



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

GCDP Referral ID **V-02-LEROY-3-17**

Review Date **3/9/2017**

Municipality  
Board Name  
Applicant's Name

**LEROY, V.**  
**ZONING BOARD OF APPEALS**  
**Tom Spadaro**

Referral Type  
Variance(s)  
Description:

**Area Variance(s)**  
**Area Variance to construct a 424 sq. ft. (16 x 26.5 ft.) deck onto a single-family home.**  
**Rear Yard Setback**  
**Minimum required: 35 ft.**  
**Existing: 2.3 ft.**  
**Proposed: less than 0 ft.**  
**Side Yard Setback**  
**Minimum required: 12 ft.**  
**Existing: 6.3 ft.**  
**Proposed: 6.3 ft.**

Location  
Zoning District

**52 Clay St. (NYS Rt. 19), LeRoy**  
**Residential (R-1) District**

**PLANNING BOARD DECISION**

**APPROVAL WITH MODIFICATION(S)**

**EXPLANATION:**

**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.**

Director

March 9, 2017

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 # V-02-LEROY-3-17



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

RECEIVED  
Genesee County  
Dept. of Planning  
2/24/2017

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) LeRoy Village Zoning Board of Appeals  
Address 48 Main Street  
City, State, Zip LeRoy, NY, 14482  
Phone (585) 768 - 6910 Ext. 223

**2. APPLICANT INFORMATION**

Name Tom Spadaro  
Address 52 Clay St.  
City, State, Zip LeRoy, NY, 14482  
Phone (585) 455 - 3451 Ext. \_\_\_\_\_ Email \_\_\_\_\_

MUNICIPALITY:  City  Town  Village of LeRoy

**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 52 Clay Street  
B. Nearest intersecting road Myrtle Street  
C. Tax Map Parcel Number 9.1-71  
D. Total area of the property .09 Acres Area of property to be disturbed 424 Sq. Ft.  
E. Present zoning district(s) R-1

**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  
Zoning Schedule A

C. Please describe the nature of this request Would like to install a 16' x 26'6" deck off the back of the house. The deck is 4 feet from the side property line and 7 feet from the rear property line. Zoning requires a 12 foot side setback and a 35 foot rear setback. He is requesting an 8 foot side setback variance and a 28 foot rear setback variance.

**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 type="checkbox"/> Photos                                |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings          | <input checked="" type="checkbox"/> Other: <u>Copy of Deed</u> |
| <input 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 Jeff Steinbrenner Title CEO / ZEO Phone (585) 768 - 6910 Ext. 223  
Address, City, State, Zip 48 Main Street, LeRoy, NY, 14482 Email code@leroyny.org

APPLICATION

PERMIT# 8-2017

to the

LEROY ZONING BOARD OF APPEALS

Applicant: TOM SPADARO

Location: 52 CLAY ST

Phone # 585-455-3451

Tax Map # 9-1-71

Subject: AREA USE VARIANCE

Fee: \$100.00

Date Received:	<u>2-21-17</u>
Date Advertised:	_____
Date of Hearing:	<u>3-22-17</u>
Decision:	_____

Application for permission to use property located in a R1 District for use as RESIDENTIAL property.

Reasons for proposed change of present status:

- 1] NEW DECK ON REAR OF HOUSE
- 2] \_\_\_\_\_
- 3] \_\_\_\_\_

If additional information is necessary, use reverse side and so indicate.

Applicant's Signature: Thomas Spadaro Date: 2/21/17

Code Enforcement/Zoning Officer: [Signature]

Amount Received: \$100 Ck.# CASH Date: 2/21/17

By: Patricia Page, Town Clerk

RT 19 N

52 CLAY ST  
HOUSE

NEW DECK

↑  
16'

↓

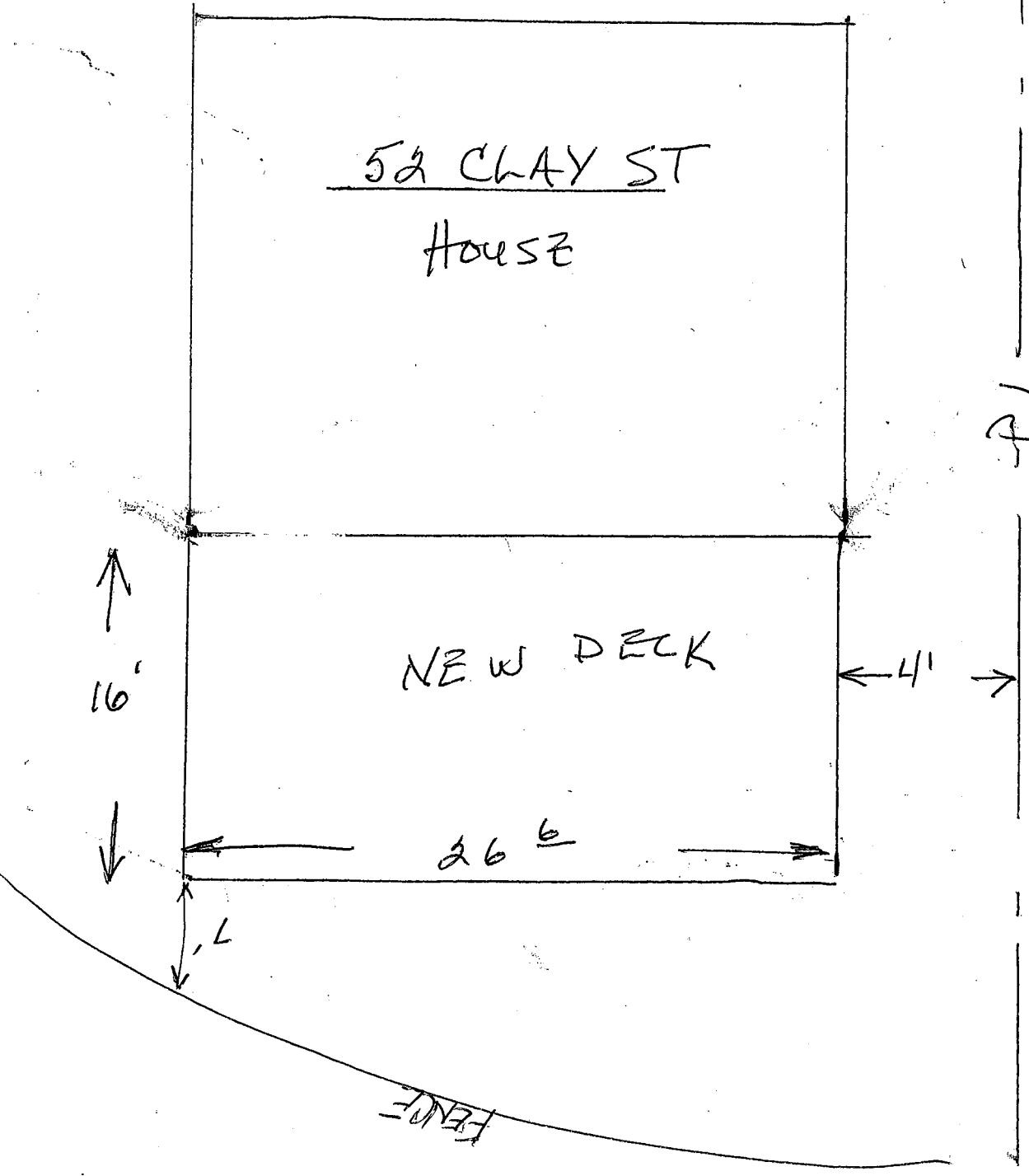
7'

26'

← 4' →

7'

FENCE





Office of the Genesee County Clerk
Michael T. Cianfrini, County Clerk

E-Mail: coclerk@co.genesee.ny.us
Website: www.co.genesee.ny.us
Regular Mail Address: PO Box 379 Batavia, N.Y. 14021-0379

Phone: 585-344-2550 ext 2242
Fax: 585-344-8521
Shipping & Express Mail Address: County Bldg #1, 15 Main Street Batavia, N.Y. 14020

DOCUMENT # 1829

RETT: 1156 \$168.00

04/19/2016 11:24:36 A.M.
RECEIPT: 5562 FEE: \$190.00
GENESEE COUNTY CLERK
LIBER: 920 PAGE: 18

Type/Print LEGIBLY - Black Ink: After Recordation Return this Document to:

Shapiro & Di Caro

Method of Document Return:

- [ ] Postage Paid Return Envelope
[X] Office Box [ ] Courier
[ ] Inter Office Mail Service \*\*\*
[ ] Periodic Mail - No Return Envl
[ ] Mail - General Public

This Document Was Recorded By: Stewart Title

THE SPACE BELOW IS RESERVED FOR THE COUNTY CLERK REQUIRED RECORDING INFORMATION

DOCUMENT TYPE Deed

TAX DISTRICT Leroy # Pages to Validate 4

MORTGAGE RECORDING TAX RECEIPT

CROSS REFERENCES

Total Amount Secured By Mortgage:

\$ BASIC \$ LOCAL \$ ADDTL \$ SPECIAL \$
[ ] 1-2 Family Clause Applicable
[ ] Mortgage Tax Affidavit Attached
[ ] To be Apportioned
[ ] Mortgage Tax Exempt
[ ] Recapture Obligation Included \*

~L P Yr
~L P Yr
~L P Yr
~L P Yr
~L P Yr

TOTAL TAX \$

State of New York
County of Genesee

I do hereby certify that I have received the amounts cited above on the within Mortgage, being the amount of the Recording Tax imposed thereon and paid at the time of recording.

Michael T. Cianfrini Genesee County Clerk

DO NOT DETACH THIS PAGE FROM THE DOCUMENT:

This page constitutes the County Clerk's Endorsement as Required by Section 319 of the Real Property Law of New York State.

Michael T. Cianfrini Genesee County Clerk

\*\*\*\*\*

THIS SPACE RESERVED FOR COUNTY CLERK NOTES

WARRANTY DEED WITH FULL COVENANTS  
(INDIVIDUAL AND CORPORATION)

THIS INDENTURE, made the 14<sup>th</sup> of March, 2010

**BETWEEN** <sup>A.</sup> Todd Freeman, residing at 19105 W. Susan Ave., Casa Grande AZ 85122,  
party of the first part, and  
  
Exeter8124 NY, LLC, with offices at 51 Clay Street, LeRoy NY 14482,  
party of the second part,

WITNESSETH that the party of the first part, in consideration of One Dollar and no/100 (\$1.00) lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever all,

“SEE SCHEDULE A ATTACHED HERETO”

Being the same premises conveyed to party of the first part by Warranty Deed recorded November 25, 2009 in Liber 877 at page 969 in Genesee County Clerk’s Office.

Subject to all covenants, easements and restrictions of record affecting the above-described premises as recorded in the Monroe County Clerk’s Office.

TAX ACCOUNT NO: 9.-1-71  
TAX & PROPERTY MAILING ADDRESS: 52 Clay St, LeRoy NY 14482

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the party of the first part covenants as follows:

FIRST. —That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

SECOND. —That the party of the second part shall quietly enjoy the said premises;

THIRD. —That the said premises are free from encumbrances, except as aforesaid;

FOURTH. —That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Record & Return to Shapiro & DiCaro

FIFTH. — That said party of the first part will forever warrant the title to said premises. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

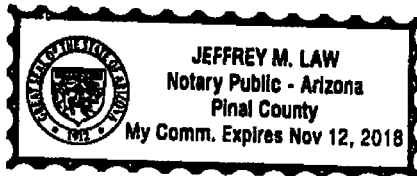
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Todd Freeman  
Todd Freeman

STATE OF ARIZONA  
COUNTY OF PINAL

On the 14TH day of MARCH in the year 2016, before me, the undersigned, personally appeared **Todd Freeman** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in he/she/they capacity(ies), and that by he/she/they signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Jeffrey M Law  
Notary Public



Being and intending to convey the following parcel:

All that tract or parcel of land situate in the Village of LeRoy, County of Genesee, State of New York, beginning at the intersection of the west line of Clay Street, with the southerly bank of the Oatka Creek; thence (1) due south along the west line of Clay Street, a distance of 78.79 feet to an iron pin set at the northeast corner of lands now or formerly belonging to James E. Winling, as recorded in Liber 586 of Deeds, page 330; thence (2) south  $89^{\circ} 27' 40''$  west along the north line of said Winling, a distance of 79.00 feet to an iron pin set at the northwest corner thereof and on the southerly bank of the Oatka Creek; thence (3) north  $44^{\circ} 48' 20''$  east a distance of 112.10 feet to the point of beginning. Containing 0.071 acre.

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## Felipe Oltramari

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**From:** John Given  
**Sent:** Monday, February 27, 2017 2:56 PM  
**To:** Felipe Oltramari  
**Subject:** RE: Referral  
**Attachments:** 52ClayStreetSurvey.pdf

Felipe,

Kevin O'Donoghue was kind enough to provide a copy of the 1995 survey he did on the 52 Clay Street property. This should give you a better idea of where the actual property lines are than the sketch that was submitted. When I mapped it, the property boundaries were even closer to the structure. I don't have any documentation regarding the area shown on the tax map as being owned by the Village of LeRoy.

Let me know what other information you need.

Thanks,  
John

John R. Given, Senior Tax Map Technician  
Genesee County Real Property Tax Services  
(585)815-7808

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**From:** Felipe Oltramari  
**Sent:** Friday, February 24, 2017 3:43 PM  
**To:** John Given  
**Subject:** Fwd: Referral

Hi John,

Following up on yesterday's phone conversation. The application attached has the deed for 52 Clay street. Let me know what you find out about the property line by the creek.

Thank you and have a great weekend!

-Felipe

**Felipe A. Oltramari AICP CNUa**  
Director  
Genesee County Department of Planning  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Felipe.Oltramari@co.genesee.ny.us  
(585) 815-7901  
(585) 345-3062 (fax)  
On the web at: [www.co.genesee.ny.us/departments/planning](http://www.co.genesee.ny.us/departments/planning)

Begin forwarded message:

**From:** Jeff Steinbrenner <[code@leroyny.org](mailto:code@leroyny.org)>

**Date:** February 24, 2017 at 3:27:22 PM EST

**To:** "Felipe Oltramari ([Felipe.Oltramari@co.genesee.ny.us](mailto:Felipe.Oltramari@co.genesee.ny.us))" <[Felipe.Oltramari@co.genesee.ny.us](mailto:Felipe.Oltramari@co.genesee.ny.us)>

**Subject:** Referral

Hi Felipe, please let me know if you need anything else.

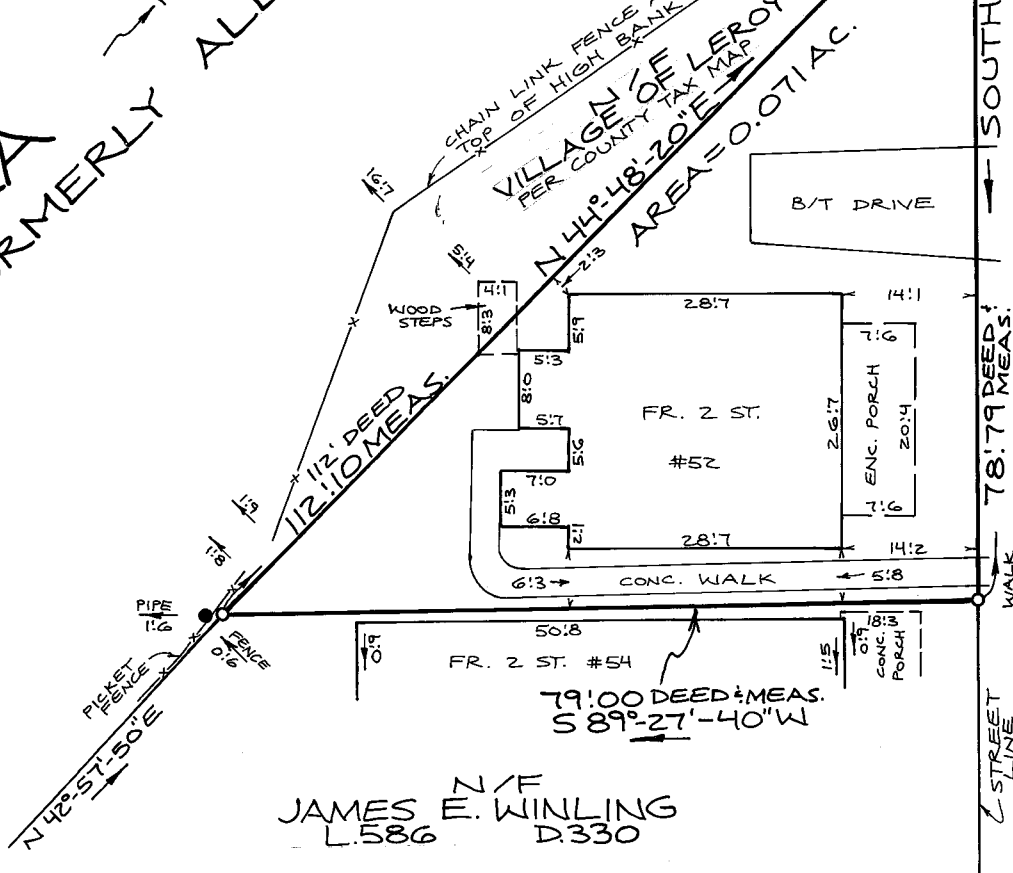


REFERENCE NORTH PER DEEDS  
TO J.E. WINLING (L.586 D.330)

OATKA  
FORMERLY ALLEN'S CREEK



CREEK



CLAY STREET (66'0\"/>

N.Y.S. ROUTE 19

- = IRON PIN SET
- = IRON PIPE FOUND

~ REFERENCE DEED ~  
L.491 D.72 - MARY ELLEN WRIGHT &  
ANN E. BAUMAN

MAP OF A SURVEY  
OF LAND BELONGING TO  
MARY ELLEN WRIGHT & ANN E. BAUMAN  
SITUATE IN THE  
VILLAGE OF LEROY  
GENESEE COUNTY, NEW YORK  
SCALE: 1 IN. = 20 FT. JAN. 10, 1995

KEVIN M. O'DONOGHUE  
LAND SURVEYOR  
P.O. BOX 669, 8713 ROUTE 237  
STAFFORD, NEW YORK 14143

I HEREBY CERTIFY TO:  
1) KEVIN A. SANDS & THOMAS W. LONG  
2) FIRST SECURITY SAVINGS BANK FSB, ITS SUCCESSORS  
AND/OR ASSIGNS.  
3) PHETERSON & PHETERSON  
4) THE TITLE COMPANY INSURING THE MORTGAGE  
5) ROBERT P. FREDRICK  
THAT THIS MAP WAS MADE JAN. 10, 1995 FROM  
NOTES OF A SURVEY COMPLETED JAN. 9, 1995.

KEVIN M. O'DONOGHUE, L.S. No. 49514

G 95-1254

# V-02-LEROY-3-17



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04/28/2016