



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-03-DAR-6-22**
Review Date **6/9/2022**

Municipality	DARIEN, T.
Board Name	TOWN BOARD
Applicant's Name	Dave Alvord (Quiet Meadows Properties, LLC)
Referral Type	Zoning Map Change
Variance(s)	
Description:	Zoning Map Change to rezone a portion of a parcel from Low Density Residential (LDR) to Commercial (C) District.
Location	204 Broadway Rd. (NYS Rt. 20), Darien
Zoning District	Low Density Residential (LDR) District

PLANNING BOARD RECOMMENDS:

DISAPPROVAL

EXPLANATION:

The proposed rezoning is not consistent with the Town's Comprehensive Plan adopted in 2005 and therefore could pose significant county-wide or inter-community impacts. The Official Future Land Use Map (Appendix A-1) in the Town's Comprehensive Plan shows the area to be rezoned as "Rural Agrarian." The plan further elaborates, "The area west of Warner Road on Route 20 should remain rural residential." (p.32) The Town should amend its comprehensive plan if the consensus is to encourage further commercial development on this stretch of NYS Rt. 20.

Director

June 9, 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) 547-2274

Clear Form

DEPARTMENT USE ONLY:

GCDP Referral # T-03-DAR-6-22



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

**RECEIVED
Genesee County
Dept. of Planning
5/17/2022**

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) Darien Town Board
Address 10569 Alleghany Road
City, State, Zip Darien, NY 14040
Phone (585) 547-2274 Ext. 1026

2. APPLICANT INFORMATION

Name Dave Alvord (Quiet Meadows Properties, LLC)
Address 8850 Wortendyke Rd
City, State, Zip Batavia, NY 14020
Phone (585) 739-3889 Ext. _____ Email alvordbuilders@yahoo.com

MUNICIPALITY: City Town Village of Darien

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 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 checked="" type="checkbox"/> Other: <u>Rezone Parcel</u> | |

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

A. Full Address 204 Broadway Road, Darien, NY 14040
B. Nearest intersecting road County Line Road
C. Tax Map Parcel Number 9.-1-29.115
D. Total area of the property 5.67 Area of property to be disturbed 0
E. Present zoning district(s) Front is Commercial & Back is Low Density Residential

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 Rezone parcel so the entire parcel is Commercial

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 type="checkbox"/> Site plan | <input checked="" 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>Criteria to Support Rezoning</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 Alice Calmes Title Town Clerk Phone (585) 547-2274 Ext. 1026
Address, City, State, Zip 10569 Alleghany Road, Darien, NY 14040 Email townclerk@townofdarienny.com

TOWN OF DARIEN APPLICATION FOR RE-ZONING (revised 4/02/2022)

Today's Date: 4/13/2022 Application Number: JB-02-22

Owner's Name: DAVE Alvord Tax Map #: 9.-1-29.115

Owner's Phone: (585) 343-9054 Owner's 2nd Phone: (585) 739-3889

Owner Address: 8850 WONTENDYKE RD BATAVIA, NY 14020

Address of re-zone parcel: 204 Broadway Road Darien, NY 14040

Nearest Cross Street: Countyline Rd.

Owner's Email: Alvordbuildings@yahoo.com

INSTRUCTIONS:
Fill out the application completely. Submit the application & required attachments to the Zoning Enforcement Officer (ZEO).

1. Zoning District property located in: Residential Low or Medium Density), Industrial, Commercial MU-CC #1 or MU-CC #2 or MU -NC), Recreational
2. Proposed Zoning District: Commercial
3. Is this parcel: ___ Corner Lot ___ Water District ___ Sewer District ___ Gen Co Smart Growth Plan
4. Dimensions of this lot: 725' length X 340' width and/or area 5.67 acres
5. What is the front set back (in feet) from the project to the street right-of-way (Check Survey for ROW);
 ___ ft and what is the set back (in feet) from project property line Side A ___ Side B ___
 Back ___ (Also depict on plot diagram).
6. Total percentage (%) of coverage of all buildings on lot (including proposed): ___%
7. Total Dwelling Units: 0

8.

PROPOSED PROJECT	HEIGHT	LENGTH	WIDTH	SQUARE FEET
House				
Garage/Pole Barn				
Accessory Structure				
Commercial				
Industrial				
Signs				

Describe proposed project and/or use:
Rezone the rear portion of the parcel to Commercial Use as is the front. To allow the addition of Self-service storage units.

Attachments required & verified by ZEO:
Maps, supporting documentation, application, site plan layout (proposed), agricultural data statement.

Referral To: Darien Town Board Town Planning County Planning

Requires: Amendment of the zoning ordinance Environmental Determination

4/21/2022
Date of Signature

[Signature]
Signature of ZEO

4/21/2022
Date Fee Received

\$ 60.00
Fee

[Signature]
Indicate Fees Paid/Town Clerk Use Only

Date of Signature

Signature of Town Supervisor

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)

[Signature] (member)
APPLICANT SIGNATURE

PROPERTY OWNER SIGNATURE (If other than applicant)

Office Use Only:

Application #: TB-02-22
(For office use only)

Town of Darien Criteria to Support Rezoning

In making its determination, the Town Board shall take into consideration the benefit to the applicant if the request is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Town Board shall consider the following:

Explain **how** the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The approval of the zoning change will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

The inclusion of the entire parcel into the commercial zone will allow the owner to install more self service storage units of which there are currently four in the commercially zoned portion.

The character of the neighborhood remains unchanged. Allows for low intensity use of the vacant rear portion of the parcel which is otherwise unavailable as the entire frontage is commercial use.

2. **Rational for the rezoning request. Why was the site chosen?**

The frontage of the site is currently zoned commercial and was chosen as such. Inclusion of the parcel allows for use of otherwise vacant land that is essentially landlocked from further development.

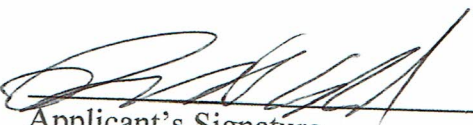
3. **Why the land cannot be used with the existing zoning?**

Not permitted in LDR zone. Excluded by definition; however amongst uses in the LDR zone by SUP; many would be significantly more intensive in use than what this commercial proposal is.

The comprehensive plan recognized: impact of development is more important than land use, and building/site design in more important than density.

4. **Adverse Effect or Impact.** The request will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

No, any further development of the rear portion of the property would be subject to site plan review by the Darien Planning Board and include environmental review under SEQR.


Applicant's Signature

4-15-2022
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: Quiet Times Properties re-zoning application			
Project Location (describe, and attach a location map): 204 Broadway Rd. Darien, NY 14040			
Brief Description of Proposed Action: Rezone approximately 3.3 Acre rear portion of existing 5.67 acre parcel to make the entire parcel in the commercial zone. This would allow for further extension of self storage units to the remaining portion of the parcel now precluded by definition.			
Name of Applicant or Sponsor: <i>Dave Alvord</i> <i>R. David Alvord</i>		Telephone: 585-343-9055	
Address: 8850 Wortendyke Road		E-Mail:	
City/PO: Batavia <i>Batavia</i>		State: NY	Zip Code: 14020
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: <i>Approval to re-zone the tax parcel by the Darien Town Board</i>			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.3 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		5.67 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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 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: _____ _____	NO	YES	
	<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: _____ _____	NO	YES	
	<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?	NO	YES	
	<input checked="" 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 checked="" type="checkbox"/>	
	<input checked="" 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:

- 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
<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 type="checkbox"/>	<input type="checkbox"/>
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b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
If Yes, briefly describe:

<input type="checkbox"/>	<input type="checkbox"/>
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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"/>

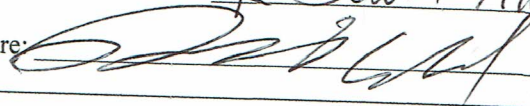
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

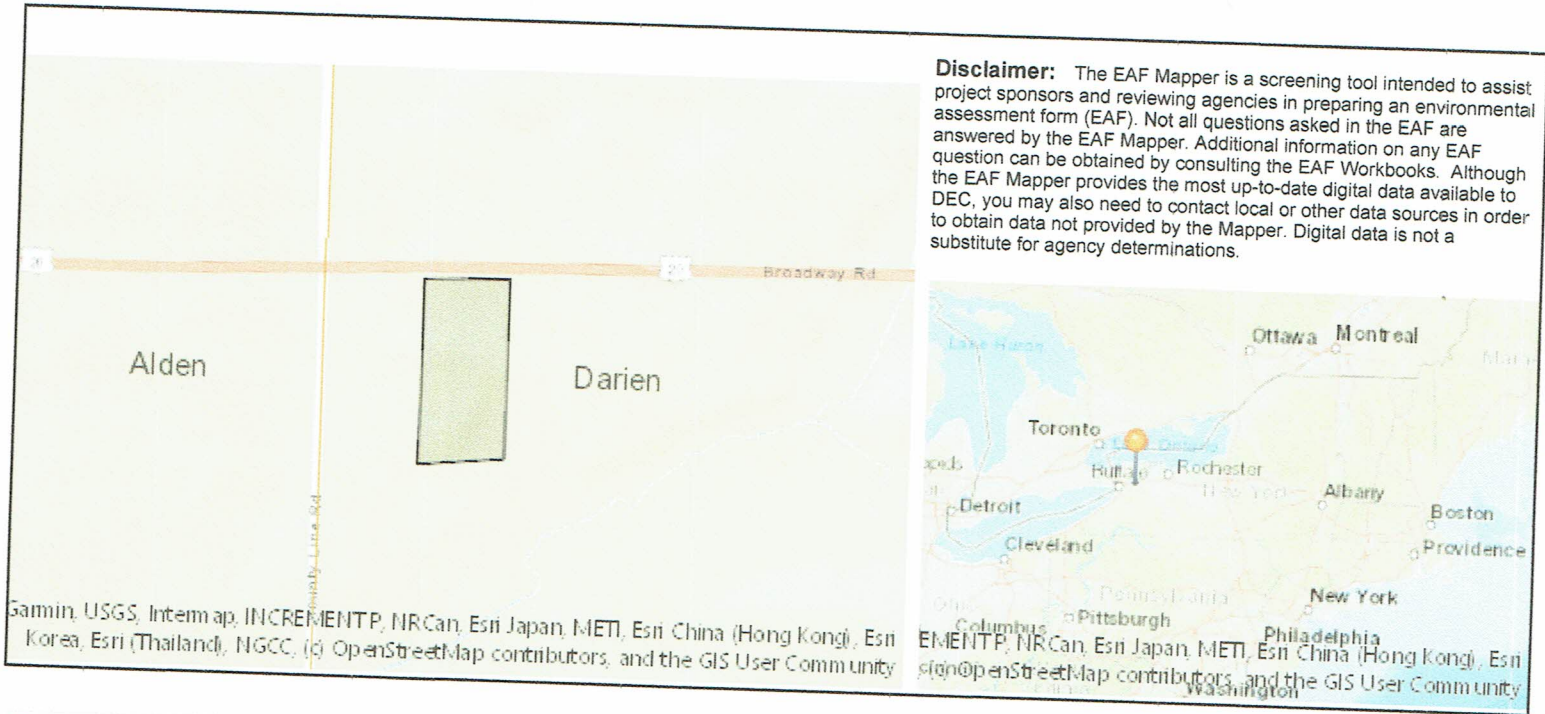
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: R. David Alford

Date: 4-15-2022

Signature: 

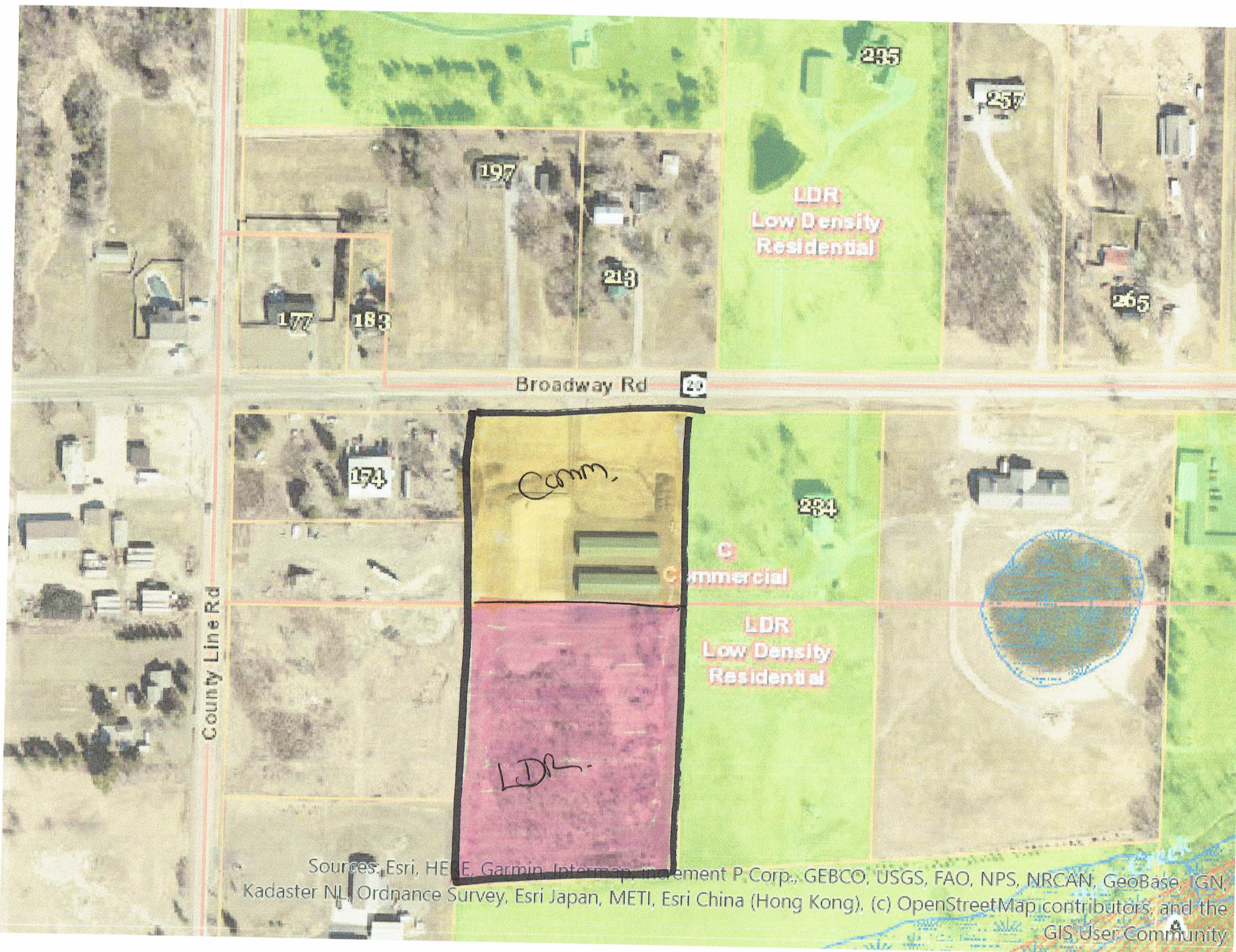
Title: member



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



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

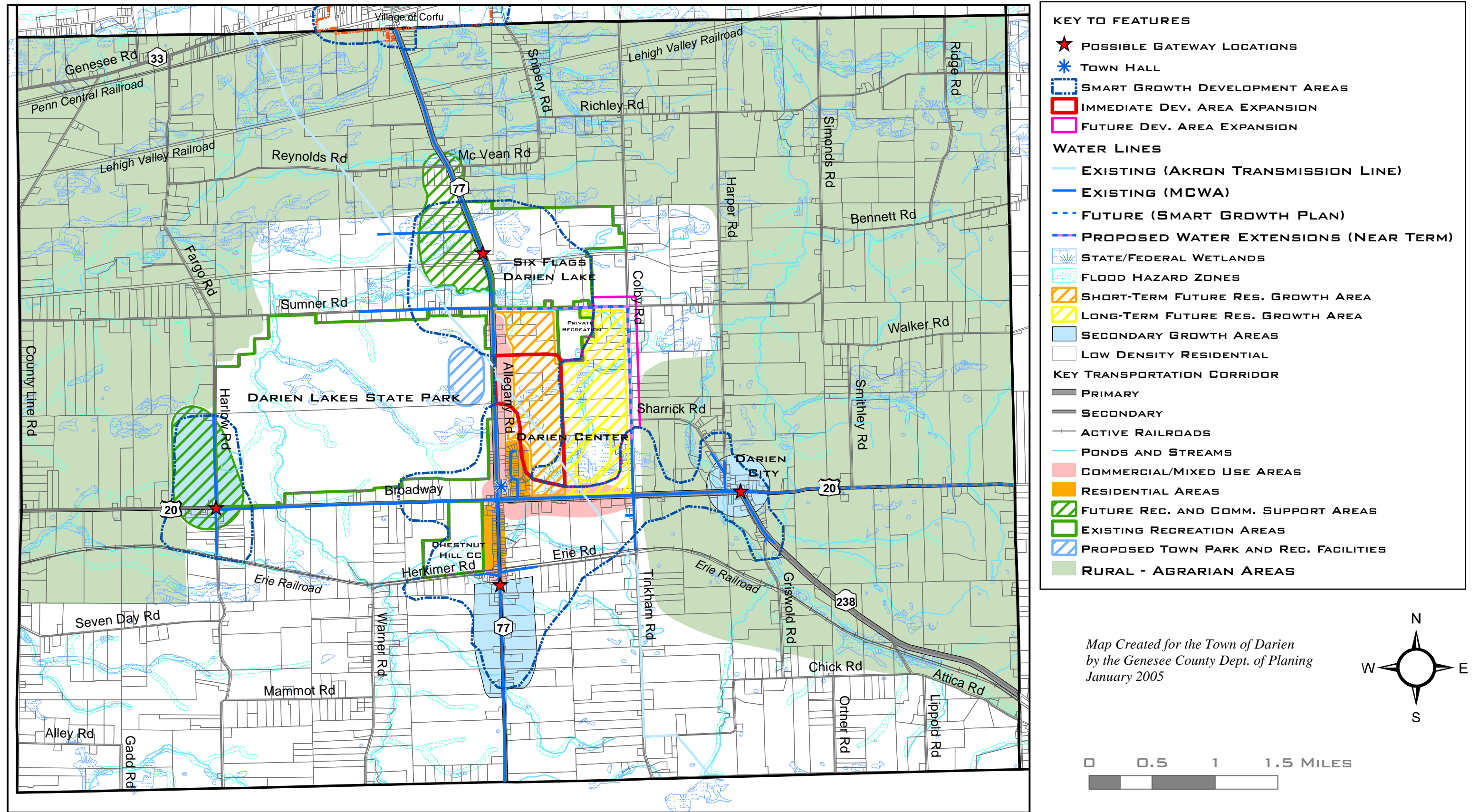


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TOWN OF DARIEN

COMPREHENSIVE PLAN - 2005

OFFICIAL FUTURE LAND USE MAP



- The area north of Sumner, although not part of the hamlet, provides a tremendous impact to Darien Center (includes Six Flags Darien Lake).
 - Future expansion of Six Flags Darien Lake across Route 77 is foreseeable
 - The area north of Sumner to Reynolds/McVean Road intersection should allow recreational/tourism businesses and residential
- Along the entire Route 77 corridor from the Six Flags Darien Lake area (Reynolds/McVean Road) to Erie Road could have a zoning overlay district. This zoning overlay could be broken up into three (3) areas (Six Flags area, Sumner to Route 20 intersection, and south of Route 20) which address the district design and architectural/aesthetic requirements for these areas.
 - Six Flags (generally north of Sumner Road) area should reflect the recreational/tourism component of the area. Work with Six Flags to establish image
 - Commercial development along Route 77 between Sumner and Route 20 should reflect the existing character of the community (no corporate stylized buildings, no pylon signs), and should include access management requirements
 - Route 20 to Herkimer Road/Erie Street should generally remain residential in nature with commercial support at these major intersections.
- The Hamlet of Darien City should continue to be a mixed-use area. Commercial uses can be automobile dependent since it is not part of the "downtown" hamlet.
 - Water is available but not sewer, therefore the size of structures will be limited
 - A gateway feature could be established
- The area west of Warner Road on Route 20 should remain rural residential. The area around the Route 20/Harlow Road intersection could be utilized for some limited commercial, recreational or tourism, and also allow residential development. Since no sewer is available, the uses will be small and less dense. So as not to compete with the other commercial areas, only tourism (seasonal) and recreational business uses should be allowed.
- Control urban development in the general vicinity of Darien Lakes State Park and other recreational areas except where such uses are programmed into the plan
- The area between Sumner, Colby, Route 20 and the commercial area along Route 77, could be an area for future residential growth.
 - As farming operations continue to disappear in this area, the Town should investigate the possibilities of extending infrastructure in this area.

T-03-DAR-6-22

