

# GENESEE COUNTY PLANNING BOARD REFERRALS

NOTICE OF FINAL ACTION GCDP Referral ID T-09-DAR-10-22 **Review Date** 10/13/2022 DARIEN, T. Municipality **Board Name** PLANNING BOARD Whitecap Electric, LLC Applicant's Name Special Use Permit Referral Type Variance(s) Description: Special Use Permit to construct a 197.7 ft. high temporary meteorological (MET) tower facility Bennett Rd., Darien Location **Zoning District** Low Density Residential (LDR) District PLANNING BOARD RECOMMENDS: APPROVAL WITH MODIFICATION(S) **EXPLANATION:** The required modifications are as follows: (1) The temporary use permit can only be granted for 12 months as

detailed in Section 903 (B) and therefore the permit shall only be issued for 12 months. After this twelve month period, the permit may be extended by the Zoning Enforcement Officer once for an additional 6 months; and (2) 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 these required modifications, the proposed MET tower should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits the enclosed application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that an address be given to the proposed tower that meets Enhanced 9-1-1 standards.

October 13, 2022

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

Address, City, State, Zip 10569 Alleghany Rd. Darien, NY 14040

Batavia, NY 14020-9404 Phone: (585), %!+\$%

**Clear Form** 

### DEPARTMENT USE ONLY:

GCDP Referral # <u>T-09-DA</u>R-10-22



# \* GENESEE COUNTY \* PLANNING BOARD REFERRAL

**RECEIVED** Genesee County Dept. of Planning 9/20/2022

Email pbzba@townofdarienny.com

Required According to:

MUNICIPAL LAW ARTICLE 12B, SECTION 239 L. M. N.

YOR GENERAL N		er ALL questions as	s fully as possible)	•
1. <u>Referring Board(s) Infor</u>	<u>MATION</u>	2. Applicant	<u> Information</u>	
Board(s) Town of Darien Planning	Board	Name Whiteca	ap Electric, LLC	
Address 10569 Alleghany Rd.		Address	Sundridge Drive	
City, State, Zip Darien, NY 14040		City, State, Zip	Buffalo, NY 14228	
Phone (585) 547 - 2274	Ext. <b>1026</b>	Phone (716) 553 - 5	5512 Ext. Email	
MUNICIPALITY: City	Town	Village of Darie	en	
3. <b>Type of Referral:</b> (Check all a	pplicable items)			
<ul><li>☐ Area Variance</li><li>☐ Use Variance</li><li>☐ Special Use Permit</li><li>☐ Site Plan Review</li></ul>	Zoning T	Map Change Text Amendments nensive Plan/Update	Subdivision Proposal Preliminary Final	
4. <u>Location of the Real Pro</u> i	PERTY PERTAIN	JING TO THIS REF	ERRAL:	
A. Full Address 2311 Bennett F	Rd., Darien, NY	14040		
B. Nearest intersecting road Ridg	ge Rd.			
C. Tax Map Parcel Number 81	-16			
D. Total area of the property 41.	.35 acres	Area of prop	perty to be disturbed .25 acres	_
E. Present zoning district(s) LDR	<u> </u>			
5. REFERRAL CASE INFORMATIO  A. Has this referral been previous  NO YES If yes, give	sly reviewed by the	•	lanning Board?	
; • 8			) of the present zoning ordinance and	d/or law
Article IV, IX Section 402, 90		t following section(s)	of the present zoning ordinance and	1/ 01 1aw
C. Please describe the nature of the		orary MET Tower		
	·			
6. ENCLOSURES – Please enclose co	py(s) of all approp	oriate items in regard	to this referral	
<ul><li>■ Local application</li><li>■ Site plan</li><li>□ Subdivision plot plans</li><li>■ SEQR forms</li></ul>	Location Elevation	ext/map amendment map or tax maps n drawings ral data statement	New or updated compression Photos Other: 500 Foot Nam	•
7. <b>CONTACT INFORMATION</b> of the	person representi	ng the community in	filling out this form (required inform	nation)
Name Gwen Yoder	Title PB	ZBA Clerk	Phone (585) 547 -2274	Ext. <b>1026</b>

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

Today's Date: 09/1	2/2022		Арр	olication N	umber:	PB-13-22
Owner's Name: W	hitecap Elec	tric, LLC		Tax	Map #: <u>81</u>	-16
Owner's Phone: 71	68661828		O\	wner's 2 <sup>nd</sup>	Phone: 71655	35512
Owner Address: 29	99 Sundridge Dr	, Buffalo, NY 14	228			
Address of Project:	2311 Bennett	Road				
Owner's Email: pa	dma@buffa	lorenewable	es.green <sub>Bui</sub>	lder Email	:	
Builder Contact:			Bui	lder Phone	e:	
INSTRUCTIONS: Fill out the applicat Officer (ZEO) prior *THIS APPLICATIO	to commend	ing this proj	ect or use.			ments to the Zoning Enforcement
2. Permit Applicat Roof SPECIA 3. Is this parcel: 4. Dimensions of the second of the s	ial Corion for: V Solar Pane LUSE V Corner Lothis lot: Int set back (ind what is the (Also depict ge (%) of cov	nmercial New Constr els Gene CARIANCE ot Wate lengt in feet) from ne set back ( con plot diagerage of all	Recreation Carator Site PLAN r District Carator Carato	ational Demolition Wimming F I HOW Sewer Di width to the stree n project p	Addition Sign IE OCCUPAT istrict and/or area eet right-of-varoperty line ding propose	Alteration Relocation Fence Kennel  NON  Way (Check Survey for ROW); Side A Side B
<ul><li>8. Project Cost:</li><li>9. PROPOSED</li></ul>	PROJECT	HEIGHT	Actu LENGTH	al E	stimated	# Bathrooms:
House Garage/Po Accessory S Commercia Industrial Signs	e Barn Structure				FEET	# Bedrooms: Rec Room: Family Room: Fireplace:
Describe proposed Temporary MET Tower	project and	/or use:	· · · · · · · · · · · · · · · · · · ·			

Attachments required & ye	rified by ZEO:	a Detals / Shot Eff
Action taken by ZEO: APPF	ROVED: DENIED	2: Reason:
Referral To: Town Pla	nning Town Appe	eals County Planning Building Inspector
		g Permit Operating Permit Temporary Use Permit ertificate of Compliance
gyran		
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
attachments and know the work or use will be complied	em to be true & correct ed with, whether speci	he instructions, examined this application and supporting  a. All provisions of Laws and Ordinances covering this type of fied herein or not. The granting of a permit does not give y other State or Local Law/Ordinance regulating construction,
Designation of Representa	tive 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:

# TOWN OF DARIEN GENESEE COUNTY, NEW YORK 14040

## PLANNING BOARD SITE PLAN REVIEW SPECIAL USE PERMIT APPLICATION

Application #: (For office use only)	Today's Date: 912/2020
Provision of Zoning Law Involved:  Article: IV, IX, Section: 402, 903, Subsection: Purpose of Request:	tion: B , Paragraph:
*This request would be in harmony with the located because: It is a temporary structure and is permitted p	orderly development of the district in which it is per the town's zoning ordinance
the siting exceeds the required setbacks on all sides and is a stee	e property or persons in the neighborhood because: el structure - consistent with existing agricultural structures in the
*This request would not increase the traffic to be endangered because: it is a temporary structure similar to modification to existing roadways for installation and/or operation.	flow in the area to the extent that traffic safety would be a small wind structure not requiring special access roads or
The applicant should submit one (1) copy of the application	lication, nine (9) copies of the site plan and one (1)
attachments and know the same to be true and correct this type of work or use will be complied with wheth does not presume to give authority to violate or canceregulating construction or performance of construction of the cons	ner specified herein or not. The granting of a permit el the provisions of any other state or local ordinance on.
	ature of Applicant  ature of Owner (If different from Applicant)
Office Use Only: Zoning Permit Application #: Date Re	eceived: 9 13 3000 Fee Paid: \$100,00 (\$100 perm
Date of First Hearing: 9 19hav	Location: PB
Date of Second Hearing: 14 7 700	Location: 70 38
Date of Subsequent Hearings:	
Action: () APPROVED () REJECTED	
Planning Board Chairman Signature:	
Zoning Officer Signature:	
Additional Conditions Imposed:	

# TOWN OF DARIEN Agricultural Data Statement

Application # PB.13-22

Date 9/14/2022

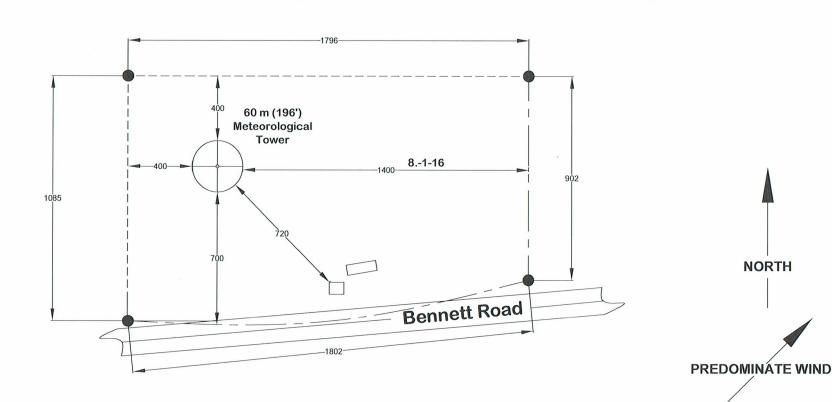
	site plan approval, use municipal review, that woul	ed for any application for a special use permi variance or a subdivision approval, requirin d occur on property within 500 feet of a far ept. of Ag. & Markets certified Agricultural Distric
	Applicant —	Owner if different than Applicant
Name	Whitecap Electric, LLC	Name Miller Sonshine Acres Inc
Addres	299 Sundridge Dr	Address1765 Broadway Road
*	Buffalo, NY 14228	Darien Center, NY 14040
2. Descripti	Subdivision approval Installation of tem  of project: Address 2311 Bennett Rd, Corfu,	
5. If yes, A 6. Is this pr	Tax Map Number (TMP) coperty within an Agricultural District coperty actively farmed ? NO Your Your operations within 500 feet of you	P NO YES V local Assessor if you do not know
1.	See attached sheet	2.
Name	See attached Sheet	Name
Addres		Address
ls this pro	perty actively farmed # NO YES	Is this property actively farmed # NO YES
3.1		
Name		Name ·
Address		Address
ls this pro	perty actively farmed # NO YES	Is this property actively farmed ? NO YES
	Signature of Applicant	Signature of Owner (if other than Applicant)
REVIEWE BY	D Signature of Municipa	SIM2000
NOTE TO REFERRA AGENCY	County review is required. A	copy of the Agricultural Data Statement must eferral to the County Planning Department.

# **Surrounding Farm Operations (within 500 feet)**

Parcel No	Parcel Name	<b>Parcel Address</b>
41-40	<b>Dustin Williams</b>	9896 Ridge Rd.
81-17	<b>Dustin Williams</b>	9896 Ridge Rd.
81-20.1	David Gildner	2398 Bennett Rd.
81-14	Anthony Capwell	2272 Bennett Rd.

### **Mailing Address**

9896 Ridge Rd. Alexander, NY 14005 9896 Ridge Rd. Alexander, NY 14005 2398 Bennett Rd. Alexander, NY 14005 1802 Richley Rd. Corfu, NY 14036



TAX MAP #: 8.-1-16

**OWNER: Miller's Sonshine Acres, Inc.** 

**ADDRESS: 2311 Bennett Road** 

**ACREAGE: 41.35 Acres** 

**CURRENT LAND USE: VACANT FARMLAND** 

SCALE: NONE

**DIMENSION UNITS: FEET** 

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REFERENCE DRAWINGS



3840 E Robinson Road Suite 310 Amherst, New York 14228 ph: 716-513-0114 fax: 716-513-0124 email: padma@buffalorenewables.green

AF	PPROVALS	SCALE: NONE	
ENGR.		DRAWN BY: PK	
Q.A. MAN.		DATE: Sept 13, 2022	
	DECIMAL +	PREPARED BY:	
TOLERANCE	FRACTION.	DWG#	
ANGL	ANGULAR .	11870074	
JOB NO.		SHEET:	

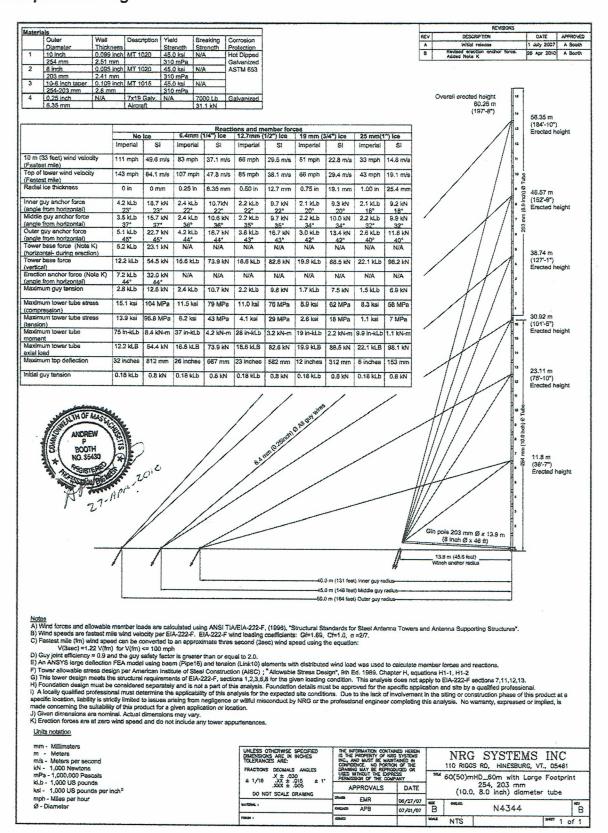
TITLE

REV

Whitecap MET Tower Site Plan

2020

### Stamped Drawing



# Short Environmental Assessment Form Part 1 - Project Information

### **Instructions for Completing**

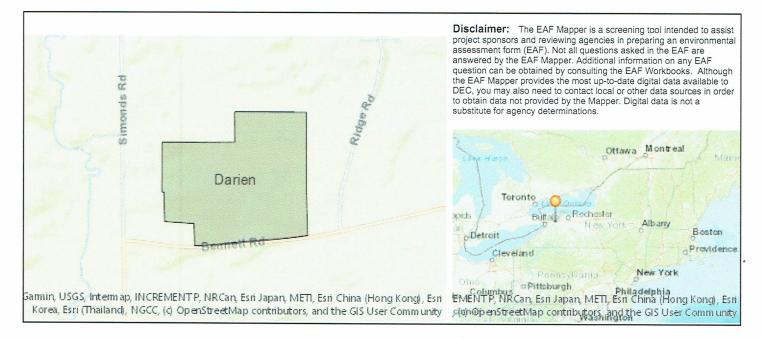
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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				
Whitecap Electric LLC  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 stri	uctural analysis of wind project	<b>\</b> †		
The data of the temporary com (100) gaysa meteorological tower to gather wind data for said	actural analysis of wind project			
N. CA I' C	T			
Name of Applicant or Sponsor:	Telephone: 7168661828			
Whitecap Electric, LLC	E-Mail: padma@buffalore	enewable	es.green	
Address:				
299 Sundridge Dr				
City/PO:	State:	Zip C	ode:	
Buffalo	NY	14228		
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	al law, ordinance,		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the e		at	$\checkmark$	
may be affected in the municipality and proceed to Part 2. If no, continue to ques				
2. Does the proposed action require a permit, approval or funding from any other of Yes, list agency(s) name and permit or approval: Genesee County Planning Board	er government Agency?		NO	YES
The cost, that agency (s) frame and permit of approval. Genesee County Planning Board				$\checkmark$
3. a. Total acreage of the site of the proposed action?	41.35 acres			
b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned	<u>.25</u> acres			
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 Commerci	al Residential (subur	rban)		
Forest Agriculture Aquatic Other(Specify):				
Parkland				

5.	Is t	he proposed action,	NO	YES	N/A
	a.	A permitted use under the zoning regulations?		<b></b>	
	b.	Consistent with the adopted comprehensive plan?		<b>√</b>	
6	Ic t	he proposed action consistent with the prodominant character of the existing built or natural landscape?		NO	YES
6.	15 t	he proposed action consistent with the predominant character of the existing built or natural landscape?			$\checkmark$
7.	Is t	he site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
IfY	es,	identify:		$\checkmark$	
0	San			NO	YES
8.	a.	Will the proposed action result in a substantial increase in traffic above present levels?		<b>V</b>	
	b.	Are public transportation services available at or near the site of the proposed action?		<b>V</b>	
	c.	Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		✓	
9.	Do	es the proposed action meet or exceed the state energy code requirements?		NO	YES
If t	he p	roposed action will exceed requirements, describe design features and technologies:			
_					\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
10.	Wi	ll the proposed action connect to an existing public/private water supply?		NO	YES
		If No, describe method for providing potable water:			
				$\checkmark$	
11.	Wi	ll the proposed action connect to existing wastewater utilities?		NO	YES
		If No, describe method for providing wastewater treatment:			
		Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distric	et	NO	YES
Co	mmi	s listed on the National or State Register of Historic Places, or that has been determined by the ssioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the	;	<b>√</b>	
Sta	te R	egister of Historic Places?			
arc	b. haec	Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for ological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<b>√</b>	
13.		Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain tlands 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	Yes,	identify the wetland or waterbody and extent of alterations in square feet or acres:		V	

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	NO	YES
Federal government as threatened or endangered?	<b>√</b>	
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	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	ILS
If Yes, explain the purpose and size of the impoundment:	<b>V</b>	
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:		
	$\checkmark$	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
	$\checkmark$	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	ST OF	
MY KNOWLEDGE		
Applicant/sponsor/name: Whitecap Electric, LLC Date: 09/13/2022		
Signature:Title: Engineer		
7		



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

# T-09-DAR-10-22

