

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-1901

DEPARTMENT USE ONLY:
GCDD Referral # T-20-BAT-10-16.



*** 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)

RECEIVED

AUG 31 2016

**GENESEE COUNTY
DEPARTMENT OF PLANNING**

1. REFERRING BOARD(S) INFORMATION

Board(s) Town of Batavia Zoning Board
Address 3833 West Main Street Rd
City, State, Zip Batavia NY 14020
Phone () 343-1729 Ext. 222

2. APPLICANT INFORMATION

Name Barbara Worthington
Address 4828 Ellicott Street Road
City, State, Zip Batavia, NY 14020
Phone (585) 344-1986 Ext. _____ Email _____

MUNICIPALITY: City Town Village of Batavia

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

- | | | |
|---|--|---|
| <input checked="" 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 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 4828 Ellicott Street Road
B. Nearest intersecting road Cedar Street
C. Tax Map Parcel Number 13.-1-97.1
D. Total area of the property .506 Acres Area of property to be disturbed 2500 sq ft +/-
E. Present zoning district(s) Ag-Res

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
Schedule A Town of Batavia

C. Please describe the nature of this request Applicant is requesting a Variance in the rear yard of 15 feet

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 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>Zoning Sheets</u> |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

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

Name Daniel J Lang Title CEO/ZEO Phone (585) 343-1729 Ext. 222
Address, City, State, Zip 3833 West Main Street Rd Batavia NY 14020 Email dlang@townofbatavia.com

Building and Zoning Application Permit No. 16-113

Town of Batavia 3833 West Main Rd. Batavia NY 14020 PH. 585-343-1729

Date 7 / 15 / 16 Zone AG-R Flood Zone no Wellhead Protection no Corner Lot no

New Construction Fence Pond Sign Alteration(s) Addition Demolition

Accessory Bldg. Mobile Home Fill Permit Home Occupation Land Separation Site Plan Approval

Special Use Permit Temporary Use Subdivision Zoning Variance Request Other Specify: _____

Tax Map No. 13-1-97.1

Owners Name Barbara Worthington Phone No. (585) 344-1986

Address PO Box 385, Batavia, NY 14021 Project Road Width 99 ft

Applicants Name Clinton & Barbara Worthington Project Address 4828 Ellicott St. Rd. Batavia, NY 14020

E Mail Address cworthi1@rochester.rr.com Phone No (585) 344-1986, 585-409-0535

Description of Project: New single family dwelling, approx. 2280 sf one story

Existing Use vacant land Proposed Use residential, single family

Estimated Cost Building 175,000.00 Plumbing _____ Mechanical _____ Miscellaneous _____

SEQR CLASSIFICATION Type 1 Type 2 Unlisted

Review completed by Planning Board Zoning Board of Appeals

Permit Fee \$ _____ Application Date ____/____/____ Permit Expires On ____/____/____

Issuing Officer _____ Date ____/____/____

IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED 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 LAW REGULATING CONSTRUCTION OR THE PREFORMANCE OF CONSTRUCTION.

I, Clinton J. Worthington, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

Clinton J. Worthington _____ 7-15-16 _____
Signature of Owner or Authorized Agent Date

GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town of Batavia must show by documentation in the record that the benefit to the Applicant from the proposed variance will not outweigh the detriment to the health, safety, and welfare of the community and the neighborhood, if the variance is granted. (See Town Law §267-b(3)).

In making this determination the Zoning Board of Appeals shall consider the following factors, and the Applicant must respond to these questions with facts and circumstances and not merely repeat all or part of the questions.

1. Whether or not 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.

NO. NO undesirable change will be made,
REAR & SIDE AREAS ARE undeveloped - Ag or
SWAMP

2. Whether or not the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

NO

3. Whether or not the requested Area Variance is substantial.

NO, LESS THAN 50% OF REQUIRED DISTANCE

4. Whether or not the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

NO - RESIDENTIAL PROJECT

5. Whether or not 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.

NO, CONSTRAINTS OF PARCEL ARE PRE EXISTING

Clinton J. Worthen
Applicant Signature
for B.L. Worthen

8-19-16
Date

Niagara Mohawk Real Estate Tax Dept
300 ERIE BLVD WEST
Syracuse, NY 13202

Tufts Trust, etc
4857 Ellicott St Rd
Batavia, NY 14020

O-At-Ka Milk Products Inc
PO BOX 718
Batavia, NY 14021

O-At-Ka Milk Products Coop. Inc

Hanson Aggregates New York Inc Marvin F. Pot
PO BOX 52427
Atlanta, GA 30355

William H Brach
5168 Ellicott St Rd
Batavia, NY 14020

Jay W Tuxford
2311 Highway 292
Inman, SC 29349

Charles Pettinella
4820 Ellicott St Rd
Batavia, NY 14020

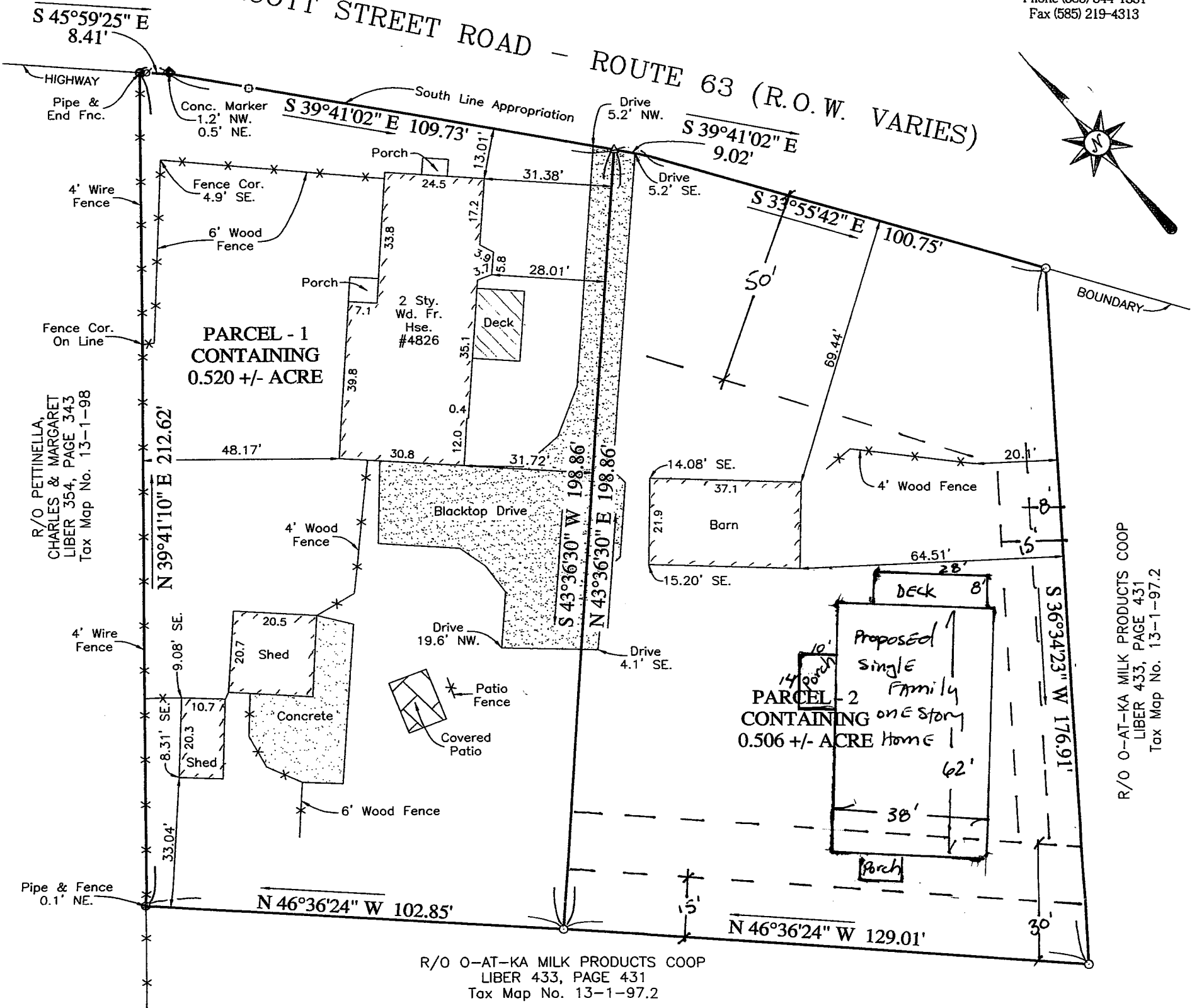
Barbara L Worthington
4826 Ellicott St Rd
Batavia, NY 14020

O-At-Ka Milk Products Coop,
PO BOX 718
Batavia, NY 14021

Pauline E Oxencis
4812 Ellicott St Rd
Batavia, NY 14020

I HEREBY CERTIFY THAT THIS LAND SEPARATION WAS PREPARED BY ME, AND WAS MADE FROM AN ACTUAL SURVEY COMPLETED BY ME ON MAY 23, 2016 AND REFERENCES LISTED HEREON

ELLICOTT STREET ROAD - ROUTE 63 (R.O.W. VARIES)



R/O PETTINELLA,
 CHARLES & MARGARET
 LIBER 354, PAGE 343
 Tax Map No. 13-1-98

R/O O-AT-KA MILK PRODUCTS COOP
 LIBER 433, PAGE 431
 Tax Map No. 13-1-97.2

R/O O-AT-KA MILK PRODUCTS COOP
 LIBER 433, PAGE 431
 Tax Map No. 13-1-97.2

REAL PROPERTY TAX SERVICES

This particular referenced action is not subject to Genesee County Health Department review under New York State Public Health Law Article 11 Title II

DATE _____

Signature _____

APPROVED BY _____

Date _____

- LEGEND**
- EXISTING IRON STAKE
 - SET IRON PIN
 - △ SET P.K. NAIL
 - ⊗ UTILITY POLE
 - FIRE HYDRANT

REFERENCES
 APPROPRIATION BY THE PEOPLE OF THE STATE OF NEW YORK, PAVILION-BATAVIA, PT. 3, S.H. NO. 8082, MAP NO. 27, PARCEL NO. 29
 SURVEY MAP BY MCINTOSH & MCINTOSH, L.S., LAST DATED JUNE 5, 1985

FILED IN THE GENESEE COUNTY CLERK'S OFFICE AT:

MAP CABINET No. _____, SLIDE No. _____, MAP No. _____

DATE _____

COUNTY CLERK _____

- NOTES:**
- The parcel surveyed is part of Tax Map No. 13-1-97.1
 - The parcel surveyed is land conveyed to Clinton J. and Barbara L. Worthington at Liber 496 of deeds, page 179

"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF BATAVIA, N.Y. ON THE _____ DAY

OF _____, 2016. SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT AS APPROVED SHALL VOID THIS

APPROVAL. SIGNED THIS _____ DAY OF _____, 2016, BY:

_____, CHAIRMAN

BOUNDARY SURVEY SHOWING THE SEPARATION OF LANDS OF CLINTON J. AND BARBARA L. WORTHINGTON, BEING PART OF LOT 11, SECTION 8, TOWNSHIP 12, RANGE 1 OF THE HOLLAND LAND COMPANY SURVEY. SITUATE IN THE TOWN OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK.

MAY 23 2016
 GREGORY W. TOWNSEND
 LICENSED LAND SURVEYOR
 050249
 SCALE 1" = 30'
 N.Y.S.R.L.S. NO. 50249

DATE _____