

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 # _____



*** 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) LeRoy Town Board

Address 48 Main St.

City, State, Zip LeRoy, New York 14482

Phone (585) 768 - 6910 Ext. 223

2. APPLICANT INFORMATION

Name James Farnholz

Address 48 Main Street

City, State, Zip LeRoy, New York 14482

Phone (585) 768 - 6910 Ext. 231 Email supervisor@leroyny.org

MUNICIPALITY: City Town Village of LeRoy, New York

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

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input checked="" 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 N/A

B. Nearest intersecting road N/A

C. Tax Map Parcel Number N/A

D. Total area of the property N/A Area of property to be disturbed N/A

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

C. Please describe the nature of this request Interchange Zone 165-20.2 E (2) would like to add
(k) Uses Permitted in R-2 Districts with all the provisions specified for an R-2 district with a special use permit.

Choose between R-2 & R-2A

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Local application | <input checked="" type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input 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 type="checkbox"/> Other: _____ |
| <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 Michael Risewick Title CEO Phone (585) 768 - 6910 Ext. 223

Address, City, State, Zip 48 Main St LeRoy, NY 14482 Email mrisewick.code@leroyny.org

Mike Risewick

From: Felipe Oltramari <Felipe.Oltramari@co.genesee.ny.us>
Sent: Friday, July 29, 2022 9:10 AM
To: Mike Risewick
Subject: R-A or R-2

Hi Mike,

I got your message. So the choice between the two depends on what uses are a better fit for the INT district. R-A allows petroleum storage facilities, animal shelters, fish and game clubs, ag uses, but R-2 does not. R-2 allows child day care, municipal buildings, funeral homes, health and medical uses, and multi-family uses that R-A does not allow.

Might be a question for the Town Board as to what is a better fit.

-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)

Visit our website: www.co.genesee.ny.us/departments/planning

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E. Permitted uses.

(1) By right.

(a) Stores and shops for the conduct of wholesale or drive-through businesses.

(b) Professional offices and office buildings.

(c) Accessory buildings and uses.

(2) By special permit.

(a) Health services facility.

(b) Animal hospital.

(c) Hotel and motel.

(d) Bed-and-breakfast.

(e) Industrial Park.

(f) Light industrial.

(g) Self-service storage facility.

(h) Warehouse.

(i) Visitor information center.

(j) The following uses are subject to special design considerations under Subsection L:

[1] Contractor's yard.

[2] Drive-in businesses.

[3] Gas station, gas station market, or car wash.

[4] Distribution centers.

[5] Wholesale trade.

(K) Uses permitted in R-2 Districts, subject to all the provisions specified for an R-2 district with a special use permit.

Proposed
Change

Choose Between
R-2 and R-2A

§ 165-20.2. Interchange Zone. [Added 5-11-2017 by L.L. No. 3-2017]

- A. Legislative intent. The intent of the Town Board in enacting this section is to encourage innovative industrial and commercial uses within the Interchange Zone that:
- (1) Reflect our rural and small-town character.
 - (2) Minimize the visual impact of development upon the viewsheds from the public roadway.
 - (3) Maximize the use of developable land within the zone in order to reduce the need to development agricultural land and open space elsewhere in the Town to accommodate nonresidential establishments.
 - (4) To the extent possible, do not directly conflict with existing commercial and industrial operations in the community but rather compliment them.
 - (5) Discourage the placement of drive-in and drive-through facilities that require large tracts of land and large setbacks from neighboring operations.
 - (6) Accommodate pedestrian activity between establishments.
 - (7) Create a strong sense of community identity by providing a pleasing gateway for residents and visitors.
 - (8) Help finance open space preservation elsewhere in the community.
 - (9) Do not create objectionable noise, odors, or glare.
 - (10) Accommodate vehicular traffic in a manner that is safe and efficient.
 - (11) Are consistent with the Interchange Zone Master Plan and the desired visual and spatial characteristics expressed in the high-ranking images of the Towns Preferred Development Survey (refer to Figures 1 through 10).¹
- B. Basis for consideration.
- (1) Consideration for approval or disapproval of a commercial or industrial use shall be based on and interpreted in light of the effect the development on the Comprehensive Plan of the Town and in light of the effect of the development on the use of the property adjacent to and in close proximity to it.
 - (2) This section shall not be construed to mean the developer of a commercial or industrial use can by right merely meet the standards set herein. These standards and requirements are minimums only. The Board may require more stringent standards, based on the specific and unique nature of the site, in order to protect the health, safety, and welfare of the citizens of the Town.
- C. Modifications. The Town may, by conditional use approval, permit the

1. Editor's Note: Said figures are on file in the Borough offices.

modification of the provisions of this section, including but not limited to provisions relating to the types of nonresidential development and the amount of development, in order to achieve the Interchange Zone Master Plan. Any conditional use to permit a modification of the requirements of this section shall be subject to the following standards:

- (1) The design and improvement of the proposed development shall be in harmony with the purpose and intent of this section.
- (2) The design and improvement of the proposed development shall generally enhance the Interchange Zone, or in any case not have an adverse impact on its physical, visual, or spatial characteristics.
- (3) The design and improvement of the proposed development shall generally enhance the streetscape or public areas, or in any case not have an adverse effect on the streetscape of public areas.
- (4) The modification shall not result in configurations of lots or roads which shall be impractical or detract from the appearance of the Interchange Zone.
- (5) The proposed modification shall not result in any danger to the public health, safety, or welfare by making access to the properties in the Interchange Zone by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air, or by violating the other purposes for which zoning ordinances are enacted.
- (6) Landscaping and other methods shall be used to insure compliance with the standards and guidelines of this section.
- (7) The landowner shall demonstrate that the proposed modification will allow for equal or better results and represents the minimum modification necessary.

D. Applicability of development standards.

- (1) The development standards contained in this section are derived from the Preferred Development Survey and shall be used by any applicant in preparing a development plan and by the Town in reviewing the same. In exercise of its powers of review, the Town may approve, deny, conditionally approve, or request, modifications to a development plan that is deemed to be inconsistent with the development standards or the purposes of this section in accordance with the provisions of Subsection C.
- (2) This section contains development standards, which are normative and set forth specific requirements which shall be interpreted with flexibility, the Town shall view such standards as tools, since exceptional situations, requiring unique interpretations, can be expected. When applying such standards, the Town shall carefully weigh the specific circumstances surrounding each application, and strive for development solutions that best promote the spirit, intent, and purposes of this section.

- (3) The development standards contained in this section shall be used as the Town's minimum requirements for the Interchange Area. However, such standards are not meant to restrict creativity, and an applicant may request a modification or exception from any development standard. Modifications to the design guidelines contained in this section shall be approved by the Town in accordance with Subsection C.

E. Permitted uses.

- (1) By right.
 - (a) Stores and shops for the conduct of wholesale or retail trade and business, excluding drive-in or drive-through businesses.
 - (b) Professional offices and office buildings.
 - (c) Accessory buildings and uses.
- (2) By special permit.
 - (a) Health services facility.
 - (b) Animal hospital.
 - (c) Hotel and motel.
 - (d) Bed-and-breakfast.
 - (e) Industrial park.
 - (f) Light industrial.
 - (g) Self-service storage facility.
 - (h) Warehouse.
 - (i) Visitor information center.
 - (j) The following uses are subject to special design considerations under Subsection L:
 - [1] Contractor's yard.
 - [2] Drive-in businesses.
 - [3] Gas station, gas station market, or car wash.
 - [4] Distribution centers.
 - [5] Wholesale trade.

(K) - would go here

F. Permitted building type.

- (1) No building shall exceed 65,000 square feet of first-floor area on a major

thoroughfare; up to 25,000 square feet of first-floor area on a minor thoroughfare.

G. Site layout and building requirements.

- (1) Commercial buildings shall be multistory or give the appearance of a multistory structure using roof pitches, dormers, etc. Ideally multistory buildings shall contain retail uses on the ground level and nonretail, such as office space, on the upper level.
- (2) No structure shall be greater than three stories in height.
- (3) All heating and cooling apparatus shall be screened from view.
- (4) All parking shall be to the rear of the structure and screened from the viewshed of the street.
- (5) Setback requirements:
 - (a) Front yard: 40 feet minimum and 50 feet maximum.
 - (b) Side yard (both sides): a minimum of zero feet if attached to an adjacent building or a maximum of 24 feet if not attached to an adjacent building.
 - (c) Rear yard: 80 feet.
- (6) Loading and service areas such as docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear of building in a visually unobtrusive locations. Screening such as landscaping or fencing shall be used to prevent direct views of loading areas.
- (7) Blank, windowless walls are prohibited along the major street and minor streets.
- (8) Dedicated pedestrian connections between properties and the parking areas shall be provided.
- (9) Drive-in facilities shall be placed in the rear of the building screened from the viewshed of the street.
- (10) The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
- (11) Every building lot shall have frontage upon a public street or square except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection.

H. Signs.

- (1) Prohibited signs.

- (a) Interior lighted signs.
 - (b) Signs on roofs, dormers, and balconies.
 - (c) Billboards.
 - (d) Pole signs.
- (2) Permitted signs.
- (a) Wall-mounted signs.
 - (b) Projecting signs.
 - (c) Awning signs.
 - (d) Freestanding signs.
- (3) Freestanding signs shall not be higher than the building they are associated with and shall be exterior lit.
- (4) Common or shared signage shall be encouraged.

I. Access.

- (1) The long-term intention of the Town is to develop a landscaped median along New York State Route 19 from the westbound off-ramp of I-490 to the Thruway overpass. In addition, future traffic signals will likely be placed at the intersections of New York State Route 19/North Road, New York State Route 19/Griswold Road, and New York State Route 19/westbound off-ramp to I-490. Therefore all access proposals should be prepared to facilitate these objectives.
- (2) All access roads should be to the lower-volume side road unless an applicant provides proof of unique or special conditions that make this provision impractical. If the proposed lower-volume side road does not exist, the applicant shall be permitted temporary access to the major thoroughfare until such time that the side road is constructed. Once constructed, the applicant will be required to close the temporary access and construct a permanent driveway on the lower-volume side road.
- (3) If the Town, in conjunction with the New York State Department Of Transportation permits direct access to New York State Route 19, the following conditions should be met:
- (a) All access roads should meet or exceed the minimum driveway spacing requirements as stipulated by NYSDOT Corridor Management Bureau, Albany, New York.
 - (b) Access roads must service multiple properties. Ideally access roads will be located near the property line of two adjacent parcels.

- (c) Driveways to corner properties must be located at least 120 feet from the intersection of the right-of-way.

J. Landscaping.

- (1) Street trees shall be planted along all existing and future streets.
- (2) A landscape plan developed by a licensed landscape architect shall be provided at the time of submittal to the Town.

K. Open space fee.

- (1) In order to compensate for the loss of open space in the Town as a result of development in the Interchange Zone the Town requires that an open space fee be paid by applicants at the time of site plan approval.
- (2) This fee will be calculated based upon the total square footage of developed area that is proposed. For the purposes of this provision developed area shall include impervious surfaces, buildings and land that is altered from its natural state.
- (3) The fee shall equal \$0.104 per square foot of developed area, based upon the average value of a square foot of land in the Town. This square footage premium may be adjusted by the Town by resolution of the Town Board as land values change.
- (4) These funds will be set aside by the Town to purchase key open space areas in the Town.

L. Special design considerations. Motor-vehicle-related special design regulations. Gasoline stations, gasoline station/markets, motor vehicle repair shops, motor vehicle sales and service, truck stop, trucking terminal, heavy machinery and truck sales and service, farm equipment sales and service, recreational vehicle sales and service and drive-in businesses shall require a special use permit and shall comply with the following.

- (1) Pumps, other service devices, and aboveground fuel and oil storage shall be located at least 30 feet from all lot lines. In addition, all aboveground fuel and oil storage shall be located at least 75 feet from all public street right-of-way lines and screened from public view using landscaping, fencing or other visual buffers as deemed appropriate by the Planning Board.
- (2) Any underground storage of fuel and oil of sufficient volume not regulated by the New York State Department of Environmental Conservation shall be located at least 30 feet from all lot lines.
- (3) Unregistered motor vehicle(s), motor vehicle and equipment parts, dismantled vehicles and equipment shall be stored within a building or structure, or within a fence at least eight feet in height so as to prevent public view of such items from any direction. All work connected with the uses covered by this section shall be performed to the extent possible indoors.