

<i>NUMBER</i>	<i>LOCATION</i>	<i>APPLICANT'S REQUEST</i>	<i>STAFF RECOMMENDATION</i>
C-20-BAT-6-15	311-313 W. Main St. (NYS Rts. 5 & 63), Batavia	Special Use Permit and Area Variance to operate an auto detailing, protection and accessory shop. Public garages are required to be 500 ft. from the public entrance to a church (measured from lot line to nearest entrance). Church property is adjacent.	<u>APPROVAL</u> Given that there are similar uses in the area, the proposed auto detailing shop should pose no significant county-wide or inter-community impact.
General Commercial (C-2) District			
C-21-BAT-6-15	335 Bank St., Batavia	Special Sign Permit to replace a freestanding sign for an existing multi-family residential development.	<u>APPROVAL</u> The proposed sign is smaller than the existing sign and should pose no significant county-wide or inter-community impact.
Residential (R-2) District			

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C-22-BAT-6-15	6 Ellicott Ave., Batavia	Special Sign Permit to place a second sign not facing a public street for an existing real estate company (RealtyUSA).	<u>APPROVAL</u> The proposed sign is the same size as the previous sign and should pose no significant county-wide or inter-community impact.
		General Commercial (C-2) District	
C-23-BAT-6-15	427 W. Main St. (NYS Rt. 5), Batavia	Special Sign Permit to place an interior lit wall sign not facing a public street for a new laundromat (House O' Laundry).	<u>APPROVAL</u> The proposed sign is in the same location and is of similar size as the previous business' sign and should pose no significant county-wide or inter-community impact.
		General Commercial (C-2) District	

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C-24-BAT-6-15	165 Cedar St., Batavia	Site Plan Review to construct a 194,543 sq. ft. warehouse addition and a 35,279 sq. ft. pallet and labeling addition.	<u>APPROVAL WITH MODIFICATION(S)</u> The required modification is that the applicant completes the Stormwater Pollution Prevention Plan (SWPPP) prior to final approval from the City. With this required modification, the proposed additions should pose no significant county-wide or inter-community impact.
		Industrial (I-1) District	
T-09-BAT-6-15	4815 Ellicott Street Rd. (NYS Rt. 63), Batavia	Site Plan Review to construct a 194,543 sq. ft. warehouse addition and a 35,279 sq. ft. pallet and labeling addition.	<u>APPROVAL WITH MODIFICATION(S)</u> The required modification is that the applicant completes the Stormwater Pollution Prevention Plan (SWPPP) prior to final approval from the Town. With this required modification, the proposed additions should pose no significant county-wide or inter-community impact.
		Industrial (I) and Industrial Park (IP) Districts	

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T-10-BAT-6-15	8426 Seven Springs Rd., Batavia	Site Plan Review for a new contractor's yard.	<u>APPROVAL WITH MODIFICATION(S)</u> The required modification are as follows: 1) The storage and disposal of new and used waste oils, lubricants, fuel, and other hazardous materials will be conducted in accordance with applicable State and Federal regulations, and 2) Any on-site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard for motorists. With these required modifications, the proposed contractor's yard should pose no significant county-wide or inter-community impact.
		Commercial (C) District	
T-04-BETH-6-15	9778 Creek Rd., Bethany	Site Plan Review and Area Variance to replace an exiting barn with a new 4,800 sq. ft. (48 x 100 ft.) barn, Area Variance to erect a 17 sq. ft. (3.1 x 5.5 ft.) sign and Site Plan Review to cover an existing 8,800 sq. ft. (80 x 110 ft.) wash bay for a farm operation in a NYS Certified Ag District. Front Yard Setback Minimum required: 85 ft. Proposed and Existing: 43 ft. Sign Area Maximum allowed: 6 sq. ft. Proposed: 17 sq. ft.	<u>APPROVAL</u> The proposed sign and agricultural buildings should pose no significant county-wide or inter-community impact. The barn will not be any closer to the road than the existing barn and the proposed sign is consistent with other large agricultural operations. It is recommended that the Town forward the site changes to the Bethany Fire Department for comments and to alert them of the presence of these new buildings and their contents.
		Agricultural-Residential (A-R) District	

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T-05-BETH-6-15	10290 Bethany Center Rd., Bethany	Special Use Permit and Area Variances to construct a 10 kw small wind energy conversion system. Lot Line Setback Minimum required: 230.5 ft. Proposed: 136 ft. Height Maximum allowed: 150 ft. Proposed: 153.8 ft. Agricultural-Residential (A-R) District	<u>APPROVAL WITH MODIFICATION(S)</u> The required modification is that the applicant provide a professionally stamped and certified collapse zone within the applicant's property and/or a signed waiver from the neighboring property owner. With this required modification, the proposed variance should pose no significant county-wide or inter-community impact.
T-06-BETH-6-15	10204 Transit Rd., Bethany	Special Use Permit and Area Variance to construct a pond for recreational purposes. Lot Line Setback Minimum required: 100 ft. Proposed: 45 ft. Agricultural-Residential (A-R) District	<u>DISAPPROVAL</u> The proposed variance for lot line setback is too significant from what is required by the Town of Bethany zoning regulations without having a waiver from the adjoining property owner.

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T-07-BETH-6-15	5101 Broadway Rd. (NYS Rt. 20), Bethany	Site Plan Review to add new antennas and associated ground equipment to an existing telecommunications tower.	<u>APPROVAL WITH MODIFICATION(S)</u> The required modification is that the carrier routes all emergency 911 calls originating in the County to the Emergency Dispatch Center at the Genesee County Sheriff's Office in Batavia in accordance with Genesee County Local Law. With this required modification, the proposed antennas and ground equipment should pose no significant county-wide or inter-community impact.
		Agricultural-Residential (A-R) District	
T-09-DAR-6-15	11090 Ortner Rd., Darien	Area Variances to divide a rural residential property to create a building lot.. Lot Size Minimum required: 80,000 sq. ft. Proposed: 66,000 sq. ft. Lot Frontage Minimum required: 300 ft. Proposed: 210 & 250 ft.	<u>APPROVAL</u> The proposed variances should pose no significant county-wide or inter-community impact. It is recommended that the applicant submit the attached application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that an address is assigned that meets Enhanced 9-1-1 standards.
		Low Density Residential (LDR) District	

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V-03-LEROY-6-15	84 E. Main St. (NYS Rt. 5), LeRoy	Zoning Text Amendments to define and add Professional Services as a permitted use with a special use permit in the Residential (R-1) District and Special Use Permit to operate an accounting office in the lower half of an existing two-family residence.	<u>APPROVAL</u> The proposed zoning amendment and special use permit should pose no significant county-wide or inter-community impact.
		Residential (R-1) District	
V-03-OAK-6-15	60 Main St. (NYS Rt. 63), Oakfield	Site Plan Review and Use Variance to operate an indoor self-storage facility.	<u>DISAPPROVAL</u> Under the criteria set forth in NYS Village Law, this proposal does not appear to meet the thresholds for the granting of a use variance. The hardship clearly appears to be self-created as the parcel was purchased by the applicant in 2009, after the Zoning Law was in place. The applicant also fails to adequately address the other tests required under NYS Village Law of unique hardship, will not alter the essential character of the neighborhood, and failure to realize a reasonable return. Under the Law, the applicant must meet all four tests in order for the Zoning Board of Appeals to grant the use variance. Possible inappropriate application of use variances may pose significant impacts upon the development policies/processes of the Village.
		Central Commercial (C-2) District	

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V-04-OAK-6-15	112 N. Main St. (NYS Rt. 63), Oakfield	Site Plan Review and Use Variance to operate an indoor self-storage facility. Neighborhood Commercial (C-1) District	<u>DISAPPROVAL</u> Under the criteria set forth in NYS Village Law, this proposal does not appear to meet the thresholds for the granting of a use variance. The hardship clearly appears to be self-created as the parcel was purchased by the applicant in 2013, after the Zoning Law was in place. The applicant also fails to adequately address the other tests required under NYS Village Law of unique hardship, will not alter the essential character of the neighborhood, and failure to realize a reasonable return. Under the Law, the applicant must meet all four tests in order for the Zoning Board of Appeals to grant the use variance. Possible inappropriate application of use variances may pose significant impacts upon the development policies/processes of the Village.
V-05-OAK-6-15	123 N. Main St. (NYS Rt. 63), Oakfield	Site Plan Review to construct a 280 sq. ft. (14 x 20 ft.) addition to an existing garage for a single-family residence. Neighborhood Commercial (C-1) District	<u>APPROVAL</u> The proposed addition should pose no significant county-wide or inter-community impact.

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T-03-PAV-6-15	5 Woodrow Dr., Pavilion	Site Plan Review for a 1,620 sq. ft. addition to the Pavilion Public Library.	<p><u>APPROVAL</u></p> <p>Given the findings of the Hydrologic and Hydraulic Analysis Report, the proposed addition should pose no significant county-wide or inter-community impact.</p>
		Residential (R) District	
T-04-PAV-6-15	S. Lake Rd. (NYS Rt. 19), Pavilion	Zoning Map Change to rezone a property from Agricultural-Residential-1 (A-R-1) District to Industrial (I) District.	<p><u>DISAPPROVAL</u></p> <p>The proposed Zoning Map Change is inconsistent with the Town's Comprehensive Plan, as it is designated "Agriculture/Open Space" per the Future Land Use Map (p. 64). The Comprehensive Plan envisions this area as, "Agriculture, agriculture support, and open space. Rural homesteads will also be an accepted use in these areas, with a five-acre minimum lot sizes. This proposed density will ensure that residential development compliments the surrounding agricultural and open space lands and supports the rural character of the town." In addition, the proposed land use is enrolled in a NYS Certified Agricultural District and is inconsistent with the County Smart Growth Plan which encourages industrial development within Development Areas and away from active agricultural lands. Given these concerns, the proposed Zoning Map Change may pose significant county-wide or inter-community impacts.</p>
		Agricultural-Residential-1 (A-R-1) District	

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T-05-PAV-6-15	10250 Asbury Rd., Pavilion	Special Use Permit to construct a pond.	<u>APPROVAL</u> The proposed pond meets the provisions of the Town of Pavilion zoning regulations, including all property line setbacks and documentation from the Genesee County Soil and Water Conservation District Office. It is in keeping with the rural character of the area and should pose no significant county-wide or inter-community impact.
		Agricultural-Residential-1 (A-R-1) District	
T-06-PAV-6-15	Big Tree Rd. (NYS Rt. 63), Pavilion	Site Plan Review to erect two signs for a proposed convenience store.	<u>APPROVAL</u> The proposed signs meet the provisions of the Town of Pavilion zoning regulations and should pose no significant county-wide or inter-community impact.
		Commercial (C) District	

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T-06-PEM-6-15	Genesee St. (NYS Rt. 5), Pembroke	Area Variance to create a 3 acre parcel for a single-family residence. Side Yard Setback Minimum required: 25 ft. Proposed: 6 ft.	<u>APPROVAL</u> The proposed setback should pose no significant county-wide or inter-community impact. It is recommended that the applicant submit the attached application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that an address is assigned that meets Enhanced 9-1-1 standards, and it is further recommended that the applicant and its neighbor to the east sign a boundary line agreement to legally define the property boundary at the existing fence.
		Agricultural-Residential (AG-R) District	
