GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID	**T-04-BETH-6-15**
Review Date	**6/11/2015**
Municipality	**BETHANY, T.**
Board Name	**PLANNING BOARD/ZBA**
Applicant's Name	**Baskin Livestock**
Referral Type	**Site Plan Review**
Variance(s)	**Area Variance(s)**
Description:	**Site Plan Review and Area Variance to replace an exiting barn with a new 4,800 sq. ft. (48 x 100 ft.) barn, Area Variance to erect a 17 sq. ft. (3.1 x 5.5 ft.) sign and Site Plan Review to cover an existing 8,800 sq. ft. (80 x 110 ft.) wash bay for a farm operation in a NYS Certified Ag District.** **Front Yard Setback** **Minimum required: 85 ft.** **Proposed and Existing: 43 ft.** **Sign Area** **Maximum allowed: 6 sq. ft.** **Proposed: 17 sq. ft.**
Location	**9778 Creek Rd., Bethany**
Zoning District	**Agricultural-Residential (A-R) District**

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed sign and agricultural buildings should pose no significant county-wide or inter-community impact. The barn will not be any closer to the road than the existing barn and the proposed sign is consistent with other large agricultural operations. It is recommended that the Town forward the site changes to the Bethany Fire Department for comments and to alert them of the presence of these new buildings and their contents.

Felix A. [illegible]

Director

June 11, 2015

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) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # T-04-BETH-6-15

RECEIVED
Genesee County
Dept. of Planning
5/28/2015

* 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) ZBA / Planning Board
Address 10510 Bethany Center Road
City, State, Zip East Bethany NY 14054
Phone (585) 343-1399 Ext.

2. APPLICANT INFORMATION

Name Baskin Livestock
Address 9778 Creek Road
City, State, Zip Batavia NY 14020
Phone (585) 344-4452 Ext. Email

MUNICIPALITY: ☐ City ☒ Town ☐ Village of Bethany

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 9778 Creek Road
B. Nearest intersecting road Putnam Road
C. Tax Map Parcel Number 1.-1-62
D. Total area of the property 190 A Area of property to be disturbed approx. 1 A
E. Present zoning district(s) A-R

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

Art. III, Sec. 301, Subsec. Schedule A, A-R, Front Yard, Non-resedential; Art. VI, Section 607, Subsec. D, Para. 2

C. Please describe the nature of this request Art. III, Subsec. 306, Subsec. A, Para 1

Erect a 37" x 66" sign (6 sq ft allowed); Erect 48' x 100' barn, 43' from ROW (85' required; erect/cover

an approximately 110' x 80' wash bay

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:

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

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

Name Debbie Douglas Title Town Clerk Phone (585) 343-1399 Ext.
Address, City, State, Zip 10510 Bethany Center Rd, E. Bethany 14054 Email tob-clerk@townofbethany.com

TOWN OF BETHANY
Site Plan Review Application

APPLICATION NO: SPR1502

DATE: 5/26/15

PROPERTY OWNER: Susan Blackburn

ADDRESS: 9778 Creek Rd PHONE NO: 585 727-4330

APPLICANT (if other than owner): Baskin Livestock

ADDRESS: 9778 Creek Rd PHONE NO: 343-4452

LOCATION OF PROPERTY: 9778 Creek Rd

ZONING DISTRICT: A-R TAX MAP PARCEL NO: 1.-1-62

PROVISION OF ZONING LAW INVOLVED:

ARTICLE: III SECTION: 306 SUBSEC: A PARA: 1

PURPOSE OF REQUEST: Erect/cover an approx 110' x 80' wash (existing)

The owner must submit appropriate supporting materials including site plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any other materials that will assist the Board in understanding the request.

CERTIFICATION: I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and of work or use will be complied with whether specific 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 ordinance or performance of construction.

Signature of Property Owner: _____ Date: 5/27/15
(only applications signed by the property owner may be considered)

OFFICE USE ONLY:
Amount/Date Fee Paid: $50.00 / 5/27/15
Check No/Cash: 72733

G.C.P.B. Submission: 5/27/15
G.C.P.B. Recommend: _____
Date Received: _____

Planning Board 1st Hearing: _____
Planning Board 2nd Hearing: _____
Planning Board Recommend: _____
Signature: _____
Date: _____

500 ft. Notification: _____
1st Public Hearing: _____
Town Board Recommend: _____
Date of Meeting: _____
File Closed: _____

TOWN OF BETHANY

X Area ___Use ___Interpretation Variance

APPLICATION NO: AV1505

DATE: 5/26/15

PROPERTY OWNER: Susan Blackburn

ADDRESS: 9778 Creek Rd PHONE NO: 585 727-4330

APPLICANT (if other than owner): Basken Livestock

ADDRESS: 9778 Creek Rd PHONE NO: 344-4452

LOCATION OF PROPERTY: 9778 Creek Rd

ZONING DISTRICT: AR TAX MAP PARCEL NO: 1.-1-62

PROVISION OF ZONING LAW INVOLVED:

ARTICLE: III SECTION: 301 SUBSEC: Sch A PARA: A-R, FR7 yd, NON Res.

PURPOSE OF REQUEST: Erect A 48x100 BARN, 43' from R.O.W. (85' req)

The owner must submit appropriate supporting materials including site plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any other materials that will assist the Board in understanding the request.

CERTIFICATION: I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and of work or use will be complied with whether specific 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 ordinance or performance of construction.

Signature of Property Owner: _____ Date: 5/27/15

(only applications signed by the property owner may be considered)

OFFICE USE ONLY:

Amount/Date Fee Paid: $100.00 / 5/27/15

Check No/Cash: 72733

Planning Board Submission: 5/27/15

Planning Board Recommend: _____

G.C.P.B. Submission: 5/27/15

G.C.P.B Recommend: _____

Date Received: _____

500 ft Notification: _____

1st Public Hearing: _____

2nd Public Hearing: _____

ZBA Recommend: _____

Signature: _____

File Closed: _____

TOWN OF BETHANY

X Area ___Use ___Interpretation Variance

APPLICATION NO: AV1504

DATE: 5/26/15

PROPERTY OWNER: Susan Blackburn

ADDRESS: 9778 Creek Rd PHONE NO: 343-6651

APPLICANT (if other than owner): Baskin Livestock

ADDRESS: 9778 Creek Rd PHONE NO: 344-4452

LOCATION OF PROPERTY: 9778 Creek Rd

ZONING DISTRICT: A-R TAX MAP PARCEL NO: 1-1-62

PROVISION OF ZONING LAW INVOLVED:

ARTICLE: VI SECTION: 607 SUBSEC: D PARA: 2

PURPOSE OF REQUEST: Erect a 37'x66' sign

(66' allowed)

The owner must submit appropriate supporting materials including site plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any other materials that will assist the Board in understanding the request.

CERTIFICATION: I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and of work or use will be complied with whether specific 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 ordinance or performance of construction.

Signature of Property Owner: _____ Date: 5/27/15

(only applications signed by the property owner may be considered)

OFFICE USE ONLY:

Amount/Date Fee Paid: $100.00 / 5/27/15

Check No/Cash: 72733

Planning Board Submission: 5/27/15

Planning Board Recommend: _____

G.C.P.B. Submission: 5/27/15

G.C.P.B Recommend: _____

Date Received: _____

500 ft Notification: _____

1st Public Hearing: _____

2nd Public Hearing: _____

ZBA Recommend: _____

Signature: _____

File Closed: _____

TOWN ~~VILLAGE~~ ~~CITY~~ OF Bethany Application # AV1504
(circle one)

Agricultural Data Statement

Date 5/26/15

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: Baskin Livestock Address: 9778 Creek Rd Batavia NY 14020	Name: Susan Blackburn Address: 9778 Creek Rd Batavia NY 14054

1. Type of Application: ☐ Special Use Permit; ☐ Site Plan Approval ; ☒ ~~Use~~ Area Variance;
   (circle one or more) ☐ Subdivision Approval
2. Description of proposed project: Erect a 37'x66' sign (64 sq ft allowed)
3. Location of project: Address: 9778 Creek Rd
   Tax Map Number (TMP) 1-1-62
4. Is this parcel within an Agricultural District? ☐ NO ☒ YES (Check with your local assessor if
5. If YES, Agricultural District Number 1 you do not know)
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: Self 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	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.

Law Office of David M. DiMatteo

David M. DiMatteo, Esq.
David M. Roach, Esq.*
*also admitted in Illinois

87 North Main Street
Post Office Box 190
Warsaw, New York 14569-0190

Telephone (585) 786-2110
Facsimile (585) 786-0126

May 10, 2013

Thomas Douglas, Zoning Enforcement Officer
Town of Bethany
10510 Bethany Center Road
East Bethany, New York 14054

Re: Baskin Farms

Dear Tom:

This letter is written in follow up to your email dated May 3, 2013 regarding Mr. Baskin's request to remove an existing barn that does not meet the minimum required set back for a non-residential use and replace it with a pole bard that is the same width but longer.

This request will require an area variance from the Zoning Board of Appeals. This determination was made after reviewing the definition of a "nonconforming use" which is; "A building, structure or use of land legally existing at the time of effective date of this Zoning Law and which does not conform to the use regulations of the district or zone in which it is situated." This barn conforms to the use regulations so it is not a "nonconforming use".

As with any area variance request, the Zoning Board of Appeals, in determining whether to grant the variance is required to balance the benefit to the applicant against the deteriment to the health, safety and welfare of the neighborhood if the variance is granted. In applying this "balancing test", the ZBA is also obligated to consider the following;

1. whether an undesirable change is produced in the character of the neighborhood or a detriment to nearby properties is created by the granting of the area variance;

2. whether the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance;

3. whether the requested area variance substantial;

617.20
Appendix B
Short Environmental Assessment Form

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.

SPR1502

Part 1 - Project and Sponsor Information

SUSAN BLACKBURN

Name of Action or Project:
COVER EXISTING WASH BAY

Project Location (describe, and attach a location map):
9778 CREEK RD BATAVIA NY 14020

Brief Description of Proposed Action:
110'x 80' BUILDING TO COVER EXISTING WASH BAY

Name of Applicant or Sponsor:	Telephone: 585 727 4330
BASKIN LIVESTOCK INC	E-Mail: bill@baskinlivestock.com

Address: 9778 CREEK RD

City/PO:	State:	Zip Code:
BATAVIA	NY	14020

	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:	☒	☐

3.a. Total acreage of the site of the proposed action? 2 1 acres
b. Total acreage to be physically disturbed? 2 1 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.
☐ 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

	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 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: SUSAN BLACKBURN Date: 5/27/15

Signature: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
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?	☐	☐
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?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

BASKIN 2

Print Date: 05/21/2015
Image Date:04/04/2013
Level: Community

AV1505

CURRENT BUILDING 50'W 80' LONG

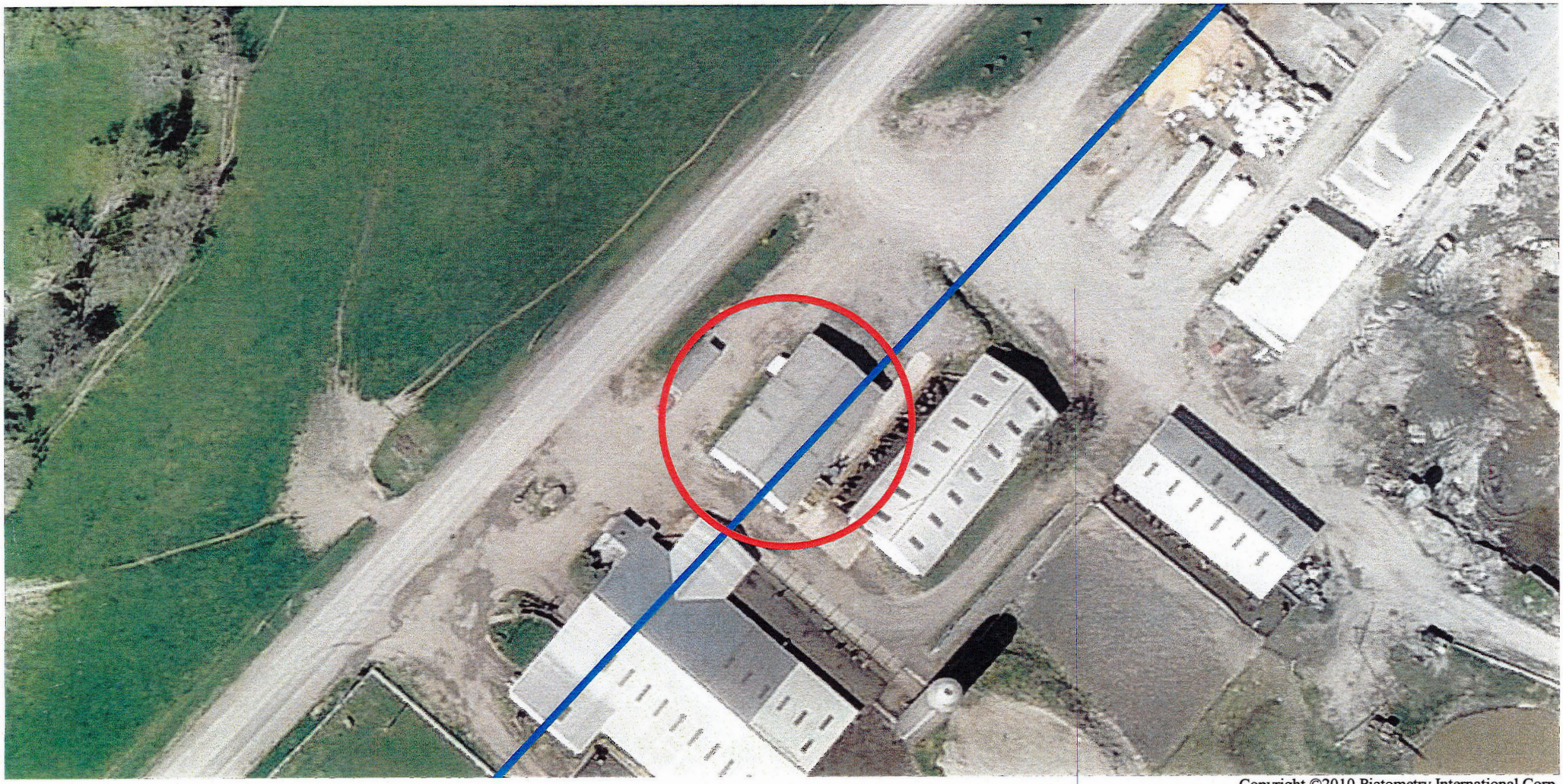
PROPOSED BUILDING 48'W 100' LONG

WEST SIDE IN SAME POSITION

BASKIN 3

Print Date: 05/21/2015
Image Date:04/04/2013
Level: Community

AV1505



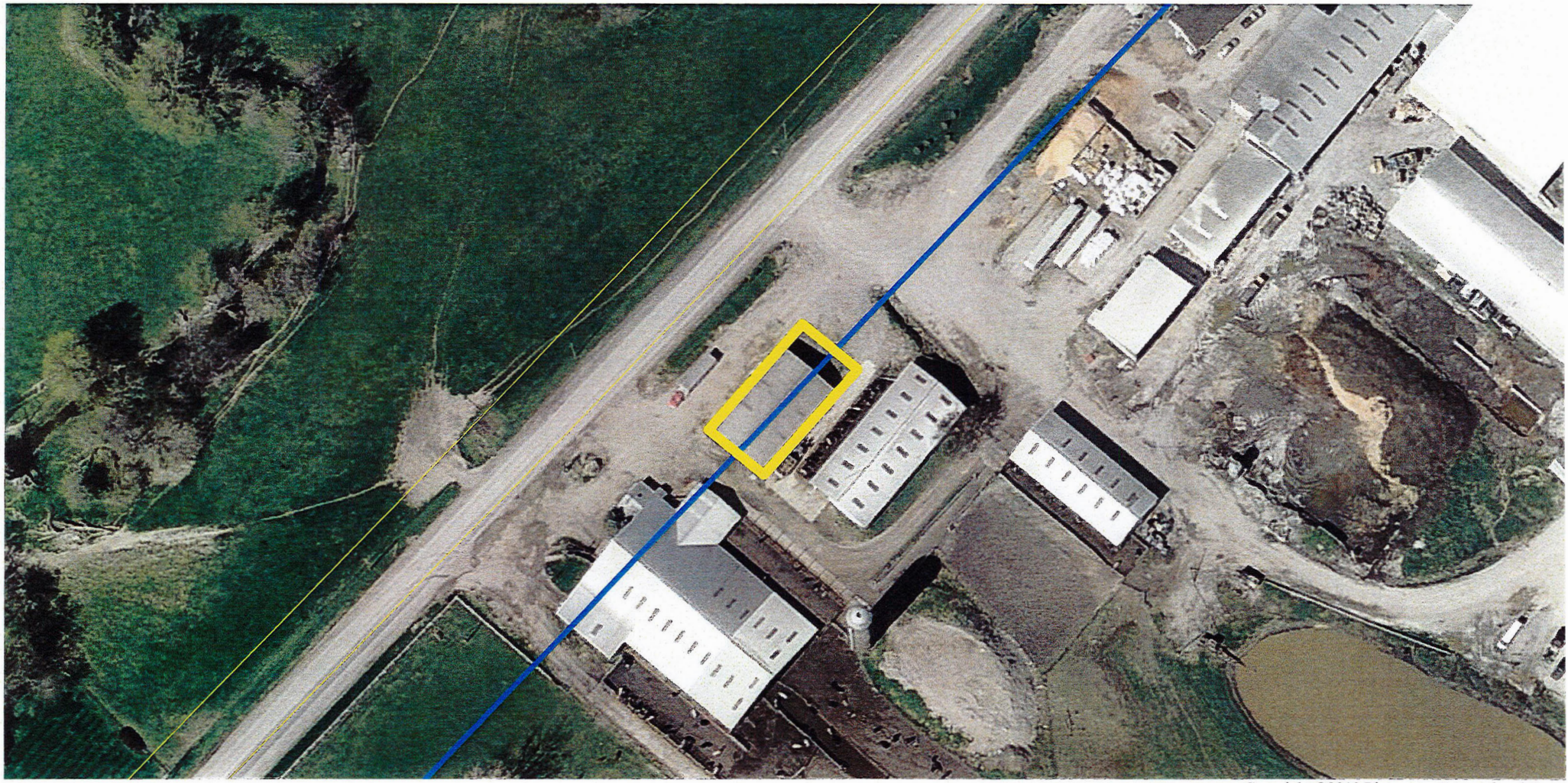
Copyright ©2010 Pictometry International Corp.

Creation Date: Apr 10, 2010 15:01
Modification Date: Apr 21, 2010 21:16

Scale: 1 inch = 77.7 feet

AV1505

REFERENCE ONLY



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REFERENCE ONLY

Creation Date: Apr 10, 2010 15:00
Modification Date: Apr 21, 2010 21:24

Scale: 1 inch = 104.4 feet

AV1505

REFERENCE ONLY

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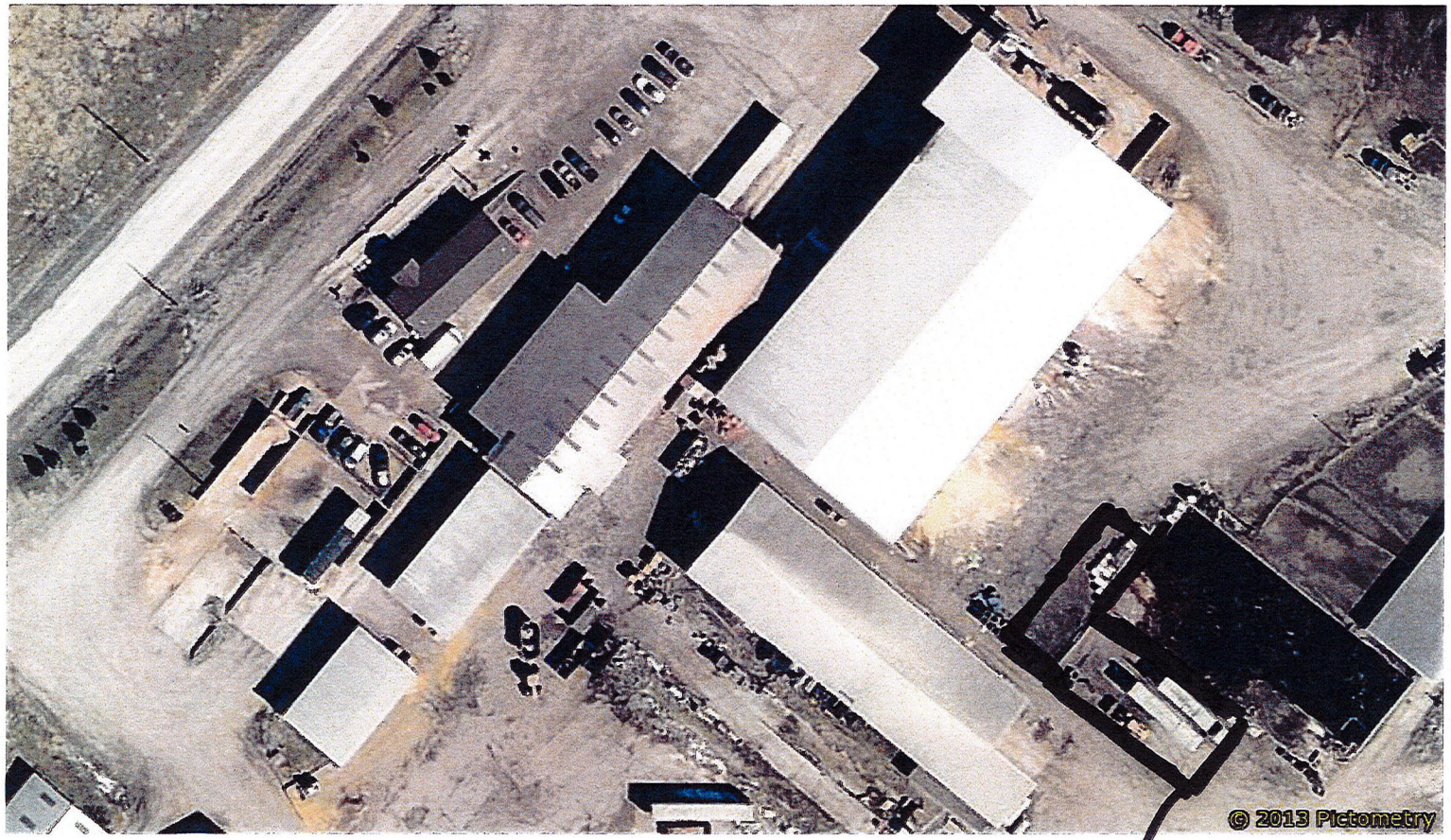
REFERENCE ONLY

Creation Date: Apr 10, 2010 15:00
Modification Date: Apr 21, 2010 21:24

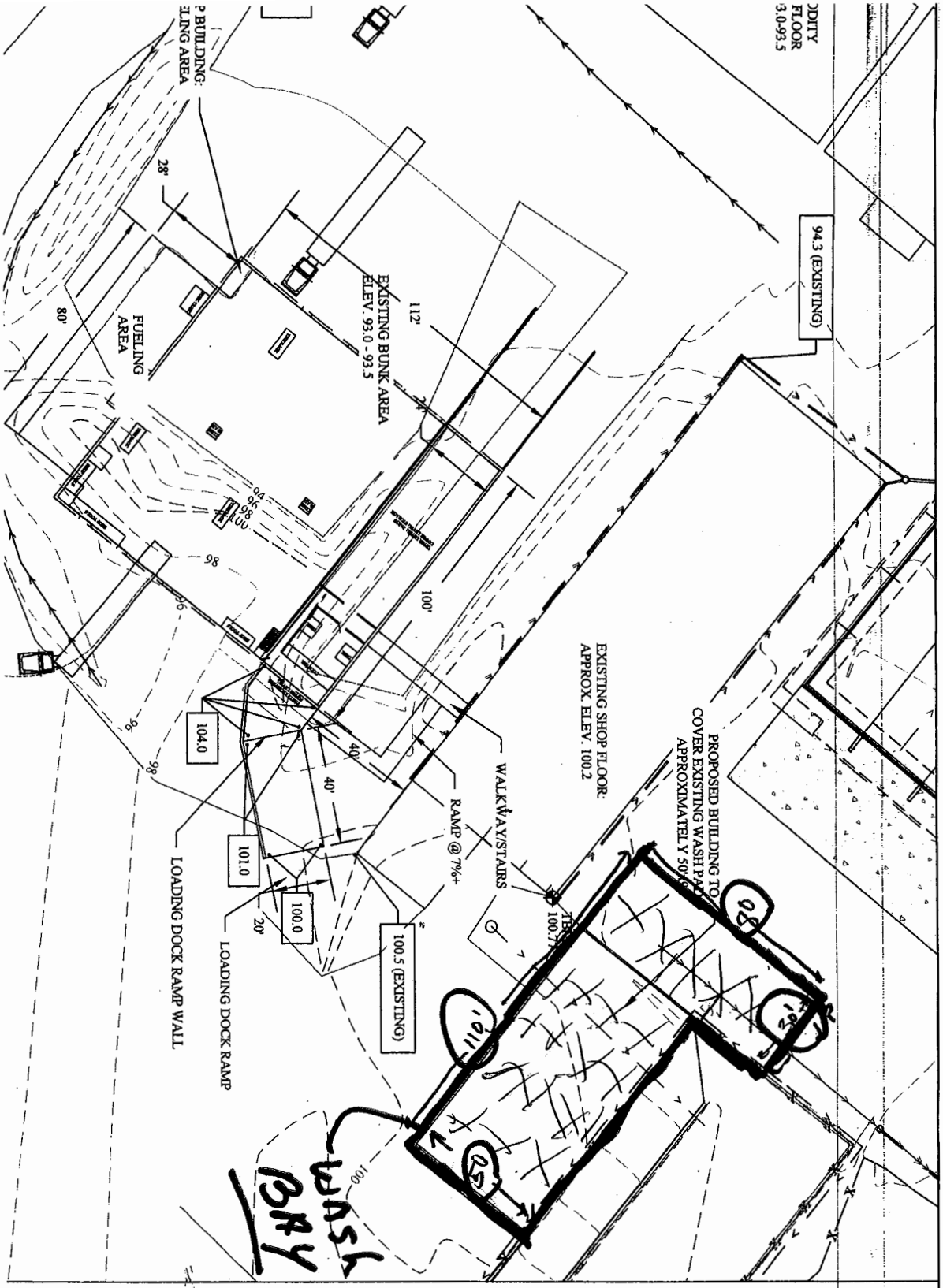
Scale: 1 inch = 264.8 feet



cover
WASH Bay

BASKIN 4

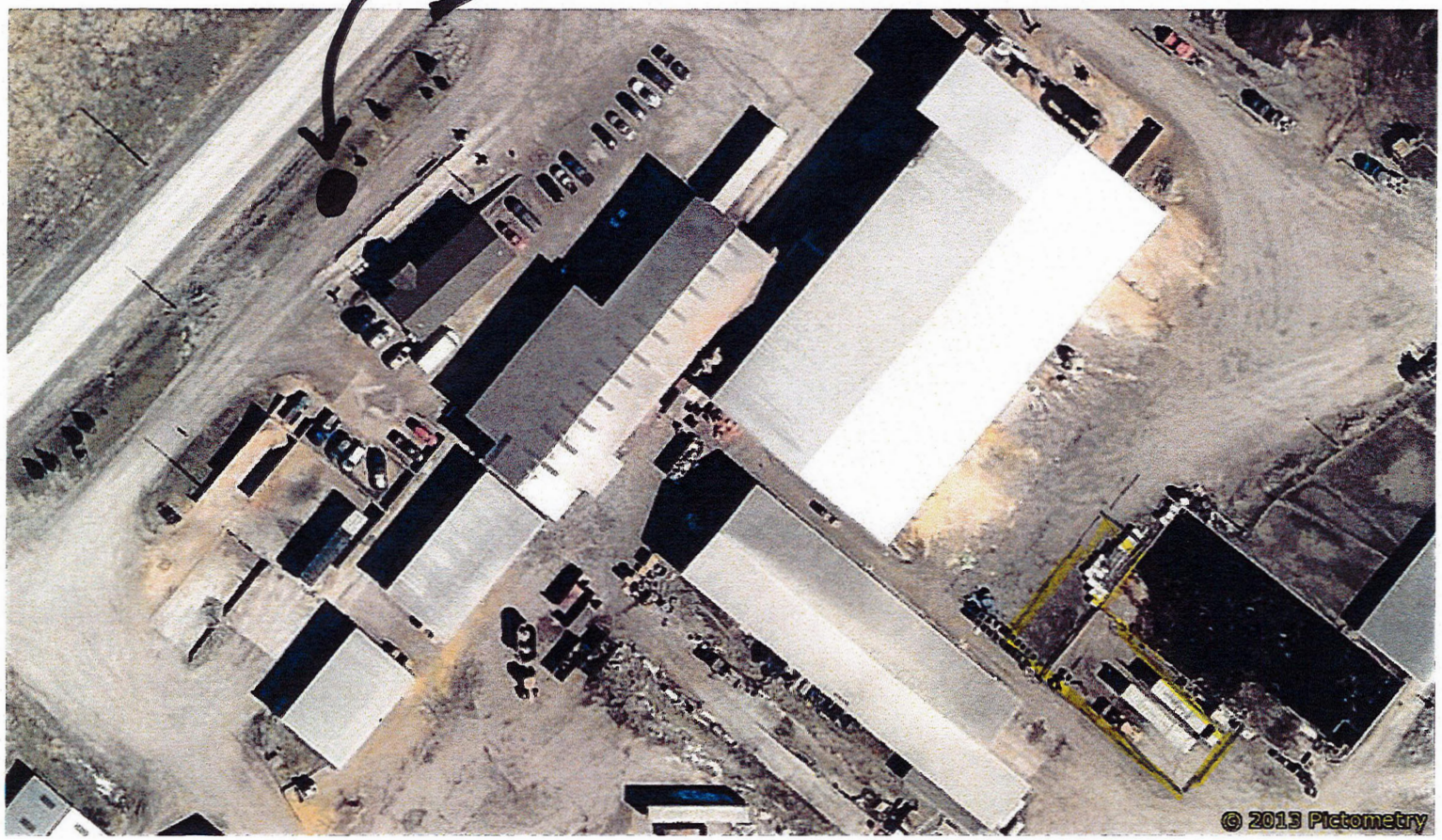
Print Date: 05/21/2015
Image Date:04/04/2013
Level: Community



It is a violation of the law for any person unless he is acting under the direction of a licensed professional architect/engineer to alter this drawing in any way. Alterations must have the seal affixed along with a description of the alteration, the signature and date.

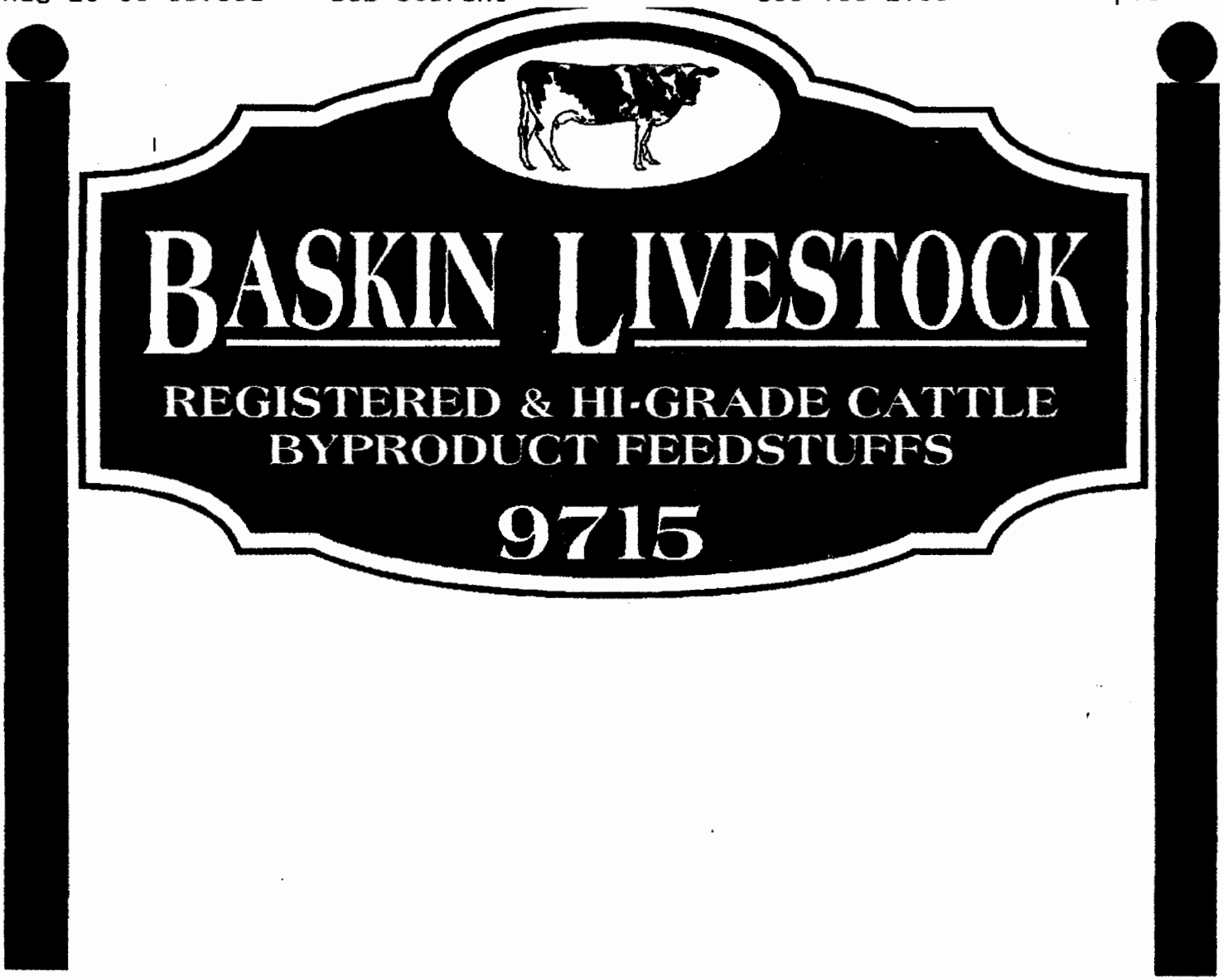
Jessica & Jason Skinner
Environmental Systems
Engineering, PLLC
2121 County Rte 10, Alpina, NY 14805
Phone: Jessica - 585-314-8517 Jason - 585-469-0438 Fax: 607-594-6726

Drawn By: J. Skinner	Date: 10/13	Overall Plan View Shop 2013 Baskin Livestock	SHEET 1 OF 1
Checked By: J. Skinner	Date: 10/13		
RAWING: Shop 2013.dwg	DRAWING PATH: K:\Civil 3d 2013\Baskin		



BASKIN 4

Print Date: 05/21/2015
Image Date:04/04/2013
Level: Community



TWO SIDED CARVED SIGN
37" X 66"

Memo

To: Zoning Board of Appeals

From: ~~Thomas J. Douglas~~ Debbie Douglas
~~Code Enforcement Officer~~ Town Clerk

Re: **SEQR**

This action, AV-1504, is an Area Variance only.

Therefore this action is covered under NYS Dept. of Environmental Conservation, Rules and Regulations, 6 NYCRR Part 617. State Environmental Quality Review (SEQR)

Section 617.5(C) (12) granting of individual setback and lot line variances; and Section 617.5(C) (13) granting of an area variance (s) for a single-family, two-family, or three-family residence, are listed as Type II actions not subject to review.

Hence no SEQR review is required as part of this action

Debbie L Douglas

Memo

To: Zoning Board of Appeals

From: ~~Thomas J. Douglas~~ Debbie Douglas
~~Code Enforcement Officer~~ Town Clerk

Re: ~~SEQR~~

This action, AV1505, is an Area Variance only.

Therefore this action is covered under NYS Dept. of Environmental Conservation, Rules and Regulations, 6 NYCRR Part 617. State Environmental Quality Review (SEQR)

Section 617.5(C) (12) granting of individual setback and lot line variances; and Section 617.5(C) (13) granting of an area variance (s) for a single-family, two-family, or three-family residence, are listed as Type II actions not subject to review.

Hence no SEQR review is required as part of this action

Debbie L Douglas

TOWN OF BETHANY

VARIANCE 500 FT CONTACT LIST

APPLICANT NAME: Susan Blackburn

APPLICANT ADDRESS: 9778 Creek Road

PROPERTY LOCATION: Same

APPLICATION NO.: AV1504 **DATE:** 5/26/15

TAX MAP #: 1.-1-62

TAX MAP #	PROPERTY OWNER	ADDRESS	CITY, STATE ZIP
1.-1-61	Bruce Morgan	9659 Putnam Rd	Bat. 14020
1.-1-58.111	James Gardner	9645 Putnam Rd	Bat 14020
1.-1-60	Mary Hillman	9644 Putnam Rd	Bat. 14020
1.-1-10.11	Jeffrey Lang	4833 Bat-Beth. Twln Rd	Bat 14020
6.-1-11	Ethyl Sojda	9926 Creek Rd	Bat. 14020
6.-1-10	Ralph Kirch	9908 Creek Rd	Bat 14020
4.-1-8.2	John Wolff	9926 Francis Rd	Bat 14020
1.-1-58.112	Susan Blackburn	9778 Creek Rd	Bat 14020
4.-1-8.1	Debra Reilly	4636 Oak Orchard Rd	Bat Albion 14411
1.-1-11.121	Jeffrey Lang	4833 Bat-Beth Twin Rd	Bat 14020
1.-1-72	Susan Blackburn	9778 Creek Rd	Bat 14020
6.-1-9	Andrew Dempski	9900 Creek Rd	Bat. 14020
4.-1-1	Susan Blackburn	9778 Creek Rd	Bat 14020
15.-1-36.21	Susan Blackburn	9778 Creek Rd	Bat 14020
15.-1-36.11	Harold Barie	9864 Creek Rd	Bat 14020
1.-1-64.11	Harold Barie	9864 Creek Rd	Bat 14020
1.-1-63.1	Susan Blackburn	9778 Creek Rd	Bat 14020

(10)

Section 209 Zoning Board of Appeals

A. Organization

The Zoning Board of Appeals shall consist of seven (7) members appointed by the Town Board as provided for in Section 267 of the Town Law. The Town Board shall designate the chairperson thereof. In the absence of a chairperson the Board of Appeals may designate a member to serve as acting chairperson.

B. Meetings, Minutes and Records

Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

C. Filing Requirements

Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days and shall be a public record.

D. Hearing Appeals

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer. The concurring vote of a majority of the entire Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, or to grant a use or area variance. In those instances where due to the location of the affected property, a variance request is subject to review under General Municipal Law Section 239m, a majority plus one vote of the entire Zoning Board of Appeals is necessary to override a County Planning Board recommendation of disapproval or approval with modification. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town.

E. Time of Appeal

Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Enforcement Officer by filing with said official and with the Town Clerk a notice of appeal specifying the grounds thereof and the relief sought. Such notice of appeal shall be filed on forms available from the Zoning Enforcement Officer or Town Clerk. The cost of sending or publishing any notice relating to such

I. Permitted Action by the Zoning Board of Appeals

1. Interpretations, Requirements, Decisions and Determinations

The Zoning Board of Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determinations as in its opinion ought to have been made.

2. Use Variances

The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances, authorizing a use of land which otherwise would not be allowed or would be prohibited by this Local Law.

No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every use allowed under the zoning regulations for the particular district where the property is located:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

b. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

d. That the alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variances

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances from the area or dimensional requirements of this Local Law.

of land and activities normally permitted in the district in question, and

(b) Contribute materially to the welfare and well-being of the Town.

b. Temporary use permits shall be conditioned upon an agreement by the applicant to remove the use upon expiration of the permit.

c. Temporary use permits may be reissued only once for an additional consecutive period not exceeding six (6) months.

C. Site Plan Review

The Planning Board, at a regular or special meeting, shall review and approve, approve with modification, or disapprove a site plan in connection with any application for a zoning permit other than those for single family dwellings and their accessory uses and/or buildings.

1. Notice and Public Hearing

The Planning Board shall notify all property owners within the Town of Bethany which own land that is either contiguous or directly across from the involved property. Such notice shall be sent by regular mail, at least ten (10) days before the meeting. In those instances when the Planning Board holds an optional public hearing (see following paragraph) on a site plan review, this notice to contiguous property owners is not required.

The Planning Board may, in its sole discretion, hold a public hearing as part of the site plan review process. When a public hearing is held as part of the site plan review, the public hearing shall be held at a time fixed within sixty-two (62) days from the date of the application for site plan review is received by it and public notice thereof shall be published in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing. The Planning Board shall mail a notice of the hearing to the applicant at least ten (10) days before such hearing and also send, by regular mail, a copy of the notice of hearing to all owners of property located within two hundred and fifty (250) feet of the property which is the subject of the application when the property involved is located in an R District, or five hundred (500) feet when the involved property is located in any other district, at least ten (10) days before the date of the hearing. When necessary under Section 239 of the General

Municipal Law, the Planning Board shall forward the site plan to the Genesee County Planning Board for its review prior to taking any final action.

2. Submission of Site Plan and Data

The applicant shall submit to the Town Clerk ten (10) copies of a site plan and supporting data in a form satisfactory to the Planning Board, including, but not limited to, the following information presented in graphic form and accompanied by a written text.

a. Survey of property showing existing features, including contours, utility easements, large trees, buildings, uses, structures, streets, rights-of-way, zoning and ownership of surrounding property.

b. Layout sketch showing proposed lots, blocks, building locations and land use area.

c. Traffic circulation, parking and loading spaces, and pedestrian walks.

d. Landscaping plans including site grading, landscape design, open space and buffer zone.

e. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations and sections.

f. Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities and fire protection.

g. Engineering feasibility study of any anticipated problem which may arise from the proposed development, as required by the Planning Board.

h. Construction sequence and time schedule for completion of each phase for buildings, parking and landscaped areas.

i. Description of proposed uses, anticipated hours of operation, expected number of employees, and anticipated volume of traffic generated.

j. description of proposed measures to control runoff and drainage

SITE PLAN REVIEW DATA SUBMISSION SHEET

SITE PLAN ***SPR#***

A. PICTOMETRY

B. PICTOMETRY

C. N/A

D. N/A

E. ENGINEERED DRAWINGS

F. N/A

G. N/A

H. OCTOBER 1, 2015

I. NO CHANGE

J. NO CHANGE

K. N/A

L. N/A

TOWN OF BETHANY

SITE PLAN REVIEW
CONTIGEOUS & ACROSS CONTACT LIST

APPLICANT NAME: Susan Blackburn / Baskin Livestock

APPLICANT ADDRESS: 9778 Creek Rd

PROPERTY LOCATION: 9778 Creek Rd

APPLICATION NO.: SPR1502 **DATE:** 5/27/15

TAX MAP #: 1.-1-62

TAX MAP #	PROPERTY OWNER	ADDRESS	CITY, STATE ZIP
1.-1-61	Bruce Morgan	9659 Putnam Rd	Batavia 14020
1.-1-58.111	James Gardener	9645 Putnam Rd	Batavia 14020
4.-1-8.2	John Wolff	9926 Francis Rd	Batavia 14020
1.-1-11.121	Jeffrey Lang	4833 Bat.-Bak TL Rd	Batavia 14020
6.-1-9	Andrew Dempski	9900 Creek Rd	Batavia 14020
1.-1-64.11	Harold Baird	9864 Creek Rd	Batavia 14020
1.-1-58.112	} applicant		
4.-1-1			
1.-1-72			
1.-1-63.1			

AV1504
Baskin Livestock

TOWN OF BETHANY

VARIANCE MEETING SCHEDULE

> Town of Bethany Planning Board
> 10510 Bethany Center Road
> East Bethany NY 14054

Date: 6/4/15
Day: Thursday
Time: 7:30 p.m.

> Genesee County Planning Board
> County Building #2
> Batavia NY 14020

Date: 6/11/15
Day: Thursday
Time: 7:30 p.m.
(Arrive 15 min. early)

> Town of Bethany Zoning Board of Appeals
> 10510 Bethany Center Road
> East Bethany NY 10440

Date: 6/24/15
Day: Wednesday
Time: 7:30 p.m.

> Public Hearing
> 10510 Bethany Center Road
> East Bethany NY 14054

Date: 6/24/15
Day: Wednesday
Time: 7:30 pm

AV1505
Blackburn/Baski

TOWN OF BETHANY

VARIANCE MEETING SCHEDULE

> Town of Bethany Planning Board
> 10510 Bethany Center Road
> East Bethany NY 14054

Date: 6/4/15
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Time: 7:30 p.m.

> Genesee County Planning Board
> County Building #2
> Batavia NY 14020

Date: 6/11/15
Day: Thursday
Time: 7:30 p.m.
(Arrive 15 min. early)

> Town of Bethany Zoning Board of Appeals
> 10510 Bethany Center Road
> East Bethany NY 10440

Date: 6/24/15
Day: Wednesday
Time: 7:30 p.m.

> Public Hearing
> 10510 Bethany Center Road
> East Bethany NY 14054

Date: 6/24/15
Day: Wednesday
Time: 7:30

TOWN OF BETHANY

SITE PLAN REVIEW MEETING SCHEDULE

These meeting are advisable for the applicant to attend on the listed dates:

> Town of Bethany Planning Board Meeting
> 10510 Bethany Center Road
> East Bethany NY 14054

Date: Preliminary 6/4/15 / 7/2/15
Day: Thursday
Time: 7:30 p.m.

> Genesee County Planning Board Meeting
> County Building #2
> Batavia NY 14020

Date: 6/11/15
Day: Thursday
Time: 7:30 p.m.
(Arrive 15 min. early)

> Public Hearing (Optional)
> 10510 Bethany Center Road
> East Bethany NY 14054

Date: _____
Day: _____
Time: _____

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