



GENESEE COUNTY PLANNING BOARD ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-04-PAV-12-14**

Review Date **12/11/2014**

Municipality
Board Name
Applicant's Name

PAVILION, T.

TOWN BOARD

Patricia McIlroy (Dollar General)

Referral Type
Variance(s)
Description:

Zoning Map Change

Zoning Map Change to rezone a portion of a parcel from Residential (R) to Commercial (C) District for the construction of a new convenience store (Dollar General).

Location
Zoning District

Big Tree Rd. (NYS Rt. 63), Pavilion

Residential (R) District

PLANNING BOARD DECISION

DISAPPROVAL

EXPLANATION:

The proposed Zoning Map Change is inconsistent with the Town's Comprehensive Plan, as it is designated "Transitional Residential" per the Future Land Use Map (p. 64). In addition, there are several concerns with the intended use of this parcel as a convenience store. As documented by the NYS Dept. of Transportation (DOT) Route 63 Corridor Study, this stretch of Rt. 63 has significant truck traffic with over 2,000 daily at average speeds of 50 mph and maximum speeds of 66 mph. The store's proposed location will draw pedestrian traffic along and across a NYS highway (Rt. 63) from the nearby Pavilion Central School without any pedestrian amenities such as sidewalks or crosswalks. Furthermore, the property is working farmland with prime soils enrolled in Agricultural District No. 3, and as such may be subject to lateral hookup restrictions. Given these concerns, the proposed Zoning Map Change may pose significant county-wide or inter-community impacts. It is recommended that the Town revisit its comprehensive plan if this area is now envisioned as a potential commercial corridor.

Director

December 11, 2014

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 at 344-2580 x 5466, or online at <http://www.co.genesee.ny.us/> under Forms and Permits for Towns and Villages.

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-PAV-12-14



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED

DEC 03 2014

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, GENESEE COUNTY
(Please answer ALL questions as fully as possible) DEPARTMENT OF PLANNING

1. REFERRING BOARD(S) INFORMATION

Board(s) Town of Pavilion Town Board

Address 1 Woodrow Drive

City, State, Zip Pavilion, NY, 14525

Phone (585) 584 - 3850 Ext. _____

2. APPLICANT INFORMATION

Name Patricia McIlroy (Todd Hamula/ Zeremba Group)

Address 3825 Tuttle Rd

City, State, Zip Piffard, NY, 14533

Phone (216) 221 - 2163 Ext. _____ Email THamula@zarembagroup.com

MUNICIPALITY: City Town Village of _____

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

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Area Variance | <input checked="" type="checkbox"/> Zoning Map Change | Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input 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 checked="" type="checkbox"/> Other: <u>Rezoning request</u> | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address Big Tree Rd Pavilion, NY 14525

B. Nearest intersecting road Perry Rd

C. Tax Map Parcel Number 16.-2-24.1

D. Total area of the property 8.5 acres Area of property to be disturbed 1.65

E. Present zoning district(s) 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
Not Applicable

C. Please describe the nature of this request Request for rezoning 1.65 acres from residential to commercial

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

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Local application | <input checked="" type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input checked="" 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 checked="" type="checkbox"/> Other: <u>Letter, Comp Plan pages</u> |
| <input checked="" type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

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 Daniel J Lang Title CEO/ZEO Phone (585) 343 - 1729 Ext. 222

Address, City, State, Zip 3833 West Main St. Rd. Batavia NY 14020 Email dlang@townofbatavia.com

Building and Zoning Application Permit No. _____

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

Date: 11/17/14 Zone: Residential Flood Zone: C Wellhead Protection: None Corner Lot: No

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: Rezoning Request

Tax Map No. 016.000-0002-024.0010000

Owners Name: P.M. Acres, LLC Phone No. (585) 738-3207, Joe McIlroy

Address: 3825 Tuttle Road, Piffard NY 14533 Project Road Width _____ft

Applicants Name: Zaremba Program Development, LLC

Project Address: East Side of Rt. 63, South of York Rd.

Mail Address: 14600 Detroit Ave., Lakewood, OH 44107 Phone No (216) 221-6600

Description of Project: Development of 1.65 acres for a 9,100 SF Dollar General Retail Store and required parking facilities.

Existing Use: Agricultural Proposed Use: Commercial, Dollar General Retail Building

Estimated Cost Building: \$350,000 Plumbing: Incl. in Bldg. Mechanical: Incl. in Bldg. Miscellaneous: N/A

SEQR CLASSIFICATION Type 1 Type 2 Unlisted

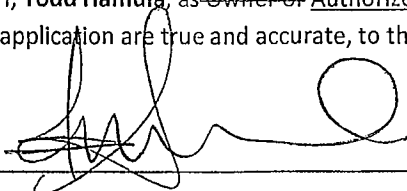
Review completed by Planning Board _____ Zoning Board of Appeals _____

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, Todd Hamula, 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.



11.17.14

Signature of Owner or Authorized Agent

Date

September 18, 2014

VIA EMAIL

Daniel Lang
Code Enforcement Officer
One Woodrow Drive
Pavilion, NY 14525

RE: **Petition to rezone approximately 1.69 acres from Residential to Commercial**
SBL 016.000-0002-024.0010000
Route 63, Pavilion, NY

Dear Mr. Lang,

We have recently entered into a purchase and sale agreement with Zaremba Program Development, LLC with the intention of splitting off approximately 1.69 +/- acres of real property at the southeastern edge of property we own along Rte. 63 in the Town of Pavilion. Zaremba Program Development is a development company who desires to construct a new Dollar General Retail store on the subject site. We understand that the property will need to be rezoned from its current zoning of Residential to Commercial before this will be possible.

Please accept our request to rezone approximately 1.69 +/- acres of real property, located on Big Tree Road (Rt. 63), in Pavilion, Genesee County, New York, and identified as SBL 016.000-0002-024.0010000 from Residential to Commercial. Enclosed is a site plan depicting a proposed Dollar General Retail store representing the intended development associated with this rezoning request.

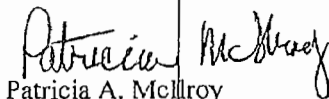
We feel that this zoning change is consistent with the future land use of this property as spelled out in the Town of Pavilion 2002 Comprehensive Plan which includes this property as Hamlet/Mixed Use which permits retail development. Furthermore, the proposed rezoning request would be contiguous to other Commercial zoned property on Route 63 in the Town of Pavilion and would not be considered spot zoning.

We would welcome a meeting with both the Town Board Supervisor and the Chairman of the Planning Board so that we can discuss our request in greater detail.

Very truly yours,

P.M. ACRES, LLC, a New York limited liability company

By:



Patricia A. McIlroy

Its:

Managing Member

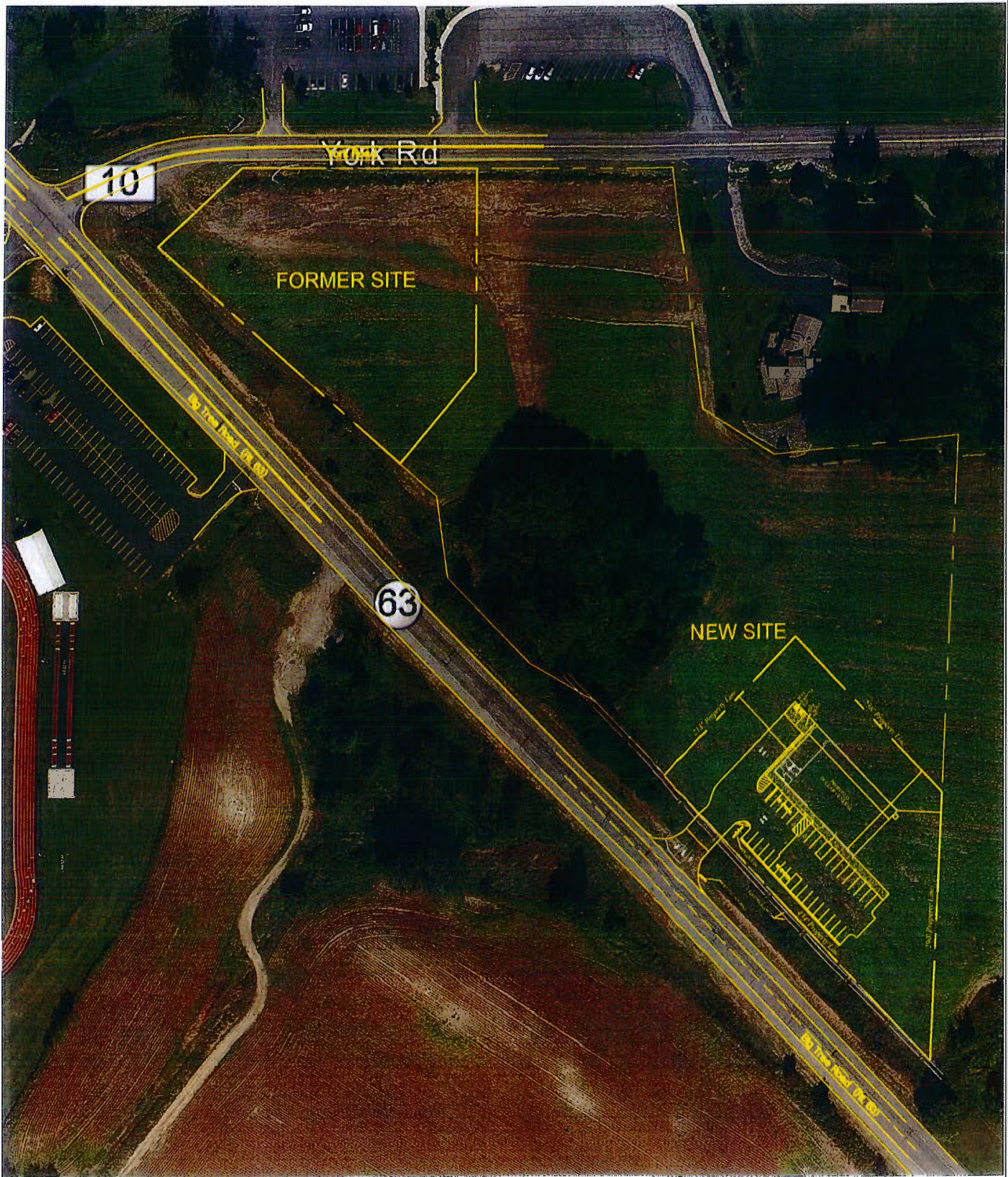
Enclosure

PRELIMINARY SITE PLAN

CITY, STATE - STREET:
Pavilion, NY - Big Tree Road (Rt. 63)

PROTOTYPE:	C	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	9,100 / 7,310	COMPANY: Zaremba Group	COMPANY: Zaremba Group	09.11.14
USABLE ACREAGE:	1.65	NAME: Al Sulin	NAME: Chris Herzner	
PARKING SPACES:	36	PHONE #: 216-221-6600	PHONE #: 216-221-6600	

Site is zoned Residential. Rezoning will be required to Commercial.
Code requires a 50' Buffer to any residential zone.
Code requires 36 parking spaces.



TOWN OF PAVILION DECISION

Application # NA

OFFICE USE ONLY
Date Rec'd by Municipal Clerk _____

At a meeting of the Planning Board / Zoning Board of Appeals on October 14th, 2014, the following

Motion was made by Susan Kinney and duly seconded

By Craig Prucha:

- I make a motion that the Planning Board deny
 Zoning Board of Appeals approve
 approve with modifications

- The application for Site Plan Review
 Preliminary Subdivision
 Final Subdivision
 Special Use Permit
 Land Separation
 Variance (Area/Use)
 Other Recommendation to Town Board to rezone parcel to Commercial

Made by P.M. Acres LLC (Todd Hamula)
(Applicant Name)

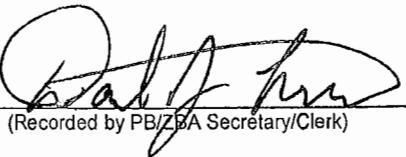
For property located at Big Tree Rd Pavilion (Route 63) Tax Map No. 16.-2-24.1
(Address & tax map number)

Approval of this application is subject to the following conditions/modifications:

- We recommend all safety concerns are addressed.
- We request that the DOT be petitioned by the Town Board to reduce speed limit to 35mph at proposed rezoning location.
- We request that the DOT review turning lane options in front of proposed rezoning location.

Additional conditions/modifications are attached.

RECORD OF VOTE	Member Name	Aye	Nay	Abstain/Absent
Chair	<u>Rob Lapoint</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<u>Larry Dagen</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<u>Don Brooks</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<u>Kenn Conklin</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<u>Edgar Hollwedel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<u>Susan Kinney</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<u>Craig Prucha</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


 (Recorded by PB/ZBA Secretary/Clerk)

10-14-14
 (Date)

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Ron Zarbo	Aye
Councilperson Dean Davis	Aye

~Clay Kelkenberg has contacted the Highway about a ditch on his Roanoke Rd property that states in his deed the Town is to keep the ditch clean. The Town does not have any documentation on this, and request documentation from Mr Kelkenberg.

Dan Lang- Code Enforcement Officer

- ~Plans for three new homes have been submitted for building permits
- ~Fire inspection are 90% completed, upon completions a report will be submitted to New York State.
- ~Clean-up of the Martinez property on Telephone Rd is still a problem letter have been sent
- ~Dollar General-discussion on steps that need to be completed at Town level.

Councilperson Davis offered a motion, seconded by Councilperson Klapper to adopt

Resolution No. 44: Send Dollar General rezoning application request to Genesee County for review.

RESOLVED: Where as Town of Pavilion Town Board requests that the Genesee County Planning Board reviews and makes a recommendation to the Town of Pavilion Town Board for the application of rezoning 1.65 acres located on Big Tree Rd. from Residential to Commercial within the Town of Pavilion. The current tax map number of the parcel is 16.-2-24.1. The 1.65 acres will be land separated from the original parcel contingent upon the rezoning request approval.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Ron Zarbo	Aye
Councilperson Dean Davis	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson Klapper to declare Court copy machine as surplus equipment.

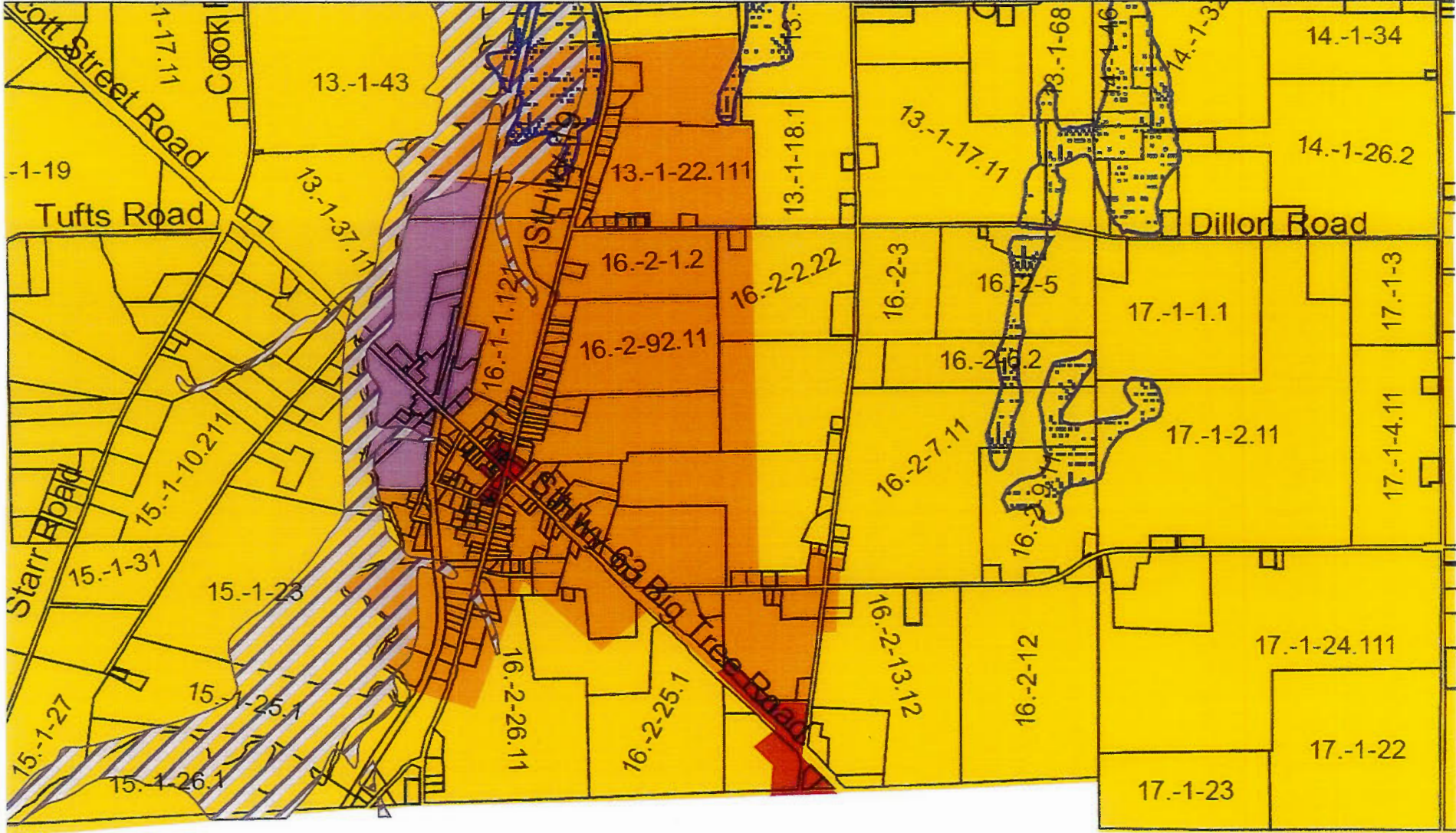
Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Ron Zarbo	Aye
Councilperson Dean Davis	Aye

TOWN OF PAVILION

ZONING SCHEDULE A

DISTRICT	PERMITTED USES	MIN. LOT SIZE (SQ FT)	MIN. FRONTAGE (FEET)	MIN. DEPTH (FEET)	MINIMUM YARDS			MAX. HEIGHT (FEET)	MAX. LOT COVERAGE %	SITE PLAN
					FRONT (FEET)	REAR (FEET)	SIDE (FEET)③			
R	(In Water District) SINGLE-FAMILY ①	20,000	100	150	50	35	15	35	20	NO
	SINGLE-FAMILY ①	30,000	150	150	50	35	15	35	20	NO
	TWO-FAMILY ①	30,000	150	150	50	35	15	35	20	NO
	MULTI-FAMILY ②	4,000	200	150	50	35	25	35	20	YES
	NON-RESIDENTIAL	40,000	200	150	50	35	25	40	15	YES
A & R-1	SINGLE-FAMILY ①	40,000	200	150	50	35	25	35	20	NO
	TWO-FAMILY ①	40,000	200	150	50	35	25	35	20	NO
	MULTI-FAMILY ②	4,000	200	150	50	35	25	35	20	YES
	NON-RESIDENTIAL	40,000	200	150	50	35	25	40	15	YES
A & R-2	SINGLE-FAMILY ①	40,000	200	150	50	35	25	35	20	NO
	TWO-FAMILY ①	40,000	200	150	50	35	25	35	20	NO
	MULTI-FAMILY ②	4,000	200	150	50	35	25	35	20	YES
	NON-RESIDENTIAL	40,000	200	150	50	35	25	40	15	YES
C	COMMERCIAL ③	60,000	200	200	65	35	20	40	35	YES
I	INDUSTRIAL	100,000	300	200	65	35	35	45	20	YES
PUD	PLANNED UNIT DEVELOPMENT - Refer to Section 505									
FPO	FLOOD PLAIN OVERLAY - Refer to Section 507									
NOTES	① Residential Accesory Buildings and Structures - Refer to Section 403 ② Two Family lot size plus 4,000 sq. ft. per family unit for each unit over two. ③ The Side Yard at a Corner Lot adjacent to a Street shall be considered as a Front Yard.									



FUTURE LAND USE



Future Land Use

Agriculture / Open Space	Industrial
Commercial	Residential
Hamlet / Mixed Use	Transitional Residential
Multi-Use Trail	
Potential Road Connections	

Future Land Use Classifications

Rural Agriculture (GREEN)

The town's agricultural industry and rural character are two important assets worth preserving. In order to maintain agriculture, and the open space it provides, the town has designated a significant portion as rural agriculture area on its future land use map. The primary use on these lands will be agriculture, agriculture support, and open space. Rural homesteads will also be an accepted use in these areas, with a five-acre minimum lot sizes. This proposed density will ensure that residential development compliments the surrounding agricultural and open space lands and supports the rural character of the town.

Hamlet / Mixed Use (PINK)

The hamlet is a unique place in the town where a variety of land uses are located in close proximity to one another, including residential development, retail, public resources and private services. The hamlet's assortment of mixed uses should be maintained and enhanced by future development. The presence of public water and the anticipated availability of a sanitary sewer system make the hamlet a natural location for retail, consumer oriented services and office uses. In addition, the hamlet/mixed use area is characterized by smaller residential lot sizes, which respect the area's scale and style, maximize existing and future public infrastructure and encourage pedestrian activity.

Although the land uses found in this area will vary, their scale, style and density should remain consistent. In addition, development in this area will need to be pedestrian friendly and designed in a way that respects the history and rural character of the town. Please refer to the Preferred Development Survey summary located in the Appendix.

Residential (YELLOW)

The Town of Pavilion desires a diverse selection of housing options. In order to accomplish this, a wide variety of lot sizes and housing types should be available in appropriate areas of the town.

Future development in the Residential area should respect the character and scale of the hamlet as well as capitalize on the public resources that are or will be available in the area (public water and sewer). The availability of public sanitary sewer

service not only makes smaller lot sizes possible, it makes them preferable. Consequently, one-quarter to three-quarter acre lot sizes are recommended for this area. This higher development density compliments the hamlet's current density and maximizes available public infrastructure resources. It is important to note that any future residential development in the hamlet area should adhere to the standards established for the Residential land use.

Transitional Residential (BROWN)

A Residential Transitional are has been incorporated into the future land use map to provide a gradual transition from the land uses near the Routes 19 and 63 intersection (Hamlet/Mixed-use, Industrial, Residential) and the rural residential uses located in the surrounding areas. This land use will serve as a buffer between areas that should have very different density, scale and style.

The typical lot size in the transitional residential area will range from one to two acres. These lot sizes will be sufficient to accommodate the necessary well and septic systems that will be necessary for any development that occurs in this area. However, the lots sizes should be designed with future infrastructure connections in mind. If the town grows considerably over the next twenty years, this area would serve as a natural extension of the hamlet area.

	Frontage	Lot Size	Public Water/
Hamlet/ Residential	75' (min) 100' (max)	1/4 to 3/4 acre	Yes
Transitional	150' (max)	1-2 acres	Possible
Rural Agricultural	200' (min)	3-5 acres	No
PUD	TBD <i>Ratio Method</i>	TBD	Possible

Short Environmental Assessment Form

Part 1 - Project Information

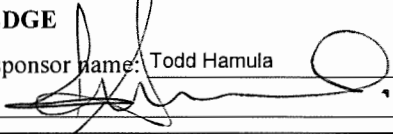
Instructions for Completing

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			
Dollar General - Zaremba Program Development, LLC			
Name of Action or Project: Rezoning of 1.69 +/- acres from Residential to Commercial in the Town of Pavilion, NY to support the development of a new Dollar General			
Project Location (describe, and attach a location map): East side of Big Tree Road (SR 63), just south of York Road, Town of Pavilion, Genesee County			
Brief Description of Proposed Action: Petition to rezone 1.69 +/- acres of real property, located on Big Tree Road (SR 63), in the Town of Pavilion, Genesee County, New York, and identified as SBL 016.000-0002-024.0010000 from Residential to Commercial. This rezoning request is consistent with the Comprehensive Plan, abuts up to adjacent Commercial Zoning and would support the development of the site for a new Dollar General retail store.			
Name of Applicant or Sponsor: Zaremba Program Development, LLC		Telephone: (216) 221-2163	
		E-Mail: thamula@zarembagroup.com	
Address: 14600 Detroit Avenue, Suite 1500			
City/PO: Lakewood		State: OH	Zip Code: 44107
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.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
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: NYSDOT Work Permits, Genesee County Health Department Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.69 acres	
b. Total acreage to be physically disturbed?		1.69 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.69 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____ _____	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="checked" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
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?	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
<input checked="checked" type="checkbox"/>	<input type="checkbox"/>		
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? <input checked="checked" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="checked" type="checkbox"/> YES Stormwater runoff will be directed to the existing drainage ditch running within the Big Tree Road ROW _____	NO	YES	
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Todd Hamula Date: December 3, 2014</p> <p>Signature: </p>		

From: ehollwedel <ehollwedel@rochester.rr.com>
To: Felipe Oltramari <foltramari@co.geneseen.ny.us>

Date: Wednesday, December 10, 2014 11:01AM
Subject: County Planning Board Meeting

History:  This message has been replied to.

Felipe,

Thank you for sending the information that I requested. I note that the request for a Zoning Map Change for the proposed Dollar General is on the Agenda for tomorrow nights County Planning Board Meeting. I have attached a copy of the one question that I asked when the representative addressed the Town of Pavilion Planning Board. I thought that this may give you some background concerning their request. There was no valid response to the question. I do plan to be at the meeting depending on the weather conditions. Thanks.

Ed.

Attachments:

Dollar General.doc

I would like to ask one question.

Several months ago you requested the Pavilion Town Board to consider rezoning a 1.69 acre parcel of land on the corner of State Route 63 and York Road for the express purpose of developing a Dollar General Retail Store. The community response was a resounding “no” due to many reasons. The majority of which had to do with safety issues. To place a retail establishment in a very high volume traffic area, over 11,000 vehicles per day, in close proximity to two schools just did not make good sense. The risk of bringing together the ingredients creating a possible hazardous situation was just too great. There were also issues having to do with spot zoning. The combination of pedestrian, automotive, commercial, school bus and other traffic did not seem to make for a safe homogenous mix. However, on many occasions I did hear the citizens express the desire for the addition of a retail outlet, such as Dollar General, in the Pavilion area, just not in that location. Several other available, near by, locations, in town and on State highways with the necessary utilities and available access were identified.

Shortly after the original location request was declined, you proposed a new location approximately 450 feet Southeast of the original location, on the same side of State Route 63. I am sure that you realize that the requested move has located the proposed facility in a 55 mile per hour speed zone where the original one was in a 35 MPH zone. At the meeting a week ago you told us that at peak hour, 4:00 to 5:00pm, the proposed facility tends to generate about 50 cars an hour increase in traffic. The NYSDOT Traffic Count Hourly Report from it's most current charts show that the peak traffic flow in that particular section of road is 4:00 to 6:00pm, over 1,000 vehicles per hour. This is the same exact time period.

I would appreciate it if you would share with us the thought process that evolved this request. I am sure that you must have been aware that the community would realize that you would not just resubmit the already rejected proposal without some explanation as to how the new location addresses the original objections. Please tell us how this new proposal will be safer for our community and the travelers in it and that pass through it.



T-04-PAV-12-14

