

| <b><i>NUMBER</i></b>  | <b><i>LOCATION</i></b>                           | <b><i>APPLICANT'S REQUEST</i></b>   | <b><i>STAFF RECOMMENDATION</i></b>  |
|-----------------------|--|---|---|
| <b>C-22-BAT-12-14</b> | 211 W. Main St.<br>(NYS Rts. 5 & 63),<br>Batavia | Special Sign Permit to replace a free standing sign for an existing candy shop (Oliver's Candies).  | <b><u>APPROVAL</u></b><br><br>Given that the proposed sign area will be smaller than the existing sign area, the proposed sign should pose no significant county-wide or inter-community impact.  |
|                       |  | General Commercial (C-2) District   |   |
| <b>C-23-BAT-12-14</b> | 438 E. Main St.<br>(NYS Rts. 5 & 33),<br>Batavia | Area Variances to construct a two-story 3,490 sq. ft. addition to an existing commercial building.<br><br>Side Yard Setback<br>Minimum required: 12 ft.<br>Existing: 10.6 ft.<br>Proposed: 5.1 ft.<br><br>Number of Parking Spaces (for medical office)<br>Minimum required: 13.5<br>Proposed: 10 | <b><u>APPROVAL WITH MODIFICATION(S)</u></b><br><br>The required modification is that the applicant provides gutters and other improvements necessary to divert water runoff from the roof away from the neighboring property. With this required modification and given that neighboring properties exhibit similar setbacks, the proposed addition should pose no significant county-wide or inter-community impact. |
|                       |  | Limited Commercial (C-1) District   |   |

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|-----------------------|-------------------------------------|---|---|
| <b>T-04-BER-12-14</b> | 6014 Sautell Rd.,<br>Bergen         | Final Subdivision to transfer 0.42 acres from one property to an adjacent parcel.   | <b><u>APPROVAL</u></b><br><br>Given that the land transfer will bring the smaller parcel into conformance with the Town's zoning regulations as they pertain to minimum lot size for single-family homes, the proposed final subdivision should pose no significant county-wide or inter-community impact.  |
|                       |                                     | Residential-Agricultural (RA-40) District   |   |
| <b>T-04-PAV-12-14</b> | Big Tree Rd. (NYS Rt. 63), Pavilion | Zoning Map Change to rezone a portion of a parcel from Residential (R) to Commercial (C) District for the construction of a new convenience store (Dollar General). | <b><u>DISAPPROVAL</u></b><br><br>The proposed Zoning Map Change is inconsistent with the Town's Comprehensive Plan, as it is designated "Transitional Residential" per the Future Land Use Map (p. 64). In addition, there are several concerns with the intended use of this parcel as a convenience store. As documented by the NYS Dept. of Transportation (DOT) Route 63 Corridor Study, this stretch of Rt. 63 has significant truck traffic with over 2,000 daily at average speeds of 50 mph and maximum speeds of 66 mph. The store's proposed location will draw pedestrian traffic along and across a NYS highway (Rt. 63) from the nearby Pavilion Central School without any pedestrian amenities such as sidewalks or crosswalks. Furthermore, the property is working farmland with prime soils enrolled in Agricultural District No. 3, and as such may be subject to lateral hookup restrictions. Given these concerns, the proposed Zoning Map Change may pose significant county-wide or inter-community impacts. It is recommended that the Town revisit its comprehensive plan if this area is now envisioned as a potential commercial corridor. |
|                       |                                     | Residential (R) District  |   |

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|-----------------------|-------------------------------------|--|---|
| <b>T-07-PEM-12-14</b> | 2040 Main Rd. (NYS Rt. 5), Pembroke | Special Use Permit to erect a 10 kW, 140 ft. high wind energy system for a farm operation. | <b><u>APPROVAL</u></b><br><br>The proposed wind energy system should pose no significant county-wide or inter-community impact. The majority of the energy produced will be used to power an existing horse farm. |

Agricultural-Residential (A-R) District

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