

# PLANNING & DEVELOPMENT COMMITTEE

**Tuesday, February 21, 2017**

*6:00 pm*

Council Board Room

One Batavia City Centre, Batavia NY

---

## **AGENDA**

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 1/17/17
- IV. Proposals

**Address:** 661 and 665 East Main St.

**Applicant:** DePaul Properties (purchaser)

Proposal 1: Petition for City Council to amend the zoning of these parcels from I-1 industrial to R-3 residential

Actions:

- 1. Review application
- 2. Public hearing
- 3. SEQR
- 4. Discussion and recommendation to City Council

**Address:** 679 East Main St.

Proposal 1: Amend this parcel along with the 661 and 665 East Main St. Currently, 679 East Main St. is zone R-2; however, the current use is considered a non-conforming use. Changing the zoning to R-3 would bring the property into a conforming use.

Actions:

- 1. Review application
- 2. Public hearing
- 3. SEQR
- 4. Discussion and recommendation to City Council

**Address:** 119 Swan St.

**Applicant:** Robert Ziminski (owner)

Proposal 2: Addition of a second driveway on the south side of this parcel. The proposed new stone driveway is to be 10' wide and 60' in length the BID

Actions:

- 1. Review application
- 2. Discussion and recommendation to the ZBA

**Address:** 405 West Main St.

**Applicant:** Michael Mikolajczyk (owner)

Proposal 3: Special Sign Permit: placement of a 36 sq.' interior lit free standing pole sign in the front yard of this commercial property. The sign will be comprised of a 3' x 6' flat polycarbonate box sign and a 3' x 6' digital reader board type sign. The sign is proposed to be located 2' from the north property line

1. Review application
2. Discussion and action by the board

**Address:** 44 Main St. (Wendy's)

**Applicant:** Irma Reiner (agent for Wendy's)

Proposal 4: Exterior changes to this building located within the BID

Actions:

1. Review application
2. Discussion and action by the board

V. Other/ New Business/Updates

VI. Setting of Next Meeting: March 21, 2017

VII. Adjournment

# **PLANNING & DEVELOPMENT COMMITTEE**

## ***MINUTES***

**January 17, 2017**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Matthew Gray, Robert Knipe, Duane Preston*

Members absent: Edward Flynn, Marc Staley (Alt.), Rachael Tabelski

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

### **I. Roll Call**

Roll call of the members was conducted. Three members were present and Chairman Duane Preston declared a quorum.

### **II. Call to order**

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

### **III. Previous Meeting Minutes**

**MOTION:** Mr. Knipe moved to approve the minutes from the last meeting; the motion was seconded by Mr. Gray, and on roll call, was approved 3-0.

**RESULT: Approval of December 14, 2016 meeting minutes.**

### **IV. Proposals**

- A. Placement of one unlit wall sign on the north elevation of this commercial building located within the BID

Address: *45 Main St.*

Applicant: John Zontich, Esq. (Neighborhood Legal Services)

- Actions: 1. Review application  
2. Discussion and action by the board

#### **1. Review Application**

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the project.

#### **2. Discussion and Action by the Board**

Mr. Zontich described the sign as a simple shingle.

Mr. Preston asked if it is an aluminum-faced sign and Mr. Zontich answered yes.

Mr. Gray asked if the sign has already been installed and Mr. Zontich replied no.

**MOTION:** Mr. Gray moved to approve the application; the motion was seconded by Mr. Knipe, and on roll call, was approved 3-0.

**RESULT: Application approved.**

- B. Special Sign Permit: placement of one 3' x 27.66' interior lit wall sign on the north elevation (rear wall) of this commercial building located within the General Commercial District

Address: 8351 Lewiston Rd.

Applicant: Steve Fairbanks (sign contractor)

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

### **1. Review Application**

Mr. Preston read the summary of the application. He reported that the Genesee County Planning Board pointed out that this sign would be allowed under the City of Batavia's soon to be adopted sign code.

Mr. Fairbanks explained that Maurice's would like to place the sign on the rear wall to take advantage of Casino/Batavia Downs traffic. He noted that Super Cuts already has a sign on the back wall.

### **2. Discussion and Action by the Board**

Mr. Knipe asked about the lighting and Mr. Fairbanks responded that the sign will be interior lit with LED lights.

**MOTION:** Mr. Gray moved to approve the application; the motion was seconded by Mr. Knipe, and on roll call, was approved 3-0.

**RESULT: Application approved.**

- C. Recommendation to the ZBA: installation of a parking lot in the front yard of this church property

Address: 238 Vine St.

Applicant: Robert Greathouse (Trustee for Grace Baptist Church)

Actions: 1. Review application  
2. Public hearing and discussion  
3. Recommendation to the ZBA

### **1. Review Application**

Mr. Preston read the summary of the application. Mr. Greathouse explained that the church had been approved for an area variance to install this parking lot in 2015. Shortly after that time, the church was approached by the owners of an adjacent property, which the church ultimately purchased. The church allowed the permit to expire while arrangements were made for the disposal of the house that had been purchased. The house underwent



demolition and asbestos abatement was necessary. The church is now prepared to resume and complete the parking lot project.

## **2. Public Hearing and Discussion**

**MOTION:** Mr. Knipe moved to open the public hearing; the motion was seconded by Mr. Gray, and on roll call, was approved 3-0.

**RESULT: Public hearing opened at 6:14 pm.**

Sharon White, resident of 4397 North Bennett Hts., owns 8 Northern Blvd., wanted to see the revised plan for parking. She had no objection to the project.

Mr. Knipe said that the exit lane on the west side is against the neighboring drive, but if it was moved 10', no variance would be needed.

Mr. Gray said that a landscaping plan is needed for buffers at the end of the aisles and the median.

Mr. Preston asked about lighting. Mr. Greathouse answered that they intend to have a lighting plan designed and will make sure that the front lights are set on a timer for the benefit of the neighbors.

**MOTION:** Mr. Knipe moved to close the public hearing; the motion was seconded by Mr. Gray, and on roll call, was approved 3-0.

**RESULT: Public hearing closed at 6:26 pm.**

## **3. Recommendation to the ZBA**

**MOTION:** Mr. Gray moved to recommend approval of the project to the ZBA with the following stipulations: move the exit over 10'; and develop a landscape plan to include buffers. The motion was seconded by Mr. Knipe, and on roll call, was approved 3-0.

**RESULT: Application with stipulations was recommended to the ZBA for approval.**

## **V. Other/New Business/Updates:**

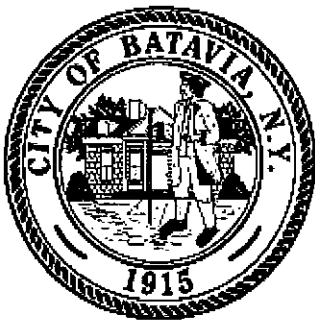
## **VI. Setting of Next Meeting: February 21, 2017**

## **VII. Adjournment**

Mr. Gray moved to adjourn the meeting at 6:27 pm; the motion was seconded by Mr. Knipe. All voted in favor.

---

Meg Chilano  
Bureau of Inspection Clerk



*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: 2/1/17

Re: 661 and 665 East Main St.  
Tax Parcel No. 85.013-1-22 and 85.013-1-23.1 respectively

Zoning Use District: I-1

The applicant, DePaul Properties Inc. (purchaser of the properties), has petitioned Batavia City Council to amend the zoning of these two parcels from I-1 industrial to R-3 residential.

**Review and Approval Procedures:**

**Batavia City Council-** Pursuant to section 190-51 of the zoning ordinance, upon receipt of a petition requesting a change in district boundaries, City Council will refer the proposed amendment to the Planning and Development Committee for review prior to Council action. If the PDC fails to provide a report within thirty days of referral, the proposed amendment is deemed approved, and City Council may proceed.

**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 right of way of a state road or highway.

**City Planning and Development Committee-** Pursuant to section 190-51 of the zoning ordinance, City Council has requested that the Planning and Development Committee review the proposed zoning amendment, hold a public hearing, review SEQR and submit a report outlining their findings and recommendations to Council within thirty days of referral.

The Planning and Development Committee will conduct an uncoordinated review of SEQR for this unlisted action.

**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 CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347

Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**Name Johnathan Penna, Esq. (Nixon Peabody LLP)Address 1300 Clinton sq.City, State, Zip Rochester, NY 14604-1792Phone (585) 263 - 1388

Ext. \_\_\_\_\_

Email jpenna@nixonpeabody.comMUNICIPALITY: ☒ 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 661 and 665 East Main St.B. Nearest intersecting road Cedar St.C. Tax Map Parcel Number 85.013-1-22 and 85.013-1-23.1D. Total area of the property 4.59 acres Area of property to be disturbed \_\_\_\_\_E. Present zoning district(s) I-1**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken \_\_\_\_\_B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
\_\_\_\_\_C. Please describe the nature of this request Approval to amend zoning from I-1 to R-3  
\_\_\_\_\_  
\_\_\_\_\_**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments          | <input type="checkbox"/> New or updated comprehensive plan     |
| <input type="checkbox"/> Site plan                    | <input checked="" type="checkbox"/> Location map or tax maps | <input checked="" type="checkbox"/> Photos                     |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings                  | <input checked="" type="checkbox"/> Other: <u>Cover letter</u> |
| <input checked="" type="checkbox"/> SEQR forms        | <input type="checkbox"/> Agricultural data statement         |  |

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](mailto:planning@co.genesee.ny.us)**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. \_\_\_\_\_

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





NIXON PEABODY LLP  
ATTORNEYS AT LAW  
NIXONPEABODY.COM  
@NIXONPEABODYLLP

**Jonathan Penna**  
*Partner*  
T 585-263-1388  
jpenna@nixonpeabody.com

1300 Clinton Square  
Rochester, NY 14604-1792  
585-263-1000

February 1, 2017

VIA FEDERAL EXPRESS OVERNIGHT

City of Batavia City Council  
1 Batavia City Ctr.,  
Batavia NY, 14020

**RE: Petition for Rezoning of Property at 661 & 665 East Main Street Identified as Tax  
Map Parcel Numbers 85.013-1-22 and 85.013-1-23, in the City of Batavia  
LETTER OF INTENT**

Dear Council Members:

This office represents DePaul Properties Inc. (the "Applicant"), developer of the proposed DePaul Batavia Square project. We hereby submit this Letter of Intent and attached petition under Batavia Municipal Code § 190-51 for a rezoning of the real property located at 661 and 665 East Main Street in the City of Batavia (the "City"), identified as Tax Map Parcel Numbers 85.013-1-22 and 85.013-1-23, (together, the "Property"), from the I-1 Industrial District ("I-1") to the R-3 Residential District ("R-3") (the "Rezoning"). We understand that the City Council may also rezone the adjacent property at 679 East Main Street, known as Batavia Gardens, from R-2 Residential District ("R-2") to R-3 on its own motion.

There is a small manufacturing building at 665 East Main Street and a house at 661 East Main Street that are currently zoned for industrial use. The Applicant is under contract to purchase both 661 and 665 East Main Street, which total approximately five acres. The existing manufacturing building on the Property is used as a glass workshop and does not fit with the neighboring residential areas. Moreover, the existing home at 661 East Main Street does not conform to the I-1 zoning designation.

The Batavia Gardens multi-family housing development is adjacent to the Property to the east. The proposed Rezoning will create a uniform R-3 district suitable for the mix of existing and proposed residential uses on the north side of East Main Street.

The Applicant is proposing to build approximately 80 new housing units in multi-family buildings and townhouse clusters. There will be Parking areas and other related improvements are also planned on the Property, as conceptually shown on the attached plans. The Applicant

looks forward to working closely with the City of Batavia to design a final site plan that is appropriate for the site.

It is our understanding that the Property is currently located in the I-1 district. In contemplation of the proposed conceptual development, the Rezoning will amend the zoning district designation of the Property to the zoning district (R-3) that most closely reflects and conforms to the project.

Thus, please accept this letter and the following exhibits as the Applicant's petition for rezoning:

- Exhibit A: Petition for Rezoning;
- Exhibit B: Short Environmental Assessment Form;
- Exhibit C: Legal descriptions of the Property
- Exhibit D: 11x17 copies of plans depicting the conceptual proposed development at the Property.

The City of Batavia is currently undertaking a revision to the Comprehensive Plan. The proposed Rezoning and development project, however, will advance numerous important goals set forth in the City of Batavia Comprehensive Master Plan adopted on February 2007 (the "Comprehensive Plan"). Specifically, the project will leverage state and federal funding through low income housing tax credits. The Comprehensive Plan also recognizes that R-3 zones provide a valuable transition between lower density residential neighborhoods. The Rezoning will provide a buffer between commercial and industrial uses along East Main Street and the residential neighborhoods to the north.

The project depends on an award of New York State funding. The application for State funding must be submitted by April 2017, and the City Council approval of the Rezoning is a critical factor in the State's evaluation of the project for funding purposes. We are therefore respectfully requesting an expedited review of this application and consideration at the City Council's next available meeting.



City Council  
February 1, 2017  
Page 3

NIXON PEABODY LLP  
ATTORNEYS AT LAW

NIXONPEABODY.COM  
@NIXONPEABODYLLP

Pursuant to City Code § 190-51, this application shall be referred to the City of Batavia Planning and Development Committee and to Genesee County Planning pursuant to Gen. Mun. Law 239-m, upon receipt of this letter. We also respectfully request that at its next available meeting, the Planning and Development Committee declare its intent to act as lead agency for SEQRA review, hold a public hearing, and make a recommendation to the City Council.

In the meantime, if you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,



Jonathan Penna

JP/dfb

Enclosures

# **Exhibit**

# **A**

**PETITION TO RE-ZONE**  
**661 and 665 East Main Street, SBL Nos. 85.013-1-22 and 85.013-1-23**  
**Batavia, New York**

DePaul Properties, Inc. ("Petitioner") as real estate contract vendee, hereby submits the within Petition to Re-zone the above-referenced parcels from Industrial District ("I-1") to R-3 Residential District ("R-3").

**Background**

Petitioner is seeking to have the City of Batavia re-zone two parcels located at 661 and 665 East Main Street, Batavia, NY 14020. Upon information and belief, the 661 East Main Street parcel is currently owned by William J. Moore, Stephen J. Moore, and Robert G. Moore, and the 665 East Main Street parcel is currently owned by 665 East Main Street, LLC. Petitioner has entered into purchase agreements with the current property owners with the contingency that the proposed redevelopment of the project obtain all necessary permits and approvals. Upon information and belief, the property at 661 East Main Street was most recently used as a residence, and the property at 665 East Main Street was most recently used as a glass facility. Upon information and belief, each parcel contains one primary building.

**Adjoining Uses**

The parcels are entirely within the I-1 district and are bordered to the north by a R-1A use district. Upon information and belief, the adjacent property to the west is a residence in the I-1 use district, and the adjacent property to the east is a multi-family housing development in the R-2 use district. The proposed rezoning is consistent with the adjacent land uses.



**Proposed Future Use**

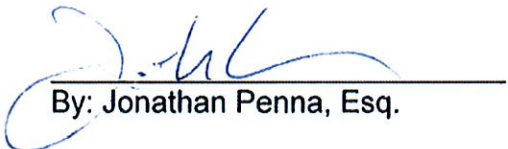
Petitioner intends to purchase the property to build multi-family housing.

Petitioner intends to demolish the existing buildings on the properties in compliance with all applicable municipal and state codes and regulations.

**WHEREFORE,** Petitioner respectfully request that the City Council of the City of Batavia amend the zoning for 661 and 665 East Main Street, SBL Nos. 85.013-1-22 and 85.013-1-23, Batavia, New York to R-3 use district.

DATED: January 31, 2017

Nixon Peabody LLP as attorneys and agents for Petitioner DePaul Properties, Inc.

  
By: Jonathan Penna, Esq.

STATE OF NEW YORK )

COUNTY OF MONROE) SS.:

On the 1 day of ~~January~~ <sup>February</sup>, 2017, before me, personally appeared Jonathan Penna, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

DANIEL F. BRENNAN  
Notary Public, State of New York  
Qualified in Monroe County  
No. 02BR6311509  
Commission Expires May 19, 2018

  
Notary Public

# **Exhibit B**

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

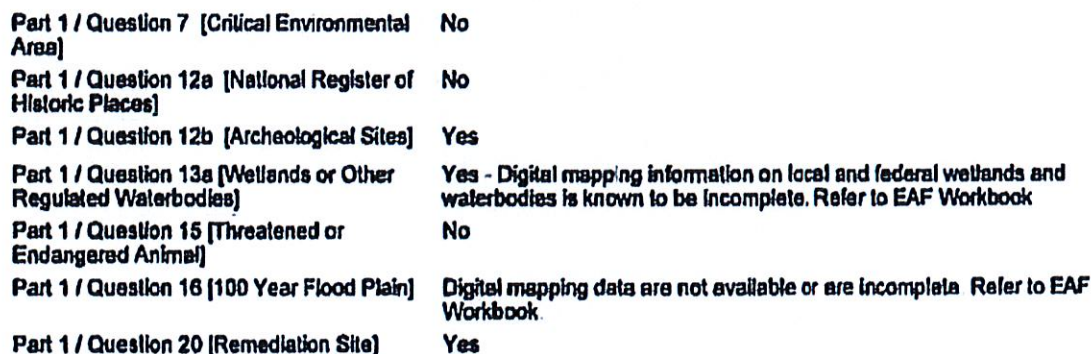
<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Rezoning of 661 & 665 East Main Street Batavia			
Project Location (describe, and attach a location map): 661 & 665 East Main St., Batavia, NY			
Brief Description of Proposed Action: Rezoning of 661 & 665 East Main Street from I-1 to R-3.			
Name of Applicant or Sponsor: DePaul Properties Inc.		Telephone: 585-426-8000	
		E-Mail:	
Address: 1931 Buffalo Road			
City/PO: Rochester		State: NY	Zip Code: 14624
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Batavia Planning Board, Genesee County Planning Board			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		4.62 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.62 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <small>Adjoining property - 34 Clinton St. (Ex-Eaton, code V00677) Remedial investigation began in 2004, initiatives began in 2008, and floor drains and storm sewers were cleaned in 2010. Quantity and type of remediated materials is not disclosed.</small>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Mark H. Fuller, President</u> Date: <u>01/25/17</u>		
Signature: <u>Mark H. Fuller</u>		

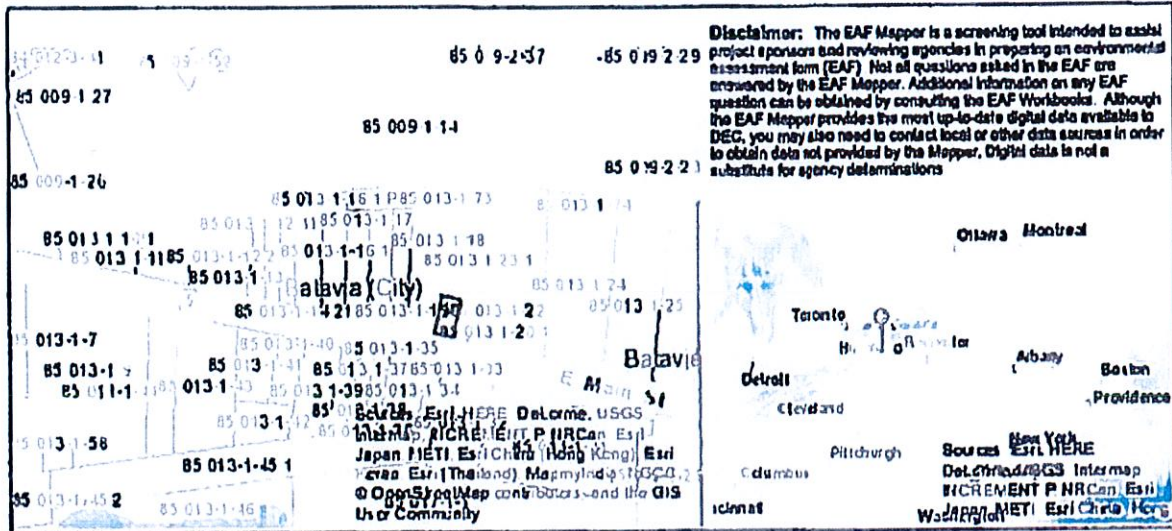
Monday, January 23, 2017 11:28 AM





# EAF Mapper Summary Report

Wednesday, January 25, 2017 9:04 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes

# **Exhibit C**



January 31, 2017

DESCRIPTION OF A PARCEL OF LAND  
DESIGNATED AS #661 EAST MAIN STREET & #665 EAST MAIN STREET  
DEPAUL – ELLICOTT TRAIL APARTMENTS  
CITY OF BATAVIA

---

All that tract or parcel of land situate in the City of Batavia, County of Genesee, and State of New York and is more particularly described as follows,

Beginning at a point in the north right-of-way line of East Main Street (NYS Rte #5) said point being the southeast corner of lands conveyed to P r & D Automotive Wholesalers of Genesee County, by Deed recorded in the G.C.C.O. Liber 498 of Deeds, Page 277, Said point also being the intersection formed by the aforesaid north right-of-way of E. Main Street and the westerly line of lands conveyed to Batavia Gardens Association,

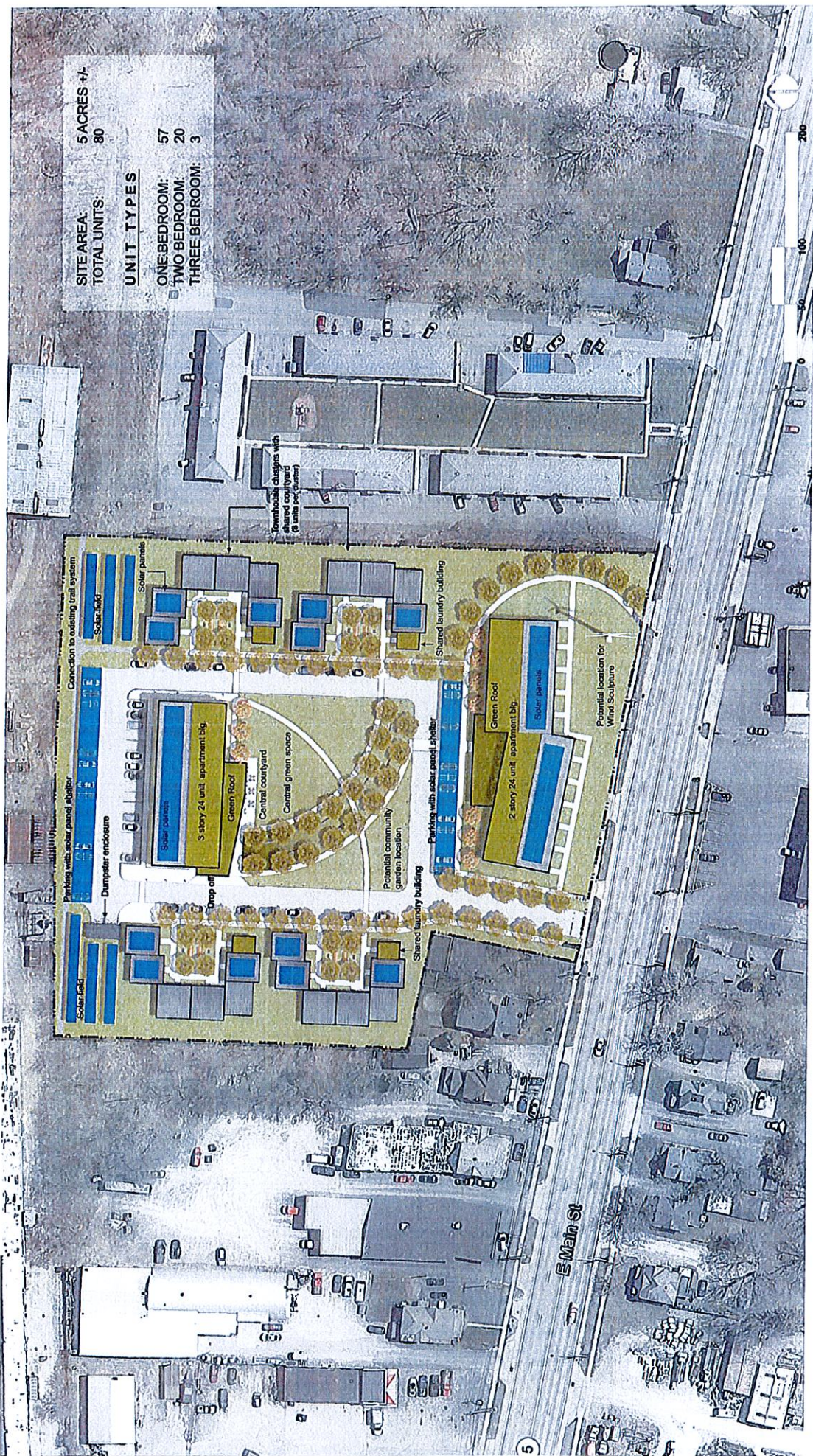
- Thence, 1 - Westerly, along the north line of East Main Street a distance of 366.30 feet to a point in the southwest corner of lands conveyed to William Moore by deed recorded in the G.C.C.O., Liber 901 of Deeds, Page 420,
- Thence, 2 - Northerly at right angles to the north line of East Main Street, a distance of 121.77 feet to a point,
- Thence, 3 - Westerly at right angle to the previous course and parallel to East Main Street, a distance of 104.98 feet to a point in the east line of lands conveyed to Michael Boorum by deed recorded in the G.C.C.O., Liber 602 of Deeds, Page 307,
- Thence, 4 - Northerly along the aforesaid east line of Broomon, a distance of 246.60 to a point in the south line of the Consolidated Rail Corporation - Attica Branch, and continuing north an additional 66± feet to a point in the north line of said Rail Corporation lands, which forms a combined distance of 312.6± feet,
- Thence, 5 - Easterly along the north line of lands of belong to the Consolidated Rail, a distance of 450± feet to a point,
- Thence, 6 - Southerly through lands of the Consolidated Rail and continuing southerly and along the west line of lands of the Batavia Gardens Association, a distance of 518.73 feet to the point and place of beginning.

Intending to describe parcels of land designated as #661 East Main Street and #665 East Main Street, City of Batavia, being further identified as SBL# 085.130-01-23.1 & SBL# 085.130-01-22

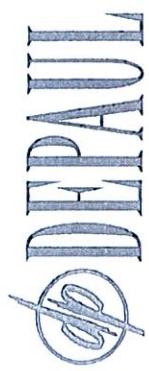
# **Exhibit**

## **D**





<b>SITE AREA:</b>	<b>5 ACRES +/-</b>
<b>TOTAL UNITS:</b>	<b>80</b>
<b>UNIT TYPES</b>	
ONE BEDROOM:	57
TWO BEDROOM:	20
THREE BEDROOM:	3



# DEPAUL BATAVIA APARTMENTS



SW  
BR





Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

Project:

Date:

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: Date: 

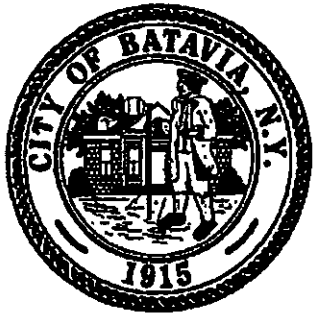
### ***Short Environmental Assessment Form***

#### ***Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.


<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



## City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 8, 2017

Subject: Zoning Amendment – 661,665 and 679 East Main Street

Attached please find a memo to the Planning & Development Committee providing background and support for a zoning map amendment regarding the above referenced properties. In addition, to the Petition for Re-zoning of 661 and 665 East Main Street, City staff is recommending that 679 East Main Street be included in the re-zone. Currently 679 East Main Street is zoned R-2 however the current use is considered a non-conforming use. Changing the zoning to R-3 would bring the property into a conforming use.

Section 190-51 of the Batavia Municipal Code provides that the City Council may from time to time make zoning map amendments after review and report by the City's Planning and Development Committee. If the Planning and Development Committee fails to file a report within 30 days after referral from City Council, the proposed amendment is deemed approved, and the City Council may proceed in addressing the re-zoning request.


Therefore it is recommended that the City Council refer the matter to the Planning and Development Committee for consideration and recommendation to the City Council.

If you have any questions please feel free to contact me.



# City of Batavia

To: City Planning & Development Committee

From: Jason Molino, City Manager 

Date: February 8, 2017

Subject: Petition for Rezoning of Property at 661, 665 & 679 East Main Street

**Background:** DePaul Properties, Inc. (the "DePaul") is the developer for the proposed DePaul Batavia Square project to be located at 661 & 665 East Main Street (SBL 85.013-1-22 & 85.013-1-23 respectively) in the City of Batavia. DePaul has entered into purchase agreements with the current property owners with the contingency that the proposed redevelopment of the project obtain all necessary permits and approvals. Both parcels are located in an I-1 Industrial District ("I-1") and DePaul is requesting a re-zoning of both parcels to an R-3 Residential District ("R-3"). As outlined in DePaul's Petition to Re-Zone, adjacent property (679 East Main Street) to the east is a multi-family apartment development in the R-2 Residential District ("R-2"). City records indicate that this multi-family apartment development was constructed in 1962 under a B-3 Business Use District. B-3 zoning districts were eliminated shortly after the project was completed and after the City's last Comprehensive Master Plan and land use adoption, the parcel was rezoned to R-2. Currently the parcel is considered a non-conforming use in the R-2 zoning district. The City of Batavia is proposing to rezone the adjacent 679 East Main Street to R-3 Residential District, which is consistent with DePaul's request for re-zoning.

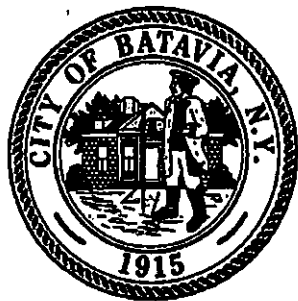
**Current Zoning** – Current zoning within the project area is I-1. Permitted uses do not allow for residential development. In addition, the industrial zoning is not consistent with existing land use patterns in this area. As referenced above the adjacent parcel east of the project area is considered a non-conforming use. Furthermore, 34% of properties in the immediate I-1 district are non-conforming. This includes two multi-family apartment complexes within 700 feet of the proposed development site. The remainder of the parcel uses in that immediate I-1 district is a combination of retail store, wholesale and service operations.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)

Office of the City Manager  
One Batavia City Centre  
Batavia, New York 14020

TDD 800-662-1220  
Phone: 585-345-6330  
Fax: 585-343-8182  
[www.batavianewyork.com](http://www.batavianewyork.com)





# City of Batavia

**Current Comprehensive Plan Update** – In September 2015 the City began the process of updating the City's 1997 Comprehensive Master Plan. Throughout this process extensive discussions have involved potential rezoning of various areas within the City limits that may better fit future development and redevelopment patterns and encourage sustainable growth in the City. The proposed development area has been one of several areas under consideration. As the majority of current uses are similar to modern day commercial use that provide daily goods and services for nearby neighborhoods and on a sub-regional basis, as well as providing local employment opportunities, new land use policies should call for the enhancement of these areas. Coordinated site planning and design, pedestrian access and amenities, development of coordinated parking, and the efficient infill and intensification of commercial uses will add to the already existing uses. While not finalized, a Commercial Neighborhood district is being strongly considered for this area that fit the above criteria. DePaul Batavia Square, a multi-family apartment complex, like those that already exist at 627 and 679 East Main Street, fit within the Commercial Neighborhood district and add enhancement to the existing uses in the immediate area.

Additional focuses of the City's Comprehensive Plan Update discussions have include improvements to the City's entrances, or "Gateway's", encourage more resilient and renewable energy technologies and enhance the City's pedestrian network. The location of the proposed project sits less than 500 feet from the City's east gateway. The conceptual drawings included with DePaul's Petition for Rezoning will have a meaningful impact on the visual character of the east gateway while providing for high-quality housing that integrates best practices sustainable technologies. The drawings outline multiple solar fields/panels, green roofs and a community garden for tenants. This, in addition to the project area, is also located adjacent to the Ellicott Trail to be constructed this spring. The residents of DePaul Batavia Square will be more likely to utilize the trail than would some form of industrial use at this site.

**Recommendation** – While the proposed Petition of Rezoning by DePaul is only for 661 & 665 East Main Street, City staff recommends the addition of 679 East Main Street. All three properties are recommended for R-3. This rezone would provide for the proposed project to be completed as well as change the adjacent multi-family apartment complex, currently a non-conforming use, to a conforming use.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.nrcr.usda.gov/complaint\\_filing\\_cust.html](http://www.nrcr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)

**Office of the City Manager  
One Batavia City Centre  
Batavia, New York 14020**

**TDD 800-662-1220  
Phone: 585-345-6330  
Fax: 585-343-8182  
[www.batavianewyork.com](http://www.batavianewyork.com)**

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Zoning amendment			
Project Location (describe, and attach a location map): 679 East Main St., Batavia, NY 14020			
Brief Description of Proposed Action: Change the zoning use district designation of this existing large scale multi-family development parcel from R-2 (residential) to R-3 (residential).			
Name of Applicant or Sponsor: Jason Molino, City Manager for City of Batavia		Telephone: (585) 345-6333 E-Mail: jmolino@batavianewyork.com	
Address: One Batavia City Centre			
City/PO: Batavia		State: NY	Zip Code: 14020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,			
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES			
If Yes, briefly describe: _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Jason Molino, City Manager for City of Batavia</u> Date: <u>2/8/17</u> Signature: _____		

Project: Zoning amendment (679 East Main)

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**Agency Use Only [If applicable]**Project: **Zoning amendment (679 East Main)**Date: 

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Batavia City Council

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

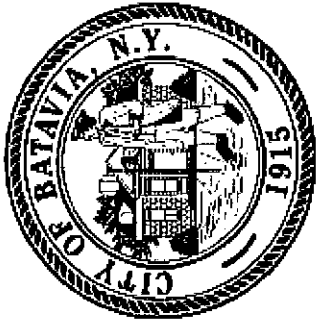
Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**





Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA



*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: 12/19/16

Re: 119 Swan St.  
Tax Parcel No. 84.074-2-39

Zoning Use District: R-2

The applicant, Robert Ziminski (owner), has applied for a permit to add a second driveway on the south side of this parcel. The proposed new stone driveway is to be 10' wide and 60' in length.

**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) (13).**

**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 **right of way of a state road or highway**.

**City Planning and Development Committee-** Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

**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

**BMC Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.**

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	12.37' (25%)	21.2' (43%)	8.83' (18%)

**SEND OR DELIVER TO:**

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



**\* GENESEE COUNTY \***  
**PLANNING BOARD REFERRAL**

**DEPARTMENT USE ONLY:**

GCDP 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) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. \_\_\_\_\_Name Robert ZiminskiAddress 119 Swan St.City, State, Zip Batavia, NY 14020Phone (585) 356 - 4214 Ext. \_\_\_\_\_ Email skiman8310@yahoo.comMUNICIPALITY: ☒ **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 119 Swan St.B. Nearest intersecting road Ellicott St.C. Tax Map Parcel Number 84.074-2-39

D. Total area of the property \_\_\_\_\_

Area of property to be disturbed \_\_\_\_\_

E. Present zoning district(s) R-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 190-39 E (1)**C. Please describe the nature of this request Approval to place a second driveway on the south side of the front yard with a total driveway width in excess of 25% of the lot frontage.**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.genesec.ny.us](mailto:planning@co.genesec.ny.us)**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. \_\_\_\_\_

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





**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: 16-19  
Hearing Date/Time: \_\_\_\_\_

**APPLICANT:**

Name Robert Ziminski skiman8310@yahoo.com  
E-Mail Address  
119 S. Swan St. 585-356-4214  
Street Address Phone  
Batavia N.Y. 14020  
City State Zip

**STATUS:** ☒ Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_ Contractor \_\_\_\_\_

**OWNER:** Same  
Name E-Mail Address

Street Address Phone Fax  
City State Zip

**LOCATION OF PROPERTY:** 119 S. Swan St.

**DETAILED DESCRIPTION OF REQUEST:** Want to Put a Second Driveway on south side of house. House is a 2 Family House and there is not enough room for parking. It is dangerous to park out back with Incline. Don't want parking in back of house. It is fenced off now.

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.

Robert Ziminski 12-13-16  
Applicant's Signature Date

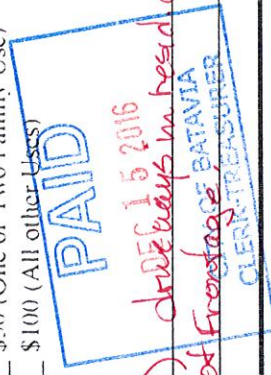
Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

*To be Filled out by Zoning Officer*

**TAX PARCEL:** 84.074-2-39 **ZONING DISTRICT:** R-2 **FLOOD PLAIN:** #4

**TYPE OF APPEAL:** ☒ Area Variance **FEE:** ☒ \$50 (One or Two Family Use)  
☐ Use Variance ☐ \$100 (All other Uses)  
☐ Interpretation  
☐ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-39 (1) driveway in back of lot  
shall not exceed 25% of lot frontage



## 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:

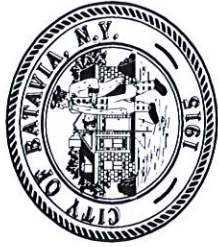
1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.  
NO. The adjoining Property has a driveway next to the one I want to add. Also across the street is 2 drive ways right next to each other.
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. NO. There is not enough space for parking and we are not allowed to park on street after certain time. It's a 2 family house.
3. **Substantiality.** The requested area variance is not substantial. It is substantial and there is ample room for one. It's a 2 family house.
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.  
No. There is none at all

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. NO it was NOT.

Robert Zimhi  
Applicant's Signature

12-13-16  
Date





Permit No. \_\_\_\_\_  
Date: \_\_\_\_\_

**DRIVEWAY AND PARKING SPACE PERMIT**  
\$10 fee – Please attach Survey / Illustration

**APPLICANT:**

Name Robert Ziminski E-mail Address Skiman8310@yahoo.com

Street Address 119 S. Swan St. Phone 585-356-4214

City Batavia State N.Y. Zip 14020

☒ Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_ Contractor \_\_\_\_\_

**OWNER:**

Name Same E-mail Address \_\_\_\_\_

Street Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**ADDRESS OF PROPERTY:** 119 S. Swan St.

**DIMENSIONS OF EXISTING DRIVEWAY:** Width 11.2' Length \_\_\_\_\_

**DIMENSIONS OF NEW DRIVEWAY / ADDITION:** Width 10' Length 60'

**SURFACE MATERIAL:** Existing grass Proposed Gravel

Applicant's Signature Robert Ziminski  
Date 12-12-16

12.37' Permitted  
21.2' Proposed  
8.83' over  
(18%)

Owner's Signature \_\_\_\_\_

Date \_\_\_\_\_

To be filled out by Zoning Enforcement Officer

**TAX PARCEL:** 84.074-2-39 **ZONING DISTRICT:** R-2 **SURVEY:** \_\_\_\_\_

**DIMENSIONS OF LOT:** Lot Frontage 49.5' Front Yard \_\_\_\_\_

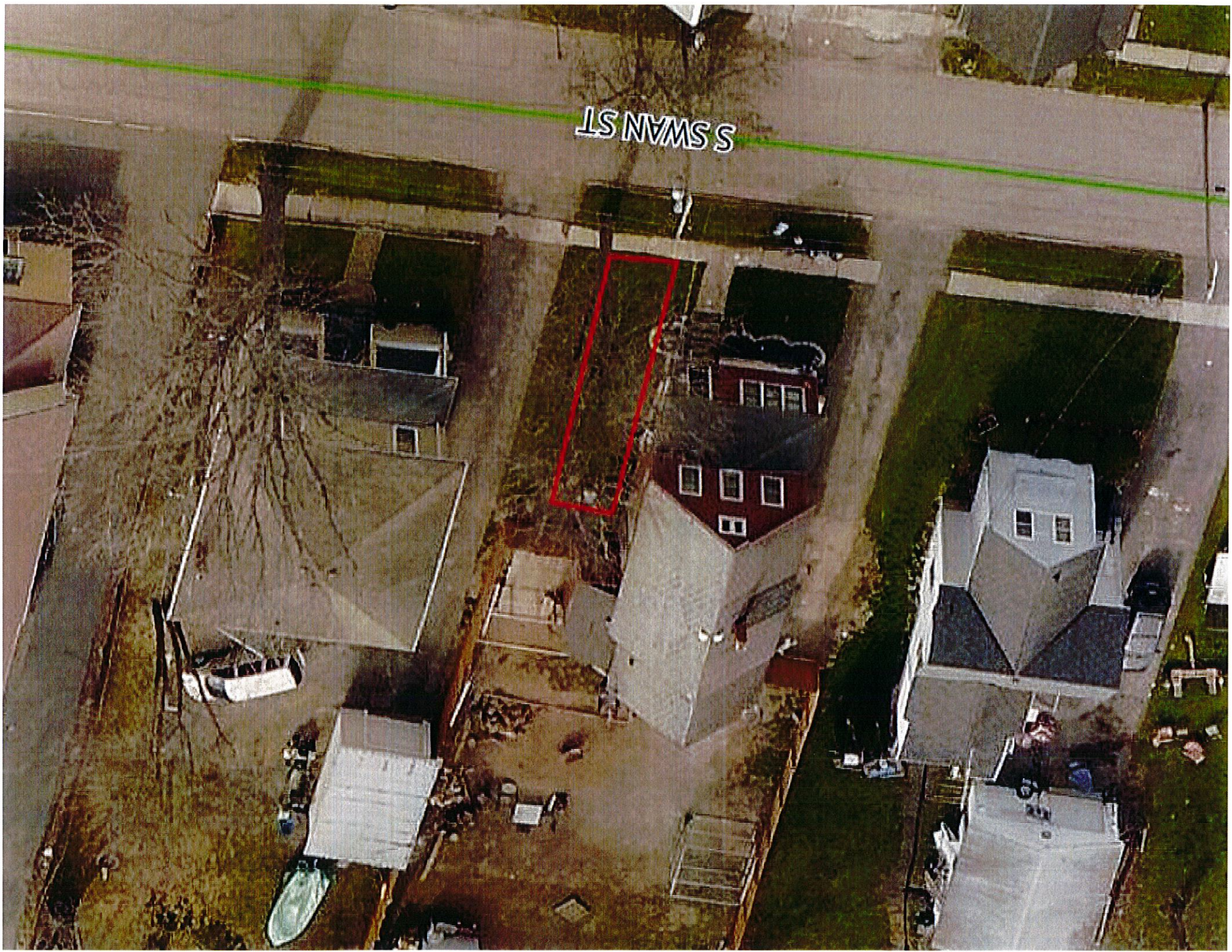
**PERCENTAGE OF LOT FRONTAGE:** 43% proposed **SURFACE MATERIAL:** Stone

**APPROVED:** \_\_\_\_\_ **AREA VARIANCE:** \_\_\_\_\_ **GRADE PLAN:** \_\_\_\_\_

**ISSUING OFFICER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



S SWAN ST





(49.5' R.O.W.)

STREET

SWAN STREET

FORMERLY N.W. COR. HENRY & ELIZABETH L. TARBOX  
LIBER 182, PAGE 229

R/O HELEN R. SIKORSKI  
LIBER 600, PAGE 102

LEGEND  
● EXISTING IRON STAKE  
U OVERHEAD UTILITY LINE

REFERENCE  
LIBER 443, PAGE 666.

NORTH

DRIVE 0.09'S

$N 80^{\circ} 43' 58'' W$

163.35'

0.27'E

END WIRE & BEGIN. CHAINLINK FENCE

0.64' N  
0.14' W

OLD WIRE FENCE

R/O THE POLISH FALCONS  
OF AMERICA NEST NO. 493, INC.  
LIBER 318, PAGE 414

END FENCE  
2.00' N  
0.53' W

PARCEL SURVEYED  
CONTAINING 0.186 ± ACRE  
LIBER 690, PAGE 171

2 STY. WD. FR. HSE.  
NO. 119

60'-0"

$S 80^{\circ} 43' 58'' E$

163.35'

NEIGH. DRIVE  
0.50' S

BLACKTOP

DRIVE

0.33'S

NEIGH. GAR.

(FORMERLY JAMES S. STEWART & OTHERS LIBER 157, PAGE 391)

R/O SCOTT D. & MARY C. CASE  
LIBER 626, PAGE 19

I DAVID S. LAMENDOLA CERTIFY TO:  
HOMESTEAD FINANCIAL SERVICES, ITS  
SUCCESSORS AND/OR ASSIGNS.  
BANKER'S TITLE & ABSTRACT, LLC.  
COMMONWEALTH LAND TITLE INSURANCE Co.

BOUNDARY SURVEY SHOWING THE  
PARCEL TO BE CONVEYED BEING  
PART OF VILLAGE LOT NO. 38.  
SITUATE IN THE CITY OF  
BATAVIA, COUNTY OF GENESEE  
AND STATE OF NEW YORK.

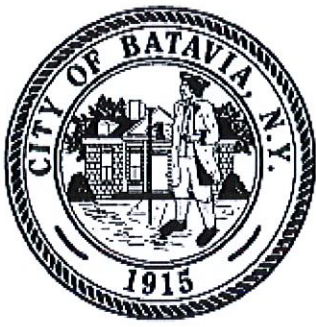
JANUARY 30, 1997 SCALE 1" = 20'  
JOB NO. 97-16

RESURVEYED & REVISED-- AUGUST 13, 2001.  
REVISED Oct. 01 2001.

GREGORY W. TOWNSEND  
DAVID S. LAMENDOLA  
Licensed Land Surveyors  
435 East Main St.  
Batavia, NY 14020  
(585) 344-1331

DATE NYS.R.L.S. NO. 49613





*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: 1/30/17

Re: 405 West Main St.  
Tax Parcel No. 84.006-1-4

Zoning Use District: C-2

The applicant, Michael Mikolajczyk (owner), has applied for a Special Sign Permit to place a 36 sq.' interior lit freestanding pole sign in the front yard of this commercial property. The sign will be comprised of a 3' x 6' flat polycarbonate box sign and a 3' x 6' digital reader board type sign. The sign is proposed to be located 2' from the north property line.

**Note:** A Special Sign Permit was previously approved on 11/17/15 for a 9' x 4' (36 sq.') freestanding pole sign to be located within the 5' set back distance (see attached). The newly proposed sign is different than the previously approved sign, therefore a new Special Sign Permit will be required to place the sign within the 5' setback.

**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 **right of way of a state road or highway.**

**City Planning and Development Committee-** Pursuant to section 190-43 R, the Planning and Development Committee shall review and approve or deny applications for Special Sign Permits prior to permit issuance.

**BMC 190-43 F and Exhibit A** Free standing signs are required to be located no less than 5 feet from all property lines.

**SEND OR DELIVER TO:**

GENESSEE 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 CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. \_\_\_\_\_**2. APPLICANT INFORMATION**Name Michael MikolajczykAddress 136 West Main St.City, State, Zip Batavia, NY 14020Phone (585) 305 - 0620 Ext. \_\_\_\_\_ Email mmikol@rochester.rr.comMUNICIPALITY: ☒ 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: Special Sign Permit

- Subdivision Proposal  
☐ Preliminary  
☐ Final

**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 405 West Main St.B. Nearest intersecting road RiverC. Tax Map Parcel Number 84.005-2-7.1

D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_

E. Present zoning district(s) C-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

BMC190-43 RC. Please describe the nature of this request Approval to place a free standing sign within the 5' setback.**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 and previous app.

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](mailto: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



## SIGN PERMIT APPLICATION

### CITY OF BATAVIA

10 West Main Street, Batavia, NY, 14020  
Phone: (585) 345-6320 • Fax (585) 343-9221

Permit No.: \_\_\_\_\_

Date: \_\_\_\_\_

Zone: C-2

Special Sign: Yes

84.005-2-7.1

APPLICANT: MICHAEL MIKOLASZCZYK DUNKIN' DONUTS MMIKOL@ROCHESTER.RR.COM  
Name 136 W. MAIN STREET E-mail Address 585-305-0620  
Street Address BATAVIA NY 14020 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
City, State, Zip Code

OWNER: MICHAEL MIKOLASZCZYK MMIKOL@ROCHESTER.RR.COM  
Name 136 W. MAIN ST. E-mail Address \_\_\_\_\_  
Street Address BATAVIA NY 14020 Phone 585-305-0620 Fax \_\_\_\_\_  
City, State, Zip Code

ADDRESS OF SIGN: 405 WEST MAIN STREET, BATAVIA NY 14020

SIGN AREA: Length 6' Width 6' Area 38 SF  
INCLUDES DOUBLE FACE PYLON SIGN AND 3'x6' ELECTRONIC MESSAGE CENTER

#### 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 Site 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

☒ Freestanding: Set Back 2' Height 14' Area \_\_\_\_\_  
☐ Wall Wall Length \_\_\_\_\_ Wall Height \_\_\_\_\_ Area \_\_\_\_\_  
☐ Projecting  
☐ Marquee  
☐ Awning/Canopy Length \_\_\_\_\_ Height \_\_\_\_\_ Area \_\_\_\_\_  
☐ Window Window Length \_\_\_\_\_ Window Height \_\_\_\_\_ Area \_\_\_\_\_  
☐ Portable

LIGHTING: ☒ Internal ☐ External

EXISTING SIGNS (Please list all existing signs with dimensions):

Applicant's Signature: Michael Mikolasczyk

Date: 1-19-2017

Issuing Officer: \_\_\_\_\_

Date: \_\_\_\_\_

Planning Board Chairperson: \_\_\_\_\_

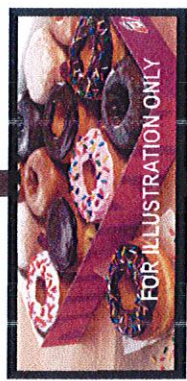
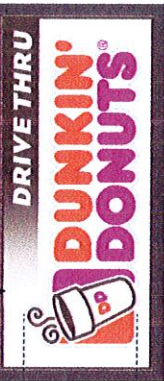
Date: \_\_\_\_\_

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



1/2" embossed cloud  
logo depth

6'-0"  
22'-1/2"  
3'-0"  
3'-0"  
6'-0"  
14'-0"



Square steel tube painted  
Benjamin Moore 2116-10  
Night Shade semi-gloss finish

NOTE: STEEL SIZE & FOOTING DETAILS  
PENDING ENGINEERING ANALYSIS  
PRIOR TO PRODUCTION.

Color Match Specs  
DD Orange 3M #3630-3123  
DD Magenta 3M #3630-1379  
Dark Brown 3M #3630-59  
Dark Brown B.M. 2116-10 Nightshade

FRONT VIEW  
Scale: 1/2"=1'-0"

SIDE VIEW  
Scale: 1/2"=1'-0"

**Allen Industries**  
© FILE NUMBER E212563

**U.S. ELECTRIC SIGN**  
LTD.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

Client Review Status

Allen Industries, Inc. requires that you "Approve" any design or drawing from the client prior to any production release or production release. If you are not satisfied with the design or drawing, you may request a revision. If you are satisfied with the design or drawing, you may request a revision. If you are not satisfied with the design or drawing, you may request a revision. If you are satisfied with the design or drawing, you may request a revision.

Date: Description

12/21/16 Issue Date  
01/03/17 Revised Per Request  
01/19/17 A

Project Information

Client Dunkin' Donuts  
405 W. Main St.  
Batavia, NY  
File OPI02340 Dunkin' Donuts, Batavia, NY 12  
Sales Design JR PW AV

**Allen Industries**  
www.allenindustries.com

**Signs and Image Solutions**

Corporate Headquarters  
6434 Burnt Poplar Road, Greensboro, NC 27409  
Phone 800-967-2553 336-668-2791 Fax 336-668-7375

COLOR AND MATERIAL SPECIFICATIONS:

Faces to be flat w/ embossed cloud logo (one level embossment); clear Solar Grade polycarbonate.

COLORS:

Background to be white

Vinyl colors to be:

DD Orange-3M #3630-3123

DD Magenta-3M #3630-1379

Dark Brown-3M #3630-59

DRIVE THRU OPTION: "DRIVE THRU" copy to be flat vinyl decal w/ graduated P/S 1545C Dk. Brown background and white copy

All vinyl to be applied to the second surface.

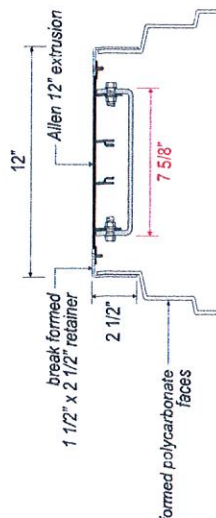
Cans and poles to be ptd, Benjamin Moore 2116-10 Night

Shade semi-gloss finish

Illumination to be LED

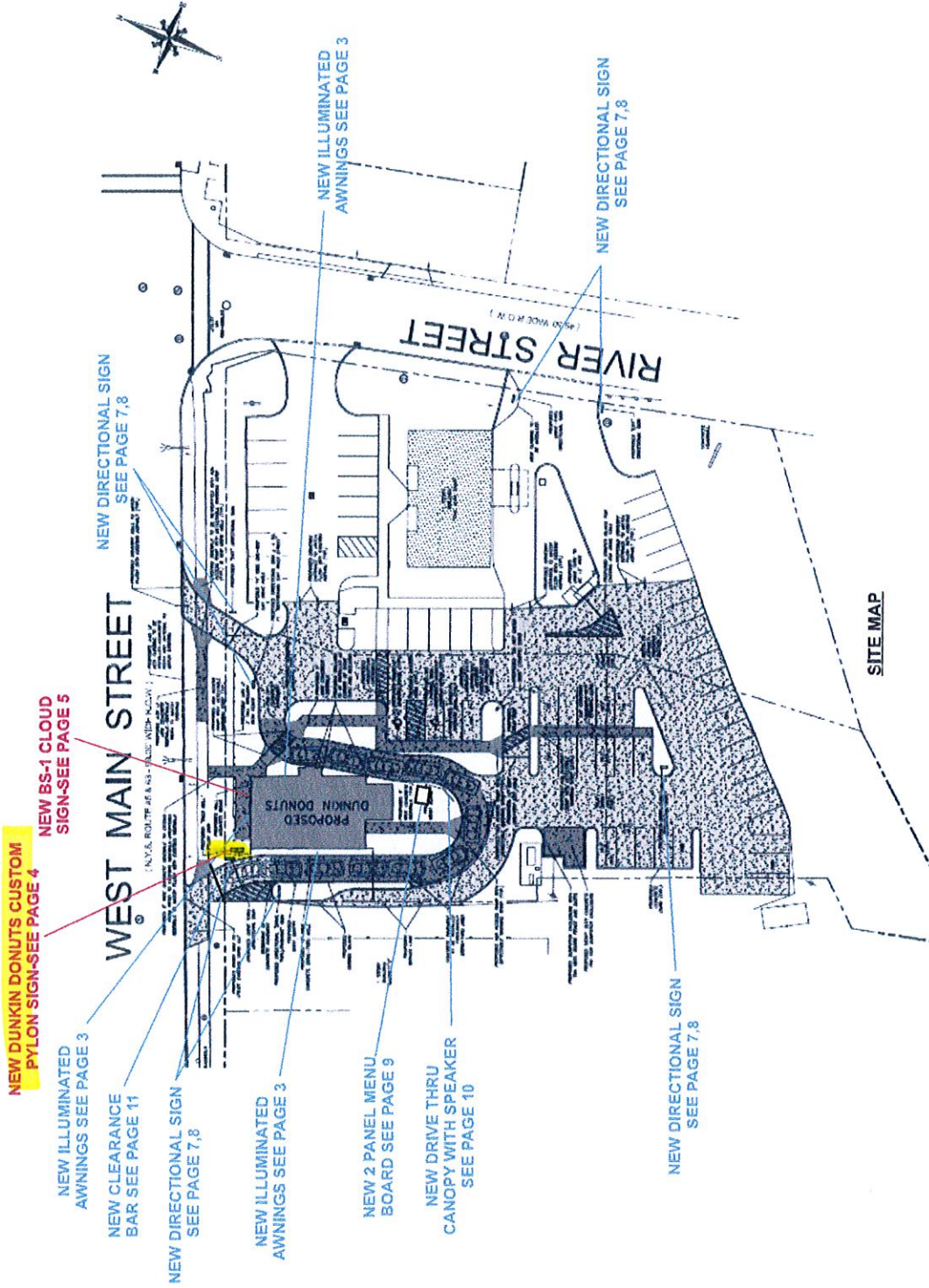
Post to be plate mounted in concrete footing per engineering specifications. Exact specifications TBD

NOTE: This is a concept drawing only and is subject to final engineering. Some material and dimensional specifications may vary or change per final engineering



4x9 Section Scale: 1/8" = 1"

NOTE: LED OPTION AVAILABLE  
PER CUSTOMER REQUEST.  
ALL SIGNAGE PRICED AS FLUORESCENT.



Client Review Status		Date / Description		Project Information	
Approved	<input type="checkbox"/>	12/21/16	Issue Data	Client	Dunkin' Donuts
Approved	<input type="checkbox"/>	01/03/17	Revised Per Request	Address	405 W. Main St. Batavia, NY
Approved	<input type="checkbox"/>	01/19/17		File	OP102340 Dunkin' Donuts Batavia, NY r2
Designer	JR			Designer	JR
Artist	AW			Artist	AW

Copyright © 2015 Allen Industries, Inc.  
This is a proposed, unexecuted drawing, created by Allen Industries, Inc.  
The information contained herein is confidential and proprietary to Allen Industries, Inc.  
and is not to be used, copied, or reproduced in any form without the written permission of Allen Industries, Inc.  
The design shown on this drawing plan is the property of Allen Industries, Inc.





## SIGN PERMIT APPLICATION

### CITY OF BATAVIA

10 West Main Street, Batavia, NY, 14020  
Phone: (585) 345-6320 • Fax (585) 343-9221

Permit No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Zone: C-2  
Special Sign: YES

#### APPLICANT:

Indus Group

kfinley@indushg.com

Name

E-mail Address

1080 Pittsford-Victor Road Suite 201

Street Address

Phone

Fax

Pittsford, NY 14534

585-451-6538

585-248-3271

City, State, Zip Code

#### OWNER:

Indus Real Estate

Name

E-mail Address

1080 Pittsford-Victor Road Suite 201

Street Address

Phone

Fax

Pittsford, NY 14534

585-451-6538 (KIP)

City, State, Zip Code

#### ADDRESS OF SIGN:

401 W. MAIN STREET ; PYLON SIGN

#### SIGN AREA:

Length 69 7/8" Width 156 1/8" Area 80 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 Site 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

☒ Freestanding:

Set Back 2' to face of Height 22' (pole @  $\pm 9'$  from Row)  
Wall Length Sign box Wall Height \_\_\_\_\_ Area \_\_\_\_\_

☐ Wall

☐ Projecting

☐ Marquee

☐ Awning/Canopy

☐ Window

☐ Portable

Length \_\_\_\_\_ Height \_\_\_\_\_ Area \_\_\_\_\_  
Window Length \_\_\_\_\_ Window Height \_\_\_\_\_ Area \_\_\_\_\_

LIGHTING: ☒ Internal

☐ External

Note: Set back 2' from front prop. line.  
Special Sign point.

EXISTING SIGNS (Please list all existing signs with dimensions):

No existing signage for Dunkin Donuts parcel; subdividing from Five Star Bank parcel.

Applicant's Signature: Kip Finley

Date: 10/29/15

Issuing Officer: \_\_\_\_\_

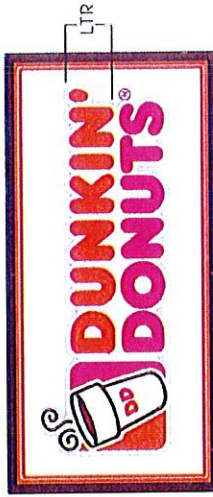
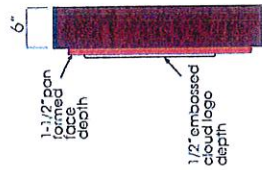
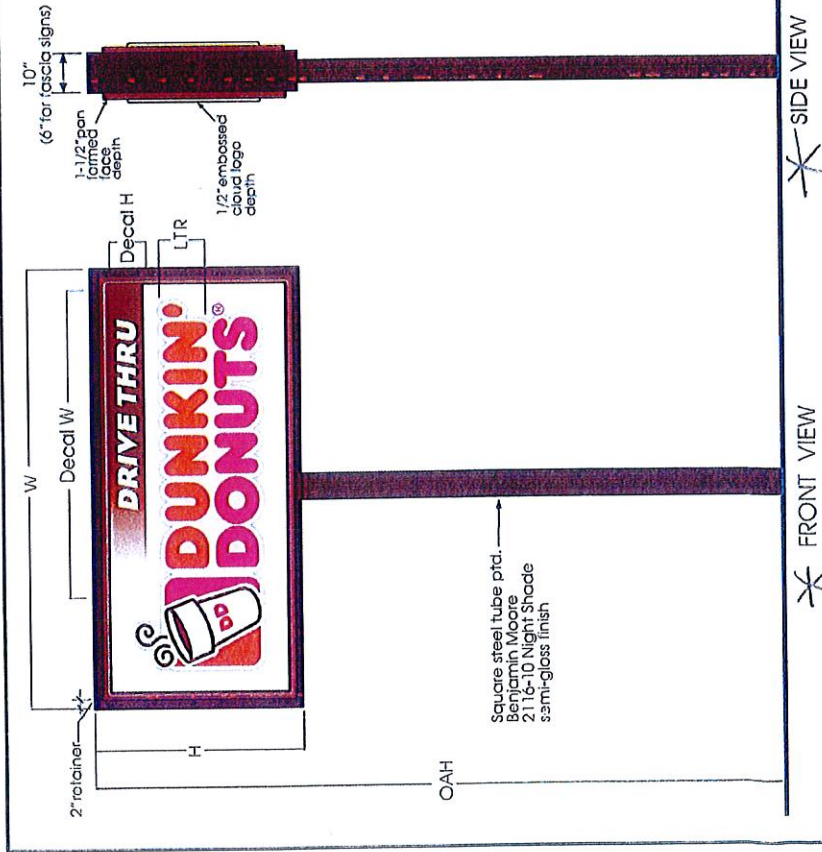
Date: \_\_\_\_\_

Planning Board Chairperson: \_\_\_\_\_

Date: \_\_\_\_\_

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





**SINGLE FACE WALL SIGN**

Drive Thru graduated decal is not to be used on single face wall signs. If Drive Thru signage is desired on building, select one of 3 sizes of single face Drive Thru Oval Signs for wall mount.



**COLOR AND MATERIAL SPECIFICATIONS:**

Faces to be pan formed and embossed (cloud logo is a one level embossment) clear Solar Grade polycarbonate.

**COLORS:**

Background is white w/ brown border on flange & pan edge of face when DRIVE THRU copy is used; Orange border on flange & pan edge of face when DRIVE THRU is not used

Vinyl colors to be:

- DD Orange- 3M #3630-3123
- DD Magenta- 3M #3630-1379
- Dark Brown-3M #3630-59

DRIVE THRU gradation is flat vinyl decal applied to face

All vinyl to be applied to the second surface.

Cans and poles to be pld, Benjamin Moore 2116-10 Night Shade semi-gloss finish

Illumination: White LEDs

NOTE: This is a concept drawing only and is subject to final engineering. Some material and dimensional specifications may vary or change per final engineering

**PYLONS & WALL SIGNS:**

Applies to:	H	W	OAH	LTR	Decal W	Decal H	Area (Sq. Ft.)	Illumination
Pylons & Wall Signs	35-3/4"	74-1/2"	13'	8"	49-13/16"	6-7/16"	20	White LEDs
Pylons & Wall Signs	49-11/16"	109-5/8"	15'	12"	74-7/16"	9-1/4"	40	White LEDs
Pylons Only	69-7/8"	156-1/8"	22'	17"	109-15/16"	14-1/2"	80	White LEDs

**OPTIONAL DRIVE THRU APPENDAGE:**

Nominal Size	H1	W1	Area (Sq. Ft.)	Illumination
1' x 4'	12"	48-9/16"	4.04	White LEDs
1.5' x 6'	18"	72-13/16"	9.10	White LEDs
2' x 8'	24"	97-1/16"	16.17	White LEDs

**Everbrite**

4049 South 11th Street  
PO Box 20000  
Greenfield, WI 53220-0020  
414.229.7131

NOTE: THESE DRAWINGS ARE FOR IMAGE DESIGN GUIDANCE ONLY. IT IS THE SOLE RESPONSIBILITY OF THE ARCHITECT AND ENGINEER TO OBTAIN ALL NECESSARY CONSTRUCTION DOCUMENTS FOR THE PARTICULAR PROJECT LOCATION. DUNKIN' BRANDS, INC. THEIR AGENTS AND SUBSIDIARIES DO NOT GUARANTEE THAT THESE DRAWINGS AND THEIR COMPONENTS MEET THE REQUIREMENTS OF ANY FEDERAL, STATE OR LOCAL LAW. IT IS THE SOLE RESPONSIBILITY OF THE FRANCHISEE AND OF THE ARCHITECT AND ENGINEER TO OBTAIN ALL NECESSARY CONSTRUCTION DOCUMENTS AND OTHER REQUIREMENTS, INCLUDING, WITHOUT LIMITATION, AMERICANS WITH DISABILITIES ACT.



Revisions:

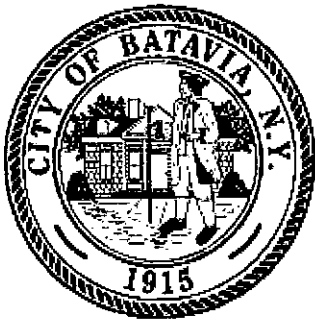

DD LED Illum'd Pylon & Wall Signs

FILE

Date: 8/12/15  
Scale: NTS  
Drawn: C HART  
SS-4

401 W. MAIN

9'x4' approved by POC 2' from propline.  
Special signpost.



*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: 1/30/17

Re: 44 Main St. (Wendy's)  
Tax Parcel No. 84.049-1-72

Zoning Use District: C-3

The applicant, Irma Reiner (agent for Wendy's) has filed a building permit application that includes exterior changes to this building located within the Business Improvement District.

**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) (2).

**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 **right of way of a state road or highway.**

**City Planning and Development Committee-** Pursuant to section 190-14 D (2)(a) of the zoning ordinance, the Planning and Development Committee shall review and approve any action involving exterior changes that requires issuance of a building permit on properties located within the Business Improvement District.

**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 CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. \_\_\_\_\_**2. APPLICANT INFORMATION**Name Irma ReinerAddress 17890 Blanco Road, #401City, State, Zip San Antonio, TX 78232Phone (972) 929 - 9226 Ext. \_\_\_\_\_ Email ireiner@linear-architecture.comMUNICIPALITY: ☒ 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: Exter. changes in BID

- Subdivision Proposal  
☐ Preliminary  
☐ Final

**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 44 Main St. (Wendy's)B. Nearest intersecting road JeffersonC. Tax Map Parcel Number 84.049-1-72

D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_

E. Present zoning district(s) C-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 \_\_\_\_\_

C. Please describe the nature of this request Approval to make exterior alterations on this 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](mailto: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 drrandall@batavianewyork.com



## CITY OF BATAVIA

## BUILDING PERMIT APPLICATION

DATE: 1/13/17APPLICANT NAME & PHONE: Irma Reiner 972.929.9226**Project Location and Information**

Permit #: \_\_\_\_\_

Fee: \_\_\_\_\_

Address of Project: 44 Main Street, Batavia, NY 1402084.049-1-72Owner & Address: 17890 Blanco Road # 401, San Antonio, Tx 78232Phone: 210.493.3505**Project Type/Describe Work**Estimated cost of work: \$250,000Start date: 3/1/17Describe project: Interior and exterior remodel of a drive-thru restaurant**Contractor Information** – Insurance certificates (liability & workers comp) required to be on file**GENERAL** TBD ↓

Name/Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**PLUMBING** (City of Batavia Licensed Plumber Required)

Name/Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**HEATING**

Name/Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**ELECTRICAL** (Third Party Electrical Inspection Required)

Name/Address: \_\_\_\_\_

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: \_\_\_\_\_

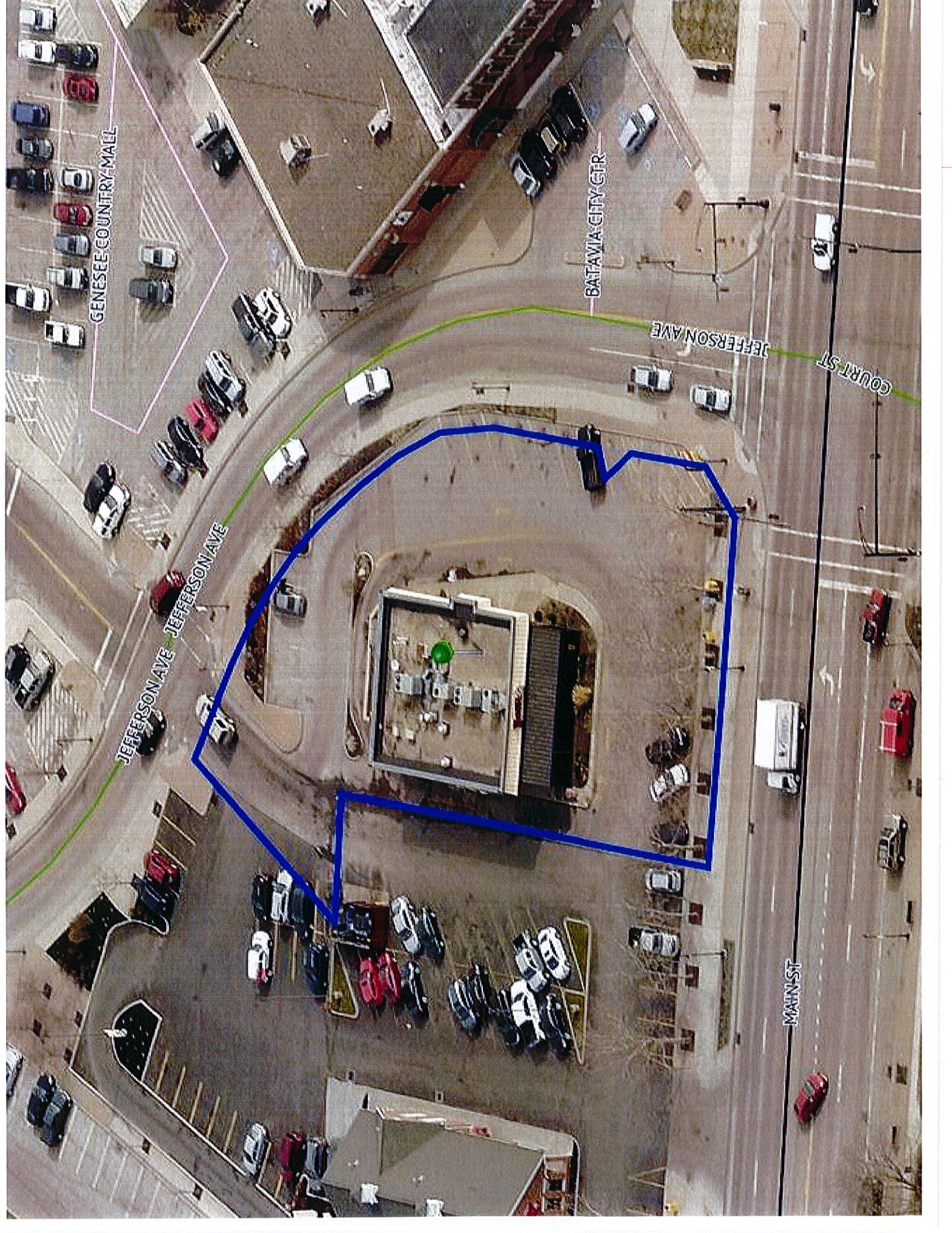
Existing Use: \_\_\_\_\_

NYS Building Code Occupancy Class: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

NYS Building Code Occupancy Class: \_\_\_\_\_





GENESEE COUNTRY MALL

BATAVIA CITY CTR

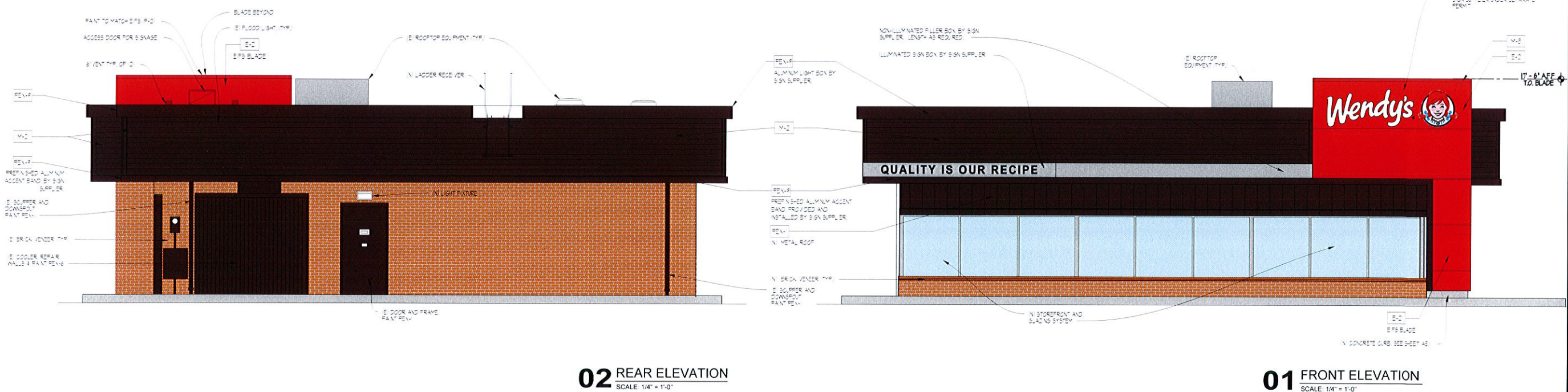
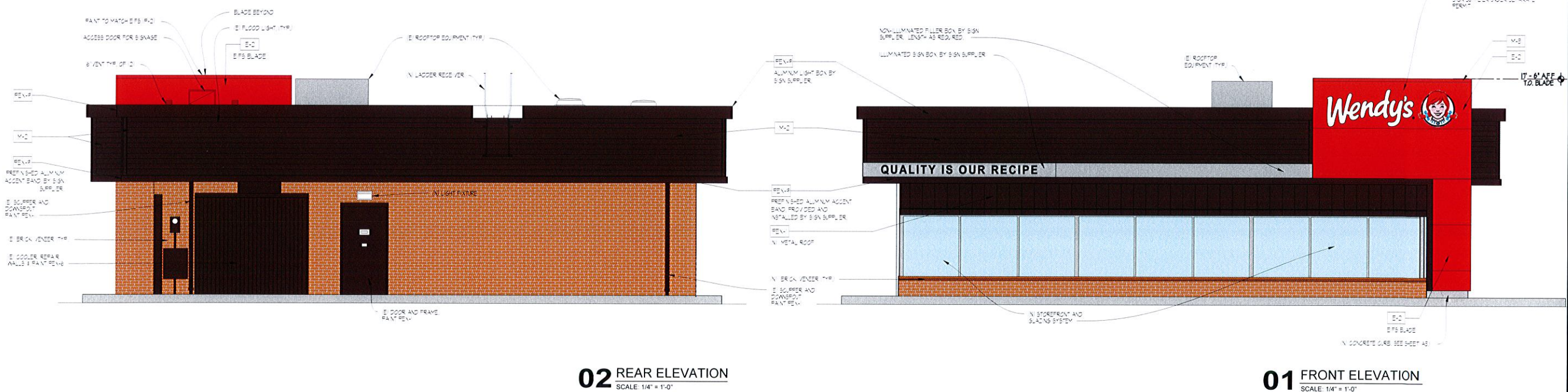
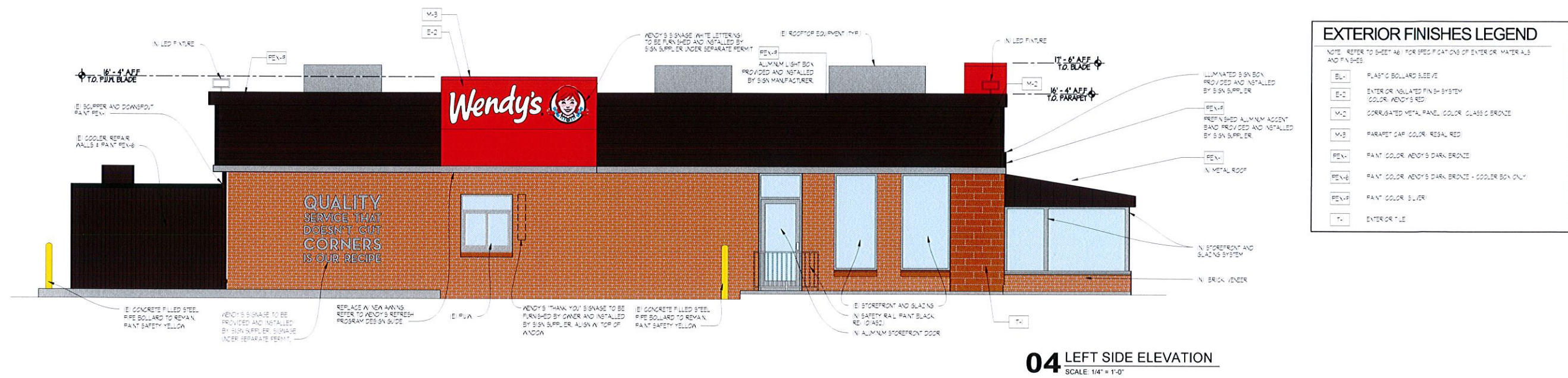
JEFFERSON AVE

JEFFERSON AVE

COURT ST

MAIN ST





## EXTERIOR FINISHES LEGEND

NOTE: REFER TO SHEET A6 FOR SPECIFICATIONS OF EXTERIOR MATERIALS AND FINISHES.

BL-1	PLASTIC BOLLARD SLEEVE
E-2	EXTERIOR INSULATED FINISH SYSTEM COLOR: ADOX'S RED
M-2	CORRUGATED METAL PANEL, COLOR: GLASS C BRONZE
M-3	PARAPET CAP, COLOR: RESAL RED
PEX-1	PANT COLOR: ADOX'S DARK BRONZE
PEX-6	PANT COLOR: ADOX'S DARK BRONZE - COOLER BOX ONLY
PEX-9	PANT COLOR: SILVER
T-1	EXTERIOR TILE

SITE NUMBER:	4269
BASE MODEL:	3070
ASSET TYPE:	FRANCHISE
CLASSIFICATION:	REFRESH
OWNER:	MUY HAMBURGERS
BASE VERSION:	2016 JAN
UPGRADE CLASSIFICATION:	N/A
PROJECT YEAR:	2016
FURNITURE PACKAGE:	2016
DESIGN BULLETINS:	THRU DB 2015-02

*lincon!*  
Marc Brundige,  
Architect  
8951 Cypress Waters Blvd., Suite 130  
Irving, TX 75019  
Phone: 972.929.9226  
Fax: 972.929.9061

**MUY! HAMBURGERS**  
17890 BLANCO ROAD, #401  
SAN ANTONIO, TEXAS  
78232  
PHONE: (210) 493-3505

PROJECT TYPE: IMAGE REFRESH

**Wendy's.**  
# 04269  
44 MAIN ST.  
BATAVIA, NY 14020

REV.	DATE	DESCRIPTION

ISSUE DATE	01/09/17
PROJECT NUMBER	16.168
DRAWN BY	NHM
CHECKED BY	IOR

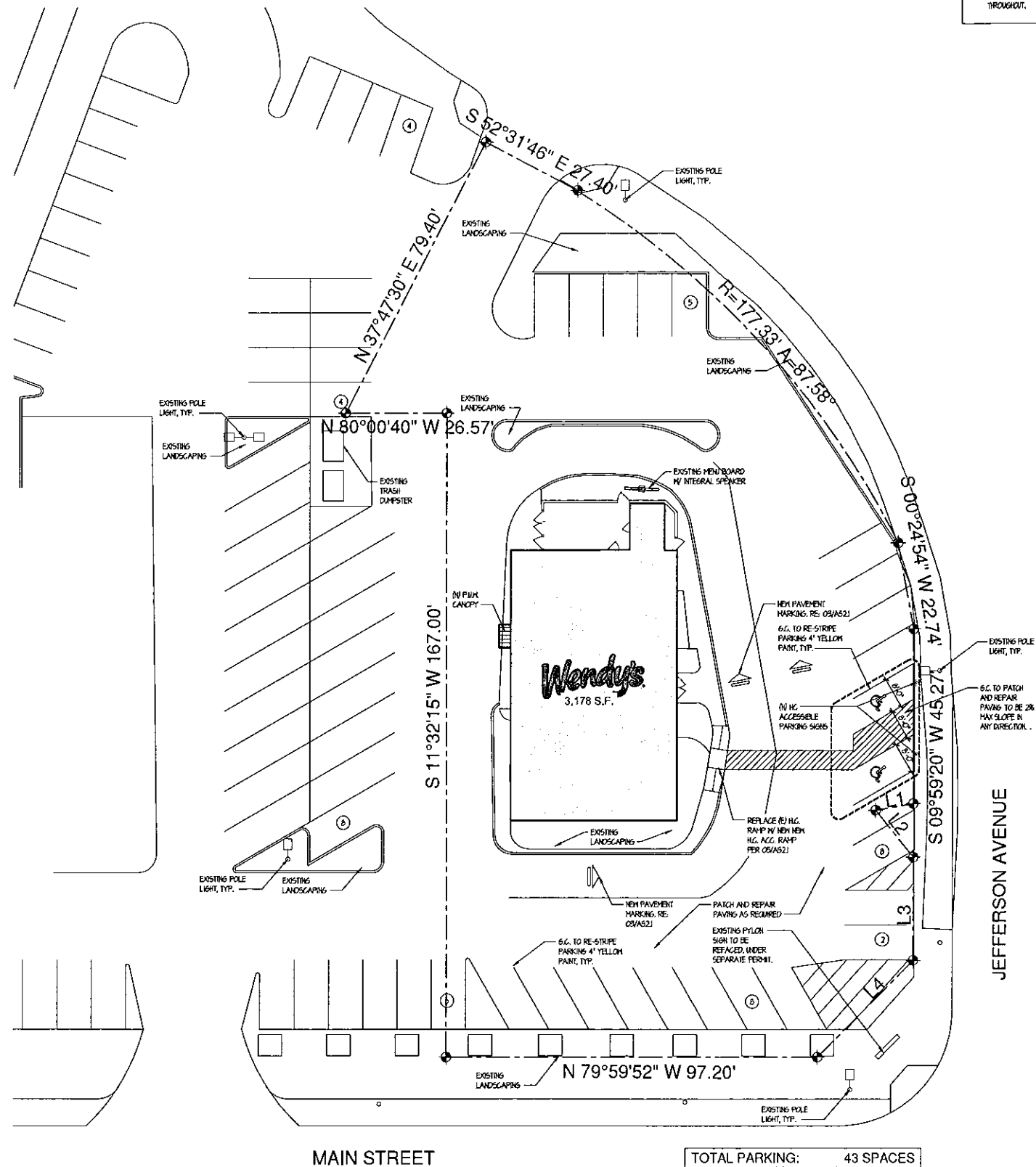
SEAL

## EXTERIOR ELEVATIONS

SHEET NUMBER

**A2.1**





- GENERAL NOTES
1. G.C. TO REMOVE ELECTRICAL WIRING FOR DIRECTIONAL SIGNS BACK TO POINT OF ORIGIN AND CAP EXISTING ELECTRICAL CONDUIT.
  2. ALL POLE LIGHTS TO RECEIVE NEW FIXTURES ON EXISTING POLES.
  3. REPLACE BROKEN OR DAMAGED CONCRETE SEWERAGE WHERE EVIDENT.
  4. REPLACE DAMAGED AREAS OF CONCRETE PAVING THROUGHOUT.

SITE NUMBER	4269
BASE MODEL	3078
ASSET TYPE	FRANCHISE
CLASSIFICATION	REFRESH
OWNER	MUYI HAMBURGERS
BASE VERSION	2016 JAN
UPGRADE CLASSIFICATION	N/A
PROJECT YEAR	2016
FURNITURE PACKAGE	2016
DESIGN BULLETINS	THRU DB 2015-02

**lincoln**  
Marc Brundige,  
Architect  
8951 Cypress Waters Blvd., Suite 130  
Irving, TX 75019  
Phone: 972.929.9225  
Fax: 972.929.9061

**MUYI HAMBURGERS**  
17690 BLANCO ROAD, #401  
SAN ANTONIO, TEXAS  
78232  
PHONE: (210) 493-3505

PROJECT TYPE: IMAGE  
REFRESH

**Wendy's**  
#04269  
44 MAIN ST.  
BATAVIA, NY 14020

REV.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

SEAL

SHEET NAME  
ARCHITECTURAL  
SITE PLAN

SHEET NUMBER  
**AS1.1**

02 CONDENSER PIPE CURB DETAIL  
SCALE: 1 1/2" = 1'-0"

03 BEVERAGE STATION  
N.T.S.

SYMBOL LEGEND	
SYMBOL	DESCRIPTION
	CEILING FINISHES, SEE FINISH SCHEDULE
	WALL FINISHES, SEE FINISH SCHEDULE
	BASE FINISHES, SEE FINISH SCHEDULE
	FLOOR FINISHES, SEE FINISH SCHEDULE
	FLOORING TRANSITION: WHERE DIMENSION PROVIDED IS WITHIN 2" OF EXISTING, TRANSITION SHALL BE LOCATED AT EXISTING.
	EQUIPMENT TAGS
ARTPACK & WAYFINDING LEGEND	
AP-1 ENTRY BRAND MOMENT	NF-5 MEN'S ROOM DOOR SIGN
AP-2 QUALITY IS OUR RECIPE (NOT USED)	NF-6 MEN'S ROOM DOOR SIGN
AP-3 DAVE THOMAS QUOTE	NF-7 MEN'S ROOM SIGN ADA
AP-4 MEDALLION WENDY'S SEAL	NF-8 MEN'S ROOM SIGN ADA
AP-5 QUALITY FOOD MADE FRESH (NOT USED)	NF-9 GREEN MUST WASH HANDS
AP-13 DAVE THOMAS STORY (NOT USED)	NF-10 RESTROOM CLEANLINESS
NF-6 IN-FI SIGN	NF-12 EMPLOYEES ONLY
NF-4 NO SMOKING SIGN	NF-14 NEWMAN - DITA
	NF-15 NUTRITION POSTER

**FLOOR & FINISH PLAN GENERAL NOTES**

- 6.C. SHALL BE RESPONSIBLE FOR VERIFYING "AS-BUILT" CONDITIONS AND LATING OUT WORK BEFORE PROCEEDING WITH WORK.
- EXTERIOR FINISHES ARE NOTED ON EXTERIOR ELEVATIONS.
- SEE INTERIOR ELEVATIONS FOR EXTENT OF NEW INTERIOR WALL FINISHES.
- KITCHEN EQUIPMENT DISTRIBUTOR WILL SUPPLY CRITICAL CONNECTIONS, PUMPING AND ELECTRICAL SPECIFICATIONS FOR EQUIPMENT SUPPLIED BY THE KITCHEN EQUIPMENT DISTRIBUTOR.
- ELECTRICAL AND PLUMBING CONTRACTOR TO MAKE FINAL CONNECTION TO EQUIPMENT.
- DESIGN INTENT IS FOR EXISTING FINISHES TO BE REPLACED WITH EQUIVALENT NEW FINISHES, UNLESS COORDINATE WITH OWNER FOR OPTIONAL FINISH UPGRADES.
- 6.C. TO PROVIDE AND INSTALL CRACK ISOLATION/WATERPROOF MEMBRANE AT ALL AREAS OF PORCELAIN, CERAMIC AND MARBLE TILES. HYDRO BAN BY LATICRETE. PROVIDE LATICRETE SEALANT AT ALL AREAS OF EXPANSION JOINTS IN SUBSTRATE PRIOR TO INSTALLATION OF HYDRO BAN. CONTACT LATICRETE AT (203) 576-8183.
- PAINTER SHALL BE RESPONSIBLE FOR THE REMOVAL OF HARDWARE, SWITCH AND OUTLET COVERS, ETC., AND REINSTALLATION OF SAME AFTER PAINTING.
- RETOUCH OR REFRESH SURFACES DAMAGED BY SUBSEQUENT WORK AS DIRECTED BY GENERAL CONTRACTOR. THE COST OF SUCH RESTORATION WORK SHALL BE BORNE BY THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING PROPER PROTECTION AGAINST DAMAGE TO EXISTING FURNITURE, ADJACENT FINISHED FLOORING, ETC. IF APPLICABLE.
- REFER TO REFLECTED CEILING PLAN FOR CEILING TYPES, HEIGHTS, & FINISHES.
- COORDINATE HANG & IN-FI SYSTEM REQUIREMENTS WITH WENDY'S REPRESENTATIVE.
- FOR NEW DRINK STATIONS BEING ADDED, NEW CONDENSERS ON ROOF ARE REQUIRED. CONDENSERS TO BE INSTALLED ON EQUIPMENT RAILS SUPPLIED WITH UNITS. 6.C. TO INSTALL EQUIPMENT RAILS AND CONDENSERS NO CLOSER THAN 12" FROM ANY ROOF EDGE AND OUTSIDE AIR INTAKE. INSTALL RAILS PARALLEL WITH ROOF SLOPE TO ENSURE POSITIVE DRAINAGE. 6.C. TO INSTALL NEW PIPE CURBS FOR CONDENSER LINES PER DETAIL 02/01. COORDINATE FINAL LOCATION OF CONDENSERS AND PIPE CURBS WITH WENDY'S CONSTRUCTION MANAGER AND ALL PATCH AND REPAIR EXISTING ROOF MEMBRANE AS REQUIRED USING MEMBRANE MANUFACTURER'S STANDARD DETAILS TO ENSURE EXISTING WARRANTY IS MAINTAINED.
- VERIFY LOCATION(S) OF EXISTING FLOOR DRAIN TO SERVE DRINK STAND. PROVIDE NEW DRAIN TO SERVE DRINK STAND WHERE EXISTING IS NOT AVAILABLE. SAME SHALL BE REQUIRED FOR INSTALLATION OF NEW DRAIN AND PATCH TO MATCH ADJACENT AFTER INSTALLATION. COORDINATE EXACT LOCATION.
- IN SOLID SURFACE COUNTERTOP A RETROFIT FRONT COUNTER BASE CABINET AS REQUIRED FOR ORDER/PAY AND PICK-UP SEPARATION, INCLUDING IN UNDER-COUNTER ICE BIN, MAINSTAY (ICE BIN DRAIN FOR REUSE, RETROFIT KIT AVAILABLE THROUGH K.E.D., COORDINATE REQUIREMENTS WITH K.E.D. 1 6.C. AS REQUIRED. 6.C. SHALL COORDINATE FINAL CASH DROP SAFE PLACEMENT WITH WENDY'S REPRESENTATIVE, INCLUDING ACCESS TO SAFE KEYS FROM RESTAURANT MANAGER.

**CRITICAL NOTE:**  
THE GENERAL CONTRACTOR SHALL PROVIDE A CONTINGENCY BID FOR WORK IN THE BACK OF HOUSE/TOILEN AREA BEYOND THE SCOPE OF THIS REFRESH WORK ON THESE DOCUMENTS. COORDINATE ANY/ALL WORK BID, PROPOSED, OR REQUIRED WITH THE WENDY'S CONSTRUCTION REPRESENTATIVE PRIOR TO PURCHASING OR BEGINNING ANY WORK BEYOND THE LIMITED SCOPE SHOWN ON THESE CONSTRUCTION DOCUMENTS.

SITE NUMBER: 4269  
BASE MODEL: 3070  
ASSET TYPE: FRANCHISE  
CLASSIFICATION: REFRESH  
OWNER: MUW HAMBURGERS  
BASE VERSION: 2016 JAN  
UPGRADE CLASSIFICATION:  
PROJECT YEAR: 2016  
FURNITURE PACKAGE: 2016  
DESIGN BULLETINS: THRU DB 2015-02

**linear!**  
Marc Brundige,  
Architect  
8951 Cypress Waters Blvd., Suite 130  
Irving, TX 75019  
Phone: 972.929.9126  
Fax: 972.929.9061

**MUW HAMBURGERS**  
17890 BLANCO ROAD, #401  
SAN ANTONIO, TEXAS  
78232  
PHONE: (210) 493-3505

PROJECT TYPE: IMAGE  
REFRESH

**Wendy's.**  
# 04269  
44 MAIN ST.  
BATAVIA, NY 14020

REV. DATE DESCRIPTION  
1 01/09/17  
PROJ. CT. NUMBER 18.168  
DRAWN BY NHM  
CHECKED BY IOR

SHEET NAME  
FLOOR, FINISH  
& EQUIPMENT PLAN

SHEET NUMBER  
**A1.1**

01 FLOOR, FINISH AND EQUIPMENT PLAN  
SCALE: 1/4" = 1'-0"

