GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**T-01-ALEX-5-19**
Review Date	**5/9/2019**
Municipality	**ALEXANDER, T.**
Board Name	**ZONING BOARD OF APPEALS**
Applicant's Name	**Chad & Melissa Valyear**
Referral Type	
Variance(s)	**Area Variance(s)**
Description:	**Area Variance to build a chicken coop and house chickens.** **Lot line setback for stabling of farm animals** **Minimum required: 100 ft.** **Proposed: 9 ft. (side) & 10 ft.(rear)**
Location	**9639 Alexander Rd. (NYS Rt. 98), Alexander**
Zoning District	**Agricultural-Residential (AG-R) District**

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variances should pose no significant county-wide or inter-community impact. The property is surrounded by active farmland enrolled in the NYS Agricultural District Program at least through 2023.

Felice A. Stamm

Director

May 9, 2019

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-01-ALEX-5-19

RECEIVED
Genesee County
Dept. of Planning
5/2/2019

* GENESEE COUNTY * PLANNING BOARD REFERRAL

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 Alexander Planning Board
Address 3350 Church St
City, State, Zip Alexander, NY 14005
Phone (585) 591-2455 Ext.

2. APPLICANT INFORMATION

Name Chad & Melissa Valyear
Address 9639 Alexander Rd
City, State, Zip Alexander, NY 14005
Phone (716) 474-2299 Ext. Email valfab33@aol.com

MUNICIPALITY: ☐ City ☒ Town ☐ Village of Alexander

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 9639 Alexander Rd Alexander, NY 14005
B. Nearest intersecting road Cookson Rd
C. Tax Map Parcel Number 15.-1-58
D. Total area of the property .75 acres Area of property to be disturbed 144 sq/ft
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

Town of Alexander Zoning Code Section 408

C. Please describe the nature of this request Applicant is requesting an Area Variance to build a chicken coop and house the chickens 10' from the rear property line, and 9' from the side property line

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 ZEO 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 Alexander Application #_____
(circle one)

Agricultural Data Statement

Date 05/02/2019

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: Chad & Melissa Valyear Address: 9639 Alexander Rd Alexander, NY 14005	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 an Area Variance to build a chicken coop and house chickens 10' from the rear property line, and 9' feet from the side property line

3. Location of project: Address: 9639 Alexander Rd Alexander, NY 14050
   Tax Map Number (TMP) 15.-1-58

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: John H Meier Address: 9683 Alexander Rd Alexander, NY 14005 Is this parcel actively farmed? ☐NO ☑YES	Name: Joseph H Maher Address: 2789 Colby Rd Brockport, NY 14420 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: _____ 5/2/19
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.

John H Meier
9683 Alexander Rd
Alexander, NY 14005

Gary J Bender
58 Oak St
Batavia, NY 14020

John H Meier

Linda M Malaniak
9630 Route 98
Alexander, NY 14005

Chad M Valyear
9639 Route 98
Alexander, NY 14005

Robert Hanlin
9642 Route 98
Alexander, NY 14005

Vincent E Antonucci
9607 Alexander Rd
Alexander, NY 14005

Joseph H Maher
2789 Colby St
Brockport, NY 14420

Building and Zoning Application Permit No. ToA 19-04

Town of Alexander 3350 Church Street PO Box 248 Alexander, NY 14005 (585)591-2455

Date 4 / 10 / 19 Zone____ Flood Zone____ Wellhead Protection ____ Corner Lot____

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:_____

Tax Map No. 15.-1-58

Owners Name chad & melissa valyear Phone No. (716) 474-2299

Address 9639 Alexander Rd Project Road Width _____ft

Applicants Name chad valyear Project Address 9639 Alexander Rd

E Mail Address valfa633@aol.com Phone No (716) 474-2299

Description of Project: chicken coop

Existing Use _____ Proposed Use chicken coop

Estimated Cost Building 3000.00 Plumbing none Mechanical none Miscellaneous none

SEQR CLASSIFICATION Type 1 ☐ Type 2 ☐ Unlisted ☐

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

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

Issuing Officer _____ **Date** 5 / 2 / 19

IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA 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, melissa valyear, 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.

melissa valyear 4/10/19

Signature of Owner or Authorized Agent Date

Construction Attachment:

Permit No. _____

Type of Construction

Agriculture ☐ Commercial ☐ Industrial ☐ Residential ☐ Miscellaneous ☐

Contractors

General Contactors Name _____ Address_____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

Certificate of Workers Compensation: Yes ☐ No ☐ Expiration Date __/__/__

Liability Insurance: Yes ☐ No ☐ Expiration Date __/__/__

APPLICANT SHALL PROVIDE A COPY OF ALL INSURANCE AND WORKERS COMP. WITH THIS APPLICATION

- **Masonry** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

- **Electrical** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

- **Plumbing** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

- **Alarms / Sprinklers** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

- **HVAC** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

- **Landscape / Site** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

- **Miscellaneous** _____ Phone (__)_____

Office Phone (__)_____ Cell Phone(__)_____ Fax No. (__)_____ E-Mail _____

Signature of Owner or Authorized Agent *X* _____ Date _____

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

This form cannot be used to waive the workers' compensation rights or obligations of any party.

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

☑ I am performing all the work for which the building permit was issued.

☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.

☐ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR

- have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

Melissa Valyer
(Signature of Homeowner)

4/10/19
(Date Signed)

melissa valyer
(Homeowner's Name Printed)

Home Telephone Number (716)474-2299

Property Address that requires the building permit:

_____

_____

_____

_____

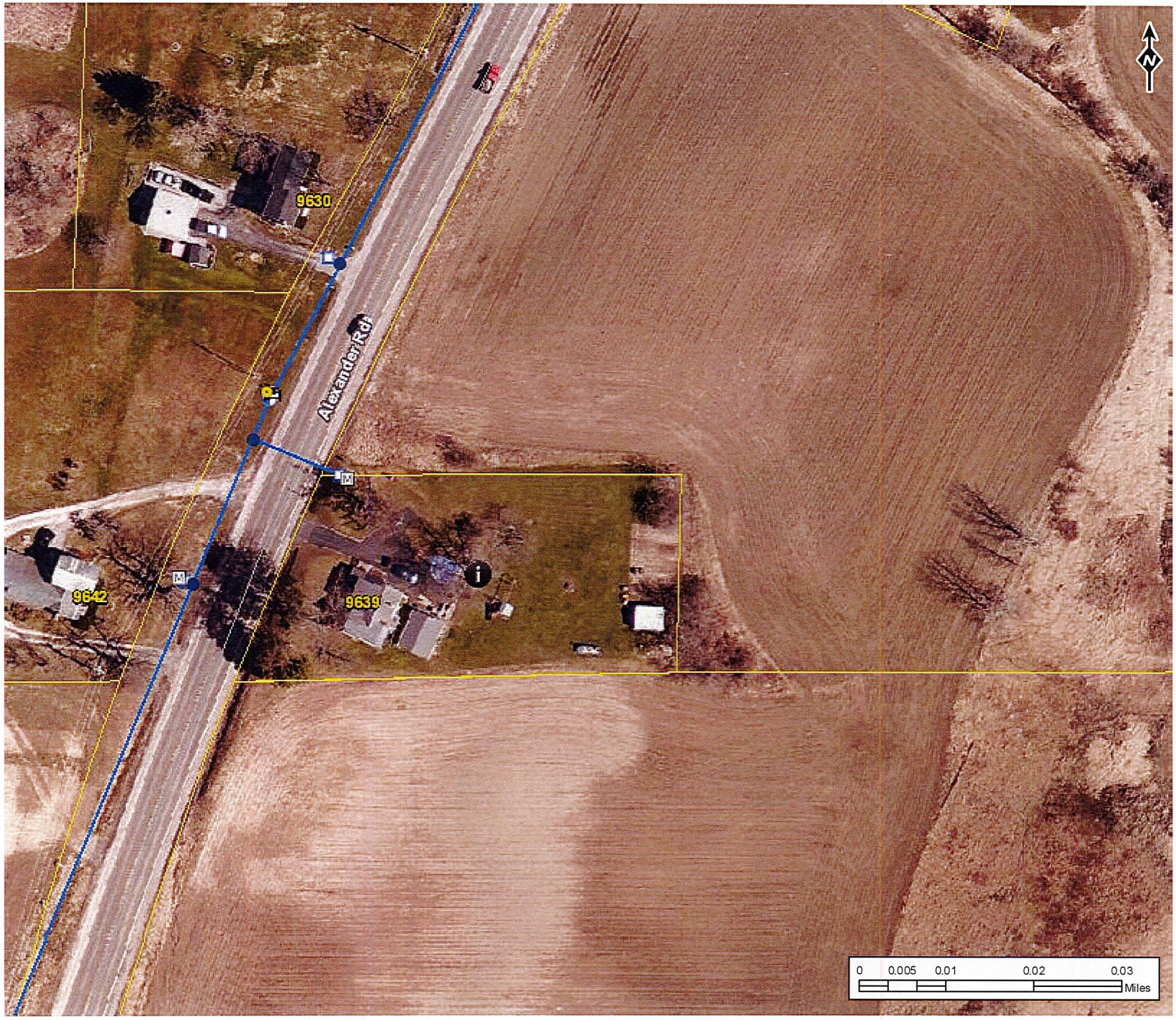
Sworn to before me this 10 *day of* April, 2019.

Lisa L. Lyons
(County Clerk or Notary Public)

LISA L. LYONS
Notary Public - State of New York
No. 01LY6254122
Qualified in Genesee County
Commission Expires January 9, 2020

Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

Town of Batavia GIS Web Map



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
- Meter

Valves

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

- Water Main

wendel
wendelcompanies.com

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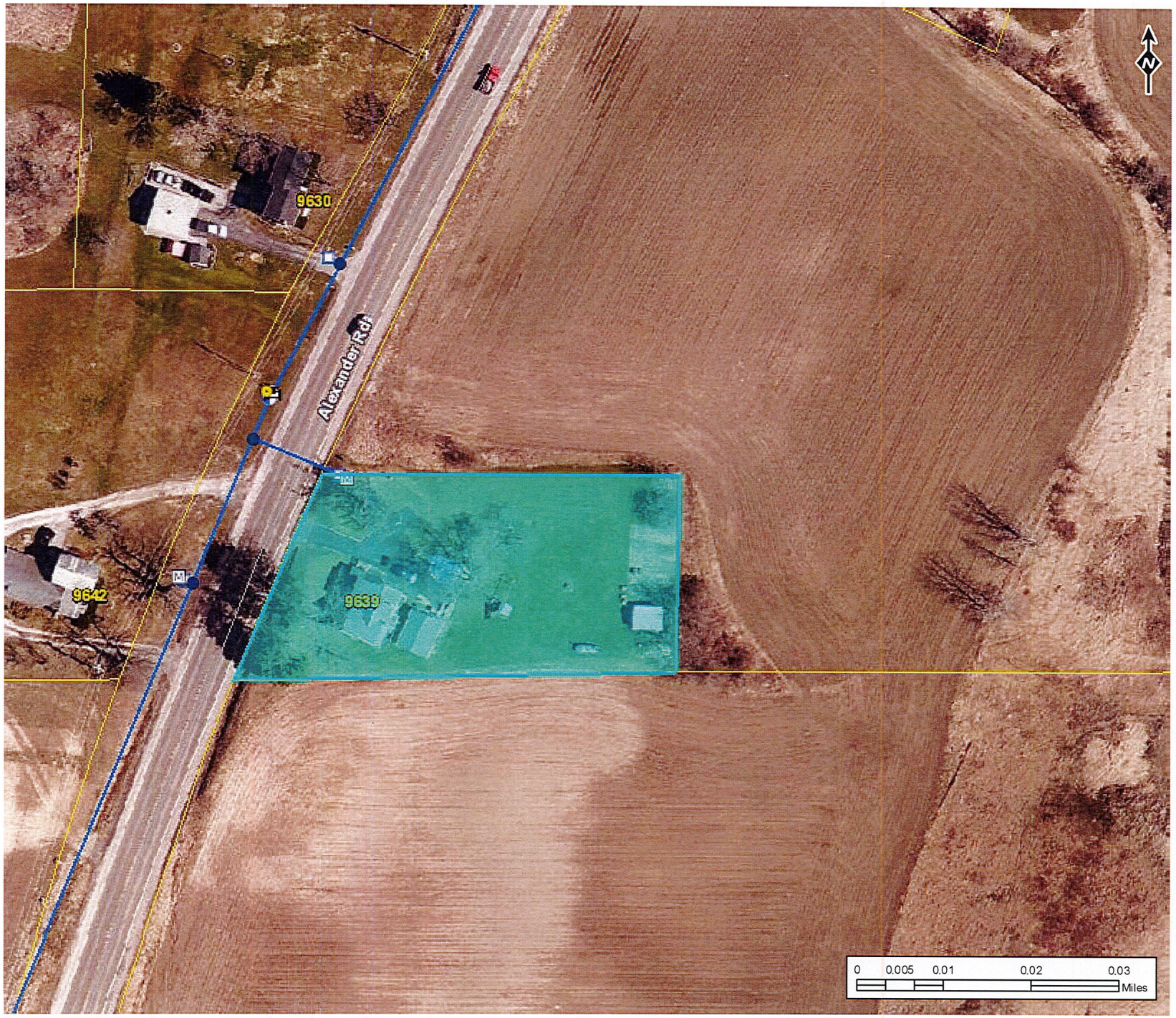

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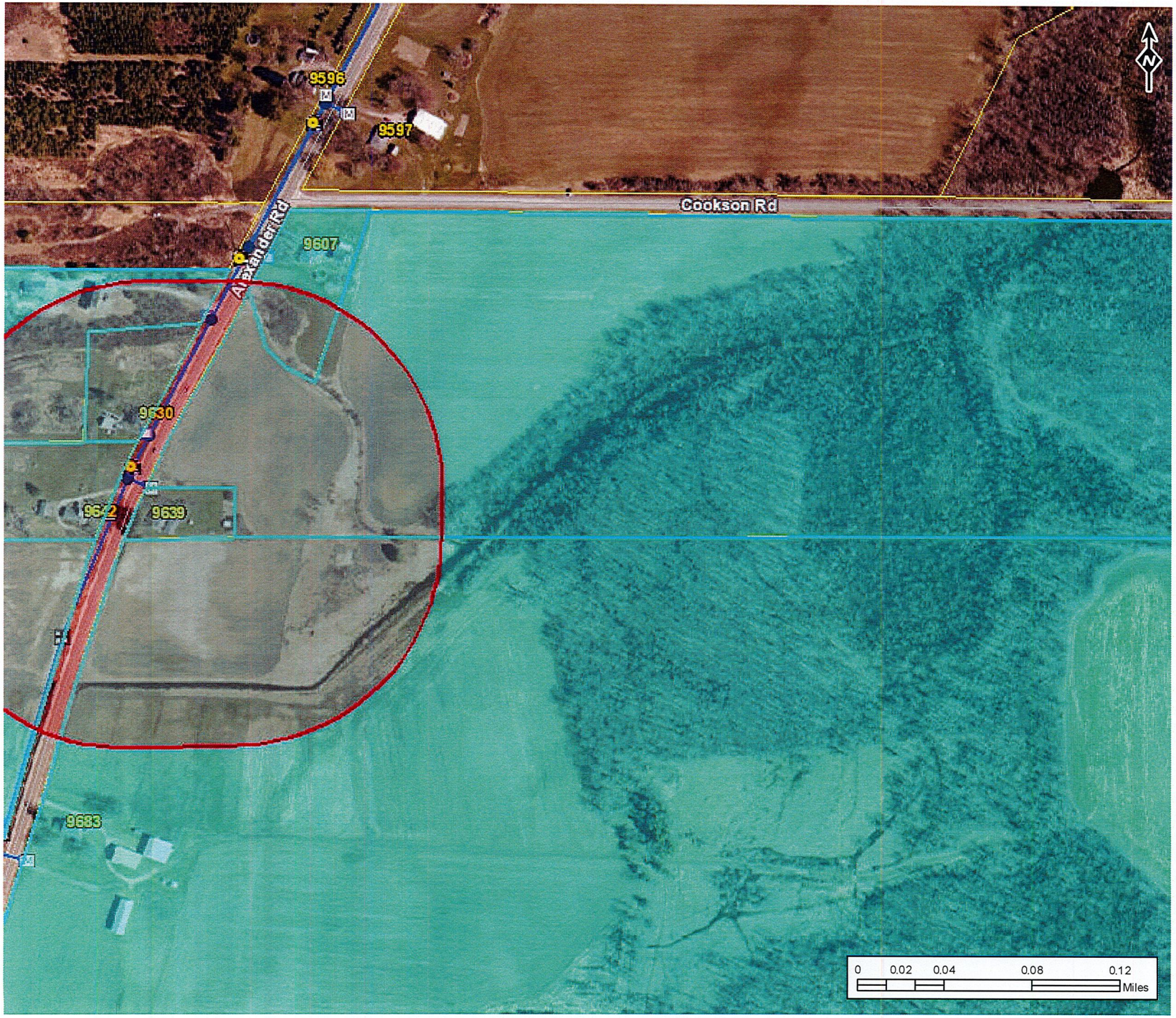

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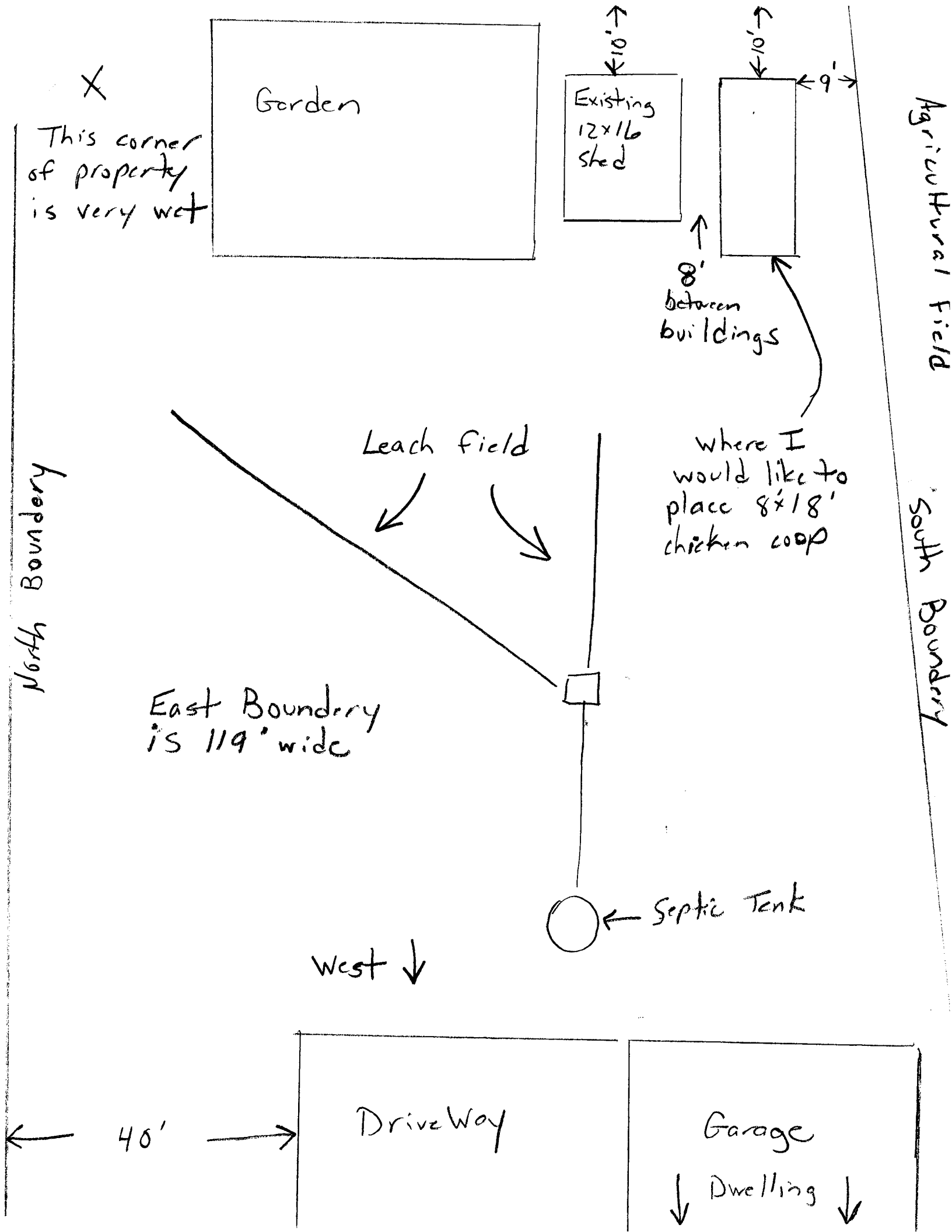

X
This corner of property is very wet
Garden
10'
Existing 12x16 shed
10'
9'
8' between buildings
Agricultural Field
Leach field
where I would like to place 8x18' chicken coop
North Boundary
South Boundary
East Boundary is 119' wide
Septic Tank
West
40'
DriveWay
Garage
Dwelling

GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town of Batavia must show by documentation in the record that the benefit to the Applicant from the proposed variance will not outweigh the detriment to the health, safety, and welfare of the community and the neighborhood, if the variance is granted. (See Town Law §267-b(3)).

In making this determination the Zoning Board of Appeals shall consider the following factors, and the Applicant must respond to these questions with facts and circumstances and not merely repeat all or part of the questions.

1. Whether or not an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

   This will not be a change that affects the nearby properties as our property is surrounded by agricultural fields. It will be well-maintained, match the current buildings on our property, and not in the direct eyesight of the neighbors.

2. Whether or not the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

   It cannot be achieved without a variance because our property is not large enough for the rule of livestock being 100 ft from the property line.

3. Whether or not the requested Area Variance is substantial.

   We need the variance to uphold the rules of having livestock. It will not affect our neighbors in any way.

4. Whether or not the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

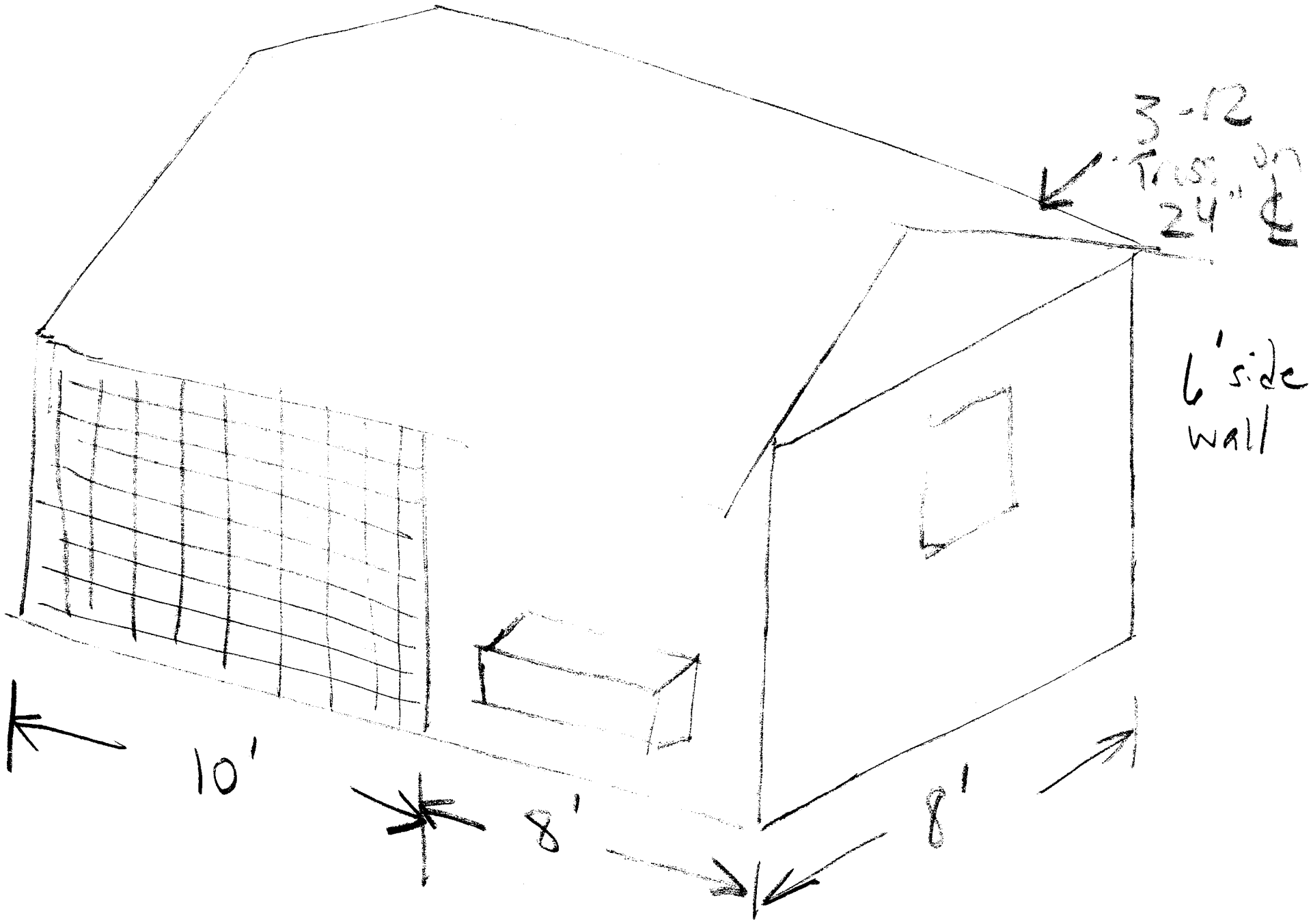
This chicken coop will be well-maintained. It is not in the direct eyesight of neighbors. All of the waste will be composted, so there will be no adverse effects, the environment will not be affected.

5. Whether or not the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

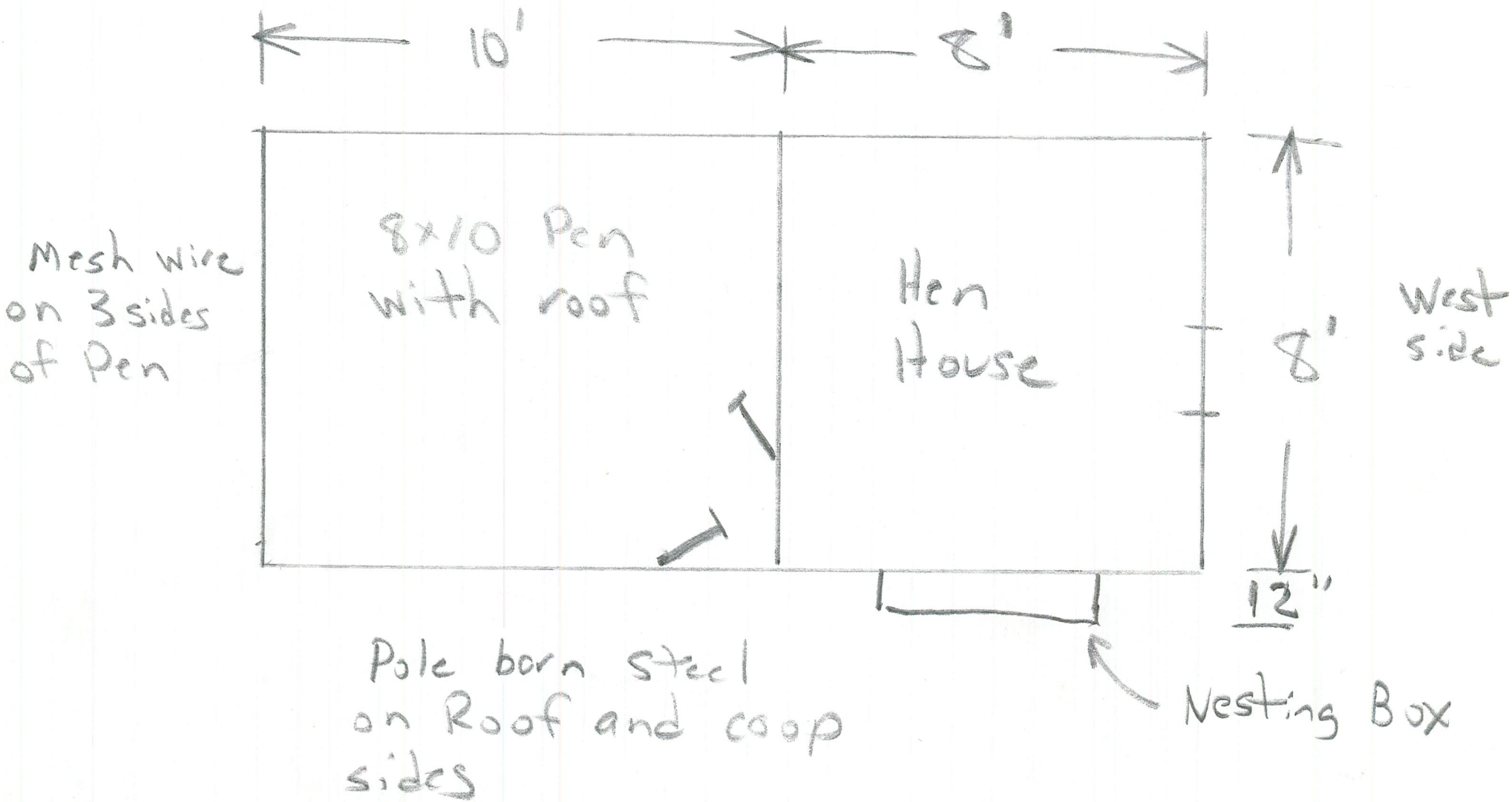
This difficulty is the result of our property NOT being wide enough to adhere to the 100-ft rule, it is not a self created problem

M. [illegible]
Applicant Signature

4/24/19
Date


3-12
Truss
24" ℄
6' side
wall
10'
8'
8'

South side


10'
8'
Mesh wire on 3 sides of Pen
8x10 Pen with roof
Hen House
8'
West side
12"
Pole born steel on Roof and coop sides
Nesting Box

T-01-ALEX-5-19

04/22/2018