GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**T-04-PAV-10-18**
Review Date	**10/11/2018**

Municipality	**PAVILION, T.**
Board Name	**ZONING BOARD OF APPEALS**
Applicant's Name	**Joseph & Kathleen Spataro**
Referral Type	
Variance(s)	**Area Variance(s)**
Description:	**Area Variance to transfer land between two properties.** **Lot Frontage** **Minimum required: 200 ft.** **Proposed: 140 ft.**
Location	**10307 Creek Rd., Pavilion**
Zoning District	**Agricultural-Residential 1 (AR-1) District**

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variance is not significant and should pose no significant county-wide or inter-community impact.

Felix A. [illegible]

Director

October 11, 2018

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-04-PAV-10-18

RECEIVED
Genesee County
Dept. of Planning
10/3/2018

* 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) Pavilion ZBA
Address One Woodrow Dr PO Box 126
City, State, Zip Pavilion, NY 14525
Phone (585) 584 - 8533 Ext.

2. APPLICANT INFORMATION

Name Joseph and Kathleen Spataro
Address 10293 and 10307 Creek Rd
City, State, Zip Pavilion, NY 14525
Phone (585) 584 - 3396 Ext. Email

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 10293 and 10307 Creek Rd Pavilion, NY 14525
B. Nearest intersecting road Telephone Rd
C. Tax Map Parcel Number 9.-1-49.1 and 9.-1-48.1
D. Total area of the property 1.5 and 2.1 Acres Area of property to be disturbed 0
E. Present zoning district(s) AR-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

Town of Pavilion Zoning Code Schedule A (AR-1)

C. Please describe the nature of this request Applicant is requesting an Area Variance for Required Frontage, Through Re-surveying the applicants two (2) parcels, they are requesting 200' of Road Frontage for parcel 9.-1-49.1, and approximately 140' or the remainder of Road Frontage for parcel 9.-1-48.1

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

SEP 2 7 2018

Building and Zoning Application Permit No._____

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

Date 9 / 27 / 18 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. 9.-1-49.1 / 9.-1-48.1

Owners Name Joseph + Kathleen Spataro Phone No. (585) 584-3396

Address_____ Project Road Width _____ft

Applicants Name Joseph + Kathleen Spataro Project Address 10293 + 10307 Creek Rd Pavilion, N.Y

E Mail Address_____ Phone No (___) _____

Description of Project: Change Boundary lines between both properties

Existing Use Residential Proposed Use As is

Estimated Cost Building None Plumbing None Mechanical None Miscellaneous cost of survey

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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, _____, 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.

_____ _____

Signature of Owner or Authorized Agent Date

GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town of Pavilion 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.

   We Are not changing the character of the neighborhood we want to bring 10293 Creek Rd as close as possible to the zoning requirements for lot size And Frontage.

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.

   We Are limited by the size of both lots. Any other way would require additional land to be incorporated to these Existing lots.

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

   We are not changing any of the land Appearance we want to protect 10293 Creek Rd. its well, septic system and any attempt in the future to encroach on the land.

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.

There will be no buildings or land construction. The physical appearance will not change, the boundary lines are the only change we are seeking.

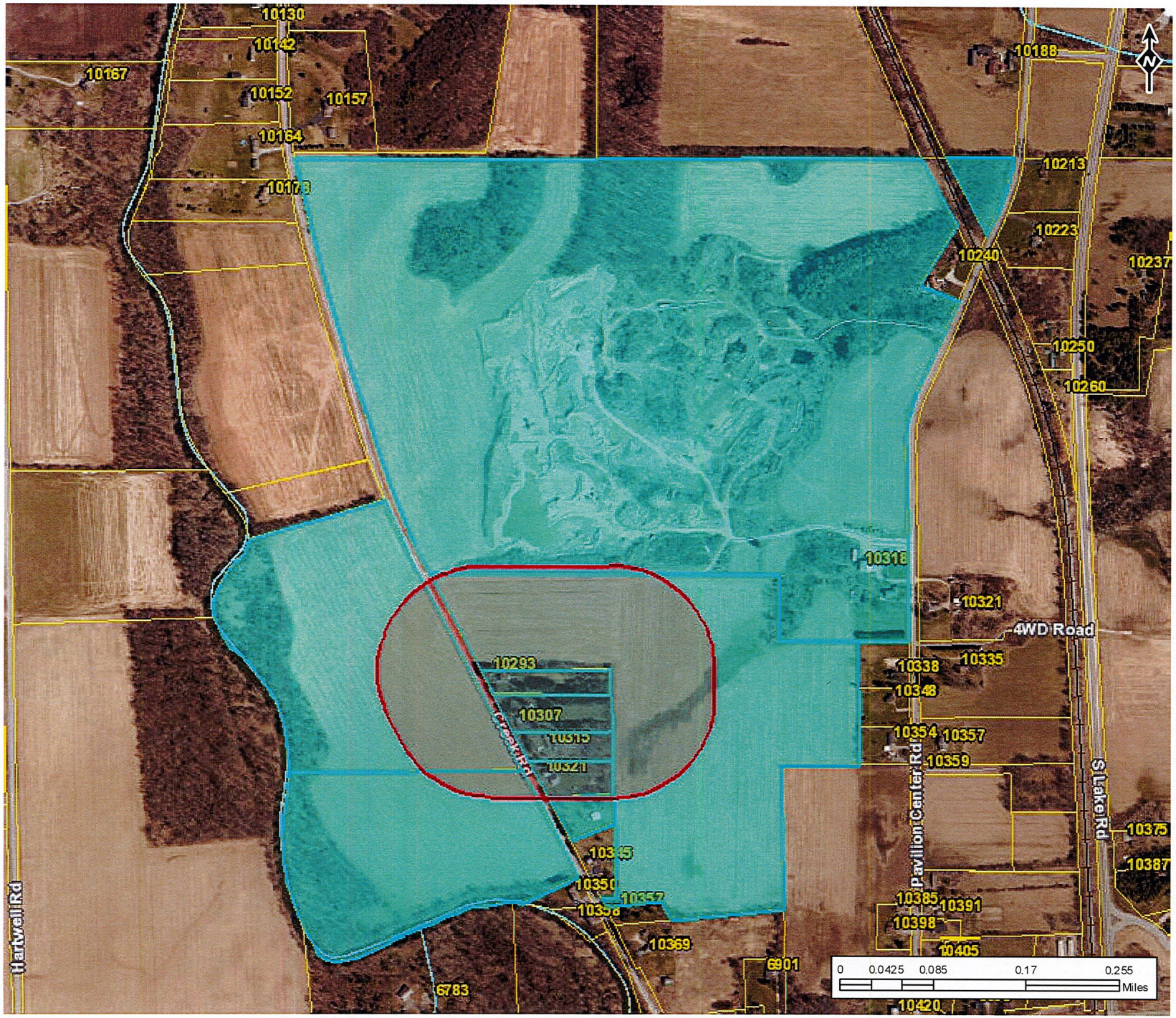
5. Whether or not the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

We purchased the existing properties as is. We did not alter or construct anything to create the size or appearance of the two properties. We want to bring 10293 Cedar Rd as close to zoning compliance as possible.

Applicant Signature

9/27/18
Date

Town of Batavia GIS Web Map



LEGEND

- Water Tank
- Pump Station

Hydrant

- Draining
- Nondraining

Fittings

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

Meters

- Unknown
- Master Meter
- Meter

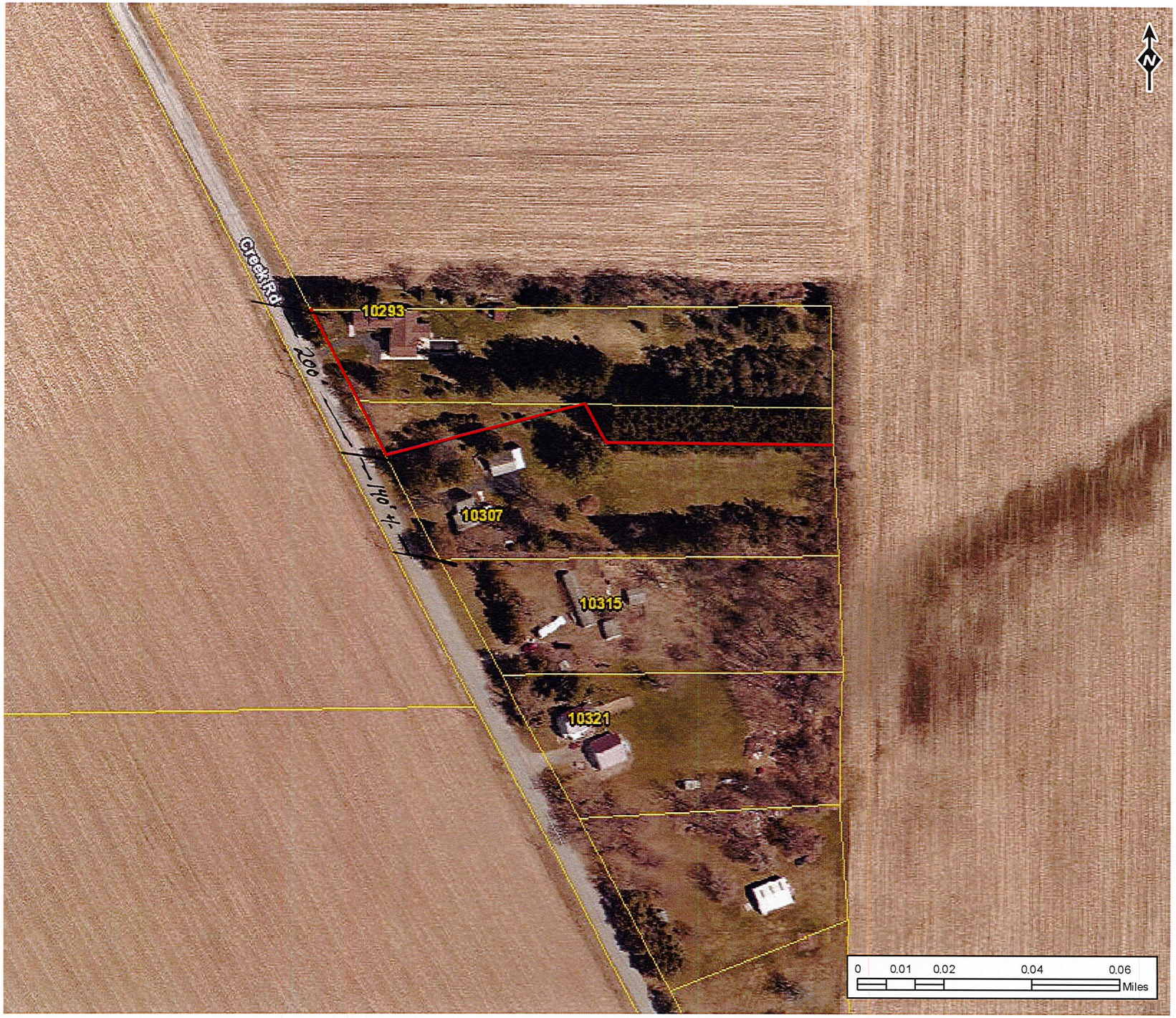
Valves

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

- Water Main

wendel
wendelcompanies.com

Town of Batavia GIS Web Map



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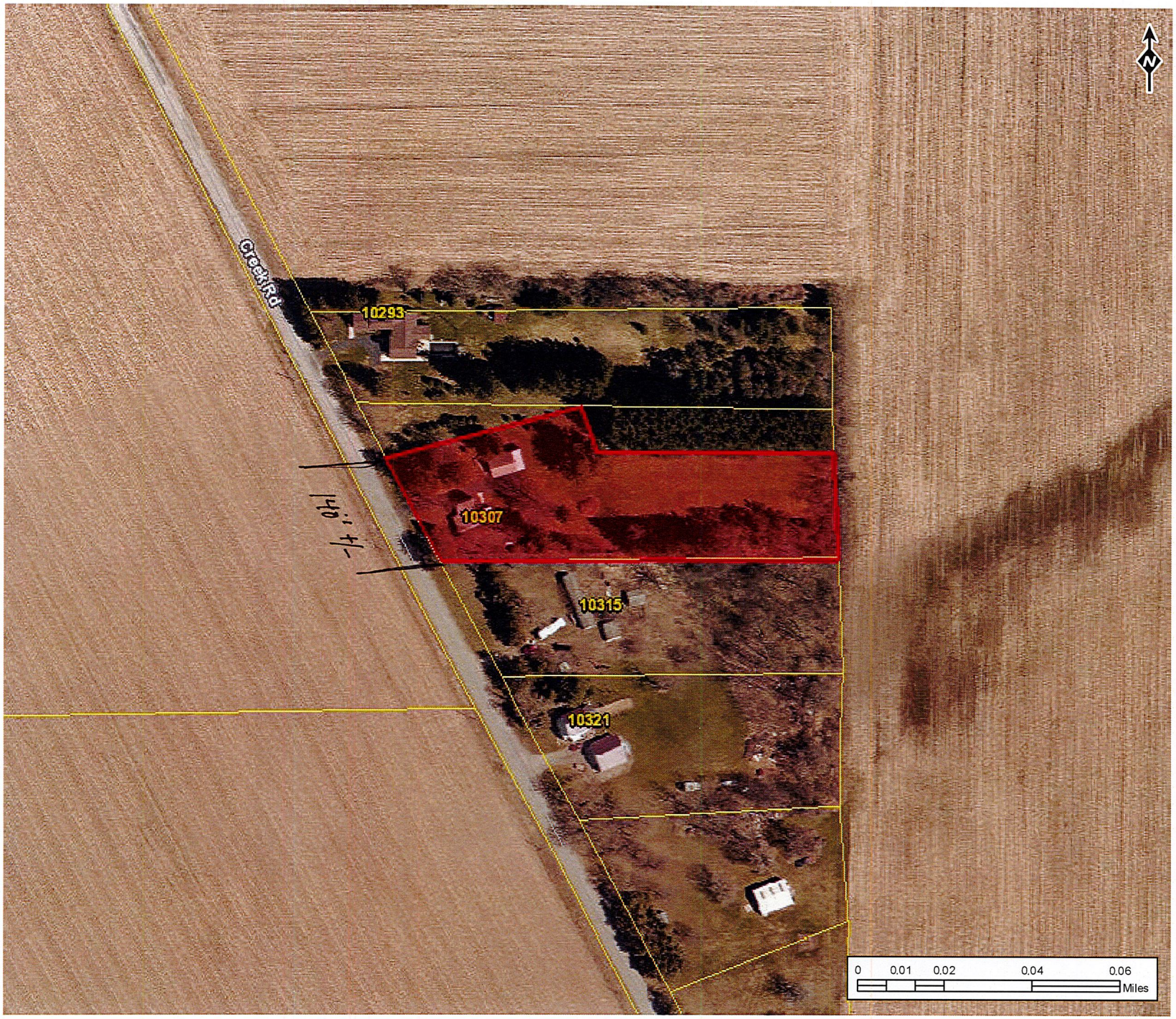

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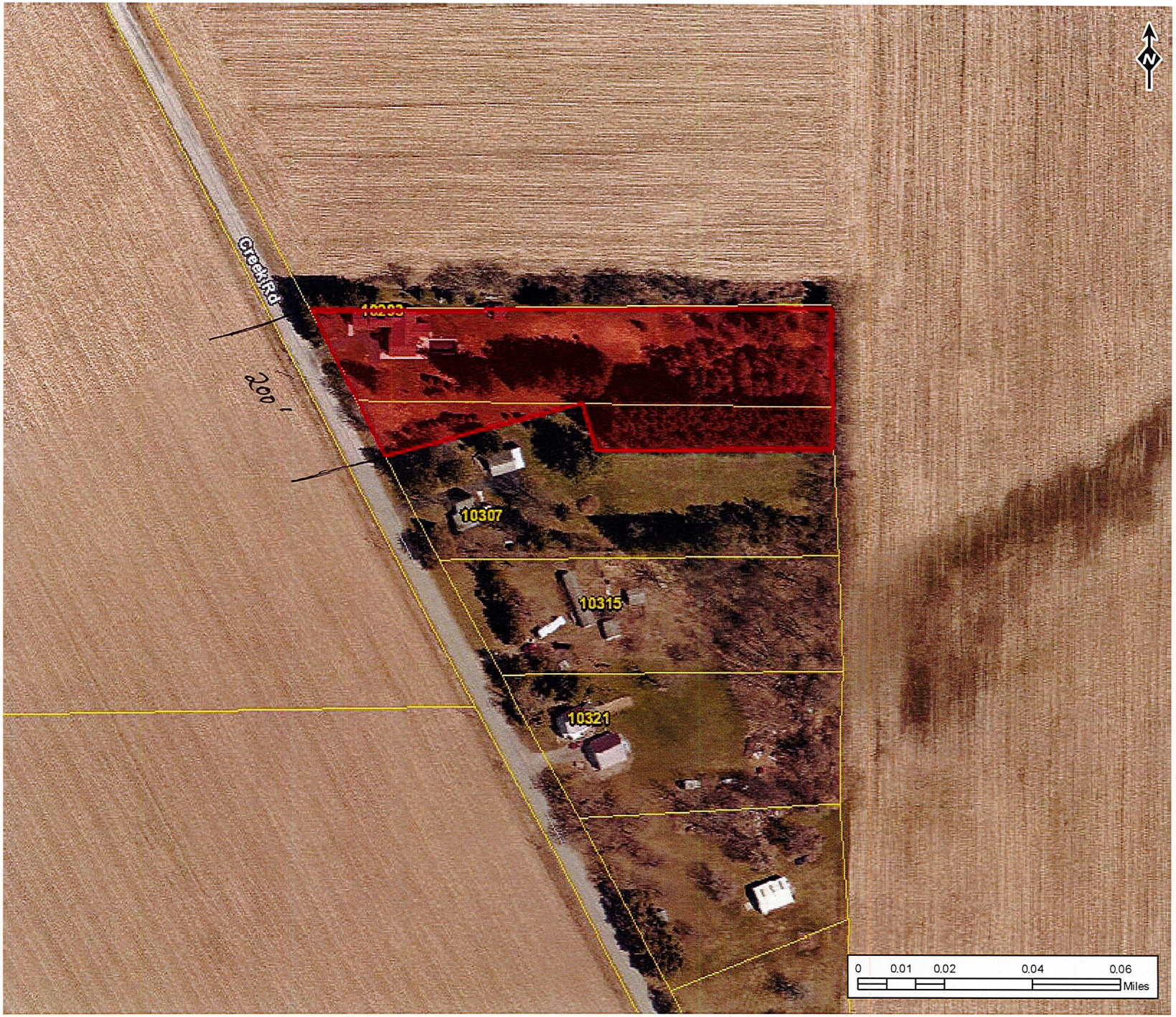

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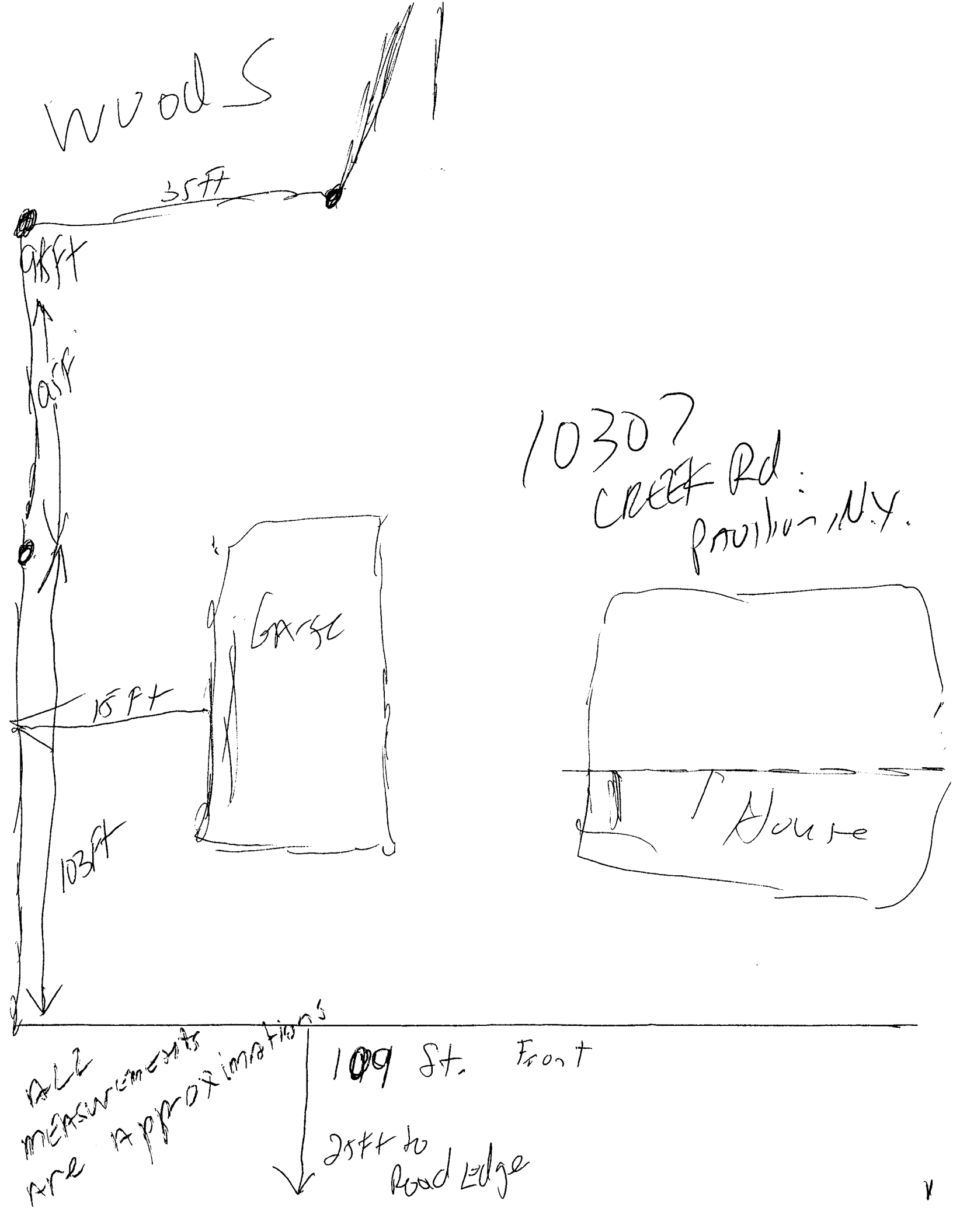
Woods
35ft
95ft
105ft
15ft
103ft
Garge
10307
Creek Rd.
Pavilion, N.Y.
House
ALL measurements are approximations
109 St. Front
25ft to Road Edge

Isabell MacDuffie
10318 Pavilion Ctr Rd
Pavilion, NY 14525

Alton MacDuffie Attn: Theodore Mac Duffie
10318 Pavilion Ctr Rd
Pavilion, NY 14525

Joseph J Spataro
10293 Creek Rd
Pavilion, NY 14525

Joseph J Spataro
10293 Creek Rd
Pavilion, NY 14525

Douglas W Vagg
10321 Creek Rd
Pavilion, NY 14525

Douglas W Vagg
10321 Creek Rd
Pavilion, NY 14525

David F Smith
10345 Creek Rd
Pavilion, NY 14525

Alton MacDuffie
10318 Pavilion Ctr Rd
Pavilion, NY 14525

Alton MacDuffie
10318 Creek Rd
Pavilion, NY 14525

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:
Draw new property (Boundary Lines) for 10293 + 10307 Creek Rd Pavilion, N.Y.

Project Location (describe, and attach a location map):
Creek Rd Pavilion, N.Y.

Brief Description of Proposed Action:
Have surveyors draw new property Lines.

Name of Applicant or Sponsor:	Telephone: 585-584-3396
Joseph + Kathleen Spatano	E-Mail:

Address:
10253 Creek Rd

City/PO:	State:	Zip Code:
Pavilion	N.Y	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 governmental Agency? If Yes, list agency(s) name and permit or approval: Pavilion Town Board (Planning) + Genesee County Planning	☐	☒

3.a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? none acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ALL acres

4. Check all land uses that occur on, adjoining and 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?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		☐	☒
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		☒	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		☒	☐
b. Are public transportation service(s) available at or near the site of the proposed action?		☒	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		☒	☐
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:		☐	☒
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		☒	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		☒	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		☒	☐
b. Is the proposed action located in an archeological sensitive area?		☒	☐
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 (Two homes)

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 plain?		☒	☐
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? ☒ NO ☐ YES		☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☒ NO ☐ YES			

	NO	YES
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)? If Yes, explain purpose and size: _____	☒	☐
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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: JOSEPH SPATARO Date: 9-27-18

Signature: _____

PRINT FORM

T-04-PAV-10-18

04/23/2018