



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

T-09-BAT-06-24

Review Date

6/13/2024

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

**BATAVIA, T.**

**ZONING BOARD OF APPEALS**

**Michael Lazik**

**Area Variance(s)**

**Area Variance to allow a lot split to create two undersized lots containing a single-family home and barn structure respectively.**

**Lot Area**

**Minimum Required: 16,000 sq. ft.**

**Existing: Approx. 21,332 sq. ft.**

**Proposed: At least 10,000 sq. ft. each**

Location  
Zoning District

**8905 Creek Rd., Batavia**

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

PLANNING BOARD RECOMMENDS:

**APPROVAL**

EXPLANATION:

**The proposed variance should pose no significant county-wide or inter-community impact. It is recommended that prior to splitting the lot the applicant address the following: 1) obtain confirmation from the Town of Batavia Building and Zoning Department that the resulting parcels both meet the required use and dimensional requirements such as the permitted use of the barn, side yards, etc., 2) ensure the lot split will continue to provide all necessary utilities and access for respective uses such as water and septic for residential use and access easements to any shared portion of the site, namely within the shared driveway area and; 3) the final survey should show the locations of all public utilities including the water main that runs along the property line so public access will not be impacted by future use of the properties.**

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.

**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-09-BAT-06-24

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

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

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) 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 Michael Lazik

Address 8905 Creek rd

City, State, Zip Batavia, NY 14020

Phone (585) 615 - 9255 Ext. \_\_\_\_\_ Email \_\_\_\_\_

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 8905 Creek Rd Batavia, NY 14020

B. Nearest intersecting road Lehigh Rd

C. Tax Map Parcel Number 12.-1-52

D. Total area of the property 0.489 acres Area of property to be disturbed 0

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  
Town of Batavia Zoning Schedule A

C. Please describe the nature of this request Applicant is requesting an area variance to split an existing lot into (2) parcels in order to separate a barn structure from a residence. Requesting each lot to be a minimum of 10,000 sq/ft

**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 type="checkbox"/> Other: _____                      |
| <input checked="" type="checkbox"/> SEQR forms        | <input checked="" 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

# Agricultural Data Statement

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>Michael Lazik</u> Address: <u>8905 Creek Rd</u> <u>Batavia, NY 14020</u>	Name: _____ Address: _____ _____

1. Type of Application:  Special Use Permit;  Site Plan Approval ;  Use Variance;  
(circle one or more)  Subdivision Approval

2. Description of proposed project: Applicant requesting an area variance to split an existing lot into (2) parcels  
which would be 10,000 sq/ft minimum

3. Location of project: Address: 8905 Creek Rd Batavia, NY 14020  
Tax Map Number (TMP) 12.-1-52

4. Is this parcel within an Agricultural District?  NO  YES (Check with your local assessor if  
5. If YES, Agricultural District Number \_\_\_\_\_ you do not know)

6. Is this parcel actively farmed?  NO  YES

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: \_\_\_\_\_  
Signature of Municipal Official

\_\_\_\_\_  
Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

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

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

Date \_\_\_/\_\_\_/\_\_\_ Zone \_\_\_ 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. 12.-1-52

Owners Name MICHAEL J. LAZIK Phone No. ( ) \_\_\_\_\_

Address 8905 CREEK RD Project Road Width \_\_\_\_\_ ft

Applicants Name RICHARD P LAZIK Project Address \_\_\_\_\_

E Mail Address \_\_\_\_\_ Phone No (85) 615-9255

Description of Project: OWNER LAND SEPARATION / VARIANCE  
Variance is for lot size of 10,000 sq/ft, zoning requires 16,000 sq/ft

Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

Estimated Cost Building \_\_\_\_\_ 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, MICHAEL J LAZIK, 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.

Michael Lazik

Signature of Owner or Authorized Agent

MAY - 15 - 2024

Date

# Town of Batavia Web Mapping Application



**LEGEND**

- Water Tank
- Pump Station
- Hydrant Out of Service**
  - Red, Out of Service
  - Yellow w/ Blue Caps, Out of Service
  - Yellow, Out of Service
- Hydrant**
  - Red
  - Yellow
  - Yellow w/ Blue Caps
- Blowoff**
  - Below-Grade Programable Flushing Unit
  - Blowoff Connection
  - Portable Continuous Flushing Setup
  - Portable Programable Hydrant Flushing Unit
- Fittings**
  - Type Not Specified
  - Bend
  - Cap
  - Cross
  - Coupling
  - Reducer
  - Blowoff Connection
  - Sleeve
  - Tee
  - Other

wandelcompanies.com

**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.

NO, THERE WILL NOT BE A DETRIMENT OR AN  
UNDESIRABLE CHANGE CREATED  
\_\_\_\_\_  
\_\_\_\_\_

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.

NO, THE DESIRABLE CHANGE CAN NOT BE  
CREATED BY ANY OTHER METHOD DUE TO  
U.S DOT RIGHT OF WAY  
\_\_\_\_\_  
\_\_\_\_\_

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


NO, IT IS NOT SUBSTANTIAL. AREA VARIANCE  
REQUESTED TO BE SEPARATED DUE TO US  
DOT RIGHT OF WAY.  
\_\_\_\_\_  
\_\_\_\_\_

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.

NO, THERE WILL BE NO IMPACT ON THE  
PHYSICAL OR ENVIRONMENTAL CONDITIONS IN  
THE NEIGHBORHOOD OR DISTRICT

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 AREA VARIANCE IS NOT SELF-CREATED  
THE AREA VARIANCE REQUESTED IS DUE  
TO U.S DOT RIGHT OF WAY

  
Applicant Signature

MAY 1ST 2024  
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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Lazik Area Variance			
Project Location (describe, and attach a location map): 8905 Creek Rd Batavia, NY 14020			
Brief Description of Proposed Action: Request for an area variance to separate a piece of property			
Name of Applicant or Sponsor: Mike Lazik		Telephone: 585-615-9255	
		E-Mail:	
Address: 8905 Creek Rd			
City/PO: Batavia		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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input 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,	NO	YES	N/A
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?	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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, 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:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" 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 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"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: _____ Date: _____</p> <p>Signature: _____ Title: _____</p>		

T-09-BAT-06-24



Key:

 = Approximate Location of Lot Split

04/02/2023