

PLANNING & DEVELOPMENT COMMITTEE
SPECIAL MEETING
Tuesday, March 3, 2015

6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 1/20/15
- IV. Proposals

Address: *14 Highland Park*
Applicant: Ryan MacDonald (purchaser)

- Proposal #1: Operation of an existing eight room, eight occupant rooming house structure. The applicant is purchasing this property from the present rooming house operator, Mary Sorce
- Actions: 1. Review application
 2. Public hearing
 3. Discussion and action by the board

Address: *224 Ellicott Street*
Applicant: Ross Walker (business owner)

- Proposal #2: Placement of a 3.85 sq.' neon window sign in the northeast window of this commercial building
- Actions: 1. Review application
 2. Public hearing
 3. Discussion and action by the board

Address: *119 Washington Avenue*
Applicant: Gregg Torrey (owner)

- Proposal #3: Change the existing non-conforming use (medical business office and physical therapy practice) to a different non-conforming use (general office use)
- Actions: 1. Review application
 2. Public hearing
 3. Discussion and action by the board

Address: *119 Washington Avenue*

Applicant: Gregg Torrey (owner)

Proposal #4: Placement of a 31.5 sq.' unlit sign on the south elevation of this commercial building located within the R-3 residential use area

Actions: 1. Review application
2. Public hearing
3. Discussion and action by the board

Address: *127 North Street*

Applicant: Joseph Hanss of Clark Patterson Lee (representative of the owner)

Proposal #5: Construction of a 9,850 sq.' one story addition to the west side of an existing hospital building. A portion of the proposed construction will be located within the yard clear space area along the west property line at the Summit Street Extension. The addition space will be utilized for a specialized medical treatment center for non-sleeping, non-24 hour care patients

Actions: 1. Review application
2. Site Plan Review
3. Public hearing
4. Discussion and action by the board

V. Other/ New Business/Updates

VI. Setting of Next Meeting: March 16, 2015

VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE
MINUTES

January 20, 2015 6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Alfred McGinnis, Duane Preston, Jeffrey Scott*

Members absent:

Others present: *Phillip Dotson, Steve Fairbanks, Dean Faklaris, Mike Hodgins, Dave Tufts, Ross Walker, Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer*

I. Roll Call

Roll call of the members was conducted. Three members were present (Jeffrey Scott arrived at 6:07) and Acting Chairman Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 6:02 pm.

III. Previous Meeting Minutes

There were only two members capable of voting on the minutes at the beginning of the meeting. Mr. Scott had not yet arrived, and as a new member, Mr. Flynn was not present at the previous meeting. The minutes were tabled.

IV. Proposals

- A. Construction of a 3,490 sq.' two story detached two family dwelling that will include four indoor parking spaces on the first floor and two dwelling units on the second floor. This detached building was previously proposed as an addition to an existing structure and was recommended for approval by the Genesee County Planning Board on 12/11/14; was approved by the City of Batavia Planning and Development Committee on 12/16/14 and the Zoning Board of Appeals on 12/18/14. The proposed building's size, interior layout and exterior appearance will match the previously approved plan with the exception of its detached construction. The new plan places this structure within the clear yard spaces along the south and west property lines. Area variances were previously granted to permit the construction, as proposed, within 5.1' of the west property line and to modify the required off street parking spaces to permit ten spaces for medical office parking with six spaces provided for the residential uses

Address: *438 East Main Street*

Applicant: *Dave Tufts (owner)*

- Actions:
1. Review of application
 2. Site plan review
 3. Public hearing
 4. Discussion and action by the board

1. Review of Application

Mr. Preston read the summary of the proposal. He noted that the Genesee County Planning Board recommended approval of the proposal with modifications. The required modifications consisted of gutters and other improvements necessary to divert water away from the neighboring properties. Mr. Randall reported to the board that at the January 15, 2015 meeting, the Zoning Board of Appeals (ZBA) approved the area variances for the property, which included the 5.1' setback from the south property line.

2. Site Plan Review

Mr. Tufts was available to speak about the project. He said that the changes in the setbacks were a result of discussions with National Fuel and National Grid. Mr. Randall clarified the changes from the original proposal by indicating that the setback would now be 10' rather than 5.1', and that the building would be detached rather than attached. Mr. Flynn asked if the only difference is that the building is detached or if the layout of the parking is also different. Mr. Tufts answered that the parking is arranged differently but that there are the same number of parking spaces. He added that everything is identical except that now there is space between the buildings. Mr. Flynn asked about lighting. Mr. Tufts replied that there will be no pole lighting. The lighting will consist of low level LED lighting from the residents' garage doors. Mr. Flynn asked if the drainage problem would be addressed. Mr. Tufts said that it would be attended to and pointed out that drainage is part of building codes.

3. Public Hearing

Mr. Preston opened the public hearing at 6:10 pm. There were no calls or correspondence and no one came to speak. Mr. Preston closed the public hearing at 6:11 pm.

4. Discussion and Action by the Board

Mr. Flynn said that usually landscaping goes between the parking and the sidewalk but in this case there is not enough room. He asked if Mr. Tufts intended to put stops at the end where the parking meets the sidewalk. Mr. Tufts responded that he could do it, but that he was hesitant to put parking blocks in because it makes it harder to plow snow, and that police records show that there have been no incidents involving cars or pedestrians on the sidewalk.

Motion by: Alfred McGinnis

"I make a motion to approve the site plan with the modification of parking blocks for the eight parking spaces abutting the sidewalk."

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Flynn, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Site Plan

- B. Placement of a 6' x 12' (72 sq.') free standing sign in the northwest portion of this property. This sign will be in addition to a free standing sign already approved by the Code Enforcement Officer

Address: 264 Bank Street

Applicant: Phillip Dotson (sign contractor)

- Actions:
1. Review of application
 2. Public hearing
 3. Discussion and action by the board

1. Review of Application

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended disapproval because the sign exceeds the maximum permitted size and could negatively affect nearby residential use. According to the Planning Board, the sign could create visibility problems for cars exiting onto the street.

Phillip Dotson, sign contractor for the project, said that the sign which had been previously approved is placed on the back side of the building. The proposed sign is intended to replace the post and panel sign currently in use. Mr. Dotson said that the medical facility will be using the University of Rochester's brand sign. Mr. Faklaris, speaking on behalf of the medical facility, said that the lawn presents a large area for sign placement and that the picture showing the sign may have created a false impression about how the sign will look in reference to the street. He said that anyone looking at the picture would say that the sign is too close to the road, but the picture is not a true indication of where the sign will actually be placed. Mr. Faklaris said that they are proud to bring a world class cancer institute to Batavia and that they would like to have a sign that reflects it. He said that they would like to project a sense of confidence to patients coming to the facility and to show that the patients will be getting the same treatment here as in Rochester.

2. Public Hearing

Mr. Preston opened the public hearing. There were no calls or correspondence and no one present to speak about the project.

3. Discussion and Action by the Board

Mr. Flynn asked if they were aware when they applied that the maximum size for the sign is 15 sq.'. Mr. Faklaris answered that they were but that the lawn where the sign will be placed is large and they have plenty of space. Mr. Flynn pointed out that the facility is in a

residential area where visibility is difficult and there are school children in the area, and said that he is opposed to the sign. Mr. Flynn asked if the two signs would be combined and Mr. Faklaris replied that there would only be one sign. The proposed sign is intended to replace the current one.

Mr. Preston said that a sign that size would require a setback of at least 25-30', or that they need to decrease the size of the sign to make it more street friendly. Mr. Flynn said that if the sign was approved it could set a precedent for the rest of the medical district and then the hospital could also have a sign that size.

Mr. Faklaris asked the board if they had a recommendation and if they had a preference for either setting the sign back farther or placing it closer to the road and making it smaller. He said that he would not want to come back in a month and have the board say at that point that it preferred the other option. Mr. Scott said that for him a setback would have to be a car length back. Mr. Randall said that from the survey it appears as though there is approximately 10-11 feet from the curb line to the property line. Mr. Faklaris said it looked as though the sign would need to be set back about 25' from the curb, as Mr. Preston had indicated.

Mr. Flynn said that the sign is grossly oversized and they would need to start over. Mr. Dotson asked if they should cut it in half and Mr. Flynn responded that they would still be two-and-a-half times oversized. Mr. Flynn pointed out that he is only one board member but Mr. Preston explained that because the application had been disapproved by the Genesee County Planning Board, it would take a super majority (all four members) for the PDC to override the Planning Board.

Mr. Randall asked if it would be possible for Mr. Faklaris and Mr. Dotson to come up with a size now that the board could agree to. Mr. Faklaris suggested that maybe something around 7' x 5' could work but they would have to be careful with the base because if the sign is too low to the ground it will not be visible when it snows. Mr. Faklaris said that he did not want to do a post and panel sign because he did not think it was suitable for a world class medical institute.

Mr. Faklaris said that they would have to consider different styles. Mr. Dotson mentioned that 7' x 5' dimension again and Mr. Flynn answered that it would have to be closer to 15 sq.'. Mr. Randall pointed out that the board had approved a monument sign for a medical office on 39 Washington Avenue and suggested that they might want to look at it. Mr. Preston asked if the board wanted to table the proposal but Mr. Flynn said that he voted for disapproval. Mr. Preston asked who voted to disapprove 264 Bank Street. Mr. Scott asked if anything would be gained as far as time with disapproval versus tabling. Mr. Randall said no.

Votes in favor of disapproval: 4 (Edward Flynn, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

Result: Application disapproved.

C. Placement of a 4' x 15' (60 sq.') wall sign on the northwest elevation of this commercial building

Address: 425-525 West Main Street

Applicant: Mike Hodgins (sign contractor)

Actions: 1. Review of application
2. Public hearing
3. Discussion and action by the board

1. Review of Application

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval. Mr. Hodgins said that the reason for the extra 8 sq.' is that the sign came with a brand new fixture from another location. Mr. Flynn asked if it is a box sign and Mr. Hodgins replied that it is. Mr. Preston said the reason why they need to approve the sign is because it is just a little above 15% limit of the wall area and the size of the sign is reasonable. Mr. Scott asked if the sign is internally lit and Mr. Hodgins answered that it is.

2. Public Hearing

Mr. Preston opened the public hearing at 6:32 pm. Mr. Randall said that he had received a phone call from the plaza owner who said that he is not opposed to the sign. Mr. Preston closed the public hearing at 6:33 pm.

3. Discussion and Action by the Board

There was no further discussion by the board.

Motion by: *Edward Flynn*

"I make a motion to approve the sign for the reason that it is not far above the required size."

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Flynn, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

Result: Application approved.

D. Placement of two electric light window signs in the front/north elevation of this commercial building located within the BID

Address: 224 Ellicott Street

Applicant: Ross Walker (business owner)

Actions: 1. Review of application
2. Public hearing
3. Discussion and recommendation to the ZBA

1. Review of Application

Mr. Preston read the summary of the proposal. He reported that the project was approved by the Genesee County Planning Board. Mr. Walker spoke about the project. He said that he did not realize that he needed permits for the two signs he already has in the window and that he would apply for a permit to take care of them. Mr. Randall clarified that the proposal only covers the two neon signs and not the banner signs already in the window. He said that the Code Enforcement Officer has told Mr. Walker that he must remove the banner signs from the window. Mr. Randall said that if Mr. Walker wants to place the banner signs in the window, he will have to file an application and appear before the PDC. Mr. Randall explained to Mr. Walker that he would have to deal with the matter another time because the PDC had to deal with the application in front of them.

Mr. Flynn said that the City's ordinance discourages neon signs, but that according to Mr. Randall, the Business Improvement District's (BID) guidelines encourages neon sign. Mr. Flynn did not have a copy of the code book with the guideline changes, so Ms. Chilano obtained one for him. Mr. Randall said that the PDC has had discussions in the past, prior to Mr. Flynn's appointment to the board, regarding the terms "encouraged", "discouraged", and "strongly discouraged" as they are used in the code book pertaining to downtown design. Mr. Randall stated that it is impossible to enforce "encouraged" and "discouraged". Mr. Flynn responded that at Mr. Randall's level it is not possible but when someone comes before a discretionary board for approval it is a different matter. Mr. Randall pointed out that in section 190-43 of the BMC it says that anything that is permitted in the code must be approved by the PDC. He said that in the past the PDC has explained to applicants the BID guidelines and programs available for façade work and asked them if they have had discussions with the BID.

Mr. Preston asked if the neon sign would be lit all of the time and Mr. Walker said that there is no lighting in the area so he will leave the signs on all night to illuminate the front. Mr. Preston thought there were three signs, but one of the signs looked as though it were two separate signs.

2. Public Hearing

Mr. Preston opened the public hearing at 6:42 pm. There was no correspondence or calls and no one came to speak about the project. Mr. Preston closed the public hearing at 6:43 pm.

3. Discussion and Action by the Board

Motion by: *Edward Flynn*

“I make a motion to approve the application because it is below the 25% space requirement and the neon does not have a negative impact on this section of Ellicott Street.”

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

Result: Application approved

- E. Placement of a 15 sq.’ internally lit projecting sign on the west elevation of this commercial building. The proposed sign is to replace an existing sign of the same size in the same location on an existing projecting support member

Address: *107 Evans Street*

Applicant: Steve Fairbanks (Batavia Sign Co.)

- Actions:
1. Review of application
 2. Public hearing
 3. Discussion and action by the board

1. Review of Application

Mr. Preston read the summary of the proposal. Mr. Fairbanks pointed out that this is an existing sign on which he is going to replace the panels. Mr. Flynn asked how long the sign has been down and Mr. Fairbanks replied that the sign was not removed; he took the panels out. Mr. Flynn asked if the previous sign had been for Delevan’s and Mr. Fairbanks answered yes. Mr. Flynn asked how long Delevan’s has been out of business. Mr. Randall and Mr. Fairbanks agreed that it had been about three months. Mr. Preston asked if the sign would be on a timer and Mr. Fairbanks said that it can be if it needs to be. Mr. Fairbanks said that he is unsure about the business hours but that he assumed the sign would be turned off at night when the business was closed.

2. Public Hearing

Mr. Preston opened the public hearing at 6:47 pm. There were no calls or correspondence and no one came to speak about the project. Mr. Preston closed the public hearing at 6:48 pm.

3. Discussion and Action by the Board

There was no further discussion.

Motion by: *Alfred McGinnis*

“I make a motion to approve the sign with the stipulation that the sign should be turned off when the business is closed.”

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

Result: Application approved.

Mr. Flynn noted that he approved the sign because it was already existent on a business that had only been closed for a short time.

F. Placement of a 1.25' x 9' wall sign on the north elevation of this commercial building

Address: *216 East Main Street*

Applicant: Marc Staley (business owner/occupant)

- Actions:
1. Review of application
 2. Public hearing
 3. Discussion and action by the board

1. Review of Application

The PDC saved this proposal for last because Mr. Staley was not present at the meeting. Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval. Mr. Flynn asked Mr. Randall if the sign is within the size limit and Mr. Randall replied that it is. Mr. Flynn asked about lighting and Mr. Randall responded that there is none. Mr. Preston remarked that he was surprised there was no goose neck lighting. Mr. Flynn asked about materials and Mr. McGinnis pointed out that there was no one available to speak about the project. He noted that the last time the applicant was not present to address questions, the PDC tabled the proposal. Mr. McGinnis said that it shows due diligence that an applicant follows through after submitting an application, and Mr. Scott said that the PDC prefers to have applicants available to explain the project and answer questions. Mr. McGinnis said that he believes if an applicant does not show up at the meeting, the proposal should be tabled until the applicant is present. Mr. Scott agreed.

2. Discussion and Action by the Board

Motion by: *Duane Preston*

Mr. Preston moved to table the application.

Votes in favor: 3 (Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 1 (Edward Flynn)

Votes abstained: 0

Result: Application tabled.

V. Approval of Minutes

Duane Preston made a motion to approve the December 16, 2014 minutes.

Seconded by: *Jeffrey Scott*

Votes in favor: 3 (Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 1 (Edward Flynn)

Result: Approval of December 16, 2014 minutes.

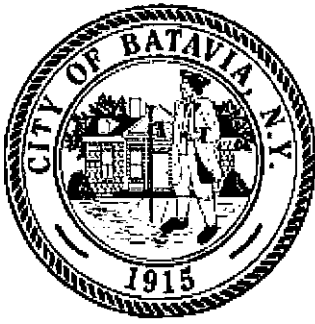
VI. Setting of Next Meeting: February 17, 2015

VII. Adjournment

Mr. Flynn made a motion to close the meeting at 7:05 pm. Mr. Scott seconded. All voted in favor.

Respectfully submitted,

Meg Chilano



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 1/15/15

Re: **14 Highland Pk.**
Tax Parcel No. 84.065-2-8

Zoning Use District: R-3

The applicant, Ryan Macdonald (purchaser), has applied for a rooming house permit to operate an existing 8 room, 8 occupant rooming house structure. The applicant is purchasing this property from the present rooming house operator, Mary Sorce.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (24).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city; the boundary of a County or State park or other recreation area; **the right of way of a state parkway, thoroughway, expressway, road or highway**; the boundary of county or state owned land on which a public building or institution is situated; the boundary of a farm operation located in an agricultural district (not required for area variances).

City Planning and Development Committee- Pursuant to section 143-4 A of the zoning ordinance, the Planning and Development Committee shall, prior to issuance, approve rooming house permit applications in compliance with Chapter 143.

143-5 A (4) In the event a rooming house is sold or the ownership is in anyway changed, the existing permit shall be terminated and a new application shall be made.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

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) Planning and Development Committee

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Ryan Macdonald

Address 16 Forest Ave.

City, State, Zip Oakfield, NY 14125

Phone (585) 343 - 1225 Ext. _____ Email _____

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☒ Other: Rooming house permit

- Subdivision Proposal
☐ Preliminary
☐ Final

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

A. Full Address 14 Highland Pk.

B. Nearest intersecting road Pringle

C. Tax Map Parcel Number 84.065-2-8

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) R-3

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

BMC Sec. 143-4 A

C. Please describe the nature of this request Approval of permit to operate a previously established rooming house.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
☐ Site plan
☐ Subdivision plot plans
☐ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☐ Photos
☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



City of Batavia

One Batavia City Centre

Batavia, NY 14020

(585) 345-6345 Fax: (585) 345-1385

APPLICATION FOR ROOMING HOUSE

NAME Ryan Macdonald DATE 1-8-2015
ADDRESS 16 Forest Ave PHONE 585 343 1775
LOCATION OF ROOMING HOUSE 14 Highland Park (84.065-2-8)
ZONE B-3 NO. OF ROOMS 8 NO. OF ROOMERS 8

****APPLICATION SHALL INCLUDE PLOT PLAN AND PROPOSED FLOOR PLAN WITH DIMENSIONS****

APPLICANT'S SIGNATURE [Signature] DATE _____

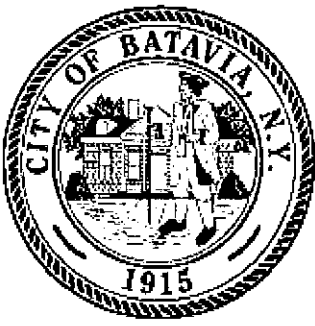
ISSUING OFFICER _____ DATE _____

State of New York) On this _____ day of _____ 20____
County of Genesee) ss.: the above applicant appeared before me.
City of Batavia) _____
(Notary Public)

CITY PLANNING BOARD _____

APPLICATION NO. _____

COMMENTS _____



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee
From: Doug Randall, Code Enforcement Officer
Date: 1/29/15
Re: 119 Washington Ave.
Tax Parcel No. 84.041-1-22

Zoning Use District: R-3

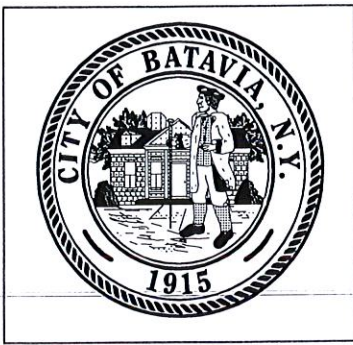
The applicant, Greg Torrey (owner), has applied for approval to place a 31.5 sq.' unlit wall sign on the south elevation of this commercial building located within the R-3 residential use area.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-43 R, the Planning and Development Committee shall approve or deny Special Sign Permits.

190-43 F. and Exhibit A - Wall signs exceeding two square feet are not permitted within the R-3 residential use district.



Permit No.: _____
Date: _____
Zone: _____

SIGN PERMIT APPLICATION

City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

Glow Securities Inc

ttucker2@rochester.rr.com

Name

E-mail Address

119 WASHINGTON Ave

585-813-4969

Street Address

Phone

Fax

BATAVIA, NY 14020

City, State, Zip Code

ADDRESS OF SIGN:

119 WASHINGTON Ave

AREA OF SIGN:

Length 7 Ft Width 4.5 Ft Area 31.5 sq'

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

- | | | | |
|--|---------------------|---------------------|------------|
| <input type="checkbox"/> Freestanding | Set Back _____ | Height _____ | |
| <input checked="" type="checkbox"/> Wall | Wall Length _____ | Wall Height _____ | Area _____ |
| <input type="checkbox"/> Projecting | | | |
| <input type="checkbox"/> Marquee | | | |
| <input type="checkbox"/> Awning / Canopy | Length _____ | Height _____ | Area _____ |
| <input type="checkbox"/> Window | Window Length _____ | Window Height _____ | Area _____ |
| <input type="checkbox"/> Portable | | | |

Lighting: ☐ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):

Applicant's Signature

Date 1-28-19

Issuing Officer

Date

Planning Board Chairperson

Date

FEES: _____ \$25 Sign Permit ☒ \$50 Special Sign Permit _____ \$10 Portable Sign

7' WIDE

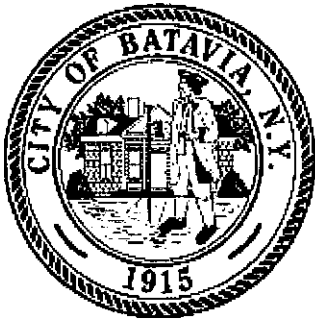
4.5'
HIGH



GLOW SECURITY INC

dish[®]





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 1/29/15

Re: 119 Washington Ave.
Tax Parcel No. 84.041-1-22

Zoning Use District: R-3

The applicant, Greg Torrey (owner), has filed a Special Use Permit application with the PDC to change the existing non-conforming use (medical business office and physical therapy practice) to a different non-conforming use, general office use.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-37 of the zoning ordinance, Special Use Permits are to be authorized by the Planning and Development Committee.

BMC Sec. 190-36 G. (1)(a) Non-conforming uses; Change in use- Special Use Permits are to be issued for a change in use to another non-conforming use as long as the change is in compliance with BMC Sec. 190-36 G (a-c), (see attached).

BMC Sec. 190-37 K. Standards applicable to all Special Use Permits- The PDC may only issue a Special Use Permit after it has been found that the standards and conditions of this section have been satisfied (see attached code sections).

PERMIT NO. _____



SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 119 Washington Avenue
OWNER: Springbrook Properties, LLC
Address: 6005 Torrey Road Stafford, NY 14143

Application Date: 1-26-15
Tax Parcel No.: _____
Phone No. (585) 507-8139 *call*

NO COUNTY PLANNING REVIEW

NO ZONING VARIANCE REQUIRED

R-3 ZONING DISTRICT

NO HISTORIC DISTRICT

NO FLOOD ZONE

NO HISTORIC LANDMARK

NO CORNER LOT

NO CITY ENGINEER REVIEW

NO SITE PLAN REVIEW

NO CITY COUNCIL REVIEW

NO BID

☒ OTHER (special use perm.)

PROJECT DESCRIPTION:

General office use

EXISTING USE: med. business office and Physical Therapy Practice

N.Y.S. BLDG. CODE OCC. CLASS: B

LOT SIZE: 40'x125'

PROPOSED USE: General Business Office

N.Y.S. BLDG. CODE OCC. CLASS: B

LOT AREA: 5,000 sq. ft.

CITY PLANNING & DEVELOPMENT REVIEW:

___ APPROVAL AS PRESENTED ___ DISAPPROVAL ___ APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: _____ DATE: _____

Ernest A. Torrey
Applicant Signature

1-28-15
Date

Issuing Officer

Permit Fee: \$100.-

Issue Date: _____

City of Batavia, NY
Thursday, January 29, 2015

Chapter 190. ZONING

Article IX. Supplementary Regulations

§ 190-36. Nonconforming uses.

[Amended 10-12-1999]

A. Intent.

- (1) Unless otherwise provided for elsewhere in this chapter, any use of land or a structure, which use was lawful at the time of the effective date of this chapter, may be continued; provided, however, that such use or structure shall have continued in operation, does not constitute a nuisance and shall not be enlarged, altered or changed in area, activity or content during its continuance, except as provided otherwise in this chapter.
- (2) Any use or structure which was in violation of this chapter prior to adoption of this chapter shall not be regarded as nonconforming under this chapter.

B. Authority to continue.

- (1) The use or occupancy of a nonconforming structure which was a lawful structure at the time of the effective date of this chapter may be continued; provided, however, that no enlargement, change or alteration shall be permitted upon such structure, except upon a finding by the Code Enforcement Officer that such enlargement, change or alteration will produce greater compliance with this chapter and that the use within such structure is in conformity with the requirements of this chapter; and further provided that no enlargement, change or alteration of a structure housing a nonconforming use shall be permitted, except upon a finding by the Board of Appeals that such enlargement, change or alteration will permit greater compliance with the provisions of this or other appropriate regulations, as required by the Board of Appeals, and is installed or instituted to minimize the detrimental effects of the nonconforming use upon adjoining conforming uses.
- (2) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, which strengthening or restoration is ordered by such official.
- (3) Any building, other structure or use of land which is made nonconforming by any lot size, open space, height or building size regulations of this chapter, or by any subsequent amendments thereto, may be continued, except as hereinafter provided.

C. Alterations.

- (1) A structure containing a nonconforming use may not be renovated or structurally altered during its life to an extent exceeding, in aggregate cost, 50% of the market value of the building unless said building is changed to a conforming use. The market value shall be the

product of the structure's current assessed value as indicated on the City's assessment records times the City's equalization rate. Nothing in this chapter shall prevent the renovation or repair of nonstructural members or the maintenance of a structure made necessary by ordinary wear and tear. Under this provision a nonconforming use within a structure shall not be substantively extended or physically expanded.

- (2) Any portion of a structure that is determined to be nonconforming in regard to any provision of this chapter shall not be renovated or structurally altered for a nonconforming use except under the regulations set forth in the preceding Subsection A, but may be renovated or structurally altered, but not expanded, if occupied by a conforming use.

D. Extensions.

- (1) A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a structure which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use. An extension of a nonconforming use shall include any activities or actions that expand the area or volume occupied by a nonconforming use. Such activity or action shall include, but not be limited to, the physical expansion of a nonconforming use into previous underutilized, vacant or a new constructed space; the increase in size of any parking related to a nonconforming use; and the increase in any item that will result in a larger parking requirement as defined in § 190-39.
- (2) Any portion of a structure that is determined to be a nonconforming in regard to any provision of this chapter shall not be extended unless such extension is in conformance with this chapter or any necessary variances are obtained from the Zoning Board of Appeals.

E. Destruction of structure. Nothing in this chapter shall prevent the restoration, rebuilding or repairing of any structure containing a nonconforming use, which structure has been damaged by fire, acts of God or by any means not within the control of the owner, provided that such restoration or construction is commenced within one year after the destruction and is completed within one year of the date of issuance of a building permit. For any structure containing a nonconforming use which is destroyed, by any cause, not within the control of the owner, to an extent exceeding 50% of its market value, the future structure or use on the site shall conform to this chapter. The market value shall be the product of the structure's current assessed value as indicated on the City's assessment records times the City's equalization rate.

F. Definition of structure. For the purpose of this subsection, structure shall be defined as hereinafter stated to determine the percentages set forth herein. If there is only one building upon real property, structure shall be that one building. If there is more than one building upon real property, structure shall be defined as the total square footage of all buildings as compared to the portion destroyed or altered.

G. Change in use.

- (1) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:
 - (a) Such change shall be permitted only upon issuance of a special use permit.
 - (b) The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where such nonconforming use is located.
 - (c) The applicant shall show that the proposed change will be less objectionable in external effect than the existing nonconforming use with respect to:

[1]

Traffic generation and congestion, including truck, passenger car and pedestrian traffic.

[2] Noise, smoke, dust, noxious matter, heat, glare and vibration.

[3] Storage and waste disposal.

[4] Appearance.

(2) With any change in use from a nonconforming use, any nonconforming area dimension on the premises shall cease to be a valid preexisting nonconforming use.

- H. Displacement. No nonconforming use shall be extended to displace a conforming use.
- I. District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.
- J. Discontinuance. Whenever a nonconforming use or a nonconforming structure has been discontinued for a period of one year, such structure shall not be reused without appropriate variances or only in conformity with the provisions of this chapter or such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.
- K. Accessibility to public right-of-way. No building permit or certificate of occupancy shall be issued for any new land use activity where there is no reasonable access from the lot or area upon which such activity is located to an existing public street; provided, however, that this provision shall not prohibit the continued use of any structure or lot as such use existed at the effective date of this provision.
- L. Construction approved prior to adoption of or amendment to chapter. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued, provided that active and substantial construction shall have been originated prior to the enactment of this chapter and further provided that the entire building shall be completed according to such plans filed within two years from the effective date of this chapter.

City of Batavia, NY
Thursday, January 29, 2015

Chapter 190. ZONING

Article IX. Supplementary Regulations

§ 190-37. Special use permits.

[Amended 11-9-1998]

The following uses may be permitted provided a special use permit is authorized by the Planning and Development Committee under the terms and specifications herein. The necessity for certain specific uses is recognized. At the same time they, or any of them, may be or become inimical to the public health, safety and general welfare of the community if located without consideration to the existing conditions and surroundings. Special use permits authorize a particular land use that is permitted by the provisions of this chapter, but may require additional conditions to assure that the proposed use is in harmony with this chapter and will not adversely affect the neighborhood conditions. The following standards and proceedings are hereby established which are intended to provide the Planning and Development Committee with a guide for the purpose of reviewing certain uses not otherwise permitted in this chapter.

- A. Municipal or public utility structures. Municipal or public utility structures or facilities may be permitted by special use permit in residential and commercial zoning districts provided that:
 - (1) The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the district in which it is located.
 - (3) Adequate and attractive fences and other safety devices will be provided.
 - (4) A buffer strip 10 feet in width shall be provided around the perimeter of the property.
 - (5) Adequate off-street parking shall be provided.
 - (6) All of the area, yard and building coverage requirements of the respective zoning district will be met.
- B. Professional offices. Professional offices for attorneys, physicians and/or dentists may be permitted by special use permit in the R-3 Residential District, provided that:
 - (1) A minimum area of 10,000 square feet with 75 feet of frontage shall be provided.
 - (2) Not more than 30% of the lot shall be covered by building area.
 - (3) A minimum of 35 feet for rear and front yards and a minimum of 12 feet for one side yard and a total of 25 feet for both side yards shall be required for all new construction.

- (4) On an existing structure which is connected and providing no additions are required, the City Council shall determine that the proposed use and structure will not be detrimental to adjoining properties.
 - (5) Off-street parking shall be provided at a rate of one space per 150 square feet of floor area or fraction thereof. No parking shall be permitted within any portion of the front yard.
 - (6) Where a parking area for four or more cars adjoins a residential property, a planted buffer strip at least 10 feet wide shall be provided between the parking area and the adjoining property.
 - (7) No more than four physicians or dentists shall occupy one building.
 - (8) If the proposed use is to be located in a residential building, the residential facade shall be maintained.
- C. High-rise apartments. High-rise apartments may be permitted by special use permit in the R-3 Residential, C-1 Limited Commercial and C-2 General Commercial Districts, provided that:
- (1) Detailed plot plans, showing parking, building location, buffer areas, etc., shall be submitted.
 - (2) No structure shall contain more than one dwelling unit per 650 square feet of lot area. For structures which exceed eight stories in height, the minimum lot area per dwelling unit shall not exceed 800 square feet.
 - (3) The minimum lot width shall be 150 feet.
 - (4) All yards shall have a minimum depth equal to not less than 1/2 the height of the tallest building but in no case shall the required yard areas be less than 35 feet.
 - (5) No apartment unit shall have less than 396 square feet of gross living area.
 - (6) Parking may be provided in any yard area but the front yard and shall be in the ratio as approved by the City Council.
 - (7) Not more than 40% of the lot area shall be covered by building area.
 - (8) Each building shall be provided with at least one passenger elevator and one service/passenger elevator.
 - (9) One project identification sign shall be permitted which shall not exceed 25 square feet in area and shall be situated not less than 10 feet within the property lines. The sign may include only the name of the project, the street address, and the presence or lack of vacancies.
- D. Cleaning establishments. Cleaning establishments may be permitted by special use permit in the C-2 General Commercial and Industrial Districts, provided that:
- (1) It shall be determined that the proposed use is compatible in the adjoining land uses.
 - (2) The proposed use will not adversely affect the general health, safety and welfare of the public.
 - (3) The applicant shall indicate precautions taken to protect the general health, safety and welfare of the public.
- E. Automobile service stations; garages; drive-in restaurants. Automobile service stations and/or garages for the storage, adjustment or repair of motor vehicles, drive-in restaurants and other similar uses where specific attention and consideration must be given to traffic generation and the disruption of traffic flow as well as the danger to the general public due to hazards by fire and explosion, may be permitted by special use permit in C-2, I-1 and I-2 Districts, provided that:

- (1) A site plan shall be prepared to show the location of buildings, parking areas, and driveways. In addition, the site plan shall show the number and location of fuel tanks to be installed; the dimensions and capacity of each storage tank; the depth the tanks will be placed below the ground; the number and location of pumps to be installed; the type of structure and accessory buildings to be constructed; the location, height, and lighting power of proposed lighting standards; and the manner in which buffering is to be provided.
- (2) Automobile service stations and drive-in restaurants shall have the following yard restrictions:
 - (a) A minimum lot size of 15,000 square feet with a minimum width of 125 feet.
 - (b) Minimum front and side yard areas of 25 feet with a minimum rear yard of 35 feet.
 - (c) Maximum lot coverage of 20%.
 - (d) Maximum building height of one story or 18 feet.
- (3) Driveways at service stations, drive-in restaurants and other uses providing drive-in service shall not be less than 20 feet nor more than 24 feet in width at any point. Driveways must be at least 20 feet from any side lot line and 50 feet from the intersection of street lines. No more than two driveways shall be permitted for each 125 feet of street frontage.
- (4) The entire area of the site traveled by motor vehicles shall be hard surfaced.
- (5) Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.
- (6) Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- (7) All fuel pumps shall be located at least 20 feet from any street or property line and pumps shall have automatic shutoffs as approved by the Fire Department.
- (8) Parking for service stations shall be provided in the ratio of one space per 100 square feet of floor area or fraction thereof in the principal building. Parking for drive-in restaurants shall be provided in the ratio of four spaces per 100 square feet of floor area or fraction thereof in the principal building.
- (9) Where such parking areas abut a residential zoning district, they shall be screened by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the City Council will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials shall be in keeping with the character of the adjacent residential area.
- (10) No automobile service station or public garage shall be located within 500 feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. The distance shall be measured in a straight line from the public entrance to the lot line nearest such entrance along the street line.
- (11) No service station shall be located within 1,000 feet of an existing station on the same side of the highway. If a station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property.
- (12)

The areas shall be illuminated by nonglare lighting standards, focused downward, and which, in the opinion of the City Council, will not create a nuisance to adjoining property owners.

- (13) Drive-in restaurants for the purposes of this subsection are defined as eating establishments for customers normally arriving by motor vehicles, who are provided quick service, food and drink, and such customers obtain their own food and drink at a counter or other place for dispensing food therein and consume such food and drink upon the premises; or in such type restaurants where customers may be waited upon without leaving their vehicles by employees of the drive-in restaurant.
 - (14) The use of an automobile service station may include the sale or rental of vehicles with a special permit from the City Council. No vehicles shall be parked or displayed in the required front yards, and a detailed plot plan showing the areas in which such vehicles are to be stored shall accompany the application for the special use permit.
- F. Automobile junkyards; reclamation centers. As defined by this chapter, junkyards, automobile junkyards, or reclamation centers may be permitted by special use permit in the I-1 and I-2 Industrial Districts, provided that:
- (1) All wrecking, dismantling, processing and other related operations shall be conducted within the property lines which shall be completely enclosed by a solid fence material of not less than six feet in height. Such fence shall be of a height sufficient to preclude the visibility of materials from all public rights-of-way.
 - (2) The keeping of such fence in good maintenance shall be a condition of the issuance of the special use permit. The Council may revoke this authorization if such fence is not maintained in good condition.
 - (3) No junkyard shall be located within 200 feet of a residential district. This distance shall be measured from the nearest point of the property line of the junkyard to the residential district.
- G. Large-scale multifamily developments. Large-scale multifamily developments, including garden apartments and townhouses may be permitted in any residential district and the C-1 Limited Commercial District, provided that:
- (1) A detailed site plan showing the location of all buildings, driveways, parking areas, and recreation space buffer areas, is submitted in accordance with § **51-8B** of Chapter **51**, Building Construction, of the Code of the City of Batavia.
 - (2) Special use permit for such uses shall be required at any time the number of units in a particular development reaches six or more, whether the six are proposed at any one time, single, or in any combination totaling six or more.
 - (3) The total number of dwelling units for a multifamily project shall not exceed a density of:
 - (a) Six units per gross acre of land in R-1 Districts.
 - (b) Twelve units per gross acre of land in R-2 Districts.
 - (c) Twenty units per gross acre of land in R-3 and C-1 Districts.
 - (4) There shall be no dwelling units below the first story or above the second story.
 - (5) Each dwelling unit shall contain complete kitchen facilities, toilet and bathing facilities, and shall have a minimum gross floor area in accordance with the following:
 - (a)

One-bedroom dwelling units and/or efficiency units shall have a minimum of 600 square feet.

- (b) Two-bedroom dwelling units shall have a minimum of 800 square feet.
- (c) Three-bedroom dwelling units shall have a minimum of 1,000 square feet.
- (6) There shall be no more than 16 dwelling units in each building or structure.
- (7) No multifamily dwelling structure shall be located within 25 feet of another dwelling structure, swimming pool, recreation building, or garage.
- (8) Every building shall have a minimum setback of 20 feet from any and all interior roads, driveways, and parking areas.
- (9) There shall be a buffer strip planted with evergreen shrubs along the entire perimeter of the property, exclusive of the front yard(s), of at least 15 feet in width measured from the property line. No parking or recreation areas shall be permitted within this buffer strip.
- (10) Parking shall be required at the ratio of no less than 1 1/2 spaces per dwelling unit.
- (11) A minimum of 10% of the total tract area shall be designated for common recreational purposes. The area designated for recreation shall, in the opinion of the City Council, be suitable for such purposes.
- (12) Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter.
- (13) There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment of 30 square feet in area and a minimum of six feet in height per dwelling unit.
- (14) Driveways, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles. Such light sources shall, where necessary, be shielded to avoid glare disturbing to occupants of buildings.
- (15) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.
- (16) The proposed use shall meet the area and yard requirements specified in Schedule I of this chapter.

Editor's Note: Schedule I is included at the end of this chapter.

- H. Heliports and helistops. Heliports and helistops may be permitted by special use permit in the I-1 and I-2 and P-1 and P-2 Districts, provided that:

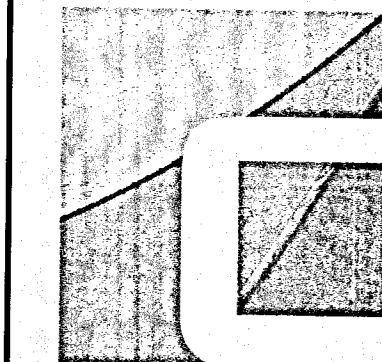
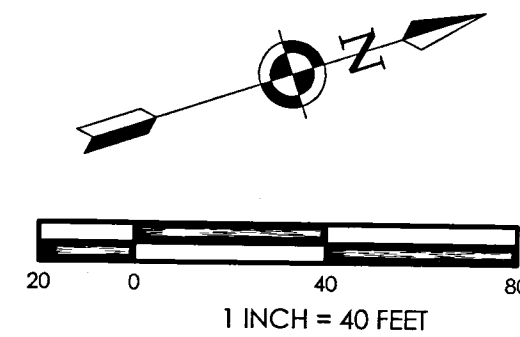
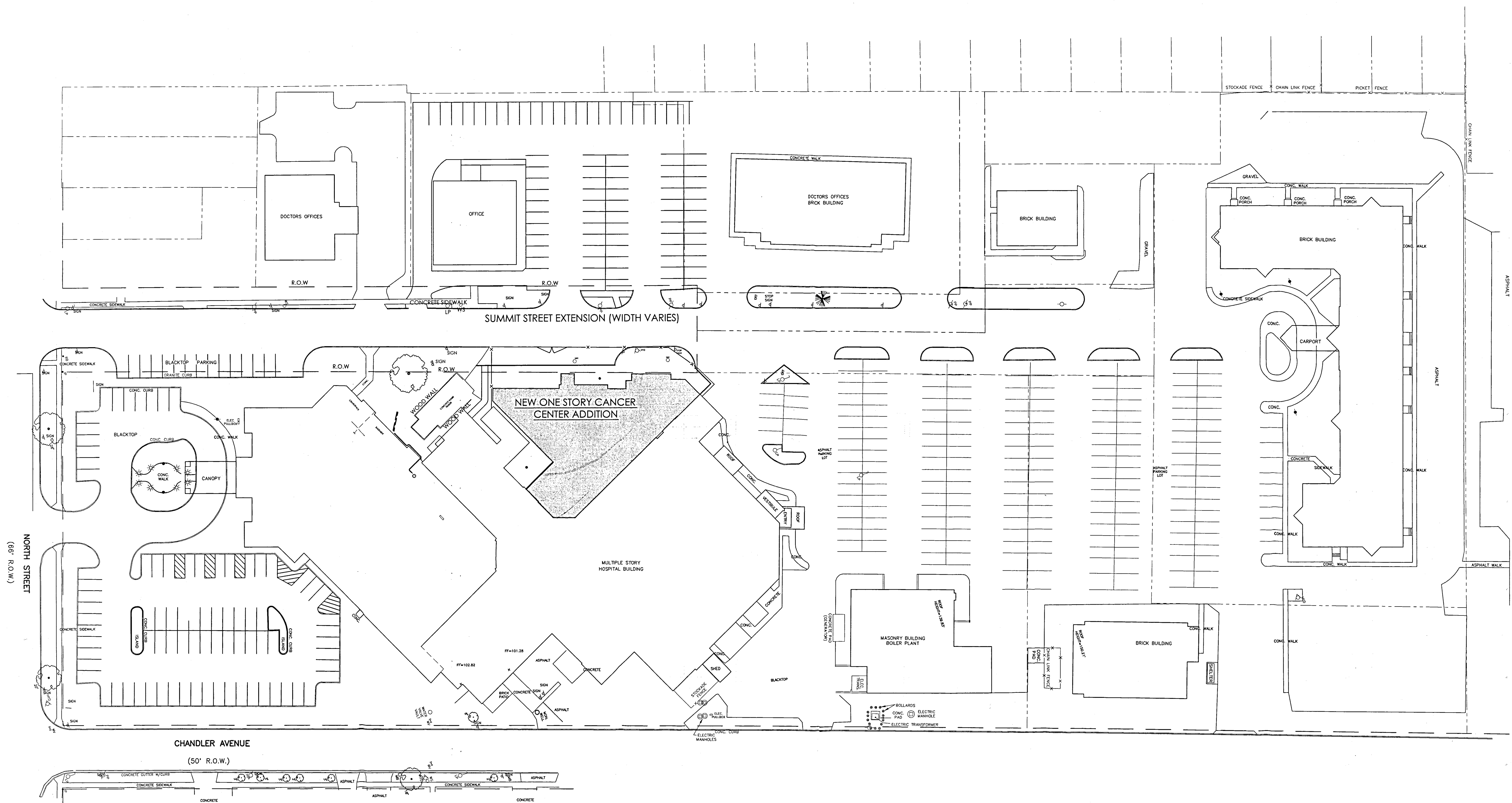
- (1) All applications for a heliport or helistop in the City shall include all of the information identified in § 51-8D of Chapter 51, Building Construction, of the Code of the City of Batavia, as well as anticipated frequency of helicopter operations; proposed landing areas, including ground and building sites; types of craft to be utilized; takeoff and landing approaches, emergency landing sites; fire participation facilities; and structural support capabilities for rooftop landing sites.

- (2) Heliports or helistops shall not be permitted within 1,000 feet of any residential district except by special use permit authorized by the City Council.
 - (3) All helicopter landing areas shall be enclosed by wind-deflection fences which are four feet in height.
 - (4) All helicopter landing surfaces shall be free from dust, dirt and other loose material and shall be covered by a surface approved by the City Engineer.
 - (5) For rooftop landing areas the structure shall be capable of supporting a gross concentrated load equal to 1.75 times the helicopter's weight.
 - (6) Routes of helicopters shall be over terrain which affords suitable emergency landing areas no farther away than a glide angle of one foot vertically to four feet horizontally.
 - (7) Minimum landing areas for a heliport shall be 100 feet by 100 feet exclusive of tie-down facilities, taxi-ways, service and parking areas. On rooftop sites, the minimum landing area shall be 40 feet by 40 feet for helicopters of less than 3,500 pounds gross weight. The minimum size of the touchdown area for helicopters over 3,500 pounds gross weight shall be at least 1 1/2 times the rotor diameter.
 - (8) Rooftop helicopter landing facilities shall be located in an area that will permit a glide slope angle of eight feet horizontal distance for every one foot vertical clearance required. Two such approaches shall be available, at least 90° removed from each other.
 - (9) On all touchdown or landing areas, whether elevated or flush with the roof, provision shall be made for collecting fuel which may be spilled in event of any emergency. Separator or clarifier tanks for collecting spilled fuel shall be installed under approval and supervision of the City Engineer.
 - (10) Fire-fighting facilities approved by the Batavia Fire Department shall be provided at all landing sites.
 - (11) All landing sites shall be approved and marked as prescribed by the Federal Aviation Administration.
 - (12) For rooftop sites no light standards, roof vents, guy lines, television antennas, or other similar rooftop obstructions which may be difficult to see from the air shall be permitted within the required glide slope on three sides, or within an arc of 270°.
 - (13) Such lights as are installed shall illuminate and be directed onto the touchdown pad only, and in such a manner that the light rays cannot interfere with the helicopter pilot's vision.
 - (14) Approved means of communication, such as telephone, radio, fire alarm box or signaling device, shall be provided adjacent to the landing area.
- I. Restricted residential uses. Restricted residential uses shall be permitted in C-3 Central Commercial Districts as defined herein with the following provisions:
[Added 7-8-1996]
- (1) A detailed site plan showing the location and size of all buildings, entrances, exits, driveways, signage, parking areas, and dumpsters is submitted in accordance with § 51-8 of Chapter 51, Building Construction, of the Code of the City of Batavia.
 - (2) A detailed floor plan drawn to scale of all interior portions of any building or any renovations to existing buildings shall be submitted as part of the special use permit application.
 - (3) The maximum height from curb level for any new building constructed shall be four stories.

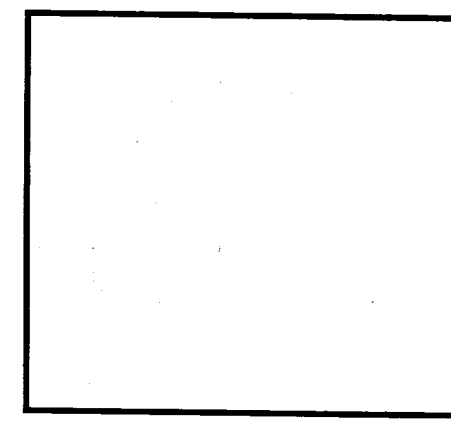
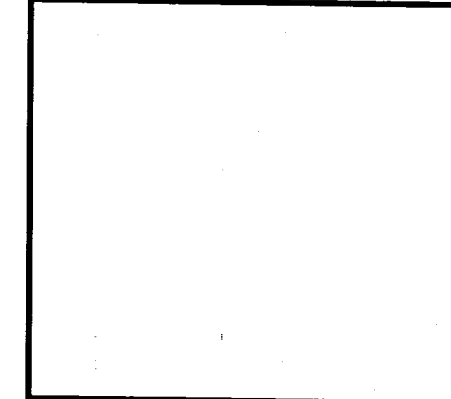
- (4) No residential use shall be permitted on the first floor. The first floor use must be consistent with other allowed uses in the C-3 Central Commercial Districts.
 - (5) There shall be no more than two bedrooms per unit.
 - (6) Any new building constructed shall be built to the front lot lines on Main Street and Jackson Street within the C-3 Central Commercial District.
 - (7) A parking plan shall be submitted detailing plans for parking. An annual fee for parking shall be required for any use by residents of City-owned parking lots with those limitations set forth by the City Council if the special use permit application is approved.
 - (8) Separate signage denoting residential use shall be allowed as approved in the special use review.
 - (9) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.
- J. Accessory dwelling units. Accessory dwelling units may be permitted by special use permit in the R-1 Residential District, provided that:
[Added 10-25-1999]
- (1) No changes are made to the front exterior of the single-family dwelling to maintain the appearance of a single-family home.
 - (2) Accessory units will only be allowed in owner-occupied single-family residences.
 - (3) Garages may not be converted to accessory dwelling units.
 - (4) Entrances for the accessory unit shall not be on the front exterior to maintain the single-family appearance of the structure.
 - (5) One parking space to be provided for the accessory dwelling unit.
- K. Standards applicable for all special use permits. The Planning and Development Committee may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this chapter.
[Added 11-9-1998]
- (1) The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons therewith will not be hazardous and shall be in harmony with the orderly development of the district.
 - (2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
 - (3) The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.
 - (4) The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.
 - (5) When a commercial or industrial special use abuts a residential property the Planning and Development Committee may find it necessary to require screening of sufficient height and

density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.

- (6) Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
 - (7) The proposed use shall meet the off-street parking and loading requirements of similar uses.
 - (8) Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.
 - (9) Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.
 - (10) Such use shall be attractively landscaped.
 - (11) A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning and Development Committee.
 - (12) As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
 - (13) In addition to the general standards for special use permits as set forth herein, the Planning and Development Committee may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.
 - (14) The above standards are not intended to apply to uses whose regulation has been preempted by the state or federal government.
- L. Adult uses as per Article VI.
[Added 12-13-1999]



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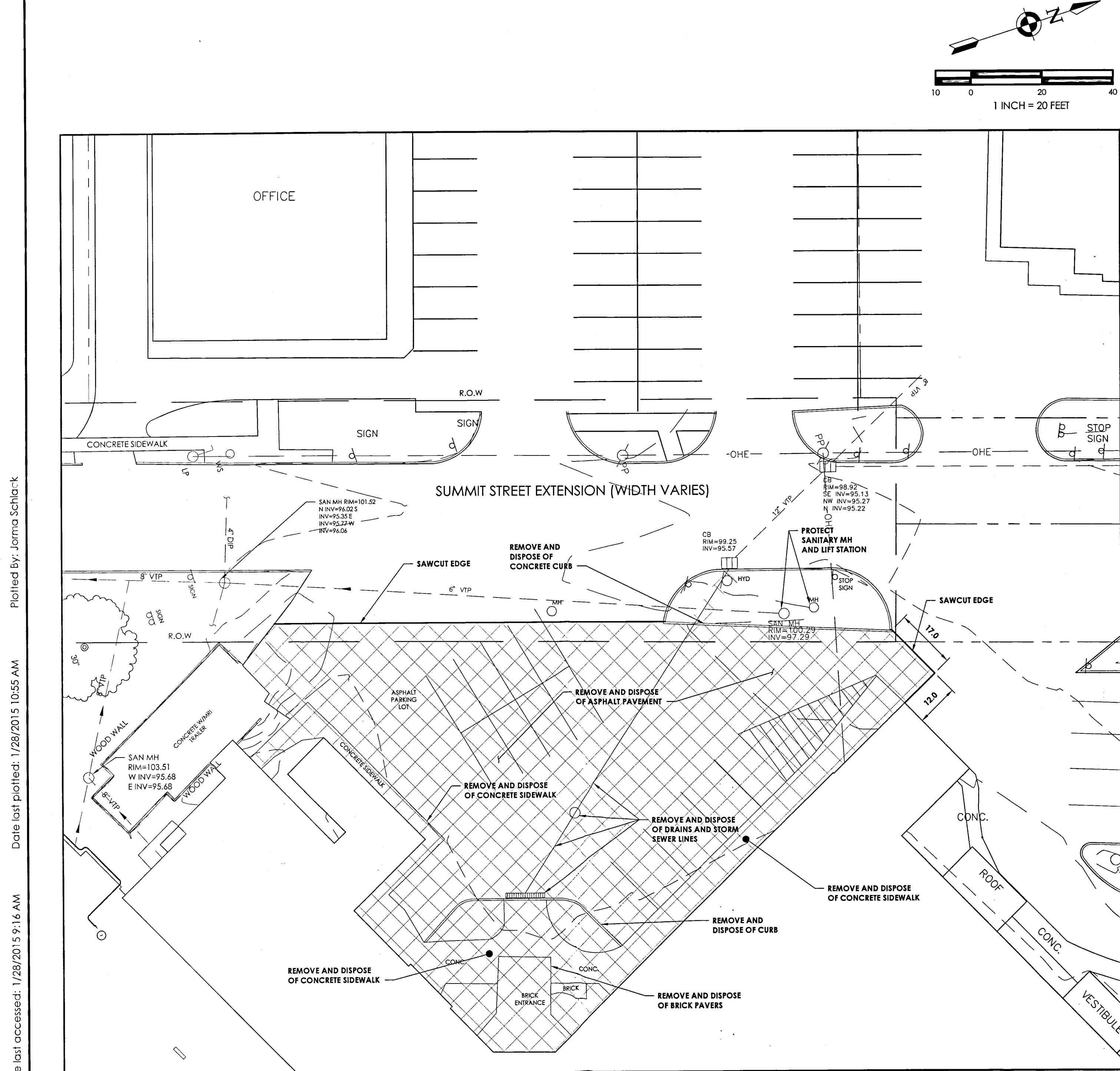
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UNITED MEMORIAL MEDICAL CENTER
CANCER CENTER ADDITION
BATAVIA, NEW YORK

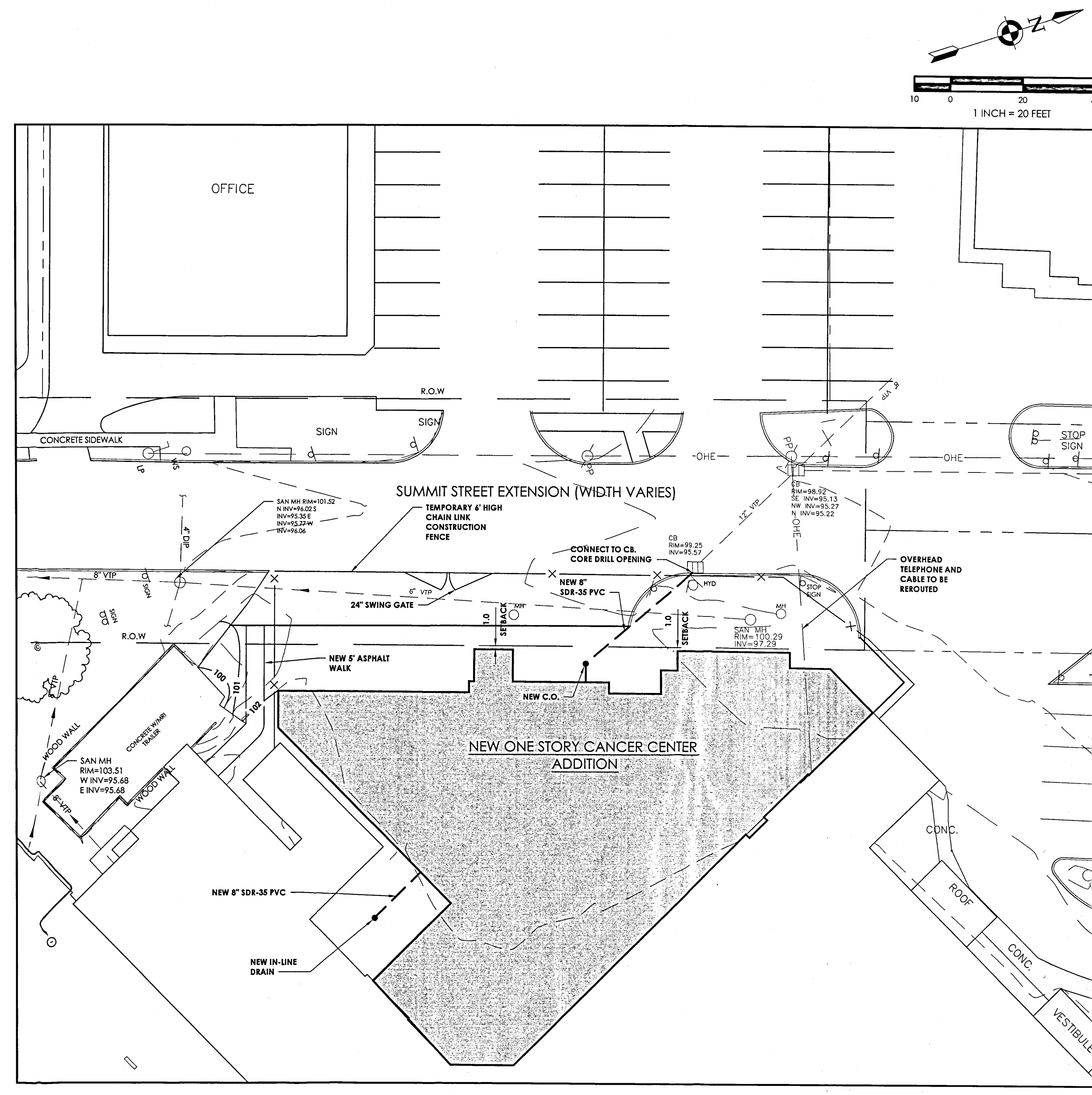
BATAVIA, NEW YORK

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CAMPUS PLAN		

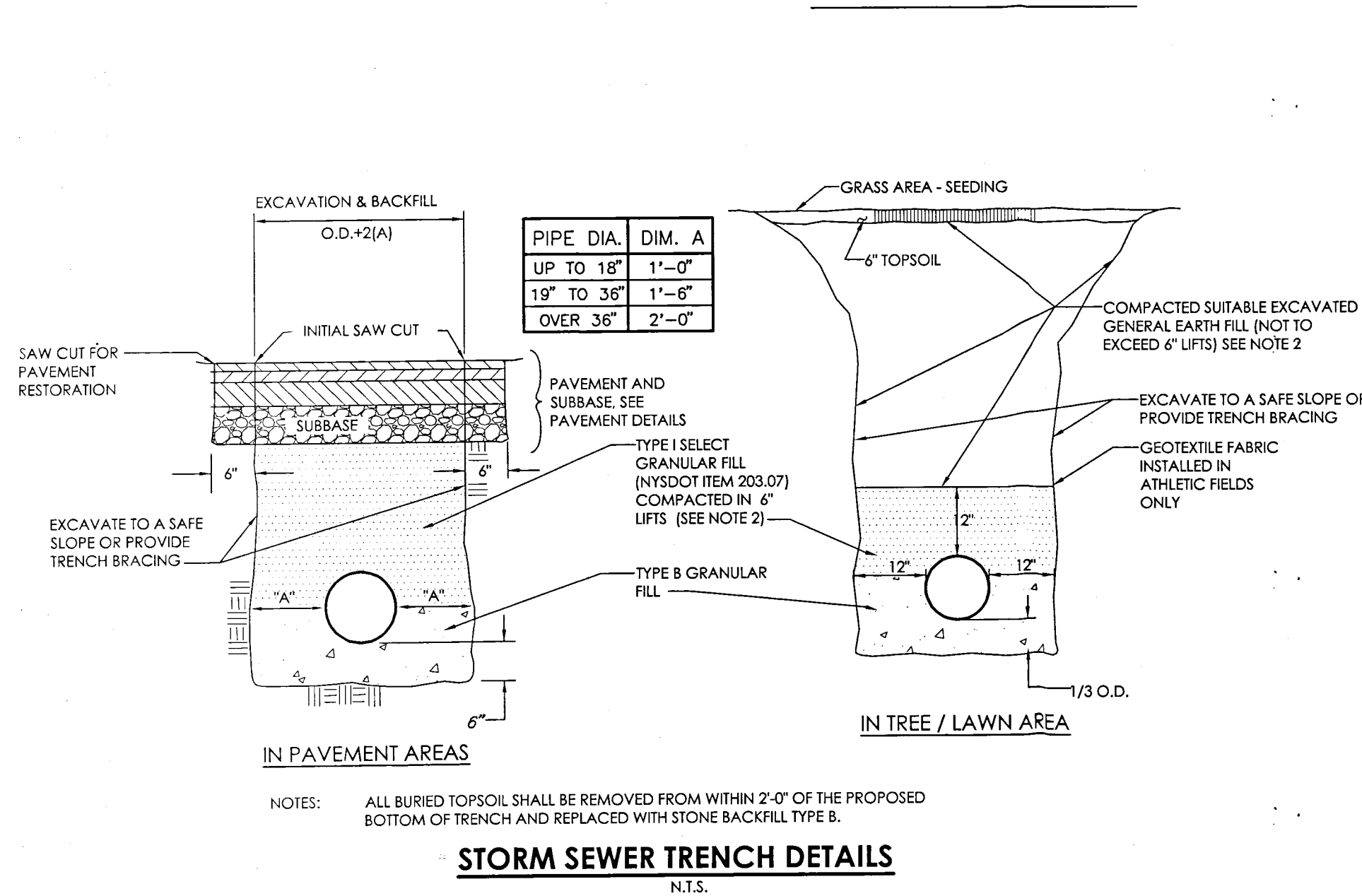
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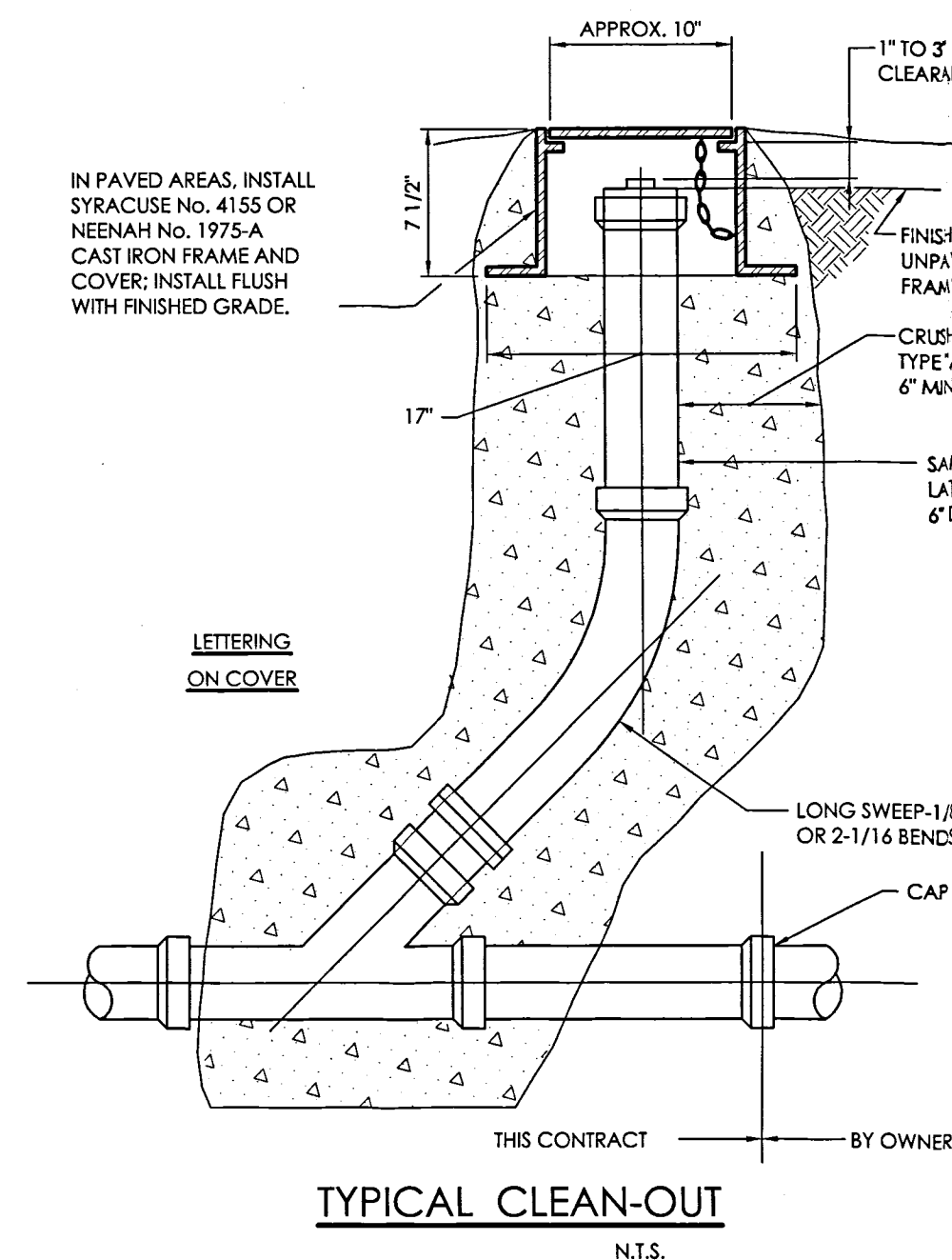
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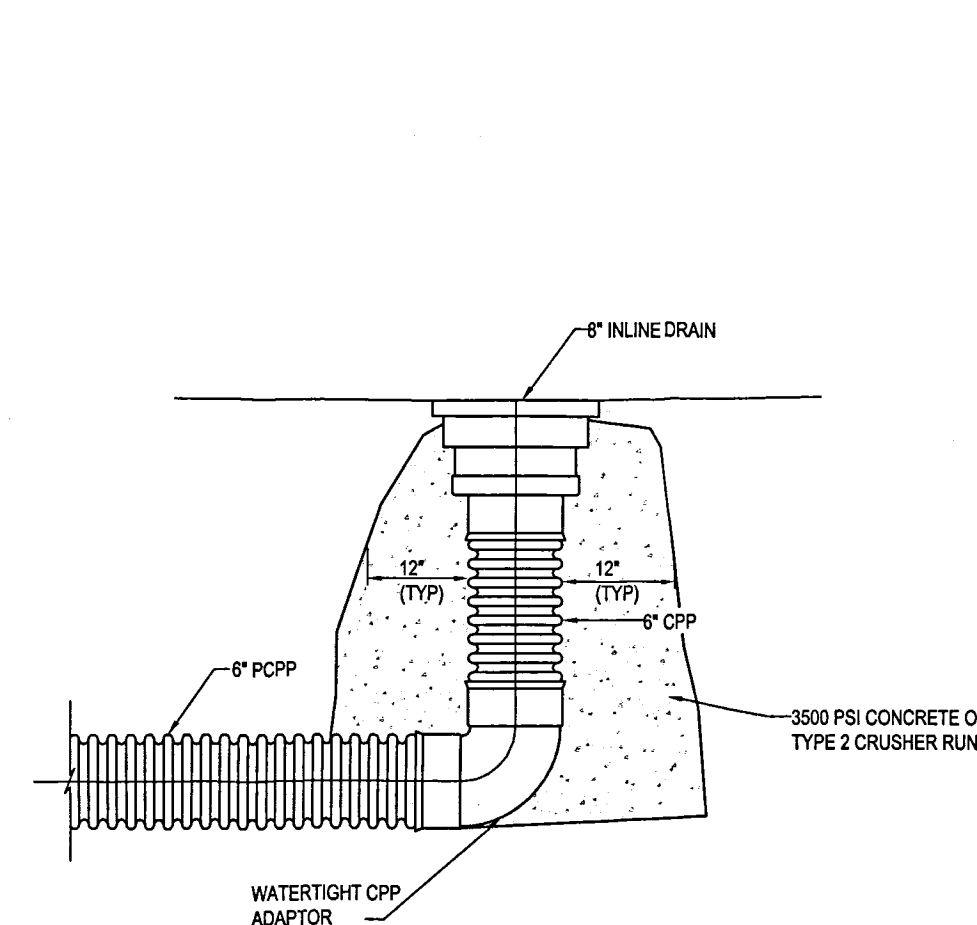
SITE PLAN



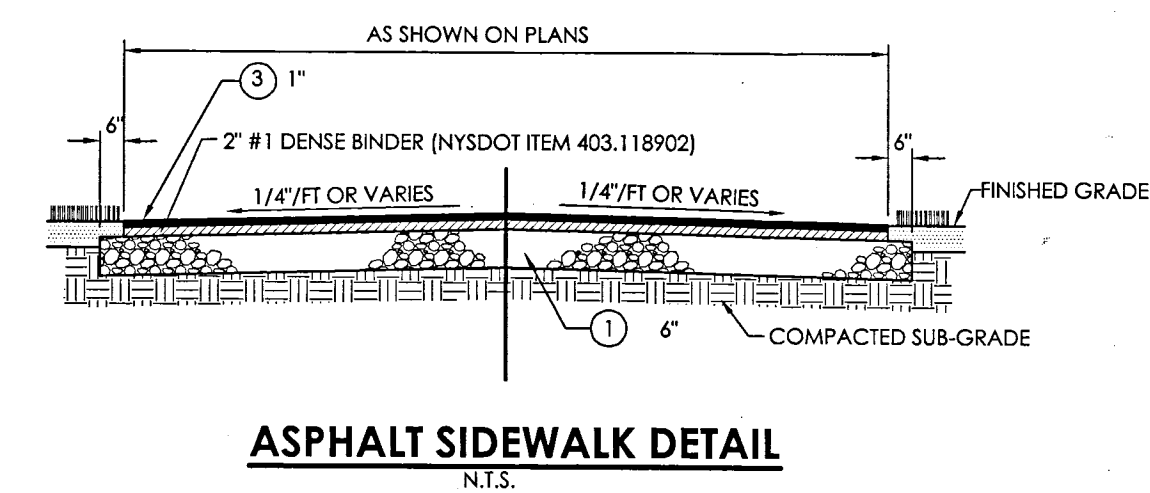
STORM SEWER TRENCH DETAILS
N.T.S.



TYPICAL CLEAN-OUT
N.T.S.

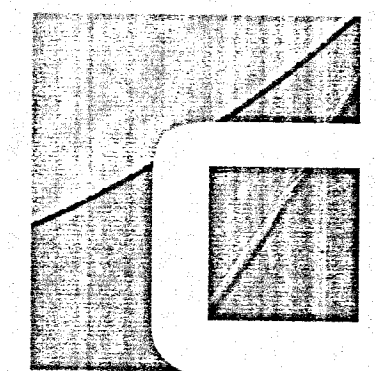


INLINE DRAIN DETAIL



ASPHALT SIDEWALK DETAIL
N.T.S.

UNITED MEMORIAL MEDICAL CENTER: BULK TABLE (ZONING: P-2)			
MIN. YARD SETBACKS:	REQUIRED	EXISTING	PROPOSED
FRONT:	25 FEET	11', 138', 17'	1', 138', 17'
SIDE YARD:	30 FEET	NA	NA
REAR:	35 FEET	NA	NA
PARKING LOT SETBACK:			
FROM STREET LINE:	20 FEET	12', 10', 14'	12', 10', 14'
FROM PROPERTY LINE:	10 FEET	NA	NA
MAX LOT COVERAGE	60%	27%	29%
90' PARKING STALL SIZE	8'x19' W/22' AISLES	8'x9'x19' W/22' AISLES	N/A



CLARK PATTERSON LEE
DESIGN PROFESSIONALS
205 ST PAUL STREET, SUITE 500
ROCHESTER, NEW YORK 14604
TEL (800) 274-9000
FAX (585) 454-7618
www.clarkpatterson.com

REVISIONS		DESCRIPTION	
NO.	DATE	BY	CHECKED

UNITED MEMORIAL MEDICAL CENTER
CANCER CENTER ADDITION
BATAVIA, NEW YORK

DATE	DRAWN	CHECKED
01/28/15	JSS	SJM
SCALE	1"=20'	
SHEET TITLE	UMMC DEMOLITION AND SITE PLAN	

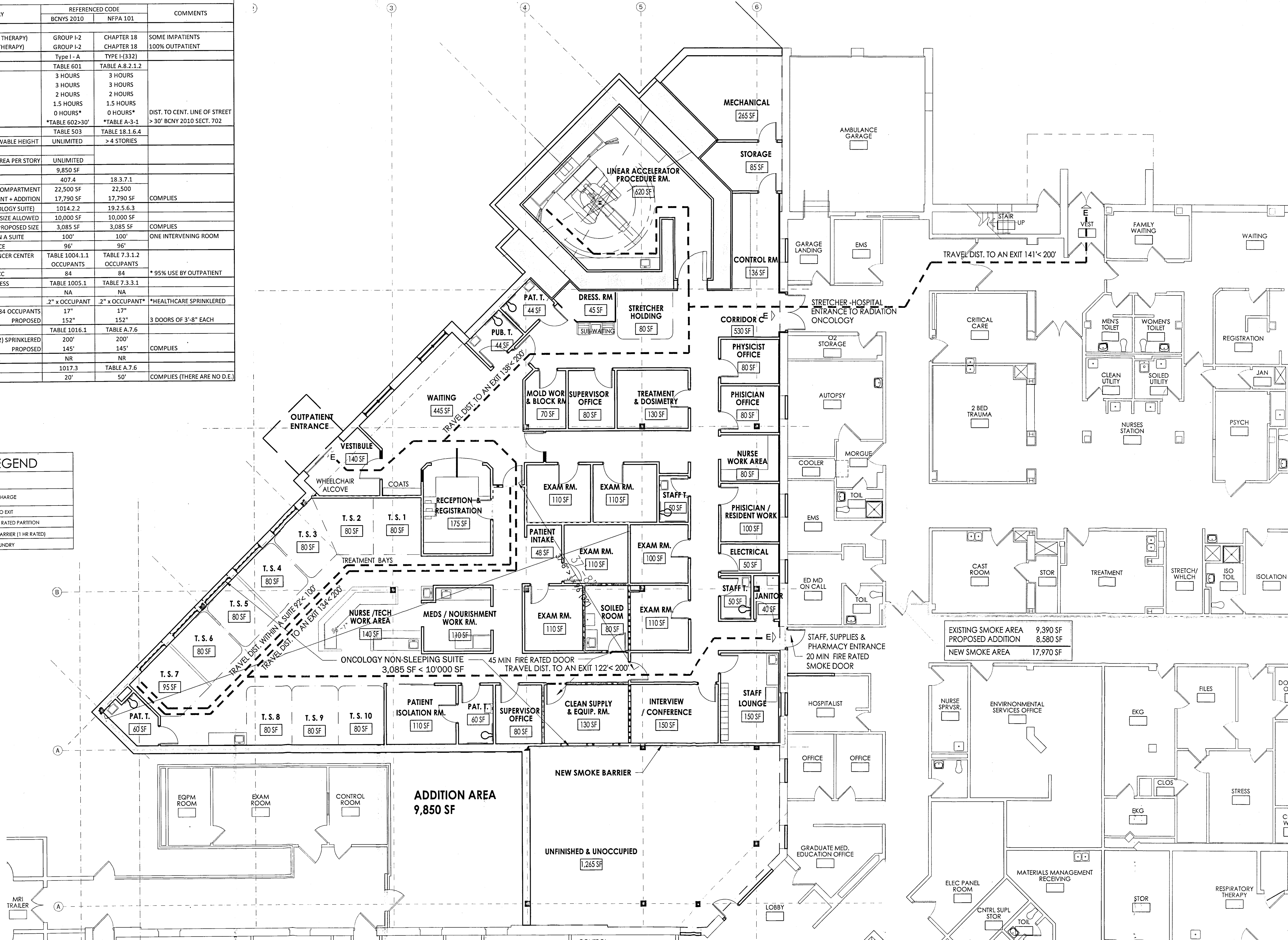
PROJECT NUMBER
XXXXX
CC
C-200
DRAWING NUMBER

CODE SUMMARY

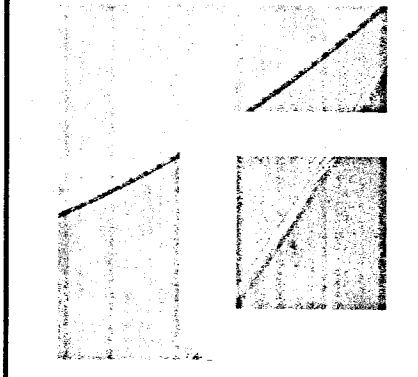
CODE SUMMARY	REFERENCED CODE		COMMENTS
	BCNYS 2010	NFPA 101	
OCCUPANCY			
HEALTHCARE (RADIATION THERAPY)	GROUP I-2	CHAPTER 18	SOME IMPATIENTS
HEALTHCARE (INFUSION THERAPY)	GROUP I-2	CHAPTER 18	100% OUTPATIENT
TYPE OF CONSTRUCTION	Type I - A	TYPE I-(332)	
FIRE RESISTANCE RATING	TABLE 601	TABLE A.8.2.1.2	
COLUMNS	3 HOURS	3 HOURS	
BEAMS & GIRDERS	3 HOURS	3 HOURS	
FLOOR CONSTRUCTION	2 HOURS	2 HOURS	
ROOF CONSTRUCTION	1.5 HOURS	1.5 HOURS	
EXTERIOR WALLS	0 HOURS*	0 HOURS*	DIST. TO CENT. LINE OF STREET
	*TABLE 602-30'	*TABLE A-3-1	> 30' BCNY 2010 SECT. 702
ALLOWABLE HEIGHT	TABLE 503	TABLE 18.1.6.4	
MAXIMUM ALLOWABLE HEIGHT	UNLIMITED	> 4 STORIES	
ALLOWABLE AREA			
MAX AREA PER STORY	UNLIMITED		
PROPOSED ADDITION AREA	9,850 SF		
SMOKE COMPARTMENT	407.4	18.3.7.1	
MAX AREA PER COMPARTMENT	22,500 SF	22,500	
EXISTING COMPARTMENT + ADDITION	17,790 SF	17,790 SF	COMPLIES
NON-SLEEPING SUITE (ONCOLOGY SUITE)	1014.2.2	19.2.5.6.3	
MAXIMUM SIZE ALLOWED	10,000 SF	10,000 SF	
ONCOLOGY SUITE PROPOSED SIZE	3,085 SF	3,085 SF	COMPLIES
TRAVEL DISTANCE WITHIN A SUITE	100'	100'	ONE INTERVENING ROOM
PROPOSED MAX. DISTANCE	96'	96'	
OCCUPANCY LOADS (AT CANCER CENTER ADDITION ONLY)	TABLE 1004.1.1	TABLE 7.3.1.2	
HEALTH CARE -100 SF/OCC	84	84	* 95% USE BY OUTPATIENT
CAPACITY OF MEAN OF EGRESS	TABLE 1005.1	TABLE 7.3.3.1	
STAIRWAYS WIDTH	NA	NA	
EXIT DOOR WIDTH	2" x OCCUPANT	2" x OCCUPANT*	*HEALTHCARE SPRINKLERED
1ST FLOOR (GROUND)- 84 OCCUPANTS	17"	17"	
PROPOSED	152"	152"	3 DOORS OF 3'-8" EACH
TRAVEL DISTANCE TO EXIT	TABLE 1016.1	TABLE A.7.6	
NEW HEALTHCARE (I2) SPRINKLERED	200'	200'	
PROPOSED	145'	145'	COMPLIES
COMMON PATH OF TRAVEL	NR	NR	
DEAD END	1017.3	TABLE A.7.6	
	20'	50'	COMPLIES (THERE ARE NO D.E.)

SYMBOL LEGEND

E	EXIT
ED	EXIT DISCHARGE
1 HR FIRE RATED PARTITION	TRAVEL TO EXIT
1 HR FIRE RATED PARTITION	1 HR FIRE RATED PARTITION
SMOKE BARRIER (1 HR RATED)	SMOKE BARRIER (1 HR RATED)
SUITE BOUNDARY	SUITE BOUNDARY



EXISTING SMOKE AREA	9,390 SF
PROPOSED ADDITION	8,580 SF
NEW SMOKE AREA	17,970 SF



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www.clarkpatterson.com

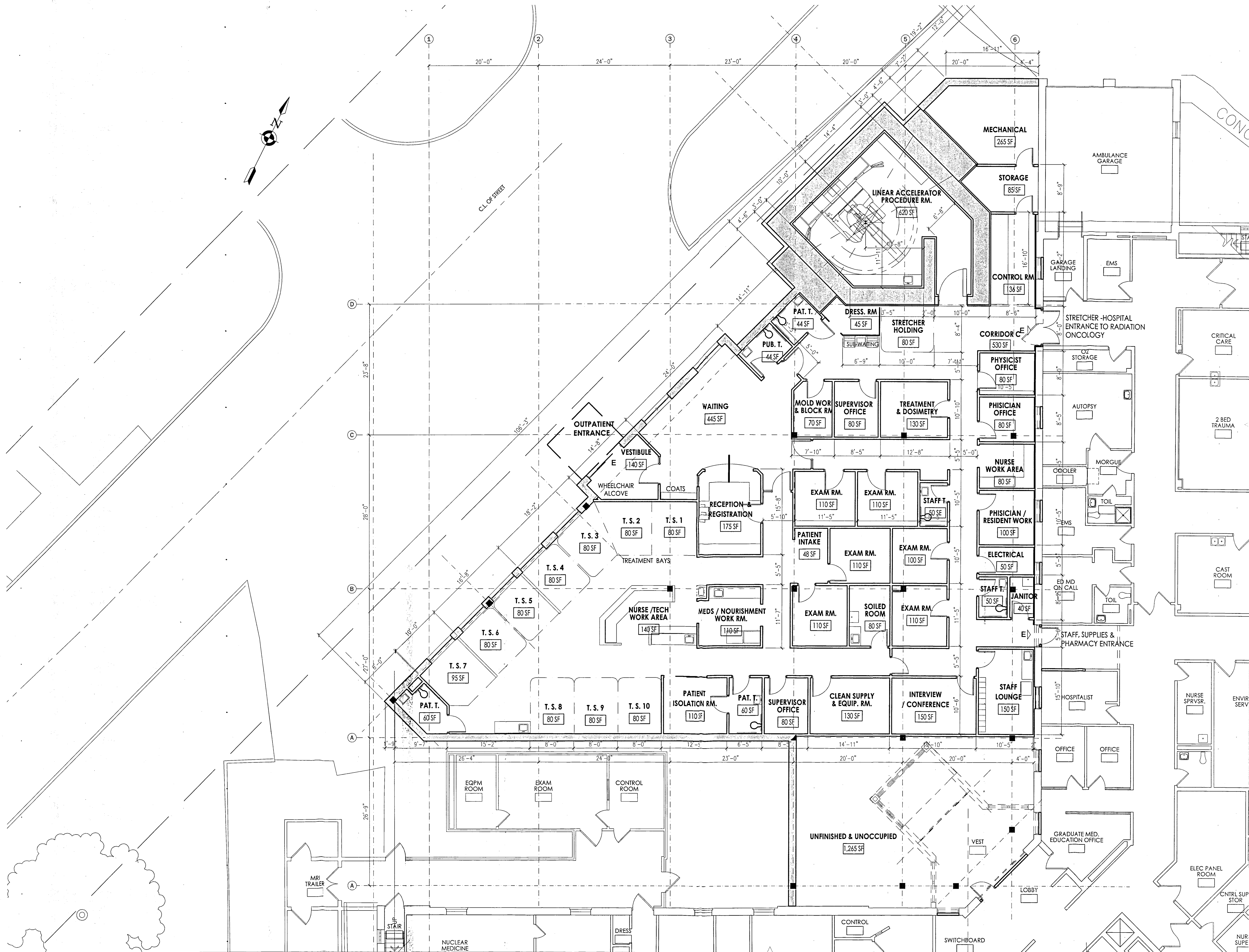
UNITED MEMORIAL MEDICAL CENTER
CANCER CENTER ADDITION

BATAVIA, NEW YORK

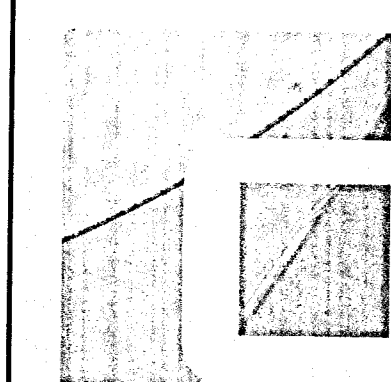
DATE	01/28/15	DRAWN	EDL	CHECKED	JH
SCALE	1/8" = 1'-0"				
SHEET TITLE	LIFE SAFETY FLOOR PLAN & CODE SUMMARY				

PROJECT NUMBER

Drawing Name: J:\PROJECTS\UMMC\General Cancer Center\Ground floor 01-15-15.dwg Date last accessed: 1/27/2015 3:57 PM Date last plotted: 1/28/2015 9:13 AM Plotted By: Emilio de Leon

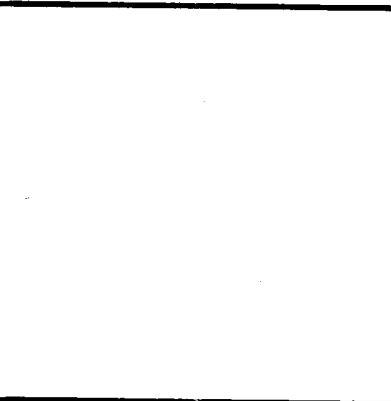
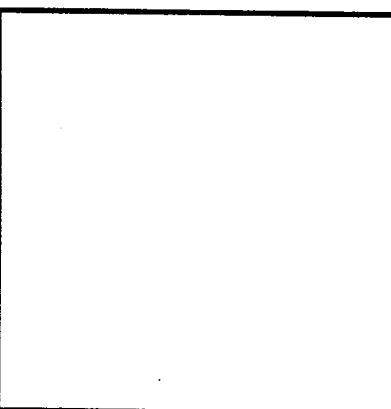


FIRST FLOOR PLAN (GROUND FLOOR)
1/8" = 1'-0"



CLARK PATTERSON LEE
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205 ST. PAUL STREET, SUITE 500
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FAX (585) 454-7618
www.clarkpatterson.com

REVISIONS	NO.	DATE	BY	DESCRIPTION



UNITED MEMORIAL MEDICAL CENTER
CANCER CENTER ADDITION
BATAVIA, NEW YORK

DATE	DRAWN	CHECKED
01/28/15	EDL	JH
SCALE 1/8" = 1'-0"		
SHEET TITLE		
CANCER CENTER FLOOR PLAN		

PROJECT NUMBER
XXXXX
DRAWING NUMBER
A.2

Drawing Name: J:\PROJECTS\UMMC\General\Cancer Center\Ground floor 01-15-15.dwg
Date last accessed: 1/27/2015 3:57 PM
Date last plotted: 1/28/2015 9:13 AM
Plotted By: Emilio de Leon



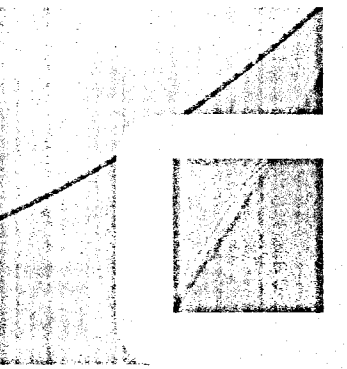
WEST ELEVATION (NEW)

1/8" = 1'-0"



WEST ELEVATION (EXISTING)

1/8" = 1'-0"



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NO.	DATE	BY	DESCRIPTION

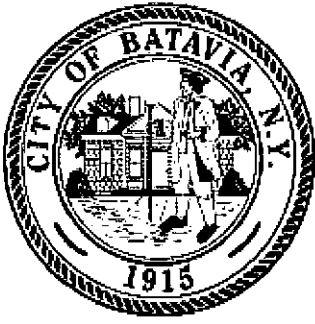
UNITED MEMORIAL MEDICAL CENTER
CANCER CENTER ADDITION
BATAVIA, NEW YORK

DATE	DRAWN	CHECKED
01/28/15	EDL	JH
SCALE 1/8" = 1'-0"		
SHEET TITLE		
ADDITION ELEVATIONS		

PROJECT NUMBER
XXXXX

A.3

DRAWING NUMBER



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 1/30/15

Re: 127 North St. (UMMC)
Tax Parcel No. 84.007-2-2

Zoning Use District: P-2

The applicant, Joseph Hanss of Clark Patterson Lee (representative of the owner), has filed an application for approval to construct a 9,850 square foot one story addition to the west side of an existing hospital building. A portion of the proposed construction will be located within the front yard clear space area along the west property line at the Summit Street Extension. The addition space will be utilized for a specialized medical treatment center for non-sleeping, non-24 hour care patients.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of **the boundary of county or state owned land on which a public building or institution is situated.**

City Planning and Development Committee- Pursuant to section 190-25 G.(1)(a,b,c) of the zoning ordinance, the Planning and Development Committee shall, prior to issuance, review and approve requests for building permits on properties located within the P-2 (Planned Development- Medical) zoning use district. The PDC will determine if the proposed site plan, structure, and use compare favorably with community standards, other neighborhood improvements and the properly intended and planned appearance and use within this district.

Note: The additional parking requirements for this proposed medical clinic/treatment facility regulated by 190-25 E (2)(c) requires a minimum of five spaces per doctor. Attached is an explanation of the "Parking Plan" that includes the continuation of shuttle service to an already established offsite parking facility owned and operated by UMMC.

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

1) BMC Sec. 190-25 (2)(a) Yards-

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard minimum	25'	1'	24'

The Planning and Development Committee will act as a lead agency and independently conduct an uncoordinated review of SEQR.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

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) Planning and Development Committee

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347

Ext. _____

2. APPLICANT INFORMATION

Name Joseph Hanns (Clark Patterson Lee)

Address 205 St. Paul St.

City, State, Zip Rochester, NY 14568

Phone (585) 454 - 4570

Ext. _____

Email jhanns@clarkpatterson.com

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

☒ Area Variance

☐ Use Variance

☐ Special Use Permit

☒ Site Plan Review

☐ Zoning Map Change

☐ Zoning Text Amendments

☐ Comprehensive Plan/Update

☐ Other: _____

Subdivision Proposal

☐ Preliminary

☐ Final

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

A. Full Address 127 North

B. Nearest intersecting road Summit St. Extension

C. Tax Map Parcel Number 84.007-2-2

D. Total area of the property 10.2 acres total Area of property to be disturbed .4 acres

E. Present zoning district(s) P-2

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

BMC Sec. 190-25 (2)(a) Front yard variance

C. Please describe the nature of this request Approval to construct a 9,850 square foot one story addition to the west side of an existing hospital for use as a specialized medical treatment center for non-sleeping, non-24 hour care patients.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

☒ Local application

☒ Site plan

☐ Subdivision plot plans

☒ SEQR forms

☐ Zoning text/map amendments

☒ Location map or tax maps

☒ Elevation drawings

☐ Agricultural data statement

☐ New or updated comprehensive plan

☐ Photos

☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall

Title Code Enf. Officer

Phone (585) 345 - 6327

Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020

Email drandall@batavianewyork.com

CITY OF BATAVIA BUILDING PERMIT APPLICATION

DATE: 28 January 2015 _____

APPLICANT NAME & PHONE: _____ United Memorial Medical Center – 585-343-6030 _____

Project Location and Information Permit #: _____ Fee: _____

Address of Project: _____ 127 North Main Street, Batavia NY _____

Owner & Address: United Memorial Medical Center 127 North Main Street, Batavia NY _____

Phone: 585-343-6030 _____

Project Type/Describe Work

Estimated cost of work: \$3,500,000 _____ Start date: _____ April 1, 2015 (estimated) _____

Describe project: _____ 9850 Square foot building located on the west side of the campus in an existing parking lot _____

Contractor Information - Insurance certificates (liability & workers comp) required to be on file.

GENERAL

Name/Address: To be determined _____

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: To be determined _____

Phone: _____

HEATING

Name/Address: To be determined _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: To be determined _____

Phone: _____

FOR OFFICE USE ONLY

Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

National Grid Sign Off (Pools): _____ Lot Size: _____

Existing Use: _____ NYS Building Code Occupancy Class: _____

_ Proposed Use: _____ NYS Building Code Occupancy Class: _____

REQUIRED INSPECTIONS

Contact the Bureau of Inspection at (585) 345-6345 twenty-four 1241 hours in advance to schedule all inspections.
IT IS THE RESPONSIBILITY OF THE OWNER AND/OR AGENT TO CONTACT THIS OFFICE & BE PRESENT FOR ALL INSPECTIONS

Site	Water Service	Sewer Service
____ Footing before Placing Concrete		
____ Foundation before backfill		
____ Framing before enclosing (After mechanical inspection)		
____ Electrical before enclosing (Third Party Electrical Inspection Agency)		
____ Plumbing before enclosing (City of Batavia Licensed Plumber Required)		
____ Insulation before enclosing	Ice/Water Shield	____ Final Completion

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees to: 1) comply with the terms thereof, the laws of the State of New York, the Ordinance of the City of Batavia, and the Regulations of the various departments of the County of Genesee and the State of New York; 2) preserve the established building line; 3) request all the necessary inspections and authorize and provide the means of entry to the premises and building to the Bureau of Inspection, and 4) will not use or permit to be used the structure or structures covered by the permit until sanitary facilities are completely furnished and either a Certificate of Occupancy or Certificate of Completion is issued. The undersigned hereby certifies that all of the information in this petition is correct and true.

Applicant Signature

Date

Roofing Disclaimer- Per the Residential & Building Code of New York State

R907.3 Recovering versus Replacement

New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof coverings is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support shall not require the removal of existing roof coverings.
2. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section R907.4.

I, _____ owner and/or agency of the property located at _____ for Building Permit No. _____ have reviewed and understand the requirements of Section 907.3 Recovering versus Replacement.

Applicant Signature

Date

Fence Disclaimer

I understand Section 190-33.B Fences, Walls and Hedges of the City of Batavia Zoning Ordinance regulated the installation of fences as follows:

"Fences, hedges and walls in Residential Districts shall not exceed three (3) feet above ground level when located within fifteen (15) feet of the property line abutting any street and shall not exceed six (6) feet above ground level when located elsewhere on the property. However, there shall be no height limit for hedges in rear yards within residential zones. In commercial and Industrial Districts, fences, hedges, and walls shall not exceed eight (8) feet in height unless permitted by a special use permit from the Planning & Development Committee. A fence designed to be structurally supported by posts, cross members or rails on one (1) side only shall be erected with the posts, cross members or rails on the fence owner's side, and the finished side of the fence shall face adjacent properties."

I, _____ owner and/or agent of the property located at _____ for Permit No. _____ understand that this permit is issued based on information supplied by owner/agent and that the City of Batavia accepts no responsibility for inaccurate documentation or information supplied to secure the permit.

Applicant Signature

Date

15-08



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

Clark Patterson Lee

jhanss@clarkpatterson.com

APPLICANT:

Name	E-Mail Address	
205 St. Paul Street	585-454-4570	585-454-7618
Street Address	Phone	Fax
Rochester	New York	14568
City	State	Zip

STATUS:

____ Owner ☒ Agent for Owner ____ Contractor
United Memorial Medical Center kcalman@ummc.org

OWNER:

Name	E-Mail Address	
127 North Main Street	585-344-7373	585-344-7386
Street Address	Phone	Fax
Batavia	New York	14020
City	State	Zip

LOCATION OF PROPERTY: 127 North Main Street, Batavia, New York

DETAILED DESCRIPTION OF REQUEST: Relief from front yard setback P-2 Zoning from 25'-0" to 1'-0"

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Applicant's Signature

Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.007-2-2 ZONING DISTRICT: P-2 FLOOD PLAIN: No

TYPE OF APPEAL: ☒ Area Variance

FEE: \$50 (One or Two Family Use)

☐ Use Variance

☒ \$100 (All other Uses)

☐ Interpretation

☐ Decision of Planning Committee

PAID
FEB - 2 2015

Provision(s) of the Zoning Ordinance Appealed: BMC 190-25 D(2)(a) Front yard setback.

Criteria to Support Area Variance

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, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain **how** the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties. No change in use is proposed.

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance.
Limited expansion space exists on campus that would be located appropriately relative to interior building flow.

3. **Substantiality.** The requested area variance is not substantial.
The addition presents a nominal increase to the overall square footage of the Hospital.

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
The proposed addition will operate as a health care service, which is compatible with the current hospital use. No adverse effect or impact to neighbors or community will occur.

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.
Current trends in the healthcare have led to the proposed project.


Applicant's Signature

28 Jan 2015
Date

TO: City of Batavia Planning Board

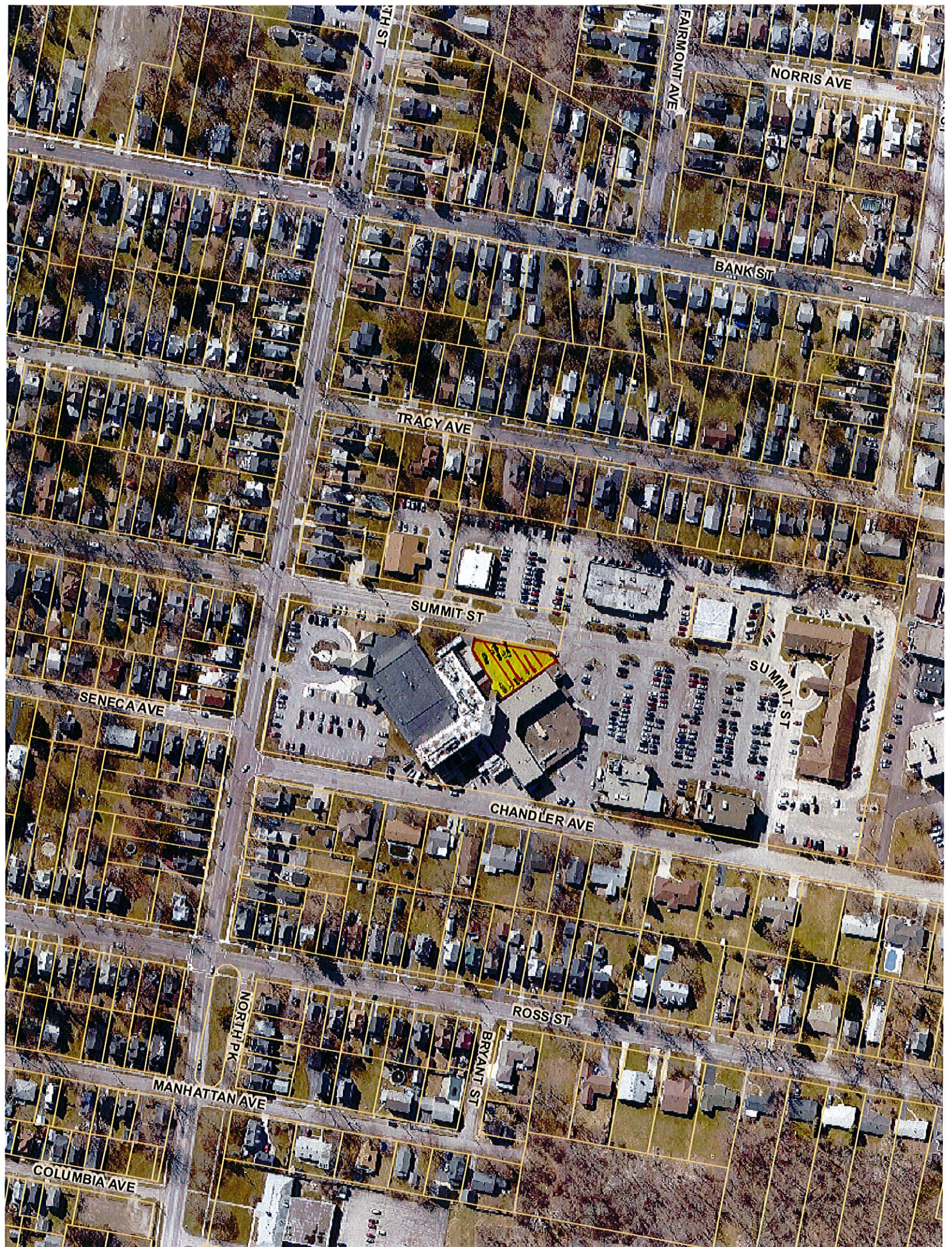
FROM: United Memorial Medical Center / Clark Patterson Lee

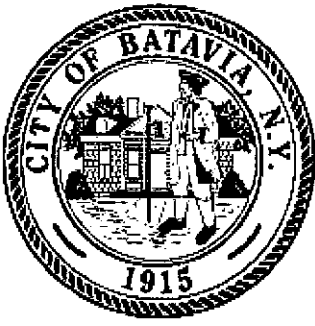
DATE: 1/28/2015

RE: Parking Plan

The new Cancer Center will generate a peak demand of 20 parking spaces. The construction of the new facility will displace 15 existing spaces. This leaves a deficit of 35 spaces. The Hospital intends to utilize the convenient existing parking directly across from the new entry of the Cancer Center. This existing parking lot has 71 parking spaces. The use of that lot is shared by 207 Summit Street (35 spaces) and 215 Summit Street (36 spaces.) 207 Summit Street is office use by Hospital employees, where the Doctor's Office building at 215 Summit Street operates clinically. The Hospital currently operates a shuttle service (utilized by 100 employees) to and from the North Street Main Hospital campus & St. Jerome Center campus. The Hospital estimates that a surplus of 50-60 spaces presently exist at St. Jerome.

The staff utilizing 207 Summit Street will be shuttled to/from the St. Jerome Center and the parking spaces vacated will be allocated to the new Cancer Center. The spaces will be signed and striped to ensure the spaces closest to the Cancer Center will be available to those patients.





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
 Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 1/27/15

Re: 224 Ellicott St.
 Tax Parcel No. 84.066-1-2

Zoning Use District: C-3

The applicant, Ross Walker (business owner), has applied for approval to place a 3.85 sq.' neon window sign in the northeast window of this commercial building.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city; the boundary of a County or State park or other recreation area; **the right of way of a state parkway, throughway, expressway, road or highway**; the boundary of county or state owned land on which a public building or institution is situated; the boundary of a farm operation located in an agricultural district (not required for area variances).

City Planning and Development Committee- Pursuant to section 190-14 D (2) (b), the Planning and Development Committee shall review and approve applications for sign permits on properties located within the B.I.D.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

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) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345-6347 Ext. _____**2. APPLICANT INFORMATION**Name Ross WalkerAddress 224 Ellicott St.City, State, Zip Batavia, NY 14020Phone (585) 520-2672 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

- ☐ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☒ Other: Sign permit is BID

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 224 Ellicott St.B. Nearest intersecting road LibertyC. Tax Map Parcel Number 84.066-1-2

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) C-3 (BID)**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

BMC 190-14 D(2)(b)C. Please describe the nature of this request Approval to place an electric light window sign in the front/north elevation of this commercial building located within the Business Improvement District.**6. ENCLOSURES** -- Please enclose copy(s) of all appropriate items in regard to this referral

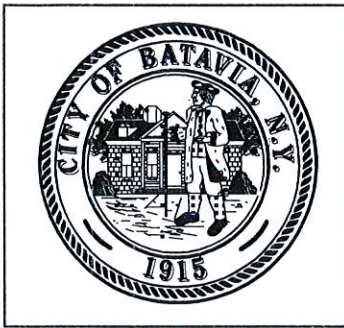
- ☒ Local application
☐ Site plan
☐ Subdivision plot plans
☐ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☒ Photos
☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345-6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



Permit No.: _____
Date: _____
Zone: 1-3 (BID)

SIGN PERMIT APPLICATION

City of Batavia

One Batavia City Centre, Batavia, NY 14020

(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

Ross Walker ross.walker@rwvapors.com
Name E-mail Address

224 Ellicott St 585-520-2672
Street Address Phone Fax

Batavia NY 14020
City, State, Zip Code

ADDRESS OF SIGN: 224 Ellicott St. Batavia NY 14020

AREA OF SIGN: Length 37" Width 15" Area 3.85 sq. ft.
3.08' 1.25'

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

<input type="checkbox"/> Freestanding	Set Back _____	Height _____	
<input type="checkbox"/> Wall	Wall Length _____	Wall Height _____	Area _____
<input type="checkbox"/> Projecting			
<input type="checkbox"/> Marquee			
<input type="checkbox"/> Awning / Canopy	Length _____	Height _____	Area _____
<input checked="" type="checkbox"/> Window	Window Length <u>56</u>	Window Height <u>49</u>	Area <u>19.05 sq ft</u>
<input type="checkbox"/> Portable	<u>4.66'</u>	<u>4.08'</u>	

Lighting: ☒ Internal (NEON) ☐ External

Existing Signs (Please list all existing signs with dimensions):

Applicant's Signature Ross E. Walker Date 1/26/15

Issuing Officer _____ Date _____

Planning Board Chairperson _____ Date _____

FEES: ☒ \$25 Sign Permit ☐ \$50 Special Sign Permit ☐ \$10 Portable Sign

4.75 sq. Permitted
3.85 sq. Proposed
(oh)

↑
15"
↓

RW Vapors

(NEON)

← 37" →



Proposed Sign.