TOWN OF FARMINGTON ZONING BOARD OF APPEALS
2026 RULES OF PROCEDURE

WHEREAS the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has considered the need to adopt and maintain Rules of Procedure for conducting the business of the Board during the calendar year 2026; and

WHEREAS the Board has determined that such Rules of Procedure are in the best interests of the Town; and

WHEREAS the Board determines the action to adopt Rules of Procedure is a Type II Action, under Part 617.5 (c) (20) of the State Environmental Quality Review (SEQR) Regulations, in that it involves routine agency administration, not including new programs or major re-ordering of priorities that may affect the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following Rules of Procedure as amended per this document, appended to the minutes of the meeting of Zoning Board of Appeals on March 23, 2026:

1. Order of Business

At each Board Meeting, the following order of business shall be:

a. Call to Order, Pledge of Allegiance and Introduction of Board Members and Town Staff.

b. Information about Emergency Exits and Evacuation Procedures.

c. Refer to the sign-in sheet and request that all in attendance to please sign in (or provide his or her name and address when speaking. Give notice that this meeting is being recorded on a YouTube video conference program and that the video will be posted on the Town website within five business days of the meeting and will remain on the Town YouTube channel for at least 12 months. Request that all cell phones, pagers and smart watches be silenced.

d. Review and approval of previous Zoning Board Meeting Minutes.

e. References to Legal Notices-their availability at the meeting and attesting to the date(s) of publication. Posting of property, posting of Legal Notice on bulletin board at Town Hall, and attesting that Legal Notices were made available in compliance with the provisions of New York State Town Law.

f. The Chair shall open each public hearing or public meeting on a matter being considered by the Board.

g. The Chair shall recognize the applicant(s) and ask for testimony concerning the matter that is before the Board.

h. All Public hearings will be conducted, and, upon resolution of the Board, each public hearing will be conducted, and upon resolution of the Board, each public hearing will either be closed or continued. If continued, the public hearing will be continued to a specific date and time. If no specific date and time is decided upon, a new public notice shall be required. If closed, the Board shall have up to 62 days from the date of closing the public hearing to take action upon said application. Once closed, a Public Hearing may not be reopened. Once a Public Hearing is closed, the Board may not consider any additional information received that pertains to the subject of the Public Hearing. If additional information is provided to the Board following the close of the Public Hearing, the Board may choose to advertise a second Public Hearing to be held in accordance with the provisions of New York State Open Meetings Law. After the Board closes a Public Hearing, the Board may (or may not) take action on the subject matter at that meeting. Once closed, there are time limits listed in the various sections of New York State Town Law and/or the Farmington Town Code for a decision to be made. In certain instances, if a decision is not made within this time period, then the application may be approved by default.

i. The order of the meeting agenda will be first to conduct any continued public hearing(s) before hearing any new applications.

j. If there are no continued public hearings, then the Board shall follow the order shown upon the public meeting agenda sheet.

k. If the applicant is not the owner of the property for which the application is made, the applicant must have the owner certify in writing (or attest in public at the meeting) that there are no objections to the application being made on his or her behalf.

l. Should an applicant (or a designated agent) not be present when his or her application is called, then the application shall be moved to the end of the public hearing(s).

m. Should an applicant (or a designated agent) not appear before the Board on the night of the public meeting, then the Board shall table the application and continue the public hearing to the next scheduled meeting of the Board. In addition, the Board shall direct the Zoning Enforcement Officer to provide written notification to the applicant of the date and time for the Board's next public meeting and request his or her attendance.

n. A Public hearing upon an application may be continued by the Board for a longer period of time based upon an applicant's written request setting forth the reasons for such an extended time period or if directed by the Director of Development or the Code Enforcement Officer or the Zoning Officer and must be in agreement of timeframe requested.

o. Failure by the applicant to appear before the Board at the next scheduled public hearing and/or meeting may result in the Board taking action to deny without prejudice the requested application. In such an event, the applicant shall make a new application and pay a new fee for said application. [in accordance with the provisions contained in §165- 97 C. of the Town Code, the Board, shall refuse to hold further consideration for same or substantially similar application for appeal by the Applicant, his successors or assigns for a period of one year, except and unless the Board shall find and determine from the information supplied in the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing may be granted only upon receipt of new information, a completely new application and upon the favorable vote of a majority of the Board plus one.

p. The Zoning Board of Appeals will only hear one application that is pending a decision pertaining to the same property. Any application that is pending a decision shall either first be acted upon by the Board or withdrawn by the applicant prior to the Board receiving a new application for a similar variance.

q. If the applicant is asked by the Board to provide additional information pertaining to a pending application and the applicant fails to provide the requested information within the time period established, then such action may result in the Board taking action to deny the application without prejudice.

r. Only the Town Board may waive an application fee.

s. Any document(s) submitted, either by an applicant, his or her agent, or any person present after the opening of the public hearing, may result in a tabling of discussion by the Board upon the application and an automatic continuation of the public hearing to the next scheduled public meeting. This will enable both the Board members and the general public an opportunity to review the newly submitted documents. No electronic documents may be submitted by any person on-line during an open public meeting. Should someone wish to submit said electronic document(s) it/they shall be submitted to the Clerk of the Board for distribution to the Board and posting on the Town's website. Said electronic document(s) will first be introduced into the continued public hearing, by the Clerk of the Board, at the beginning of the continued public hearing.

t. Following the closure of (or the continuation of) a public hearing listed upon the public meeting agenda, the Board will then continue on to the next application listed upon the meeting agenda before making their findings and determination(s).

u. All persons desiring to speak at a public hearing (or a public meeting) may be allowed to speak either during a public hearing, or during the public comment time listed upon the public meeting agenda. In no event may a person direct any question to an applicant, or any town staff member. All matters to be discussed by the public shall be directed to the Chair of the Zoning Board of Appeals. The Chair is the only one who may recognize someone in attendance at the meeting.

[Also see #28]

v. Once a public hearing has been closed, there shall be no discussion between the members of the Board, an applicant or a member of the public who is in attendance in the meeting room or on-line. Any point of concern identified during a public hearing that may require clarification, such clarification will be directed by the Chair to Staff to obtain the information from the applicant. Staff will be directed to provide said information in writing to the Board either at, or prior to, the next scheduled public meeting.

w. The Board will follow the guidelines set forth in the attached model forms for making its findings and determinations upon use variances, area variances, temporary use permits and/or interpretations. [see Attachment to these Rules of Procedure]

x. Following the Board's decision(s) upon the application(s) under consideration, the Board will then enter into public comment time. Public comment time is an open forum for discussion of any matter pertaining to the Board that is not listed upon the Board's meeting agenda. Persons wishing to speak on a particular subject are encouraged to submit a written request to the Chair of the Board one week prior to the Board Meeting. All written requests will be addressed first by the Board. In the event a question is raised from the floor, or on-line, the Chair of the Board reserves the right to have Staff review the matter and make a written report to the Board and to the public prior to the next Board meeting.

y. Following the public comment forum, the Zoning Board will address Other Board Matters that have been brought to their attention by either Board Members or Town Staff.

z. Following Other Board Matters, the Board will hear reports from the Director of Planning and Development and the Town Code Enforcement Officer/or the Town Zoning Enforcement Officer.

aa. Following the completion of all of the items listed upon the Board's Meeting Agenda, the Board will give notice of the next tentative meeting date of the Board subject to receipt of application(s) that have been submitted in compliance with the adopted Submission Schedule [see Attachment A to these Rules and Regulations. If there are no new applications to be heard, the Chair shall notify the Clerk of the Board that the next tentative meeting is to be canceled. Notices to this effect shall be provided to the Town's Official Newspaper, posted on the Bulletin Board at the Town Hall and posted on the Town Website.

bb. Following no additional matter to be discussed, the Chair of the Board will then entertain a motion to adjourn the meeting.

2. Official Decision Forms to be Used by the Zoning Board of Appeals (Now electronic)

The Board does hereby adopt and make part of these rules of procedure the attached forms as the Official Forms for Making Findings and Decisions upon Use Variances, Area Variances and Temporary Use Permits [see Attachment B]. Copies of these documents may also be viewed on-line at the Town of Farmington's website www.farmingtonny.org. At the time of adoption of these Rules of Procedure, the Official Form for the Board to use to hear an appeal to an interpretation made by the Code Enforcement Officer and/or Zoning Enforcement Officer is a Building Permit denial letter. See Attachment C- Rules of Procedure – Building Permit Denial Letter.

3. Legal Notices and Meeting Agendas

Agendas - Copies of the draft meeting agenda and Legal Notices shall be available in the Town Development Office no later than 3:00 p.m. on Monday (one week) prior to the scheduled meeting. A draft meeting agenda shall be prepared by the Development Office Administrator. Said draft agenda will then be reviewed by the Zoning Board Chairperson, the Director of Planning and Development, the Town Code Enforcement Officer, the Town Zoning Enforcement Officer, and the Clerk of the Board. Following their input, all draft agendas will be made available to each Board member along with the packets of information on or before the Monday prior to the Board meeting. Any change to the draft agenda shall be approved by the Chairperson, communicated via email to the Development Office Administrator, the Town Code Enforcement Officer, and the Director of Planning and Development. The Clerk of the Board will send via email an updated agenda to each Board member, any involved applicant and their agent, and involved Town staff no later than 3:00 p.m. on the Friday prior to the scheduled meeting. No additional matter shall be added to the Zoning Board Agenda after this time unless approved by the Zoning Board Chairperson. Revisions to the agenda will be posted on the Town website. Adequate copies of this updated agenda will also be placed in the meeting room for the public and for any staff or Board members not able to access their electronic copy by 6:45 p.m. on the night of the meeting.

To ensure the Zoning Board members have all the information they need to provide feedback to staff on resolution preparation, all Town staff, including any Town Engineer's report, shall be provided to the Development Office Administrator no later than noon on the Wednesday of the week prior to the scheduled Board meeting. This information shall be included in the packets of information for the Board members' review and comments. In the event a Town department or the Town Engineer does not have any comments on a pending application, that information shall be provided.

The Development Office Administrator shall provide paper copies of all Legal Notices to the Town Clerk's office for posting on the Town Hall Bulletin Board. In addition, the Development Office Administrator shall post the agenda to the Town website in accordance with the legally required timelines established by the Town Board pursuant to Article Seven, Section 103 of the Public Officers Law (see note

above regarding posting).

Legal Notices - shall be mailed to all property owners located within 500 feet of the boundaries of the subject property, emailed by the Development Office Administrator to the Town's Official Newspaper within seven (7) days of a Public Hearing, with publication to be not less than five (5) days prior to the Public Hearing being held by the Board. Legal Notices will include references to the video conference connection information.

Notification to adjacent Municipal Clerks - When a pending action (e.g., Special Use Permit, Temporary Use Permit, Site Plan approval, and Preliminary Subdivision Plat approval) involves scheduling a public hearing for a pending action and is located on property within 500 feet of the municipal boundary, Section 239-nn of the New York State General Municipal Law requires the Farmington Town Clerk to notify the Town Clerk of an adjacent municipality of a scheduled public hearing upon a pending action. The Development Office Administrator shall provide the Town Clerk with a copy of all such application(s) and related documents not later than ten (10) business days before the date of the Board's public hearing. The Town Clerk shall provide the Development Office Administrator with a copy of the notification letter and any comments received under these provisions.

4. Public hearings

All public hearings shall commence with the Chair reading the application under consideration by the Board. Then the Chair will call upon the applicant (or his or her agent) to make a formal presentation to the Board. As a matter of policy, the Board will not take action until the applicant or agent has attended the public hearing either in person or virtually via Zoom and made a presentation to the Board.

Next, Town Staff will be given the opportunity to discuss the application. The Code Enforcement Officer/Zoning Enforcement Officer (ZEO) will report whether the property has been properly posted and whether a County Planning Referral has been received. The ZEO shall identify the County Referral Number, the Class of Action as determined by the County and their recommendation. This information shall also be placed upon the Official Decision Form referenced above herein.

The Board by resolution shall first classify the Type of Action under review, as first defined in the State Environmental Quality Review (SEQR) Regulations.

SEQR (State Environmental Quality Review Act) classification categorizes proposed actions into Type I, Unlisted, or Type II to determine the required environmental review level, with Type I actions (large projects, significant impacts) needing more scrutiny (potentially an Environmental Impact

Statement) and Type II actions (routine/ministerial) requiring no further review, while Unlisted actions fall in between, requiring a significance determination via an Environmental Assessment Form (EAF) to see if they need an EIS.

The Three Classifications

1. Type I Actions: These are actions more likely to have significant adverse environmental impacts, often meeting specific thresholds in regulations (e.g., large developments, major infrastructure).
2. Type II Actions: These are defined as having no significant environmental impact and require no further SEQR review, effectively completing the process for that action.
3. Unlisted Actions: Actions that aren't Type I or Type II, requiring a determination of significance to see if they need further review, often leading to a Negative Declaration (no EIS) or a Positive Declaration (requires EIS).

The SEQR Process

1. Classify the Action: Determine if it's Type I, II, or Unlisted.
2. Environmental Assessment Form (EAF): For Type I & Unlisted, complete an EAF to assess potential impacts.
3. Determine Significance: A lead agency decides if impacts are significant.
4. Negative Declaration (Neg Dec): If no significant impact, the process ends.
5. Environmental Impact Statement (EIS): If significant impacts are likely, a Draft EIS (DEIS) is prepared, followed by public review and a Final EIS (FEIS).
6. This process ensures that New York State agencies evaluate environmental consequences before taking actions, focusing on preventing or mitigating harm.

Once this information has been entered into the public hearing record, the Board Chair will then call upon Town Staff present to discuss any draft resolution(s) pertaining to the application which have been posted on the Town's website in accordance with the State's Open Meetings Law. Following this presentation, the Chair will open the meeting to the public. After first providing their names and addresses for the record, all persons speaking shall address the Chair. The Chair may, in turn, redirect the question or concern to another person. In no event shall the public have the right to demand an answer to a specific question from a member of the Board, Town Staff, the applicant or a member of the public. The Chair may limit the time each person can speak on a pending application. Once the Chair has determined that everyone both in the room or on-line has had an opportunity for input, the Chair may then recognize a person wishing to speak again on the application. Only new information will be entertained by the Chair. The Chair reserves the right to interrupt a person who is not

providing new information.

In the event a petition or other written documentation is submitted as evidence, the material shall be given to the Board's Chair. Upon review by the Chair, the Clerk of the Board shall be instructed to make copies thereof and to distribute them to all Board Members, Town Staff and the Applicant, within three business days of the date of the public hearing. This information also needs to be included in the meeting minutes. When this occurs, the Board shall continue the public hearing to the next regularly scheduled Board meeting, or establish a time, date and location for the continuation of the public hearing. Such action will afford anyone present an opportunity to see new information previously not within the public files. Any application for which a public hearing is continued requires the applicant to continue to post the Public Notification Sign on the subject property until such time as the public hearing has been closed and a decision made.

All public hearings will either be closed or, when appropriate, adjourned until the next scheduled Board Meeting. The Board reserves the right to schedule an additional (or special) public meeting to hear comments at a continued public hearing. All public meetings shall be held in accordance with the timeline established in the various sections of the New York State Town Law.

After Town Staff and the public have commented on the application, the Board members shall have the opportunity to discuss the application. The Chair shall recognize each member present and request any comment on the pending application.

5. Motions, When in Order

When a question is under debate/discussion, no motion shall be received except a motion to amend the question, to put the question to a vote, to adjourn it to a day and time certain, to lay it on the table, to commit to Staff or legal counsel, or a motion to adjourn the meeting.

6. Resolutions, Draft Copies

When draft resolutions have been prepared by Town Staff for the Board to review and consider at their public meeting then such documents shall also be made available electronically to the applicant, when possible, provided they have submitted an e-mail address as part of the application process. In addition, upon request thereof, draft resolutions shall be made available to the public pursuant to Article Six, Section 103 of the Public Officers' law, to the extent determined practicable as determined by the Board prior to the meeting during

which the record will be discussed. In addition, every effort shall be made to post such records upon the Town website https://farmingtonny.org/zoning_board_agendas___resolutions. All draft resolutions shall be shadow marked with the word "Draft" across each page of the resolution.

7. Voting

The members of the Board shall, at the outset of any application, give public notice of their financial or other private interests in any application that is pending before the Board. Where such disclosure is made, the Board Member shall comply with Article 18 or any amendments thereto of the New York State General Municipal Law, Relating to Conflicts of Interest, as well as the Code of Ethics of the Town of Farmington, contained in Chapter 17 of the Farmington Town Code. In all matters voted upon by the Board, unless otherwise subject to a supermajority vote, as discussed below, there must be a majority of the entire membership of the Board voting the same way in order for an action to be approved or modified. Failure of the Board to reach a majority vote on an application shall result in the application being automatically denied. All Board Members must record their action by a voice vote taken upon any resolution and duly recorded in the Minutes. When a County Planning Board referral recommendation of modification or denial has been received then a majority plus one vote (4 out of 5) members must vote to override. See Section 9. County Planning Recommendations and Board Voting Requirements below.

8. Votes, When Recorded

The ayes and nays upon a question shall be taken and entered into the minutes of the public record. All votes taken shall be taken by roll call vote of the entire Board membership. Board Members may abstain from voting. When a Board Member exercises this right, it is not necessary for the Board Member to state their reason(s) for abstaining unless there is disclosure of a conflict of interest associated with any application.

The Board may waive the requirement to read into the public record the standard resolutions for all Type 2 Actions under SEQR. When so approved, the Board must still take action to accept a Type 2 classification upon such action by a voice vote. The Board may also block related Type 2 Actions under SEQR. The Board may also waive the reading of the findings and go directly to the determination section.

9. County Planning Recommendations and Board Voting Requirements

In the instance where there is an Ontario County Planning Board Referral,

made under the provisions of Sections 239-1 and -m of the New York State General Municipal Law, a recommendation of modification or denial of an application, the Board, in order to override the County's recommendation, must have a majority plus one vote of the entire membership of the Board (or 4 of the 5 board members voting the same way). Said action must be based upon a separate resolution setting forth the reasons for the Board's intent to override the Ontario County Planning Board's recommendation. All Board Members must record their action by a roll call vote taken upon such matters.

Failure by the Board to override the County's recommendation and approve the application by a majority plus one vote of the entire board results in a denial of the application. In the event the Board does override the County's recommendation, the Board shall by separate resolution set forth its reasons for overriding the County and must file a copy of said resolution with the County within the time frame prescribed in the General Municipal Law.

For any application referred to Ontario County Planning Board, a certified copy of the final action taken shall be filed by the Clerk of the Board with the County Planning Board within thirty (30) days after final action is taken.

10. Privilege of the Floor

Any person, upon request made during Public Comment Time on the meeting agenda, may address the Board on a matter of public concern. The time allotted for addressing the Board shall be limited by the Chair depending upon specific circumstances. In no instance shall the Privilege of the Floor be used to make additional comments on an application pending before the Board.

11. Public Notification

Public notice shall be given in the manner prescribed by New York State Town Law and the posting requirements set forth in the Farmington Town Code. In addition, public notice shall be given by posting the notice upon the Town's website www.townoffarmingtonny.com. at least five (5) business days prior to said meeting.

When an application has been continued by the Board, the posting of the Public Notification Sign shall continue to be displayed upon the subject site.

All applications that are to appear before the Board shall require the posting of the Public Notification Sign on the subject site. Failure to post the Public Notification Sign shall result in the Board acting only to continue its deliberation until the next public meeting date of the Board to provide time for posting the public notification sign of a pending application.

12. Decision Notification

Within five (5) business days of the Board's decision having been made upon an application, the Clerk of the Board shall file a certified copy of said decision with the Town Clerk and provide copies thereof to the applicant and the Town Development Office.

13. Draft Meeting Minutes

The Board Members shall be mailed electronically draft meeting minutes within ten (10) business days of the date of the subject meeting. Draft meeting minutes shall also be made available to the public within ten (10) business days of the date of the subject meeting.

14. Corrections to Draft Meeting Minutes

The Board Members shall, whenever possible, notify the Clerk of the Board of all corrections to the Meeting Minutes prior to the date of the next Board Meeting. Any suggested corrections will be sent to all Board members at the same time as notification is given to the Board Clerk.

15. Approved Meeting Minutes

The Board, after having reviewed the Draft Meeting Minutes, will (as part of the public meeting record) take action to accept the Minutes either with or without corrections. Once the Minutes have been accepted, the Clerk of the Board shall file certified copies with the Town Clerk's Office and the Development Office within five (5) business days.

16. Recordings of Board Meetings

Recordings of the proceedings of the Board meetings shall be maintained by the Clerk of the Board for a period of four (4) months after the transcription and approval of the Minutes and proceedings by the Board. When requested by the Chair of the Board, said tapes shall be maintained by the Clerk of the Board for a period of time specified by said Chair. Currently, this period is one year. Zoom meetings will also be posted upon the Town of Farmington's YouTube page.

17. Duties and Responsibilities

The duties and responsibilities of the Board are set forth in the New York State Town Law and the Farmington Town Code. Board members shall also be responsible for maintaining their copy of the Town Code Book while serving in office, and upon ending their Term of Office return the Code Book to the Town Clerk's Office. In addition to these responsibilities, all Board Members will attempt to visit each site prior to the public hearing. All

Board Members shall also be familiar with the provisions of the Town Code pertaining to the application. All Board Members shall follow the criteria listed in New York State Town Law when acting upon an application. Whenever relief is granted by the Board, it shall be the minimum relief deemed necessary.

18. Acting Chairperson

With the adoption of this resolution, the Board determines that in the event Chairperson Thomas Yourch is not available, then board member Kelly Cochrane shall serve as the Acting Chairperson. The Acting Chairperson shall perform all of the duties, which are normally the responsibility of the Chairperson. This is to include the signing of the SEQR documents.

19. Workshop Sessions of the Board

The Board may hold a Workshop Session at 6:30 p.m. (or at such other time as to be determined by the Board) prior to a regularly scheduled board meeting (or on such other date as to be determined by the Board) for the purpose of reviewing the application(s) to come before the Board at the subsequent meeting and to discuss the relevant section(s) of the Town Code that pertain to the application(s). The Workshop Session will be informational only. Town Staff is invited to attend. Specific members of the Town Staff may be requested to attend by the Chairperson. The Workshop Sessions are open to the public, however, no questions or comments from the public will be taken until the public hearing(s) is/(are) officially opened in a subsequent meeting.

20. Training

Board Members shall attend annual training according to the requirements established by the Farmington Town Board. Currently, the training requirements are as follows:

1. All Board members and the Town's representative on the Ontario County Planning Board, shall be required to complete at least:

    a. Twelve (12) hours of suitable training during the first full calendar year of their term of office; or

    b. Nine (9) hours of suitable training during the remaining nine months of the first full calendar year of their term of office; or

    c. Six (6) hours of suitable training during the remaining six months of the first full calendar year of their term of office; or

    d. Four (4) hours of suitable training during the remaining three months of the first full calendar year of their term of office; and

then

e. Eight (8) hours of suitable training, each year, for the remaining term of office.

2. The authority to determine suitable training is hereby established by the Town Board and shall consist of training seminars, conferences or courses sponsored by the Ontario County Planning Department, the Monroe County Planning Department, the New York State Department of State, the New York Planning Federation, New York Planning Association, the Genesee/Finger Lakes Regional Planning Council, the New York State Department of Environmental Conservation, the New York State Department of Health, the New York State Association of Towns, the New York State Department of Transportation, the U.S. Army Corps of Engineers, or any other group or organization, first to be accepted by the Town Board.

3. The training requirement may be satisfied by educational activities substantially devoted to planning, zoning, or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending fully accredited New York State colleges; 4) reading journal articles or books; 5) AICP Certification or 6) any other educational activities considered acceptable by the Town Board. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.

4. A record of annual completion of training shall be maintained by the Chairperson of the Town Zoning Board of Appeals and copies of all Certificates of Attendance shall be provided to the Town Board (sent to the Confidential Secretary to the Supervisor, will provide copies in Town Board Correspondence) and Town Clerk, on or before December 31st of each calendar year. Eligibility for reappointment to the Board shall be conditioned upon completion of the minimum number of hours for training prior to the end of each calendar year.

5. After the first full year of appointment, suitable training more than eight (8) hours per calendar year may be accumulated and carried over into the succeeding calendar year, with the maximum of four (4) hours being credited in the succeeding calendar year for the purpose of satisfying these training requirements. In no event shall excess training be accumulated and carried over into any additional year of the members' remaining term of office.

6. Suitable training for the Town's representative on the Ontario County Planning Board shall be the minimum established by the County and shall be in addition to the eight (8) hours of annual training mandated for the

Town Zoning Board of Appeals members specified above herein.

7. Suitable training, up to a maximum total of twelve (12) hours, for the person that is identified by the Town Board who is to be appointed to serve on the Town Zoning Board of Appeals, may be accumulated during a maximum period of up to twelve (12) months prior to appointment by the Town Board. In the event said person receives less than the maximum of twelve (12) hours, then the total number of hours of suitable training received during the twelve (12) month period prior to appointment may be combined with additional suitable training received during the first year of appointment, up to a maximum of twelve (12) hours, to satisfy the first full calendar year's requirement for training.

8. The respective Chairpersons of the Zoning Board of Appeals shall not exceed the budgeted contractual lines in their respective budgets in paying for the training (when required) without the expressed approval of the Town Board with a budget amendment approved by the Town Board.

21. Submittal Dates

The Board expects all applicants to meet the scheduled dates of submission (see Attachment A) including all documents associated with a pending application. These dates have been established by the Town Code Enforcement Officer, adopted or accepted by this Board, and are hereby made part of these Rules of Procedure (Attachment A). The schedule for application submittals will be posted on the Town website by the Town Code Enforcement Officer or the Development Department Office Administrator.

22. Annual Summary Report

The Chairperson of the Zoning Board of Appeals shall provide to the Town Board an annual summary report describing the ZBA's conformance to training requirements, significant matters under review during the prior calendar year, key personnel changes, and plans for the coming year. This report shall be submitted to the Town Supervisor not later than first Town Board meeting following the first ZBA meeting of the following year.

23. Amendments

These Rules of Procedure may be amended from time to time by the Board upon resolution to amend.

24. Filing of Rules of Procedure

All adopted Rules of Procedure shall be filed with the Town Clerk's Office and the Town Development Office, posted on the Town website and made available for public inspection upon demand.

25. Effective Date

All adopted Rules of Procedure shall become effective upon their filing in the Office of the Farmington Town Clerk.

26. Distribution

Certified copies of the Board Rules of Procedure shall be filed electronically by the Clerk of the Board with the members of the Zoning Board of Appeals, the Town Clerk, the Town Board, the Town Attorney, the Town Code Enforcement Officers, the Town Development Office Administrator and the Town Director of Planning and Development.

27. Conflict with New York State Town Law or Farmington Town Code

If any of these Rules of Procedure conflict with New York State Town Law, or any section of the Farmington Town Code, the text of said Law or Code shall take precedence, and that (those) portion(s) of these Rules of Procedure shall be amended accordingly. In any event, only the portion(s) found to be in conflict shall be amended with the remainder of the rules retaining their effectiveness.

28. New Information Received During Public hearing

In the event an applicant submits new information pertaining to a matter under consideration by the Board and provided the Board has not closed the public hearing record, said Board may consider such new information provided the public has been provided the opportunity to review and comment upon the new information. However, once the Board has closed the public hearing, no new information may be received or considered by the Board when rendering its decision.

29. Rehearing/Reconsideration of Actions

The Board may not reconsider or recall a decision made upon an application. A new application may be considered by the Board as the result of a majority plus one vote of the Board and based upon the findings set forth in Chapter 165, Section 97.C of the Farmington Town Code.

BE IT FINALLY RESOLVED that the Board does hereby direct the Clerk of the Board to file certified copies of these Rules of Procedure along with the above referenced attachments hereto with all persons listed in #26 above as well as to cause the placement of these Rules of Procedure with the attachments on the Town's Official Website.

BE IT FURTHER RESOLVED that a copy of the adopted 2026 Rules of Procedure is to be filed with the Farmington Town Clerk**,** posted on the Town's website and shall become effective upon filing in that office.

■ The above Resolution was offered by Tom Lay and seconded by **Ralph Bocchino** at a regularly scheduled meeting of the Town of Farmington Zoning Board of Appeals held on April 27, 2026.

Following discussion thereon, the following voice vote was taken

and recorded:

Ralph Bocchino	Aye
Kelly Cochrane	Aye
Matt DeMarco	Aye
Tom Lay	Aye
Thomas Yourch	Aye

Motion - Carried

I, Elizabeth Klingenberg, Clerk of the Board, do hereby certify to the above resolution and to its being acted on by the Zoning Board of Appeals at a meeting held on April 27, 2026.

Elizabeth M. Klingenberg

Elizabeth Klingenberg
Clerk of the Town of Farmington Zoning Board of Appeals

Zoning Board of Appeals 2026

Application Submittal Deadline 12:00 pm	County Meeting Submittal Deadline 12:00pm	Zoning Board Meeting 7:00 p.m.
December 22, 2025	January 2, 2026	January 26, 2026
January 26, 2026	January 30, 2026	February 23, 2026
February 23, 2026	February 27, 2026	March 23, 2026
March 23, 2026	March 27, 2026	April 27, 2026
April 27, 2026	May 1, 2026	May 18, 2026
May 18, 2026	May 29, 2026	June 22, 2026
June 22, 2026	June 26, 2026	July 27, 2026
July 27, 2026	July 31, 2026	August 24, 2026
August 24, 2026	August 28, 2026	September 28, 2026
September 28, 2026	October 2, 2026	October 26, 2026
October 26, 2026	October 30, 2025	November 23, 2026
November 23, 2026	November 27, 2025	December 28, 2026

***NOTE: Incomplete applications will be pushed to the following application submittal time frame**

Applications requiring variances may be delayed until such time as variance(s) have been granted

Certain applications involve property that is located within distances requiring a referral from the town to the County Planning Board for their review and recommendation report prior to the local board having jurisdiction to take action. These distances are spelled out in Section 239-1 of the New York State General Municipal Law. When this affects the property in question additional time is required for the County's review and referral. The local board will not schedule a public hearing upon an action until it knows that these provisions have been complied with.

TOWN OF FARMINGTON

ATTACHMENT B

Appeal No. ZBA_____

Property Information

Search properties..

Contractor(s)

Search contractors..

Contractors with expired licenses are not eligible to submit this form. If you can't find a linked contractor in the search results, please contact us for assistance.

Incomplete Applications Will Not Be Accepted

Applicant Information

* Applicant Name:
* Applicant Phone:
* Applicant Address:
* City, State, Zip:
* Applicant Email:
* Interest in Property:
Nothing selected

Owner Information

* Owner Name:
* Address:
* City, State, Zip:
* Phone:
* Email:

Zoning Application Details

* Board Assignment:
Zoning Board
* Project Type:
Nothing selected
* Address of Job Site:
* SBL #:
* Property Size in Acres:
* Property Frontage (Ft):
* Zoning District:
Nothing selected
* Adjacent Zoning:

Fill out applicable sections below according to your project type

Variance from Town Code Section(s) #:

Temporary Use Permit For:

Use Variance For:

Appeal of Interpretation of:

Privacy - Terms

1/3

TOWN OF FARMINGTON

Variance Specific Questions

A Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Farmington have caused unnecessary hardship as demonstrated by the following:

1) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain:

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood:

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance:

To be completed only when a Use Varience is being requested

4) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided (Required per NYS Town Law):

Nothing selected

Please describe in detail the proposed project, reason the Interpretation, variance and/or temporary use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal:

I do hereby certify that the information contained herein is true and correct.

* E-Signature:

Optional Uploads:

-Plot plan showing existing structures & proposed work

-Brochure of unit(s) being installed (if applicable) Drawing of proposed work

- Drawing of Proposed Work

Required Files for Zoning Board Of Appeals Application

If submitted without file(s) listed below or with the wrong file type, application will not be accepted.

Petitioner's Letter of Intent

(File Types: .docx, .jpeg, .jpg, .png, or .pdf):

Choose File

Description of the Petitioner's Letter of Intent

Incomplete applications will not be accepted

TOWN OF FARMINGTON

Other Files

Files

Choose Files

*The required uploads were not found

Submit

Accessibility

Incomplete applications will not be accepted

Town of Farmington
1000 County Road 8
Farmington, NY 14425
www.townoffarmingtonny.org

Zoning Board of Appeals
Application
Owner Authorization

The undersigned, who is the owner of the premises know as:

_____, identified as Tax Map#_____
{address)

hereby authorizes _____ to bring an application for

) area variance) temporary use permit ( ) use variance

) interpretation before the Town of Farmington Zoning Board of Appeals for review and potential approval.

The undersigned further permits the Town or its authorized representative(s) access to the property to review existing site conditions during the review process.

_____ _____
Owner (print) Date

_____
Owner (signature)

STATE OF NEW YORK
SS
COUNTY OF ONTARIO)

On this _____ day of _____,20__, before me, the undersigned, a notary public in and for said state, personally appeared _____,personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

Incomplete applications will not be accepted

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based 011 information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based 011 current information.

Complete all items in Part **1.** You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part I - **Project and Sponsor Information**		
Name of Action or Project:		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone: E-Mail:	
Address:		
City/PO:	State: Zip Code:	

	NO	YES
I. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☐	☐

3. a. Total acreage of the site of the proposed action? _____ acres
   b. Total acreage to be physically disturbed? _____ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

S. D Urban ☐ Rural (non-agriculture) D Industrial ☐ Commercial ☐ Residential (suburban)

D Forest ☐ Agriculture ☐ Aquatic ☐ Other (Specify):

D Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify:	☐	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:	☐	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water:	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities.		
If No, describe method for providing wastewater treatment:	☐	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been dete1mined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		

14. Identify the typical habitat types that occur on or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the l00-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☐	YES ☐
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: Date:		
Signature: _____ Title: _____		

PRINT FORM

ATTACHMENT C - Rules of Procedure – Building Permit Denial Letter

04/20/2026

Town of Farmington

1000 County Rd 8, Farmington NY 14425

Re: Building Permit Application 000000000

The Town of Farmington has completed our review of the submitted building permit application for _____. Per Town zoning code _____

_____

This letter is your notification that your request for a building permit has been denied. You may apply for an area variance following the procedures as outlined in Chapter 165-98 Variance and appeals procedures of the Farmington Town Code.

Please feel free to contact me at 3159868100 or by email at xxxxxx@farmingtonny.org if you have any questions.

Sincerely,

Assistant Code Enforcement Officer