



# GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-07-BAT-10-22**  
Review Date **10/13/2022**

Municipality  
Board Name  
Applicant's Name  
Referral Type  
Variance(s)  
Description:

**BATAVIA, C.**  
**BATAVIA CITY COUNCIL**  
**Douglas Randall, contact for City of Batavia**  
**Zoning Text Amendments**  
**Zoning Text Amendments to regulate certain animals.**

Location  
Zoning District

**Entire City of Batavia**  
**Residential Districts (R+A, R-1 and R-2)**

### PLANNING BOARD RECOMMENDS:

**APPROVAL**

### EXPLANATION:

The proposed Zoning Text Amendments are intended to protect the health, safety, and welfare of the City and should pose no significant county-wide or inter-community impact. It is recommended that the City make minor modifications to the text as proposed by the County Planning Director in his email to the City Manager.

Director

October 13, 2022

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 815-7901



**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

**DEPARTMENT USE ONLY:**  
GCDP Referral # C-07-BAT-10-22

RECEIVED  
Genesee County  
Dept. of Planning  
10/4/2022

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) Batavia City Council  
Address One Batavia City Centre  
City, State, Zip Batavia, NY 14020  
Phone (585) 345 - 6345 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Douglas Randall, contact for City of Batavia  
Address One Batavia City Centre  
City, State, Zip Batavia, NY 14020  
Phone (585) 345 - 6327 Ext. \_\_\_\_\_ Email drandall@batavianewyork.com

MUNICIPALITY:  City  Town  Village of Batavia

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

- |                                             |                                                            |                                               |
|---------------------------------------------|------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Area Variance      | <input type="checkbox"/> Zoning Map Change                 | <input type="checkbox"/> 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 City of Batavia  
B. Nearest intersecting road \_\_\_\_\_  
C. Tax Map Parcel Number All  
D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_  
E. Present zoning district(s) All

**5. REFERRAL CASE INFORMATION:**

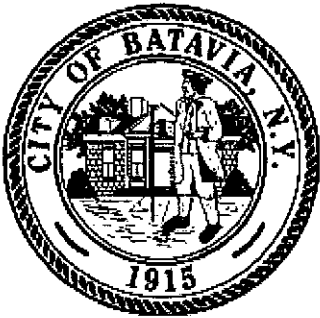
A. Has this referral been previously reviewed by the Genesee County Planning Board?  
 NO  YES If yes, give date and action taken \_\_\_\_\_  
B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
\_\_\_\_\_  
C. Please describe the nature of this request Amend local zoning ordinance to include restrictions on certain animals and fowl.

**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 checked="" type="checkbox"/> Other: <u>cover letters</u> |
| <input checked="" 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 Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. \_\_\_\_\_  
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



*City of Batavia*  
*Department of Public Works*  
*Bureau of Inspections*

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning  
From: Doug Randall, Code Enforcement Officer  
Date: 10/2/22  
Re: **Restriction of animals and fowl within the City**

Zoning Use District: All

After researching potential restrictions for certain animals and fowl within the City of Batavia, City Council has proposed an ordinance to amend Batavia Municipal Code 190-42 to include subsection H "Restriction on Animals and Fowl", a copy of the proposed amendment is attached.

**Review and Approval Procedures:**

**County Planning Board-** Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city; the boundary of a County or State park or other recreation area; the right of way of a state parkway, throughway, expressway, road or highway; the boundary of county or state owned land on which a public building or institution is situated; the boundary of a farm operation located in an agricultural district (not required for area variances).

**City Planning and Development Committee-** Made recommendation to Council on July 26, 2022, see attached.

Batavia City Council will be the lead agency to conduct SEQR.

**ORDINANCE #-2022**

**AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND THE ZONING OF THE CITY OF BATAVIA TO RESTRICT ANIMALS AND FOWL**

**SECTION 1. AMENDMENT OF THE ZONING MAP OF THE CITY OF BATAVIA ADDING § 190-42 MISCELLANEOUS REGULATIONS. H. RESTRICTION ON ANIMALS AND FOWL**

**§ 190-42 Miscellaneous regulations.**

**H. Restriction on Animals and Fowl.**

- A. No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, ponies, donkey's mules or any other farm or wild animal within the City limits.
- B. No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese) within the City limit.
- C. Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, ponies, donkey's mules or any other farm or wild animal within the City limit.

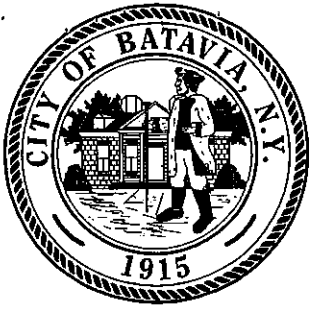
**Exceptions:**

- (a) A maximum of six (6) hen chickens may be kept as long as that they are penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
- (b) Harborage, including transport to and from race tracks and all associated grounds.
- (c) Special events with the approval of an event application.
- (d) Animals in transit through the City.
- (e) Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.

- D. No person shall permit an accumulation of animal and/or fowl feces on any property resulting in a foul odor or unsightly condition that makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition and may facilitate the spread of disease or which endangers the public comfort and repose.

## **SECTION 2. EFFECTIVE DATE**

This Ordinance shall take effect immediately after the date of passage and in accordance with law. Residents with existing animals that are now regulated will have six (6) month grace period before enforcement action will be taken.



# City of Batavia

## *Memorandum*

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: May 31, 2022

Subject: Restriction on Animals and Fowl – Local Law

In response to the request from City Council to research potential restrictions on animals and fowl in the City of Batavia I am submitting a resolution that would add restriction in § 190-42 Miscellaneous Regulations of the City of Batavia Municipal Code.

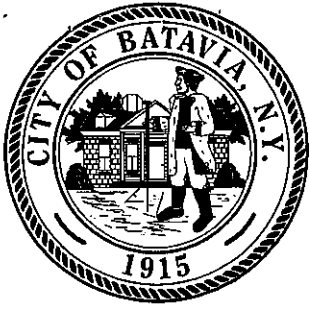
After researching other City's restrictions and regulations, I believe that regulating animals is a common practice in cities. City's by their nature have property that is in close proximity and by limiting animals in neighborhoods we may reduce some neighbor issues and complaints to the Police Department.

The City's of Geneva, Canandaigua, Jamestown, Elmira and Lockport all have code restrictions on animals in a variety of forms. With help from the Code Enforcement Office and the City Attorney attached is the proposed restrictions to animals for City Council to consider.

As written the regulations would restrict persons from owning bringing into, possessing, keeping, harboring or feeding farm animals, cloven hoofed animals, equine, or fowl including but not limited to cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's, mules or any other farm animal or wild animal within the City limits.

With the following exceptions:

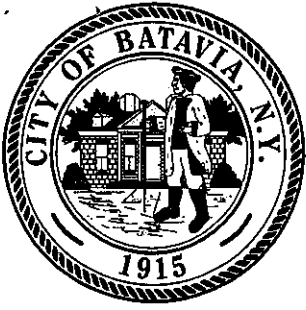
1. Chickens may be kept as long that they penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
2. Harborage, including transport to and from race tracks and all associated grounds.
3. Special events with the approval of an event application.
4. Animals in transit through the City.



# City of Batavia

5. Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.

As New York Consolidated Laws, General City Law - GCL § 27 provides City Council with the authority to refer matters to the Planning and Development Committee, I recommend that Council refer this proposed local law change to the City of Batavia Planning and Development Committee for review and recommendation at tonight's Business meeting.



# City of Batavia

July 26, 2022

Batavia City Council  
One Batavia City Centre  
Batavia NY 14020


Dear Council President:

After being unable to seat enough committee members to conduct a meeting on July 19<sup>th</sup>, a special meeting was held on July 26, 2022. The Planning and Development Committee reviewed the proposed code revisions regarding restrictions of animals and fowl within the City of Batavia.

After discussion, a motion was supported to recommend Council consider amending the municipal code to include changes restricting certain types of animals and fowl as per the attached.

Please feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

  
Duane Preston  
PDC Chairman



## H. Restriction on Animals and Fowl.

- A. No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limits.
- B. No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese), or feral cats within the City limit.
- C. Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, feral cats, ponies, donkey's mules or any other farm or wild animal within the City limit.

### Exceptions:

- (a) *A maximum of six hen* Chickens may be kept as long as they are penned appropriately, do not accumulate feces, cause odor, or an unsightly or unsafe condition.
  - (b) Harborage, including transport to and from race tracks and all associated grounds.
  - (c) Special events with the approval of an event application.
  - (d) Animals in transit through the City.
  - (e) Transport to and from veterinary hospitals/clinics including short term boarding for medical procedures/conditions.
- D. No person shall permit an accumulation of animal and/or fowl feces on any property resulting in a foul odor or unsightly condition that makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition and may facilitate the spread of disease or which endangers the public comfort and repose.
- E Property owners that have registered individual animals and/or fowl listed in paragraph A of this subsection, prior to the effective date of this amendment, may keep the identified animal.*

- Italicized red type indicates additions recommended by the Planning and Development Committee.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part I is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Restrictions of animals and fowl		
Project Location (describe, and attach a general location map): City of Batavia		
Brief Description of Proposed Action (include purpose or need): City code amendment restricting certain types of animals and fowl.  The regulation would restrict persons from owning, bringing into, possessing, keeping, harboring or feeding farm animals, cloven hoofed animals, equine, or fowl, and wild animals within the city limits.		
Name of Applicant/Sponsor: City of Batavia City Council		Telephone: 585-345-6345 E-Mail:
Address: One Batavia City Centre		
City/PO: Batavia	State: NY	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role): Douglas Randall, Code Enf. Officer		Telephone: 585-345-6327 E-Mail:
Address: One Batavia City Centre		
City/PO: Batavia	State: NY	Zip Code: 14020
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Batavia City Council	5/31/22
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part I

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

The municipal code amendment is proposed throughout the entire city \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
Municipal code amendment that encompasses all zoning use districts \_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? City of Batavia School District

b. What police or other public protection forces serve the project site?  
City of Batavia Police, Genesee County Sheriff's Office, New York State Police

c. Which fire protection and emergency medical services serve the project site?  
City of Batavia Fire Dept.

d. What parks serve the project site?  
City of Batavia and Genesee County Parks.

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_

• proposed method of plant removal: \_\_\_\_\_

• if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

• Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

• Name of wastewater treatment plant to be used: \_\_\_\_\_

• Name of district: \_\_\_\_\_

• Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No

• Is the project site in the existing district?  Yes  No

• Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)
- ii. Describe types of new point sources. \_\_\_\_\_
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
  - \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
- Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
*i. If Yes: explain:* \_\_\_\_\_

---

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
*i. Identify Facilities:*  
 \_\_\_\_\_  
 \_\_\_\_\_

---

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
*i. Dimensions of the dam and impoundment:*  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
*ii. Dam's existing hazard classification:* \_\_\_\_\_  
*iii. Provide date and summarize results of last inspection:*  
 \_\_\_\_\_  
 \_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
*i. Has the facility been formally closed?*  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
*ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:*  
 \_\_\_\_\_  
 \_\_\_\_\_  
*iii. Describe any development constraints due to the prior solid waste activities:* \_\_\_\_\_  
 \_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
*i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:*  
 \_\_\_\_\_  
 \_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
*i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:*  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
*ii. If site has been subject of RCRA corrective activities, describe control measures:* \_\_\_\_\_  
 \_\_\_\_\_  
*iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?*  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
*iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):*  
 \_\_\_\_\_  
 \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Douglas Randall, contact for City of Batavia      Date 6/27/22

Signature       Title Code Enforcement Officer

## Felipe Oltramari

---

**From:** Rachael Tabelski <rtabelski@batavianewyork.com>  
**Sent:** Wednesday, October 5, 2022 7:01 PM  
**To:** Felipe Oltramari  
**Subject:** Re: Referrals for October meeting

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Thanks Felipe! That works fine for me!!

Sent from my iPhone

On Oct 5, 2022, at 10:39 AM, Felipe Oltramari  
<Felipe.Oltramari@co.genesee.ny.us> wrote:

Thanks for clarifying that Rachael on the ADA and donkey's mule.

I think having "Subject to the limited exceptions set forth herein" before each one makes it better. What would make it more clear would be to eliminate "or wild" from letter A, since B is supposed to address wild animals. Also "harbor" should be eliminated from C since it is covered by A and B. Below is what I suggest.

A. **Subject to the limited exceptions set forth herein**; No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, ponies, ~~donkey's mules~~ **donkeys, mules** or any other farm ~~or wild~~ animal within the City limits.

B. **Subject to the limited exceptions set forth herein**; No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese) within the City limit.

C. Subject to the limited exceptions set forth herein; No person shall ~~harbor~~, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, ponies, ~~donkey's mules~~ **donkeys, mules** or any other farm or wild animal within the City limit.

-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](mailto:Felipe.Oltramari@co.genesee.ny.us)

(585) 815-7901

(585) 345-3062 (fax)

Visit our website: [www.co.genesee.ny.us/departments/planning](http://www.co.genesee.ny.us/departments/planning)

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**From:** Rachael Tabelski <rtabelski@batavianewyork.com>  
**Sent:** Wednesday, October 5, 2022 6:03 AM  
**To:** Felipe Oltramari <Felipe.Oltramari@co.genesee.ny.us>  
**Subject:** Fwd: Referrals for October meeting

Hi Felipe,

Hope you are doing well! Doug sent me your note.

On the mini horses and support animals regarding ADA we were advised by legal council not to incorporate these exceptions, because federal law trumps this code and will be addressed on a case by case basis with individuals who have appropriate Dr. Notes/documentation. Because the ADA standards could be modified, to add more recognized support animals overtime we did not want to incorporate this and have to continually change it, nor do other local codes incorporate ADA as a general practice as far as we are aware.

A lot of thought and effort by myself, Doug, the City Attorney and Council went into this code section and I hope that the Planning Board can act on it as is without additions.

Section A is missing comma between donkey and mule. That is a grammar error that we can fix.

A-C we wanted to split farm animals and wild animals and fowl in a and b. I respectfully request you keep it as such.

Section C language “breeding and maintaining” could be added to both a and b and the paragraph could be eliminated. And the “subject to the limited exceptions set forth herein” would need to be added to each paragraph.

- A. No person shall own, bring into, possess, keep, harbor or feed farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, ponies, donkey’s mules or any other farm or wild animal within the City limits.
- B. No person shall own, keep, harbor, or feed wild animals, wild fowl (ducks, turkey, or geese) within the City limit.
- C. Subject to the limited exceptions set forth herein; No person shall harbor, breed or maintain any farm animals, cloven hoofed animals, equine or fowl including, but not limited to, cattle, horses, sheep, goats, pigs, swine, llamas, alpacas, ducks, turkey, geese, ponies, donkey’s mules or any other farm or wild animal within the City limit.



Thanks so much!

Sincerely,

Rachael

Sent from my iPhone

Begin forwarded message:

**From:** "Douglas E. Randall" <[DRandall@batavianewyork.com](mailto:DRandall@batavianewyork.com)>  
**Date:** October 4, 2022 at 2:38:38 PM EDT  
**To:** Rachael Tabelski <[rtabelski@batavianewyork.com](mailto:rtabelski@batavianewyork.com)>, Brett Frank <[bfrank@batavianewyork.com](mailto:bfrank@batavianewyork.com)>, "Van Nest, George" <[GVanNest@underbergkessler.com](mailto:GVanNest@underbergkessler.com)>  
**Subject: FW: Referrals for October meeting**

FYI

---

**From:** Douglas E. Randall  
**Sent:** Tuesday, October 4, 2022 2:38 PM  
**To:** Felipe Oltramari <[Felipe.Oltramari@co.genesee.ny.us](mailto:Felipe.Oltramari@co.genesee.ny.us)>  
**Subject:** RE: Referrals for October meeting

Felipe,

I'll send this upstairs for input. Thanks

---

**From:** Felipe Oltramari <[Felipe.Oltramari@co.genesee.ny.us](mailto:Felipe.Oltramari@co.genesee.ny.us)>  
**Sent:** Tuesday, October 4, 2022 1:37 PM  
**To:** Douglas E. Randall <[DRandall@batavianewyork.com](mailto:DRandall@batavianewyork.com)>  
**Subject:** RE: Referrals for October meeting

Doug,

On the proposed amendment. Seems like it could be cleaned up a bit. Section H. A-C are very redundant and may cause confusion as to which one to enforce, should probably be consolidated into one.

Also what is a donkey's mule? Donkeys and mules (a cross between a donkey and a horse) are different animals.

Lastly, miniature horses are a recognized service animal under ADA 2010 standards ([https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)). There should be an exception to miniature horses that are registered/trained service animals.

-Felipe

**Felipe A. Oltramari AICP CNUa**

Director

Genesee County Department of Planning

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Batavia, NY 14020-9404

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**From:** Douglas E. Randall <[DRandall@batavianewyork.com](mailto:DRandall@batavianewyork.com)>

**Sent:** Tuesday, October 4, 2022 12:48 PM

**To:** Felipe Oltramari <[Felipe.Oltramari@co.genesee.ny.us](mailto:Felipe.Oltramari@co.genesee.ny.us)>

**Subject:** Referrals for October meeting

Felipe,

Attached are two applications for your review.

327 Ellicott St.      Use variance

Zoning amendment for animal and fowl restrictions in the City.

Let me know if you need anything else.

Thanks,

Doug

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