



# GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

**T-01-ALA-06-23**

Review Date

**6/8/2023**

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

<b>ALABAMA, T.</b>
<b>TOWN BOARD</b>
<b>Alabama Town Board</b>
<b>Zoning Text Amendments</b>
<b>Zoning Text Amendments to the Site Plan Review section of the Zoning Law</b>

Location  
Zoning District

<b>Entire Town of Alabama</b>
<b>All Zoning Districts</b>

**PLANNING BOARD RECOMMENDS:**

**APPROVAL**

**EXPLANATION:**

**The proposed Zoning Text Amendments are intended to protect the health, safety, and welfare of the Town and should pose no significant county-wide or inter-community impact.**

Director

June 8, 2023

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

**DEPARTMENT USE ONLY:**

GCDP Referral # T-01-ALA-06-23



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

RECEIVED  
Genesee County  
Dept. of Planning  
5/12/2023

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) Alabama Town Board  
Address 2218 Judge Road  
City, State, Zip Oakfield, NY 14125  
Phone (585) 948 - 9341 Ext. 2

**2. APPLICANT INFORMATION**

Name Alabama Town Board  
Address 2218 Judge Road  
City, State, Zip Oakfield, NY 14125  
Phone (585) 948 - 9341 Ext. 2 Email alabamaclerk@rochester.ny.gov

MUNICIPALITY:  City  Town  Village of Alabama

**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 Town Wide
- B. Nearest intersecting road \_\_\_\_\_
- C. Tax Map Parcel Number \_\_\_\_\_
- 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 Zoning Text Amendment, Section 808, paragraph C Site Plan Review

**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 Robert Crossen Title Supervisor Phone (585) 948 - 9341 Ext. \_\_\_\_\_  
Address, City, State, Zip 2218 Judge Rd., Oakfield, NY 14125 Email alabamasupervisor@gmail.com

**Town of Alabama Town Board Meeting  
May 8, 2023**

**Site Plan Review Law –Resolution**

Councilperson Klotzbach offered the following resolution:

**Whereas**, the Alabama Town Code contains and specifies the local laws and ordinances of the Town of Alabama; and

**Whereas**, the Town has identified the need to update the Town’s site plan law which is included in the Town’s Zoning Law; and

**Whereas**, the Town authorized Wendel and Mark Boylan to draft a new site plan law; and

**Whereas**, the draft law has been completed and has been submitted to the Town Board for its consideration; and

**Whereas**, the Town of Alabama Town Board in accordance with SEQRA, has determined that this code revision is an unlisted action under SEQRA and has received a SEAF from Wendel for consideration; and

**Whereas**, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Alabama, New York, that the Alabama Town Board amends the Alabama Zoning Law as follows (full copies attached):

Amend Section 808 Planning Board, by deleting paragraph C. Site Plan Review and replacing it with a new paragraph C. entitled “Site Plan Review”. And,

**Whereas**, pursuant to Town of Alabama Zoning Law, the Town Board has referred the proposed law to the Planning Board and the Planning Board has reviewed the law and made revisions and recommended the law to the Town Board.

**Therefore, Be It Resolved** that the Town Board hereby directs that the Proposed Local Laws be referred to Genesee County pursuant to Section 239-m of the New York State General Municipal Law. The Town Board also directs the [Town Clerk] to make the referral in conformity with the applicable provisions of the New York State General Municipal Law § 239-m.

**Be It Further Resolved**, that the Alabama Town Board sets a Public Hearing on this proposed amendment at the Alabama Town Hall, 2218 Judge Road, Alabama, NY at 7:00 pm on June 12, 2023.

Councilperson LaGrou seconded the resolution which was approved by roll call vote:

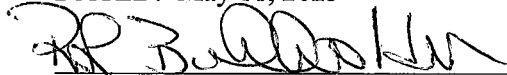
C. Fisher – absent    C. LaGrou – yes    C. Klotzbach – yes    C. Veazey – yes    Supv. Crossen – yes

**CERTIFICATION**

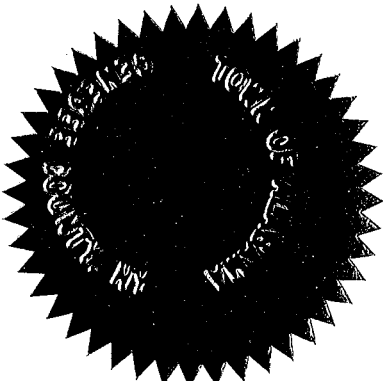
**STATE OF NEW YORK}  
COUNTY OF GENESEE}**

I hereby certify that the aforementioned is a true and accurate copy of a resolution adopted by the Town of Alabama Town Board on May 8, 2023.

DATED: May 11, 2023



Rebecca L. Borkholder, Alabama Town Clerk



## ***Replacement for Zoning Law Section 808 – Revised May 2, 2023***

### **Section 808: Site Plan Review**

#### **1. Purpose and Intent**

It is the intent of this article to provide for the efficient use of land, consideration of potential impacts on the environment, avoidance, wherever possible, of adverse effects, and the promotion of high standards in the design, layout, landscaping, and construction of development.

#### **2. Applicability**

In accordance with Section 274-a of New York State Town Law, no construction or site improvement work may commence until site plan approval, where required, has been granted. Site plan review and site plan approval shall be required for all uses, buildings and structures that require a building permit or certificate of occupancy and for which an application has been made to the Town of Alabama, with the following exceptions: site plan review is not required for the development of a single-family dwelling or a two-family dwelling, including the permitted accessory uses, buildings or structures associated with those uses and those agricultural uses that are restricted by NYS Agricultural and Markets law. All non-residential development, and residential development consisting of three or more units will be subject to site plan approval. The Planning Board is responsible to review and approve, approve with modifications, or disapprove site plans. No development shall occur within the Town of Alabama unless it is in accordance with the provisions of this article. No building permit shall be issued until all the requirements of this article have been met to the satisfaction of the Planning Board and the site plan has been approved by the Planning Board.

#### **3. Notice and Public Hearing**

The Planning Board may, in its sole discretion, hold a public hearing as part of the site plan review process. A public hearing is required for development requiring site plan approval within the TD1, TD2 or TD3 zoning districts. When a public hearing is held as part of the site plan review, the public hearing shall be held at a time fixed within sixty-two (62) calendar days from the date of when the application (determined as being complete) for site plan review is received by it and such public hearing shall be advertised in accordance with Section 813 of this Zoning Law. When necessary, under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to surrounding communities (if applicable) and to the Genesee County Planning Board for its review prior to taking any final action.

#### **4. Area Variances**

Notwithstanding any provisions of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, applications may be made to the Zoning Board of Appeals for an area variance pursuant to New York State Town Law Section 274-a, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

#### **5. Preliminary Procedure**

Prospective applicants seeking site plan review shall schedule a pre-submittal meeting with the Town Building Inspector and Town Engineer or Planner to review town requirements for

development and identify potential issues associated with the proposed development unless the Planning Board waives this requirement. For projects within the TD-1, TD-2 and TD-3 districts, applications shall be coordinated with the Town Board through the Supervisor's office and with the appointed Large Project Administrator.

Applicants shall submit a sketch plan two weeks prior to the next Planning Board meeting. The sketch plan shall include sufficient information for the Building Inspector/ Town Engineer to review to determine if the sketch plan application is sufficient for the Planning Board to review. The purpose of this sketch plan process is to review the proposed project for general conformance to Town regulations prior to preparation of a site plan. The Planning Board will review the proposed project and provide feedback on an informal basis to the applicant at the meeting. No approvals are given during this sketch plan review, and it is at the discretion of the applicant to proceed to full site plan application.

Information to be submitted for Sketch Plan review include the following elements:

- a. A boundary survey of the property, certified by a licensed land surveyor or engineer that includes overall dimensions, acreage, ownership information, and information on any rights-of-way and easements.
- b. A location map of the property.
- c. Identification of major landforms, streams, steep slopes, and other natural features.
- d. Approximate location of proposed structures, parking, and other proposed developments.
- e. Any other information as may be required by the Building Inspector or Town Engineer.

## **6. Submission of Site Plan and Required Information**

The applicant shall submit to the Town Clerk, at least three weeks prior to the next scheduled Planning Board meeting, ten (10) copies of a site plan and supporting data in a form satisfactory to the Planning Board, including, but not limited to, the following information, where appropriate, presented in graphic form and accompanied by a written text (see also the requirements of the most current version of the "Site Plan Application Checklist" on file at the Town).

- a. A boundary survey of the property, plotted to scale, including acreage and legal description.
- b. Existing natural features, easements, utility lines, streams and drainageways, floodplain and wetland designations, large trees and other natural features.
- c. Information on utility easements, structures, streets, rights-of-way, zoning and ownership of surrounding property.
- d. Existing topography/ contours.
- e. Layout sketch showing proposed lots, blocks, building locations and land use areas.
- f. Traffic circulation, parking and loading spaces, and pedestrian walks.
- g. Landscaping plans including trees and natural vegetation to be retained, landscape design, open space, and buffer zones.
- h. Grading and drainage plan, including site grading, existing and proposed contours and site grading and provisions for stormwater management and erosion control.
- i. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations, and sections. The Planning Board may also request visualizations.
- j. Preliminary engineering plans, street improvements, storm drainage, water supply and

sanitary sewer facilities and fire protection. Applicants shall refer to the Town's Engineering Checklist for current requirements.

- k. Engineering feasibility study of any anticipated problem which may arise from the proposed development, as required by the Planning Board.
- l. Elements required by any applicable special districts.
- m. Construction sequence and time schedule for completion of each phase for buildings, parking, and landscaped areas.
- n. Location, design and construction materials of all energy generation and distribution facilities, including electrical, gas, solar and other renewable energy.
- o. Description of proposed uses, anticipated hours of operation, expected number of employees and anticipated volume of traffic generated.
- p. Applicant shall identify and illustrate on the plan any activities which may cause noise and or odors.
- q. Other relevant information as required by the Planning Board.

#### **7. Site Review Criteria**

The Town Planning Board shall review the site plan and supporting data/information before approval, approval with modifications or conditions, or disapproval of such site plan, taking into consideration the following:

- a. Harmonious relationship between proposed uses and existing adjacent uses.
- b. Maximum safety of vehicular circulation between the site and street, including emergency vehicle access. This consideration will include input from the fire department.
- c. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety and emergency vehicle access.
- d. Adequacy of landscaping and setbacks to achieve compatibility with and protection of adjacent residential uses.
- e. Adequacy of municipal facilities to serve the proposed development, including streets, water supply and wastewater treatment systems, storm water control systems and fire protection.
- f. Types of lighting and its impacts (dark sky compliant issues).
- g. Adequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways.
- h. Conformance with design standards established within specified zoning districts, such as TD1, TD2 and TD3.
- i. Conformance with zoning and other Town regulations, or as established by the Planning Board.

#### **8. Preservation of Site Features and Landscaping**

The existing natural vegetation cover shall be maintained wherever possible, during construction of the development and throughout the duration of the use.

Landscaping shall minimize erosion and stormwater runoff, provide necessary buffering, and generally seek to blend the proposed use with the character of the Town.

A landscape plan shall include plant selections suitable for the specific site. Native species of

plants must be included in the plan where possible; invasive species are prohibited.

Any proposed pedestrian pathways shall be covered with a maintainable surface such as crushed stone, brick, or stone, or paved as appropriate, to allow drainage and prevent erosion.

Site design, where possible, should take advantage of opportunities to screen and buffer the proposed development from adjacent sites where appropriate. Adequate screening and buffering using plant materials or other means, such as earthen berms, walls or fences, may be required by the Planning Board to mitigate visual and noise impacts to adjacent sites and roadways. Screening may also be required to hide visual impacts of site features, such as dumpsters and loading docks.

#### **9. Modifications and Conditions**

The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Planning Board, final approval of site plan shall be conditional upon satisfactory compliance by the applicant in making changes or additions.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town.

#### **10. Waiver of Requirements**

The Planning Board is empowered, when reasonable, to waive any requirements of this section for the approval, approval with modifications, or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this zoning law and may be exercised in the event any such requirements are found not to be requisite in the interests of public health, safety, or general welfare or inappropriate to a particular site plan.

#### **11. Performance Bond or Letter of Credit and Road Use Agreements as a Condition of Site Plan Approval**

The Planning Board may require, as a condition of site plan approval, that the applicant file a performance bond or Letter of Credit in such amount as the Planning Board and Town Engineer determines to be in the public interest, to ensure that proposed development will be built in compliance with accepted plans. Any such bond must be in a form acceptable to the Town Attorney for an amount approved by the Town Board. The Planning Board may also require a Road Use Agreement for large scale construction projects. Any such Road Use Agreement must be in a form acceptable to the Town Attorney for an amount approved by the Town Board.

## **12. Performance Standards**

In all districts, uses which violate applicable county, state and/or federal codes and regulations pertaining to environmental issues are not permitted. The Planning Board, under its powers of site plan review and approval, may in its discretion reject any uses if it determines that insufficient evidence has been submitted to show compliance with these environmental standards. However, final responsibility for compliance with all environmental laws and regulations lies with the applicant. Future violation of these environmental standards or permits will result in enforcement proceedings and potential return to the Planning Board for mitigations through a new site plan approval.

## **13. Decisions**

The Planning Board shall decide any matter referred to it under this Subsection within sixty-two (62) days after the first regular monthly meeting of the Planning Board which occurs at least ten (10) days after the site plan and all supporting data required by this Article are submitted to the Town Clerk (this timeframe does not start until the SEQR process is complete, if required). Such time may also be extended by mutual consent of the Planning Board and the applicant. Prior to rendering its decision, the Planning Board shall first complete the SEQR process. In those instances where due to the location of the affected property, a site plan review is subject to review under General Municipal Law Section 239-m, a majority plus one vote of the entire Planning Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification. All decisions shall be in writing stating the decision, the facts found and the reasons for the decision. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy mailed to the applicant by regular mail.

## **14. Changes and Revisions**

Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

## **15. Costs**

The Town, along with its application fee, may require the payment for extra work performed by the Town's consultants.



# *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.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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 type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. 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				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)				
<input type="checkbox"/> Forest           Agriculture                           Aquatic           Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>	
12. a. 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?  b. 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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input 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 type="checkbox"/>	<input type="checkbox"/>	
	<input 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    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    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 type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: _____ Date: _____</p> <p>Signature: _____ Title: _____</p>		