

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

APPLICANT: Cheryl Power
153 Church Avenue
Farmington, NY 14425

File: ZB #1201-2024
Zoning District: NB Neighborhood Business
Published Legal Notice on: 1/17/2025
County Planning Action on: Exempt Action
County Referral #: 7-2025
Public Hearing held on: January 27, 2025

Property Location: 153 Church Avenue, Farmington, New York 14425

Property Owner: St. John's Lutheran Church, 153 Church Avenue, Farmington, New York
14425

Applicable Section of Town Code: Chapter 165, Article V, Section 45 A.

Requirement for Which Variance is Requested: The applicant is requesting an area variance to allow for the replacement of an existing freestanding manual changeable copy sign, an accessory structure, with a freestanding electronic changeable copy sign to only advertise the church services and its' pre-school services. The proposed accessory structure will be placed on the same portion of the property at 153 Church Avenue, as the existing manual changeable copy sign is located. The Town Code, Chapter 165, Article V, Section 45 A., does not allow changeable copy signs except for time-and-temperature changeable copy signs.

State Environmental Quality Review Determination: The granting of an area variance for an accessory structure is classified as a Type II Action under Part 617.5 (c) (9) and (16) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined, under the SEQR Regulations, not to have a substantial adverse impact upon the environment or are otherwise precluded from further environmental review under article 8 of the State Environmental Conservation Law (ECL).

County Planning Referral Recommendation: The Ontario County Planning Board has reviewed the Town's referral packet and has determined this is an Exempt Action under their Rules of Procedure.

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 residential sites, on lots fronting along the north side of Allen Padgham Road and along both sides of Church Avenue. The Board further finds the proposed accessory structure will be in the same area of the St. John's Lutheran Church parcel as the existing manual changeable copy sign. The Board further finds that there are no complaints in the Town's property file associated with the existing operations of the Church's freestanding manual changeable copy sign. The Board further finds that there is no information on file that the granting of the requested area variance, to allow an electronic changeable copy freestanding sign of the same size with conditions, will 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 the area of the church's property being proposed for the freestanding electronic changeable copy sign has been used for years for the existing freestanding manual changeable copy sign. The Board further finds that the existing freestanding manual changeable copy sign is no longer functional. The Board further finds that this portion of the site when combined with the proposed realignment of the freestanding electronic changeable copy sign will have greater visibility for motorists passing along both the Allen Padgham Road and Church Avenue. The Board further finds that electrical service is available to this portion of the site. The Board further finds that replacing the freestanding manual changeable copy sign with the proposed electronic changeable copy sign, in generally the same location, is most desirable. The Board, based upon these findings, determines that the benefit to the applicant cannot be achieved by 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 freestanding electronic changeable copy sign is not a time-and-temperature sign and, therefore, is not permitted. The Board further finds that granting an area variance to allow a freestanding electronic changeable copy sign involves a variance of one hundred percent (100%) from that prohibited 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 has classified the proposed Action as a Type II Action under Section 617.5 (c) of article 8 of the New York State Environmental Conservation Law (ECL). The Board finds that Type II Actions listed within the ECL have been determined not to have a significant adverse impact upon the environment and 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 an area variance is necessary to allow for the replacement of the proposed freestanding electronic changeable copy sign. The Board further finds that replacing the accessory structure in the same portion of the parcel would be most appropriate for continuing the church's messages. The Board further finds that the applicant has followed all steps required in seeking approval for the proposed sign.

The Board, based upon these findings determines that the difficulty facing the applicant with complying with the Town's 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 the continuation of the church's important community services to our residents.

**DETERMINATION OF THE ZONING BOARD OF APPEALS
BASED UPON THE ABOVE FACTORS**

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

That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to replace an existing freestanding manual changeable copy sign with a freestanding electronic changeable copy sign of the same size and in the same location on the St. John's Lutheran Church property, at 153 Church Avenue is APPROVED with the following conditions:

1. The proposed accessory structure shall be located within the same area of the site and in the location shown on the drawing prepared by Hanlon Architects, entitled "St. John's Lutheran Church Sign Alterations," Project 24-104, Site Layout Sketch and Sign Plan Detail, dated 12-12-24; and the sign shall be sized in accordance with the sign detail provided by Skylight Signs, Inc., dated 11/11/2024; and
2. The proposed freestanding electronic changeable copy sign's lighting intensity is to comply with the Town's Lighting Standards contained in Chapter 165 of the Town Code; and
3. The proposed electronic changeable copy sign is to operate on a timer and the sign is to remain off during dark (nighttime) periods when the Church's services are not operating, with the exception of special evening church related events and religious holiday events; and
4. The proposed freestanding electronic changeable copy sign is not to have any animated, flashing or moving messages scrolled across the sign face; and

5. There is to be a landscaped area installed, with a width of at least two feet in radius, surrounding the base of the proposed freestanding sign on or before May 31, 2025. Said landscaping is to be maintained by the Church; and
6. There shall be no light trespass from the proposed freestanding sign onto adjacent highways or neighboring properties; and
7. Any commercial speech signage intended to be displayed shall first be coordinated with the Town Code Enforcement Officer and shall comply with the sign standards contained in Chapter 165 of the Town Code; and
8. All inspections shall be performed and accepted by Town Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.

NOW, THEREFORE, 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 NAME and seconded by NAME at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, January 27, 2025. After Board discussion, the following roll call vote was recorded:

Kelly Cochran	Aye or Nay
Vacant	
Jody Binnix	Aye or Nay
Tom Lay	Aye or Nay
Thomas Yourch	Aye or Nay

Motion:

I, Carol Marvel, Clerk *Pro-Tem* 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 January 27, 2025.

_____ L.S.
 Carol Marvel
 Clerk *Pro-tem* of the Zoning Board of Appeals