

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@lerony.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 Would like to add the attached verbage to sec 165-12 would become Item J.

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@lerony.org

J. Location of accessory building, structures and satellite dish.

Proposed
SECTION 5

(1) Accessory buildings are permitted as follows:

(a) A one-story accessory building having a total floor area of 150 square feet or less and a building height of not more than nine feet may be located not closer than three feet to the rear and side lot lines in the rear yard areas and shall not be located in front of the principal building, i.e., the front yard.

(b) The location of accessory buildings having a total floor area greater than 150 square feet or a building height of greater than nine feet shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

(2) Accessory structures, other than buildings, are permitted as follows:

(a) Accessory structures, other than buildings, equal to or less than 15 feet in height, may be located not closer than three feet to the rear and side lot lines in the rear yard area and shall not be located in front of the principal building, i.e. the front yard

(b) Accessory structures, other than buildings, greater than 15 feet in height, shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

(c) Antennas, including satellite dish antennas, shall not occupy a front yard or be located any closer than three feet to any side or rear lot lines.

§ 165-12. Yard requirements, building projections and other features.

- A. Porches. No porch may project into any required yard. Any two-story or any enclosed porch or one having a roof and capable of being enclosed shall be considered a part of the building in determining the yard requirements or amount of lot coverage.
- B. Projecting horizontal architectural features. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves or bay windows, shall not project more than three feet into any required yard, but not nearer than eight feet from the lot line in any case. The sum of any bay window projections on any wall shall not exceed 1/4 the length of any said wall.
- C. Fire escapes. Open fire escapes may extend into any required yard.
- D. Walls and fences. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that such fence or wall does not exceed six feet in height, unless that part above such height is not less than three-fourths open construction. Fences surrounding junkyards and fences required in the I-1 and I-2 Districts must conform to the requirements of Chapter 96, Junkyards, of the LeRoy Town Code, and §§ 165-20A(3) and 165-20.1A(3) of this chapter.¹
- E. Visibility at intersections. On a corner lot in any residence district, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street lines. The height of three feet shall be measured above the road surface at the nearest edge of the road traveled-way. This subsection shall not apply to existing trees, provided that no branches are closer than six feet to the ground.
- F. Corner lots. On a corner lot in any residential district or C-1 District, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot. In such instances where there are two front yards, one of the remaining yards shall be considered a side yard, and the other shall be considered a rear yard for the purposes of this chapter.
- G. Swimming pools. All swimming pools whose capacity is 5,000 gallons or more shall be considered accessory structures and shall set back from lot lines at least the minimum distance required for other buildings and structures.
- H. Buffer areas. Wherever a buffer strip is required by this chapter, it shall meet the following standards:
 - (1) It shall be at least 10 feet in width along any lot line abutting a lot in a residence district.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) It shall be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will screen the activities on the lot from view of a person standing at street level on the adjoining residential lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.
 - (3) A wall or fence of location, height and design approved by the Planning Board may be substituted for the required planting.
- I. Exterior lighting. All exterior lighting in commercial and industrial districts, including the lighting of signs, shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any adjacent residential property or from the street.

proposed section J

Current Village Code

Village of LeRoy, NY
Tuesday, August 2, 2022

Chapter 215. Zoning

Article III. Zoning District Regulations, Zoning Map

§ 215-21. General regulations.

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following general supplementary regulations, The dimensional requirements and restrictions set forth in Schedule A annexed hereto are incorporated herein and made a part of this chapter.^[1] No building or structure shall be erected and no land used in violation of those dimensional requirements and restrictions.

A. Buildings, uses and lots.

- (1) One principal building and use per lot. There shall not be more than one principal structure and one principal use on any lot in the residential districts (R-1, R-2, R-3), other than multifamily uses which may have more than one principal building.
- (2) Yard and open space for every building. No part of any yard or other open space required about any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of the yard or other open space similarly required for another structure. Also no yard or other open space on one lot shall be considered as a yard or open space for a building or structure on any other lot.
- (3) Established front yard. Where front yards in any district have been established for more than 50% of the frontage in any block at a depth greater than the minimum required for the district, the depth of the required front yard shall be increased to comply with such established depth. In no case shall the depth of the required front yard be less than that specified for the district in which it is located.
- (4) Subdivision of a lot. Where a lot is hereafter formed from part of a lot already occupied by a building, such separation shall be effected so as not to violate any of the requirements of this chapter with respect to the existing building, including yards and other required spaces in connection therewith. No zoning permit shall be issued for the erection of a building on the new lot thus created unless there is full compliance with all the provisions of this chapter.
- (5) Irregular lots. Where a question exists as to the proper application of any of the requirements of this chapter to a particular lot or parcel due to its size, shape or topography, as it relates to development of such lot (i.e. reduction of developable area due to severe slopes or excessive narrowness), the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provision of § 215-14.
- (6) Required street frontage. No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a street, as defined herein, which frontage provides the actual access to such structure, and which street shall have been suitably improved to Village Board standards or a bond posted therefor to the satisfaction of the Village Board and Planning Board.

(b) The location of accessory buildings having a total floor area greater than 150 square feet or a building height of greater than nine feet shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

(2) Accessory structures, other than buildings, are permitted as follows (~~for~~ ~~purposes~~ see § 215-49):

(a) Accessory structures, other than buildings, equal to or less than 15 feet in height, may be located not closer than three feet to the rear and side lot lines in the rear yard area and shall not be located in front of the principal building, i.e. the front yard.

(b) Accessory structures, other than buildings, greater than 15 feet in height, shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

(c) Antennas, including satellite dish antennas, shall not occupy a front yard or be located any closer than three feet to any side or rear lot lines.

C. Nonconforming uses, structures and lots.

(1) Lawful existing uses or structures. Except as otherwise provided in this section, the lawful use of land or structures existing at the effective date of this chapter may be continued, although such use or structure does not conform to the regulations specified in this chapter for the zone in which such land or structure is located; provided, however that:

(a) No nonconforming lot shall be further reduced in size.

(b) No nonconforming building be enlarged, extended or increased, unless such enlargement would tend to reduce the degree of nonconformance.

(c) No nonconforming use may be expanded.

(d) No existing conforming use shall be changed to a nonconforming use.

(2) Abandonment. A nonconforming use or uses, other than signs, shall be adjusted or abandoned when there occurs a cessation of any such use or activity and a failure on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Where multiple uses exist, partial abandonment shall take place for those specific uses which meet the aforementioned criteria. Nonconforming signs shall be considered abandoned whenever the circumstances set forth in § 215-48C(7) occur, irregardless of time limits.

(3) Restoration and repair. No building damaged by fire or other causes to to the extent of more than 50% of its assessed valuation shall be repaired or rebuilt except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.

(4) Reversion. No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

(5) Alterations. A nonconforming building may not be structurally altered during its life to an extent exceeding, in aggregate cost, 50% of the assessed value of the building, unless said building is changed to conform to the requirements of this chapter.

(6) District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein or created thereby.

D. Uses not permitted. Uses which are not specifically allowed by this chapter are prohibited.

- (6) All exposed sides of buildings shall be architecturally consistent regarding building materials and architectural style with the facade of the buildings.
 - (7) On site parking, if any, for buildings in the Central Business District shall be provided at the rear of the building. Any portion of parking areas that would otherwise remain visible from Main Street shall be shielded from such view by utilizing decorative walls or vegetation.
- I. Any demolition of an existing building or structure in the C-2 Zone shall be deemed to be an unlisted action for purpose of complying with the New York State Environmental Quality Review Act (SEQRA).
[Added 1-24-2003 by L.L. No. 1-2003]
 - J. Any new construction, reconstruction or remodeling in the C-2 Zone which includes drive-up or drive-through service shall be permitted only upon the issuance of a specific use permit.
[Added 1-24-2003 by L.L. No. 1-2003]
- [1] *Editor's Note: **Zoning Schedule A** is included at the end of this chapter.*