GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**T-02-PAV-6-20**
Review Date	**6/11/2020**

Municipality	**PAVILION, T.**
Board Name	**PLANNING BOARD**
Applicant's Name	**Owen Guile**
Referral Type	**Site Plan Review**
Variance(s)	
Description:	**Site Plan Review to operate a roadside stand for homemade products.**
Location	**10396 Linwood Rd., Pavilion**
Zoning District	**Commercial (C) District**

PLANNING BOARD DECISION

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modifications are as follows: 1) Any signage complies with the Town's zoning regulations, and 2) The applicant shift the customer parking area from the roadside to the turnaround area off the main driveway in order to prevent customer vehicles from backing out onto Linwood Rd. With these required modifications, the proposed roadside stand should pose no significant county-wide or inter-community impact.

Felise A. Altman

Director

June 11, 2020

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-PAV-6-20

* GENESEE COUNTY * PLANNING BOARD REFERRAL

RECEIVED
Genesee County
Dept. of Planning
6/4/2020

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) Town of Pavilion Planning Board
Address One Woodrow Dr
City, State, Zip Pavilion, NY 14525
Phone (585) 584 - 3850 Ext.

2. APPLICANT INFORMATION

Name Owen Guile
Address 10396 Linwood Rd
City, State, Zip Pavilion, NY 14525
Phone (585) 802 - 7437 Ext. Email owen.guile@gmail.com

MUNICIPALITY: ☐ City ☒ Town ☐ Village of Pavilion

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

- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☒ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other:
- Subdivision Proposal
  - ☐ Preliminary
  - ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 10396 Linwood Rd Pavilion, NY 14525
B. Nearest intersecting road Telephone Rd
C. Tax Map Parcel Number 11.-1-18.112
D. Total area of the property 1.67 acres Area of property to be disturbed .14-.20 acres
E. Present zoning district(s) Commercial

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 Applicant is requesting to set up a Road Side Stand (Retail Sales) in order to sell home made products.

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

- ☒ Local application
- ☒ Site plan
- ☐ Subdivision plot plans
- ☒ SEQR forms
- ☐ Zoning text/map amendments
- ☒ Location map or tax maps
- ☐ Elevation drawings
- ☒ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☐ Photos
- ☐ Other:

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

Name Matthew Mahaney Title Zoning Officer Phone (585) 343 - 1729 Ext. 238
Address, City, State, Zip 3833 West Main St Rd Batavia, NY 14020 Email mmahaney@townofbatavia.com

TOWN VILLAGE CITY OF Pavilion Application #_____
(circle one)

Agricultural Data Statement

Date 06/03/2020

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: Owen Guile Address: 10396 Linwood Rd Pavilion, NY 14525	Name: Address:

1. Type of Application: ☐Special Use Permit; ☑Site Plan Approval ; ☐Use Variance; ☐Subdivision Approval
   (circle one or more)

2. Description of proposed project: Applicant is requesting to set up a Road Side Stand (Retail Sales) in order to sell Home Made products.

3. Location of project: Address: 10396 Linwood Rd Pavilion, NY 14525
   Tax Map Number (TMP) 11.-1-18.112

4. Is this parcel within an Agricultural District? ☑NO ☐YES (Check with your local assessor if you do not know)
5. If YES, Agricultural District Number_____
6. Is this parcel actively farmed? ☑NO ☐YES
7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: Linwood Real Estate Group Address: 1818 Linwood Rd Linwood, NY 14486 Is this parcel actively farmed? ☐NO ☑YES	Name: Address: Is this parcel actively farmed? ☐NO ☐YES
Name: Address: Is this parcel actively farmed? ☐NO ☐YES	Name: Address: Is this parcel actively farmed? ☐NO ☐YES

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by:

Signature of Municipal Official

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.

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

Opies Gift Gallery - Road Side Stand (RSS) - Owen D. Guile

Name of Action or Project:

Road Side Stand (RSS) for Opies Gift Gallery

Project Location (describe, and attach a location map):

Tax Map # 11-1-18.112,. Address 10396 Linwood Road, Pavilion, NY 14525

Brief Description of Proposed Action:

To have a roadside stand (RSS) approximately 15' x 20' to sell my homemade sewn, loomknitted, and baked items (Deb's Goodies (Home Processor) registered with NYS Department of Agriculture and Markets). I would probably take some of the wood I split from around my property, and possibly home raised chickens' eggs to sell as well. My intent is to purchase 12" Smooth Bore Drainage so the town highway department could fill in the ditch if need be have other drainage pipe installed to keep water from building up in the RSS area. Remove 3 trees that look like they could go at the next big storm we get (they lean pretty well). Put down and level stone to have a nice foundation for the shed and parking for 1 to 3 patrons at a time. I will plan to have Solar Energy to supply electric (and a bit of warmth if needed) to this RSS as well.

Name of Applicant or Sponsor:	Telephone: (585) 802-7437
Owen D. Guile	E-Mail: owen.guile@gmail.com

Address:

10396 Linwood Road

City/PO:	State:	Zip Code:
Pavilion	NY	14525

	NO	YES
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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3. a. Total acreage of the site of the proposed action? 1.5 acres
   b. Total acreage to be physically disturbed? .14 to .20 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.5 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)

☐ Forest ☑ Agriculture ☐ Aquatic ☐ Other(Specify):

☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐

	NO	YES
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:		
The only power I intend to install is Solar Power to operate minimum electric (light or two, outlet for computer tech (credit card) and heat if, when necessary.	☑	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☑	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
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. 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: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☑ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
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?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☑	☐
If Yes, briefly describe: With being near the Road Side Ditch, rain water will either soak to the ground or go towards the ditch.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

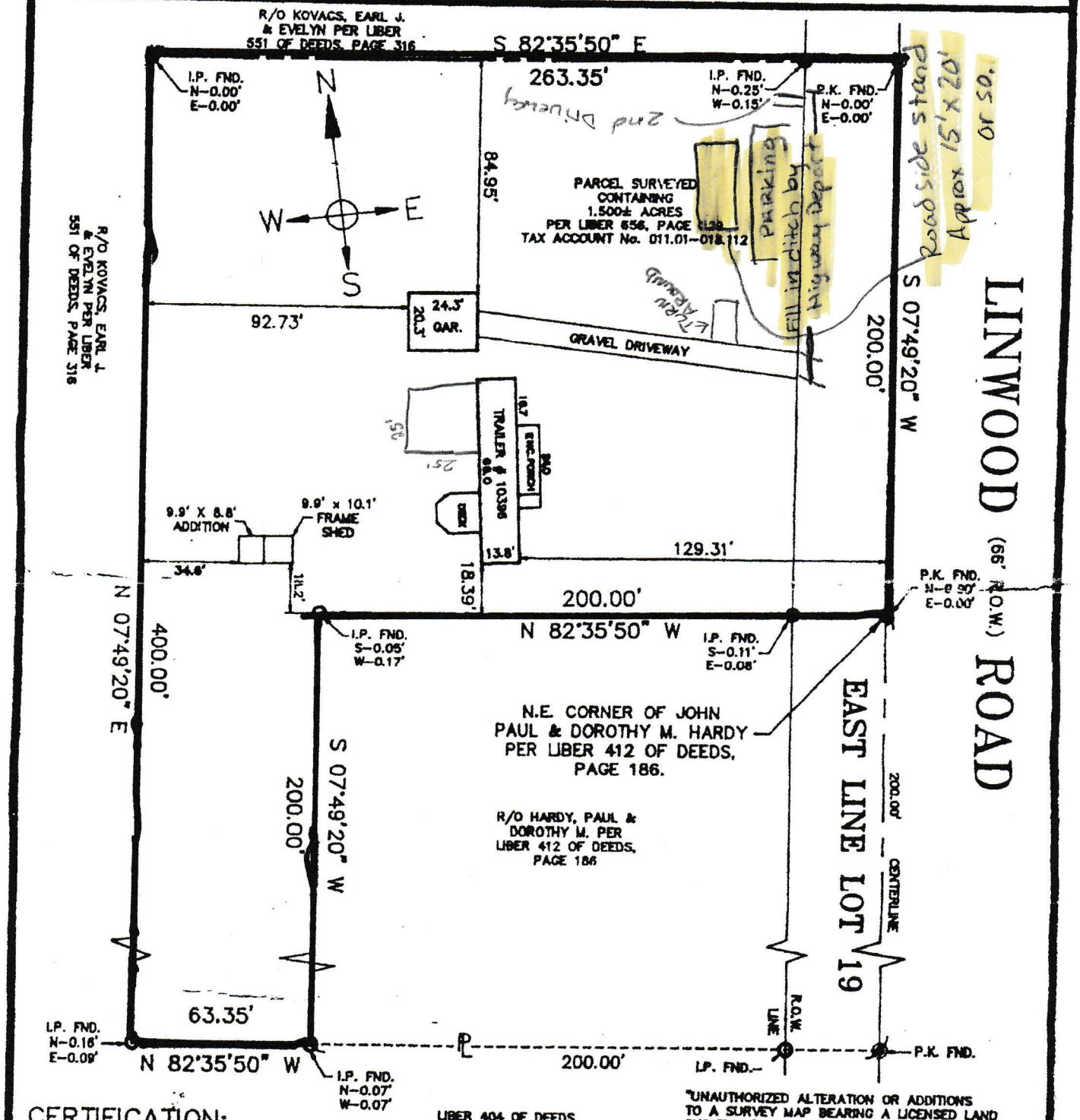
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Owen D. Guile - Owner/Operator Opies Gift Gallery Date: 18 May 2020

Signature: _____ Title: Owner

PRINT FORM

INSTRUMENT SURVEY MAP
10396 LINWOOD ROAD
BEING PART OF LOT No. 19 OF THE 40,000 ACRE TRACT, TOWN OF PAVILION, COUNTY OF GENESEE, STATE OF NEW YORK



CERTIFICATION:

I hereby certify to:

that this map was made APRIL 1, 1999

LIBER 404 OF DEEDS, PAGES 91 & 93

"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE

Building and Zoning Application Permit No._____

Town of Pavilion PO Box 126 Pavilion, NY 14525 ph. (585)584-3850 fax (585)584-8533

Date 5 / 18 / 2020 Zone____ Flood Zone No Wellhead Protection N/A Corner Lot N/A

New Construction ☐ Fence ☐ Pond ☐ Sign ☒ Alteration(s) ☐ Addition ☐ Demolition ☐

Accessory Bldg. ☒ Mobile Home ☐ Fill Permit ☐ Home Occupation ☐ Land Separation ☐ Site Plan Approval ☒

Special Use Permit ☐ Temporary Use ☐ Subdivision ☐ Zoning Variance Request ☐ Other ☒ Specify: ROADSIDE STAND.

Tax Map No. 11-1-18.112

Owners Name OWEN D. GUILE Phone No. (585) 802-7437

Address 10396 LINWOOD RD, PAVILION, NY 14525 Project Road Width _____ ft

Applicants Name OWEN D. GUILE Project Address SAME

E Mail Address owen.guile@gmail.com Phone No (___) SAME

Description of Project: see attached.

Existing Use Yard-Side Proposed Use ROADSIDE Stand business.

Estimated Cost Building $10 K Plumbing_____ Mechanical_____ Miscellaneous $15K.

SEQR CLASSIFICATION Type 1 ☐ Type 2 ☐ Unlisted ☐

Review completed by Planning Board ☐_____ Zoning Board of Appeals ☐_____

Permit Fee $_____ **Application Date** ___/___/___ **Permit Expires On** ___/___/___

Issuing Officer _____ **Date**___/___/___

IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF PAVILION CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED 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 LAW REGULATING CONSTRUCTION OR THE PREFORMANCE OF CONSTRUCTION.

I, OWEN D. GUILE, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

_____ 18 May 2020

Signature of Owner or Authorized Agent Date

Opie's Gift Gallery Road Side Stand(RSS) Description of Project

10396 Linwood Road
Pavilion, NY 14525

My intent is to have a Road Side Stand(RSS) approximately 15' x 20' to sell my homemade sewn, loom-knitted and baked items (Deb's Goodies (Home Processor) registered with NYS Department of Agriculture and Markets). I would probably take some of the wood I split from around my property, and possibly home raised chickens' eggs to sell as well. My intent is to purchase 12" Smooth Bore Drainage so the town highway department could fill in the ditch and if need be also have other drainage pipe installed to keep water from building up in the RSS area. Remove 3 trees that look like they could go at the next big storm we get (they lean pretty well). Put down and level stone to have a nice foundation for the shed and parking for 1 to 3 patrons at a time. I will plan to have Solar Energy to supply electric (and a bit of warmth if needed) to this RSS as well.

TX ID # 26-1882615

Certificate of Conducting Business Under an Assumed Name Pursuant to General Business Law, Section 130

Business Certificate

I HEREBY CERTIFY that I am conducting or transacting business under the designation or name of

OPIES GIFT GALLERY

located at 10396 LINWOOD RD., PAVILION 14525

in the County of Genesee and State of New York.

My legal name is OWEN D. GUILE

and I reside at 10396 LINWOOD RD., PAVILION, NY 14525

I FURTHER CERTIFY that I am the successor in interest for the conduct or transaction of this business to _____

[Name or Names] who previously operated using said name OR to X No Other Party.

Notes: _____

[Validation Stamp]

DOCUMENT # 4070052

02/26/2007 09:39:42 A.M.
RECEIPT: 2257 FEE: $25.00
GENESEE COUNTY CLERK

IN WITNESS WHEREOF, I have on this 26th day of February, 2007, made and executed this Certificate.

State of New York)
County of Genesee) ss:

On the 26th day of February in the year 2007, before me, the undersigned, a Notary Public in and for the said State of New York, personally appeared

Owen D Guile

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 his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Kathy A Dorman
Notary Public [Affix Seal and Stamp as Required]

GCC-2 2004

KATHY A. DORMAN
Notary Public, State of New York
No. [illegible]
Qualified in [illegible] County
My Comm[illegible] 31, 20___

KATHY A. DORMAN
Notary Public, State of New York
No. 04DO4722505
Qualified in Genesee County
My Commission Expires May 31, 2010

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Owen D Guile

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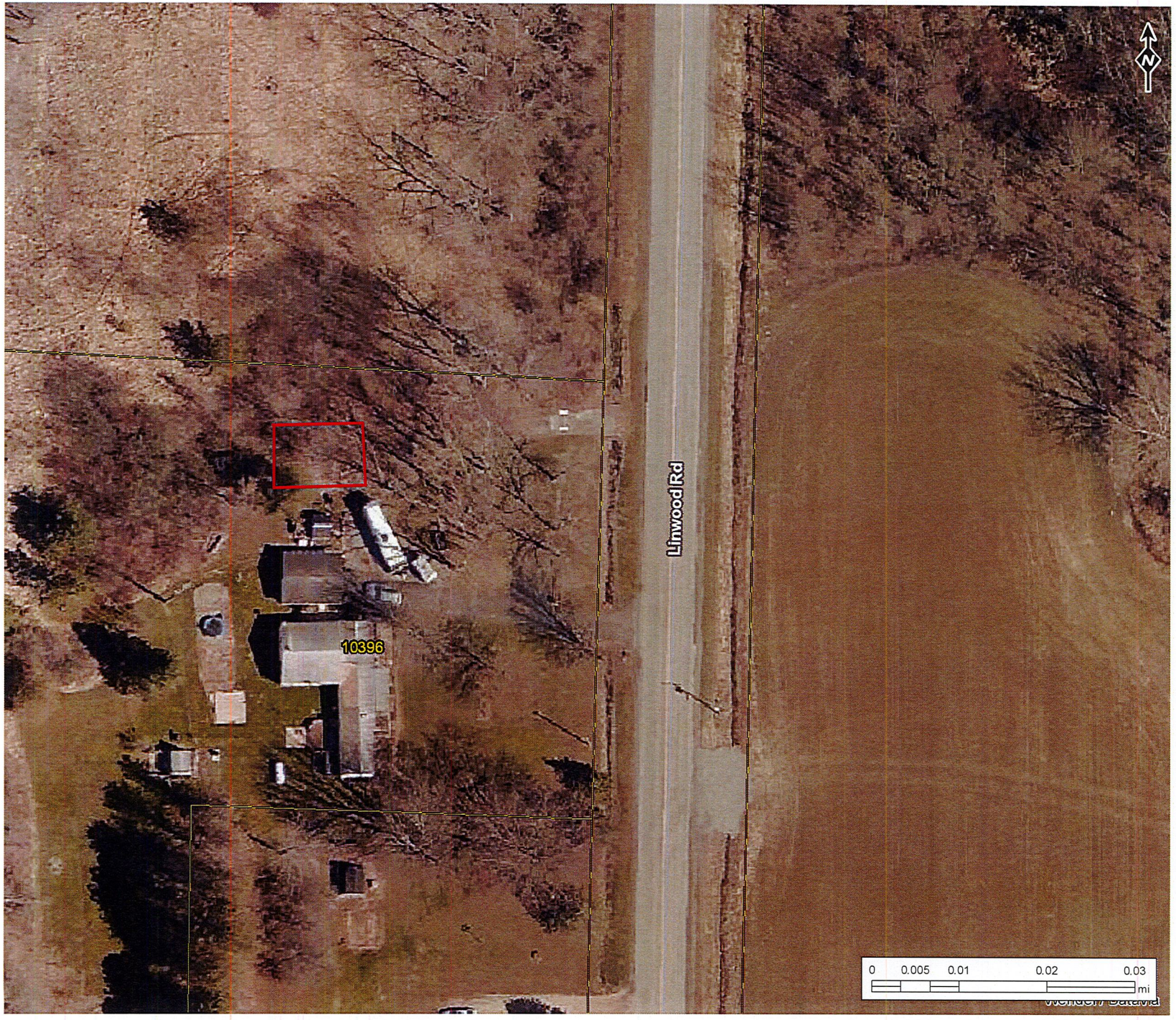
Kathy A Dorman
Notary Public [Affix Seal and Stamp as Required]

GCC-2 2004

KATHY A. DORMAN
Notary Public, State of New York
No. 04DO4722505
Qualified in Genesee County
My Commission Expires May 31, 20 10

KATHY A. DORMAN
Notary Public, State of New York
No. 04DO4722505
Qualified in Genesee County
My Commission Expires May 31, 20 10

Town of Batavia Web Mapping Application



LEGEND

- Water Tank
- Pump Station

Hydrant

- Red
- Yellow
- Yellow w/ Blue Caps

Fittings

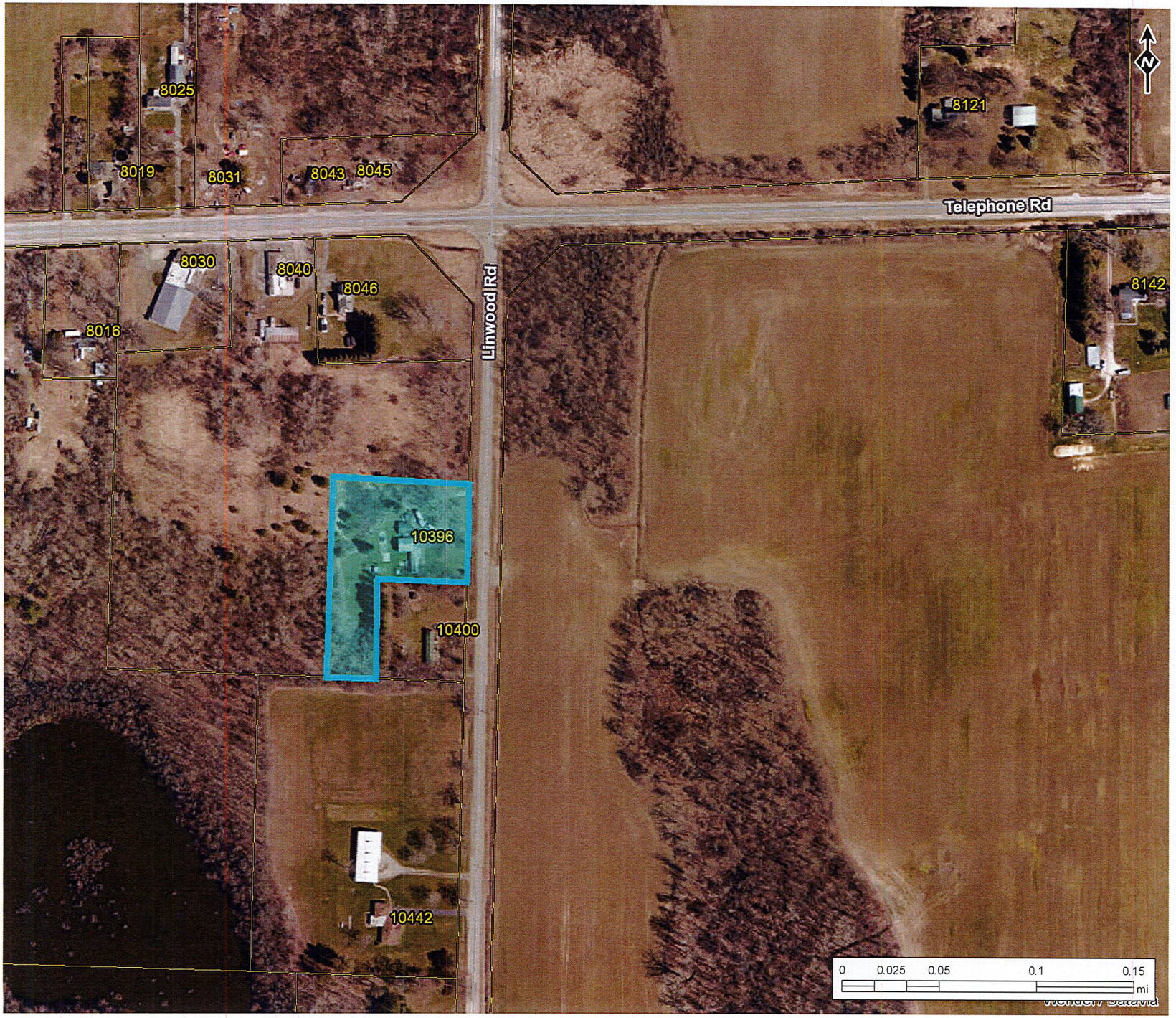
- Type Not Specified
- Bend
- Cap
- Cross
- Coupling
- Reducer
- Blowoff Connection
- Sleeve
- Tee
- Other

Meters

- Unknown
- Master Meter
- Master w/ PRV-PSV
- Meter

wendelcompanies.com

Town of Batavia Web Mapping Application



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- Master w/ PRV-PSV
- Meter

wendelcompanies.com

Town of Batavia Web Mapping Application

LEGEND

- Water Tank
- Pump Station

Hydrant

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- Yellow
- Yellow w/ Blue Caps

Meters

- Unknown
- Master Meter
- Master w/ PRV-PSV
- Meter

Valves

- Line Valve
- Check
- Corporation Stop
- Curb Box
- Gate
- Hydrant
- Pressure Reducing
- Tapping
- Water Main

Sewer Pump Station

- Pump Station
- Grinder Station

wendelcompanies.com

Glenn W Stewart
PO BOX 146
LeRoy, NY 14482-0146

Glenn W Stewart
PO BOX 146
LeRoy, NY 14482-0146

Allen J Roggen
3060 Main St
Caledonia, NY 14423

Earl J Kovacs
2580 Telephone Rd
LeRoy, NY 14482

Nancy A Bzduch
8046 Telephone Rd
LeRoy, NY 14482

Shirley Whitney
10442 Linwood Rd
Linwood, NY 14486

Keith E Scott
10416 Linwood Rd
Linwood, NY 14486

Owen D Guile
10396 Linwood Rd
Pavilion, NY 14525

Linwood Real Estate Group
1818 Linwood Rd
Linwood, NY 14486

T-02-PAV-6-20

04/23/2018