		(PLANNING BOARD RE TICE OF FINAL ACTION	FERRALS
	GCDP Referral ID	T-01-DAR-03-23	
ABREAD TO	Review Date	3/9/2023	
Municipality	DARIEN, T.		
Board Name	PLANNING BOARD		
Applicant's Name	Craig and Maria Foss		
Referral Type	Site Plan Review		
Variance(s)			
Description:	Site Plan Review for a cattl	e handling facility.	
Location	Tinkham Rd., Darien		
Zoning District	Low Density Residential	(LDR) District	

PLANNING BOARD RECOMMENDS:

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

Given that the applicant will be disturbing more than an acre of land, the required modification is that the applicant completes a Stormwater Pollution Prevention Plan (SWPPP) and obtain a Stormwater Permit for Construction Activity from NYS Department of Environmental Conservation (DEC). With this required modification, the proposed cattle handling facility should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits the attached application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that an address is assigned that meets Enhanced 9-1-1 standards.

March 9, 2023

Director

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 PLAN 3837 West Main Street Road Batavia, NY 14020-9404	NNING	DEPARTMENT USE ONLY: GCDP Referral # T-01-DAR-03-23
Phone: (585) , % !+ \$%	* GENESEE CO Planning Board	Ochesee Obdity
	Required Accordin UNICIPAL LAW ARTICLE (Please answer ALL questions a	12B, SECTION 239 L, M, N
1. <u>Referring Board(s) Informa</u>	TION 2. <u>Applican</u>	T INFORMATION
Board(s) Town of Darien Planning Board	oard Name Craig a	and Maria Foss
Address 10569 Alleghany Road	Address 1380	6 Broadway
City, State, Zip Darien Center, NY 14	040 City, State, Zip	Alden, NY 14004
Phone (585) 547 - 2274 E	xt. 1026 Phone (716) 937	7543 Ext. Email
MUNICIPALITY: City	Fown 🗌 Village of Dat	ien
3. <u>TYPE OF REFERRAL:</u> (Check all appl		
 Area Variance Use Variance Special Use Permit Site Plan Review 	 Zoning Map Change Zoning Text Amendments Comprehensive Plan/Update Other:	Subdivision Proposal Preliminary Final
4. LOCATION OF THE REAL PROPER	RTY PERTAINING TO THIS REI	FERRAL:
A. Full Address Tinkham Road, D	Darien, NY 14040	
B. Nearest intersecting road Broad	way	
C. Tax Map Parcel Number 112-7	76	
D. Total area of the property 16.12	28 acres Area of pro	perty to be disturbed 4.9 acres
E. Present zoning district(s) LDR		
5. <u>REFERRAL CASE INFORMATION:</u> A. Has this referral been previously	reviewed by the Genesee County I	Planning Board?
NO YES If yes, give da		
B. Special Use Permit and/or Variar Schedule A	nces refer to the following section(s) of the present zoning ordinance and/or law
C. Please describe the nature of this	request Agricultural facility for o	attle. New construction of agricultural buildings,
offices, shipping and receiving f	acilities, pasturelands, and far	m worker housing.
6. <u>ENCLOSURES</u> – Please enclose copy((s) of all appropriate items in regard	l to this referral
 Local application Site plan Subdivision plot plans SEQR forms 	 Zoning text/map amendment Location map or tax maps Elevation drawings Agricultural data statement 	ts New or updated comprehensive plan Photos Other:
7. <u>CONTACT INFORMATION</u> of the per Name Gwen Yoder	rson representing the community i Title PBZBA Clerk	n filling out this form (required information) Phone (585) 547 - 2274 Ext. 1026

Address, City, State, Zip 10569 Alleghany Road, Darien Center, NY 14040 Email pbzba@townofdarienny.com

TOWN OF DARIEN APPLICATION FOR ZONING PERMIT (revised 2/01/2021)

Today	's Date:	023	Ap	plication N	Number: P	. Q-23
Owner	's Name: Craig +	Maria	Foss	Ta	x Map #:	-)-76
Owner	's Phone: 7/6 - 9	37-75	<u>43</u>	wner's 2 nd	Phone:	
Owner	Address: 13806 (Broadway	, Alde	n, Ny	14004	
	ss of Project:k		,			
Ownei	's Email: foss lives	tocklogm	a:1.comBu	ilder Emai	l:	
Builde	r Contact:		Bu	ilder Phon	e:	
Officer * THIS 1. Zon 2. Per 3. Is t	(ZEO) prior to comment APPLICATION IS NONT ing District property lo Industrial Co mit Application for: Roof Solar Pa SPECIAL USE his parcel: Corner	ncing this pro RANSFERABL cated in: RES ommercial _ New Constr nels Gen VARIANCE Lot X Wate	Ject or use. E AND IS VA DENTIAL (2 Recre ruction erator S SITE PLAI er District	LID FOR C Low or _ ational Demolitior wimming N HON _ Sewer D	Medium Der Medium Der Manage Addition Pool Signs ME OCCUPATIC	nsity) Alteration Relocation Fence Kennel DN
		(in feet) fron the set back	n the project (in feet) fror	t to the str	eet right-of-wa	<u>ーし、128</u> ay (Check Survey for ROW); de A <u>19し</u> Side B <u>フ</u> ィト
6. Tot	al percentage (%) of co	overage of all	buildings or	lot (inclue	ding proposed)	<u>. 4.8 %</u>
7. Tot	al Dwelling Units:	1				
9.					stimated	2-Hurse Bathrooms: 2-Office
	PROPOSED PROJECT	HEIGHT	LENGTH	WIDTH	SQUARE FEET	# Bedrooms: <u> </u>
	House	~15	48	40	1920	Rec Room:
	Garage/Pole Barn					- Family Room:
	Accessory Structure					Fireplace:
	Commercial	36.5	156	186	~31,842]
	Industrial				,	
	Signs					
						_

Describe proposed project and/or use:

Attachments required & verified by ZEO: <u>JUP</u> <u>SITE</u> <u>PLAN</u> <u>APP</u> <u>Engineered</u> <u>site plan</u> tayed <u>STRP</u> <u>SEQR</u> Action taken by ZEO: APPROVED: DENIED: Reason:		
	Appeals County Planning Building Inspector Iding Permit Operating Permit Temporary Use Permit Certificate of Compliance	
Date of Signature	Signature of ZEO	
Date of Signature # of Inspects	Signature of Building Inspector	
Date Fee Received	Indicate Fees Paid/Town Clerk Use Only	
Date of Signature	Renewal Approval / ZEO Signature	

CERTIFICATION: I hereby certify that I have read the instructions, examined this application and supporting attachments and know them to be true & correct. All provisions of Laws and Ordinances covering this type of work or use will be complied with, whether specified herein or not. The granting of a permit does not give authority to violate or cancel the provisions of any other State or Local Law/Ordinance regulating construction, performance, or use.

Designation of Representative to act in my APPLICANT SIGNATURE	stead form required?(attach form if required)
Office Use Only:	
Total Square Footage:	Average Sq. Footage Cost:
Valuation:	Reference Year:

TOWN OF DARIEN GENESEE COUNTY, NEW YORK 14040

PLANNING BOARD SITE PLAN REVIEW SPECIAL USE PERMIT APPLICATION

Application #: $PB - O2 - 23$ (For office use only)	Today's Date:
Purpose of Request: *This request would be in harmon	, Subsection:, Paragraph: y with the orderly development of the district in which it is "farms and related farming activities". Permitted use.
*This request would not be detrim Permitted under Zoning Law.	ental to the property or persons in the neighborhood because:
*This request would not increase t be endangered because: Falls under SEQR rev	the traffic flow in the area to the extent that traffic safety would view. Does not meet thresholds for traffic safety. Accepted farming practices.
The applicant should submit one (1) copy copy of the zoning application	of the application, nine (9) copies of the site plan and one (1)

CERTIFICATION:

I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and ordinances covering this type of work or use 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 ordinance regulating construction or performance of construction

	ature of Applicant
Z-13-Z3 Date of Signature Signature	ature of Owner (If different from Applicant)
Office Use Only: Zoning Permit Application #: PB-02-23 Date Re	eceived: 2/13/2023 Fee Paid: 60
Date of First Hearing: 20262	Location: 102 > 33m
Date of Second Hearing: 3/20/2023	Location: TO 37
Date of Subsequent Hearings:	Location:
Action: () APPROVED () REJECTED	Date:
Planning Board Chairman Signature:	
Zoning Officer Signature:	Date Permit Issued:
Additional Conditions Imposed:	

TOWN OF DARI	EN Application # PB-02-23
Agricultural Data Sta	
site plan approval, use municipal review, that woul operation located in a NYS D	d for any application for a special use permit, variance or a subdivision approval, requiring d occur on property within 500 feet of a farm ept. of Ag. & Markets certified Agricultural District.
Name Nick Foss Address 13893 Genesee St Corfu NY 14036	Name Craig Foss Address 13806 Browlway Allen NY 140021
 Type of application: Special use permit Subdivision approval Description of proposed project: Agricultural facilities of cattle to market. New construction of agricultural buildings, off farm worker housing. 	
3. Location of project: Address Tinkham Rd. Darien, NY	14040
Tax Map Number (TMP) 4. Is this property within an Agricultural District 1 5. If yes, Agricultural District Number 6. Is this property actively farmed ? NO	NO YES Check with your you do not know
1. Keith R Foss	2. Miller's Sonshine Acres, Inc.
Address630 Alleghany Road	1765 Broadway Boad
Darien, NY 14040	Address Darien, NY 14040
Is this property actively farmed ? NO YES	Is this property actively farmed ? NO YES
3. Name	4. Name
Address	Address
Is this property actively farmed # NO YES	Is this property actively farmed ? NO_YES_
Signature of Applicant	Signature of Owner (if other than Applicant)
REVIEWED BY Signature of Municipal	0fficial 2/13)2033
REFERRAL County review is required. A c AGENCY be submitted along with the re	copy of the Agricultural Data Statement must eferral to the County Planning Department.
Copy Distribution: WHITE- ZEO. CANARY-Planning	Board PINK-Board of Appeals GOLD-Applicant

Town of Darien Building and Zoning

10569 Allegany Road Darien Center, NY 14040 585-547-2274 TDD: 1-800-662-1220 Fax 585-547-3331

March 16, 2022

Maria Foss Foss Livestock, LLC. 13806 Broadway Rd. Alden, NY 14004

RE: Determination of Zoning and Land Use related to proposed Cattle Brokerage Farm doing business as Foss Livestock, LLC.; Tinkham Rd. Darien, NY 14040.

Mrs. Foss,

Foss Livestock, LLC proposes to construct a new facility for the animal husbandry of cattle, specifically final preparation of cattle to market. As this preparation requires suitable lands for animal grazing and approved waste management practices, this agricultural commercial activity is permitted. Further, agricultural districts provide areas of agriculture and agriculturally related activities to keep farming a viable economic activity and to maintain lands in agricultural use. Further, this use does not threaten public health and safety and meets the accepted definition of a farm operation. The business model as proposed is considered "farms and related farming activities" under Article VII, Section 701, paragraph A - 5 of the town of Darien Zoning Law. The proposed business model is located in Genesee County Agriculture District 1.

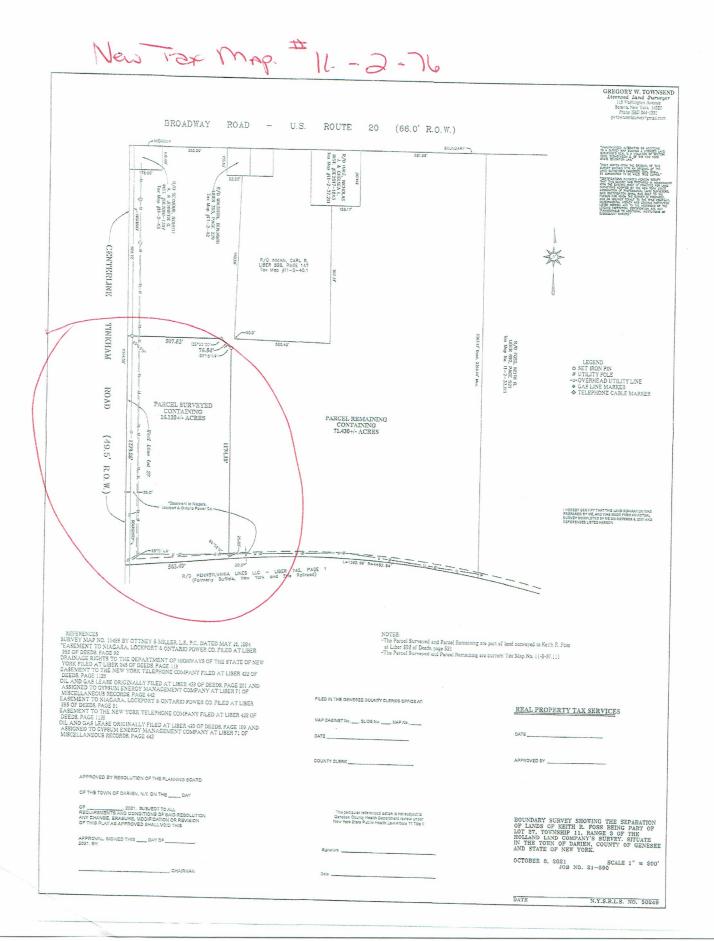
The proposed construction activity is entirely new. The buildout of the parcel includes agricultural buildings, offices, shipping/receiving facilities, pasturelands, and farmworker housing as proposed. The Town of Darien will require application to the Zoning Officer and Planning Board for Site Plan approval as defined in Town Zoning Law, Schedule A, LDR – non residential uses.

We look forward to assisting you.

Thank You,

Jerry Yoder Zoning/Code Enforcement Officer NY0022735

This institution is an equal opportunity provider, and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.htms, or at any USDA officer, or call (866)632-9992 (TDD (800)662-1220) to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at: USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, by fax (202)690-7442 or email at: program.intake@usda.gov



Felipe Oltramari

From:	Elliott, Jared - NRCS-CD, Batavia, NY <jared.elliott@usda.gov></jared.elliott@usda.gov>
Sent:	Wednesday, February 22, 2023 4:29 PM
То:	Felipe Oltramari
Subject:	RE: [External Email]Cattle Handling Facility in Darien

Caution! This message was sent from outside your organization.

Allow sender | Block sender

Felipe,

I have actually reviewed this site already and sent some information to the farm but never got a response. I had not seen the engineer's design yet.

Aside from any local zoning, there really are no regulations for the waste management on a facility like this. Agriculture waste is not regulated outside of the CAFO program as long as it can be managed without directly polluting a waterbody. If there is visible discharge into a waterbody, they could be fined by DEC. It is more of a reactive policy on farm operations below the CAFO size thresholds. Foss's plan was to apply the waste on the property that they own and rent nearby and possibly build a storage for manure. It looks like they have enough land nearby to support the number of animals that they expect there. I recommended a waste storage and offered our help with nutrient management, but there is nothing that requires them to do any of that unless the town has something in their zoning.

There are two spots near the facility that show up as possible federal wetlands. They are small areas that I doubt would even be jurisdictional. As long as they are not placing fill in those areas, they are not violating any regulations there.

The design shows the disturbed area as 4.9 acres. Anything between 1 and 5 acres is eligible for coverage under the stormwater general permit for construction activities, so they are conveniently just under that threshold. It looks like Steve George did an erosion and sediment control plan on the facility's design. They will need to file that erosion and sediment control plan and a notice of intent with DEC to get coverage under the general permit. I told them that and I am sure Steve George did as well, he is well aware if those regulations. They have stormwater ponds planned to retain water from the buildings and driveways, so they should not increase runoff from the site if those are sized properly.

I do not have any concerns here. It looks good on paper.

Jared

Jared Elliott, CCA Senior Field Manager Genesee County Soil and Water Conservation District 29 Liberty Street, Suite 3 Batavia, NY 14020 Cell - 607-745-9771 Office - 585-201-5634 Jared.Elliott@ny.nacdnet.net

From: Felipe Oltramari <Felipe.Oltramari@co.genesee.ny.us>
Sent: Wednesday, February 22, 2023 3:52 PM
To: Elliott, Jared - NRCS-CD, Batavia, NY <Jared.Elliott@usda.gov>
Subject: [External Email]Cattle Handling Facility in Darien

Felipe Oltramari

From: Sent: To: Cc: Subject: Attachments: Jerome Yoder <zeo@townofdarienny.com> Friday, February 24, 2023 8:52 AM Felipe Oltramari Joe Kowalik RE: Site Plan Referral for Livestock Brokerage Jerry Yoder.vcf

Caution! This message was sent from outside your organization.

Allow sender | Block sender

Felipe,

This action does not meet any of the minimum thresholds defined in 617.4 and is specifically referenced under 617.5, c, 4 as: "agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming" (also reference in Article 25-AA).

We have been working with the applicants for several month as well as Steve George, SJG Engineering, Genesee County Soil and Water, and the DEC. We have investigated the need for a CAFO permit (not required) and will seek compliance and guidance with the handling and buildout of proper waste management practices.

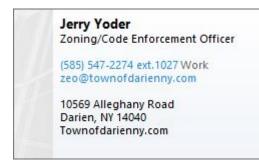
As far as building siting; we are aware and cognizant of neighboring uses and the identified swales and minor delineated wetlands and have purposely sited as such. The building orientation is such that loading and unloading is done with the trucks facing south (downhill) to mitigate headlight glare to adjacent parcels. I have had discussion with the applicant about truck weights and the Highway Superintendent to address any concerns with the Town road.

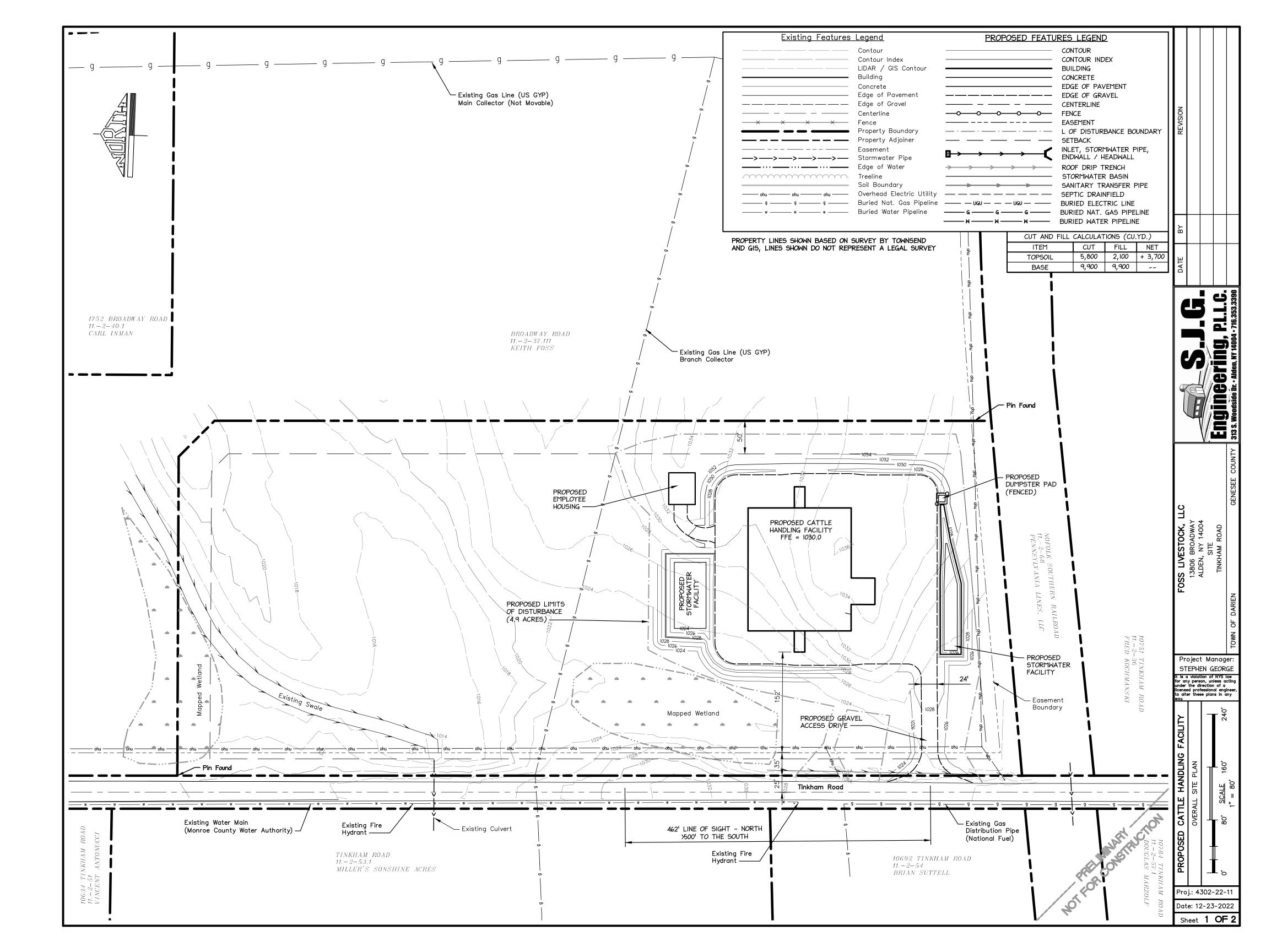
The project is in Agricultural District 1 and complies with State Agricultural and Markets Law Article 25-AA.

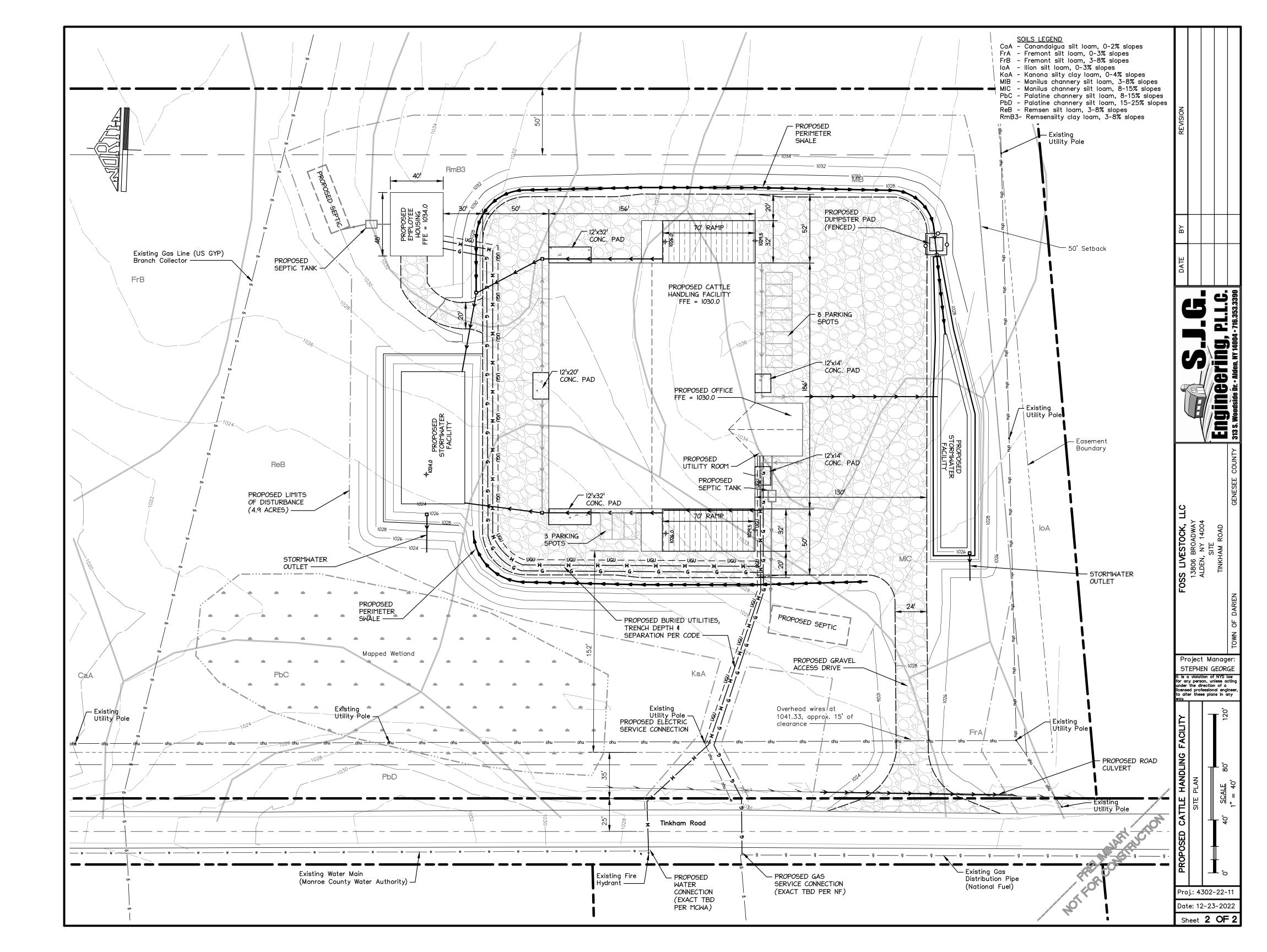
If you feel your board has questions for the applicant, let me know, and I will make sure they attend the county meeting.

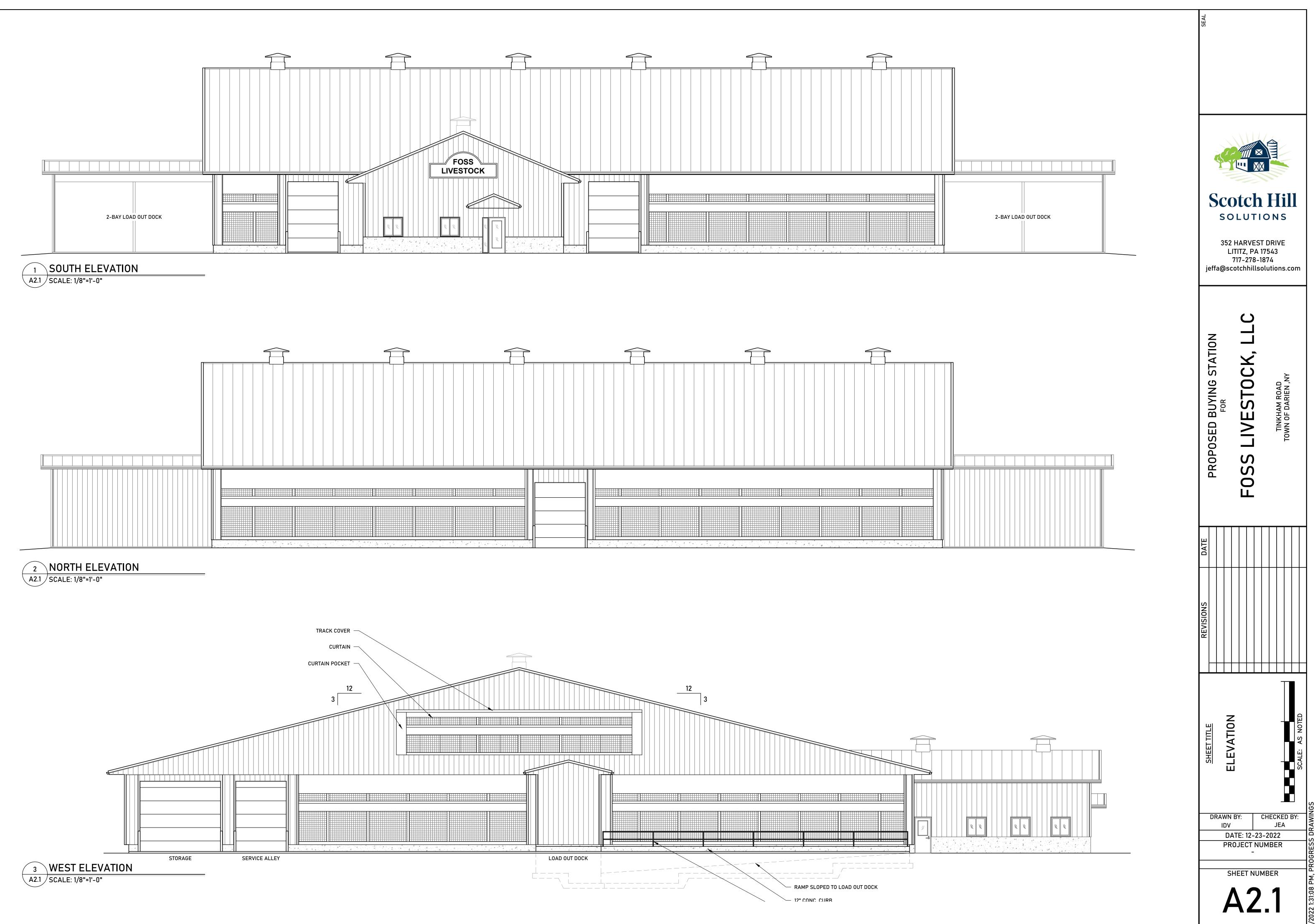
Thank you,

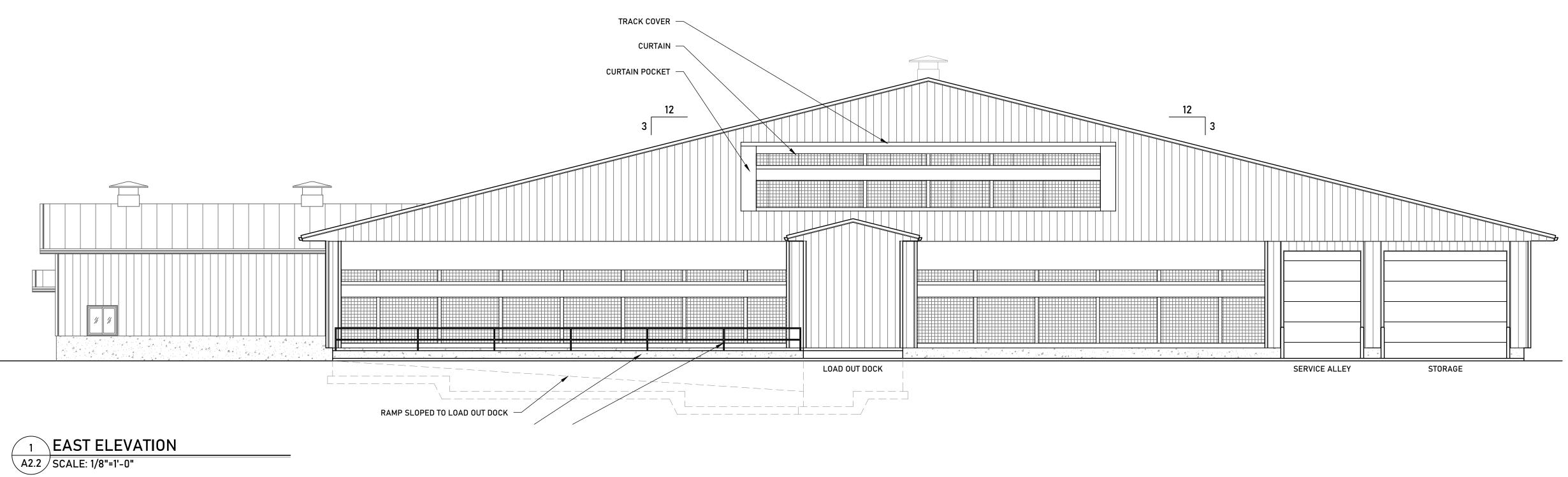
Jerry

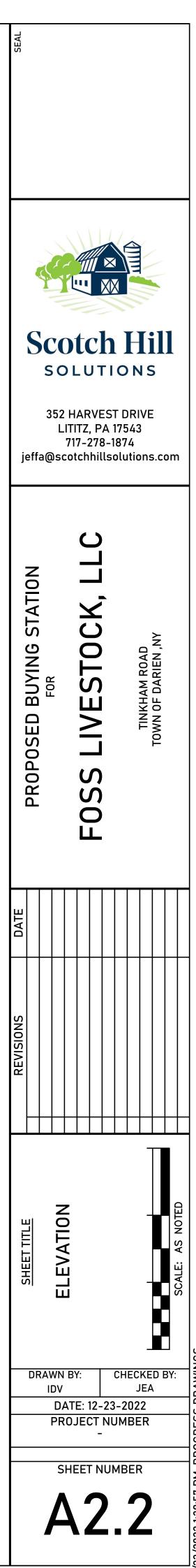












T-01-DAR-03-23

