

## **GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION**

VEN * RY	GCDP Referral ID	T-03-DAR-06-24
Constant of A A A A A A A A A A A A A A A A A A	Review Date	6/13/2024
Municipality	DARIEN, T.	
Board Name	PLANNING BOARD	
Applicant's Name	Whitecap Electric, LLC	
Referral Type	Special Use Permit	
Variance(s)		
Description:	Special Use Permit to read meteorological (MET) tow	uthorize an existing 196 ft. high temporary ver facility
Location	Bennett Rd., Darien	
Zoning District	Low Density Residentia	I (I DR) District

Zoning District 12

ential (LDR) District Jw Density

PLANNING BOARD RECOMMENDS:

**APPROVAL WITH MODIFICATION(S)** 

**EXPLANATION:** 

The required modification is that when the temporary use permit expires, the meteorological tower shall be removed in its entirety and the property shall be restored to its condition prior to the erection of the meteorological tower. With this required modification, the proposed MET tower should pose no significant county-wide or inter-community impact.

Director

June 13, 2024

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.

<u>SEND OR DELIVER TO:</u> GENESEE COUNTY DEPARTMENT OF PL 3837 West Main Street Road Batavia, NY 14020-9404	anning	DEPARTMENT USE ONLY: CDP Referral #
Phone: (585) 815-7901	* GENESEE COUNT	RECEIVED Genesee County
	PLANNING BOARD RE	FERRAL     Dept. of Planning       5/28/2024
GENERAL M	Required According to: UNICIPAL LAW ARTICLE 12B (Please answer ALL questions as ful	, SECTION 239 L, M, N ly as possible)
1. <u>Referring Board(s)</u> Inform	2. Applicant In	FORMATION
Board(s) Townof Danes Pla	unning Board Name white	cop Electric, LLC
Address 10549 Alloghany Re		Transit Rd. SuiteD,
City, State, Zip Dano, NH 14		ast Anoharst, NY MOSI
	Ext. 1026 Phone (116) 553 - 55	Q Ext. Email
MUNICIPALITY: $\Box$ City $\chi$	Town 🗌 Village of Day	
3. <u>Type of Referral:</u> (Check all app		
Area Variance Use Variance Special Use Permit Kmp Site Plan Review	<ul> <li>Zoning Map Change</li> <li>Zoning Text Amendments</li> <li>Comprehensive Plan/Update</li> <li>Other:</li></ul>	Subdivision Proposal Preliminary Final
4. LOCATION OF THE REAL PROPE	RTY PERTAINING TO THIS REFERR	RAL:
A. Full Address 3311 Benn	rett Kel, Darien, NY 140	10
B. Nearest intersecting road <u>Sig</u>	monds ka	
C. Tax Map Parcel Number _ S .	-1-16	
D. Total area of the property _4	35 acres Area of property	to be disturbed 35 acres
E. Present zoning district(s)	R	
5. <u>REFERRAL CASE INFORMATION</u> A. Has this referral been previously	reviewed by the Genesee County Planni	ing Board?
🗌 NO 🛛 YES If yes, give d		
		the present zoning ordinance and/or law
Article IV,1X Se		
C. Please describe the nature of this	request Temporary use	pervost for the Met tower.
reapplication requ	est	
6. <u>ENCLOSURES</u> – Please enclose copy	s) of all appropriate items in regard to t	his referral
🔀 Local application	Zoning text/map amendments	New or updated comprehensive plan
🔀 Site plan	Location map or tax maps Elevation drawings	Nother: letter
$\mathbb{K}$ SEQR forms	Agricultural data statement	
	;	ng out this form (required information)
7. <u>CONTACT INFORMATION</u> of the per Name Guer Yoder	Title mark	Phone (583547-2274 Ext. 1026
LIALLIC KINRIT TOCK	mu producert	

Address, City, State, Zip	10569 Alleghan	us Ka. Darien,	MIHAJEmail_	phzha@ busnofdarenny.com

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#### TOWN OF DARIEN GENESEE COUNTY, NEW YORK 14040

#### PLANNING BOARD SITE PLAN REVIEW SPECIAL USE PERMIT APPLICATION

Application #	PB-07-24
	(For office use only)

Today's Date: March

Provision of Zoning Law Involved:

Article: IV, IX \_\_\_\_, Section: 402, 903, Subsection: B \_\_\_\_\_, Paragraph: \_\_\_\_\_\_

\*This request would be in harmony with the orderly development of the district in which it is located because: It is a temporary structure and is permitted per the town's zoning ordinance

\*This request would not be detrimental to the property or persons in the neighborhood because: the siting exceeds the required setbacks on all sides and is a steel structure - consistent with existing agricultural structures in the area.

\*This request would not increase the traffic flow in the area to the extent that traffic safety would be endangered because: it is a temporary structure similar to a small wind structure not requiring special access roads or modification to existing roadways for installation and/or operation.

The applicant should submit one (1) copy of the application, nine (9) copies of the site plan and one (1) copy of the zoning application

#### **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.

Date of Signature	Signature of Applicant
Date of Signature	Signature of Owner (If different from Applicant)
Office Use Only: Zoning Permit Application #:	Date Received: Fee Paid:
Date of First Hearing:	
Date of Second Hearing:	
Date of Subsequent Hearings:	
Action: () APPROVED () REJE	
Planning Board Chairman Signature:	
Zoning Officer Signature:	Date Permit Issued:
Additional Conditions Imposed:	



9260 Transit Road, Ste D East Amherst, NY 14051

May 15, 2024

Town of Darien 10569 Alleghany Road Darien Center, NY 14040

Dear Zoning Officer,

Re: Temporary Use Permit for MET tower Installation for Whitecap Electric Wind Project

In order to complete wind turbine and tower selection for the above project, we need to collect additional site-specific data using a MET tower at the site. Per the Town of Darien zoning code, "the MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system." Accordingly, the proposed MET tower complies with the setback and siting requirements in Section 817.

Please find attached:

- 1. Site Plan Application
- 2. Zoning Permit Application
- 3. Agricultural Data Statement
- 4. Site Plan
- 5. Tower Details
- 6. SEQR Short EAF

Feel free to reach out if you need any further information.

Sincerely,

Padma Kasthurirangan, MSEE Whitecap Electric, LLC 7168661828

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

	Today's Date: 05/10/2024	_Application Number:	PB-07-24		
	Owner's Name:	Tax Map #:	81-16		
	Owner's Phone: 7168661828	Owner's 2 <sup>nd</sup> Phone:	7165535512		
	Owner Address: 9260 Transit Road, Suite D, East Amherst, NY 14051				
	Address of Project: 2311 Bennett Road				
	Owner's Email: padma@buffalorenewables.gree	<sup>n</sup> Builder Email:			
	Builder Contact:	_Builder Phone:			
	INSTRUCTIONS: Fill out the application completely. Submit the app Officer (ZEO) prior to commencing this project or u <b>*THIS APPLICATION IS NONTRANSFERABLE AND IS</b>	se.			
leng	1. Zoning District property located in: RESIDENTIA         Industrial       Commercial         2. Permit Application for:       New Construction         Roof       Solar Panels       Generator         SPECIAL USE       VARIANCE       SITE F         3. Is this parcel:       Corner Lot       Water District	ecreational Demolition Add Swimming Pool HOME OCCU	lition Alteration Relocation Signs Fence Kennel		
	<ul> <li>4. Dimensions of this lot:length X</li> <li>5. What is the front set back (in feet) from the pro</li> <li>ft and what is the set back (in feet)</li> </ul>	width and/or a oject to the street right	-of-way (Check Survey for ROW);		
	Back (Also depict on plot diagram). 6. Total percentage (%) of coverage of all building	s on lot (including prop	osed):%		
	7. Total Dwelling Units: 8. Project Cost: Actual Estimated				
	9. PROPOSED PROJECT HEIGHT LENGT		# Bathrooms:		
	House		Rec Room:		
	Garage/Pole Barn		Family Room:		
	Accessory Structure		Fireplace:		
	Commercial				
	Industrial				
	Signs				
	Describe proposed project and/or use: Temporary MET Tower - Special Use Records Jemperary Use P	- Ze- applied	etton/renewal on 4/18/2024,		
	Réference previous app	roved Suf ;	PB-13-22		

Attachments required & verified by ZEO: Le - 2ppl. coltan - Request for reneual					
Action taken by ZEO: 7	Action taken by ZEO: APPROVED: DENIED: Reason:				
Referral To:	n Planning 🔲 Town App	eals County Planning Building Inspector			
Requires: Zoning Permit Zoning/Building Permit Operating Permit Temporary Use Permit Emergency Housing Permit Certificate of Compliance					
Date of Signature		Signature of ZEO			
Date of Signature	# of Inspects	Signature of Building Inspector			
Date Fee Received	Fee	Indicate Fees Paid/Town Clerk Use Only			
Date of Signature		Renewal Approval / ZEO Signature			

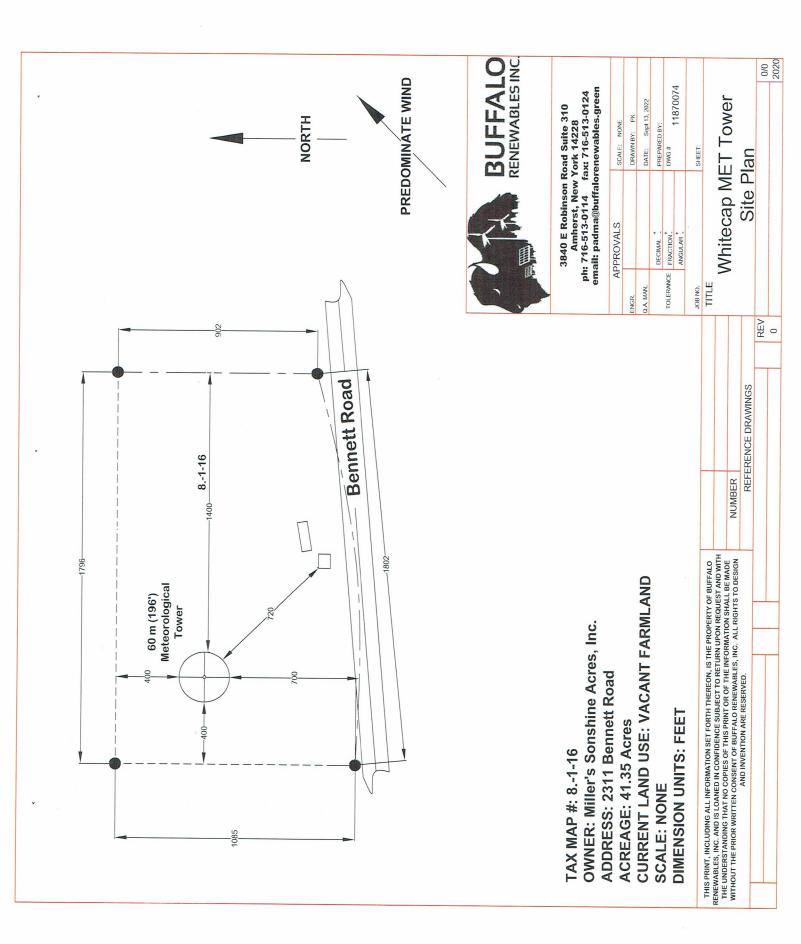
**CERTIFICATION:** I hereby certify that I have read the instructions, examined this application and supporting attachments and know them to be true & correct. All provisions of Laws and Ordinances covering this type of work or use will be complied with, whether specified herein or not. The granting 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 stead	form required?(attach form if required)
APPLICANT SIGNATURE	PROPERTY OWNER SIGNATURE (If other than applicant)
Office Use Only:	
Total Square Footage: Aver	age Sq. Footage Cost:
Valuation: Refe	rence Year:

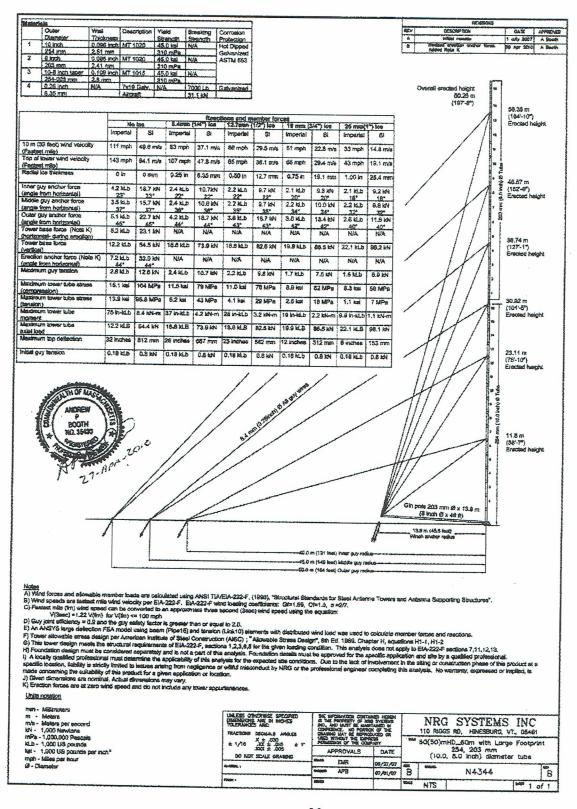
site plan approval, use municipal review, that wo	eted for any application for a special use permi variance or a subdivision approval, requirin
site plan approval, use municipal review, that wo	variance or a subdivision approval, requirin
	ould occur on property within 500 feet of a far Dept. of Ag. & Markets certified Agricultural Distric
Applicant	Owner if different than Applicant Miller Sonshine Acres Inc
Address 9260 Transit Road, Suite D	Address 1765 Broadway Road
East Amherst, NY 14051	Darien Center, NY 14040
Type of application: Special use permit Subdivision approval Description of proposed project: Installation of t	; Site plan approval ✓; Use variance ; temporary MET tower
Location of project: Address 2311 Bennett Rd. Cor	rfu, NY 14036
If yes, Agricultural District Number Is this property actively farmed ? NO List all farm operations within 500 feet of ye List all farm operations within 500 feet of ye See attached sheet Name Address	YES our property, (Attach additional sheets if necessary 2. Name Address
s this property actively farmed ? NO YES	Is this property actively farmed ? NO YES
3. Name	4.
Address	Address
this property actively farmed ? NO_YES	Is this property actively farmed ? NO YES
the of.	Signature of Owner (if other than Applicant)
Signature of Applicant	
Signature of Applicant	- Tistxey

r	Surrounding Farm Parcel No 41-40 81-17 81-20.1 81-14 CHIUS
	Surrounding Farm Operations (within 500 feet)       Parcel Name       Parcel Approximation State         Parcel No       Parcel Name       Parcel Parcel       Parcel State         41-40       Dustin Williams       989       989         81-17       Dustin Williams       989         81-20.1       David Gildner       239         81-14       Anthony Capwell       227         Chius TOP NGC (MUNICK)       Chius TOP NGC (MUNICK)       1000000000000000000000000000000000000
	<b>D feet)</b> <b>Parcel Address</b> 9896 Ridge Rd. 9898 Bennett Rd. 2272 Bennett Rd.
	Mailing Address 9896 Ridge Rd. Alexander, NY 14005 2398 Bennett Rd. Alexander, NY 14005 -1802 Richley Rd. Corfu, NY 14005 -1802 Richley Rd. Corfu, NY 14036

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#### Stamped Drawing



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NRG\_60m\_and\_50m\_XHD\_TallTower\_Installation\_Manual\_and\_Specifications\_Rev\_2.02.docx

## 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.

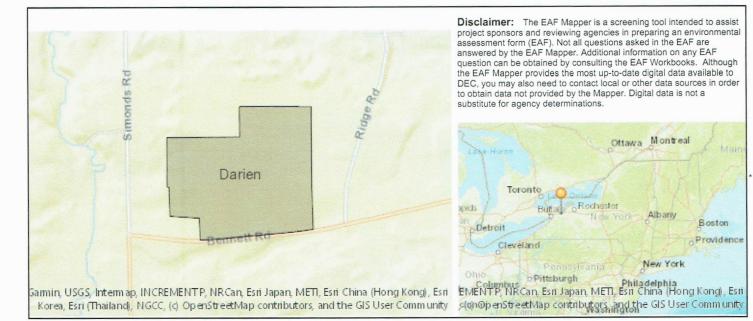
Part 1 – Project and Sponsor Information				
VZ_ST	20			
	~ 1			
Name of Action or Project:				
MET Tower Installation				
Project Location (describe, and attach a location map):				
2311 Bennett Road, COrfu, NY 14036				
Brief Description of Proposed Action:				
Installation of a temporary 60m (196') guyed meteorological tower to gather wind data for str	uctural analysis of wind projec	ot.		
Name of Applicant or Sponsor:	T 1 1			
	Telephone: 7168661828			
Whitecap Electric, LLC	E-Mail: padma@buffalorenewables.green			
Address:				
9260 Transit Road, SUite D				
City/PO:	State:	Zip Code:		
East Amherst	NY	14051		
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	l law, ordinance,	NO YES		
If Yes, attach a narrative description of the intent of the proposed action and the e	nvironmental resources the	at		
may be affected in the municipality and proceed to Part 2. If no, continue to ques	tion 2.			
2. Does the proposed action require a permit, approval or funding from any other	er government Agency?	NO YES		
If Yes, list agency(s) name and permit or approval: Genesee County Planning Board				
3. a. Total acreage of the site of the proposed action?	41.35 acres			
b. Total acreage to be physically disturbed?	.25 acres			
c. Total acreage (project site and any contiguous properties) owned				
or controlled by the applicant or project sponsor?	141 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. Urban Rural (non-agriculture) Industrial Commercia	D Decidential (autom	h-m)		
		ban)		
Forest Agriculture Aquatic Other(Spec	cify):			
Parkland				

5.	]	Is the proposed action,	NO	YES	N/A
	2	a. A permitted use under the zoning regulations?		$\overline{\mathbf{A}}$	
	ł	b. Consistent with the adopted comprehensive plan?		$\overline{\mathbf{V}}$	
6.	Ι	Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
		r r			$\checkmark$
7.		Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If	Ye	es, identify:		$\checkmark$	
				NO	YES
8.	а	a. Will the proposed action result in a substantial increase in traffic above present levels?			
	ł	Are public transportation services available at or near the site of the proposed action?		$\overline{\mathbf{V}}$	
		c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	-	$\checkmark$	
9.	Γ	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
Ift	he	proposed action will exceed requirements, describe design features and technologies:			
	2				$\overline{\mathbf{V}}$
10.	V	Will the proposed action connect to an existing public/private water supply?		NO	YES
		If No, describe method for providing potable water:			
				$\checkmark$	
11.	V	Vill the proposed action connect to existing wastewater utilities?		NO	YES
		If No, describe method for providing wastewater treatment:	-		120
				$\checkmark$	
12.	a	Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district	_		
wm	cn	Is listed on the National or State Register of Historic Places, or that has been determined by the	-	NO	YES
Stat	nn te l	nissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the Register of Historic Places?	Ļ	$\checkmark$	
	iae	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for eological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
13.	a. w	Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain vetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
	b.	. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	-		
If Y	es	, identify the wetland or waterbody and extent of alterations in square feet or acres:			
	-				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
Wetland 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
	$\checkmark$	
16. Is the project site located in the 100-year flood plan?	NO	YES
	$\checkmark$	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	$\checkmark$	
a. Will storm water discharges flow to adjacent properties?		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:		
	$\checkmark$	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility? If Yes, describe:		
	$\checkmark$	$\square$
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
	$\checkmark$	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF	
Applicant/sponsor/name: Whitecap Electric, LLC Date: 05/15/2024		
Signature:		

PRINT FORM

### EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No	
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No	
Part 1 / Question 12b [Archeological Sites]	No	
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.	
Part 1 / Question 15 [Threatened or Endangered Animal]	No	
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.	
Part 1 / Question 20 [Remediation Site]	No	

Short Environmental Assessment Form - EAF Mapper Summary Report

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# **T-03-DAR-06-24**

