

# SPECIAL USE VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on June 3, and July 15, 2021

Applicant: Mr. Andrew Buchanan (Home Tree Acreage LLC)

Special Use Permit: #050421-Z\_SUP

Address: 5311 Nott Rd., Canandaigua NY 14424

Zoning District: A/R

Telephone: (585) 402-0049

Published Notice on 5-26-21, 6-30-21 DM

Property Location: 5657 S. Vine Valley Rd., Middlesex NY 14507

County Planning Approval 5-27-21

Applicable Section of Town Zoning Code: Art. V, Sect. #502

Hearing held on \_\_\_\_\_ “\_\_\_\_\_”

PB Site Plan Approval Date: 7-07-21

## NATURE OF REQUEST

Applicant requests a Special Use Permit to operate a Commercial Business - ACS Docks Inc. on property, previously approved for Commercial Use and zoned in the A/R Zoning District. The Business (ACS Docks, Inc.,- Home Tree Acreage LLC) intends to use an existing building and new construction of a 9600 sf. pole barn for inside warehousing of dock and hoist product at 5657 South Vine Valley Road, Tax ID # 12.04-1-10.13 for servicing clients on location in the Finger Lakes Region.

### 502.1. GENERAL REQUIREMENTS

502.1.1 That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected

Yes  No  Reasons: The proposed physical land use and engineered site plan has been sufficiently covered in great detail by the Planning Board, Yates County Planning Board and in two Public Hearings by the Zoning Board of Appeals to assess that the public health, safety and welfare is protected and beneficial to the community in which it is to be located.

502.1.2 That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

Yes  No  Reasons: This proposed land use will not cause harm or injury to the value of other property in the surrounding neighborhood. Its location is the gateway to the rest of the town and the applicant has expressed a desire to keep the aesthetics of the surrounding rural community and to upgrade it's physical appearance from what is existing currently.

502.1.3 That adequate landscaping and screening is provided.

Yes  No  Reasons: The applicant and representing agent from Marks Engineering, have presented a plan for sufficient plantings in various layers to screen the business from contiguous neighbors and the roadside view. Access to the business has been thoughtfully planned for safe egress and ingress to the property. The balance and intent of what is proposed

will benefit both the applicant, as the developer and the Town if adhered to.

502.1.4 That adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

Yes  No  Reasons: Yes, I believe off-street parking and loading is adequate. The layout is thoughtfully designed for traffic flow with a new entrance off S. Vine Valley Rd; located further east towards #364 providing an improved line of sight for safe egress and ingress. This road has minimal traffic and the proposed transport of product to the site is proposed to be seasonal in its' deliveries from the road. It seems to meet all requirements as presented.

502.1.5 That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.

Yes  No  Reasons: The surrounding farmland is not in a Steep Slope Protection area and the Site Plan and proposed sitework has been well engineered as presented to both the Zoning Board of Appeals and the Planning Board.

502.1.6 That existing roads and utilities serving the proposed project are determined to be adequate.

Yes  No  Reasons: The existing roads serving the proposed project are determined to be adequate. Utility service abutting the property allows easy access to the building. The business itself requires minimal electric output. The septic design has been designed by engineers, pending approval by the NYSDOH to serve the proposed bathrooms for employees.

**502.2. SPECIFIC REQUIREMENTS** (when applicable)

Not applicable.

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**DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above factors, in a motion made by Mr. Ted Carman, and seconded by Win Harper, finds that:

**X** The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the Special Use Permit request is **granted**.

*NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:*

*Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (30) days after the filing of a decision in the Office of the Town Clerk.*

**CONDITIONS:**

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

The Zoning Board of Appeals accepts the advisory recommendation from the Planning Board to grant the Special Use Permit with the following conditions: \_\_\_\_\_

- All revisions requested by Town Engineer Stantec review dated July 1, 2021 are resolved through the Code Office.
- Signage for the business ACS Docks Inc. will be in compliance with Section #501.14(d) of the Zoning Code and applied for through the Code Office.
- Intent of business use will be warehouse & wholesale storage of product in its' intent and will never become retail for onsite sales/marketing nor will outside storage of product be allowed.

Rebecca Parshall, Chair  
Chairperson, Zoning Board of Appeals

July 15, 2021  
Date

**RECORD OF VOTE**

	MEMBER NAME	AYE	NAY
Chair	<u>Rebecca Parshall</u>	<u>X</u>	___
Member	<u>Ted Carman</u>	<u>X</u>	___
Member	<u>Elizabeth Grant</u>	<u>X</u>	___
Member	<u>Richard DeMallie</u>	<u>absent</u>	___
Member	<u>Win Harper (alt)</u>	<u>X</u>	___

(Version update May, 2011)