



**GENESEE COUNTY PLANNING BOARD  
ZONING REFERRALS NOTICE OF FINAL  
ACTION**

GCDP Referral ID **T-01-BETH-1-15**

Review Date **1/8/2015**

Municipality  
Board Name  
Applicant's Name

**BETHANY, T.**  
**ZONING BOARD OF APPEALS**  
**Julian Moore**

Referral Type  
Variance(s)  
Description:

**Area Variance(s)**  
**Area Variances to erect 600 sq. ft. (20 x 30 ft.) garage for single-family home.**  
**Accessory structures not allowed in front of principal buildings.**  
**Front Yard Setback**  
**Minimum required: 75 ft.**  
**Proposed (from Rt. 20): 16 ft.**  
**Side Yard Setback**  
**Minimum required: 25 ft.**  
**Proposed: 23 & 10 ft.**

Location  
Zoning District

**5278 Old Telephone Rd., Bethany**  
**Residential (R) District**

**PLANNING BOARD DECISION**

**APPROVAL**

**EXPLANATION:**

**The proposed variances for the garage should pose no significant county-wide or inter-community impact as there are examples of such setbacks in neighboring properties.**

Director

January 8, 2015

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 at 344-2580 x 5466, or online at <http://www.co.genesee.ny.us/> under Forms and Permits for Towns and Villages.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, N.Y. 14020-9404  
Phone: (585) 344-2580 Ext. 5467

**DEPARTMENT USE ONLY:**  
G.C.D.P. Referral # T-01-BETH-1-15  
Date Received 12-03-2014



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

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) Zoning Board of Appeals  
Address 10510 Bethany Center Road  
East Bethany NY 14054

**2. APPLICANT INFORMATION**

Name Julian Moore X  
Address 5278 Old Telephone Road  
Phone (585)356 6223 Email \_\_\_\_\_

MUNICIPALITY:  City  Town  Village of Bethany

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

- |   |  |                                      |
|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change         | Subdivision Proposal                 |
| <input type="checkbox"/> Use Variance             | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary |
| <input 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. Address 5278 Old Telephone Road
- B. Nearest intersecting road Bethany Center Road
- C. Tax Map Parcel Number 8.-1-59.2
- D. Total area of the property 63x185 Area of property to be disturbed same
- E. Present zoning district(s) Residential

**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  
Article III, Section 301, Subsection Schedule A, Parzagraph R, Min. yard setback front & side, Article III, Section 301, Subsection C, Paragraph 1, b

C. Please describe the nature of this request Construct a 20'x30' pole garage, three (4) variances are required. #1 Front Yard Location, #2 & 3 Side Yard Setback on both sides, #4 Front Yard Set Back.

**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 checked="" type="checkbox"/> Photos                 |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings                     | <input type="checkbox"/> Other: _____                      |
| <input type="checkbox"/> SEQR forms                   | <input checked="" type="checkbox"/> Agricultural data statement |  |

\*\*\* If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17 in.  
Digital copies may be sent via email to [planning@co.genesee.ny.us](mailto:planning@co.genesee.ny.us) \*\*\*

**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 X

\$ 100<sup>00</sup>



# TOWN OF BETHANY

X Area Use Interpretation Variance  
x3

APPLICATION NO: AV1402

DATE: 10/23/14

PROPERTY OWNER: Julian Moore

ADDRESS: 5278 Old Telephone Rd  
E. Bethany NY 14054

PHONE NO: 585-356-6223

APPLICANT (if other than owner): N/A

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

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

LOCATION OF PROPERTY: 5278  
EAST BETHANY NY 14054

ZONING DISTRICT: R

TAX MAP PARCEL NO: 8-1-59.2

### PROVISION OF ZONING LAW INVOLVED:

ARTICLE: III SECTION: 301 SUBSEC: SCH APARA: R MIN YDS  
III 301 C 1, b. FRONT & SIDE

PURPOSE OF REQUEST: Build 20x30 pole-garage (Three (3) Four (4) Variance Req. #1) FRONT yd location + #2) SIDE yd setback (yd) #3) FAT yd setback

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: Julian Moore Date: 10/23/14  
(only applications signed by the property owner may be considered)

### OFFICE USE ONLY:

Amount/Date Fee Paid: \$100 11/30/14  
Check No/Cash: 587

250  
500 ft Notification: \_\_\_\_\_  
1st Public Hearing: \_\_\_\_\_  
2nd Public Hearing: \_\_\_\_\_

Planning Board Submission: \_\_\_\_\_  
Planning Board Recommend: \_\_\_\_\_  
G.C.P.B. Submission: \_\_\_\_\_  
G.C.P.B Recommend: \_\_\_\_\_  
Date Received: \_\_\_\_\_

ZBA Recommend: \_\_\_\_\_  
Signature: \_\_\_\_\_  
File Closed: \_\_\_\_\_







# Memo

**To:** Zoning Board of Appeals  
**From:** Thomas J. Douglas  
Code Enforcement Officer  
**Re:** SEQR

---

This action, AV- 1402 -, is an Area Variance only.

Therefore this action is covered under NYS Dept. of Environmental Conservation, Rules and Regulations, 6 NYCRR Part 617. State Environmental Quality Review (SEQR)

Section 617.5(C) (12) granting of individual setback and lot line variances; and Section 617.5(C) (13) granting of an area variance (s) for a single-family, two-family, or three-family residence, are listed as Type II actions not subject to review.

Hence no SEQR review is required as part of this action

*Thomas J. Douglas*  
14/13/14

TOWN OF BETHANY

250 FT CONTACT LIST

APPLICANT NAME: Julian Moore

APPLICANT ADDRESS: 5278 Old Telephone Road

PROPERTY LOCATION: 5278 Old Telephone Road

APPLICATION NO.: AV1402      DATE: 11/13/14

TAX MAP #: 8.-1-59.2

| TAX MAP #          | PROPERTY OWNER       | ADDRESS                          | CITY, STATE ZIP    |                  |
|--------------------|----------------------|----------------------------------|--------------------|------------------|
| 8.-1-19            | Luann Moore          | 116 Meadow Crest Dr.             | Batavia            | 14020            |
| 8.-1-22            | Joann Petrovich      | 10513 BCR                        | EB                 | 14054            |
| 8.-1-20            | Jeffrey Pietrykowski | 5279 Old Telephone Rd            | EB                 | 14054            |
| 8.-1-21            | Wesley Sprung        | 5293 Old Telephone Rd            | EB                 | 14054            |
| 8.-1-58.1          | Francis Davis        | 5282 Old Telephone Rd            | EB                 | 14054            |
| 8.-1-58.2          | Christopher Wells    | 5280 Old Telephone Rd            | EB                 | 14054            |
| 8.-1-56            | Kathy Busch          | 5290 Old Telephone Rd            | EB                 | 14054            |
| 8.-1-53.114        | Jeffrey Coats        | 10553 BCR                        | EB                 | 14054            |
| 8.-1-59            | Yancey Richenberg    | 1592 Bank Rd                     | Wyoming            | 14591            |
| 8.-1-63            | David Canterbury     | 10554 BCR                        | EB                 | 14054            |
| 8.-1-60            | Erik Kendall         | 10534 BCR                        | EB                 | 14054            |
| 8.-1-18            | Shawn Staskiewicz    | 10524 BCR                        | EB                 | 14054            |
| <del>NYS DOT</del> |                      | <del>5441 East Main Street</del> | <del>Batavia</del> | <del>14020</del> |
| NYS DOT            | Regional Office *    | 1530 Jefferson Rd                | Rochester          | 14623            |
|                    |                      |                                  |                    |                  |
|                    |                      |                                  |                    |                  |
|                    |                      |                                  |                    |                  |
|                    |                      |                                  |                    |                  |
|                    |                      |                                  |                    |                  |



Town of Bethany

# ZONING PERMIT

**GRANTED TO:** MOORE JULIAN J **PERMIT NO.** BP-14-37

**FOR THE PURPOSE OF:** Residential Erect

ERECT A 20 X 30 PB FRAMED  
GARAGE AS PER SUBMITTED  
PLANS

**PROPERTY OWNER:** MOORE JULIAN J

**PROP. DESCRIPTION:** 5278 OLD TELEPHONE RD

**PARCEL ID:** 8.-1-59.2

THIS PERMIT IS ISSUED IN ACCORDANCE WITH THE ZONING BYLAWS OF THE TOWN OF BETHANY. CONSTRUCTION MUST BE SUBSTANTIALLY COMPLETE WITHIN TWO (2) YEARS OF THE DATE OF ISSUE. ALL WORK DONE MUST CONFORM TO THE INFORMATION AS REPRESENTED IN YOUR APPLICATION DATED 11/17/2014. DEVIANCE FROM THE PERMIT AS ISSUED MAY RESULT IN FINE AND/OR OTHER REMEDIAL ACTIONS.

**THE FOLLOWING CONDITIONS ARE A PART OF THIS PERMIT:**

11/17/2014-- PERMIT DENIED--

FOUR (4) VARIANCES REQUIRED

- 1) FOR SIDE YARD SETBACK LEFT SIDE YARD
- 2) FOR SIDE YARD SETBACK RIGHT SIDE YARD
- 3) FOR FRONT YARD SET BACK ( RTE. 20)
- 4) FOR AN ACC BUILDING LOCATED IN FRONT YARD ( RTE 20)

**DATE OF ISSUE:** mm/dd/yy

**EXPIRATION DATE:** mm/dd/yy

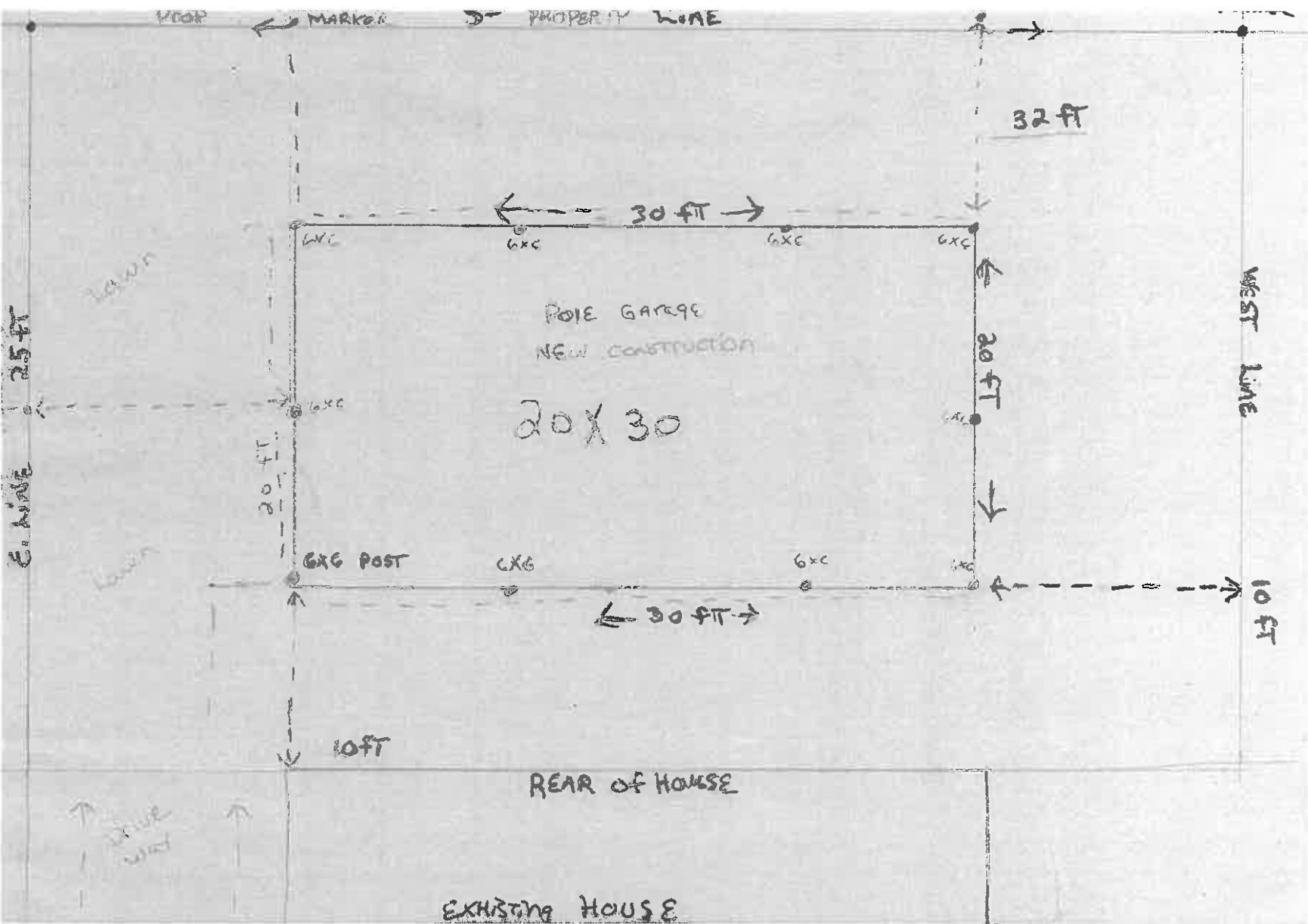
*Denied*

Town of Bethany

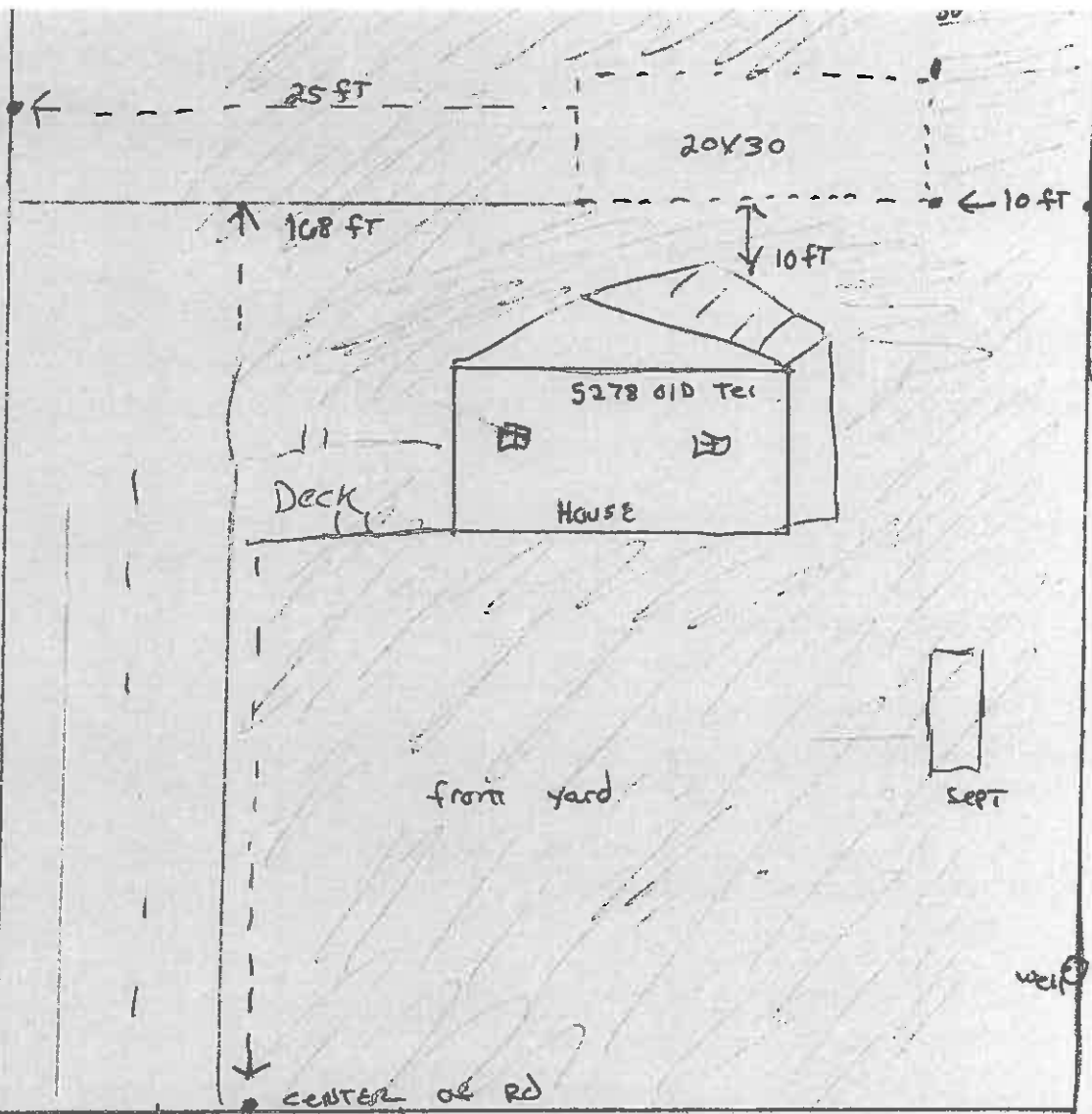
Building Inspector

**POST IN A CONSPICUOUS PLACE**









25 FT

20x30

20

108 FT

10 FT

10 FT

Neighbor

Deck

5278 Old Tel

HOUSE

front yard

SEPT

center of rd

Old Telephone rd

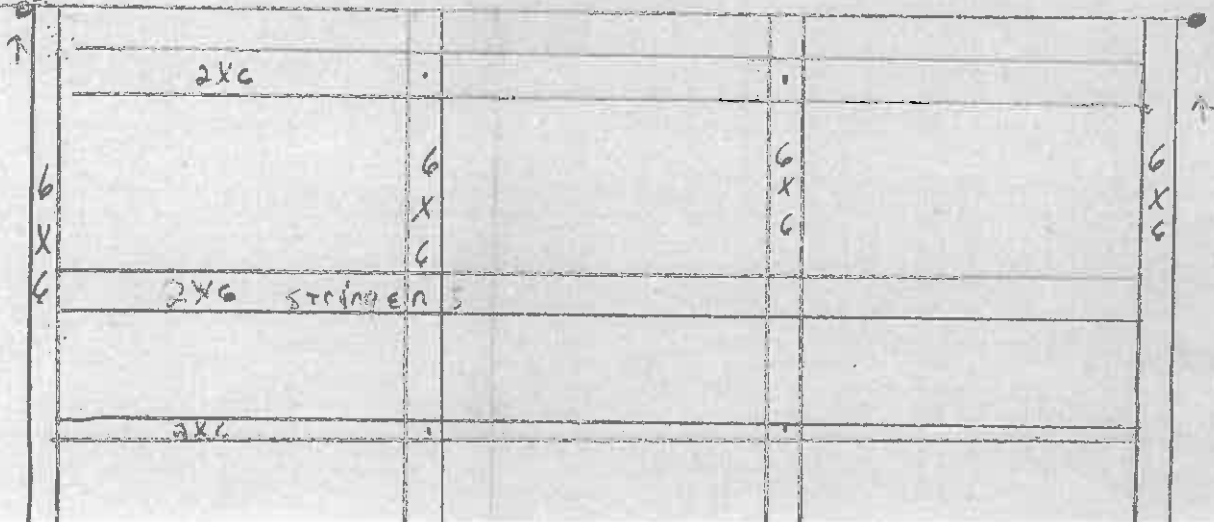
well

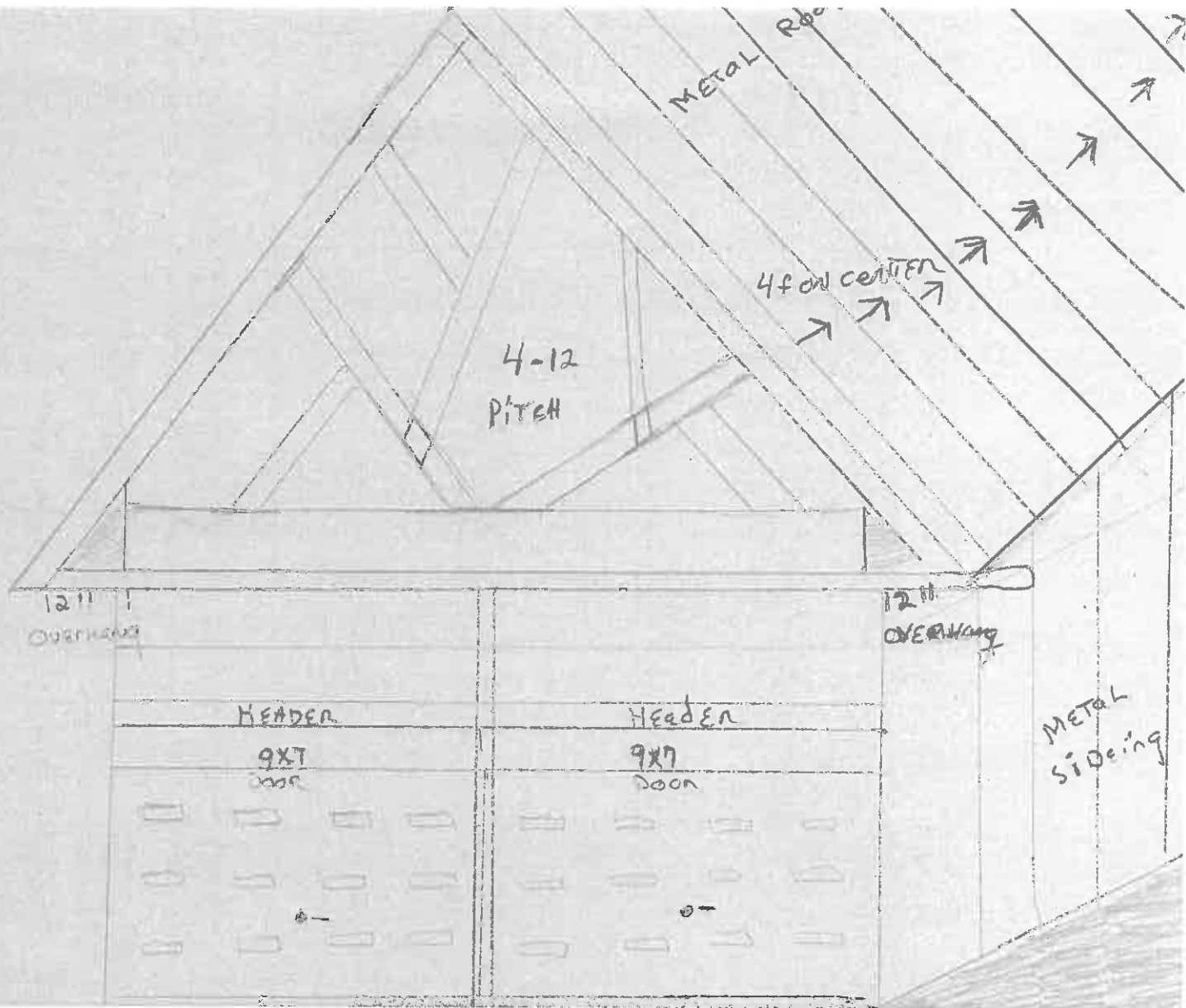
All Walls 10 FT Tall

side  
view

10 FT  
Tall

10 FT  
Tall





(#1)

AV1402

5278 Old Telephone Rd

8-1.-89.2



RED Line - Old Tel. Rd. ROW (66')

Yellow Line - Pictometry lot Lines.

Blue Line - Adjusted Lot Lines

ORANGE Line - Proposed. Acc. Bldg.

Copyright ©2010 Pictometry International Corp.

Creation Date: Apr 10, 2010 13:24  
Modification Date: Apr 21, 2010 23:08

Scale: 1 inch = 67.5 feet

②

AV1402

5278 Old Telephone Rd

8-1-59.2



Red Line - Old Tel. Rd. ROW  
 Yellow Line - Pictometry hot line  
 Blue line - adjacent Lot Lines  
 Orange Line - proposed Acc. Bldg.

Green Lines - Front yards  
 Purple line - Side yds

Copyright ©2010 Pictometry International Corp.

③

AV1402  
5278 Old Telephone Rd  
8.-1.-59.2.



Yellow line - pictometry lot lines  
Blue line - AD sus lead lot line  
ORANGE line - proposed ACC. Bldg.

Copyright ©2010 Pictometry International Corp.

Creation Date: Apr 10, 2010 13:24  
Modification Date: Apr 21, 2010 23:08

Scale: 1 inch = 29.3 feet

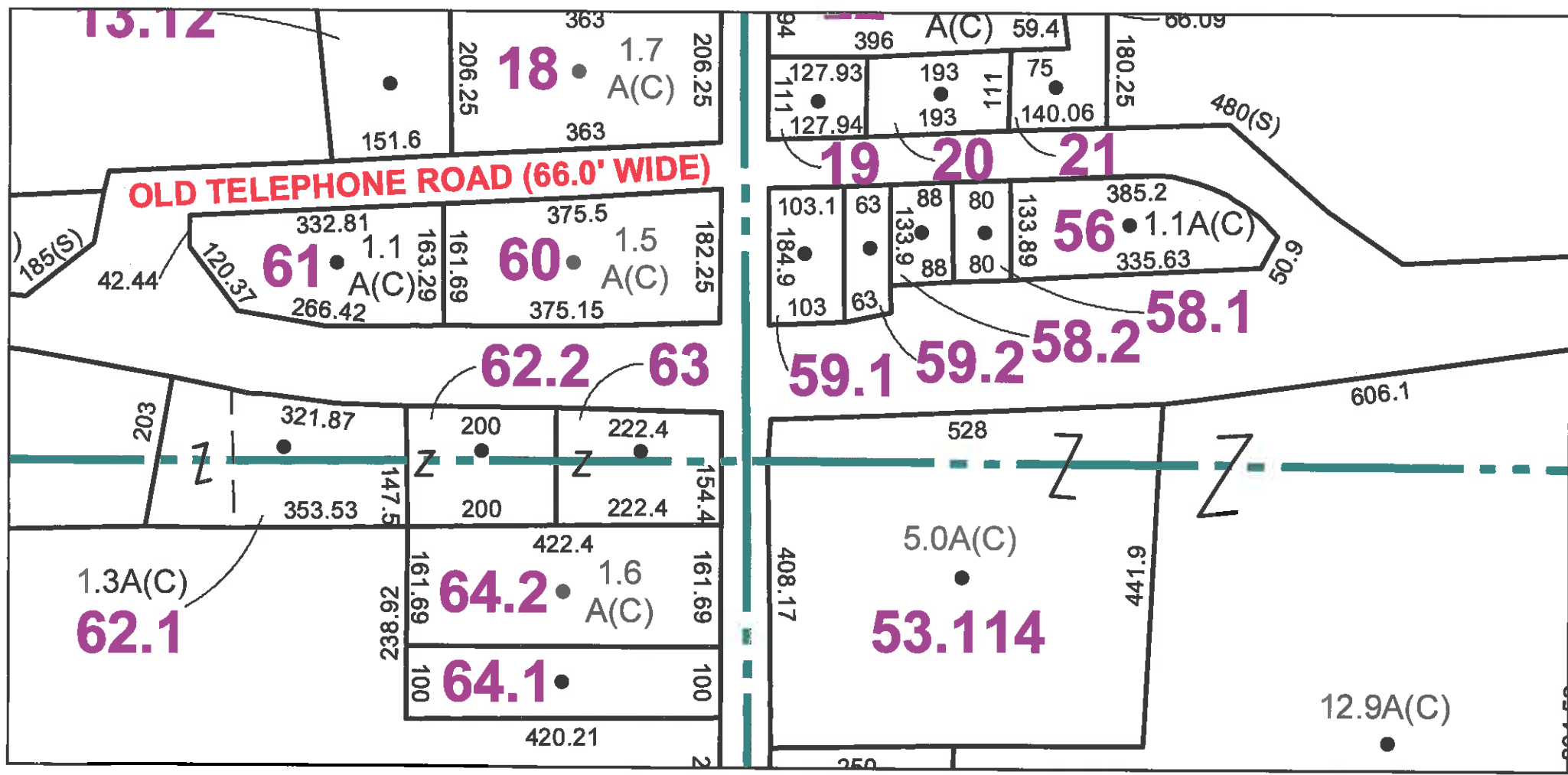


#4.

AV1402

5278 Old Telephone Rd

8-1-59.2



Moore  
AV 1402

## TOWN OF BETHANY

### VARIANCE MEETING SCHEDULE

- > Town of Bethany Planning Board  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 1/8/15  
Day: Thursday  
Time: 7:30 p.m.
- > Genesee County Planning Board  
County Building #2  
Batavia NY 14020  
Date: 1/8/15  
Day: Thursday  
Time: 7:30 p.m.  
(Arrive 15 min. early)
- > Town of Bethany Zoning Board of Appeals  
10510 Bethany Center Road  
East Bethany NY 10440  
Date: 1/21/15  
Day: Wednesday  
Time: 7:30 p.m.
- > Public Hearing  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 1/21/15  
Day: Wednesday  
Time: 7:30 pm



T-01-BETH-1-15

