



## GENESEE COUNTY PLANNING BOARD ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-03-STAF-6-16**

Review Date **6/16/2016**

Municipality  
Board Name  
Applicant's Name  
Referral Type  
Variance(s)  
Description:

<b>STAFFORD, T.</b>
<b>TOWN BOARD</b>
<b>Robert Clement, Supervisor</b>
<b>Zoning Text Amendments</b>
<b>Zoning Text Amendments to revise fence and wall regulations.</b>

Location  
Zoning District

<b>Entire Town of Stafford</b>
<b>Entire Town</b>

### PLANNING BOARD DECISION

**APPROVAL WITH MODIFICATION(S)**

### EXPLANATION:

The required modification is that the language of the proposed zoning text amendments be modified per comment #3 of the Town Planning Board Chair's email. With this required modification, the amendments should pose no significant county-wide or inter-community impact. It is recommended that the definition of height be further clarified per comment #2 of the Town Planning Board Chair's email.

Director

June 16, 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-03-STAF-6-16



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

**RECEIVED**

MAY 16 2016

Required According to:  
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L. M. GENESEE COUNTY DEPARTMENT OF PLANNING  
(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**

Board(s) Stafford Planning Board  
Address 8903 Route 237 - PO Box 52  
City, State, Zip Stafford ny 14143  
Phone 585 344-1554 Ext. 4

**2. APPLICANT INFORMATION**

Name Town of Stafford  
Address 8903 Route 237 - PO Box 52  
City, State, Zip Stafford ny 14143  
Phone ( ) - Ext. Email tcstaf@rochester.ny.gov

MUNICIPALITY:  City  Town  Village of Stafford

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Area Variance      | <input type="checkbox"/> Zoning Map Change                 | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance       | <input checked="" 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 \_\_\_\_\_  
B. Nearest intersecting road \_\_\_\_\_  
C. Tax Map Parcel Number \_\_\_\_\_  
D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_  
E. Present zoning district(s) \_\_\_\_\_

**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 \_\_\_\_\_

C. Please describe the nature of this request To Amend the Town of Stafford Zoning Law Regarding Walls and Fences and to Enact New fence Requirements.

**6. ENCLOSURES** - Please enclose copy(s) of all appropriate items in regard to this referral

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Local application      | <input type="checkbox"/> Zoning text/map amendments  | <input type="checkbox"/> New or updated comprehensive plan |
| <input 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 type="checkbox"/> Other: <u>Local Law Filing</u>    |
| <input checked="" type="checkbox"/> SEQR forms  | <input type="checkbox"/> Agricultural data statement |  |

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

Name Walt Kershenski Title Town Clerk Phone 585 344-1554 Ext. 4  
Address, City, State, Zip PO Box 52, Stafford ny 14143 Email tcstaf@rochester.ny.gov

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Stafford

Local Law No. 2 of the year 2016

A local law to Amend the Town of Stafford Zoning Law Regarding Walls and Fences and to Enact  
(Insert Title)  
New Fence Requirements

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Stafford

as follows:

## SECTION I. AMENDMENT OF SECTION 182-13(D) OF CHAPTER 182

Chapter 182 of the Code of the Town of Stafford, entitled "Zoning", is hereby amended with the following deletions and additions to Section 182-13(D):

- D. Walls and fences. ~~The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall, provided that such fence or wall does not exceed six feet in height, unless that part above such height is not less than 3/4 open construction.~~ See chapter 183.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **SECTION II.            ADDITION OF CHAPTER 183**

The Code of the Town of Stafford is hereby amended to add a new Chapter 183, to be entitled "Fences", to read as follows:

### **§ 183-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**FENCE** - Any man made structure, regardless of composition, that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions, or that prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and the property. This definition includes what is customarily referred to as a wall.

**FRONT YARD** - Applies to that portion of the yard in front of the front building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as front yards for the purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

**GOOD SIDE** - That part of the fence that is considered the finished side which does not include the structural members.

**HEIGHT** - The distance measured from the adjacent ground level to the top of the highest point of any component of the fence. Any artificially mounded or bermed area under the fence shall be considered part of the height of the fence. In the event that after the fence is constructed any mounding, fill, berming or construction of any kind or nature is added to one side of the fence, then the height of the fence shall be measured from the opposite side of the fence.

**REAR YARD** - Applies to that portion of the yard from the rear building line of any building to the rear of the lot.

**SIDE YARD** - Applies to that portion of the yard in front of the rear building line of any building and to the rear of the front building line of any building.

### **§ 183-2. Approval required.**

No fence shall be erected without the approval of the Code Enforcement Officer.

### **§ 183-3. Application for permit; issuance; display.**

- A. Any person or persons, corporations, firm or association intending to erect a fence shall, before any work is commenced, make application to the Code Enforcement Officer on a form provided by the Code Enforcement Officer. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence on a survey map of the property, the materials proposals to be used therefor, and the relation to all other structures, buildings, streets, lot property lines and yards.

- B. Upon approval by the Code Enforcement Officer, a permit shall be issued which will be in effect for a period of six months from the date thereon.
- C. Said permit shall be displayed on the property during the progress of the work so that the work may be inspected by the proper Town officials.

**§ 183-4. Height limitations in rear, front and side yards.**

No fence shall be more than six feet in height at the rear yard or side yard of the homes or buildings situated in the Town of Stafford. No fence or portions of a fence shall be higher than three feet in any front yard.

**§ 183-5. Location restrictions.**

- A. Any fence erected under this chapter shall be placed at least 12 inches from any property line so if repair or maintenance of said fence is to be performed it may be performed from the property owner's land.
- B. All fences must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, in private or public property.

**§ 183-6. Materials and composition.**

Any fence which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition, or an obstruction to persons and equipment in combating fires or which may affect public safety is hereby expressly prohibited.

**§ 183-7. Prohibited fences.**

- A. The following types of fences are prohibited:
  - (1) Barbed wire.
  - (2) Short pointed fences less than 36 inches in height.
  - (3) Canvas fences.
  - (4) Cloth fences.
  - (5) Electrically charged fences.
  - (6) Poultry fences.
  - (7) Turkey wire.

- (8) Temporary fences (except snow fences between the months of November through April).
- (9) Expandable fences and collapsible fences, except during construction of a building or for reasonable and temporary agricultural uses and gardens.

**§ 183-8. Chain link fences.**

Chain link fences shall be erected with closed loop at the top of the fence.

**§ 183-9. Facing of fence; fence posts.**

Any wood, stockade, chain link or other type of fence, shall have the good side facing to the outside of the property owner installing the fence. Fence posts shall be placed on the inside of the fence.

**§ 183-10. Maintenance.**

All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to replacement and/or repair of fences which may become in disrepair. Repairs should be made in accordance with existing fences. Such repair may include missing or broken sections, and heaving, collapsed and/or tilted fences.

**§ 183-11. Security fences.**

- A. Notwithstanding the provisions of this chapter, the Code Enforcement Officer may issue a permit for the construction of security and/or equipment yard fences for commercial and industrial properties upon due application. The Code Enforcement Officer may deny such application if it is found that the application for such fence is not appropriate and is unnecessary.
- B. Fences for the enclosure of in-ground pools shall conform to the New York State Uniform Fire Prevention and Building Code.

**§ 183-12. Visibility at intersections.**

The Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees or flowers or other vegetation, fence, wall or hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections, driveways or curbs. Any person who shall refuse or neglect to comply within 15 days with the written direction of the Code Enforcement Officer shall be guilty of violation of this chapter and shall be subject to its penalties.

**§ 183-13. Exclusions.**

- A. The provisions of this chapter shall not apply to any of the following uses and types of fences:
  - (1) Erosion control fences.

- (2) Existing non-conforming fences constructed prior to the effective date of this chapter shall be allowed to continue; provided, however, that replacement of a fence on a property shall require that said fence conform to the provisions of this chapter.
- (3) Fences used for safety and/or security fencing around security sites for which a building permit has been issued and is still valid.
- (4) Fences used for safety and/or security fencing around unsafe structures or other threats to health, life and/or property, as deemed by the Code Enforcement Officer, the Town Highway Superintendent or Emergency Response Agencies.
- (5) Fences and guards installed by the authority having jurisdiction in accordance with recognized standards in order to protect life, safety and property within public roadways and their associated rights-of-way.
- (6) Fences erected to enclose crops, livestock and livestock products and farm operations as defined in Article 25-AA, §301 of the Agriculture and Markets Laws of the State of New York.
- (7) Fences erected to enclose swimming pools, as mandated by the New York State Uniform Fire Prevention and Building Code.
- (8) Guards and handrails erected to comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
- (9) Plant support systems, such as, but not limited to, grape trellising, tomato cages, tree supports and vegetable trellising.

**§ 183-14. Fees.**

The Town Board of the Town of Stafford shall set applicable fees for the fence permit.

**§ 183-15. Enforcement.**

This chapter shall be enforced by the Code Enforcement Officer, who is authorized to direct, in writing, the removal of any fence in violation of this chapter or for failure to obtain a permit required by this chapter, and is further authorized to issue an appearance ticket, pursuant to the provisions of Article 150 of the Criminal Procedures Law, for violations of this chapter.

**§ 183-16. Penalties for offenses.**

- A. A violation of this chapter is an offense punishable by a fine of not more than \$250. Each week of continued violation shall constitute a separate, additional violation.
- B. The Town Board, in addition, shall have such other remedies as are provided by law to restrain, correct or abate any violation of this chapter.

**SECTION III.      EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State in accordance with law.

Deletions designated by ~~Strikeout~~.

Additions designated in **Bold**.



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2016 of the (County)(City)(Town)(Village) of Stafford was duly passed by the Town Board on June 13 2016, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph <sup>1</sup>\_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Local Law No. 2 of 2016			
Project Location (describe, and attach a location map): Town of Stafford, NY			
Brief Description of Proposed Action: See Annexed Narrative			
Name of Applicant or Sponsor: Town of Stafford		Telephone: 585-344-1554	
		E-Mail: tcstaf@rochester.rr.com	
Address: 8903 Route 237			
City/PO: Stafford		State: NY	Zip Code: 14143
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	<b>NO</b>	<b>YES</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Town of Stafford</u> Date: <u>May 9, 2016</u></p> <p>Signature: <u><i>Robert S. Cloutier</i></u></p>		

## Short Environmental Assessment Form Narrative

Narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality:

Said Local Law proposes to amend the Town of Stafford Zoning Law as summarized as follows:

Section 182-13(D) of the Zoning Law is amended to delete the references to walls and fences and refer to the new Chapter 183, which new Chapter will enact fence requirements, including new definitions that includes walls, requires a permit and approval of the Code Enforcement Officer in advance, provides for height, location and composition requirements, defines prohibited fences and sets forth the type of fences that are excluded from the coverage of these requirements.

The proposed amendment of the text does not have an impact on environmental resources within the Town of Stafford or its surroundings.

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Stafford	June 13, 2016
Name of Lead Agency	Date
Robert S. Clement	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



# TOWN OF STAFFORD Est. March 24, 1820

P.O. BOX 52 8903 ROUTE 237 STAFFORD, NEW YORK 14143 PHONE: [585]-344-1554 Fax: [585]-345-0592

www.townofstafford.com

ROBERT S. CLEMENT  
Supervisor  
WALTER KERSHENSKI  
Town Clerk  
STEVEN BOLDT  
Highway Supt.

ROBERT PACER  
Deputy Supervisor  
DONALD MULLEN  
RONALD PANEK  
ROBERT MATTICE  
Councilmen



ROBERT PENEPEP  
Town Justice  
BRENDA MANCUSO  
Town Justice  
ANNE SAPIENZA  
Sole Assessor  
LESTER MULLEN &  
GENE SINCLAIR  
Zoning Enforcement Officer  
Code Enforcement Officer

**RECEIVED**

MAY 16 2016

TO: See Distribution Below

RE: Proposed Local Law to Amend the Town of Stafford Zoning Law Regarding Walls and Fences and to Enact New Fence Requirements

GENESEE COUNTY  
DEPARTMENT OF PLANNING

## REQUIRED NOTIFICATION

To Whom It May Concern:

Please be advised that the Stafford Town Board will conduct a Public Hearing at 7:30 p.m., Monday, June 13, 2016, at the Town of Stafford Town Hall, 8903 Route 237, Stafford, New York. The purpose of this Public Hearing is to allow any and all interested parties an opportunity to comment on the adopting of a Proposed Local Law to Amend the Town of Stafford Zoning Law Regarding Walls and Fences and to Enact New Fence Requirements.

A summary of said proposed Local Law, as well as the legal notice that is being published in *The Daily News* is included for your reference. The entire Local Law No. 2 of 2016 for the Town of Stafford is currently on file at the office of the Town Clerk and is available for inspection during regular office hours.

Sincerely,

Walter Kershenski  
Stafford Town Clerk

Enc.

Cc: Clerk of the Genesee County Legislature  
Genesee County Planning Department  
City of Batavia  
Town of Batavia  
Town of Bethany  
Town of Pavilion  
Town of LeRoy  
Town of Byron  
Town of Elba

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## Walt Kershenski

---

**From:** William VanAlst <wvanalst@larsen-engineers.com>  
**Sent:** Friday, June 10, 2016 10:31 AM  
**To:** Robert Clement (rclement@rochester.rr.com)  
**Cc:** Walter Kershenski (tcstaf@rochester.rr.com); Kevin D. Earl Esq. (kdelaw@gmail.com)  
**Subject:** Local Law #2 of 2016

**Importance:** High

Bob:

I spoke with Kevin Earl earlier today about the comments from the Planning Board on proposed LL #2 of 2016, and thought I should clarify a couple of points.

1. Where the new fencing regulations go is not a significant issue - it was just the Planning Board's thought that since fences was in Chapter 182 (Zoning) to begin with, it would make sense to keep it there. There is no strong feeling on this, and if it stays as a new chapter in the Town Code, that should not be aq problem with the Planning Board.
2. We talked extensively about the definition of HEIGHT. A Board member had looked at several communities' codes on Fences and they were all over the place in how the height measurement was taken. Using an average of the existing ground elevation 1' on either side of the proposed fence seemed like a reasonable idea. I guess the point is that the bottom of the fence should be defined from existing ground elevation.
3. There are two sections, 183.10 Maintenance, and 183.13 Exclusions, paragraph (2) that seem to be in conflict with the replacement of an existing fence. After talking to Kevin, it makes sense to leave 183.13 paragraph (2) as it is written, and to re-write the second sentence of 183.10 to read: "Such maintenance shall include repair of fences which may become in disrepair." - taking out reference to "replacement". That should resolve the conflict and properly convey the intent of the new law.

I have a work conflict that prevents me from being at the Town Board meeting on Monday, but feel free to call me with any questions. 344-1830, or 233-6006.

*Bill*

William R. VanAlst, P.E.

Vice President

700 West Metro Park • Rochester • NY • 14623

Tel: 585.272.7310 ext. 661 • Fax: 585.272.0159

Cell: 585.233.6006

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Town Justice  
ANNE SAPIENZA

LESTER MULLEN &  
GENE SINCLAIR  
Zoning Enforcement Officer &  
Code Enforcement Official

Supervisor Robert Clement  
and Stafford Town Board  
8903 Route 237  
Stafford, NY 14143

June 3, 2016

RE: Local Law #2 of 2016

Dear Town Board Members:

At our meeting on May 25<sup>th</sup>, 2016, the Planning Board reviewed and discussed the proposed Local Law #2 of 2016 regarding Walls and Fences and to enact New Fence Requirements. In general, the Board is in favor of the body of the Local Law, and offer the following comments for the Town Board's consideration:

1. Just as a point of note, the Planning Board questioned why the proposed Fence Regulations are being offered as a new Chapter of the Town Code, rather than being included as part of Article VI, Supplementary Regulations, under Chapter 182, Zoning.
2. Section 183-1, Definitions: There was considerable discussion on the definition offered for HEIGHT – it was suggested that the definition could be “tightened up” a bit, and maybe use the average ground level measured from a point 1’ on each side of the fence location.
3. Section 183-13, paragraph A (2), second line – suggest adding the word “voluntary” between the words “that” and “replacement”, so the phrase would read “... provided, however, that voluntary replacement of a fence on the property shall require that said fence conform to the provisions of this chapter.” The Board thought this would clarify the difference between maintenance of a grandfathered existing fence, vs replacement of that fence.

Please feel free to contact me if you have any questions on the above.

Very truly yours,

William R. VanAlst  
Chairman  
Stafford Planning Board

cc: Town Clerk Walt Kershenski, Town Attorney Kevin Earl

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