



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

**T-03-BAT-02-23**

Review Date

**2/9/2023**

Municipality  
Board Name  
Applicant's Name

**BATAVIA, T.**

**ZONING BOARD OF APPEALS**

**Daniel Huntington**

Referral Type  
Variance(s)  
Description:

**Area Variance(s)**

**Area Variance to build a front porch for a single-family home.**

**Front-yard Setback  
Minimum required: 50 ft.  
Existing: Approx. 25 ft.  
Proposed: 15 ft.**

Location  
Zoning District

**3666 Batavia-Oakfield Townline Rd., Batavia**

**Agricultural-Residential (A-R) District**

PLANNING BOARD RECOMMENDS:

**APPROVAL**

EXPLANATION:

**The proposed variance should pose no significant county-wide or intercommunity impact.**

Director

February 9, 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-03-BAT-02-23

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

RECEIVED  
Genesee County  
Dept. of Planning  
2/2/2023

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) Town of Batavia ZBA  
Address 3833 West Main St Rd  
City, State, Zip Batavia, NY 14020  
Phone (585) 343 - 1729 Ext. 238

**2. APPLICANT INFORMATION**

Name Daniel Huntington  
Address 3766 Bat-Oakfield Townline  
City, State, Zip Batavia, NY 14020  
Phone (716) 560 - 9275 Ext. \_\_\_\_\_ Email kosiorekdesigns@gmail.com

MUNICIPALITY:  City  Town  Village of Batavia

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

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change         | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance             | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary          |
| <input type="checkbox"/> Special Use Permit       | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final                |
| <input type="checkbox"/> Site Plan Review         | <input type="checkbox"/> Other: _____              |   |

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

A. Full Address 3766 Bat-Oakfield Townline Batavia, NY 14020  
B. Nearest intersecting road Lewiston Rd  
C. Tax Map Parcel Number 3.-1-27  
D. Total area of the property 6.7 acres Area of property to be disturbed 600 +/- sq/ft  
E. Present zoning district(s) Ag-Res

**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  
Zoning Scedule A, Town of Batavia Zoning Code

C. Please describe the nature of this request Applicant is requesting to reconstruct and expand a front porch that is proposed to be set-back 15 ft. from the front property. The Zoning Code for the Town requires a 50' set-back.

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

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments  | <input type="checkbox"/> New or updated comprehensive plan |
| <input checked="" type="checkbox"/> Site plan         | <input type="checkbox"/> Location map or tax maps    | <input type="checkbox"/> Photos                            |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings          | <input type="checkbox"/> Other: _____                      |
| <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 Matthew Mahaney Title CEO Phone (585) 343 - 1729 Ext. 238  
Address, City, State, Zip 3833 West Main St Rd Batavia, NY 14020 Email mmahaney@townofbatavia.com

# Building and Zoning Application Permit No. \_\_\_\_\_

Town of Batavia 3833 West Main Rd. Batavia NY 14020 PH. 585-343-1729

Date 01 / 18 / 23 Zone AR Flood Zone \_\_\_\_\_ Wellhead Protection \_\_\_\_\_ Corner Lot \_\_\_\_\_

New Construction  Fence  Pond  Sign  Alteration(s)  Addition  Demolition

Accessory Bldg.  Mobile Home  Fill Permit  Home Occupation  Land Separation  Site Plan Approval

Special Use Permit  Temporary Use  Subdivision  Zoning Variance Request  Other  Specify: \_\_\_\_\_

Tax Map No. 3-1-27

Owners Name DANIEL HUNTINGTON Phone No. (716) 560-9275

Address 3766 BATAVIA-OAKFIELD TOWNLINE RD. Project Road Width 66.0 ft

Applicants Name DANIEL KOSIOREK (CONSULTANT) Project Address 3766 BATAVIA-OAKFIELD TWLN. RD.

E Mail Address KOSIOREKDESIGNS@GMAIL.COM Phone No (585) 902-8146

Description of Project: RAISED SECOND FLOOR CEILING HEIGHT W/ NEW ROOF STRUCTURE.

NEW FRONT PORCH

Existing Use SINGLE FAMILY Proposed Use UNCHANGED

Estimated Cost Building 150,000 Plumbing \_\_\_\_\_ Mechanical \_\_\_\_\_ Miscellaneous \_\_\_\_\_

SEQR CLASSIFICATION Type 1  Type 2  Unlisted

Review completed by Planning Board  Zoning Board of Appeals

Permit Fee \$ \_\_\_\_\_ Application Date \_\_\_ / \_\_\_ / \_\_\_ Permit Expires On \_\_\_ / \_\_\_ / \_\_\_

Issuing Officer \_\_\_\_\_ Date \_\_\_ / \_\_\_ / \_\_\_

IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PREFORMANCE OF CONSTRUCTION.

I, \_\_\_\_\_, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

\_\_\_\_\_  
Signature of Owner or Authorized Agent Date

## GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

### AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town of Batavia must show by documentation in the record that the benefit to the Applicant from the proposed variance will not outweigh the detriment to the health, safety, and welfare of the community and the neighborhood, if the variance is granted. (See Town Law §267-b(3)).

In making this determination the Zoning Board of Appeals shall consider the following factors, and the Applicant must respond to these questions with facts and circumstances and not merely repeat all or part of the questions.

1. Whether or not an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

THE PROPOSED ADDITION WILL IN NO WAY BE A DETRIMENT TO THE NEIGHBORHOOD. IT WILL INCREASE THE "CURB APPEAL" OF THE PROPERTY, INTERN BE A BETTERMENT TO THE NEIGHBORHOOD AS A WHOLE

2. Whether or not the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

DUE TO THE CURRENT MASSING OF THE EXISTING HOUSE, BREAKING UP THE LARGE FLAT PLANES WITH THE PROPOSED PORCH WILL BE THE MOST AFFECTIVE WAY TO IMPROVE THE CURRENTLY POOR ASTHETIC OF THE EXISTING HOUSE.

3. Whether or not the requested Area Variance is substantial.

THE AREA REQUESTED FOR VARIANCE IS 0.1% OF THE LOT. IT IS A MINIMAL IMPACT WAY OF IMPROVING THE ASTHETIC AND LIVING CONDITIONS OF THE RESIDENCE, WHILE IMPROVING THE OVERALL APPEAL OF THE NEIGHBORHOOD

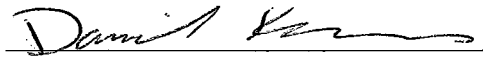
4. Whether or not the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

THE PROPOSED PORCH WILL BE  
CONSTRUCTED ON SMO-TUBE FEEDS. THIS  
DESIGN WILL HAVE MINIMAL IMPACT  
ON THE ENVIRONMENT.

5. Whether or not the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

THE BOARD SHOULD CONSIDER THE  
MINOR IMPACT OF THE PROJECT, AND  
THE OVERALL GOOD CAUSED BY IMPROVEMENTS  
MADE TO THE NEIGHBORHOOD.

DANIEL KOSTOREK



Applicant Signature

01 / 26 / 2023

Date

# Short Environmental Assessment Form

## Part 1 - Project Information

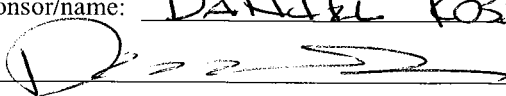
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <b>THE HUNTINGTON PROJECT</b>			
Project Location (describe, and attach a location map): <b>3766 BATAVIA - OAKFIELD TOWNLINE RD. BATAVIA, NY - 14020</b>			
Brief Description of Proposed Action: <b>FRONT PORCH ADDITION</b>			
Name of Applicant or Sponsor: <b>DANIEL KOSTOREK</b>		Telephone: <b>585 902 8146</b>	
Address: <b>70 RIVER ST.</b>		E-Mail: <b>KOSTOREK.DESP@GMAIL.COM</b>	
City/PO: <b>BATAVIA</b>		State: <b>NY</b>	Zip Code: <b>14020</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			NO <input checked="" type="checkbox"/>
b. Total acreage to be physically disturbed?			YES <input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" 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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<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: _____ _____		<input type="checkbox"/>	<input checked="" 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: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input checked="" 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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" 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: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

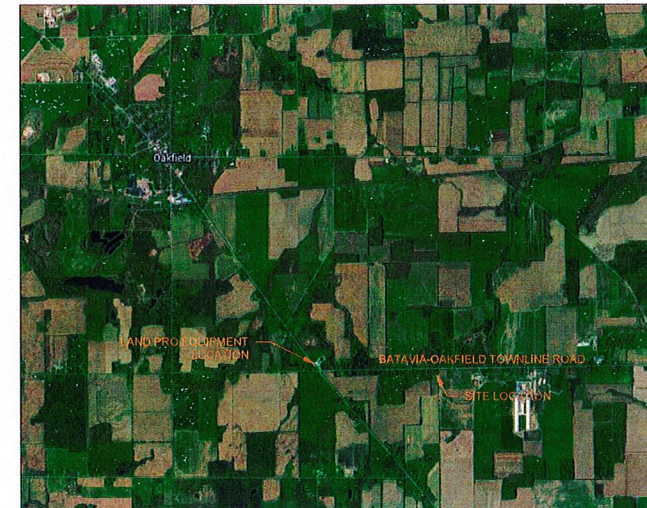
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>DANIEL KOSTRZEK</u> Date: <u>01/26/2023</u>		
Signature: <u></u> Title: _____		





**KOSIOREK DESIGNS**  
 585.902.8146  
 KOSIOREKDESIGNS@GMAIL.COM

**THE HUNTINGTON RESIDENCE**  
 PRELIMINARY SET - 01/18/2023

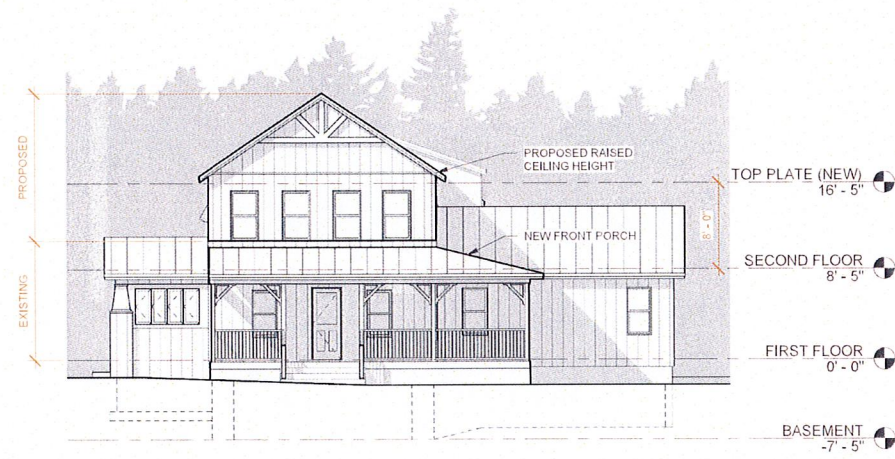


SITE LOCATION MAP

**KOSIOREK DESIGNS**  
 KOSIOREKDESIGNS@GMAIL.COM  
 585.902.8146

ARCHITECTURAL DESIGN, ANIMATION, AND DRAFTING. 70 FRIES ST. BATAVIA, NEW YORK

**FRONT 3D VIEW (PROPOSED)**



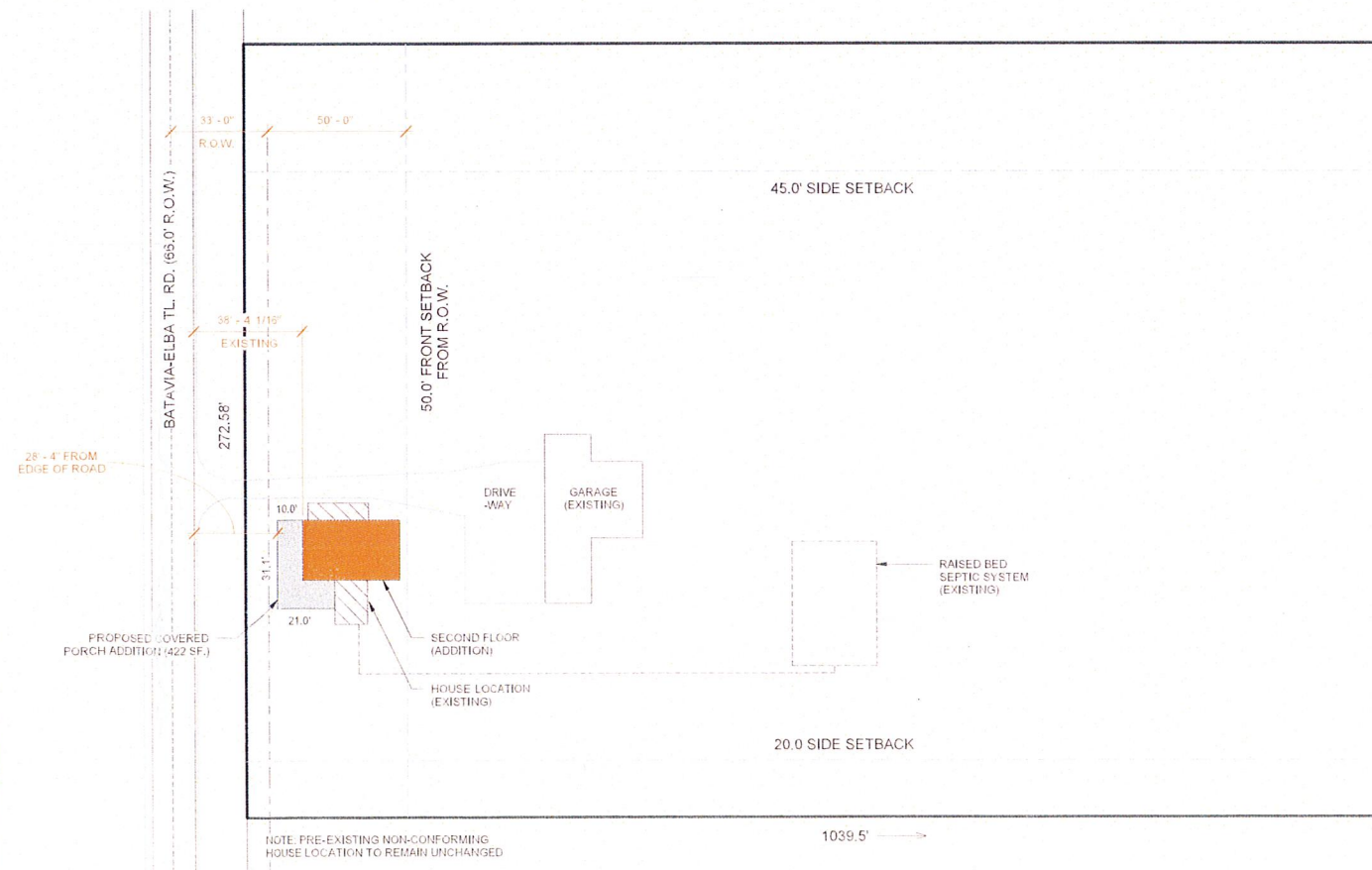
**FRONT ELEVATION**  
 1/8" = 1'-0"



FRONT VIEW 01 (EXISTING)



FRONT VIEW 02 (EXISTING)



**SITE PLAN**  
 1" = 30'-0"

**THE HUNTINGTON RESIDENCE**  
 3746 BATAVIA - OAKFIELD TOWNSHIP ROAD  
 OAKFIELD, NEW YORK 14125

DATE: 01-09-2023  
 SCALE: As indicated  
 DRAWN BY: DK  
 PROJECT NO.: 23-135  
 REMARKS:

**A1**

**NOT FOR CONSTRUCTION**

SHEET NO.:

SITE AND EXTERIOR

GENERAL NOTES:  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).  
 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.  
 3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.  
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.  
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.



# T-03-BAT-02-23



03/20/2021