



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

T-03-PEM-03-23

Review Date

3/9/2023

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

PEMBROKE, T.

ZONING BOARD OF APPEALS

L. Visone Development LLC

Area Variance(s)

Area Variance to divide one parcel into two.

Lot Frontage

Minimum required: 200 ft.

Existing: 80.19 ft.

Proposed: 0 ft.

Location
Zoning District

797 Main Rd. (NYS Rt. 5), Pembroke

Industrial (I) District

PLANNING BOARD RECOMMENDS:

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the rear parcel retain a strip of land of at least 15 ft. wide on the western side of the property with frontage on Main Rd. With this required modification, the proposed variance should pose no significant county-wide or inter-community impact.

Director

March 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) 599-1209



DEPARTMENT USE ONLY:
GCDP Referral # T-03-PEM-03-23

*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
2/23/2023

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 Pembroke ZBA
Address 1145 Main Rd
City, State, Zip Corfu NY 14036
Phone (585) 599 - 1209 Ext. _____

2. APPLICANT INFORMATION

Name L. Visone Development LLC
Address 9829 Main St
City, State, Zip Clarence NY 14031
Phone (716) 221 - 4371 Ext. _____ Email _____

MUNICIPALITY: City Town Village of Pembroke

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 797 Main Rd. Corfu NY 14036
B. Nearest intersecting road Rt 5 and Lake Rd
C. Tax Map Parcel Number 14.-2-28.2
D. Total area of the property 61 acres Area of property to be disturbed about 5.5 Acres
E. Present zoning district(s) Industrial

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
variance refers to Addendum C Schedule A of our zoning law and defined terms of Frontage and Public st.
C. Please describe the nature of this request _____

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 James Wolbert Title CEO / ZEO Phone (585) 599 - 1209 Ext. _____
Address, City, State, Zip 1145 Main Rd. Corfu, NY 14036 Email zoning-codes@townofpembroke.org

February 2, 2023

VIA EMAIL

Town of Pembroke
Office of Planning and Zoning
1145 Main Road
Corfu, New York, 14036

Re: # New Parcel - 797 Main Rd, Pembroke NY

Dear Office of Planning and Zoning,

We would like to respectfully request that L Visone Development, LLC receive authorization to parcel approximately 5.5 acres of industrial property of the 61 + acre property at 797 Main Road in Pembroke, NY (SBL # 18428914.-2-28.2). We have received interest in purchasing the 5.5-acre portion of the property occupied by two separate divisions of Sunbelt Rentals, including interest by Sunbelt Rentals. Allowing the property to be parceled will allow for the opportunity for the entire property to attain its highest and best use, allowing for future development and growth of tax basis. Please let me know if you have any questions or need any additional information/application fees.

Thank you!

Brianne M. Frawley

Brianne Frawley

Enclosure:

**TOWN OF PEMBROKE
1145 MAIN ROAD
CORFU, NEW YORK 14036
585-599-4892**

APPLICATION FOR: <input type="checkbox"/> SPECIAL USE PERMIT <input type="checkbox"/> TEMP. SPECIAL USE PERMIT <input type="checkbox"/> USE VARIANCE <input checked="" type="checkbox"/> AREA VARIANCE	<input type="checkbox"/> ZONING APPEAL <input type="checkbox"/> LAND SEPARATION <input type="checkbox"/> SUB DIVISION <input type="checkbox"/> ZONE DISTRICT CHANGE <input type="checkbox"/> SITE PLAN REVIEW	DATE APPLIED FOR _____ APPLICATION NUMBER _____ REFERRED TO PLANNING _____ REFERRED TO ZBA _____ PUBLIC HEARING REQ. _____
--	---	--

APPLICANT <u>L Visone Development, LLC</u> ADDRESS <u>797 Main Rd</u> <u>Pembroke, NY 14036</u> TELEPHONE # <u>716-221-4371</u>	STREET LOCATION # <u>797 Main Rd</u> TAX MAP PARCEL # <u>18428914.-2-28.2</u> ZONING DISTRICT <u>Industrial</u> SIZE OF PARCEL <u>New parcel - approx 5.5 acres</u> CORNER LOT _____
PROPERTY OWNER (IF OTHER THAN ABOVE)	
NAME <u>L Visone Development, LLC</u> ADDRESS <u>9829 Main St</u> <u>Clarence, NY 14031</u> TELEPHONE # <u>716-221-4371</u>	CURRENT SET BACK OF BUILDING FRONT <u>multiple</u> REAR <u>multiple</u> SIDE <u>multiple</u>

PERMIT OR VARIANCE FOR: <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ADDITION <input type="checkbox"/> SIGN <input type="checkbox"/> HOME OCCUPATION <input checked="" type="checkbox"/> OTHER	IF THIS APPLICATION IS FOR A VARIANCE PLEASE STATE THE SECTION OF THE ORDINANCE UNDER WHICH THE VARIANCE REQUESTED <u>Parceling property to sell buildings to new owner</u> DESCRIBE REASON FOR VARIANCE <u>Parceling property to sell buildings to new owner</u>
---	--

DOES THIS PROJECT REQUIRE APPROVAL FROM THE FOLLOWING? CHECK THOSE THAT APPLY:

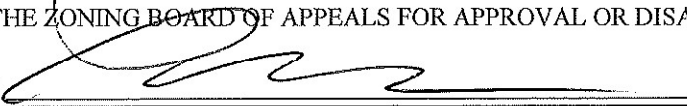
<input type="checkbox"/> GENESEE CO. HEALTH DEPARTMENT	<input type="checkbox"/> TOWN BOARD
<input type="checkbox"/> GENESEE CO. SOIL & WATER	<input type="checkbox"/> Z.B.A.
<input type="checkbox"/> DEPARTMENT OF TRANSPORTATION	<input checked="" type="checkbox"/> PLANNING BOARD
<input type="checkbox"/> COUNTY PLANNING DEPARTMENT	<input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> D.E.C.	

DESCRIPTION OF PROPOSED PROJECT OR REASON FOR PERMIT REQUEST

Parceling property to sell buildings to new owner.

- INSTRUCTIONS FOR COMPLETING THIS APPLICATION:
1. INCLUDE SITE SKETCH PLAN, PREFERABLY A LAND SURVEY WITH CURRENT AND PROPOSED SET BACKS.
 2. IF APPLICANT IS NOT THE OWNER OF THE LAND ON WHICH THE PROPOSED PROJECT IS LOCATED, THEY ARE THEN REQUIRED TO OBTAIN WRITTEN PERMISSION FROM THE LAND OWNER FOR THE PROJECT.
 3. A SEQR FORM (EAF) MUST BE INCLUDED WITH THE APPLICATION.
 4. APPLICANT OR REPRESENTATIVE SHOULD ATTEND PLANNING BOARD AND/OR ZBA MEETING.

NOTE: IF THE REQUEST IS FOR A USE OR AREA VARIANCE, THE PLANNING BOARD'S ONLY ACTION WILL BE TO MAKE A RECOMMENDATION TO THE ZONING BOARD OF APPEALS FOR APPROVAL OR DISAPPROVAL.

APPLICANT SIGNATURE  DATE 2-1-23

SPECIAL USE PERMIT

THE PEMBROKE PLANNING BOARD AT A MEETING HELD ON _____ HAS HEREBY
(APPROVED) (DISAPPROVED) APPLICATION # _____ FOR A SPECIAL USE PERMIT TO
CONDUCT A _____ ON PROPERTY IDENTIFIED AS
TAX MAP # _____

THE FOLLOWING RESTRICTIONS HAVE BEEN IMPOSED AS A CONDITION OF APPROVAL

DATED _____ CHAIRMAN OF THE PLANNING BOARD _____

ZONING OFFICER _____

The applicant agrees to the Special Conditions imposed with approval _____

Signature

Dated _____

LAND SEPARATION PERMIT

THE PEMBROKE PLANNING BOARD AT A MEETING HELD ON _____ HAS HEREBY
(APPROVED) (DISAPPROVED) APPLICATION # _____ FOR A LAND SEPARATION FROM
PROPERTY IDENTIFIED AS TAX MAP # _____

PLEASE NOTE: THIS PERMIT WILL NOT BE ISSUED UNTIL A SURVEY FOR THE NEWLY CREATED PARCEL IS
SUBMITTED TO THE TOWN CLERK.

DATED _____ CHAIRMAN OF THE PLANNING BOARD _____

MYLAR RECEIVED (Date) _____ LETTER SENT TO APPLICANT FOR FILING WITH COUNTY (Date) _____

FILED WITH COUNTY (Date) _____

VARIANCE

ZONING BOARD OF APPEALS ONLY

THE PEMBROKE BOARD OF APPEALS AT A MEETING HELD ON _____ HAS HEREBY
(APPROVED) (DISAPPROVED) APPLICATION # _____ FOR (AN AREA) OR (A USE)
VARIANCE ON PROPERTY IDENTIFIED AS TAX MAP # _____

FOR THE FOLLOWING PURPOSE

THE FOLLOWING RESTRICTIONS HAVE BEEN IMPOSED AS A CONDITION OF APPROVAL

DATED _____ CHAIRMAN ZONING BOARD OF APPEALS _____

The applicant agrees to the Special Conditions imposed with approval _____

Signature

Dated _____

Town of Pembroke

Zoning & Land Use Permit Application Guidelines

1. Please fill out the front of the Zoning & Land Use Application to the best of your ability.
2. Please fill out Part I of the attached SEQR Short Environmental Assessment Form. Depending on the scope of your project you may be required to submit the SEQR Long Form.
3. Please fill out the Agricultural Data Statement if required.
4. Please submit a plot plan drawing. (See attached sample plot plans as examples)
5. If you are requesting a Special Use Permit, Site Plan review or a Land Separation, the Town of Pembroke Planning Board will need to approve your application. (*See SECTION 708 of the Town of Pembroke Zoning Law for more information.*) If the property in question fronts, or is within 500 feet a State or County road Genesee County Planning will need to review you application. Please see the Zoning and Codes Department to schedule the appropriate hearing.
6. If you are requesting an Area or Use Variance, the Town of Pembroke Zoning Board of Appeals will need to approve your application. (*See SECTION 707 of the Town of Pembroke Zoning Law for more information.*) If the property in question fronts, or is within 500 feet a State or County road Genesee County Planning will need to review you application. Please see the Zoning and Codes Department to schedule the appropriate hearing.
7. A \$50.00 fee is charged for all Public Hearings if required.
8. Please *do not* start construction until the appropriate actions have been taken by the Zoning Board of Appeals or Planning Board and a Building Permit has been issued.

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			
L Visone Development, LLC			
Name of Action or Project: 797 Main Rd Parceling			
Project Location (describe, and attach a location map): 797 Main Rd, Clarence NY 14036			
Brief Description of Proposed Action: Owner requests parceling of approximately 5.5 ac. of the industrial zoned property so that the property can be sold.			
Name of Applicant or Sponsor: L Visone Development LLC		Telephone: 716-759-1715	
		E-Mail: brianne@visoneco.com	
Address: 9829 Main St			
City/PO: Clarence		State: NY	Zip Code: 14031
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 X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES X
3.a. Total acreage of the site of the proposed action? _____ 5.5 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? _____ 0 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p>X</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p>X</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p>X</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Lucian Visone</u> Date: <u>2-1-23</u></p> <p>Signature: _____</p>		

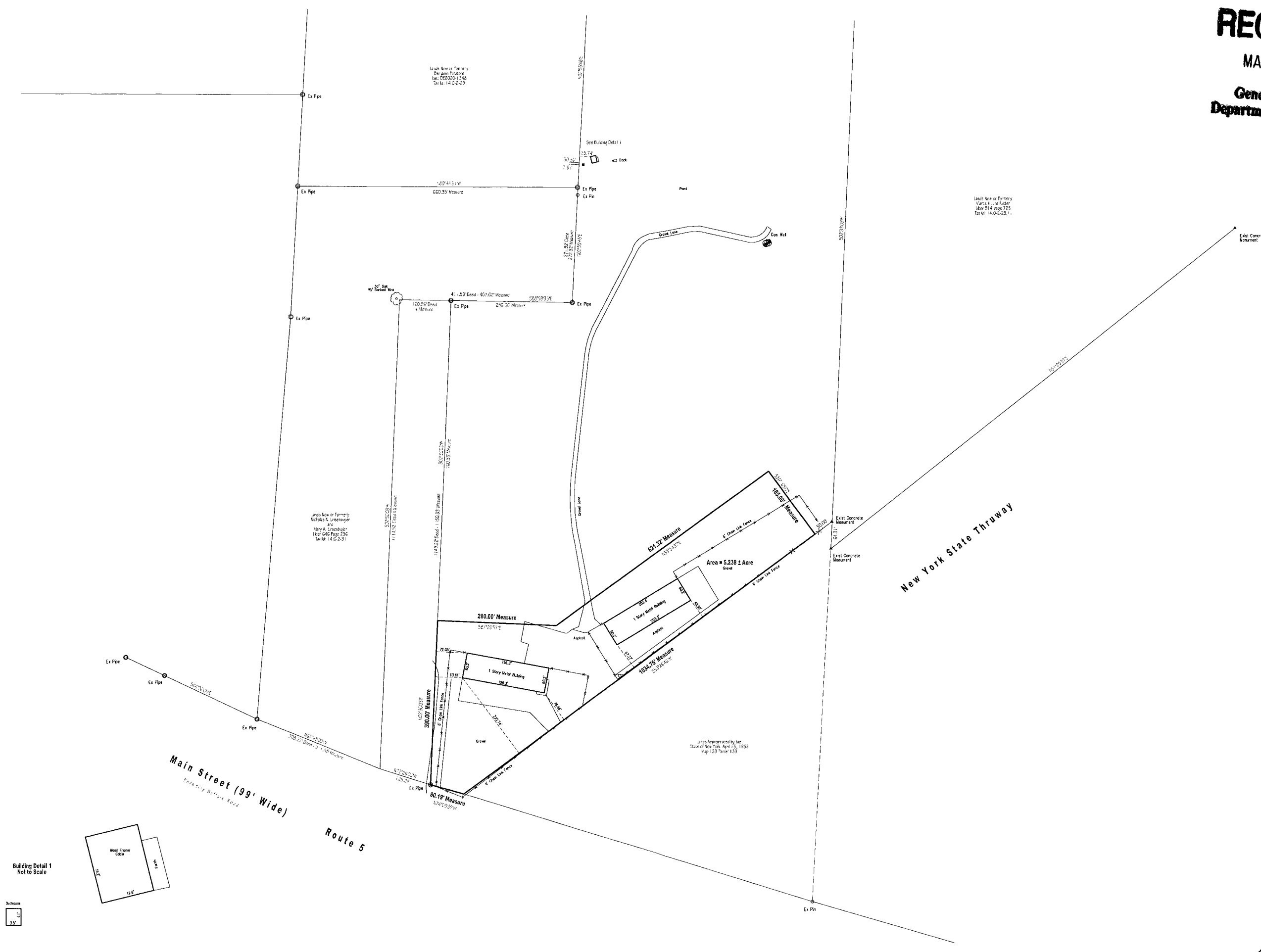
T-03-PEM-03-23



© All EagleView Technology Corporation

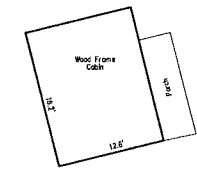
03/22/2021

RECEIVED
 MAR 09 2023
 Genesee County
 Department of Planning



FILE: Z:\Users\NBS\001\21\Acct\Proj\1783\787 Main St\1783_787 Main Street.dwg

Building Detail 1
 Not to Scale



Niagara
 And Mapping Services

PO Box 1120
 Lewiston, NY 14092
 (716) 287-8584
 E-Mail: info@niagaraboundary.com

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7208, SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

Map
 Showing Boundary Survey
 of
 Proposed New Lot
 Owned by

L. Visone Development

Deed Reference: Instrument No. DE2018-643
 Tax ID: 140-2-282

LOT	SECTION	TOWNSHIP	RANGE
25	12	4	
Town	Pembroke		
COUNTY	Genesee		
STATE	New York		
DATE	February 24, 2023		
SCALE	1" = 200'		
JOB NO.	11783-23		
RESURVEYED			

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAPS SHALL BE VALID. ANY OTHER COPIES, REPRODUCTIONS, ALTERATIONS, OR ADDITIONS SHALL BE CONSIDERED VOID.

THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSES INDICATED HEREON AND NO LIABILITY OF THE SURVEYOR SHALL BE INCURRED BY THE SURVEYOR FOR ANY OTHER PURPOSES OR FOR ANY OTHER PARTY'S NEGLIGENCE OR FOR ANY OTHER PARTY'S NEGLIGENCE.

USE OF THIS SURVEY IN CONNECTION WITH ANY OTHER SURVEY OR FOR ANY OTHER PURPOSE IS FORWARDED.

Kenneth L. Sloughaupt, Lic. No. 50349
 © Copyright NAGARA BOUNDARY AND MAPPING SERVICES, L.P.C.