



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-01-LER-03-26**

Review Date **3/12/2026**

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

LEROY, T.

ZONING BOARD OF APPEALS

James Barsaloux (Tracy B's Market and Farm Brewery)

Site Plan Review

Area Variance(s)

Site Plan Review and Area Variance to expand an existing farm brewery.

Front Yard Setback
Minimum required: 100 ft.
Existing: 40 ft.
Proposed: 27 ft.

Location **8041 E. Main Rd. (NYS Rt. 5), LeRoy**

Zoning District **Residential (R-1) District**

PLANNING BOARD RECOMMENDS:

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that any on-site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard for motorists. With this required modification, and given that the use is considered an agricultural practice by the NYS Dept. of Agriculture and Markets and is enrolled in a NYS certified Agricultural District, the proposed addition should pose no significant county-wide or inter-community impact.

Director

Thursday, March 12, 2026

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-01-LER-03-26

*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED

By the Genesee County Dept. of Planning at 2:13 pm, Feb 24, 2026

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) LeRoy Zonning Board of Appeals

Address 48 Main St.

City, State, Zip LeRoy, New York 14482

Phone (585) 768 - 6910 Ext. 223

2. APPLICANT INFORMATION

Name James Barsaloux

Address 8041 East Main Rd

City, State, Zip LeRoy, New York 14482

Phone (585) 230 - 9265 Ext. _____ Email jdeweyivu@yahoo.com

MUNICIPALITY: City Town Village of LeRoy, New York

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 checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 8041 East Main Road, LeRoy, N.Y. 14482

B. Nearest intersecting road Linwood Road

C. Tax Map Parcel Number SBL:26.-1-60.1

D. Total area of the property 2.56Acres Area of property to be disturbed 806sqft

E. Present zoning district(s) R-1

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

165.13B

C. Please describe the nature of this request applicant seeks variance to section 165.13 B / Code requirement for front yard is 100' in the R-1 district. Proposed addition to the nonconforming structure would reduce front yard from the present 40' to 27' requiring a 73' variance.

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 checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input checked="" 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 Michael Risewick Title CEO Phone (585) 768 - 6910 Ext. 223

Address, City, State, Zip 48 Main St LeRoy, NY 14482 Email mrisewick.code@lerony.org

6-2026

APPLICATION to the LEROY ZONING BOARD OF APPEALS

PERMIT# _____

Applicant: Tracy B's Market Inc.
Location: 8041 E Main Rd
Le Roy, NY 14482
Phone # 585-230-9265 (Jim)
Tax Map # 26.-1-60.1
Subject AREA USE VARIANCE
Fee: \$100.00

Date Received: 24 Feb 26
Date Advertised:
Date of Hearing: 24 March 26
Decision:

Application for permission to use property located in a R-1 District for use as Farm Business property.

Reasons for proposed change of present status:

- 1] expand existing Farm Market/Farm Brewery building for increased brewing, increased indoor seating, indoor bathrooms, increased flower and hanging basket space.
2] Increase support for local agricultural Economy, alignment with Le Roy Town Comprehensive Plan and Genesee County Agricultural and Farmland Protection Plan
3] Tourism Development - Business expansion increases capability as a primary destination bringing outside revenue into Le Roy's retail and hospitality markets

If additional information is necessary, use reverse side and so indicate. See Attachments

Applicant's Signature [Signature] Date: 2/23/2026

Code Enforcement/Zoning Officer: [Signature]

Amount Received: \$100.00 ck.# [initials] Date: 2/24/2026

By: [Signature], Town Clerk

CEO: 3/2006, 7/2007, 10/2008

4) R-1 zone Requires 100' front yard. Pre Existing Bldg has 40' front yard 13' front porch addition would reduce front yard to 27' requiring a 73' Variance

Chapter 165. Zoning

Article III. General Provisions

§ 165-13. Nonconforming uses, lots and structures.

Except as hereinafter provided, the lawful use of any building or land existing at the time of the enactment or amendment of this chapter may be continued although such use does not conform with this chapter.

- A. Nonconforming lots. A nonconforming lot shall not be further reduced.
- B. **Nonconforming structures.** A nonconforming structure or part thereof determined to be unsafe may be restored to a safe condition only to the extent of its prior nonconformity. **A nonconforming structure may be enlarged, provided that the enlargement does not increase the nonconformity of the structure.** For example, a structure nonconforming by reason of its nearness to a side lot line may be extended rearward, provided that the extension does not further reduce the side yard or extend into the require yard. This section shall not apply to nonconforming signs (see § 165-41D).^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- C. Nonconforming uses.

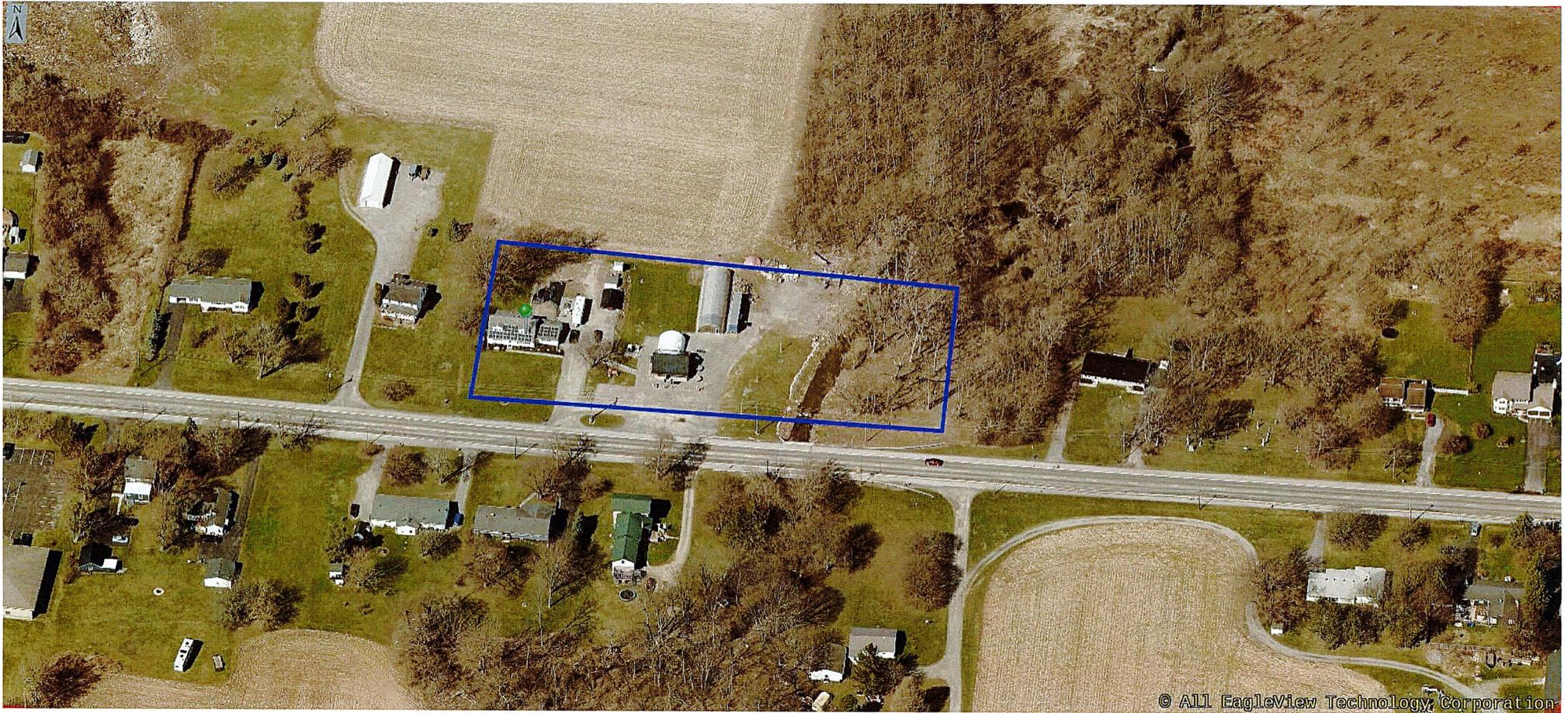
- (1) A nonconforming use may be converted to a conforming use as a matter of right.
- (2) A nonconforming use may be enlarged by special permit only (see § 165-28) as long as:
 - (a) The enlargement is in connection with the same business.
 - (b) The enlargement is upon the same lot occupied by the use at the effective date of this chapter.
 - (c) The enlargement does not create a greater deviation from the standards contained in this chapter.
 - (d) The use conforms to such other conditions as may be deemed appropriate by the Town Board.
[Amended 7-24-2014 by L.L. No. 1-2014]
- (3) The right to continue a nonconforming use, once established and not abandoned, runs with the land, and this right is not confined to any one individual or corporation.
- (4) A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding, in aggregate, a cost of 50% of the assessed value of the building, unless said building is changed to a conforming use.
- (5) A nonconforming use discontinued for a period of one year or more shall be considered abandoned and shall not be reestablished or revived except by grant of a special use permit by the Town Board.
[Amended 9-25-1989 by L.L. No. 1-1989]

Tracy B's



04/04/2025

8041 East main rd



04/04/2025

Tracy B's Market and Farm Brewery Expansion Plan

2/23/2026

Executive Summary:

The goal of this expansion is to expand our existing successful farm market and farm brewery business to include doubled brewing capacity, a year-round larger space for increased indoor patron seating, addition of indoor bathrooms, expanded cooler space for increased brewing capacity, increased area for flowers and hanging baskets, and increased storage space. It is critical for this project to preserve the agricultural character of Tracy B's as a farm business while aligning with the Town's comprehensive plan enhancing local tourism for Le Roy and Genesee County.

Statement of Fact and Comprehensive Plan Alignment

1. **Neighborhood Character:** The expansion utilizes Farm style architecture (matching current building) consistent with Le Roy's rural and agricultural aesthetic. By housing more events indoors in the expanded space, we minimize noise and visual disruption compared to all large events being held outdoors.
2. **Economic Development Goals:** The Comprehensive Plan explicitly states a goal to "encourage a broader range of commercial and service businesses throughout the town" (Goal #1, Obj 5). Our expansion grows capability for a specialized "service business" that doesn't currently exist at this scale in the town of Le Roy, filling a documented gap in the local commercial landscape.
3. **Supporting the Agricultural Economy:** The town's plan is to "support efforts that maintain agriculture as a major component of the local economy" (Goal #1, Obj 3) As a Farm Brewery, doubling our production capacity directly increases the demand for NYS-grown ingredients. We are literally "brewing" the agricultural economy into a value-added product, which is also a key recommendation of the Genesee County Agricultural and Farmland Protection Plan.
4. **Tourism & Small-Town Appeal:** The town's plan identifies "Tourism development marketing 'small town' appeal" as a primary opportunity for Le Roy. By hosting music events, private parties, weddings and other events we are bringing out-of-county visitors into Le Roy. This "Primary Destination" status helps the town

capitalize on its picturesque rural character without requiring the heavy infrastructure of an industrial park.

5. **Addressing The Tax Base Weakness:** One of the "Weaknesses" identified in the town's SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) is a "Lack of tax base." Our project increases the assessed value of the property and generates sales tax revenue, directly addressing one of the town's most significant identified challenges.
6. **Self-Created Difficulty:** While the need for expansion arises from our success, the specific physical constraints of the lot (e.g., existing building placement) were pre-existing conditions that necessitate this variance for modern compliance.

Site Operations and Land Use:

Parking Plan: We have utilized a successful parking plan to date to ensure no vehicles parking on the road as well as clear visibility when pulling on or off of route 5. The future parking additions ensure continued success and safety for patrons.

Current standard parking space indicated by **Green**

Current overflow parking indicated by **Yellow**

Future standard parking additions indicated by **Pink**

Future overflow parking additions indicated by **Blue**

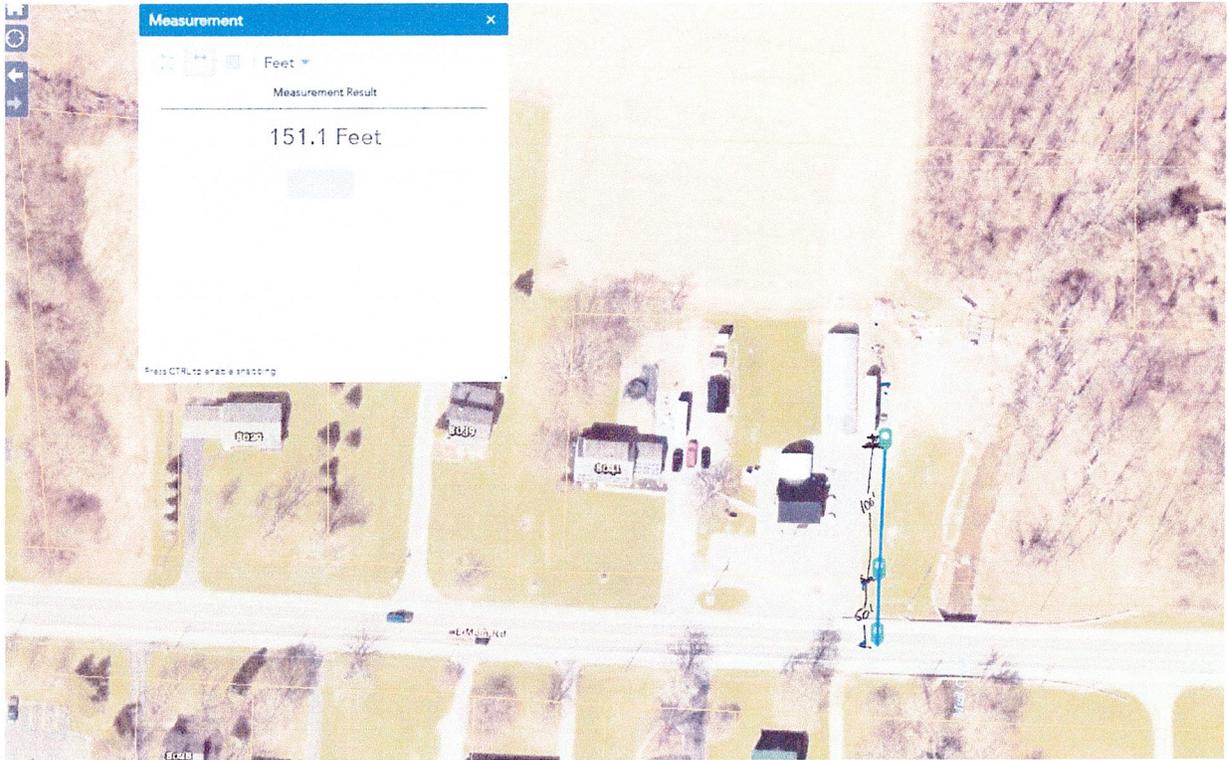


Lighting: Current standard parking areas and future standard parking areas will include sufficient lighting for safety of patrons. Current and future overflow parking utilize portable light trees to ensure well lit parking areas on a temporary basis.

Noise Mitigation: The additional indoor space reduces the number of outdoor events and outdoor noise. Outdoor events are held behind the building to the north and all music performances face north toward to corn field to help reduce noise travelling to neighbors.

Building Addition Outline

The below image shows a 2-part plan for building expansion. Part 1 outlined in red is the main building expansion. Part 2 outlined in blue is the front porch expansion. Depending on available budget part 2 is optional.



Conclusion: While this project requires an area variance, the benefit to the community far outweighs any perceived detriment. This expansion is a direct implementation of the Town of Le Roy 2040 Comprehensive Plan goals to support small business (Goal #2, Obj 4) and promote a sustainable agricultural economy. By allowing this variance, the Town of Le Roy is enabling our local farm-based business to address the 'Lack of tax base' identified in the Plan's executive summary.



The image below shows an estimate of the current setback mark from route 5 including the 50 ft state setback to the property line from the center line of the road and the additional 100 ft setback from the property line per the town code. Including the 35 ft setback from the rear property line there is less than 40 ft of front to rear space that falls into the current setback codes.

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04/04/2025