

**GENESEE COUNTY PLANNING BOARD - ZONING REFERRAL SUMMARY SHEET**

**Review Date:** Thursday, March 09, 2017

<b><u>NUMBER</u></b>	<b><u>LOCATION</u></b>	<b><u>APPLICANT'S REQUEST</u></b>	<b><u>BOARD ACTION</u></b>
<b>T-01-ALA-3-17</b>	Entire Town of Alabama	Zoning Text Amendments to establish a twelve month moratorium that prohibits Solar Farms.	<b><u>APPROVAL</u></b>  The proposed moratorium should pose no significant county-wide or inter-community impact. The moratorium appears to meet the intent of the municipality to have enough time to study and draft changes to their Zoning Law to protect the health, safety and welfare of the community.
		All Districts	
<b>T-02-ALA-3-17</b>	7743 Maple Street Rd., Alabama	Site Plan Review to install a 153.8 ft. high, 10 kW wind energy system for a farm enrolled in the NYS Agricultural District Program.	<b><u>APPROVAL</u></b>  Given that wind energy systems are considered by the NYS Dept. of Agriculture and Markets as "sound agricultural practices" for a farm operation enrolled in the NYS Agricultural District program, the proposed wind energy system should pose no significant county-wide or inter-community impact.
		Agricultural-Residential (A-R) District	

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<b>T-01-ALEX-3-17</b>	2616 Walker Rd., Alexander	Special Use Permit and Area Variance to install a 153.8 ft. high, 10 kW wind energy system for a single family home.  Wind Energy System Height Maximum allowed: 150 ft. Proposed: 153.8 ft.	<b><u>APPROVAL</u></b>  Given that the variance is not significant, the proposed wind energy system should pose no significant county-wide or inter-community impact.
Agricultural-Residential (A-R) District			
<b>T-02-ALEX-3-17</b>	3230 Dodgeson Rd., Alexander	Special Use Permit and Area Variance to install a 153.8 ft. high, 10 kW wind energy system for a single family home.  Wind Energy System Height Maximum allowed: 150 ft. Proposed: 153.8 ft.	<b><u>APPROVAL</u></b>  Given that the variance is not significant, the proposed wind energy system should pose no significant county-wide or inter-community impact.
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<b>C-08-BAT-3-17</b>	661 and 665 E. Main St. (NYS Rt. 5), Batavia	Zoning Map Change to rezone two parcels from Residential (R-2) and Industrial (I) to Residential (R-3).  Industrial (I-1) and Residential (R-2) Districts	<b><u>APPROVAL</u></b>  Although not fully in conformance with the current (1997) City of Batavia Comprehensive Plan, the proposed rezoning should not be considered an illegal spot zoning because recent public comprehensive planning efforts call for this area to be "Neighborhood Commercial" which supports commercial uses as well as higher density residential. The current plan's Land Use Concept Map (Figure III-1) identifies this area as Industrial and calls for the City to "clarify and focus industrial areas" on the eastern side of the City. This vision, proposed over 20 years ago, was not implemented, and has been supplanted with a gateway commercial area that supports nearby neighborhoods. Community support for this vision was recorded at the February 28, 2017 Comprehensive Plan Update Open House.
<b>T-01-BETH-3-17</b>	4431 Brown Rd., Bethany	Area Variances to separate a barn from a single-family home.  Lot Size Minimum allowed: 80,000 sq. ft. Existing: 38,902.5 sq. ft.; Proposed: 30,566.25 ft. Lot Frontage Minimum allowed: 200 ft. Existing: 210 ft. ; Proposed: 165.32 ft. Side yard Setback Minimum allowed: 25 ft.(home) & 50 ft. (shop) Existing: 0 & 0 ft. ; Proposed: 18 & 18 ft.  Agricultural-Residential (A-R) District	<b><u>APPROVAL</u></b>  Given that moving the property line will allow for the side yard setback to be in better conformance with the Town's zoning requirements, the variances should pose no significant county-wide or inter-community impact.

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<b>T-02-BETH-3-17</b>	4386 Conway Rd., Bethany	Special Use Permit and Area Variances to install a 153.8 ft. high, 10 kW wind energy system for a single family home on a 4.6 acre parcel.  Wind Energy System Height Maximum allowed: 80 ft. (on parcels between 1 and 5 acres) Proposed: 153.8 ft.  Property Line Setback Minimum allowed: 230.7 ft. Proposed: 224 & 164 ft.  Agricultural-Residential (A-R) District	<b><u>DISAPPROVAL</u></b>  The height variance is significant and the applicant has options to eliminate or minimize the variance by acquiring additional land or installing a shorter wind energy conversion system. Property line setback variances concerns could be addressed with waivers from the adjacent landowners and with a certified collapse zone by a licensed engineer.
<b>T-03-BETH-3-17</b>	10171 Francis Rd., Bethany	Special Use Permit and Area Variances to install a 153.8 ft. high, 10 kW wind energy system for a single family home.  Wind Energy System Height Maximum allowed: 150 ft. (on parcels of 5 or more acres) Proposed: 153.8 ft.  Property Line Setback Minimum allowed: 230.7 ft. Proposed: 227 ft.  Agricultural-Residential (A-R) District	<b><u>APPROVAL</u></b>  Given that the variances are not significant, the proposed wind energy system should pose no significant county-wide or inter-community impact.

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<b>T-02-BYRON-3-17</b>	6949 Byron Holley Rd. (NYS Rt. 237), Byron	Area Variance to replace an equipment storage building for an existing contractor's yard.  Side Yard Setback Minimum required: 50 ft. Existing: Approx. 53 ft. Proposed: 39.33 ft.  Front Yard Setback Minimum required: 60 ft. Existing: 31.5 ft. Proposed: 30.5 ft.  Neighborhood Commercial (C-2) District	<b><u>APPROVAL</u></b>  The proposed variances should pose no significant county-wide or inter-community impact. Adjacent properties exhibit smaller setbacks. It is recommended that the applicant merge the two properties.
<b>T-03-DAR-3-17</b>	9993 Alleghany Rd. (NYS Rt. 77), Darien	Use Variance, Special Use Permit and Site Plan Review to construct and operate a 60 ft. wireless communication tower.  Recreational (REC) District	<b><u>APPROVAL</u></b>  The proposed tower should pose no significant county-wide or inter-community impact. The Telecommunications Act of 1996 limited the regulatory capacity of local municipalities over telecommunication towers. This act, along with corresponding case law, establish that the standard use variance tests cannot be applied to this application.

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<b>T-04-DAR-3-17</b>	11078 Tinkham Rd., Darien	Special Use Permit for 1,600 sq. ft. (60 x 18 ft.) Elder Cottage Housing Opportunities (ECHO) unit.	<b><u>APPROVAL</u></b>  The proposed ECHO unit should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits the enclosed application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that the addresses of the future residences meet Enhanced 9-1-1 standards.
Low Density Residential (LDR) District			
<b>T-05-DAR-3-17</b>	303 Broadway Rd. (NYS Rt. 20), Darien	Special Use Permit for an agricultural irrigation pond for a property enrolled in the NYS Agricultural District.	<b><u>APPROVAL</u></b>  The proposed pond appears to meet the provisions of the Town of Darien Zoning Law, including all property line setbacks and documentation from the Genesee County Soil and Water Conservation District Office. Irrigation ponds are considered sound agricultural practices and should pose no significant county-wide or inter-community impact.
Low Density Residential (LDR) District			

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<b>T-02-LEROY-3-17</b>	Lake Street Rd. (NYS Rt. 19) & West Bergen Rd.	Zoning Map Change to rezone a parcel from Residential (R-2) to Light Industrial (I-2) District for a future industrial park.	<b><u>APPROVAL</u></b>  The proposed rezoning is supported by the Town of LeRoy's Comprehensive Plan adopted in December of last year and as such should pose no significant county-wide or inter-community impact. The Plan's Future Land Use Map (p. 16) identifies the area as Industrial. In addition, the Plan states on page 12, "Any future industrial uses are expected to primarily locate in the Interchange zone and the Genesee County EDC site just north of the Village on Route 19." It is recommended that the Town develop definitions to be included in the zoning text amendments for some or all of the new uses listed.
		Residential (R-2) District	
<b>T-03-LEROY-3-17</b>	7236 Griswold Rd., LeRoy	Area Variances to install a 153.8 ft. high, 10 kW wind energy system for a single family home.  Setback from a Structure Minimum allowed: 1,000 ft. Proposed: 242 ft.  Property Line Setback Minimum allowed: 1,000 ft. Proposed: 318, 588, 805 & 833 ft.	<b><u>APPROVAL WITH MODIFICATION(S)</u></b>  The required modification is that the applicant obtain waivers from the landowners within the 1,000 ft. setback. With this required modification, the proposed setbacks should pose no significant county-wide or inter-community impact. The Town may want to revise their setback requirements for wind energy systems to be dependent on tower height as this approach is more widely used (i.e. 1.5 times the height).
		Residential Agricultural (R+A) District	

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<b>T-04-LEROY-3-17</b>	7380 Griswold Rd., LeRoy	Area Variances to install a 153.8 ft. high, 10 kW wind energy system for a single family home.  Setback from a Structure Minimum allowed: 1,000 ft. Proposed: 226 ft.  Property Line Setback Minimum allowed: 1,000 ft. Proposed: 274, 676 & 749 ft.  Residential Agricultural (R+A) District	<b><u>APPROVAL WITH MODIFICATION(S)</u></b>  The required modification is that the applicant obtain waivers from the landowners within the 1,000 ft. setback. With this required modification, the proposed setbacks should pose no significant county-wide or inter-community impact. The Town may want to revise their setback requirements for wind energy systems to be dependent on tower height as this approach is more widely used (i.e. 1.5 times the height).
<b>V-01-LEROY-3-17</b>	43 Mill St., LeRoy	Zoning Map Change to rezone three parcels from Central Commercial (C-2) to Residential (R-3) for a multi-family residential use.  Central Commercial (C-2) District	<b><u>APPROVAL</u></b>  The proposed rezoning should pose no significant county-wide or inter-community impact. The Proposed Land Use Map (p. 69) in the Village's Comprehensive Plan adopted in 2001 shows a mix of residential, commercial and community resources for the area to be rezoned. In addition, the plan states that, "The Village desires future residential expansion to occur as extensions to the existing street grid network, promoting connectivity, walk-ability, and traditional village character."



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<b>V-02-LEROY-3-17</b>	52 Clay St. (NYS Rt. 19), LeRoy	<p>Area Variance to construct a 424 sq. ft. (16 x 26.5 ft.) deck onto a single-family home.</p> <p>Rear Yard Setback Minimum required: 35 ft. Existing: 2.3 ft. Proposed: less than 0 ft.</p> <p>Side Yard Setback Minimum required: 12 ft. Existing: 6.3 ft. Proposed: 6.3 ft.</p> <p>Residential (R-1) District</p>	<p><b><u>APPROVAL WITH MODIFICATION(S)</u></b></p> <p>The required modification is that the applicant acquire additional land from the Village of LeRoy in order for the new deck to have the seven-foot setback shown on the site plan.</p>
<b>T-01-PAV-3-17</b>	10198 Hartwell Rd., Pavilion	<p>Special Use Permit and Area Variances to install a 153.8 ft. high, 10 kW wind energy system for a farm operation enrolled in the NYS Agricultural District program.</p> <p>Setback from public right-of-way Minimum required: 1,000 ft. Proposed: Approx. 437 ft.</p> <p>Setback to property lines Minimum required: 1,000 ft. Proposed: Approx. 259 ft.</p> <p>Agricultural-Residential-1 (A-R-1) District</p>	<p><b><u>APPROVAL WITH MODIFICATION(S)</u></b></p> <p>Given that wind turbines are considered by the NYS Dept. of Agriculture and Markets as a "sound agricultural practice" for a farm operation enrolled in the NYS Agricultural District program, the required modification is that the applicant provide evidence that the electricity generated will be used to supply a portion of a farm's electrical needs (not exceeding 110% of the farm's anticipated demand) or obtain a waiver from the landowners within the 1,000 ft. setback. With this required modification, the proposed setbacks should pose no significant county-wide or inter-community impact. The Town may want to revise their setback requirements for wind energy systems to be dependent on tower height as this approach is more widely used (i.e. 1.5 times the height).</p>

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<b>T-02-PEM-3-17</b>	9079 Alleghany Rd. (NYS Rt. 77), Pembroke	Special Use Permit to install a 153.8 ft. high, 10 kW wind energy system for a single family home.	<b><u>APPROVAL</u></b>  The proposed wind energy system should pose no significant county-wide or inter-community impact.
		Agricultural-Residential (A-R) District	
<b>T-03-PEM-3-17</b>	1938 Main Rd. (NYS Rt. 5), Pembroke	Special Use Permit to construct a pond for recreational use.	<b><u>APPROVAL WITH MODIFICATION(S)</u></b>  Given that the project will disturb one or more acres of land, the required modification is that the applicant shall complete a Stormwater Pollution Prevention Plan (SWPPP) prior to final approval from the Town per NYS Dept. of Environmental Conservation (DEC) requirements, or the applicant reduce the size of the disturbance. With this required modification, the proposed pond should pose no significant county-wide or inter-community impact. The applicant should note that any non-agricultural hookup to the public water line is not guaranteed, but is subject to the Smart Growth Plan and approval by the Genesee County Water System Hookup Administrative Committee. It is recommended that the applicant apply for a water hookup prior to moving forward with a building permit. It is further recommended that the applicant submits the enclosed application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that the address of the future residence meets Enhanced 9-1-1 standards.
		Agricultural-Residential (A/R) District	

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<b>T-04-PEM-3-17</b>	9026 S. Lake Rd., Pembroke	Special Use Permit to operate an animal care and training facility.	<b><u>APPROVAL</u></b>  The proposed animal care and training facility should pose no significant county-wide or inter-community impact.
Agricultural-Residential (A-R) District			
<b>T-03-STAF-3-17</b>	6155 E. Morganville Rd., Stafford	Area Variance to build a new garage for a single-family home.  Rear Yard Setback Minimum required: 25 ft. Proposed: 3.2 ft.	<b><u>APPROVAL</u></b>  The proposed variance should pose no significant county-wide or inter-community impact. Neighboring properties exhibit similar such setbacks.
Residential (R) District			