

LEGAL NOTICE VILLAGE OF SCOTTSVILLE

PLEASE TAKE NOTICE, a public hearing of the Village of Scottsville Planning Board has been scheduled on Thursday, October 13 at 7:00 pm at the Wheatland Municipal Building, 22 Main Street, Scottsville, NY to consider granting a special use permit for 39 Main Street, Scottsville, NY contingent on the receipt of a complete application including a site plan and SEQRA Review.

Public comment opened at pm

Public Comment:

Public Comment closed and Board Comment opened at pm

Board Comment:

Public Hearing closed at pm

Public Hearing for subdivision of property as outline in chapter 145 of the code of the Village of Scottsville

At pm Chairman Cullum reopened the September 8, 2022 public hearing regarding an application for subdivision approval regarding property located at 385 Scottsville-Mumford Road by the Wheatland-Scottsville Joint Fire District and owned by the Village of Scottsville. Subdivision review to be done in accordance with the requirements of Chapter 145 of the Code of the Village of Scottsville.

Public comment opened at pm

Public Comment:

Public Comment closed and Board Comment opened at pm

Board Comment:

Public Hearing closed at pm

BI/Code report

- 39 Main Street - Bears Playgrounds is working with the Layers and Village Planning and Zoning Board to move forward with their purchase.

- CooperVision- Steel framing has been installed for the Warehouse expansion. Project is moving along nicely with all necessary inspections completed. Sprinkler system in the new portion has been tested and is up and running. Temporary CofO will be issued to the garage portion so equipment can be moved into that portion for staging.
- CooperVision is possibly looking to add another addition next year when this Warehouse addition is complete. This addition will be for office space. Will keep everyone posted and plans will have to be sent to the Planning and Zoning board for approval if they decide to add on.
- Briarwood Apts rehab upgrades to the apartments are moving along. Certificate of Occupancies have been issued to all buildings and are currently occupied. Site work has been progressing. Look for that project to be completed before winter.
- 15 Rochester Street, asbestos abatement has been completed.
- Permit for a Shed on Rochester Street sent to the Historical Board for their Certificate of Appropriateness

Few permits have been opened in the past month for smaller projects throughout the village and multiple permits have been completed and closed out.

Annual Fire inspections are ongoing and many businesses have had none to minimal violations.

6. **Old Business**

7. **Adjournment:**

Motion: made by _____ and seconded by _____ to adjourn the meeting at _____ pm.

Vote: Carries (-)

Steve Cullum

Kevin Marks

Mark Smith

Patti Brandes

David Domina

Village of Scottsville
Planning Board Meeting Agenda
Thursday, September 8, 2022 – 7:00pm
Wheatland Municipal Building
UNAPPROVED Meeting Minutes

Call to Order: Chairman Steve Cullum called the Thursday, September 8, 2022 Village of Scottsville Planning Board meeting to order at 7:01pm.

Pledge of Allegiance

Roll Call:

Present: Steve Cullum, Chair
Kevin Marks
Patti Brandes
Mark Smith
Absent: David Domina
Also present: Attorney Lauren Baron
Andy Fraser, Deputy Mayor
Anne Hartman, Village Clerk
Jay Coats
Marcey Bears
Maggie Ridge, Mayor
Bob Hatch, Schultz Associates

Approval of Minutes:

Motion: made by Mark Smith and seconded by Patti Brandes to approve the minutes of the Thursday, August 11, 2022 Planning Board Meeting as submitted.

Vote: Carries (4 -0)

Steve Cullum	AYE	Patti Brandes	AYE
Kevin Marks	AYE	David Domina	(absent)
Mark Smith	AYE		

Public Hearing

Chair Cullum opened the public hearing by reading the notice from the Sentinel at 7:03pm.

**LEGAL NOTICE
VILLAGE OF SCOTTSVILLE**

PLEASE TAKE NOTICE, a public hearing of the Village of Scottsville Planning Board on September 8, 2022, at 7:00 p.m. at Village Hall, 22 Main Street, Scottsville, New York, has been scheduled regarding an application for subdivision approval regarding property located at 385 Scottsville-Mumford Road by the Wheatland-Scottsville Joint Fire District and owned by the Village of Scottsville. Subdivision

review to be done in accordance with the requirements of Chapter 145 of the Code of the Village of Scottsville.

Public Comment opened at 7:03pm.

Public Comment:

Letter was sent to Schultz by the Mr. Mancuso requesting a legal description and map to define the easements.

Regarding the parcel at Bowerman, Mr. Hatch will contact the County Surveyor for more information on easements.

Public Comment closed and Board Comment opened at 7:03pm.

Board Comment:

No Board comment

Motion made by Kevin Marks and seconded by Patti Brandes to leave the Public Hearing open until the October 13th meeting.

Vote: *Carried (4-0)*

Steve Cullum	AYE	Patti Brandes	AYE
Kevin Marks	AYE	David Domina	(absent)
Mark Smith	AYE		

Building Inspector Report

Building Inspector/ Fire Marshal:

39 Main Street - Bears Playgrounds has a Special Permit Application for the Planning Board regarding the purchase of the property for another location since their business is expanding.

CooperVision- Steel framing has been installed for the warehouse expansion. Project is moving along nicely with all necessary inspections completed.

Briarwood Apts rehab upgrades to the apartments is moving along. Certificate of Occupancies have been issued to all but two buildings. Site work has been progressing. Look for that project to be completed before winter.

Working with the Town Assessor on getting him all closed permits so updates can be made to properties tax files.

15 Rochester Street- Insurance companies and Emergency Enclosures have been working on the obtaining environmental permits from the state to close up the home and remove the debris piles on the outside. Keeping the Mayor in the loop as to the status of the home. Due to severity and contamination it's unfortunate, not a fast process.

Few permits have been opened in the past month for smaller projects throughout the village and multiple permits have been completed and closed out.

Annual Fire inspections are ongoing, and many businesses have had none to minimal violations.

Code Enforcement:

Working on having the last few junk cars removed from the closed repair garage on Rochester Street. Was advised on another noise complaint about Heany Industries and will be setting up a Meeting with management to Hopefully Resolve.

Parking issues along main street will be ticketed, seems to be an issue again as of late.

New Business

Main Street application for special use permit.

Marcy Bears of Bears Playgrounds, Lima NY. They have outgrown their current location, 39 Main Street is ideal for storage, manufacturing and sale of cedar wood playground equipment. Changes to the premises will include a dust collection system on the rear of the building. Lima location employs 30 people, we see the same for Scottsville.

Attorney Lauren Baron advised that the applicant would need to submit a SEQRA short form and site plan. Outdoor display and any outdoor storage will need to be included on the site plan.

Motion: made by Steve Cullum and seconded by Kevin Marks to set a public hearing for Thursday, October 13 at 7:00 pm at the Wheatland Municipal Building, 22 Main Street, Scottsville, NY to consider granting a special use permit for 39 Main Street, Scottsville, NY contingent on the receipt of a complete application including a site plan and SEQRA Review.

Vote: Carries (4 -0)

Steve Cullum	AYE	Patti Brandes	AYE
Kevin Marks	AYE	David Domina	(absent)
Mark Smith	AYE		

Old Business:

No old Business.

8. **Adjournment:**

Motion: made by Kevin Marks and seconded by Mark Smith to adjourn the meeting at 7:58pm.

Vote: Carries (4 -0)

Steve Cullum	AYE	Patti Brandes	AYE
Kevin Marks	AYE	David Domina	(absent)
Mark Smith	AYE		

Respectfully submitted by,



Anne Hartman
Village Clerk

Part of the CBRE affiliate network

CB Richard Ellis
120 Corporate Woods, Suite 210
Rochester, NY 14623

585 240 8080 Tel
585 240 8088 Fax

www.cbre.com

M E M O

Date: October 7, 2022
To: Village of Scottsville
From: Patrick Wahl – CBRE | Rochester
Harry Gleason, SIOR – CBRE | Rochester
Subject: 39 Main St Marketing Summary

To whom it may concern:

CBRE|Rochester has actively marketed the property located at 39 Main St in the Village of Scottsville since May 17, 2018 and was marketed from 2016 to 2018 by another local real estate agency. Since May 17, 2018, the online marketing for the property has been viewed approximately 1,900 times. We have had many discussions with prospective buyers and tenants. We have actively pursued a variety of potential uses for the site including multifamily (utilizing the existing structure and new construction), retail, office, self-storage, entertainment, horticultural and industrial uses. During the marketing process, the asking price for the property has been reduced on multiple occasions.

The interest expressed in the property has not yet developed into a sale or lease of the property for a multitude of reasons including but not necessarily limited to: building design, building condition, site design, site condition, zoning constraints and roadway access.

We believe the highest and best use for the property is represented by Bears Playgrounds' potential use.

Thank you,

Patrick Wahl & Harry Gleason, SIOR
CBRE | Rochester



October 7, 2022

VIA ELECTRONIC MAIL

Marcy Bears
Bears Playgrounds
7577 East Main Street, Lima, NY 14485

Re: 39 Main Street, Scottsville, New York (the "Property")

Dear Marcy:

As a follow up to our discussion on October 6, 2022, please accept this letter on behalf of the Village of Scottsville in connection with the proposed acquisition and development of the Property by Bears Playgrounds for manufacturing, sales, and distribution of playground equipment. Based on the Village's review, Bears Playgrounds will need a use variance from the Village Zoning Board of Appeals and design review approval from the Village Planning Board. The portions of the laws relating to these requirements are enclosed.

For ease of reference, I have prepared the following outline explaining some of the issues and the requested information to meet these requirements:

1. Based on our review of the Part 1 of the Short Environmental Assessment Form dated September 15, 2022, certain answers require further correction.

I have enclosed a revised Part 1 of the Short Environmental Assessment form for your execution.

2. In order to perform the required environmental review, the Village has preliminarily identified potential areas of environmental concern related to noise, disposal of waste materials, and traffic associated with deliveries.

I understand Bears Playgrounds has taken decibel readings of the exterior dust collection system at its current facility. If possible, please provide the decibel readings along with the approximate distance from the system where the readings were taken. Please also provide: (i) a summary of the estimated number of delivery trucks/vehicles per week (or month) and the types of trucks/vehicles that will be making the deliveries; and (ii) the methods in which Bears Playgrounds anticipates disposal of waste materials (scrap wood, wood chips, sawdust).

3. Based on our review of the Application for Variance/Special Use Permit/Interpretation of the Zoning Code, the application will be treated as one seeking a use variance rather than a special permit (superseding the information contained on page 2, question 3). In order to obtain a use variance, an applicant is required to meet certain criteria under New York Village Law that are outlined in the enclosed materials. By separate correspondence, I have requested information from Patrick Wahl, the real estate salesperson acting on behalf of the seller, to address certain criteria.

In addition to this information, please provide a summary of how the requested variance, if granted, will not alter the essential character of the neighborhood, such as: (i) describing the nature of the playground manufacturing business that will occur at the facility, (ii) the estimated number of employees at the facility, (ii) the estimated hours when machinery will be in use, and (iv) the location and estimated square footage allocated for proposed outdoor storage.


4. Under the Village Code, applications are also required to seek design review approval.

In order to process this approval, please provide the following: (i) Photographs of the site and building which clearly show exterior details; (ii) Photographs of adjacent buildings or properties; and (iii) Architectural drawings of the proposed exterior changes which clearly illustrate exterior materials, material dimensions, colors, height, and lighting and include an accurate scale.

I have contacted Mr. Wahl to inquire as to existing architectural drawings that can be utilized. In the meantime, please provide a summary of the proposed changes to the exterior appearance, such as: (i) the areas to be painted; (2) the area of the proposed installation of the exterior dust collection system; (3) the area of the proposed modification to the existing loading dock doors; and (4) the proposed signage along Main Street.

I appreciate that some of this information has been discussed during the Village's various site visits, but for those board members that were not present and to otherwise have a record, it would be beneficial for you to provide this information in writing (which can be done by letter from Bears Playgrounds). If you have any questions regarding this letter, please do not hesitate to contact me at your convenience.

Very truly yours,



John A. Mancuso

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			
Bears Playgrounds			
Name of Action or Project: Bears Playgrounds Acquisition and Development			
Project Location (describe, and attach a location map): 39 Main Street, Scottsville New York			
Brief Description of Proposed Action: The proposed action involves applications for a use variance and design review in connection with the proposed acquisition and development of 39 Main Street, Scottsville, New York for manufacturing, sales, and distribution of playground equipment. The proposed action involves modifications to loading dock access and exterior painting of a portion of the building, outdoor storage of materials, construction of playground equipment for use by Village residents. No construction of new building or building additions is currently proposed.			
Name of Applicant or Sponsor: Marcye L. Bears		Telephone: 585-303-9192 E-Mail: mbears@bearsplaygrounds.com	
Address: 7577 East Main Street			
City/PO: Lima		State: New York	Zip Code: 14485
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"/>
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: Use Variance - Village Zoning Board of Appeals Design Review - Village Planning Board			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 6.3 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? _____ 6.3 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" 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 checked="" type="checkbox"/>	<input 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?			
	<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?			
	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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?			
	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban</p>		
<p>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?</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources?</p> <p>If Yes,</p> <p style="padding-left: 20px;">a. Will storm water discharges flow to adjacent properties?</p> <p style="padding-left: 20px;">b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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)?</p> <p>If Yes, explain the purpose and size of the impoundment:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Marcy L. Bears</u> Date: _____</p> <p>Signature: _____ Title: <u>President</u></p>		

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Garmin, USGS, Intermap, INCREMENTP, NRCAn, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
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]	Yes
Part 1 / Question 20 [Remediation Site]	No

§ 170-26. Central Business District design guidelines.

- A. **Purpose.** The purpose of these design-based criteria is to maintain the original historic and architectural character of the CBD and to ensure future development is compatible and harmonious with its traditional character and design. The objectives of the CBD design guidelines are as follows:
- (1) Encourage a pedestrian-oriented and human-scaled right-of-way, public realm, and streetscape as well as promote safe pedestrian movement, access, and circulation.
 - (2) Maintain the dense concentration of commercial, office, civic, cultural, and residential uses that create a mixed-use environment that contributes to the vitality of the CBD and fosters pedestrian activity.
 - (3) Promote the use of traditional building materials, architectural features, and fenestration that exist within the CBD when determining appropriate replacement and new construction materials.
 - (4) Require the placement and design of buildings to respect the traditional development pattern that is characterized by little to no front or side setbacks, common walls between buildings, and structures that are or appear to be at least two stories in height.
 - (5) Utilize alleys and rear entrances to provide safe and convenient access to the rear of the buildings.
 - (6) Minimize the visual presence of off-street parking by requiring it be placed to the rear of the buildings and screened from view.
 - (7) Promote the Village of Scottsville's neighborhood vitality through the encouragement of rehabilitation and economic development in the CBD that increases property values, protects real estate investment, and attracts new or enhances existing businesses within the Village.
 - (8) Promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties in the designated CBD.
- B. **Applicability.** These design guidelines shall apply to all uses, except one-family owner-occupied dwellings, within the Central Business District and shall apply to existing structures and new structures, including, but not limited to, any upgrades to existing structures, reconstructions, modifications, additions, expansions, changes of exterior appearance, and new construction. Changes to existing footprints, facades, square footage, or signage are also covered under this section. All applications shall be subject to a design review by the Planning Board of the Village of Scottsville.
- C. **Application requirements.** Prior to the issuance of a building permit in the Central Business District or any activity set forth in Subsection B, all applicants shall

submit the following information to the Village Office:

- (1) Photographs of the site and building which clearly show exterior details.
 - (2) Photographs of adjacent buildings or properties.
 - (3) Architectural drawings of the proposed exterior changes which clearly illustrate exterior materials, material dimensions, colors, height, and lighting and include an accurate scale.
 - (4) Material details, specification sheets, and product literature/samples.
 - (5) For new buildings and building additions, applicants shall also follow site plan review submission guidelines.
 - (6) Additional information as needed by the Planning Board to complete its review.
- D. **Planning Board review.** Upon receipt of all required application materials, the Planning Board shall meet with the applicant at the next regularly scheduled meeting to establish completeness of the application. Once the application is deemed complete, the Planning Board has 62 days to render a decision. Decisions on all applications granted after the effective date of this section shall expire if the applicant fails to obtain the necessary building permit and/or begin the actual construction or project within one year.
- E. **Historic Preservation Commission review.** The Planning Board may refer any application received for property within the CBD to the Historic Preservation Commission for review and recommendation. The Commission shall hold a meeting to consider said application, deliberate, and provide a formal decision on the recommendation to the Planning Board for approval, approval with conditions, or disapproval. Said decision shall be recorded, in writing, mailed to the applicant, and filed with the application by the Village Clerk.
- F. **Establishment of standards.**
- (1) The Village Board of the Village of Scottsville hereby establishes the Design Guidelines for the Central Business District in the Village of Scottsville to aid the Planning Board of the Village of Scottsville in its review. The Design Guidelines shall be filed with the Village Clerk and may be amended from time to time as deemed necessary by the Village Board.
 - (2) This section authorizes the Village Board to supplement, modify or supersede these regulations in the future by resolution of the Village Board.
 - (3) In the event any of the terms of this section conflict with other provisions within the Code of the Village of Scottsville, the provisions of this section shall control except as otherwise provided in this section.
 - (4) The standards set forth below shall be implemented in conformance with the Village of Scottsville as the Central Business District Design Guidelines as the

McKinney's Consolidated Laws of New York Annotated
Village Law (Refs & Annos)
Chapter 64. Of the Consolidated Laws (Refs & Annos)
Article 7. Building Zones (Refs & Annos)

McKinney's Village Law § 7-712-b

§ 7-712-b Permitted action by board of appeals

Currentness

1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. Use variances. (a) The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether 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; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether 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.



APPLICATION FOR A VARIANCE / SPECIAL USE PERMIT / INTERPRETATION OF THE ZONING CODE

A zoning variance is essentially a waiver of specific zoning requirements to a parcel of land that may be authorized if certain conditions exist. The Zoning Board of Appeals grants variances.

Certain Uses, not permitted as a matter of right in a zoning district, may be allowed by the issuance of a special use permit issued by the Planning Board.

For a complete explanation of procedure, please refer to:

Village of Scottsville, NY Code

Chapter 170: Zoning
<https://ecode360.com/12255670>

The application fee is \$100.00 plus all consulting and engineering fees incurred by the Village, if applicable.

APPLICATION FOR A VARIANCE / SPECIAL USE PERMIT / INTERPRETATION OF THE ZONING CODE

APPLICATION FOR:

Area / Use Variance from Code Section _____

Special Use Permit Manufacturing / Sales / Distribution of playground equipment

Interpretation of a Zoning Code _____

ADDRESS OF PROPERTY INVOLVED: 39 Main St., Scottsville

Zoning Classification: CBD Tax Map Number: 200.09-2-30

PROPERTY OWNER INFORMATION: Applicants

Signature Marcy L. Bears

Print Name Marcy L. Bears

Mailing Address 7577 East Main St. Lima, NY, 14485

Phone Number (585) 303-9192

Email Address mbears@bearsplaygrounds.com

Answer the following questions for an ^{Special Use Permit} ~~Area Variance~~ request:

- 1) Specific Request: Ability to manufacture/retail playground equipment.
- 2) Cost of Project: Unknown
- 3) Explain why a building cannot be built to comply with the existing code regulations.
No variance requested.

- 4) Explain why your situation is unique and is not shared by all properties alike in the immediate vicinity of your property.

We manufacture, sell and distribute unique playground equipment all over the country as well as internationally. We are currently located in Lima, NY and have outgrown our facility. We are not moving out of Lima but expanding our business and think the Village of Scottsville would be a good fit.

- 5) Explain the effect on the character of the neighborhood.

We manufacture and sell playground equipment which we think will have a positive impact on the community and bring people and jobs to the area.

APPLICATION FOR A VARIANCE / SPECIAL USE PERMIT / INTERPRETATION OF THE ZONING CODE

If applying for a Use Variance, Special Use Permit or an Interpretation to the Zoning Code please complete the top portion of the application and provide the necessary information separately

For a complete explanation of procedure, please refer to:

Village of Scottsville, NY Code

Chapter 170: Zoning
Special Uses Article IX
ecode360.com/33079883

I, _____ (owner of property),
Print

Located at _____ hereby grant

Permission to members of the Scottsville Planning Board, Zoning Board of Appeals, Historic Preservation Commission and Village Staff to enter upon and review my premises in connection with my application:

(signature of property owner)

APPLICATION FOR A VARIANCE / SPECIAL USE PERMIT OR AN INTERPRETATION OF
THE ZONING ORDINANCE

Statement of Applicant and Owner with Respect to Reimbursement of Professional and Consulting
Fees

In conjunction with an application made to the Village of Scottsville, the undersigned states,
represents and warrants the following:

1. I/We am/are the applicant and/or owner with respect to an application to the Village of
Scottsville.
2. I/We have been advised of, are aware of and understand the obligation to reimburse the
Village of Scottsville for consulting and professional fees incurred in relation to my/our
application(s), all in accordance with the Village of Scottsville Consultant Fee Reimbursement Law.
3. I/We understand that this obligation shall not be dependent upon the approval or success of
the application.

Owner: _____
Print

Signature: _____

Dated: _____

Applicant (if different from Owner): Marye L. Bears
Print

Signature: Marye L. Bears

Dated: 8/30/22