



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

T-03-PEM-07-24

Review Date

7/11/2024

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

PEMBROKE, T.

PLANNING BOARD

Kevin Mulaniff

Special Use Permit

Special Use Permit and Site Plan Review to construct a 40 x 80 ft. (~3,200 sq. ft.) pond for drainage and fire prevention and use the fill for regrading around house for a total of 0.75 acres in land disturbance.

Location
Zoning District

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

Agricultural-Residential (AG-R) & Commercial (C) Districts

PLANNING BOARD RECOMMENDS:

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the applicant obtains documentation from the NYS Department of Environmental Conservation (DEC) as to the project's impacts on threatened and endangered species. With this required modification, the proposed pond should pose no significant county-wide or inter-community impacts.

Senior Planner

July 11, 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.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) , 941+ 586



DEPARTMENT USE ONLY:
GCDP Referral # _____

*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
6/27/2024

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) _____
Address _____
City, State, Zip _____
Phone () - Ext. _____

2. APPLICANT INFORMATION

Name _____
Address _____
City, State, Zip _____
Phone () - Ext. _____ Email _____

MUNICIPALITY: City Town Village of _____

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

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | 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 _____
B. Nearest intersecting road _____
C. Tax Map Parcel Number _____
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) _____

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 _____

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

- | | | |
|---|--|--|
| <input 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 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 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 _____ Title _____ Phone () - Ext. _____
Address, City, State, Zip _____ Email _____

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

APPLICATION FOR:	ZONING APPEAL
<input checked="" type="checkbox"/> SPECIAL USE PERMIT	LAND SEPARATION
<input type="checkbox"/> TEMP. SPECIAL USE PERMIT	SUB DIVISION
<input type="checkbox"/> USE VARIANCE	ZONE DISTRICT CHANGE
<input type="checkbox"/> AREA VARIANCE	<input checked="" type="checkbox"/> SITE PLAN REVIEW

DATE APPLIED FOR	6-21-24
APPLICATION NUMBER	156
REFERRED TO PLANNING	7-24-24
REFERRED TO ZBA	
PUBLIC HEARING REQ.	YES

APPLICANT ADDRESS	STREET LOCATION #
<u>KEVIN MULANIFF</u>	<u>196 MAIN RD</u>
<u>9296 KRISTA CIRCLE</u>	TAX MAP PARCEL #
<u>CLAREMONT CENTER, NY 14032</u>	<u>18-1-3</u>
TELEPHONE #	ZONING DISTRICT
<u>716-541-5881</u>	<u>COM / AG RES</u>
	SIZE OF PARCEL
	<u>36.9 ACRES</u>
	CORNER LOT
	<u>NO</u>

PROPERTY OWNER (IF OTHER THAN ABOVE)	CURRENT SET BACK OF BUILDING
NAME	FRONT
ADDRESS	REAR
TELEPHONE #	SIDE

PERMIT OR VARIANCE FOR:	IF THIS APPLICATION IS FOR A VARIANCE PLEASE STATE THE SECTION OF THE ORDINANCE UNDER WHICH THE VARIANCE REQUESTED
<input type="checkbox"/> NEW CONSTRUCTION	_____
<input type="checkbox"/> ADDITION	_____
<input type="checkbox"/> SIGN	_____
<input type="checkbox"/> HOME OCCUPATION	DESCRIBE REASON FOR VARIANCE _____
<input type="checkbox"/> OTHER	_____

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 checked="" 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 checked="" type="checkbox"/> COUNTY PLANNING DEPARTMENT	<input checked="" type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> D.E.C.	

DESCRIPTION OF PROPOSED PROJECT OR REASON FOR PERMIT REQUEST
<u>DIG SMALL POND TO ALLEVIATE DRAINAGE ISSUES AND GAIN FILL FOR AROUND HOUSE.</u>

- 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 SEQF 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 _____ ONLINE _____ DATE 6-21-24

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 _____



GENESEE COUNTY
SOIL & WATER CONSERVATION DISTRICT
USDA Center, 29 Liberty Street, Suite 3, Batavia, NY 14020-3247
OFFICE (585) 343-2362 Ext. 5



Kevin Mulaniff
196 Main Rd
Akron, NY 14001

June 25th, 2024

Kevin

We recently inspected a proposed pond site on your property on June 25th, 2024. The proposed pond will be under 1 acre in size and have a general depth of 8-12 feet. The spillway for the pond will flow underground to nearby swale leading to Main rd. The mapped soils in the proposed pond location are group D and are considered poorly draining soils. These soils tend to have a slow infiltration rate, making them suitable for pond construction. I recommend that test pits be dug to confirm water availability during the summer or early fall months. Clay may be needed to cover any excessive shale, gravel or sand veins that may be exposed during construction.

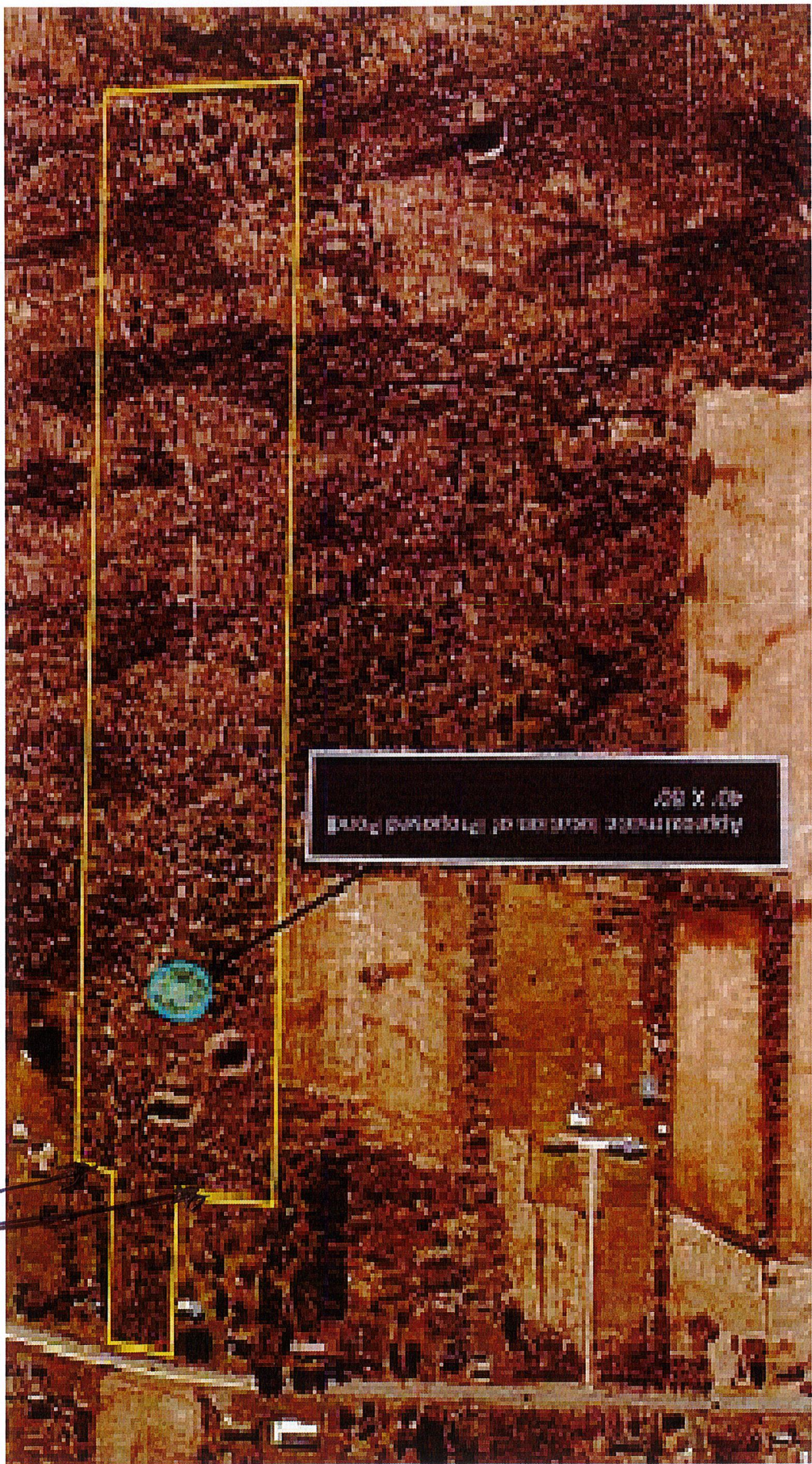
Based on available wetland mapping, it appears that the proposed pond site is outside of NYSDEC regulated wetlands on the property. Untied States Army Corps of Engineers (USACE) may have a regulated area on the property as well but the proposed pond site also appears to be outside of these wetlands. In order to confirm this, a delineation of the property should be completed to define the exact boundaries of the wetlands. Any fill from pond construction must be placed outside of the wetlands and regulated areas on the property. Disturbance of the wetland areas will require a permit from (USACE) and (NYSDEC). It also appears that the proposed pond site is in the vicinity of bats listed as endangered or threatened according to (NYSDEC). You should contact (NYSDEC) and United States Fish and Wildlife Service (USFWS) to determine if any permits will be required for pond construction. Lastly, any surface water should be diverted around the pond and allowed to flow unimpeded as they are now, which will prolong the life of the pond.

In general, this site appears to be adequate for pond construction. This letter can be used as part of your application for a pond construction permit from the town. Remember, you must follow all town zoning requirements for the pond construction. All regulations regarding NYDEC, USFWS and USACE wetlands need to be followed at all times. Lastly, you should always call 811 before you dig.

Disclosure: The Genesee County Soil & Water Conservation District is a non-permitting agency and aids landowners who are applying to their municipality to construct a recreational pond. This review does not replace SEQR assessments and is not inclusive of all potentially applicable regulations.

A handwritten signature in blue ink that reads "Timothy Welch".

Timothy Welch, CCA
District Technician
Genesee County Soil & Water Conservation District
29 Liberty Street, Suite 3
Batavia, NY 14020
(585)343-2362, Ext. 5
Tim.Welch@ny.nacdnet.net

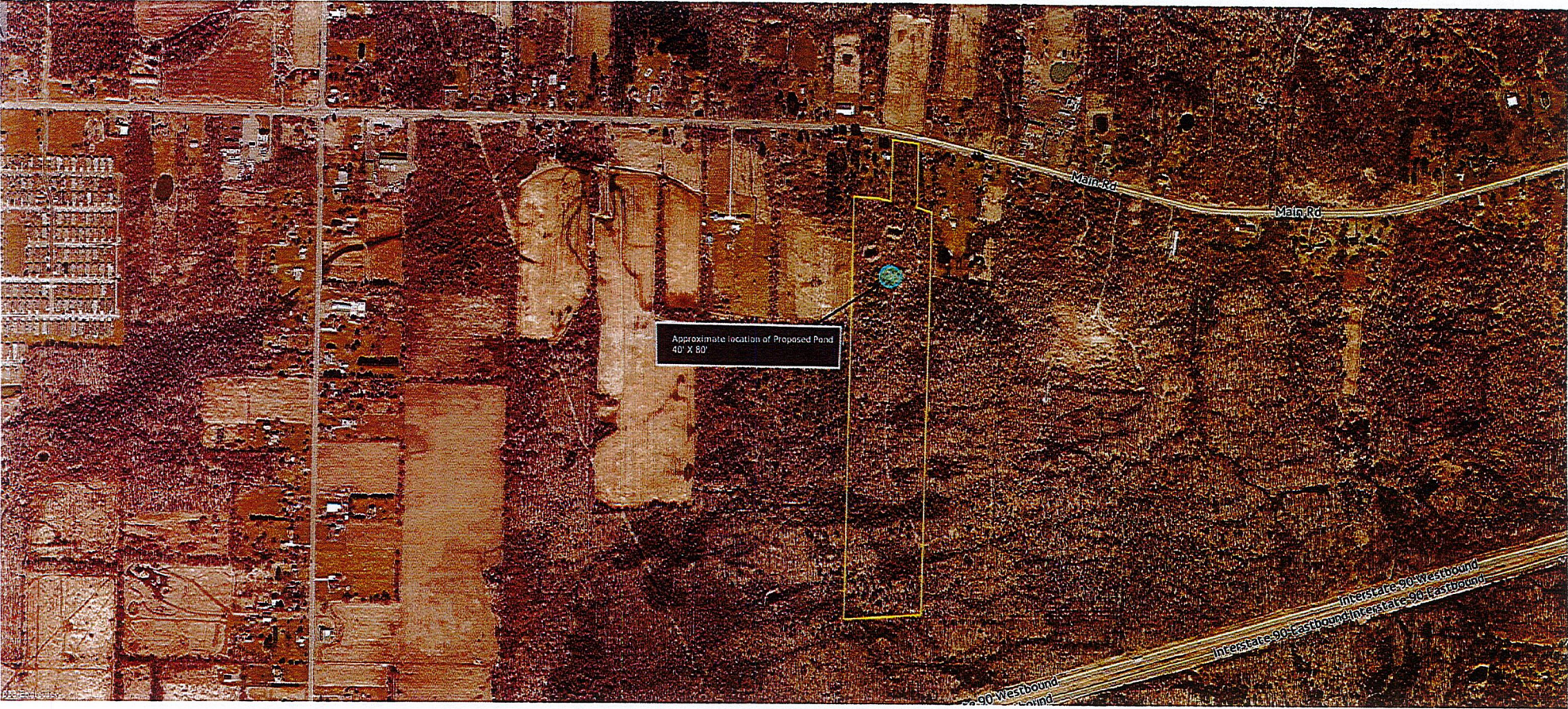


50 x 100
(approximate dimensions of proposed lot)

ABOUT 200'
FROM BOTH
SIDE LOT LINES

ABOUT 400'
BACK FROM
ADJOINING PROPERTY
LINES

Kevin Mulaniff Proposed Pond Site



04/02/2023 - 04/08/2023

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.

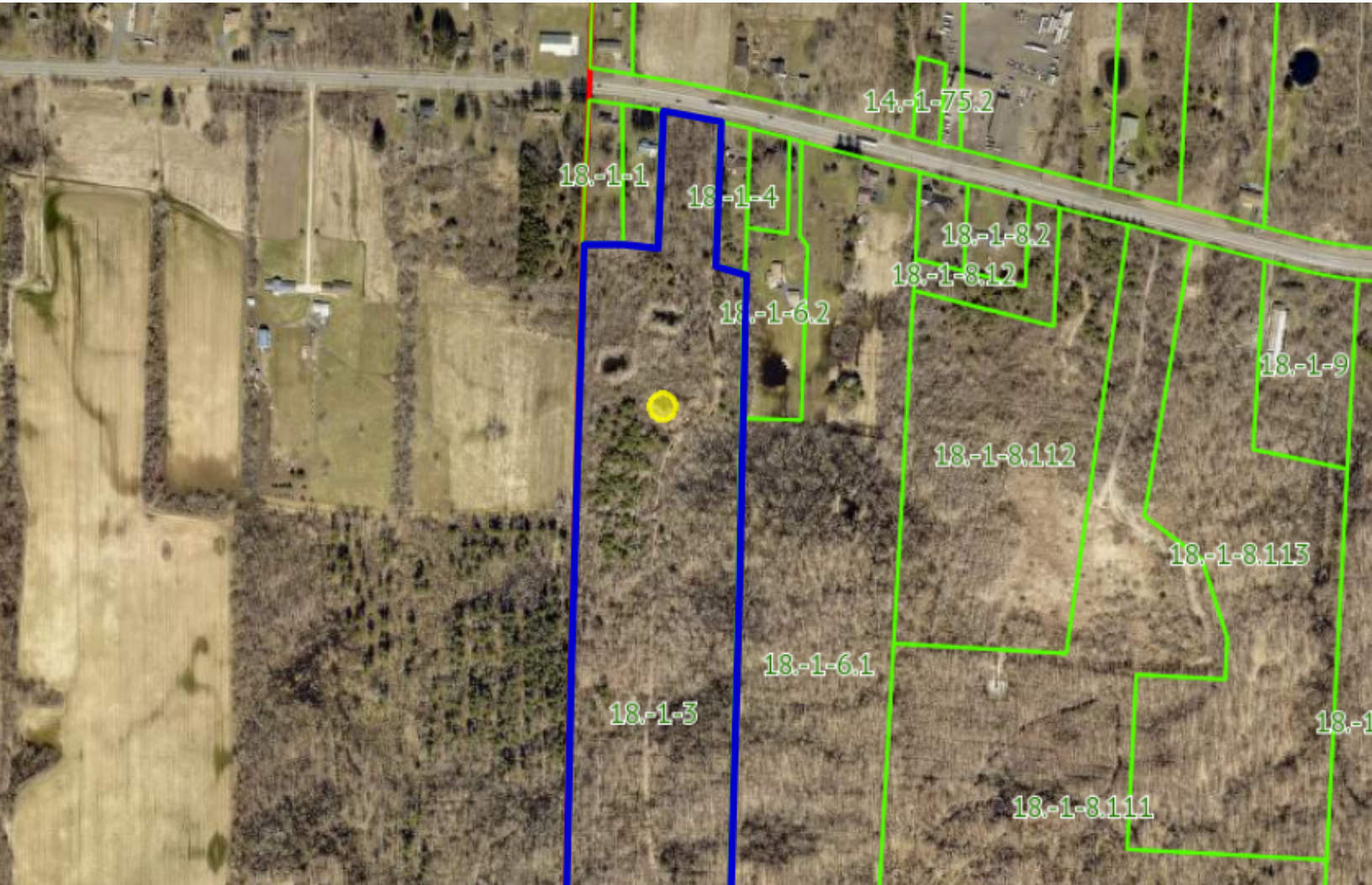
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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				

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 type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 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 type="checkbox"/>	<input 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: _____ _____	NO	YES	
	<input 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 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 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 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 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 Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> 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 type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, 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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input type="checkbox"/>
49. 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 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 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: _____ Date: _____ Signature: _____ Title: _____		

T-03-PEM-07-24



04/08/2023