman SEQR
- Appendix IV: ZB 2025-1104 Kiah Bowerman Approval with Conditions
- Appendix V: ZB 2025-1105.1 SEQR
- Appendix VI: ZB 2025-1105.1 Approval with Conditions
- Appendix VII: ZB 2025-1105.2 SEQR
- Appendix VIII: ZB 2025-1105.2 Approval with Conditions
- Appendix IX: ZB 2025-1105.3 SEQR
- Appendix X: ZB 2025-1105.3 Approval with Conditions
- Appendix XI: ZB 2025-1105.4 SEQR
- Appendix XII: ZB 2025-1105.4 Approval with Conditions
- Appendix XIII: ZB 2025-1105.5 SEQR
- Appendix XIV: ZB 2025-1105.5 Approval with Conditions
- Appendix XV: ZB 2025-1105.6 SEQR
- Appendix XVI: ZB 2025-1105.6 Approval with Conditions

**APPENDIX I**

**TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION**

File: ZB #2025-1103

Applicant: Kiah Bowerman, 6162 County Road 41, Farmington, New York 14425

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from a Town Code requirement [Chapter 165, Article V, Section 62. B.] that requires a 10-foot minimum front setback for a structure that is located in the R-1-10 Residential Single-Family District. The Applicant is proposing to install a swimming pool in the Side Yard area of the lot with setback of 3.5 feet from the Side Lot Line. Accessory Structures are required to have a ten foot minimum Side Yard Setback for Accessory Structures.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State’s Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant’s Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual setback for the construction of an appurtenant residential structure, a swimming pool, that is classified as a Type II Action [§617.5 (c) (12)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State’s ECL, article 8.

**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Kiah Bowerman or [Kiahbowerman@gmail.com](mailto:Kiahbowerman@gmail.com).

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

Elizabeth M. Klingenberg  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

DRAFT

**APPENDIX II**

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

APPLICANT: Kiah Bowerman  
**6162 County Road 41**  
**Farmington, N.Y. 14425**

File: ZB #2025-1103  
**Zoning Districts: R-1-10 Residential**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: Exempt  
County Referral #: 211-2025  
Public Hearing held on: December 22, 2025

Property Location: 6162 County Road 41, Farmington, New York 14425

Property Owner: Kiah and Jason Bowerman, County Road 41, Farmington, NY 14425

Applicable Section of Town Code: Chapter 165, Article V, Section 62. B.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum side setback requirement of 10 feet, in the R-1-10 Residential District, for a proposed swimming pool. The Applicant is proposing a Side Yard Setback of 3.5 feet. The property is located at 6162 County Road 41.

State Environmental Quality Review Determination: The granting of an area variance for an accessory structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (12) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board has reviewed this application, assigned it referral #211-2025 and determined it to be exempt under their 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 predominantly single-family detached dwellings on lots of 10,000

square feet or larger in area. The Board further finds that there are a number of filed easements on this property which limit the placement of an accessory structure in the rear and side yard portions of the property. The Board further finds that one of these easements allows for the public use of the Auburn Trail which is located across the Rear Yard portion of the lot. The Board further finds that there is a wood fence constructed along the property line with the adjoining neighbor to the north and west of the subject site which establishes a visual buffer to the side yard portion of the subject lot, the area where the proposed swimming pool is to be installed. The Board further finds that there are no complaints in the Town's property file. The Board further finds that with proper screening of a swimming pool in the side yard portion of the lot that there will be no visual impact on passing motorists along County Road 41. The Board, based upon these findings determines that granting the requested relief will not produce 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 area variance.     \_\_\_ Yes     X No

Reasons: The Board finds that the lot is encumbered with a number of easements which restrict the placement of an accessory structure, in this instance a swimming pool, on the lot. The Board further finds that there is an adjacent easement for the Auburn Trail, located across the Rear Yard portion of the lot which is used for walking and biking by the public. The Board further finds that the proposed location for the swimming pool is in an area that is the most secluded, and thus private portion of the lot. The Board further finds that the property owners are aware of the need for building permits for installing the proposed swimming pool and such action is dependent upon construction that complies with the provisions of Chapter 165 of the Code of the Town of Farmington. The Board further understands that with granting relief to the minimum side yard setback requirement, the swimming pool could then comply with the provisions of Chapter 165, and that it would then be eligible for the issuing of a Building Permit in accordance with a reduced Side Yard setback dimension. The Board based upon these findings determines the applicant cannot achieve a feasible alternative to the requested area variance.

3. Whether the requested variance is substantial.     X Yes     \_\_\_ No

Reasons: The Board finds that the requested area variance of 6.5 feet involves granting a variance of sixty-five percent (65%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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     X No

Reasons: The Board in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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 not self-created, as the Board finds the easements were originally acquired from a previous owner/developer of the lot. The Board further finds that the applicant is following all required steps in seeking a variance to the provisions of Chapter 165 of the Town of Farmington Town Code.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning restriction cannot be achieved without some form of relief. The Board finally finds that the relief being requested is felt to be the minimum relief necessary for allowing the property owners to construct a swimming pool on a portion of the lot where there will be the greatest privacy realized.

#### 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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 6.5 feet from the minimum 10 feet side setback requirement is APPROVED with the following conditions:**

1. The Side Yard Setback for this property [Tax Map Account #29.18-3-63.000] shall be 3.5 feet from the west Side Lot Line.
2. The Applicant is to obtain a Building Permit from the Town for the proposed swimming pool.
3. There shall be landscaping installed and maintained around the proposed swimming pool that provides a visual barrier between the swimming pool and the adjacent Auburn Trail and County Road 41. This planting shall be shown on a landscaping plan prepared for or by the applicant and submitted as part of the Building Permit Application for the proposed swimming pool.

BE IT RESOLVED that the Board in making this Determination 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 be provided to the applicant.

The above resolution was offered by Kelly Cochran and seconded by Ralph Bocchino at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

Elizabeth M. Klingenberg L.S.  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX III**

TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION

File: ZB #2025-1104

Applicant: Kiah Bowerman, 6162 County Road 41, Farmington, New York 14425

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from a Town Code requirement [Chapter 165, Article V, Section 62. B.] that requires an Accessory Structure be located in the Rear Yard Portion of a lot in the R-1-10 Residential Single-Family District. The Applicant is proposing to install a swimming pool in the Side Yard area of the lot.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State’s Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant’s Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of an appurtenant residential structure, a swimming pool, that is classified as a Type II Action [§617.5 (c) (12)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State’s ECL, article 8.

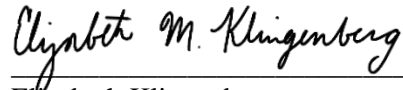
**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Kiah Bowerman or [Kiahbowerman@gmail.com](mailto:Kiahbowerman@gmail.com).

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

- Kelly Cochran           Aye
- Tom Lay                   Aye
- Ralph Bocchino        Aye
- Matthew Demarco      Aye
- Tom Yourch             Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

DRAFT

**APPENDIX IV**

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

**APPLICANT:** Kiah Bowerman  
6162 County Road 41  
Farmington, N.Y. 14425  
**File:** ZB #2025-1104  
**Zoning Districts:** R-1-10 Residential  
**Published Legal Notice on:** 12/17/2025  
**County Planning Action on:** Exempt  
**County Referral #:** 211-2025  
**Public Hearing held on:** December 22, 2025

**Property Location:** 6162 County Road 41, Farmington, New York 14425

**Property Owner:** Kiah and Jason Bowerman, County Road 41, Farmington, NY 14425

**Applicable Section of Town Code:** Chapter 165, Article V, Section 62. B.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the requirement that an accessory structure may only be located in the Rear Yard portion of a lot. The Applicant is proposing a swimming pool to be located within the Side Yard portion of the lot. The property is located at 6162 County Road 41 and is zoned R-1-10 Residential District.

**State Environmental Quality Review Determination:** The granting of an area variance for an accessory structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (12) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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:** The Ontario County Planning Board has reviewed this application, assigned it referral #211-2025 and determined it to be exempt under their 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 predominantly single-family detached dwellings on lots of 10,000 square feet or larger in area. The Board further finds that there are a number of filed easements on this property which limit the placement of an accessory structure in the Rear Yard portion of the property. The Board further finds that one of these easements allows for the public use of the Auburn Trail which is located across the Rear Yard portion of the lot. The Board further finds that there is a wood fence constructed along the property line with the adjoining neighbor to the north and west of the subject site which establishes a visual buffer to the side yard portion of the subject lot, the area where the proposed swimming pool is to be installed. The Board further finds that there are no complaints in the Town's property file. The Board further finds that with proper screening of a swimming pool in the side yard portion of the lot that there will be no visual impact on users of the Auburn Trail or upon passing motorists along County Road 41. The Board, based upon these findings determines that granting the requested relief will not produce 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 area variance.     \_\_\_ Yes     X No

**Reasons:** The Board finds that the lot is encumbered with a number of easements which restrict the placement of an accessory structure, in this instance a swimming pool, on the lot. The Board further finds that there is an adjacent easement for the Auburn Trail, located across the Rear Yard portion of the lot which is used for walking and biking by the public. The Board further finds that the proposed location for the swimming pool is in an area that is the most secluded, and thus private portion of the lot. The Board further finds that the property owners are aware of the need for building permits for installing the proposed swimming pool and such action is dependent upon construction that complies with the provisions of Chapter 165 of the Code of the Town of Farmington. The Board further understands that with granting relief to the minimum side yard setback requirement, the swimming pool could then comply with the provisions of Chapter 165, and that it would then be eligible for the issuing of a Building Permit in accordance with a reduced Side Yard setback dimension. The Board based upon these findings determines the applicant cannot achieve a feasible alternative to the requested area variance.

3. Whether the requested variance is substantial.     \_\_\_ Yes     X No

**Reasons:** The Board finds that the requested area variance to allow constructing a swimming pool, an Accessory Structure, in the Side Yard portion of the lot involves granting a variance of one hundred percent (100%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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     X No

**Reasons:** The Board in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed

Action as a Type II Action. 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 has thereby 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 not self-created, as the Board finds the easements were originally acquired from a previous owner/developer of the lot. The Board further finds that the applicant is following all required steps in seeking a variance to the provisions of Chapter 165 of the Town of Farmington Town Code.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning restriction cannot be achieved without some form of relief. The Board finally finds that the relief being requested is felt to be the minimum relief necessary for allowing the property owners to construct a swimming pool on a portion of the lot where there will be the greatest privacy realized.

#### **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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to allow an accessory structure in the side yard is APPROVED with the following conditions:**

1. The Side Yard Setback for this property [Tax Map Account #29.18-3-63.000] shall be allowed for the construction of a proposed swimming pool to be located not closer than 3.5 feet from the west Side Lot Line.
2. The Applicant is to obtain a Building Permit from the Town for the proposed swimming pool.
3. There shall be landscaping installed and maintained around the proposed swimming pool that provides a visual barrier between the swimming pool and the adjacent Auburn Trail and County Road 41. This planting shall be shown on a landscaping plan prepared for or by the applicant and submitted as part of the Building Permit Application for the proposed swimming pool.

**BE IT RESOLVED** that the Board in making this Determination 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 be provided to the applicant.

The above resolution was offered by Kelly Cochran and seconded by Tom Lay at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

*Elizabeth M. Klingenberg* L.S.  
 Elizabeth Klingenberg,  
 Clerk of the Zoning Board of Appeals

## APPENDIX V

### TOWN OF FARMINGTON ZONING BOARD of APPEALS RESOLUTION AREA VARIANCE - SEQR CLASSIFICATION

File: ZB #2025-1105.1

**Applicant:** Robert Brenner, c/o Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, New York 14424

**Action:** Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from the Town Code, the R-7.2 Planned Subdivision District [Chapter 165, Article IV, Section 21. G.] that requires a minimum setback of 35-feet from a public street [Fairdale Glen]. The Applicant is proposing a single-family dwelling on Lot #1 of the Fairdale Meadows Preliminary Subdivision Plat to have a minimum setback of 26-feet. The proposed Lot #1 is currently a part of Tax Map Account Number 29.11 – 2-74.000 and is located at 5980 State Route 96.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State's Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation of a drinking water or a septic system or both, and conveyances of land in connection therewith is classified as a Type II Action [§617.5 (c) (11) & (13)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.


**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Robert Brenner, or [rbrenner@mahoneybrenner.com](mailto:rbrenner@mahoneybrenner.com); the Applicant's Engineer, Sean Condon, P.E., The DDS Companies, 45 Hendrix Road, West Henrietta, NY 14586, or [scondon@ddscompanies.com](mailto:scondon@ddscompanies.com); John M. Robortella, Clerk of the Town of Farmington Planning Board at [john.robortella@gmail.com](mailto:john.robortella@gmail.com); and a copy hereof filed with the Farmington Town Clerk's Office.

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX VI**

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

APPLICANT: Robert Brenner c/o **Canandaigua Devel. Co., LLC**  
**83 South Main Street**  
**Canandaigua, NY 14424**  
File: ZB #2025-1105.1  
**Zoning Districts: R-7.2 Planned Subdivision & MTOD Major Thoroughfare Overlay District**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: 12/10/25  
County Referral #: 210-2025  
Public Hearing held on: December 22, 2025

Property Location: Tax Map Account #29.11-2-74.000, 5980 State Route 96, Farmington, New York 14425

Property Owner: Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424.

Applicable Sections of Town Code: Chapter 165, Article IV, Section 21. G. and Section 34. G.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum setback requirement of 35 feet from Fairdale Glen [§165-21. G. (1)] in the R-7.2 Planned Subdivision District. The area variance is to allow for a proposed single-family dwelling unit to be constructed on proposed Lot #1 of the proposed Fairdale Meadows Subdivision Tract with a setback 26-feet from the adjacent Fairdale Glen. Proposed Lot #1 involves a portion of current Tax Map Account 29.11-2-74.000. The property is located at 5980 State Route 96 and is also zoned MTOD Major Thoroughfare Overlay District.

State Environmental Quality Review Determination: The granting of an area variance for the construction of a residential structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (11) and (13) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board Referral # 210.0 – 2025 is classified as a Class 1 Referral.

**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 four Tax Maps [29.11-2-72.000, 29.11-2-73.000, 29.11-2-74.000 and 29.11-2-75.000] that are now being proposed for subdivision and the development of 40 single-family dwellings were at one point in time a part of the Fairdale Glen Planned Subdivision Project, but were never further subdivided. The Board further finds that now a proposed 41 lot preliminary subdivision application has been submitted to the Town Planning Board for review. The Board further finds that these four tax map accounts were, at one point in time, also approved for rezoning to GB General Business to be developed as an automobile dealership with the condition that the applicant, at the time, obtains final site plan approval. The Board further finds that the previous owner of these four tax map accounts was not able to obtain a dealership with a car manufacturer due to nearby automobile dealership franchise restrictions. The Board further finds that the subject tax map accounts, therefore, were never rezoned and are currently zoned R-7.2 Planned Subdivision District. The Board further finds that the R-7.2 Planned Subdivision District zoning is consistent with the zoning for adjacent properties. The Board further finds that the Town Director of Planning & Development has been informed by the Permit Officer at the Region 4 Office of the New York State Department of Transportation (DOT) that the DOT appreciates the proposed subdivision design for limited access to State Route 96 in this area. The Board further finds that there are no complaints in the Town's property file about these four tax map accounts. The Board, based upon these findings determines that granting the requested relief will not produce 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 area variance.  Yes  No

Reasons: The Board finds that the location of this corner lot creates setbacks from two adjacent town roads. The Board further finds that the proposed layout of the single-family dwelling on this lot results in the need for a setback variance which as designed is less intrusive on adjacent properties than that associated with another site layout. The Board further finds that the proposed site layout has the driveway for the dwelling unit located on a lower volume town highway than that associated with a driveway onto Fairdale Glen. The Board further understands that with granting the requested relief that the Board would then be granting a variance that would be in the best interests of traffic safety in this proposed neighborhood. The Board based upon these findings determines that although the applicant can achieve a feasible alternative to the requested area variance, granting such relief would not be in the best interests of promoting traffic safety in the neighborhood.

3. Whether the requested variance is substantial.  Yes  No

Reasons: The Board finds that the requested area variance for a setback of 26-feet, instead of the required 35-feet involves granting a variance of twenty-five-point eight percent (25.8%) from that

otherwise required by the Town Code. The Board has consistently found that a variance involving 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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 Board finds there is an alternative design for the site layout of proposed Lot #1. The Board further finds that such alternative design results in a much smaller rear yard portion of Lot #1 which is likely to create the need for additional variances in the future for locating an accessory structure in the rear yard. The Board finds that there is an opportunity to avoid creating a need for additional area variances by granting the requested setback variance allowing for the site layout of Lot #1 in the manner being shown on the preliminary site plan drawing for this property.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning restriction cannot be achieved without some form of relief. The Board further finds that the relief being requested is felt to be the minimum relief necessary for allowing any further development of this site.

#### 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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 9 feet from the minimum 35 feet rear yard setback requirement is APPROVED with the following conditions:**

1. The Side Yard Setback for the proposed Lot #1 on a portion of this property [Tax Map Account #29.11-2-74.000] shall be 26-feet from the existing right-of-way of Fairdale Glen.
2. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
3. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant’s engineer.

The above resolution was offered by Ralph Bocchino and seconded by Tom Lay at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

Elizabeth M. Klingenberg L.S.  
 ELIZABETH KLINGENBERG, CLERK  
 TOWN OF FARMINGTON ZONING BOARD OF APPEALS

**APPENDIX VII****TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION**

File: ZB #2025-1105.2

Applicant: Robert Brenner, c/o Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, New York 14424

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from the Town Code, the R-7.2 Planned Subdivision District [Chapter 165, Article IV, Section 21. G.] that requires a minimum setback of 30-feet from the Rear Lot Line of a single-family dwelling. The Applicant is proposing a single-family dwelling on Lot #17 of the Fairdale Meadows Preliminary Subdivision Plat to have a minimum Rear Yard setback of 23-feet. The proposed Lot #17 is currently a part of two Tax Map Account Numbers 29.11 – 2- 72.000 and 29.11-2-73.000 and is located at 5980 State Route 96.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State's Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation of a drinking water or a septic system or both, and conveyances of land in connection therewith is classified as a Type II Action [§617.5 (c) (11) & (13)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

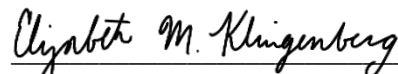
**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Robert Brenner, or [rbrenner@mahoneybrenner.com](mailto:rbrenner@mahoneybrenner.com); the Applicant's Engineer, Sean Condon, P.E., The DDS Companies, 45 Hendrix Road, West Henrietta, NY 14586, or [scondon@ddscompanies.com](mailto:scondon@ddscompanies.com); John M. Robortella, Clerk of the Town of Farmington Planning Board at [john.robortella@gmail.com](mailto:john.robortella@gmail.com); and a copy hereof filed with the Farmington Town Clerk's Office.

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX VIII**

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

APPLICANT: Robert Brenner c/o **Canandaigua Devel. Co., LLC**  
**83 South Main Street**  
**Canandaigua, NY 14424**  
File: ZB #2025-1105.2  
**Zoning Districts: R-7.2 Planned Subdivision & MTOD Major Thoroughfare Overlay District**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: 12/10/25  
County Referral #: 210-2025  
Public Hearing held on: December 22, 2025

Property Location: Tax Map Accounts #29.11-2-72.000 and #29.11-2-73.000, 5980 State Route 96, Farmington, New York 14425

Property Owner: Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424.

Applicable Sections of Town Code: Chapter 165, Article IV, Section 21. G. and Section 34. G.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum rear yard setback requirement of 30 feet [§165-21. G.] in the R-7.2 Planned Subdivision District. The area variance is to allow for a proposed single-family dwelling unit to be constructed on proposed Lot #17 of the proposed Fairdale Meadows Subdivision Tract with a setback 23-feet. Proposed Lot #17 involves a portion of current Tax Map Accounts 29.11-2-72.000 and 29.11-2-73.000. The properties are located at 5980 State Route 96 and are also zoned MTOD Major Thoroughfare Overlay District.

State Environmental Quality Review Determination: The granting of an area variance for the construction of a residential structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (11) and (13) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board Referral # 210.0 – 2025 is classified as a Class 1 Referral.

**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 two Tax Maps [29.11-2-72.000 and 29.11-2-73.000] that are now being proposed for subdivision and the development of 40 single-family dwellings were at one point in time a part of the Fairdale Glen Planned Subdivision Project but were never further subdivided. The Board further finds that now a proposed 41 lot preliminary subdivision application has been submitted to the Town Planning Board for review that involves these two tax map accounts. The Board further finds that these two tax map accounts were, at one point in time, also approved for rezoning to GB General Business to be developed as an automobile dealership with the condition that the applicant obtains final site plan approval. The Board further finds that the previous owner of these two tax map accounts was not able to obtain a dealership with a car manufacturer due to nearby automobile dealership franchise restrictions. The Board further finds that the subject tax map accounts, therefore, were never rezoned and are currently zoned R-7.2 Planned Subdivision District. The Board further finds that the R-7.2 Planned Subdivision District zoning is consistent with the zoning for adjacent properties. The Board further finds that the adjacent property located to the north of proposed Lot 17 has a deeper lot than others in the adjacent neighborhood and that due to a change in direction of the adjacent lot's boundary line, the rear yard portion of proposed Lot #17 is unable to meet the minimum rear yard setback of 30-feet. The Board further finds that the site's design has resulted from compliance with the front setback requirement in the R-7.2 District and is further impacted by the size of the proposed dwelling unit. The Board further finds that the size of the proposed dwelling unit is consistent with other proposed dwelling units in the neighborhood. The Board further finds that there are no complaints in the Town's property file about these two tax map accounts. The Board, based upon these findings determines that granting the requested relief will not produce 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 area variance.  Yes  No

Reasons: The Board finds that the survey of the boundary for Lot #17 has resulted in a single point of noncompliance from one adjacent property to the north of said Lot. The Board further finds that this boundary line point is unique to Lot #17 and that it creates a point of non-compliance for the proposed single-family dwelling on this lot. The Board further finds that there are no other sections of the adjacent property line affected by the R-7.2 District's setback criteria. The Board further finds that there are no known concerns with the future owner of Lot #17 not being able to comply with a 30-foot setback elsewhere along the property boundaries. The Board further finds that there could be an alternative design to eliminate the need for a setback variance for Lot #17 which would require a smaller single-family dwelling design that would be out-of-character with nearby proposed dwellings within the Fairdale Meadows neighborhood. The Board further understands that with granting the requested relief the Board would then be granting a variance that would be in the best interests of the proposed neighborhood and would not be detrimental to the adjacent property in the nearby neighborhood. The Board based upon these findings determines that although the applicant can achieve a feasible alternative to the requested

area variance, granting such relief would not be in keeping with the character that is being created in the Fairdale Meadows neighborhood.

3. Whether the requested variance is substantial.  Yes  No

Reasons: The Board finds that the requested area variance for a setback of 23-feet, instead of the required 30-feet involves granting a variance of twenty-three point four percent (23.4%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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 Board finds there is an alternative design for the site layout of proposed Lot #17. The Board further finds that such alternative design results in a much smaller principal dwelling on Lot #17 with a much smaller rear yard portion of Lot #17. The Board further finds that it is likely to create the need for additional variances in the future for locating an accessory structure in a small portion of the rear yard for Lot #17. The Board finds that there is an opportunity to avoid creating a need for additional area variances by granting the requested area variance allowing for the site layout of Lot #17 in the manner being shown on the preliminary site plan drawing for this property.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town’s zoning restriction cannot be achieved without some form of relief. The Board further finds that the relief being requested is felt to be the minimum relief necessary for allowing any further development of this site for accessory uses.

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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 7 feet from the minimum 30-foot setback requirement is APPROVED with the following conditions:**

1. The Rear Setback for the proposed principal structure to be constructed Lot #17, which is now located on a portion of these two properties [Tax Map Accounts #29/11-2-72.000 and 29.11-2-73.000] shall be 23-feet from the existing property line boundary to the north.
2. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
3. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robertella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant's engineer.

The above resolution was offered by Kelly Cochran and seconded by Ralph Bocchino at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

Elizabeth M. Klingenberg L.S.  
ELIZABETH KLINGENBERG, CLERK  
TOWN OF FARMINGTON ZONING BOARD OF APPEALS

DRAFT

**APPENDIX IX****TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION**

File: ZB #2025-1105.3

Applicant: Robert Brenner, c/o Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, New York 14424

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from the Town Code, the R-7.2 Planned Subdivision District [Chapter 165, Article IV, Section 34. G.] that requires a minimum setback of 70-feet from State Route 96 for a single-family dwelling on a proposed lot. The Applicant is proposing a single-family dwelling on Lot #21 of the Fairdale Meadows Preliminary Subdivision Plat to have a minimum Front Yard setback of 60-feet. The proposed Lot #21 is currently a part of Tax Map Account Number 29.11 – 2- 72.000 and is located at 5980 State Route 96.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State's Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation of a drinking water or a septic system or both, and conveyances of land in connection therewith is classified as a Type II Action [§617.5 (c) (11) & (13)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

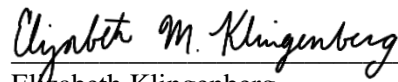
**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Robert Brenner, or [rbrenner@mahoneybrenner.com](mailto:rbrenner@mahoneybrenner.com); the Applicant's Engineer, Sean Condon, P.E., The DDS Companies, 45 Hendrix Road, West Henrietta, NY 14586, or [scondon@ddscompanies.com](mailto:scondon@ddscompanies.com); John M. Robortella, Clerk of the Town of Farmington Planning Board at [john.robortella@gmail.com](mailto:john.robortella@gmail.com); and a copy hereof filed with the Farmington Town Clerk's Office.

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX X**

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

APPLICANT: Robert Brenner c/o  
**Canandaigua Devel. Co., LLC**  
**83 South Main Street**  
**Canandaigua, NY 14424**

File: ZB #2025-1105.3  
**Zoning Districts: R-7.2 Planned Subdivision  
& MTOD Major Thoroughfare Overlay District**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: 12/10/25  
County Referral #: 210-2025  
Public Hearing held on: December 22, 2025

Property Location: Tax Map Account #29.11-2-72.000, 5980 State Route 96, Farmington, New York 14425

Property Owner: Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424.

Applicable Section of Town Code: Chapter 165, Article IV, Section 34. G.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum setback requirement of 70-feet from State Route 96 [§165-34. G.] the MTOD Major Thoroughfare Overlay District. The area variance is to allow for a proposed single-family dwelling unit to be constructed on proposed Lot #21 of the proposed Fairdale Meadows Subdivision Tract with a setback 60-feet from the adjacent State Route 96. Proposed Lot #21 involves a portion of current Tax Map Account 29.11-2-72.000. The property is located at 5980 State Route 96 and is also zoned R-7.2 Planned Subdivision District.

State Environmental Quality Review Determination: The granting of an area variance for the construction of a residential structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (11) and (13) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board Referral # 210.0 – 2025 is classified as a Class 1 Referral.

**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 a portion of Tax Map 29.11-2-72.000 is now being proposed for land subdivision as part of the development of 40 single-family dwellings to be known as Fairdale Meadows Subdivision Tract. The Board further finds that land located within the above referenced tax map is currently zoned R-7.2 Planned Subdivision District. The Board further finds that the R-7.2 Planned Subdivision District zoning is consistent with the zoning for adjacent properties in this area. The Board further finds that this tax map lies within the mapped MTOD Major Thoroughfare Overlay District which requires a minimum front setback of 70 feet from State Route 96. The Board further finds that the proposed building for Lot #21 is located 60-feet from the right-of-way for State Route 96. The Board further finds that the proposed building for Lot #21 provides adequate separation for a proposed driveway on Lot #21 from the intersection of the proposed subdivision street and the proposed intersection with State Route 96. The Board further finds that the proposed building location on Lot #21 provides a greater setback from State Route 96 than exists on developed lots to the west of Lot #21. The Board further finds that there are no complaints in the Town's property file about the four tax map accounts associated with the Fairdale Meadows Subdivision Tract. The Board, based upon these findings determines that granting the requested relief will not produce 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 area variance.  Yes  No

Reasons: The Board finds that the location of the proposed building on this corner lot creates optimum setback from the proposed intersection with State Route 96. The Board further finds that the proposed layout of the single-family dwelling on this lot provides the maximum separation of the driveway for Lot #21 from the intersection with State Route 96 and that any further reduction in the proposed separation would result in the need for a greater variance which would not be granting the minimum relief necessary. The Board further understands that with granting the requested relief the Board would then be granting a variance that would be in the best interests of traffic safety in this proposed neighborhood. The Board based upon these findings determines that there is no feasible alternative to the requested area variance, and that granting such relief would not be in the best interests of promoting traffic safety in the neighborhood.

3. Whether the requested variance is substantial.  Yes  No

Reasons: The Board finds that the requested area variance for a front setback of 60-feet, instead of the required 70-feet involves granting a variance of ten-feet or a variance of fourteen-point three percent (14.3%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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  X  No

Reasons: The Board in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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.  X  Yes \_\_\_ No

Reasons: The Board finds that the alleged difficulty is self-created, as the Board finds there is an alternative design for the layout of proposed Lot #21. The Board further finds that such alternative design results in a larger land area for Lot #21 than that required by the R-7.2 District regulations. The Board further finds that Lot #21 currently proposes the largest land area of the 40 proposed lots being developed. The Board further finds that any further enlargement of Lot #21 would likely create the need for additional variances on other lots within this subdivision tract. The Board finds that granting the variance requested creates an opportunity to avoid the need for additional area variances within the proposed Fairdale Meadows Subdivision Tract.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning overlay restriction cannot be feasibly achieved without some form of relief. The Board further finds that the relief being requested is the minimum relief necessary for allowing any further development of this site.

#### 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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 10 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:**

1. The Front Setback for the proposed Lot #21 on a portion of this property [Tax Map Account #29. -2-72.000] shall be 60-feet from the existing right-of-way of State Route 96.
2. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.

- 3. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant's engineer.

The above resolution was offered by Matt Demarco and seconded by Kelly Cochrane at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

Elizabeth M. Klingenberg L.S.  
 ELIZABETH KLINGENBERG, CLERK  
 TOWN OF FARMINGTON ZONING BOARD OF APPEALS

**APPENDIX XI****TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION**

File: ZB #2025-1105.4

Applicant: Robert Brenner, c/o Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, New York 14424

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from the Town Code, the MTOD Major Thoroughfare Overlay District [Chapter 165, Article IV, Section 34. G.] that requires a minimum setback of 70-feet from State Route 96 for a single-family dwelling on a lot fronting along said highway. The Applicant is proposing a single-family dwelling on Lot #22 of the Fairdale Meadows Preliminary Subdivision Plat to have a minimum setback of 29-feet. The proposed Lot #22 is currently a part of Tax Map Account Number 29.11 – 2- 72.000 and is located at 5980 State Route 96.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State's Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation of a drinking water or a septic system or both, and conveyances of land in connection therewith is classified as a Type II Action [§617.5 (c) (11) & (13)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

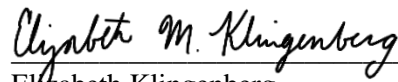
**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Robert Brenner, or [rbrenner@mahoneybrenner.com](mailto:rbrenner@mahoneybrenner.com); the Applicant's Engineer, Sean Condon, P.E., The DDS Companies, 45 Hendrix Road, West Henrietta, NY 14586, or [scondon@ddscompanies.com](mailto:scondon@ddscompanies.com); John M. Robortella, Clerk of the Town of Farmington Planning Board at [john.robortella@gmail.com](mailto:john.robortella@gmail.com); and a copy hereof filed with the Farmington Town Clerk's Office.

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX XII**

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

APPLICANT: Robert Brenner c/o  
**Canandaigua Devel. Co., LLC**  
**83 South Main Street**  
**Canandaigua, NY 14424**  
File: ZB #2025-1105.4  
**Zoning Districts: R-7.2 Planned Subdivision**  
**& MTOD Major Thoroughfare Overlay District**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: 12/10/25  
County Referral #: 210-2025  
Public Hearing held on: December 22, 2025

Property Location: Tax Map Account #29.11-2-72.000, 5980 State Route 96, Farmington, New York 14425

Property Owner: Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424.

Applicable Section of Town Code: Chapter 165, Article IV, Section 34. G.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum setback requirement of 70-feet from State Route 96 [§165-34. G.] the MTOD Major Thoroughfare Overlay District. The area variance is to allow for a proposed single-family dwelling unit to be constructed on proposed Lot #22 of the proposed Fairdale Meadows Subdivision Tract with a setback 29-feet from the adjacent State Route 96. Proposed Lot #22 involves a portion of current Tax Map Account 29.11-2-72.000. The property is located at 5980 State Route 96 and is also zoned R-7.2 Planned Subdivision District.

State Environmental Quality Review Determination: The granting of an area variance for the construction of a residential structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (11) and (13) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board Referral # 210.0 – 2025 is classified as a Class 1 Referral.

**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 a portion of Tax Map 29.11-2-72.000 is now being proposed for land subdivision as part of the development of 40 single-family dwellings to be known as Fairdale Meadows Subdivision Tract. The Board further finds that land located within the above referenced tax map is currently zoned R-7.2 Planned Subdivision District. The Board further finds that the R-7.2 Planned Subdivision District zoning is consistent with the zoning for adjacent properties in this area. The Board further finds that this tax map lies within the mapped MTOD Major Thoroughfare Overlay District which requires a minimum front setback of 70 feet from State Route 96. The Board further finds that the proposed building for Lot #22 is located 29-feet from the right-of-way for State Route 96. The Board further finds that the proposed building for Lot #22 provides adequate separation for a proposed driveway on Lot #22 from the intersection of the proposed subdivision street and the proposed intersection with State Route 96. The Board further finds that the proposed building location on Lot #22 provides a greater setback from State Route 96 for the proposed driveway when there is a side-loaded garage designed. The Board further finds that there are no complaints in the Town’s property file about the four tax map accounts associated with the Fairdale Meadows Subdivision Tract. The Board, based upon these findings determines that granting the requested relief for a dwelling with a side-loaded garage will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties and will result in a driveway with the greatest separation from the intersection with State Route 96.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested area variance.  Yes  No

Reasons: The Board finds that the location of the proposed building on this corner lot creates optimum setback, when a driveway and a side-loaded garage are provided, from the proposed intersection with State Route 96. The Board further finds that the proposed layout of the single-family dwelling on this lot provides the maximum separation from State Route 96 and that any further reduction in the proposed separation would result in the need in the future for a greater variance for an accessory structure which is only permitted in the rear yard portion of a lot. The Board further understands that with granting the requested relief the Board would then be granting a variance that would be in the best interests of traffic safety in this proposed neighborhood. The Board based upon these findings determines that there is no feasible alternative to the requested area variance, and that granting such relief would not be in the best interests of promoting traffic safety in the neighborhood.

3. Whether the requested variance is substantial.  Yes  No

Reasons: The Board finds that the requested area variance for a front setback of 29-feet, instead of the required 70-foot involves granting a variance of forty-one (41) feet or a variance of fifty-eight-point six percent (58.6%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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 Board finds there is an alternative design for the layout of proposed Lot #22. The Board further finds that such alternative design results in a larger land area for Lot #22 than that required by the R-7.2 District regulations. The Board further finds that Lot #22 currently proposes the fourth largest land area of the 40 proposed lots being developed. The Board further finds that any further enlargement of Lot #22 would likely create the need for additional variances on other lots within this subdivision tract. The Board finds that granting the variance requested creates an opportunity to avoid the need for additional area variances within the proposed Fairdale Meadows Subdivision Tract.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town’s zoning overlay restriction cannot be feasibly achieved without some form of relief. The Board further finds that the relief being requested is the minimum relief necessary for allowing any further development of this site.

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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 41 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:**

1. The Front Setback for the proposed Lot #22 on a portion of this property [Tax Map Account #29. -2-72.000] shall be 29-feet from the existing right-of-way of State Route 96.

2. The area variance granted is only for a single-family dwelling to be located on Lot #22 that is served by a driveway located as far away as possible from the intersection with State Route 96 and it includes a side-loaded garage for the dwelling.
3. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
4. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant's engineer.

The above resolution was offered by Kelly Cochrane and seconded by Tom Lay at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

Elizabeth M. Klingenberg L.S.  
 ELIZABETH KLINGENBERG, CLERK  
 TOWN OF FARMINGTON ZONING BOARD OF APPEALS

**APPENDIX XIII****TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION**

File: ZB #2025-1105.5

Applicant: Robert Brenner, c/o Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, New York 14424

Action: Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from the Town Code, the MTOD Major Thoroughfare Overlay District [Chapter 165, Article IV, Section 34. G.] that requires a minimum setback of 70-feet from State Route 96 for a single-family dwelling on a lot fronting along said highway. The Applicant is proposing a single-family dwelling on Lot #23 of the Fairdale Meadows Preliminary Subdivision Plat to have a minimum setback of 49-feet. The proposed Lot #23 is currently a part of Tax Map Account Numbers 29.11 – 2- 72.000 and 29.11-2-73.000, and is located at 5980 State Route 96.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State's Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation of a drinking water or a septic system or both, and conveyances of land in connection therewith is classified as a Type II Action [§617.5 (c) (11) & (13)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

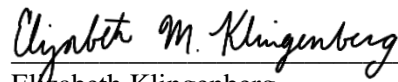
**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Robert Brenner, or [rbrenner@mahoneybrenner.com](mailto:rbrenner@mahoneybrenner.com); the Applicant's Engineer, Sean Condon, P.E., The DDS Companies, 45 Hendrix Road, West Henrietta, NY 14586, or [scondon@ddscompanies.com](mailto:scondon@ddscompanies.com); John M. Robortella, Clerk of the Town of Farmington Planning Board at [john.robortella@gmail.com](mailto:john.robortella@gmail.com); and a copy hereof filed with the Farmington Town Clerk's Office.

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX XIV**

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

APPLICANT: Robert Brenner c/o **Canandaigua Devel. Co., LLC**  
**83 South Main Street**  
**Canandaigua, NY 14424** File: ZB #2025-1105.5  
**Zoning Districts: R-7.2 Planned Subdivision**  
**& MTOD Major Thoroughfare Overlay District**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: 12/10/25  
County Referral #: 210-2025  
Public Hearing held on: December 23, 2025

Property Location: Tax Map Accounts #29.11-2-72.000 and #29.11-2-73.000, 5980 State Route 96, Farmington, New York 14425

Property Owner: Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424.

Applicable Section of Town Code: Chapter 165, Article IV, Section 34. G.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum setback requirement of 70-feet from State Route 96 [§165-34. G.] the MTOD Major Thoroughfare Overlay District. The area variance is to allow for a proposed single-family dwelling unit to be constructed on proposed Lot #23 of the proposed Fairdale Meadows Subdivision Tract with a setback 49-feet from the adjacent State Route 96. Proposed Lot #23 involves a portion of current Tax Map Accounts #29.11-2-72.000 and #29.11-2-73.000. The property is located at 5980 State Route 96 and is also zoned R-7.2 Planned Subdivision District.

State Environmental Quality Review Determination: The granting of an area variance for the construction of a residential structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (11) and (13) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board Referral # 210.0 – 2025 is classified as a Class 1 Referral.

**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 a portion of Tax Maps #29.11-2-72.000 and #29.11-2-73.000 are now being proposed for land subdivision as part of the development of 40 single-family dwellings to be known as Fairdale Meadows Subdivision Tract. The Board further finds that land located within the above referenced tax maps are currently zoned R-7.2 Planned Subdivision District. The Board further finds that the R-7.2 Planned Subdivision District zoning is consistent with the zoning for adjacent properties in this area. The Board further finds that this tax map lies within the mapped MTOD Major Thoroughfare Overlay District which requires a minimum front setback of 70 feet from State Route 96. The Board further finds that a portion of the proposed building for Lot #23 is located 49-feet from the right-of-way for State Route 96. The Board further finds that the proposed building for Lot #23 provides adequate separation for a proposed driveway on Lot #23 from the intersection of the proposed subdivision street and the proposed intersection with State Route 96. The Board further finds that there are no complaints in the Town's property file about these two tax map accounts associated with the Fairdale Meadows Subdivision Tract. The Board, based upon these findings determines that granting the requested relief for a portion of a proposed dwelling to be setback 49-feet from the right-of-way of State Route 96 will not produce 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 area variance.  Yes  No

Reasons: The Board finds that the proposed location of the building to be constructed on Lot #23 involves a small portion of the structure being within the minimum front setback from State Route 96. The Board further finds that the proposed layout of the single-family dwelling on this lot provides the maximum separation from State Route 96. The Board based upon these findings determines that there is no feasible alternative to the requested area variance.

3. Whether the requested variance is substantial.  Yes  No

Reasons: The Board finds that the requested area variance for a front setback of 49-feet, instead of the required 70-feet involves granting a variance of twenty-one (21) feet or a variance of thirty percent (30%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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's design for proposed Lot #23 encroaches into the 70-foot front setback from State Route 96. The Board further finds that such design allows for a larger land area for Lot #23 than that required by the R-7.2 District regulations. The Board finds by granting the variance requested it creates an opportunity to avoid the need for additional area variances elsewhere within the proposed Fairdale Meadows Subdivision Tract.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning overlay setback restriction for Lot #23 cannot be feasibly achieved without some form of relief. The Board further finds that the relief being requested is the minimum relief necessary for allowing further development of this proposed subdivision tract.

#### 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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 21 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:**

1. The Front Setback for the proposed Lot #23 on a portion of this property [Tax Map Accounts #29.11-2-72.000 and #29.11-2-73.000] shall be 49 feet from the existing right-of-way of State Route 96.
2. The area variance granted is for a single-family dwelling to be located on Lot #23 as shown on the Preliminary Plat Map for the Fairdale Meadows Subdivision Tract.
3. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
4. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant’s engineer.

The above resolution was offered by Matt Demarco and seconded by Tom Lay at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 23, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 23, 2025.

*Elizabeth M. Klingenberg* L.S.  
 ELIZABETH KLINGENBERG, CLERK  
 TOWN OF FARMINGTON ZONING BOARD OF APPEALS

**APPENDIX XV****TOWN OF FARMINGTON  
ZONING BOARD of APPEALS RESOLUTION  
AREA VARIANCE - SEQR CLASSIFICATION**

File: ZB #2025-1105.6

**Applicant:** Robert Brenner, c/o Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, New York 14424

**Action:** Classification under the New York State Environmental Conservation Law (ECL) upon the granting of an area variance to allow relief from the Town Code, the MTOD Major Thoroughfare Overlay District [Chapter 165, Article IV, Section 34. G.] that requires a minimum setback of 70-feet from State Route 96 for a single-family dwelling on a lot fronting along said highway. The Applicant is proposing a single-family dwelling on Lot #40 of the Fairdale Meadows Preliminary Subdivision Plat to have a minimum setback of 13-feet. The proposed Lot #40 is currently a part of Tax Map Account Number 29.11 – 2- 75.000 and is located at 5980 State Route 96.

**Whereas** the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Zoning Board of Appeals) has reviewed the provisions of Part 617.5 of 6 NYCRR Part 617, a part of article 8 of the State's Environmental Conservation Law (ECL); and

**Whereas** the Zoning Board of Appeals has received and reviewed the Applicant's Part 1, Short Environmental Assessment Form (SEAF) as part of the application process; and

**Whereas** the Zoning Board of Appeals must classify the proposed Action under consideration.

**Now, therefore, be it resolved** that the Zoning Board of Appeals does hereby determine the proposed Action identified above herein, involves the granting of individual area variance for the construction of a single-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation of a drinking water or a septic system or both, and conveyances of land in connection therewith is classified as a Type II Action [§617.5 (c) (11) & (13)].

**Be it further resolved** that Type II Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the State's ECL, article 8.

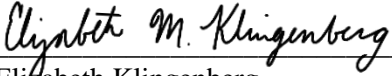
**Be it finally resolved** that the Zoning Board of Appeals directs the filing of this classification with the project file and requests a copy be provided to: the Applicant, Robert Brenner, or [rbrenner@mahoneybrenner.com](mailto:rbrenner@mahoneybrenner.com); the Applicant's Engineer, Sean Condon, P.E., The DDS Companies, 45 Hendrix Road, West Henrietta, NY 14586, or [scondon@ddscompanies.com](mailto:scondon@ddscompanies.com); John M. Robortella, Clerk of the Town of Farmington Planning Board at [john.robortella@gmail.com](mailto:john.robortella@gmail.com); and a copy hereof filed with the Farmington Town Clerk's Office.

The above resolution was offered by Kelly Cochran and seconded by Matt Demarco at a regular scheduled meeting of the Town of Farmington Zoning Board of Appeals held on Monday, December 22, 2025. Following discussion thereon, the following roll call vote was taken and recorded in the meeting minutes.

Kelly Cochran	Aye
Tom Lay	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye
Tom Yourch	Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Zoning Board of Appeals, do hereby attest to the accuracy of the above Action and to it being recorded in the minutes of the December 22, 2025, Zoning Board of Appeals Meeting.

  
\_\_\_\_\_  
Elizabeth Klingenberg,  
Clerk of the Zoning Board of Appeals

**APPENDIX XVI**

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

APPLICANT: Robert Brenner c/o  
**Canandaigua Devel. Co., LLC**  
**83 South Main Street**  
**Canandaigua, NY 14424**  
File: ZB #2025-1105.6  
**Zoning Districts: R-7.2 Planned Subdivision**  
**& MTOD Major Thoroughfare Overlay District**  
**Published Legal Notice on: 12/17/2025**  
County Planning Action on: 12/10/25  
County Referral #: 210-2025  
Public Hearing held on: December 22, 2025

Property Location: Tax Map Account #29.11-2-75.000, 5980 State Route 96, Farmington, New York 14425

Property Owner: Canandaigua Development Company, LLC, 83 South Main Street, Canandaigua, NY 14424.

Applicable Section of Town Code: Chapter 165, Article IV, Section 34. G.

**Requirement for Which Variance is Requested:** The applicant is requesting an area variance to allow relief from the minimum setback requirement of 70-feet from State Route 96 [§165-34. G.] the MTOD Major Thoroughfare Overlay District. The area variance is to allow for a proposed single-family dwelling unit to be constructed on proposed Lot #40 of the proposed Fairdale Meadows Subdivision Tract with a setback 13-feet from the adjacent State Route 96 right-of-way. Proposed Lot #40 involves a portion of current Tax Map Account #29.11-2-75.000. The property is located at 5980 State Route 96 and is also zoned R-7.2 Planned Subdivision District.

State Environmental Quality Review Determination: The granting of an area variance for the construction of a residential structure is classified as a Type II Action under 6 NYCRR, Part 617.5 (c) (11) and (13) of article 8 of the New York State Environmental Conservation Law (ECL), the State’s 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: The Ontario County Planning Board Referral # 210.0 – 2025 is classified as a Class 1 Referral.

**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 a portion of Tax Map #29.11-2-75.000 is now being proposed for land subdivision as part of the development of 40 single-family dwellings to be known as Fairdale Meadows Subdivision Tract. The Board further finds that land located within the above referenced tax map is currently zoned R-7.2 Planned Subdivision District. The Board further finds that the R-7.2 Planned Subdivision District zoning is consistent with the zoning for adjacent properties in this area. The Board further finds that this tax map lies within the mapped MTOD Major Thoroughfare Overlay District which requires a minimum front setback of 70 feet from State Route 96. The Board further finds that the proposed building for Lot #40 is located 13-feet from the right-of-way for State Route 96. The Board further finds that the proposed building for Lot #40 provides adequate separation for a proposed driveway on Lot #40 from the intersection of the Fairdale Glen with the intersection of State Route 96. The Board further finds that the proposed building location and proposed driveway on Lot #40 provides the largest setback from the State Route 96 right-of-way. The Board further finds that there are no complaints in the Town's property file about this tax map account associated with the Fairdale Meadows Subdivision Tract. The Board, based upon these findings determines that granting the requested relief for a dwelling with a setback of 13-feet from the right-of-way of State Route 96, as shown on the preliminary subdivision plat map for Lot #40, will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties and will result in a driveway with the greatest separation from the intersection with State Route 96.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the requested area variance.      Yes      No

Reasons: The Board finds that the location of the proposed building on this corner lot creates optimum setback for the proposed driveway from the proposed intersection with State Route 96. The Board further finds that the proposed layout of the single-family dwelling on this lot could benefit from a planting of dense evergreen landscaping along a portion of the State Route 96 frontage which would provide both a visual and sound-reducing buffer from vehicles operating along State Route 96 and pedestrians walking along the adjacent public sidewalk. The Board further understands that with granting the requested relief there needs to be conditions that the Board finds would be in the best interests of the future residents of Lot #40 and those of the neighborhood. Therefore, there is to be a planting of a dense evergreen landscape buffer along a portion of the State Route 96 frontage determined by the Planning Board as part of final site plan approval for Lot #40. A portion of this proposed Lot #40 that will effectively screen the dwelling and help to reduce noise levels from vehicles moving along State Route 96. The Board determines that while there is no feasible alternative to the requested area variance, requiring this condition of approval involving reducing both the visual and noise impacts upon the future occupants of Lot #40, that the granting of the requested area variance would be in the best interests of the neighborhood and the community.

3. Whether the requested variance is substantial.     Yes     No

Reasons: The Board finds that the requested area variance for a front setback of 13-feet, instead of the required 70-feet involves granting a variance of fifty-seven (57) feet or a variance of eighty-one-point five percent (81.5%) from that otherwise required by the Town Code. The Board has consistently found that a variance involving 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 in accordance with the provisions of 6 NYCRR, Part 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL), has classified the proposed Action as a Type II Action. 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 has thereby 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 Board finds there is an alternative design for the layout of proposed Lot #40. The Board further finds that such alternative design would result in a larger land area for Lot #40 than that required by the R-7.2 District regulations. The Board further finds that Lot #40 currently proposes a land area that is thirty-three percent larger (33%) than the minimum lot size required in the R-7.2 Planned Subdivision District. The Board further finds that any further enlargement of Lot #40 would not eliminate a setback variance from the State Route 96 right-of-way. The Board finds that granting the variance requested, with the conditions for installing landscaping improvements as noted above in these findings, provides an opportunity to mitigate potentially significant adverse impacts upon future residents of the proposed dwelling that is to be constructed on Lot #40 in the Fairdale Meadows Subdivision Tract.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's zoning overlay restriction cannot be feasibly achieved without some form of relief. The Board further finds that the relief being requested is the minimum relief necessary for allowing any further development of this site. The Board finally finds that with the installation of landscaping improvements along a portion of proposed Lot #40 frontage with the State Route 96 right-of-way that there will be a significant reduction in both visual and noise impacts upon future residents living in the dwelling as shown.

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 determination:

**That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance of 57 feet from the minimum 70 feet front setback requirement is APPROVED with the following conditions:**

1. The Front Setback for the proposed Lot #40 on a portion of this property [Tax Map Account #29.11-2-75.000] shall be 13-feet from the existing right-of-way of State Route 96.
2. The area variance granted is only for a single-family dwelling to be located on Lot #40 that is screened by a dense planting of evergreens across a portion of this Lot that is to be approved by the Planning Board as part of final site plan approval for Lot #40.
3. The Final Subdivision Plat Map and the Final Site Plan Drawing are each to contain a note that identifies this area variance restriction, including the file number and date such area variance was granted by the Town Zoning Board of Appeals.
4. The Applicant is to obtain a Building Permit from the Town for any future site improvements.

BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to John Robortella, Clerk of the Town Planning Board, for distribution to the Town Planning Board members.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy be provided to the applicant and another copy to the applicant's engineer.

The above resolution was offered by Matt Demarco and seconded by Kelly Cochrane at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, December 22, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochrane	Aye
Ralph Bocchino	Aye
Matthew Demarco	Aye

Tom Lay                   Aye  
Thomas Yourch         Aye

Motion Carried.

I, Elizabeth Klingenberg, Clerk of the Board, 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 Meeting for December 22, 2025.

Elizabeth M. Klingenberg L.S.  
ELIZABETH KLINGENBERG, CLERK  
TOWN OF FARMINGTON ZONING BOARD OF APPEALS

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