



# GENESEE COUNTY PLANNING BOARD ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-02-BETH-3-16**

Review Date **3/10/2016**

Municipality  
Board Name  
Applicant's Name

**BETHANY, T.**  
**ZONING BOARD OF APPEALS**  
**Nicholas & Holly Pelton**

Referral Type  
Variance(s)  
Description:

**Area Variance(s)**  
**Area Variances to separate a building lot from a larger parcel.**  
**Lot Size**  
**Minimum required: 80,000 sq. ft.**  
**Proposed: 60,000 sq. ft.**  
**Lot Frontage**  
**Minimum required: 200 ft.**  
**Proposed: 150 ft.**

Location  
Zoning District

**5384 Ellicott Street Rd., Bethany**  
**Agricultural-Residential (A-R) District**

## PLANNING BOARD DECISION

**APPROVAL**

## EXPLANATION:

**The proposed parcel would not be out of character from the surrounding building lots and should pose no significant county-wide or inter-community impact.**

Director

March 10, 2016

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.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 815-7901



**DEPARTMENT USE ONLY:**  
GCDP Referral # T-02-BETH-3-16

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

RECEIVED  
Genesee County  
Dept of Planning  
2/23/2016

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  
City, State, Zip East Bethany NY 14054

**2. APPLICANT INFORMATION**

Name Nicholas & Holly Pelton  
Address 5384 Ellicott Street Road  
City, State, Zip East Bethany NY 14054

Phone (585) 343-1399 Ext. \_\_\_\_\_ Phone (585) 344-2545 Ext. \_\_\_\_\_ 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         | <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 5384 Ellicott Street Road
- B. Nearest intersecting road Bethany Center Road
- C. Tax Map Parcel Number 2-1-8.211
- D. Total area of the property 28.4 A Area of property to be disturbed \_\_\_\_\_
- E. Present zoning district(s) A-R

**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  
Art. III, Sec. 301, Schedule A, A-R, Residential
- C. Please describe the nature of this request Separate 60,000 sq ft lot with 150 ft of frontage from existing 30 acre parcel (80,000 sq ft required, 200 ft frontage required).

**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 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 |  |

**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 Ext. \_\_\_\_\_  
Address, City, State, Zip 10510 Bethany Center Road, East Bethany 14054 Email ceobethany@townofbethany.com

TOWN VILLAGE CITY OF Bethany  
(circle one)

Application # AV1601

# Agricultural Data Statement

Date 2/20/16

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

**Applicant**

**Owner if Different from Applicant**

Name: <u>NICHOLAS &amp; HOLLY PELTON</u> Address: <u>5384 ELICOTT STREET RD.</u> <u>EAST BETHANY, NY, 14054</u>	Name: _____ Address: _____ _____ _____
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- Type of Application:  Special Use Permit;  Site Plan Approval;  <sup>AREA</sup> Use Variance;  Subdivision Approval  
*(circle one or more)*
- Description of proposed project: Separate 60,000 sq ft lot from 30.2 A. lot. To erect a residence
- Location of project: Address: Bethany Ch Rd  
Tax Map Number (TMP) 8-1-8.217
- Is this parcel within an Agricultural District?  NO  YES (Check with your local assessor if you do not know)
- If YES, Agricultural District Number \_\_\_\_\_
- Is this parcel actively farmed?  NO  YES
- List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>Wayne Nichols</u> Address: <u>9771 Bethany Ch Rd</u> <u>E. Bethany NY 14054</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	Name: <u>Springsbrook Farms</u> Address: <u>6008 Jony Rd</u> <u>Walden NY 14143</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Name: <u>Lon-Rob Associates</u> Address: <u>10171 Bethany Center Rd</u> <u>East Bethany NY 14054</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Nicholas J. Pelton  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: [Signature]  
Signature of Municipal Official

2/20/16  
Date

**NOTE TO REFERRAL AGENCY:** County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



# TOWN OF BETHANY

Area Use Interpretation Variance

APPLICATION NO: AV1601

DATE: 2/20/16

PROPERTY OWNER: NICHOLAS J. & HOLLY E. PELTON

ADDRESS: 5384 ELLICOTT STREET RD. PHONE NO: 585-344-2545

APPLICANT (if other than owner): N/A

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

LOCATION OF PROPERTY: S<sup>2</sup> BETHANY CENTER RD.

ZONING DISTRICT: A-R TAX MAP PARCEL NO: 2-1-8.211

### PROVISION OF ZONING LAW INVOLVED:

ARTICLE: III SECTION: 301 SUBSEC: SC/A PARA: A-R, Res.

PURPOSE OF REQUEST: SEPERATE 60,000 sq. Ft. lot w/150' OF FRONTAGE FROM EXISTING 30 ACRE PARCEL (80,000<sup>sq</sup> Req. 200' FRT Req.)

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: Nicholas J. Pelton Date: 2/20/16  
(only applications signed by the property owner may be considered)

### OFFICE USE ONLY:

Amount/Date Fee Paid: \$200<sup>00</sup> / 2/20/16  
Check No/Cash: 13023

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

Planning Board Submission: 2/23/16  
Planning Board Recommend: \_\_\_\_\_  
G.C.P.B. Submission: 2/23/16  
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

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This action, AV-1601, 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

TOWN OF BETHANY

VARIANCE 500 FT CONTACT LIST

APPLICANT NAME: Nicholas & Holley Pelfor

APPLICANT ADDRESS: 5384 Ellicott St Rd E Bethany

PROPERTY LOCATION: Bethany Center Rd

APPLICATION NO.: AV1601 DATE: 2/20/16

TAX MAP #: 2. -1- 8.211

TAX MAP #	PROPERTY OWNER	ADDRESS	CITY, STATE ZIP
BETHANY			
2.-1-10	Mary Ellen Heale	5336 Clapsaddle Rd	East Bethany 14054
2.-1-11	Eric Brooks	5354 Clapsaddle Rd	EB 14054
2.-1-93	Eric Brooks	5354 Clapsaddle Rd	EB 14054
2.-1-1.2	Christina Robinson Lopez	5382 Clapsaddle Rd	EB 14054
2.-1-9.2	Mary Ellen Heale	5336 Clapsaddle Rd	East Bethany 14054
2.-1-15.212	Wade Heedy	5333 Ellicott St. Rd	EB 14054
2.-1-15.214	Springbrook Farms, Inc	6005 Jorney Rd	Stafford 14143
2.-1-16.12	Cynthia Fronczyk	25 Walnut St	Batavia 14020
2.-1-16.2	Vincent Curo	5365 Ellicott St. Rd	EB 14054
2.-1-16.11	Cynthia Fronczyk	25 Walnut St	Batavia 14020
2.-1-18.1	Mark McAllister	5421 Ellicott St. Rd	EB 14054
2.-1-20.2	Paul Lewis	5422 Ellicott St Rd	EB 14054
2.-1-20.1	Kevin Whitford	5444 Ellicott St Rd	EB 14054
2.-1-5.1	Wayne Nichols	9771 Bethany Ctr. Rd	EB 14054
2.-1-9.1	Belinda Miller	9521 Bethany Ctr. Rd	EB 14054
2.-1-2.11	Jerry Weaver	9486 Bethany Ctr. Rd	EB 14054
2.-1-1.2	Kyle Rice	9468 Bethany Ctr. Rd	EB 14054
2.-1-1.12	Edward Grice	9448 Bethany Ctr. Rd	EB 14054
Continued			

TOWN OF BETHANY

VARIANCE 500 FT CONTACT LIST

APPLICANT NAME: Nicholas + Holly E. Pelton

APPLICANT ADDRESS: 5384 Ellicott ST Rd Bethany NC

PROPERTY LOCATION: Bethany Ctr Rd

APPLICATION NO.: AV1601 DATE: 2/20/16

TAX MAP #: 2.-1-8.211

TAX MAP #	PROPERTY OWNER	ADDRESS	CITY, STATE ZIP	
2.-1-3.1	Lor-Rob Assoc. LLC III	10171 Bethany Ctr Rd	EB	14054
2.-1-1.112	David Arice	5256 Batavia-Beth. TIR	EB	14054
2.-1-1.111	Edward Arice	9448 Bethany Ctr. Rd	EB	14054
2.-1-8.211	Applicant	—	—	—
STAFFORD				
5.-2-19.1	Henry + John Tyminski	9283 Clipnock Rd	Stafford	14143
5.-2-16	Bathoff Cemetery	Rt 63 South	Stafford	14143
5.-2-17.1	Russell Colombo	9415 Bethany Ctr. Rd	East Beth.	14054
5.-2-18	Amelia Sheelar	9431 Beth Ctr. Rd	EB	14054
5.-2-17.2	Russell Colombo	9415 Beth Ctr. Rd	EB	14054
TOWN OF BATAVIA				
20.-1-32.113	Edward Arice	9448 Beth Ctr Rd	EB	14054
2.-1-9	Marc Cordes	9439 Beth Ctr Rd	EB	14054
2.-1-8.1	Marc Cordes	9439 Beth Ctr Rd	EB	14054

AV1601  
Pelton  
TMP# 2: -1-8.211

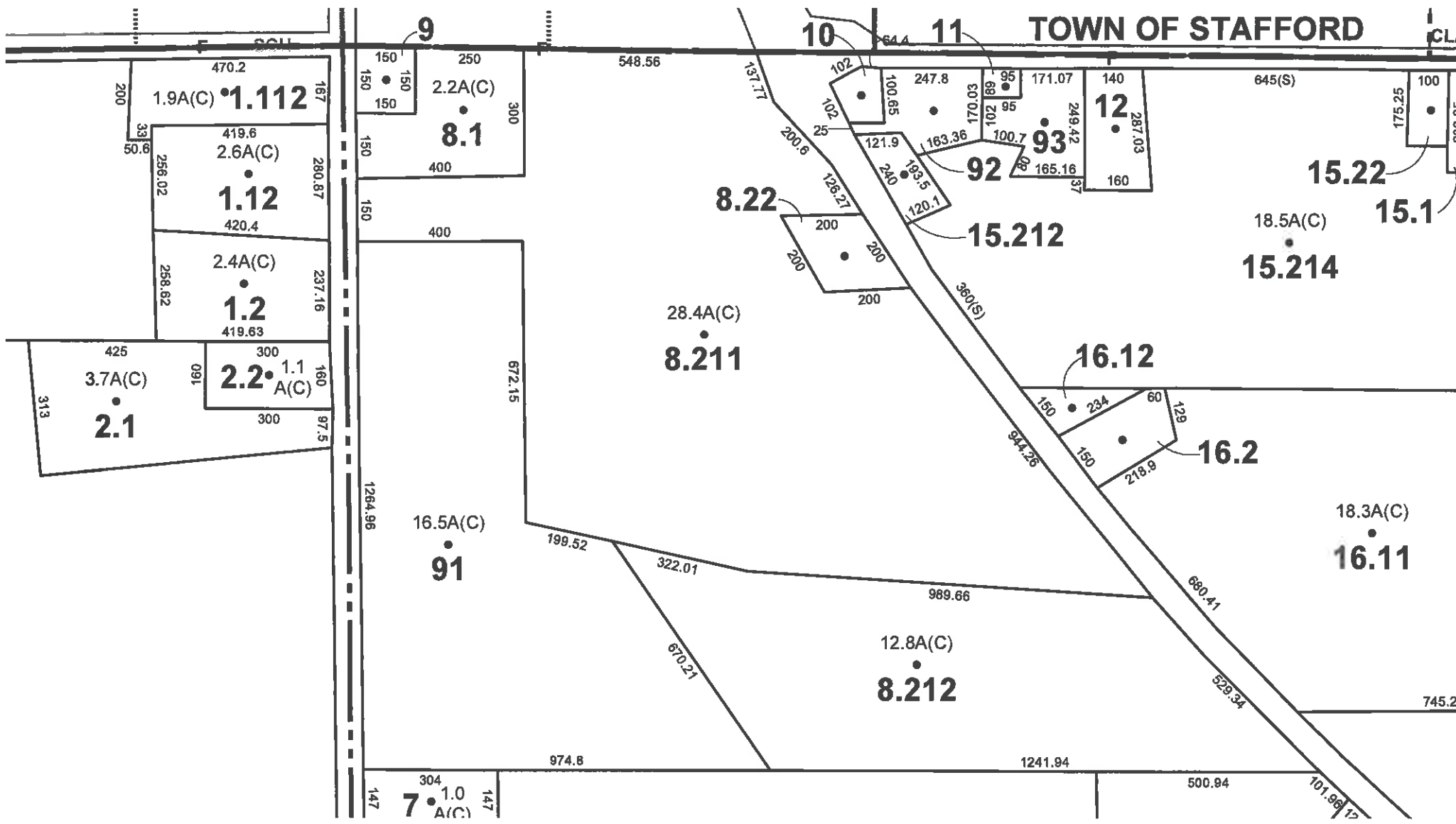
TOWN OF BETHANY

VARIANCE MEETING SCHEDULE

- > Town of Bethany Planning Board  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 3/3/14  
Day: Thursday  
Time: 7:30 p.m.
  
- > Genesee County Planning Board  
County Building #2  
Batavia NY 14020  
Date: 3/10/14  
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: 3/23/14  
Day: Wednesday  
Time: 7:30 p.m.
  
- > Public Hearing  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 3/23/14  
Day: Wednesday  
Time: 7:30 pm

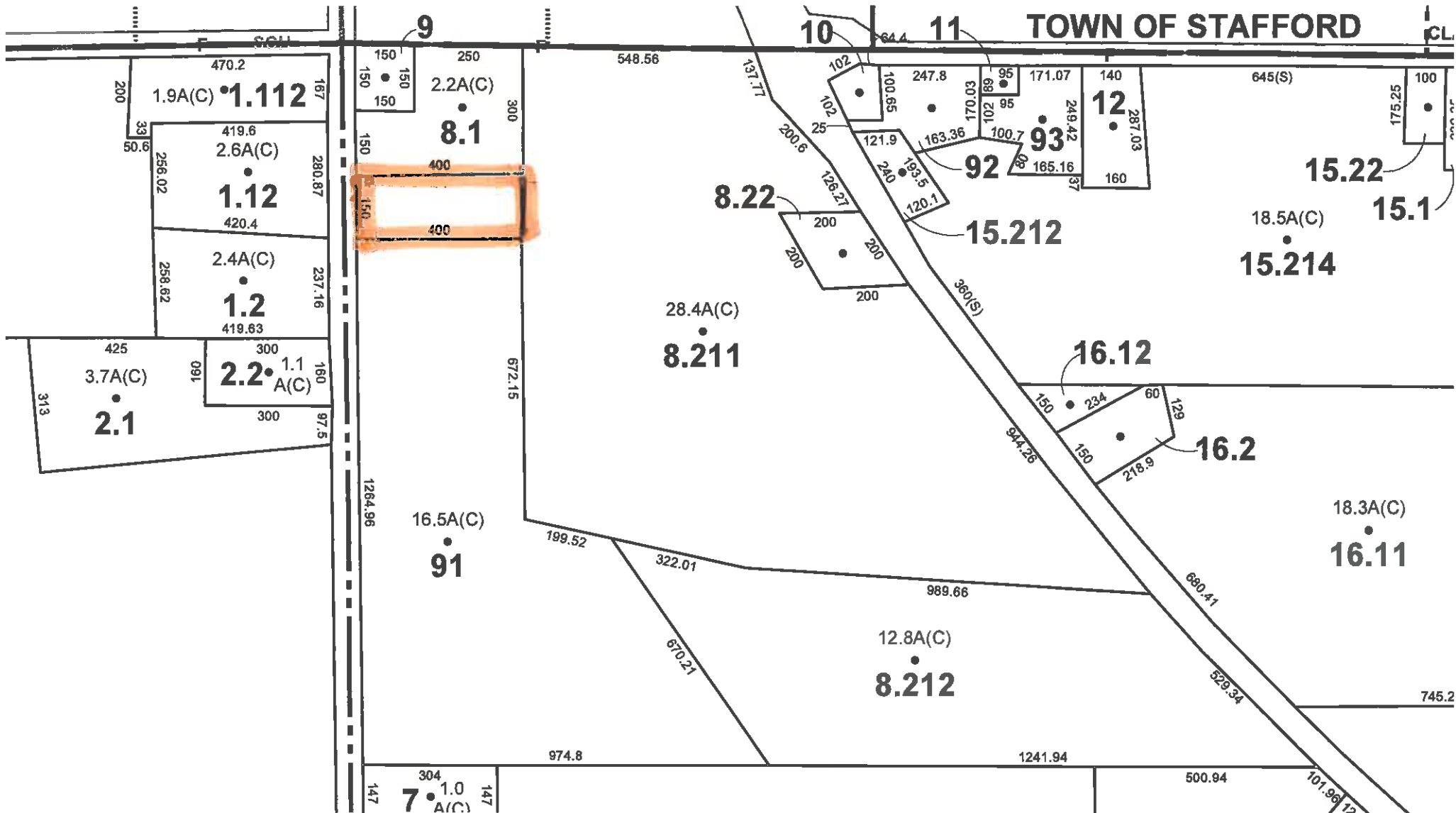


Existing



REFERENCE ONLY

Proposed



REFERENCE ONLY

AV 1601



ORIGINAL



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**REFERENCE ONLY**

Creation Date: Apr 10, 2010 12:59  
Modification Date: Apr 20, 2010 14:35

Average Scale: 1 inch = 265.4 feet



Proposed New lot  
150 x 400 = 60,000 sq ft



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**REFERENCE ONLY**



**PELTON 2**

*Existing*

*AV1601*

Print Date: 02/20/2016  
Image Date: 03/31/2013  
Level: Community

**REFERENCE ONLY**



**PELTON**

*Proposed*

*AV1601*

**Print Date:** 02/20/2016  
**Image Date:** 03/31/2013  
**Level:** Community

**REFERENCE ONLY**

# T-02-BETH-3-16



04/04/2013

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