



# GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-04-BETH-7-20**

Review Date **7/9/2020**

Municipality  
Board Name  
Applicant's Name  
Referral Type  
Variance(s)  
Description:

**BETHANY, T.**

**PLANNING BOARD**

**Raymond and Laura Ladd**

**Special Use Permit**

**Special Use Permit for a new pond.**

Location  
Zoning District

**10990 East Rd., Bethany**

**Agricultural-Residential (A-R) District**

## PLANNING BOARD DECISION

**APPROVAL**

## EXPLANATION:

**The proposed pond should pose no significant county-wide or inter-community impact.**

Director

July 9, 2020

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 815-7901

**DEPARTMENT USE ONLY:**  
GCDP Referral # T-04-BETH-7-20



**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

RECEIVED  
Genesee County  
Dept. of Planning  
6/9/2020

Required According to:  
**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N**  
(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**

Board(s) Town Board  
Address 10510 Bethany Center Road  
City, State, Zip East Bethany NY 14054  
Phone (585) 343 - 1399 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Raymond & Laura Ladd  
Address 10900 East Road  
City, State, Zip Pavilion NY 14525  
Phone (585) 993 - 5523 Ext. \_\_\_\_\_ Email \_\_\_\_\_

MUNICIPALITY:  City  Town  Village of Bethany

**3. TYPE OF REFERRAL:** (Check all applicable items)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Area Variance                 | <input type="checkbox"/> Zoning Map Change         | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance                  | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary          |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final                |
| <input type="checkbox"/> Site Plan Review              | <input type="checkbox"/> Other: _____              |   |

**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**

A. Full Address 10990 East Road NY 14525  
B. Nearest intersecting road Raymond Road  
C. Tax Map Parcel Number 11.-1-10.11  
D. Total area of the property 88 A Area of property to be disturbed .4 A  
E. Present zoning district(s) AR

**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?  
 NO  YES If yes, give date and action taken \_\_\_\_\_  
B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
Art. III, Sec. 301, Subsec. B, Para. 11  
C. Please describe the nature of this request excavate a 150' diameter pond (.4 A +/-)  
100' required

**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments             | <input type="checkbox"/> New or updated comprehensive plan                   |
| <input checked="" type="checkbox"/> Site plan         | <input checked="" type="checkbox"/> Location map or tax maps    | <input type="checkbox"/> Photos  |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings                     | <input checked="" type="checkbox"/> Other: <u>Letter from Genesee County</u> |
| <input checked="" type="checkbox"/> SEQR forms        | <input checked="" type="checkbox"/> Agricultural data statement | <u>Soil and Water Conservation</u>   |

**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)

Name Thomas Douglas Title CEO/ZEO Phone (585) 356 - 0824 Ext. \_\_\_\_\_  
Address, City, State, Zip 10510 Bethany Ctr. Rd. E. Bethany NY 14054 Email ceobethanyny@yahoo.com



**TOWN OF BETHANY**  
**Special Use Permit Application**

APPLICATION NO: SA 20000

DATE: 4/15/2020

PROPERTY OWNER: Ray & Laura Ladd

ADDRESS: 10900 EAST RD

PHONE NO: (585) 993-5523

APPLICANT (if other than owner): N/A

ADDRESS: \_\_\_\_\_

PHONE NO: \_\_\_\_\_

LOCATION OF PROPERTY: 10900 EAST RD

ZONING DISTRICT: A-R

TAX MAP PARCEL NO: 11.-1-10.11

**PROVISION OF ZONING LAW INVOLVED:**

ARTICLE: III SECTION: 301 SUBSEC: B PARA: 11

PURPOSE OF REQUEST: excavate a 150' dia pond (.4A +/-)

The owner must submit appropriate supporting materials including site plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any other materials that will assist the Board in understanding the request.

**CERTIFICATION:** I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and of work or use will be complied with whether specific herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local ordinance or performance of construction.

Signature of Property Owner: Ray Ladd Date: 6-8-20  
 (only applications signed by the property owner may be considered)

**OFFICE USE ONLY:**

Amount/Date Fee Paid: _____ / _____	G.C.P.B. Submission: _____
Check No/Cash: _____	G.C.P.B. Recommend: _____
Planning Board 1st Hearing: _____	Date Received: _____
Planning Board 2nd Hearing: _____	500 ft. Notification: _____
Planning Board Recommend: _____	1st Public Hearing: _____
Signature: _____	Town Board Recommend: _____
Date: _____	Date of Meeting: _____
	File Closed: _____

TOWN VILLAGE CITY OF Bethany

Application # SA 202040

**Agricultural Data Statement**

Date 4/15/2020

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>RAY &amp; LAURA LADD</u> Address: <u>10900 EAST RD</u> <u>PAVILION NY</u>	Name: <u>N/A</u> Address: _____

1. Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  Subdivision Approval

2. Description of proposed project: excavate a 120' dia. pond

3. Location of project: Address: 10900 EAST RD  
Tax Map Number (TMP) 11-1-10.11

4. Is this parcel within an Agricultural District?  NO  YES (Check with your local assessor if you do not know)

5. If YES, Agricultural District Number #1

6. Is this parcel actively farmed?  NO  YES NOT FARMED - GRASSLAND

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>Berkemier (Rent)</u> Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Ray Ladd  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: \_\_\_\_\_  
Signature of Municipal Official

\_\_\_\_\_  
Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on 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.

<b>Part 1 - Project and Sponsor Information</b>			
EXCAVATE A 150 FT DIA POND			
Name of Action or Project: 10900 E. RD.			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: TRAY LADD		Telephone: 585-993-5524	
		E-Mail:	
Address: 10900 E. RD.			
City/PO: PAVILION, NY		State: NY	Zip Code: 14525
1. 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.			NO YES <input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES <input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.4 acres	
b. Total acreage to be physically disturbed?		.4 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		≈ 88 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): <u>GRASSLAND</u> <input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>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: _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>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: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>14. Identify the typical habitat types that occur on or are likely to be found on the project site. Check all that apply:  <input type="checkbox"/> Shoreline    <input type="checkbox"/> Forest    <input checked="" type="checkbox"/> <del>Agricultural</del> grasslands    <input type="checkbox"/> Early mid-successional  <input type="checkbox"/> Wetland    <input type="checkbox"/> Urban    <input type="checkbox"/> Suburban</p>			
<p>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?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>16. Is the project site located in the 100 year flood plain?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties?      <input checked="" type="checkbox"/> NO    <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: <u>150' DIA POND 1/4 ACRE</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Ray Ladd</u>	Date: <u>6-8-20</u>	
Signature: <u>Ray Ladd</u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

# TOWN OF BETHANY

## SPECIAL USE PERMIT 500 FT CONTACT LIST

APPLICANT NAME: Ray & Laura Ladd

APPLICANT ADDRESS: 10900 East Rd

PROPERTY LOCATION: SAME

APPLICATION NO.: SA20200      DATE: 4/15/2020

TAX MAP #: 11.-1-10.11

TAX MAP #	PROPERTY OWNER	ADDRESS	CITY, STATE ZIP
11.-1-8.12	Joshua Raines	10832 East Rd	Pavilion 14525
11.-1-8.11	Joshua Raines	10832 East Rd	Pavilion 14525
11.-1-8.2	Joseph Barniak	10667 East Rd	Pavilion 14525
11.-1-9.1	John Amend	1449 Sweet Rd	E. Aurora 14052
11.-1-9.2	Herman Berkemeier	5481 Raymond Rd	Wyoming 14591
<del>11.-1-10.21</del>	Brian Raines	5701 Raymond Rd	Wyoming 14591
11.-1-11	Jeffrey Berkemeier	10825 East Rd	Pavilion 14525
11.-1-12	Joseph Barniak	10667 East Rd	Pavilion 14525
12.-1-1	Herman Berkemeier	10825 East Rd	Pavilion 14525
12.-1-2	Linda Maiellano	10891 East Rd	Pavilion 14525
12.-1-3	Janet Berkemeier	10901 East Rd	Pavilion 14525
12.-1-4	Joseph Barniak	10667 East Rd	Pavilion 14525
12.-1-28	Jeremy Yasses	PO Box 175	Oakfield 14125
12.-1-27	Stephen Pohora	11005 East Rd	Wyoming 14591
12.-1-26.1	Joseph Maniace	11023 East Rd	Wyoming 14591
12.-1-26.2	<del>Scott Rudolph</del> Rudolph	11033 East Rd	Wyoming 14591



**TOWN OF BETHANY**

**SPECIAL USE PERMIT MEETING SCHEDULE**

These meetings are advisable for the applicant to attend on the listed dates:

- > Town of Bethany Planning Board Meeting  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 7/2/2020  
Day: Thursday  
Time: 7:00 p.m.
- > Town of Bethany Town Board  
Preliminary Review and Setting of Public Hearing  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 6/8/2020  
Day: Monday  
Time: 7:00 p.m.
- > Genesee County Planning Board Meeting  
County Building #2  
3837 West Main Street Road  
Batavia NY 14020  
Date: 7/9/2020  
Day: Thursday  
Time: 7:00 p.m.  
(Arrive 15 min. early)
- > Bethany Town Board Meeting  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 7/13/2020  
Day: Monday  
Time: 7:00 p.m.
- > Public Hearing  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 7/13/2020  
Day: \_\_\_\_\_  
Time: \_\_\_\_\_
- > Town of Bethany Planning Board  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: \_\_\_\_\_  
Day: \_\_\_\_\_  
Time: \_\_\_\_\_  
(If Necessary)
- > Bethany Town Board  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: \_\_\_\_\_  
Day: \_\_\_\_\_  
Time: \_\_\_\_\_  
(If Necessary)



## Genesee County Soil & Water Conservation District

USDA Center, 29 Liberty St., Suite 3, Batavia, NY 14020

Phone (585) 343-2362x5

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June 3, 2020

Ray & Laura Ladd  
10900 East Road  
Pavilion, NY 14525

Ray & Laura:

Looked at a proposed pond site location with you earlier today.

There is no involvement with either wetlands, streams nor environmentally sensitive areas. Also, no archeologically sites are in the immediate area.

While we cannot guarantee that the site will hold water, the soils disturbed by the testholes certainly appeared to be suitable.

This letter can be used as part of the information needed by the Town from The Soil and Water Conservation District that the pond construction will not cause problems with others.

Feel free to ask for more information if needed.

Yours in conservation

Bob Berkemeier, Technician

April 9, 2020

Ray & Laura Ladd  
10900 East Rd.  
Pavilion, NY 14525  
(585) 993-5523

Town of Bethany  
Mr. Carl Hyde, Supervisor  
10510 Bethany Center Road  
East Bethany, NY 14054

Dear Mr. Hyde:

Subject: Proposed Pond Installation  
Tax Map #182800 11-1-10

We would like to have a pond installed on our property. It would be approximately 120 feet in diameter. The location is shown on the enclosed map of the property located at 10900 East Road. Please advise how the Town Planning Board would like us to proceed.

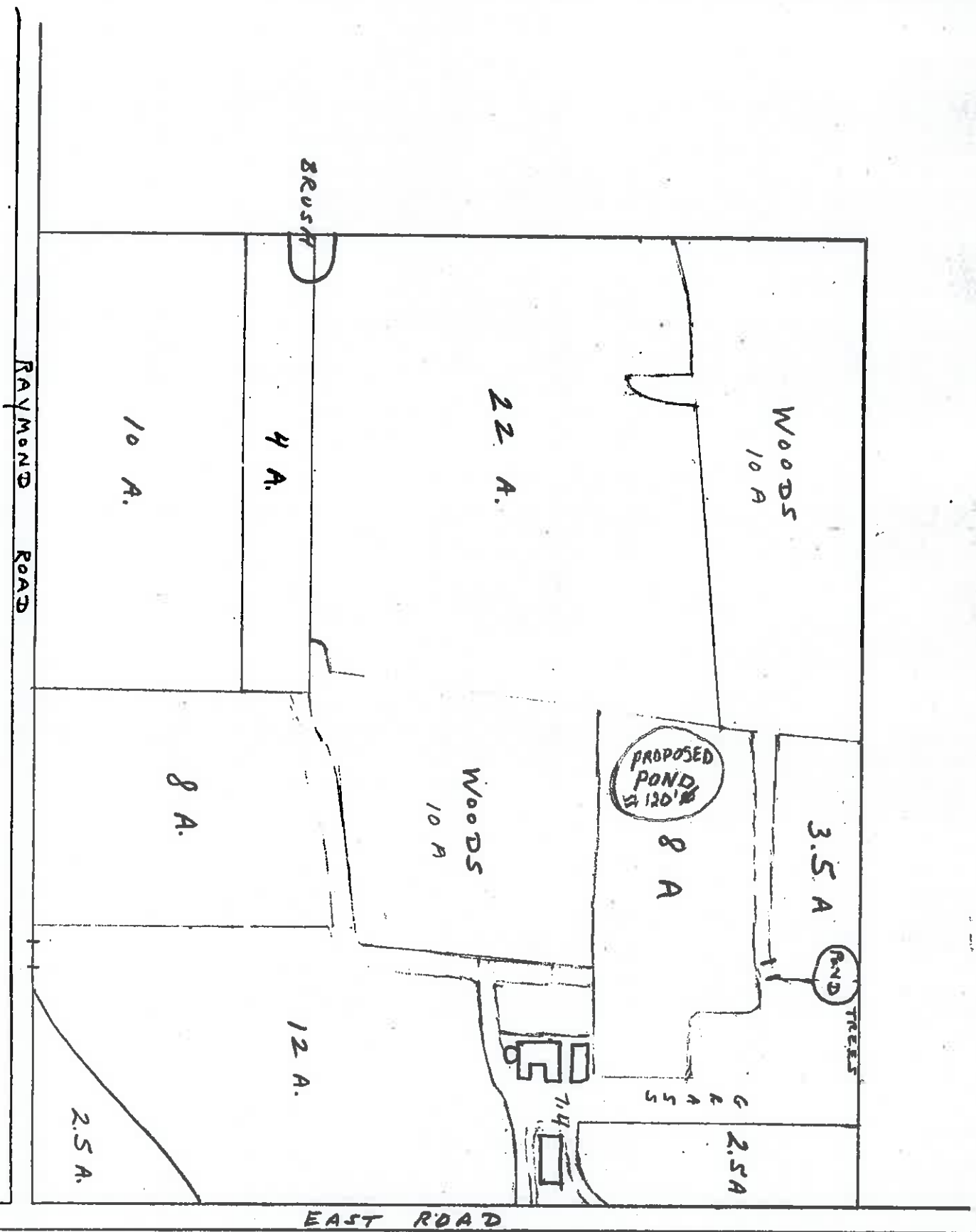
Thank you in advance for your time and assistance with this proposed project.

Very truly yours,

A handwritten signature in cursive script that reads "Laura Ladd".

Laura Ladd

Encl: Map of Property

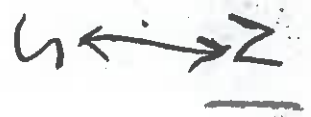


PROPERTY OF:

Ray & Laura Ladd  
 10900 East Road  
 Pavilion, NY 14525

(585) 993-5523

TAX MAP #182800 11-1-10







0:11

**Circle**  
**Area: 12780.3 Square Feet**  
**Perimeter: 400.8 Feet**  
**Radius: 63.8 Feet**

